Hate Incident, Hate Crime and Harassment Policy

Policy Statement

1.1 Irwell Valley celebrates the diversity of our customers and adopts a zero tolerance approach to incidents of hate behaviour or harassment. Hate behaviour is any anti social act committed against a person or property that is motivated by the perpetrator’s hatred of someone because of their:
- Race, colour, ethnic origin, nationality or national origins
- Sexual Orientation
- Gender or gender identity
- Disability
- Religion
- Age

1.2 We will use the powers available to us as a landlord to stop such behaviour. Any action taken is agreed with the witness and may result in the Association instigating legal action against the perpetrator.

1.3 As a Registered Provider we have a duty of care to victims of crime and antisocial behaviour. In order to achieve this we have ongoing, comprehensive policies and procedures to combat incidents of antisocial behaviour, nuisance and crime which are regularly updated. This Policy is written in accordance with The Housing Act 1996 Section 218A, Tenant Services guidelines and Regulatory Code for Registered Providers. The Policy is also compatible with the following legal frameworks.
- Police and Justice Act 2003;
- Anti Social Behaviour Act 2003;
- Crime and Disorder Act 1998, (as amended 2002);
- Criminal Justice Act 2003;
- Criminal Justice and Public Order Act 1994;
- Anti-Terrorism, Crime and Security Act 2001;
- Protection from Harassment Act 1997;
- Race Relations Act 1976 (as amended 2002);
- Human Rights Act 1998;
- Children’s Act 1989 (s.27);
- Homelessness Act 2002;
- Disability Discrimination Act 1995 (s.2) (amended 2006);
- Data Protection Act 1998.

1.4 We believe that more people may be a victim of hate behaviour and harassment than is suggested by the number of incidents reported to us. Therefore, we aim to promote confidence in our customers to report hate behaviour by publicising information in leaflets,
on our website and in newsletters detailing our approach to tackling this type of behaviour, how reports can be made, actions that can be taken to protect complainants, powers to tackle behaviour and action that has been taken.

1.5 We acknowledge that hate behaviour and harassment cause upset, stress and worry to individuals and families and can impact on the community. We will work to ensure sustainability of communities by dealing with such behaviour quickly and effectively; working in partnership and adopting professionalism at all times to deliver the best level of support service to the victim/witness.

1.6 We will ensure our colleagues are fully trained and competent to deal with reports of hate behaviour and harassment and are aware of our procedure. We will treat all complaints in an impartial and professional manner; a high quality service will be provided with access to interpreters when required, working with Asylum Seekers teams where appropriate.

### Definitions Relative to Hate Behaviour & Harassment

2.1 We have adopted the following definitions which are taken from the GMP Good Practice and Tactical Guidelines for Race Hate Crime.

2.2 Hate Incident - Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

2.3 Hate Crime - Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.

2.4 The Difference between Hate Incident and Hate Crime – We are aware that all hate crimes are hate incidents. However, some hate incidents may not constitute a criminal offence and therefore will not be recorded as hate crime. For example, making inappropriate reference to the colour of someone’s skin in a non-confrontational social setting may well be perceived as a racist incident. However, there may be insufficient evidence that it would constitute a racist crime.

2.5 Hate Crime/Incident Report - We are aware that it is vitally important that Hate Crime is reported to the Police. This enables the police to build up patterns of behaviour and areas of concern within communities. We will ensure that a form 730D form is completed in all cases of hate crime and forwarded to the relevant person within the Police Force. NB: All Hate Crimes are Hate Incidents.

Examples of this behaviour are:

- physical violence, threat of violence;
- damage to property;
- offensive graffiti;
- threat of attack;
- offensive letters;
- abusive or obscene telephone calls;
- phone/Text Harassment;
- groups hanging around to intimidate;
- unfounded malicious complaints on the basis of Hate;
- verbal abuse of insults;
- offensive leaflets and posters;
• abusive gestures;
• dumping of rubbish outside homes or through letterboxes;
• bullying;
• spitting.

2.6 Harassment - The Criminal Justice and Public Order Act 1994 defines Harassment as:

“The use of threatening, abusive or insulting words or behaviour, or displays of writing, signs or other visible representations which is threatening, abusive or insulting”

2.7 Racial Harassment - We will not tolerate racial harassment and follows the Race Relations Act 1976 Regulations (2003) definitions for racial harassment. These being:

“A person subjects another to harassment...where, on grounds of race or ethnic national origins, he engages in unwanted conduct which has the purpose of effect of a) violating that other person’s dignity, or b) creating an intimidating, hostile, degrading, humiliating or offensive environment for him”

2.8 In addition, we will also refer to the definition of a racial incident in the Macpherson Report (the Stephen Lawrence Inquiry) as being:

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

2.9 A person who reports such incidents to us will be asked to complete, a 730D form. This is a Hate Crime Incident Report Multi-Agency Initial Reporting form. There is no obligation by the person reporting the incident to disclose all their details and therefore it should still be completed.

**Hate Behaviour/Harassment will be categorised as below**

3.1 Category ‘A’ is the most serious case of Hate Behaviour or Harassment such as Racial Harassment. Victims/witnesses will be contacted within 24 hours of us receiving the report.

3.2 Category ‘B’ includes non-specific incidents of harassment. Victims/witnesses will be contacted within 5 working days of us receiving the report.

3.3 Category ‘C’. We do not consider that any incidents of hate behaviour or harassment will fall into this category.

**How can Hate Behaviour or Harassment be reported?**

4.1 We understand that Hate Behaviour and Harassment causes upset stress and worry and will make it as easy as possible for incidents to be reported to us. Any person reporting an incident to us can do so in the following ways:

- direct contact with a colleague – This could be if you see them at home, in the office, or after a meeting
- a telephone call
- letter
- email – oureyes@irwellvalleyha.co.uk
• website – www.irwellvalleyha.co.uk
• out of hours service – Mon – Fri 5:00pm – 9:00am (10:00am Tues)  Sat – Sun  24 hours
• report from a third party i.e Police, Local Authority

Reports can also be made direct to another agency or Third Party Reporting Centre such as the Police or Local Authority. A Third Party Reporting Centre is a place where staff have been trained to take reports of Hate Incidents and or Hate Crime, a centre could be your local Library, Victim Support Centre, Citizen’s Advice Bureau etc. A full list of Third Party Reporting centres for each area can be found by contacting your Local Authority or visiting their website. We would advise victims/witnesses to contact us as soon as possible, to enable us to respond quickly.

4.2 On receipt of a report of Hate Behaviour a category ‘A’ anti social behaviour case will be opened and a 730d Race and Hate Crime Reporting Form will be completed by the person taking the report and an ASB case opened.

4.3 Within 24hrs contact will be made with the victim/witness to discuss in full the details and nature of the incident. If the report was not made in person a 730d form will also be completed and the most suitable courses of action to take will be discussed and agreed with the victim/witness. At this stage, any other witnesses will be asked to complete incident diaries to collate evidence. Photographs may also be used, without compromising anyone.

4.4 A copy of our Hate Behaviour and Harassment Leaflet will be issued to all parties, plus any additional literature that is appropriate.

**Obligation of Residents**

5.1 All customers are required to adhere to their Tenancy Agreement. Customers should refer to the Anti-Social Behaviour section of their tenancy agreement, not to allow a member of their family, or visitors to their home to cause any nuisance or annoyance to anyone within the locality of your home. This includes hate behaviour and harassment. If they do so, this is a breach of the Tenancy Agreement and could be liable to legal action. Further information can be found in the Association’s leaflets on Anti-Social Behaviour, Racial Harassment and Religious Crimes and their resident guides.

**Supporting Witnesses**

6.1 We recognise that success is dependent upon the commitment and involvement from the victims/witnesses and the community. Witnesses need support and assurances from us if they are to feel confident in our ability to resolve their complaint. First impressions last and are important. In order to develop a positive relationship, understanding and respect is the key to professionalism.

6.2 Our aim is to resolve problems effectively, promptly and without the recourse to legal action whenever possible. Supporting the victim/witness is a high priority and we will ensure that all complaints are dealt with promptly. Action plans will be agreed with complainants and monitored and reviewed at agreed time scales throughout the course of the complaint. Details of the incident are likely to be shared with other agencies. Maintaining confidentiality is a priority and permission will be sought first.
In extreme cases of harassment, intimidation and violence, re-housing the victim/witness could be considered as an option, whilst the legal process is on going.

Prevention of Hate Crime and Harassment

We have a range of initiatives in its effort to prevent acts of anti-social behaviour including hate behaviour.

7.1 Gold Service/Solid Gold – We provide incentives to those customers who sign up to Gold Service and comply with the terms and conditions of their tenancy agreement. Gold Service clearly sets out where customer responsibilities lie. Customers who remain Gold Service members for 2 consecutive years can apply to become Solid Gold members, which provide additional benefits. Perpetrators of Hate Crime and/or harassment will be suspended from Gold Service/Solid Gold immediately.

7.2 Youth Workers - We has dedicated Youth & Community Workers who work with young people providing diversionary projects as rewards for good behaviour. This is achieved by co-ordinating positive activities with partner agencies, and working in partnership to identify young people at risk or who are already currently identified as being at risk.  

7.3 Mediation Facilities - Legal action may not be the most appropriate way of dealing with low level acts of harassment. We will discuss such issues with the victim/witness and will agree an action plan based on their wishes. This may include mediation; mediation is an independent confidential service with a high level of success.

We refer cases suitable for mediation to outside specialist agencies. Once this referral has taken place, we take no further part in either the sessions or finding solutions. The only information that we receive back from the mediation services is whether or not the sessions have been successful.

7.4 Acceptable Behaviour Contracts - These are contracts between the perpetrator and the Association and/ or the Police. They are not legal binding contracts but show a commitment from the perpetrator to recognise the impact their behaviour has on others and to prevent them acting in an anti social manner in the future. These contracts can be used for both children and adults.

Contracts involving children/youths under the age of 18 will usually be signed in the presence of their parent/guardian, the Police and any other relevant partner agency.

The contracts are flexible and are designed to allow the perpetrator to have input into what they should contain. They should be reviewed at regular intervals and can last anywhere between 2 weeks to 6 months. If these contracts are breached, they can be used as evidence to show that legal action is necessary to prevent further acts of anti-social behaviour.

7.5 Floating Support Workers – We have floating support workers who work with vulnerable customers via structured support plans to enable them to manage their tenancies and access additional services if necessary.
The scheme accepts clients aged 18-60 via self referral or by another agency. The support worker can act also as an advocate when appropriate, liaising with other agencies. We also work in conjunction with other agencies that will provide support to our customers.

7.6 Partnership/Multi Agency Working - We cannot and will not work in isolation when tackling issues of Hate Behaviour and Harassment. We recognises that some households can have complex social and psychological support needs beyond those that we can assist with. Therefore, we are committed to working in partnerships with other agencies to ensure that this is dealt with effectively. Some of these agencies include:

- Crime and Disorder Partnership;
- Police and Community Support Officers;
- Local Authorities;
- Social Services;
- Children and Young Peoples’ Services;
- Primary Care Trust (PCT);
- Voluntary Sector;
- Probation.

Rehabilitation of perpetrators

8.1 We promote the use of positive behaviour and uses enforcement as a last resort. Even at enforcement stage, we will endeavour to work with the perpetrator to keep them in their home, working on changing their behaviour with rehabilitation and diversionary activities.

8.2 If the perpetrator is a juvenile, then we will seek to work in conjunction with the Youth Worker and other agencies in an effort to change their behaviour and find diversionary projects and encourages the use of Acceptable Behaviour Contracts.

Vulnerable Residents

9.1 We have a Vulnerable Residents Policy and recognises that some people may be vulnerable due to their physical and/or support needs and provides flexible forms of provision which best meets the needs of those with support requirements. We will liaise closely and works in partnership with statutory and voluntary agencies to provide care and support services to vulnerable customers. These may include:

- drug abuse
- alcohol abuse
- mental health
- disability
- Learning disability

Legal Action

We will use legal action as a last resort when non-legal action has either failed or is considered inappropriate.

10.1 Injunctions - can be obtained through the County Court and are mainly preventative in nature prohibiting acts of nuisance, annoyance and harassment. A breach of an injunction amounts to contempt of court and can be punishable on application by a fine or imprisonment of up to two years. Types of injunctions available to the Association are:
10.2 Anti social Behaviour Orders (ASBOs) - ASBO’s were introduced as part of the Crime and Disorder Act 1998 and implemented in April 1999. When applying for an ASBO, due to the criminal element involved on breach, the findings need to be made beyond reasonable doubt. A breach of the order is a criminal offence and can bring penalties of up to 5 years imprisonment, a fine or both. ASBO’s can also be applied for on conviction of a criminal offence.

An ASBO places certain restrictions and vary depending on the behaviour. For example an ASBO can restrict where you are allow to go, who you are to associate with and how many people you can be seen with at anyone time. The ASBO may also contain a curfew restricting the hours in which you can be outside of your home.

10.3 Demoted Tenancy - A demoted tenancy effectively takes away some of a customer’s rights they had under an assured or secure tenancy, for example, the Right to Buy. Once granted, a demoted tenancy becomes an assured shorthold tenancy and lasts for a period of 12 months.

If any of the terms of the demoted tenancy are breached within the 12-month period, we can apply to the court for mandatory possession.

If there have been no breaches after 12 months, the demoted tenancy returns to an assured tenancy. In the case of Registered Providers, if the customer had a secure tenancy prior to the demoted tenancy, the secure tenancy cannot be restored and the tenancy will also become and assured tenancy.

If possession proceedings have been instigated within the 12-month duration of the demoted tenancy, we can ask the courts to extend the demoted tenancy for a further 6 months.

10.4 Possession - Possession will be viewed as part of an incremental process that commences with giving people the opportunity to change their behaviour. We recognise that possession proceedings may not always result in eviction and that postponed orders (previously suspended orders), may be given to allow the customer a final chance to change their behaviour and remain in their home.

**Data protection and information exchange**

11.0 We have protocols in place in all local authority areas where we have properties. Partners will share information in accordance with the provisions of s115 Crime and Disorder Act 1998 and s29 Data Protection Act 1998. We can obtain information to support legal action under the Housing Acts 1988 and 1996 and/or other legislation and/or Common Law rights. Information that we can seek is:

- a summary of relevant visits to the household;
- details of criminal convictions/cautions warning and reprimands, which involve relevant activities relating to the behaviour;
11.1 We also comply with the Freedom of Information Act 2000.

## Confidentiality

12.1 We have a confidentiality policy, which is written in accordance with the Housing Corporation’s Regulatory Code (now TSA), the Data Protection Act 1984 and subsequent amendments made in 1998.

12.2 We will ensure that we do not disclose the identity of complainants to Perpetrators, their representatives or other interested parties, without first having the person’s explicit permission. We will also advise any complainant who wishes to remain anonymous, if it is likely that pursuing their complaint could lead to them being identified by the nature of their complaint.

## Training of colleagues

12.1 The Association is committed to providing a rolling programme of training for colleagues and all new colleagues receive induction training. In house training is rolled out bi-annually and in relation to legislative changes and Good Practice. In addition to this, colleagues attend training programmes and workshops run by other housing providers and trainers.

12.2 All front line colleagues with a responsibility for investigated ASB cases receive training as part of their two week induction plan; All other colleagues are made aware of the strategy, policies and procedures during their two day induction programme.

## Procedure

13.1 The procedure for dealing with hate behaviour is contained within the Positive Behaviour Procedure.

## Responsibility

13.2 The Head of the Neighbourhood Response Unit is responsible for the effective implementation of this policy.

## Monitoring, review and consultation

4.1 This Policy will be reviewed biannually and updated when required as a result of legislation and good practice changes. This review will be carried out by Residents Committee.

4.2 The procedure has a built in method of re-evaluation. This reflects our commitment for this to be a living policy and procedure that is relevant and contemporary. This is achieved through feedback from customer surveys. Analysis of customer feedback surveys are carried out quarterly.

4.3 Ad Hoc procedure auditing is carried out by the Positive Behaviour Manager.
Reporting

5.1 Quarterly reporting is provided to Board. The report includes the ethnicity of the complainant and perpetrator on all ASB cases reported in the period.

5.2 We also provide comprehensive reports to Housemark and use the Respect for Housing Management toolkit as a way of measuring outcomes and value for money. This report may include but is not limited to the following:
   - number of new cases reported
   - number of new cases by type
   - number of actions taken to tackle ASB by type
   - number of live, resolved and closed cases
   - number of live, resolved and closed cases by type
   - number of cases resolved by main action
   - customer satisfaction

5.3 We also provide reports to individual local authorities as and when requested. These reports may differ slightly but will usually consist of the following:
   - number of warnings, verbal or written
   - number of acceptable behaviour contracts/parenting agreements
   - number of demoted tenancies
   - number of ASBO warnings
   - number of ASBO’s
   - number of injunctions

Equal Opportunities/Diversity Implications

6.1 We are committed to treating people with dignity and respect. This applies to colleagues, resident and board members, all of whom undertake not to discriminate directly or indirectly or victimise because of race, colour, age, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, religion or political persuasion.

6.2 Colleagues will ensure they take into consideration a customer’s faith and cultural beliefs and provide a flexible service when dealing with reports of anti social behaviour.

Complaints

7.1 Complaints are investigated and dealt with in accordance with the Associations complaints procedure.

Publicity

8.1 On occasions it maybe necessary to share information with our customers and the wider community in an effort to reassure the community that Irwell Valley is tackling anti social
behaviour and build confidence in the community that reports of anti social behaviour will be acted on.

8.2 We will publicise successful intervention and enforcement and high profile cases by one of more of the following methods:-

- Irwell Valley newsletters
- Local press, radio and television
- Leaflets

**Cross Reference Documents**

9.1 This Policy Statement is not designed to be used in isolation and should be linked to other related policies and areas of work to promote an holistic and effective strategy.

- Equality & Diversity Policy and Strategy
- Lettings Policy
- Joint working with other RSL’s and other relevant agencies
- Neighbourhood Plans
- Breaches of Tenancy Policy
- Introductory Tenancies
- Confidentiality Policy
- Vulnerable Tenants Policy
- Starter Tenancy Policy
- Gold Service Policy
- Domestic Violence Policy
- Affiliated membership of the Social Landlords Crime and Nuisance Group – a lobbying group that shares best practice between LA’s and RSL’s.
- Membership of RaceActionNet

**Key Lines of Enquiry**

10.1 This policy also covers KLOE’s 5, 6, 30 & 31