

**Racist Harassment Casework:
A User Manual**

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January 2008

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Acknowledgements

I would like to thank Keith Kirby at the Department of Communities, Local Government, Katherine Knox at Joseph Rowntree Foundation and Caron Kelly at Comic Relief for supporting this project and providing funding over a three year period to work with racial harassment caseworkers. Thank you also to the Ahmed Iqbal Ullah Education Trust where my work was based.

I would also like to thank Diana Martin and Professor Corinne May-Chahal for their research assistance and Kulbir Shergill and Pablo Singh for their comments on an earlier draft.

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Background

This Guide has its origins in an earlier research I undertook funded by the Joseph Rowntree Foundation that explored the impact of racial harassment casework.¹ Working with racial harassment caseworkers I was able to identify how caseworkers responded to their clients, what they offered as a service that helped clients and how clients felt about the support they received.

A key finding from the research was the need for training for caseworkers and a guidance document that would provide relevant practical information (both legal and interpersonal) and current research on the extent of racist harassment. This document aims to provide that information in an easy to read manner.

The document aims to offer useful information for both a new and experienced racial harassment caseworker. It is organised in 6 sections, each one offering key background information that will enable the caseworker to become familiar with various aspects of racial harassment and the types of skills needed to offer effective support and assistance to clients. Thus the document offers a range of casework practices that influence the relationship between the client and the caseworker.

Section 2 offers the reader a range of information about the nature, extent, location and impact of racist harassment. This is useful background reading for new caseworkers to familiarise themselves with current research findings.

Section 3 offers an extensive guide to the range of legislation that is available for action to be taken against perpetrators. The Section is divided into Criminal and Civil remedies and Appendix 1 explains the differences between the two legal concepts.

Section 4 highlights from my own research on racist harassment casework what victims of racist harassment thought were the key attributes of receiving a victim centred service. This Section again can be used as a checklist. Is your organisation/caseworker able to offer all these key skills and services? Do you work in partnership with other organisations who can offer some of these skills or services?

Section 5 offers the caseworker a detailed account of the principles of casework practice and interpersonal skills required to be effective. Again this section can be used as a measure of effectiveness and/or used as a tool to undertake an skills audit for improving working with clients and victims.

Section 6 and Appendix 3 offers a checklist for reflexive practice based on agreed standards. The caseworker and agency will need to explore how well they take into account the various key roles and units or how other agencies they work with take into account such factors. Appendix 3 offers detailed information on standards and expectations from users of caseworkers. This again could be used as checklist and/or the basis for job descriptions or reviews.

¹ Chahal, K (2003) Racist Harassment Support Projects: Their Role, Impact and Potential

1. Introduction

There is an assumption that racial harassment casework is something that requires 'common sense' and, at best, working knowledge of the law, relevant agencies and cultural sensitivity.

Victims of racial harassment have shown that they value a dedicated service tailored to their needs that includes emotional support, promoting their rights, a non-judgemental approach and validation of their experience. These are the foundational skills of case work and helping in public services that are underpinned by a continuously developing evidence base and often supported through professional training.

It is now accepted that no social action can be value free. In other areas of casework there is recognition of the importance of underlying values and their implications for practice. The social work profession, for example, is based on a fundamental set of common values that have led to the formulation of principles of practice, such as respect for the intrinsic worth and dignity of the individual which implies the need for a non-judgmental attitude and self-awareness in the practitioner.²

For culturally competent casework, fundamental ethical values are needed. Dhooper and Moore cite justice, equality and equity.³ The case worker cannot take the surface manifestations of culture for granted;

*'She or he questions the [societal] power relations that have historically subordinated certain groups and rationalized their marginalized status as being the result of their "cultural" deficiencies. ... Multi-cultural social work entails not just the pleasure of diversity but the realities of exclusion that minority groups face. Its mission is to build bridges of understanding [that span] peoples stratified by race, class, gender, sexual orientation, language and other social group memberships.'*⁴

The development of anti-discriminatory and anti-oppressive theories in the 1980s and 90s helped to analyse and respond to pressures of migration, and increasingly assertive attitudes of disadvantaged groups, such as the disabled.⁵ These theories provided a structural analysis of power relations in the experience of discrimination and highlighted the weaknesses of individualistic theories of social problems in dealing with discrimination. However, two areas have been contested: firstly, in terms of the ability of structural theories to be sensitive to individual difference and competing sources of oppression and, secondly, the limitations of casework at the level of the individual.

A simple structural approach to oppression overlooked the wide range of differing experiences and needs of individuals within each group.

² Siporin, M., 'The Social Work Ethic' in *Social Thought*, 15 (3/4) (1989), p 42-52 contains a list of values, cited in Dhooper, S.S. and Moore, S.E., *op. cit.*, p24, note 3.

³ Dhooper, S.S. and Moore, S.E., *op. cit.*, p21.

⁴ Uehara, E.D., Sohng, S.L.S., Bending, R.L., Seyfried, S., Richey, C.A., Morelli, P., Spencer, M., Ortega, D., Keenan, L., and Kanuha, V., 'Toward a value-based approach to multicultural social work research' in *Social Work*, 41 (1996), 613-621. Sohng is cited in Dhooper, S.S. and Moore, S.E., *op. cit.*, p21/22.

⁵ Payne, M., *Modern Social Work Theory*, (Basingstoke: Palgrave, 1991, 2nd edition 1997), p262.

Diversity exists, not only between but also within each group, calling for a more complex and diversified analysis. Caseworkers must be able to take account of this diversity and also be capable of responding with a 'variety of services involving and fitting the needs of particular minorities and oppressed groups'⁶ in addition to maintaining sensitivity to individual circumstances, influenced by such aspects as gender, (dis)ability, age and socio-economic status. This implies that a broadly multi-cultural approach (that is, where workers have a smattering of understanding about a variety of groups whom they are likely to encounter) is not enough; all workers need to be able to respond sensitively to the needs and wishes expressed by clients.

Some anti-oppressive theories failed to prescribe responses in practice because they perceived an overriding need for action at a social, rather than an individual, level. This has led to the development of empowerment and advocacy as a basis for practical action within the radical and anti-discriminatory perspectives. Russel-Erich and Rivera,⁷ take the view that promoting empowerment in communities who are oppressed is a necessary response to political and economic trends which increase oppression, while advocacy for oppressed groups forms part of the work of empowerment.⁸

Working with Difference

In the complex relationship between victim and perpetrator, the notion of working with difference can relate often to how the aggressor views the aggrieved. Lemos (2000) articulates this in relation to 'the presumption that those different to you are entitled to less... This prejudiced notion of lesser entitlement might be manifested in an unjustifiable aggressive response...'

Thus often trivial events or limited resources can lead to acts of racial harassment and abuse. But even these acts are learned behaviours through ideas and stereotypes that permeate society and peoples' daily lives. Justifications of actions can then be made by the perpetrator on the grounds of an other's difference; not fitting in; being a threat to the taken for granted order of a street, neighbourhood and community.

⁶ *Ibid.*, p265.

⁷ Russel-Erich, J.L., and Rivera, F.G., 'Community Empowerment as a non-problem', *Journal of Sociology and Social Welfare*, 13(3), (1986), p451-465, referred to in Payne, *op. cit.*, p267

⁸ Payne, *op. cit.*, p267

2. What is Racist Harassment?

Racist harassment is an abuse of both perceived and real power. Racist harassment is an aggregated term that can describe a range of actions and behaviour perpetrated by an individual or group. Such actions can be both deliberate and intentional but also unintentional. For example, a throw away remark may not register as offensive.

Generally UK debates and definitions of racism tend to have focused on subordinate-superordinate relationships where there is an ideology of superiority that oppresses, through a range of means a minority group. However, the Stephen Lawrence Inquiry definition of racism has tended to move away from a structural form of racism and has aimed to represent it as an act all can be guilty of:

*“Racism in general terms consists of conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin.”*⁹

Recommendation 12 of the Stephen Lawrence Inquiry report said that the police, local government and other relevant agencies should adopt the following definition of a racist incident:

“A racist incident is any incident which is perceived to be racist by the victim or any other person.”

In practice this means that an investigating officer/caseworker:

- Believes the complainant

- Acts in accordance with that belief until other information or acts present themselves
- Takes third party or witness views as equally seriously as a victims
- Instigates an investigation based on the perceived motives being racially motivated
- Explores the impact of the incident on the complainant

Racist harassment as an action is further complicated in that a perpetrator’s behaviour and acts can focus on other identities, for example, gender and religion. The following are some examples of the different forms a racist incident or harassment can take:¹⁰

- Racist name calling, jokes, comments, abuse and threats;
- Insulting gestures and facial expressions;
- Physical threats and assault
- Racist graffiti;
- Displaying and circulation of racist literature;
- Refusing to co-operate with another person and/or excluding
- Incitement of others to behave in a racist way
- Unfair work allocation
- Damage to property
- Arson
- Racist emails and telephone calls
- In extreme cases attempted murder or murder

The Stephen Lawrence Inquiry defined racial harassment as:

“an incident or a series of incidents intended or likely to intimidate, offend or harm any individual because of their ethnic origin, colour, race, religion or nationality.”

⁹ Macpherson (1999: 321)

¹⁰ Adapted from Rupra, M (2004)

The legal definition of racial harassment focuses on the effect of racial harassment on victims and is prosecutable under the Crime and Disorder Act 1998:

“Unwanted conduct (on the grounds of race, ethnic or national origin) which has the effect of either violating that person’s dignity or creating an intimidating, degrading, humiliating or offensive environment.”

A racist incident becomes a racist crime where:

*“ through the process of investigation, it becomes apparent that an offence, which may result in an arrest, has been committed.”*¹¹

The following examples of racist incidents are taken from Home Office guidance on reporting and recording incidents:

Example of incident which provides useful information for the future

A teacher overhears a white child calling an Asian child a ‘paki’. The teacher records this as a racist incident, even though the abused child does not complain to him, and speaks to the child responsible for the abuse. If a more serious incident occurs later on, the teacher has a written record of a previous incident that would allow the subsequent incident not to be dealt with in isolation.

Example of the wider implications of applying the Macpherson definition of a racist incident:

The car tyres of a Chinese woman have been slashed. She does not think the

incident is racist, but her white neighbour does and reports the matter to the local Racial Equality Council. They should record the incident as racist based on the perception of the neighbour, even if the victim disagrees.

Example of an Asian on Asian racist incident:

There is a dispute outside a shop between two groups of youths. One of the young men of Pakistani origin is punched in the face by a young man of Indian origin. The police should record this as a racist incident since the young man believes that he is attacked because of his ethnic origin.

Example of a white on white racist incident:

Two white males from a community of asylum-seekers visit a local pub shortly after moving into the area. The white barman refuses to serve them, saying that all asylum seekers are trouble makers. The two men report the incident to a local support group, who should record it as a racist incident, since it is based on stereotyping of the two men according to their ethnic group.

Prevalence of Racist Harassment

In 2005/06 the British Crime Survey (BCS) estimated that there were 179,000 racially motivated incidents in England and Wales¹². This was a sharp drop from the previous BCS figures. The number of racially motivated incidents was estimated at around 206,000 by both the 2003/04 and 2002/03 BCS.

¹¹ London Wide Race Hate Crime Forum Annual Report, 2004-05

¹² Walker, et al. (2006) Crime in England and Wales 2005/06

In 2005/06 racist incidents recorded by the police stood at 60,407. These figures represented a 4 per cent increase from the previous year. Overall, this rise could be a result of encouragement by all agencies and community groups for better reporting by victims and better recording by the police, rather than an actual rise in the number of incidents.¹³

The prevalence levels of racist incidents will vary from national to local studies, by the methods adopted and the ethnic groups being consulted. For example, a police officer found that 97% of racist incidents were not reported by Chinese people consulted living in a rural area.¹⁴

The BCS indicates that people from minority ethnic groups are ten times more likely to be a victim of a racist incident than people from white ethnic groups.

Location and Types of Incidents

The BCS indicated that 56% of racist incidents against black people and 53 per cent of incidents against South Asian people occur in and around the home. Research over the decades has consistently shown that a high proportion of incidents occur around or aimed at the home, affecting the life and right to quiet enjoyment of their property. This has also recently been borne out by cases being dealt with by Citizens Advice Bureaux¹⁵

The single largest category of experience recorded is verbal racial

abuse. This is experienced as a single event, part of an on-going campaign of harassment and/or part of other racist incidents and criminal activity.

However, verbal racist abuse on its own is unlikely to be reported.

In 2005/06 the police recorded figures for England and Wales showed that over 60% of racially or religiously aggravated incidents recorded by the police were defined as harassment compared to 9% as common assault.

Non-Reporting of Racist Incidents

It is established that there is under-reporting of racist incidents, as there is of crime generally. For example, the Audit Commission¹⁶ found that 33% of general victims and 61% of witnesses did not report any incident to the police.

A survey undertaken in Hounslow¹⁷ found that 40% of minority ethnic people had experienced (as a victim or witness) a racist incident but 35% did not report to any agency. Fieldwork undertaken by Docking and Tuffin indicated a 50% under-reporting level.

The Fourth National Survey (Modood, 1997) found that non-reporting varies by type of incident experienced. The survey found 75% non-reporting on racial attacks; 39% non-reporting on property damage and 92% non-reporting on racial abuse. Given that abuse is the single largest category of experience these figures indicate massive non-reporting of the most prevalent form of racist incident.

¹³ Criminal Justice System Race Unit (2006)

¹⁴ Docking and Tuffin (2005)

¹⁵ Citizen Advice Bureau (2005) Racist Incidents Monitoring: The role of Citizens Advice Bureaux

¹⁶ Audit Commission (2004) Victims and Witnesses: Providing better support, London, Audit Commission

¹⁷ Hounslow Racial Equality Council (2004) Hounslow Community's Feedback on the Service Provision to Victims of Race Crime

Although public reporting of racist incidents has increased, Docking and Tuffin (2005) found that levels of under-reporting were still thought by police and other agencies to be high, although more serious incidents were likely to be reported.

Where under-recording occurred, the review found that this was because the incident was thought by the police to be minor; because police officers did not understand the definition; police officers thought there would be additional work required; or because police officers may have held negative views of certain ethnic groups.

The high levels of non-reporting indicate that those who do report and require a casework response are the tip of the iceberg and need to be believed and dealt with in a sensitive and professionally appropriate manner.

Impact of Racist Incidents

The effects of racist harassment are important to recognise and understand because they will influence the type of service that is offered; the level of care that is provided; and the level of support that needs to be given.

There is evidence to suggest that the impact on minority ethnic victims of crimes that were perceived to be 'racially motivated' was higher than for other crimes.¹⁸ The threat of racist harassment and violence can create a sense of fear and risk. Virdee¹⁹ observed that racist incidents can create a climate of fear and insecurity

¹⁸ FitzGerald, M and Hale, C (1996) Ethnic Minorities: Victimisation and Racial Harassment

¹⁹ Virdee, S (1995) Racial Violence and Harassment

amongst minority ethnic communities. This is largely because:

“with racist crimes, people are being victimised for being ‘who’ they are. As the reasons for the attacks are central to the identity of the victim, they are psychologically threatening.”²⁰

There can be a range of physical, emotional and financial costs to suffering racist harassment that dramatically reduce the quality of life of an individual, family and a community:

Physical

- Pain
- Bruising
- Bleeding
- Bed wetting
- Injures
- Not going out
- Rehabilitation
- Depression
- Headaches
- Question and consider changing one's identity
- Insomnia and nightmares

Emotional

- Constant fear
- Bitterness
- Anger
- Disillusionment
- Disempowered
- Insecurity
- Isolated
- Devalued
- Blame oneself
- Confusion
- Low self-esteem
- Cannot concentrate

²⁰ Victim Support (2001) Supporting Victims of Racist Crimes

Financial

- Loss of income
- Replacing property
- Seeking professional help

A key issue that emerged from interviews with victims of racist harassment is the profound impact that such events have on the lives of people beyond the actual incidents themselves²¹.

The identified impacts were quite wide ranging and in relation to undertaking effective casework each should be explored when interviewing/supporting clients. The identified impacts were:

- on immediate spousal relations
- on the day to day lives of children
- on friends/relatives visiting
- on undertaking routine activities
- on using space outside the home and within the home
- on health and well being
- on feelings of security

Reporting Racist Harassment

The evidence on racist harassment highlights:

- Incidents are generally under-reported
- Racist abuse is the most prevalent form of harassment and the least likely to be reported
- Reporting of racist incidents does not happen immediately, in all cases, but often after many incidents.

In supporting a complainant of racist incidents the above are important

²¹ Chahal, K and Julienne, L (1999) "We can't all be white!" Racist victimisation in the UK

issues to remember. By the time a report is officially made to an agency the complainant is likely to have suffered a number of incidents. Thus there is a need for a sensitive and professionally appropriate service response from reporting agencies.

Indeed research has found that reporting is a strategy only to be used when people could not take the racist harassment anymore. In other words they have reached crisis point. Often reporting is a strategy that is adopted when racist incidents have become intolerable; life threatening; there has been serious property damage or physical attack. This essentially means that a complainant is likely to have a history of complaints that they want heard and responded to.

Chahal and Julienne found strategies adopted by victims prior to reporting (or during the reporting phase) included:

- Ignoring the harassment and abuse and avoiding situations where this may occur and the perpetrators
- Challenging or reasoning with the perpetrators
- Changing daily or taken for granted routines to create an atmosphere of normality
- Creating physical deterrents to protect the home and prevent further attacks on the property
- Gathering evidence to prove that racist harassment is happening
- Maintaining an on-going presence within the home to limit both the impact and the occurrence of racist harassment.

Both national and local studies show that often victims of racist harassment are as likely to disclose racist experiences to friends and family as they are to an official

agency, particularly the police. In other words reporting is an acute response; reporting occurs after informal ways to deal with the problem have not worked; reporting is a plea for immediate help.

Secondary Victimisation

Improvements have been made to responding to the needs of victims of racist harassment since the publication of the MacPherson Inquiry in 1999. However, both agencies and caseworkers need to be aware of and have the ability to reduce and respond to secondary victimisation.

Secondary victimisation is:

“inconsiderate treatment by the authorities...has the potential to produce feelings of alienation and isolation. Institutional racism, which may be reflected in procedures, attitudes and behaviours, will cause victims to feel isolated and prevent them receiving protection or achieving justice.”²²

Chahal and Julienne in 1999 concluded that victims talked about being ignored, unheard and unprotected when reporting racist incidents. In 2007 Support Against Racist Incidents, a casework led service based in Bristol commented:

“The other sort of racism that we are seeing is carried out by agencies against the very people who are suffering racial violence... We still see police officers questioning why someone has reported something as racist. A lot of officers don’t seem to have got the idea that we’ve now

²² op cit. Victim Support (2001)

shifted to the Lawrence Inquiry definition of a racist incident.”²³

Similarly. The Newham Monitoring Project (NMP) noted that feedback from cases they had dealt with indicated:

- The majority of clients found that their cases or complaints were not taken seriously and frequently dismissed or ignored;
- Organisations tended to be oriented towards achieving quick resolutions and did not push for high standards of accountability from relevant statutory bodies.²⁴

Secondary victimisation is likely to reduce the confidence of victims; increase anxiety; and heighten suspicion about agencies. To reduce or eliminate secondary victimisation, an agency/caseworker has to ensure they follow their policy and procedure; believe the victim; liaise with and signpost to other agencies; be trained to fully understand and respond to the victims perspective; supervision.

²³ Institute of Race Relations (2007) Community Responses to the War on Terror, IRR Briefing Paper No.3

This view has been backed up by Docking and Tuffin (2005)

²⁴ Newham Monitoring Project (2007) Casework Overview, www.nmp.org.uk/reports/

3. Applying Criminal and Civil Law to deal with racist incidents²⁵

Whilst it would not be expected that caseworkers have a thorough working knowledge of the law in relation to racist harassment, having an overview knowledge is useful. In applying legal sanction a range of agencies are likely to be involved and it is imperative that a casework agency has good relations with and access to the police, CPS, local solicitors' firms, a law centre, CAB, a local authority Legal Department.

Below is presented an overview of legislation that is available to challenge racist harassment and activity.²⁶

Criminal Law

Public Order Act 1986

Riot (Section 1)

This is committed when 12 or more people use violence, or threaten to use violence, for a common purpose in a way which would make someone who was present fear for their safety. The maximum sentence is ten years' imprisonment.

Violent disorder (Section 2)

This is committed when three or more people use violence, or threaten to use violence, in a way that would make someone who was present fear for their safety. The maximum sentence is five years' imprisonment.

²⁵ See Appendix 1 for the differences between Criminal and Civil Law

²⁶ See Commission for Racial Equality (2005) Defeating Organised Racial Hatred: An information pack and Chartered Institute of Environmental Health (2006) Taking Action: Tackling Anti-Social Behaviour: A toolkit for environmental health practitioners

Affray (Section 3)

This is committed when a person uses violence, or threatens to use violence, in a way that would make someone who was present fear for their safety. The maximum sentence is three years' imprisonment.

Fear or provocation of violence (Section 4)

This is committed when a person:

- a. uses threatening, abusive or insulting words or behaviour towards someone; or
- b. distributes or shows someone writing, a sign or another image which is threatening, abusive or insulting.

And one of the following also applies:

- when that person intends to make someone believe that immediate violence will be used against them or against someone else; or
- when that person intends to provoke someone to use immediate violence; or
- it must be likely that the person believes that violence will be used or be provoked

The maximum sentence is six months' imprisonment or a fine of £5,000, or both.

Intentional harassment (Section 4A)

This is committed when a person:

- a. uses threatening, abusive or insulting words or behaviour, or disorderly behaviour; or
- b. displays writing, a sign or another image which is threatening, abusive or insulting.

And when the person intended to, and does, cause someone else harassment, alarm or distress.

The maximum sentence is six months' imprisonment or a fine of £5,000, or both.

Harassment, alarm or distress (Section 5)

This is committed when, within the hearing or sight of someone who is likely to be caused harassment, alarm or distress, a person:

- a. uses threatening, abusive, or insulting words or behaviour or disorderly behaviour, or
- b. displays writing, a sign or another image which is threatening, abusive or insulting

And when one of the following applies:

- that person intended or was aware that his or her words or behaviour, or the writing, sign or image were threatening, abusive or insulting; or
- that person intended or was aware his or her behaviour was disorderly.

The maximum sentence is a fine of £1,000.

Incitement to Racial Hatred (Section 17-19)

This is committed when a person:

- a. uses threatening, abusive or insulting words or behaviour; or
- b. publishes, distributes or displays threatening, abusive or insulting written material

And when:

- the person has the intention of stirring up racial hatred; or
- it is likely that racial hatred would be stirred up by the person's actions because of the particular circumstances.

Racial hatred means hatred of a group of people defined by colour, race, nationality or ethnic or national origin. A prosecution for incitement to racial hatred may only be brought with the permission of the Attorney General.

Local authorities and community groups may be able to advise on:

- the effects that the words or behaviour will have in a particular area;
- the state of race relations in a specific locality;
- the susceptibility of a particular community or section of the community to be stirred up by such words or behaviour, especially when the words or behaviour appear to be directed at a religious group; and
- in a specific case, whether certain words were insulting.

Criminal Damage Act 1971

Criminal damage is committed when a person:

- a. intentionally or recklessly destroys or damages property and at the same time either intends to endanger someone's life or is reckless about putting that person's life in danger; or
- b. threatens someone with destruction or damage to their property or another person's property; or
- c. threatens someone that he or she will destroy or damage their property in a way which he or she knows will

endanger the life of that person or the life of another person.

The maximum penalty is ten years' imprisonment.

Crime and Disorder Act 1998

Racially or religiously aggravated offences (Section 28)

An offence is racially or religiously aggravated if:

- a. when a person committed the offence, or just before or after they committed it, he or she showed hostility based on the victim's membership (or presumed membership) of a racial or religious group;
- b. the offence was motivated by hostility towards members of a racial or religious group based on their membership of that group.

Offences that may be racially or religiously aggravated include:

- Common assault
- Actual bodily harm
- Grievous bodily harm
- Malicious wounding
- Criminal damage
- Fear or provocation of violence
- Harassment or alarm

Racially or religiously aggravated offences may be committed when damage is caused to places of worship, or when homes or community buildings are sprayed with racist graffiti, or when rubbish is dumped (racially or religiously aggravated criminal damage); or when individuals are subjected to racist attack (racially or religiously aggravated assault). Sentences may be increased by:

- Maximum 2 years – Common assault
- Maximum 7 years – Actual bodily harm
- Maximum 7 years – Grievous bodily harm
- Maximum 7 years – Malicious wounding
- Maximum 14 years – Criminal damage
- Maximum 2 years – Fear or provocation of violence
- Maximum 2 years – Harassment or alarm

Anti-Social Behaviour Orders (Section 1)

An Anti-Social Behaviour Order (ASBO) is a civil order that protects the public from behaviour likely to cause harassment, alarm or distress. ASBOs are not criminal penalties and are not intended to punish the offender.

The Crime and Disorder Act 1998 enables an ASBO to be made against anyone aged 10 years and over when:

- The person has acted in an anti-social manner which has caused or is likely to cause harassment, alarm or distress to one or more persons not of the same household; and
- Such an order is necessary to protect persons in the area from anti-social acts.

An Anti-social Behaviour Order (ASBO) can be obtained by a local authority, registered social landlord or by the police to stop someone from continuing with specific anti-social behaviour. It can be applied for if a person has acted in an anti-social way which caused or was likely to cause harassment, alarm or distress, and when the order is needed to protect people from further anti-social acts.

The application is made to a magistrates' court.

ASBOs may be useful in dealing with low level harassment or nuisance, but should not be used as a substitute for other, more serious criminal offences, such as racially or religiously aggravated assault or criminal damage.

An ASBO lasts for a minimum of two years and can be imposed indefinitely. The order can contain a wide range of conditions prohibiting the offender from engaging in specific anti-social behaviour. The content of an ASBO can only set out what the defendant must not do; it cannot order the defendant to do something.

Protection from Eviction Act 1977

Unlawful harassment of a residential occupier (Section 1)

This is committed when a person:

- a. acts in a way which is likely to interfere with the peace or comfort of someone living in a residence or members of his or her household, or
- b. persistently withdraws or withholds services reasonably required for living in the residence

And when he or she intends to make the person living in the residence leave the premises or intends to stop communal facilities and services.

This law could be used to tackle racist behaviour that is designed to harass and intimidate people, but that doesn't amount to a public order offence or a racially or religiously aggravated offence. For example, this law could be used when people are repeatedly subjected to racist leafleting, abuse, graffiti, dumping of rubbish or noise.

The maximum sentence is two years' imprisonment or a fine of £5,000, or both.

Protection from Harassment Act 1997

Harassment is committed when someone follows a course of behaviour that causes alarm and distress and they know it will cause alarm and distress. There is a civil remedy for this offence and damages can be awarded for distress, financial loss or the breach of a court injunction.

Harassment is also a criminal offence, which carries a maximum sentence of five years' imprisonment or a fine of £5,000, or both.

Malicious Communications Act 1988

Sending letters with intent to cause distress (Section 1)

This is committed when a person sends someone a letter or an article which contains an indecent or offensive message or threat or information which the sender knows is untrue. The sender must also intend to cause distress or anxiety to the person who receives the letter. The maximum penalty is a fine of £2,500.

Telecommunications Act 1984

Obscene, offensive or annoying telephone calls (Section 43)

This is committed when a person:

- a. sends a message or anything else by telephone which is grossly offensive, indecent, obscene or menacing in character; or

b. sends a message by telephone which he or she knows to be false, to cause annoyance, inconvenience or anxiety to someone else, or persistently uses the telephone system for that purpose.

The maximum sentence is a fine of £1,000.

Civil Law

Action by Members of the Public

Claims

Nuisance

An occupier of property can take action through the courts to sue someone for interfering with the use or enjoyment of his or her property. Examples of nuisance might include:

- Dumping of rubbish: racist groups/individuals might dump rubbish as part of a campaign of harassment and intimidation.
- Deliberately playing loud music or encouraging dogs to bark so as to cause a disturbance to another person.

Damage to property

A claim can be made against those who damage private property. This could be used against those who vandalise property solely used by people from a particular racial or faith group, such as community centres, places of worship or cemeteries.

Trespass

Any person who has an interest in land can sue people who trespass on the property. This could be used against those who trespass on religious or community buildings, for example, to harass and abuse staff, worshippers and users.

Assault and battery

Assault is intentionally causing a person to fear that physical harm will be caused to him or her. Battery is intentionally inflicting physical harm to a person. In a civil court, these require a much lower burden of proof than in a criminal court – ‘balance of probabilities’ rather than ‘beyond reasonable doubt’ – which means they are easier to prove.

Injunctions

Members of the public can apply to the courts for an injunction to prevent damage occurring – for example, to prevent nuisance. Injunctions may be used when, for example, organised racist groups plan marches to intimidate and harass individuals around their homes or property. A person applying for an injunction must have a connection to the land the injunction refers to.

It is important to remember that freedom of peaceful assembly and association is a right under Article 11 of the Human Rights Act, although this does not apply if there is an intention to cause harassment, intimidation or violence. Evidence of this intention would assist applications for an injunction.

Action by Local Authorities

General Powers

Section 222 of The Local Government Act (2000) gives local authorities a general power to bring or participate in civil proceedings when they are important for promoting or protecting the interests of the residents in their area. Under Section 2 of the Act, local authorities also have a power to do anything which they consider is likely to promote or improve the economic and social well-being of their area.

In exercising these powers, local authorities are also subject to the race equality duty, under Section 71 of the Race Relations Act (1976), which gives public authorities, including councils, schools and other educational institutions, a general duty to promote race equality when carrying out their functions. This means they must pay due regard to the need to:

- eliminate unlawful racial discrimination;
- promote equality of opportunity;
- encourage good race relations.

The Act identifies three types of unlawful discrimination:

- **Direct discrimination** – where a person or organisation treats another person less favourably than others on the grounds of race, colour, nationality and ethnic or national group
- **Indirect discrimination** – involves applying a rule, condition or requirement, which, although applied equally to everyone, has an adverse discriminatory effect on a particular racial group. Although it may not be intentional it is still unlawful.
- **Victimisation** – The Act makes it illegal to treat someone less favourably for having brought a complaint of racial discrimination. The Act also protects those who speak out in support of someone else's complaint, who appear as witnesses or who simply make an allegation of discrimination.

Civil Actions

Noise nuisance

Local authorities have the power to serve a notice on someone to stop causing a nuisance and to prosecute him or her for breach of the notice.

Local authorities can also obtain injunctions to stop noise or seize equipment.

Dumping of rubbish

Local authorities have the powers to serve notices, prosecute and/or seek an injunction against the dumping of rubbish. This could be a useful tool to use against racist organisations that dump rubbish as part of a campaign of harassment or intimidation.

Trespass

Local authorities can obtain injunctions to bar perpetrators of harassment and abuse from council premises. If they enter council premises, they will then be trespassing.

Specific powers

As housing providers, local authorities have specific powers to evict tenants for breach of tenancy conditions, to stop them causing a nuisance or annoyance to neighbours.

Under Section 144 of the Housing Act 1996, local authorities can apply to the court for an order enabling them to evict a tenant when the tenant, or a person living or visiting the tenant's home, has been causing or is likely to cause a nuisance or annoyance.

Under Section 152 of the Housing Act 1996, local authorities can apply to the court for an injunction to stop a person from engaging in or threatening to engage in conduct that is likely to cause nuisance or annoyance to residents of a council house or their visitors. The Housing Act 1996 (amended by the Anti-Social Behaviour Act 2003) enables registered social landlords and housing action trusts to apply for injunctions to address anti-social behaviour that is affecting their housing management function.

Schedule 2 of the Housing Act 1988 gives local authorities discretion to repossess a property if a tenant or someone who lives with the tenant or visits him or her has been convicted of an offence that was committed in the property or in the immediate vicinity.

Section I of the Protection from Eviction Act 1977 makes it an offence to evict someone unlawfully from residential premises. It is also an offence for someone who intends to make a person give up all or part of the house or flat where they live to do anything to interfere with that person's peace or comfort. Normally, the local authority will bring charges for harassment and unlawful eviction. The maximum sentence for this offence is imprisonment for two years or a fine of £5,000, or both.

4. The Victim's Perspective

The practitioner who has first contact with a victim or a witness of a racist incident should respond in a sensitive manner that shows an understanding of how victims of racist harassment feel and a recognition of what they may have experienced.

Following the Macpherson definition of a racist incident, an understanding of the victim's perspective means that one starts with the premise of believing the person who has experienced the harassment.

Caseworkers need to be aware that the client may have tried to respond to the problem through their own informal networks prior to formally reporting or approaching an agency for assistance. Informal coping strategies arise in response to problems. It is only when these networks can no longer cope or respond to the current situation that an individual is likely to apply to professional services for help. The caseworker would need to recognise these coping strategies and continue to work with the client and not always for the client.

A key aim of all racial harassment casework is to empower clients through assistance, advice and support. Chahal²⁷ found that the victim's perspective involved at least the following attributes:

Non-judgemental approach

Clients entering a casework service want to be assured of an empathic and non-judgemental hearing of their experiences

Focus of a dedicated agency

Clients wanted a single agency or individual to support them and to have continuity of contact with an individual.

Promoting rights

Offering clients information about what to do and what questions to ask when dealing with other agencies can help clients when dealing with other agencies.

Signposting

Providing appropriate information and signposting clients to other relevant agencies empowers clients to make informed decisions about where they want to take their complaint.

Emotional support

Offering immediate and on-going emotional support was crucial to clients feeling comfortable and listened to. Caseworkers will have to both manage and respond to the emotional fallout of racist harassment and be able to offer support that indicates they understand and are willing to listen.

Advocacy

Being an advocate on behalf of a client may occur in the early stages of a complaint or on an on-going basis for more vulnerable victims. Advocating on behalf of clients means that the caseworker begins to share the burden of the client's experience and can begin to develop methods for empowering them through developing a plan of action that is clearly communicated and agreed with the client as the relationship develops.

Accessibility

Being accessible is crucial to responding from the victim's perspective. An inaccessible service or worker is unlikely to be able to offer a

²⁷ Chahal, K (2003) Racist harassment support projects: Their role, impact and potential (JRF: York)

client based service. Being accessible offers a level of reassurance that the client's case is being progressed and that support is on hand if needed.

After-care

Closing a case with the client's permission and making some contact after a time lag was seen as important. It offered clients reassurance that there was still support available if needed.

Validation

Caseworkers are not always able to resolve a case for a client. However, the expectation from a client is often that they are believed; that their experiences are validated through being listened and being heard.

All of the above valued attributes for a casework service highlight that interpersonal skills are crucial to offering an effective and empowering service. Mayer and Timms²⁸ found that clients with interpersonal problems gave high satisfaction ratings if they:

- had relief from unburdening (including experiencing the worker's approach as unhurried)
- received emotional support (including listening and expending energy)
- felt enlightenment (greater self awareness, and an improved understanding of own situation)
- received guidance (suggestions, advice and recommendations)

Dissatisfaction resulted where:

- clients and workers differed in perspective, attitude to problem solving, and understanding of the causes of problems

- these differences were not recognised, acknowledged or explained
- client felt the worker doubted their story, wasn't interested in them, or lacked authority to act.

²⁸ cited in Koprowska, J (2005) Communication and Interpersonal Skills in Social Work (Learning Matters: Exeter)

5. Principles of Casework Practice

Casework can never be about applying pre-determined solutions; it requires a creative, collaborative problem-solving approach to helping.²⁹ Casework should not focus on the power of the caseworker to solve problems.

Folgheraiter sees casework as a 'reflexive and reciprocal activity [which] must be co-constructed as it unfolds' rather than the 'external mechanical manipulation' of the expert model. Its objective is societal empowerment.

The focus of casework and the caseworker is on developing the capacity of the individual and their networks to look for solutions, rather than on any lack of capacity or on looking for someone or something to blame.

The principles of solution focused casework are focusing on change and possibilities, creating goals and preferred futures, building on strengths, skill and resources, looking for 'what's right' not just 'what's wrong', being respectfully curious, creating co-operation and collaboration and using humour and creativity (Sharry, 2001).

Caseworkers should work from the perspective that there are many viable (but as yet unknown) options which 'can be discovered or even *created* in the course of the action'.³⁰ This means caseworkers need to be able to work with uncertainty, to risk making mistakes, and to correct them and learn

²⁹ Smale et al, G., Tuson, G. and Statham, D., *Social Work and Social Problems: Working towards Social Inclusion and Social Change*, (London: Macmillan Press Ltd., 2000), p xiv

³⁰ *Ibid.*, p132

from them, 'continually feeling our way ahead'.³¹

Empowering the client

Rees defines the objective of empowerment as social justice:

'giving people greater security and political and social equality, through mutual support and shared learning building up small steps towards wider goals'.³²

Empowerment, therefore, has a particular significance in work with minority communities who may have been negatively valued for generations, so that 'their powerlessness is extensive and crippling'.³³ People who have been powerless during their lives may 'carry a sizeable burden of learned helplessness',³⁴ that is, they have formed an expectation that their actions will not produce useful results. Payne sees empowerment in casework as based on the assumption that:

'workers lend their power to the client for a period to assist them to take power permanently through helping them attain control over their lives'.³⁵

The aims of empowerment are to help the client grasp their own agency in finding a solution,³⁶ (this is not the

³¹ *Ibid.*, p133

³² Rees, S., *Achieving Power*, (Sydney: Allen and Unwin, 1991), cited in Payne, *op. cit.*, p268

³³ Solomon, B.B., *Black Empowerment: Social Work in Oppressed Communities*, (New York: Columbia University Press, 1976) cited in Payne, *op. cit.*, p276

³⁴ Payne, *op. cit.*, p284

³⁵ Payne, *op. cit.*, p275

³⁶ Payne, *op. cit.*, p277. Also Dhooper and Moore, *op. cit.*, p49.

same as being to blame for the problem);³⁷ to see the caseworker as a potential peer-partner in the process to reach a solution, who has access to resources of skills and knowledge which the client can use. The worker needs to see the power structure (for example, courts, schools, housing departments) as, to some extent, open to influence.

The implications of the empowerment approach for practice are to:^{38 39}

- Work to overcome clients' responses which stem from negative valuation, so they see themselves as being able to affect their problem;
- Identify and remove blocks to problem-solving;
- Identify and reinforce supports to promote effective problem-solving;
- Contextualisation where the worker focuses on the client's understanding of her social situation, not on assumptions or organisational policies;
- Identifying all the possibilities which may meet need, and helping the client come to decisions about her own life;
- Collectivity where the worker is concerned to reduce isolation by collectivising (rather than personalising) experience and connecting her into networks and relationships.

³⁷ Payne, *op. cit.*, p278

³⁸ *Ibid.*, p278

³⁹ Rose, S.M., 'Advocacy/Empowerment: An Approach to Clinical Practice for Social Work', *Journal of Sociology and Social Welfare*, 17(2), (1990), p41-52, cited in Payne, *op. cit.*, p274

Payne points out that implementing an empowerment strategy can be problematic for workers whose organisation is 'part of a social system which devalues certain minority groups', for example through unequal access or institutionally racist employment strategies,⁴⁰ and which, thereby, fails to empower its workers fully.

Adopting a strategy of empowerment requires a commitment to maintaining and improving 'effective equal services' and 'also to confrontation of pervasive negative valuations'.⁴¹ In other words both agencies and individuals have to be aware of their own practice and how that may influence outcomes.

It is crucial in racial harassment casework that empowerment as an activity and aspiration is linked to clear advocacy practices and ensuring that clients have an understanding of their rights.

Advocacy

Advocacy is the practice of representing, under instruction from the client 'the interests of powerless clients to powerful individuals and social structures'.⁴² It can be used by a worker on behalf of their client both within their own organisation and with other agencies 'to argue for resources, or change the interpretation which powerful groups make of clients'.⁴³

The caseworker may use their power and influence in the interest of the real expressed wishes of the client.

⁴⁰ Payne, *op. cit.*, p276

⁴¹ *Ibid.*, p277 (original emphasis).

⁴² *Ibid.*, pp276 and 266

⁴³ *Ibid.*, p276

Caseworkers frequently undertake advocacy activities for clients to ensure that other agencies meet their responsibilities. There are at least six principles for advocacy:

- act in the client's best interest;
- act in accordance with the client's wishes and instructions;
- keep the client properly informed;
- carry out instructions with diligence and competence;
- act impartially and offer frank, independent advice;
- maintain the rule of confidentiality⁴⁴.

To be a successful advocate, the practitioner will need to listen carefully, be skilled in using questions, be able to respond accurately and clearly and to be aware of the non-verbal aspects of communication.

Working with other agencies

The role of the caseworker is, in part, to work with others to manage social problems *'taking a marginal problem-solving position rather than sliding into becoming a permanent part of the problem and its management'*.⁴⁵

Practitioners *'contribute the essential third-party perspective common to all forms of conciliation, conflict mediation and negotiation'* through processes of exchanging information.⁴⁶

The key to successful casework practice is where action is determined and undertaken by all those involved in the problem. Helping is seen as *'a reflexive and reciprocal activity*

[which] must be co-constructed as it unfolds' rather than 'external mechanical manipulation'.⁴⁷

Caseworkers will often require working extensively with other agencies and individuals. All these people must be enabled to feel *'a sufficient sense of shared power with respect to the task'*⁴⁸ in order to maximise the benefits of creativity, extra resources, information and diversity.

Caseworkers will need to facilitate clients' capacity for expression so that they are better able to propose and take action.⁴⁹ Caseworkers should be willing to be influenced by and learn from clients' experiential and intuitive knowledge about how the problem should be approached or solved.⁵⁰

Caseworker skills

Core skills which form the foundation of practice for workers who seek to develop problem-solving partnerships with individuals, families, communities and colleagues include the following:

Cultural competence

Diverse cultural knowledge and cross-cultural skills, including an understanding of the needs of those who are disadvantaged, stigmatized and socially excluded are essential.

⁴⁴ Seden, J., *Counselling Skills in Social Work Practice* (Buckingham: Open University Press, 2000)

⁴⁵ *Ibid.*, p234

⁴⁶ *Ibid.*, p152

⁴⁷ *Ibid.*, p24. (See also the diagram on p119)

⁴⁸ *Ibid.*, p156

⁴⁹ *Ibid.*, p160

⁵⁰ *Ibid.*, p162

Dhooper and Moore identify some essential qualities of culturally competent practice:⁵¹

- Understanding the crucial and fundamental role of culture in shaping human attitudes and behaviour;
- Personal self-awareness is needed in order to appreciate how personal attitudes and behaviour are influenced by culture, with its implicit beliefs, values and assumptions. Caseworkers must be aware of their own ethnicity, and tendencies towards ethnocentricity;
- Knowledge about other cultures, understanding the current and historical cultural context of the client, and the environmental forces which affect well-being, as a member of the group(s) to which they belongs, both in relation to other groups, and within their own group. We need also to understand how past and continuing events and relationships between mainstream and non-mainstream groups, in the UK and elsewhere, continue to affect people's reality in the present;
- Developing interaction skills, based on an approach of empowerment and advocacy.

Empathy⁵²

Empathy is the ability to understand another person's view of the world, and to communicate our understanding to them in a way that allows them to judge it for themselves. Empathy is achieved when the other person understands and agrees with our understanding of them. This includes:

- Conveying the belief that positive change is possible, even in the most difficult situations.
- We need to be present with the other person's distress, without breaking in with premature solutions or reassurances (which carry the message 'your problem is too painful for me to listen to').
- We must allow the other person's story to unfold, and move into private or sensitive areas at their own pace. An interrogative approach from our own agenda is likely to be disempowering and to obstruct the establishment of trust.⁵³
- We see the other person as 'the expert' in their own situation, and in how they perceive and experience the problem, even though they may not know what to do about it.⁵⁴ In our assessment, we will arrive at our own understanding of the situation alongside the other person, not ahead of them.⁵⁵ The casework task is to assist the client in developing their own understanding in a way that leaves them, as far as possible, in control of their options and aspirations⁵⁶
- We need to be empathetic to all the members of the network we are working with on behalf of a client, understanding and accepting the way they perceive the situation initially, even if we subsequently wish to challenge those perceptions
- Our own intuition and experience is not enough: where the person is a member of an excluded group, we need a prior knowledge of the

⁵¹ Dhooper and Moore, *op. cit.*, Ch 2

⁵² Based on *Ibid.*, p196-204

⁵³ *Ibid.*, p201

⁵⁴ *Ibid.*, p201

⁵⁵ *Ibid.*, p200

⁵⁶ *Ibid.*, p201

- history and experience of that group⁵⁷
- We must critically examine our approach to ensure we avoid racist stereotyping.

The empathic response does not show sympathy, does not direct or advise. It simply shows someone that they are being listened to within a non-judgemental framework. A caseworker will have to show that they are being empathic and are able to differentiate between fact and feelings. This can be done through the use of paraphrases, reflections and summaries⁵⁸:

Paraphrase tends to acknowledge the content of what you're being told;

Reflection focuses on the feelings evoked by that content.

Summary is a way of summing up all the key points as you have heard them, to make sure that you have understood what you have been told and that the person you have been talking to knows that you have understood them.

Authenticity and genuineness

Authenticity is the capacity to relate to other people with personal integrity, to remain a 'real person' within all our relationships, with congruence between what we say, feel and do.⁵⁹

This means, as workers, that we:

- Are honest about ourselves, our 'organisation, powers, responsibilities and resources even when the news may be bad'⁶⁰

- Are self-aware of our own values, behaviours and feelings.⁶¹ Respect and acceptance for our client does not mean that we personally accept all his behaviour.
- Ensure we are not conveying conflicting messages by our words and our actions.
- Constantly ask how we can contribute to solving a problem, rather than seeking detailed instructions on what to do⁶²
- Acknowledge any difficulties we may have in working with difference.⁶³ Own our own ignorance and confront our own prejudices and biases⁶⁴
- Engage at a human level rather than organisational role.
- Enact the basic values of respect and acceptance in every aspect of the relationship and the task.⁶⁵

Reflection

Reflective practice is an active process requiring professional learning mechanisms, such as supervision, continuing professional development and the ability to draw on and to develop the evidence base for casework practice. It enables a worker to make sense of a wide range of information. The information can include, for example, hard facts, emotions expressed within the networks, the worker's behaviour, expectations and emotional response, the role of her organisation,

⁵⁷ *Ibid.*, p197

⁵⁸ University of Wales, Are you in Zenor?

⁵⁹ Smale et al, *op. cit.*, p204

⁶⁰ *Ibid.*, p205

⁶¹ *Ibid.*, pp205 and 210

⁶² *Ibid.*, p207

⁶³ *Ibid.*, p208

⁶⁴ Dhooper and Moore, *op. cit.*, p22

⁶⁵ *Ibid.*, p210

understanding about a specific kind of problem, insight into patterns of relationships between people and groups, research into facilitating change, and information from other organisations⁶⁶.

Reflective practice enables better understanding of the unintended consequences of intervention, as well as explaining what outcomes are hoped for and how they will be monitored and evaluated.⁶⁷

Reframing

This is the ability to ‘help redefine circumstances in ways which lead towards problem resolution’⁶⁸ by opening up new perspectives. The fact that a client has sought help implies that they see their problem as having reached a point where it is not resolvable by oneself or their networks. They cannot cope any longer.

Engaging the client

Dhooper and Moore see engaging the client as a two-step process: preparation and relationship building.

Preparation includes aspects such as demonstrating principles of self determination from the beginning and increasing the clients sense of control⁶⁹, for example, encouraging the client to determine the details of the first meeting: time, place and how it should be conducted, reducing the ‘element of the unknown’ by sharing what the caseworker knows and involving them in every stage of the process.

⁶⁶ *Ibid.*, p224-225

⁶⁷ *Ibid.*, p223-224

⁶⁸ *Ibid.*, p229

⁶⁹ Dhooper and Moore, *op. cit.*,p33-35

Relationship building involves the attributes of authenticity, trust, active listening and reducing barriers to communication.

Listening

Listening involves putting our own agenda to one side and simply letting someone talk. The aim of listening for a caseworker will be to understand the person’s point of view; piece together the current and past elements of their story; to understand relationships; and to consider our response. To listen attentively a caseworker will need to ensure that sufficient time is available for the client to talk or clear boundaries are set about how long this meeting will last; any questions that are asked are asked within the framework of how the client will understand what is being asked; that there is privacy; and that eye contact is maintained and reflections, paraphrases and summaries are used.

Non-verbal communication

It is important to remember that we cannot not communicate. We communicate with our whole bodies so it is important to remember that actions, gestures, facial expressions, clothes and furniture are just as important as the spoken word and will influence how the client sees the caseworker and the service.

A caseworker’s non-verbal communication will influence how and what a client feels or tells. Offering undivided attention is crucial to the client feeling and knowing that they are seen as important and are being listened to and believed.

Dealing with Silence

Silences in interview situations are likely to occur. Silence gives space for people to reflect, gather their thoughts, consider offering additional information. A prolonged silence can be broken by summarising what the client was saying.

Asking and Answering Questions⁷⁰

The role of questions is to help a client tell their story from their perspective and to gain a better understanding of their world. The types of questions asked and the manner in which they are asked will influence both the interaction and quality of information given.

Any question that we ask should avoid 'why' questions. Questions should be limited and posed in a supportive way with a calm and gentle tone. If a question is not understood it is important to rephrase it and learn the level and type of language that the client can respond to.

Generally, we gather information through asking three types of questions:

Narrow questions (or closed questions)

These are used to obtain factual information and yes or no answers. Asking a series of narrow questions in a row is not advisable as they can reduce the type and depth of information a caseworker may want. These may include, for example:

When did the first incident occur?

⁷⁰ Koprowska, J., (2005) Communications and Interpersonal Skills in Social Work (Learning Matters: Exeter)

Was you on your own?

Where were you when you were racially abused?

Broad questions (or open questions)

These will help the caseworker to learn more about the client, the situation and what action they want. Such questions will allow a client to respond as they want, within a framework that they feel most comfortable. These may include, for example:

How would you like me to help you?

Can you tell me what happened?

Inner-person questions

These can be narrow or broad questions but focus on aiming to elicit how the client is feeling and how the impact on them of the harassment, for example,

How do you feel about what has happened?

Do you feel safe going back home?

Caseworkers should ensure that in their interaction with the client they do not use leading questions or multiple questions. Both have the effect of disempowering the client and leading questions, in particular, could be interpreted by the client as them not being believed.

An example of a leading question could be:

Are you sure it is racial harassment?

Could you just ignore what she says to you?

Questions are a useful tool to gather information from a client. If the wrong type of question is asked or the wrong tone used this could effectively disempower the client. Questions should be used only when required and be used to extract information, seek clarification and offer an opportunity for the client to speak openly about their situation so that the caseworker can better understand and respond to and with them.

Assessment⁷¹

Dhooper and Moore define the tasks of the assessment phase as:

- To formulate a statement of the problem
- To make an assessment of the client-system
- To form an analysis of the situation
- To evaluate the case, taking into account the problem, the client or client-system, the wider situation and how these elements impact on each other

Some principles of assessment are the ability to:

- See problems as unmet needs or unsatisfied wants;
- Seek out, acknowledge and appreciate the client's personal assets, such as their experience and ideas, and cultural strengths, such as his faith;
- Seek out causal factors which are beyond the control of the client. The culturally sensitive case worker starts from the point that many client problems are rooted in a racist society; that is, environmental and societal

⁷¹ *Ibid.*, pp39-45

conditions are responsible for clients' unsatisfied wants⁷²

- Ensure that the assessment process is motivating for the client. Make the assessment a collaborative activity.

Planning

After the assessment, the next steps are to agree with the client what the goals and objectives of the helping process, to formulate a plan together, and to agree, or contract, who is to do what ⁷³:

- Formulate goals and objectives as a collaborative process;
- Goals must be rooted in assessment, and must be compatible with the client's wishes and cultural/ethnic needs;
- Goals should be comprehensive if the intervention is to meet need;
- Goals should require the 'best mix of intervention approaches';
- Goals should be attainable and realistic in order to avoid setting the client up to fail.

Evaluation and closure

There are two types of evaluation: formative and summative.⁷⁴ Both are done by the caseworker and client together, and are as important in work with members of minority groups as with any other clients.

Formative evaluation (or monitoring) is done at different points during the helping process in order to review the success of strategies adopted so far

⁷² Lum, D., *Social Work Practice and People of Color: A Process-Stage Approach*, (3rd edition), 1996 p170, quoted in Dhooper and Moore, *op. cit.*, p41

⁷³ *Ibid.*, p46-47

⁷⁴ *Ibid.*, p53

against the agreed goals and objectives. It allows for the goals or the plan to be reviewed. It also prepares the client for the eventual termination of the helping process.

Summative evaluation is done to determine whether the agreed goals have been achieved, and whether it is appropriate to end the helping process. It also provides information for the organisation to review its helping strategies, and its policies and procedures.

Dhooper and Moore suggest some principles of evaluation and termination which apply particularly to work with members of minority groups.⁷⁵

- Favour formative over summative evaluation in order to ensure that you are aware whether the client feels the helping process is, in fact, helping;
- Monitor the process continuously, and be open to modifying the goals or the plan if appropriate;
- Use the opportunity for positive feedback. Pay attention to valuing what has happened, and the efforts that have been put in by worker and client;
- Ensure the client understands from the start that the objective of the helping process is to improve their capacity to solve their problem, and that it will not continue indefinitely;
- Involve the client in the decision to end the process, ensure she agrees and understands why, and make a space for you both to articulate how you feel about the ending;
- Explain that if the situation changes and further help is needed,

or new problems arise, the client can still ask for help after the case has been closed;

- Focus the closure process on establishing and generalising what the client has learned.

⁷⁵ *Ibid.*, p54

6. Standards for Racist Harassment Casework

Racist harassment caseworkers highlighted that delivering an agreed action plan with the client is a key function of casework practice.

Casework was viewed as a multi-tasks and multi-skilled intervention involving working with victims, undertaking administrative duties (including co-ordinating multi-agency responses) in relation to processing a complaint and actively engaging with relevant agencies to find a successful resolution to the reported problem.

Defining Racial Harassment Casework

Racial harassment casework has been defined as:

“An interaction which makes clients aware of their rights enabling them to take back control of their lives and offering realistic expectations of the outcome of their complaint.”⁷⁶

The Commission for Racial Harassment has described the role of a caseworker as:

“Acting on behalf of the client, the role of the caseworker in racial harassment cases is to ensure that all individuals and agencies with the power to assist the client act swiftly and efficiently to bring the harassment to an end.”⁷⁷

Within the practice of social work the international definition of social work is adopted as follows:

“ a profession which promotes social change, problem solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilising theories of human behaviour and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work”⁷⁸

Key Casework Roles

The starting point for the development of these standards is the identification of the key purpose of racial harassment casework:

Five key tasks have been identified as crucial to effective casework:

- Offering help;
- Creating an intervention;
- Reducing the immediate impact of the harassment; and
- Aiming to resolve the complaint
- Developing professional practice

From this key purpose the following five Key Roles have been identified⁷⁹:

Key Role 1: Assessing needs and circumstances with regard to racial harassment, for individuals, families and communities;

Key Role 2: Plan, carry out, review and evaluate racial harassment case work practice, with individuals, families, communities and other professionals

Key Role 3: Support individuals to represent their needs, views and circumstances

⁷⁶ Chahal, K (2003) Racist Harassment Support Projects: Their Role, Impact and Potential (York: JRF)

⁷⁷ Commission for Racial Equality,

⁷⁸ International Association of Schools of Social Work and the International Federation of Social Workers (2001)

⁷⁹ Adapted from Skills for Care standards for Social Work, www.skillsforcare.org.uk

Key Role 4: Manage risk to individuals, families, groups, communities, self and colleagues

Key Role 5: Manage and be accountable (with supervision and support) for your own case work practice within your organisation

2. Unit and Element titles

Key Role 1:

Assessing needs and circumstances with regard to racial harassment, for individuals, families and communities;

Unit 1 Prepare for contact and involvement

- 1.1 Review case notes and other relevant material
- 1.2 Liaise with others to access additional information that can inform initial contact and involvement
- 1.3 Evaluate all information to identify the best form of initial involvement

Unit 2 Work with individuals, families and communities to help them make informed decisions

- 2.1 Inform individuals, families, and communities about your own, and the organisation's duties and responsibilities
- 2.2 Work with individuals, families, and communities to identify, gather, analyse and understand information
- 2.3 Work with individuals, families, and communities to enable them to analyse, identify, clarify and express their strengths, expectations and limitations
- 2.4 Work with individuals, families, and communities to enable them to assess and make informed decisions about their needs, circumstances, risks, preferred options and resources

Unit 3 Assess needs and options to recommend a course of action

- 3.1 Assess and review the preferred options of individuals, families, and communities
- 3.2 Assess needs, risks and options taking into account legal and other requirements
- 3.3 Assess and recommend an appropriate course of action for individuals, families and communities

Key Role 2:

Plan, carry out, review and evaluate racial harassment case work practice, with individuals, families, communities and other professionals

Unit 4 Respond to crisis situations

- 4.1 Assess the urgency of requests for action
- 4.2 Identify the need for legal and procedural intervention
- 4.3 Plan and implement action to meet the immediate needs and circumstances
- 4.4 Review the outcomes with individuals, families, communities, organisations, professionals and others

Unit 5 Interact with individuals, families, and communities to achieve change and development and to improve life opportunities

- 5.1 Develop and maintain relationships with individuals, families, communities and others
- 5.2 Work with individuals, families, communities and others to avoid crisis situations and address problems and conflict
- 5.3 Apply and justify casework methods and models used to achieve change and development, and reduce racial harassment
- 5.4 Regularly monitor, review and evaluate changes in needs and circumstances
- 5.5 Reduce contact and withdraw from relationships appropriately

Unit 6 Prepare, produce, implement and evaluate plans with individuals, families, communities and professional colleagues

- 6.1 Negotiate the provision to be included in the plans
- 6.2 Identify content, actions and draft plans
- 6.3 Carry out your own responsibilities and monitor, co-ordinate and support the actions of others involved in implementing the plans
- 6.4 Review the effectiveness of the plans with the people involved
- 6.5 Renegotiate and revise plans to meet changing needs and circumstances

Unit 7 Support the development of networks to meet assessed needs and planned outcomes

- 7.1 Examine with individuals, families, communities and others support networks which can be accessed and developed
- 7.2 Work with individuals, families, carers, groups, communities and others to initiate and sustain support networks
- 7.3 Contribute to the development and evaluation of support networks

Unit 8 Work with groups to promote individual growth, development and independence

- 8.1 Identify opportunities to form and support groups
- 8.2 Use group programmes, processes and dynamics to promote resilience, independence, and to foster conflict resolution skills
- 8.3 Help groups to achieve planned outcomes for their members and to evaluate the appropriateness of their work
- 8.4 Disengage from groups appropriately

Unit 9 Address behaviour which presents a risk to individuals, families, and communities

- 9.1 Take immediate action to deal with the behaviour that presents a risk
- 9.2 Work with individuals, families, communities and others to identify and evaluate situations and circumstances that may trigger the behaviour
- 9.3 Work with individuals, families, and communities on strategies and support that could positively change the racial harassment behaviour

Key Role 3: Support individuals to represent their needs, views and circumstances

Unit 10 Advocate with, and on behalf of, individuals, families, and communities

- 10.1 Assess whether you should act as the advocate for the individual, family, or community
- 10.2 Assist individuals, families, and communities to access independent advocacy
- 10.3 Advocate for, and with, individuals, families, and communities

Unit 11 Prepare for, and participate in decision making forums

- 11.1 Prepare reports and documents for decision making forums
- 11.2 Work with individuals, families, and communities to select the best form of representation for decision making forums
- 11.3 Present evidence to, and help individuals, families, and communities to understand the procedures of and the outcomes from, decision making forums
- 11.4 Enable individuals, families, carers, groups and communities to be involved in decision making forums

Key Role 4: Manage risk to individuals, families, communities, self and colleagues

Unit 12 Assess and manage risks to individuals, families, and communities

12.1 Identify and assess the nature of the risk

12.2 Balance the rights and responsibilities of individuals, families, and communities with associated risk

12.3 Regularly monitor, re-assess, and manage risk to individuals, families, and communities

Unit 13 Assess, minimise and manage risk to self and colleagues

13.1 Assess potential risk to self and colleagues

13.2 Work within the risk assessment and management procedures of your own and other relevant organisations and professions

13.3 Plan, monitor and review outcomes and actions to minimise stress and risk

Key Role 5: Manage and be accountable, with supervision and support, for your own case work practice within your organisation

Unit 14 Manage and be accountable for your own work

14.1 Manage and prioritise your workload within organisational policies and priorities

14.2 Carry out duties using accountable professional judgment and knowledge based racial harassment casework practice

14.3 Monitor and evaluate the effectiveness of your programme of work in meeting the organisational requirements and the needs of individuals, families and communities

14.4 Use professional and managerial supervision and support to improve your practice

Unit 15 Contribute to the management of resources and services

15.1 Contribute to the procedures involved in purchasing and commissioning services

15.2 Contribute to monitoring the effectiveness of services in meeting need

15.3 Contribute to monitoring the quality of the services provided

15.4 Contribute to managing information

Unit 16 Manage, present and share records and reports

16.1 Maintain accurate, complete, accessible, and up-to-date records and reports where relevant

16.2 Provide evidence for judgments and decisions

16.3 Implement legal and policy frameworks for access to records and reports

16.4 Share records with individuals, families and communities

Unit 17 Work within multi-disciplinary and multi-organisational networks and systems

17.1 Develop and maintain effective working relationships

17.2 Contribute to identifying and agreeing the goals, objectives and lifespan of the team, network or system

17.3 Contribute to evaluating the effectiveness of the team, network or system

17.4 Deal constructively with disagreements and conflict within relationships

Key Role 6 Demonstrate professional competence

Unit 18 Research, analyse, evaluate, and use current knowledge of best practice

18.1 Review and update your own knowledge of legal, policy and procedural frameworks relevant to racial harassment

18.2 Use professional and organisational supervision and support to research, critically analyse, and review knowledge based practice

18.3 Implement knowledge based models and methods to develop and improve your own practice

Unit 19 Work within agreed standards of public sector practice and ensure own professional development

19.1 Exercise and justify professional judgements

19.2 Use professional assertiveness to justify decisions and uphold professional practice, values and ethics

19.3 Work within the principles and values underpinning public sector practice

19.4 Critically reflect upon your own practice and performance using supervision and support systems

19.5 Use supervision and support to take action to meet continuing professional development needs

Unit 20 Manage complex ethical issues, dilemmas and conflicts

20.1 Identify and assess issues, dilemmas and conflicts that might affect your practice

20.2 Devise strategies to deal with ethical issues, dilemmas and conflicts

20.3 Reflect on outcomes

Unit 21 Contribute to the promotion of best racial harassment casework practice

21.1 Contribute to policy review and development

21.2 Use supervision and organisational and professional systems to inform a course of action

where practice falls below required standards

21.3 Work with colleagues to contribute to team development

Appendix 1: Differences between Criminal and Civil Cases

Criminal Cases

Regulates conduct considered by the state to be prejudicial to the community as a whole

Aim is to determine guilt/innocence and impose appropriate penalties

Terminology: Prosecutor prosecutes the defendant/accused

Defendant is found guilty/convicted

Proceedings are normally instituted by officers of the Crown

The evidential burden of proof is on the prosecutor

Order of evidence and speeches (disputed matter);
Prosecutor may address the court.

Prosecution evidence.
Defendant may address, whether or not he afterwards calls evidence.
Prosecutor evidence to rebut defence evidence.
Defendant may address if he has not done so already (usually left to this point).
Either party may address a 2nd time with leave of the court.
If both address the court twice, the accused has the last word

Standard of proof is to prove beyond reasonable doubt – does not mean beyond a shadow of doubt

Civil Cases

Regulates relationships between legal persons – individual and corporations.

Aim is to settle dispute and make formal orders between the parties.

Terminology: Complainant/plaintiff sues (brings an action) against a defendant/respondent.

An order is made against the defendant/respondent if the case is proved.

Proceedings are instituted by one of the parties

The evidential burden of proof is on the complainant/plaintiff.

Order of evidence and speeches:
Complainant may address the court.

Complainant evidence.
Defence may address, whether or not he afterwards calls evidence.
Complainant evidence to rebut defence evidence.
Defendant may address if he has not done so already.

Either party may address a 2nd time with leave of the court.
If both address twice, the complainant has the last word.

Standard of proof is to prove on balance of probabilities – being more probable than not.

Appendix 2

Use of External Counselling Support

An essential part of supporting victims who experience racist harassment is to ensure that they have access to appropriate counselling support if required.

The level and nature of counselling support depends on the nature of the harassment experienced and the effect on the individual concerned.

The following checklist of good practice does not cover everything that should be taken into account when engaging the services of external counsellors, but it does highlight the key considerations.⁸⁰

- A proper needs analysis has been carried out, and there is clarity about the nature of the counselling support required, the preferred methods of delivery and the benefits that will result
- Counsellors have appropriate depth of experience of workplace counselling and any specialist skills to deal with specific problems such as post-trauma stress
- Counsellors have adequate knowledge and understanding of the nature of discrimination and harassment at work when dealing with such issues
- Counsellors receive appropriate induction to ensure they understand the culture and values, policies and practices, of the employer to whom they are providing a service.
- Training received by counsellors has been accredited by a recognised body, such as The British Psychological Society or the British Association for Counselling
- Where the counsellors use their own premises for counselling, these have been inspected and are suitable in terms of ensuring privacy and a safe and supportive environment
- The provider has clearly defined standards for the recruitment of counsellors
- The provider has effective arrangements in place for the supervision and training of counsellors and for providing feedback on performance
- Clear and confidential arrangements are made for referrals to external counsellors
- Confidentiality is ensured, with the circumstances under which it cannot be maintained being clear to all parties
- The provider provides regular reports on the extent and nature of the use of counselling support, highlighting any issues that require further consideration
- Feedback from use of counselling support is used to inform service development and highlight its positive benefits

⁸⁰www.racenhs.org/popups/useofextcounsellors.

Appendix 3

Expectation of Values, Knowledge and Skills for Casework Practice

The following Statement of Expectations has been produced following the detailed consultations which took place with those who use public services, their carers and their organisations. In practice case workers should be mindful of the views of people who use services, and carers, expressed here.⁸¹ These Expectations have informed the development of the Standards discussed in Section 6.

Key and Core Skills

Communication skills and information sharing

Caseworkers must:

- Explain their role and the purpose of contact in a way that can be understood by all involved
- Inform users about what steps they are going to take
- Give information to users about their rights and entitlements
- Be open and honest about what they can and cannot do
- Be honest if they cannot offer the resources needed
- Inform users about what is available, beyond the brief of their organisation
- Listen actively to what users have to say
- Talk to those requiring and using services with due respect for their age, ethnicity, culture, understanding and needs
- Involve users in decision making
- Offer users choices and options
- Share records with users
- Build honest relationships based on clear communication

Good practice

Caseworkers must:

- Be good at time keeping
- Be good at starting, continuing and closing relationships
- Respect confidentiality, and explain when there is a need to share information with others
- Recognise the expertise of users about their own situation and have regard for their wishes
- Involve users in all meetings which may affect them
- Give users sufficient time to work with them properly
- Ensure that contact is maintained
- Make sure that all options are explored properly before deciding on a plan; looking for options when the services needed are not available; being creative;
- Involving users in setting goals when developing an action plan, and being honest about the limitations of choice and the options when reviewing and changing plans
- Help users access benefits and services
- Assess risk and support risk taking when appropriate
- Work with users to develop and/or maintain independence
- Link users to support groups and networks and support them to extend involvement with groups and networks
- Be accountable to users for their practice

Advocacy

Caseworkers must:

be able to:

- lobby on behalf of users to access services
- challenge their own organisations on behalf of users

⁸¹ Adapted from the National Occupational Standards for Social Workers, www.topss.org.uk

- challenge injustice and lack of access to services
- challenge poor practice
- advise users about independent advocacy that can best meet their needs
- enable users to be empowered to represent their views
- help users to represent their views in all meetings affecting them
- involve independent advocates, where appropriate

Working with other professionals

Workers must:

- Be honest, clear and make sure all involved understand:
- Know what happens to the information users give to the caseworker
- how it is kept
- who it is shared with, and why
- how it might be used
- Understand what information other organisations can offer and share with users
- Work effectively with others to improve services offered to users

Knowledge

Workers must:

Have knowledge of:

- services relevant to users needs and circumstances (not just those offered by their organisation) and how to access other relevant services
- legislation
- Have in-depth knowledge of the users they are working with
- Keep themselves up to date with: all relevant knowledge and information on the rights of users

Values

Racial harassment caseworkers must:

Have respect for:

- users regardless of their age, ethnicity, culture, level of understanding and need;
- the expertise and knowledge users have about their own situation;
- Empower users in decisions affecting them
- Be honest about the power invested in them, including legal powers and their role and resources available to meet need
- Respect confidentiality, and inform users when information needs to be shared with others
- Be able to challenge discriminatory images and practices affecting users
- Put users first

Appendix 4

The Code of Practice for Victims of Crime⁸²

Published in 2005, this Code sets out the minimum standards that victims can expect to receive from each criminal justice agency and offers enhanced services for vulnerable or intimidated witnesses.

This Code of Practice governs the services to be provided in England and Wales by at least the following organisations:

Police; CPS; Witness Care Units; Her Majesty's Court Service; Youth Offending Teams; Probation; Prisons; Parole Boards.

The Code states that:

“All victims, including relatives of victims who have died as a result of a relevant criminal conduct, should have access to a range of support services in their area. While no organisation has an obligation under this Code to ensure appropriate support services are available for every victim, the Government aims to ensure that every victim has access to appropriate support services in their local area.

“Such support needs to be timely and of sufficient quality to meet the individual needs of every victim, including victims who require specialist support. For example, victims who are called to give evidence at criminal proceedings as witnesses in respect of relevant criminal conduct should expect to receive pre-trial court familiarisation visits before the court hearing...

“All victims are entitled under the Code to receive information about local support services in their areas. The Police must ensure victims are provided with information about local support services and contact details for those services. With some exceptions outlined in the Code at paragraph 5.5 and 5.6 the police must also ensure the victim contact details are referred to the appropriate local victim support group”.

⁸² available at www.homeoffice.gov.uk