Tackling Hate Incidents
A toolkit for Social Landlords in Wales
Acknowledgments

Members of the Wales Social Landlords Anti Social Behaviour Forum are pleased to publish *Tackling Hate Incidents – a toolkit for Social Landlords in Wales*.

The Forum was set up in November 2006 and is made up of open membership to all housing associations operating within Wales. To date the Forum has attendance of over 22 associations.

The purpose of the toolkit is to develop a common approach based on best practice, that enables social landlords to deliver a focused service to victims of hate crime and anti social behaviour (ASB) based on individual needs within a common framework.

Members of the Forum felt it was right to develop a Wales-specific toolkit for social landlords, because our legislation and tools to tackle hate crime and ASB vary from our neighbours in England and Scotland, although we recognise that hate crime and ASB are not just limited to social housing in Wales.

The toolkit is the outcome of extensive consultation with associations, community safety partnerships and other key stakeholders, combined with reviews of best practice across the UK.

This toolkit was part match-funded by the Welsh Assembly Government (WAG) and members of the Wales RSL ASB Forum, and we would like to thank all those partners who contributed to this toolkit. We would also like to thank HouseMark and the Social Landlords Crime and Nuisance Group (SLCNG) who were commissioned in summer 2008 by the Forum to produce the toolkit and deliver training to the Forum on how to get the best from the toolkit.

**Wales and West Housing Association**  
(Chair of the Wales Registered Social Landlords ASB Forum)
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1: INTRODUCTION TO THE TOOLKIT

1.1 What the toolkit aims to do

This toolkit aims to provide practical information and advice to practitioners in social landlords (i.e. housing associations and local authority housing departments) throughout Wales so that they are able to provide a comprehensive service to victims and witnesses of hate incidents.

1.2 Who is the toolkit for?

The toolkit is applicable to all social landlords. The non-prescriptive approach ensures that the toolkit is relevant to both organisations with well developed services for tackling hate incidents and those working to improve their services in this area.

The toolkit is aimed at frontline staff and those responsible for designing services and developing policies and procedures. A short summary aimed at senior managers, board members and members of community safety partnerships is also available.

1.3 Why tackling hate incidents is important for social landlords

Dealing with hate incidents is a vital part of the drive to further the causes of equality and diversity and also of tackling of anti-social behaviour (ASB).

An effective approach to incidents is central to efforts to achieve a society in which equal opportunities exist and where differences between people are respected. People who suffer harm at the hands of others because of their race, gender, disability, sexual orientation or other attributes are denied things we should all be able to take for granted, such as being able to go about our business in peace, to have some choice about where we will live and to be free to adopt a lifestyle that reflects our background and preferences.

Hate incidents stem from prejudice against others based on views about their differences. They therefore are contrary to the central principle of ‘diversity’ where differences are respected and valued.

Hate incidents, whether or not they are crimes, are a form of ASB. But although the drive to deal effectively with ASB should bring positive outcomes for the victims of hate incidents, the distinct nature and seriousness of these incidents should be recognised.

Much (although not all) ASB is random and untargeted – it affects people who happen to live in, or to be in, a particular area. On the other hand, hate incidents are targeted. Victims are singled out because they are different in some way. This gives rise to a second distinction – the danger of repeat incidents. Once identified as being different, victims stand a good chance of further attacks and, even if they avoid this, many will live in fear of being targeted again.
1.4 How the toolkit was developed

The development of the toolkit was based on research which included:

- A survey - sent to all Welsh social landlords and 22 Welsh community safety partnerships. A total of 33 responses were received from housing associations, local authority housing departments, community safety partnerships and the police.

- Identification of good practice examples - generated by a call for examples in the HouseMark and CIH weekly e-zines, a search of material on the HouseMark website, a web search and input from the Social Landlords Crime and Nuisance Group (SLCNG).

- Interviews with a range of national stakeholders - to identify relevant strategic and policy frameworks, research and practice.

The toolkit also had the input of members of the project steering group (listed in Appendix 1) and other stakeholders who considered a draft of the document.

1.5 Definitions used in the toolkit

Hate incident and hate crime

The definitions adopted by the Office for Criminal Justice Reform have been adopted in this toolkit.

A hate incident is defined as:

‘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.’

A hate crime is defined as:

‘Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.’

All hate crimes are hate incidents. However some hate incidents may not constitute a criminal offence.

The definition of a hate incident includes all forms of crimes, harassment or other unwanted behaviour that someone with knowledge of the incident believes is motivated by the perpetrator’s prejudice or hate towards the victim resulting from the victim’s actual or believed membership of, or another person in that household’s actual or believed membership of, a group defined by:

- age
- disability, including having learning disabilities or mental health problems
- faith or beliefs.
- gender, including gender identity
- race, colour, nationality, ethnic origin or national origin
- sexual orientation

A homophobic hate crime is focussed on sexual orientation. A transphobic hate crime is focussed on gender\(^1\).

**Victim and witness**

A **victim** is a person who has suffered one or more hate incident.

A **witness** is a person, not a victim, who has information about a hate incident. This information may include what will become formal evidence in court proceedings.

**Social landlord**

A **social landlord** is a local authority that has retained its housing stock or a housing association.

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\(^1\) Hate crimes motivated by racial and/or religious hostility may be crimes in their own right, while for those based on sexual orientation and disability the hatred motivation will be an aggravating feature leading to an increase in the Court’s sentence, but they are not crimes in their own right. This makes recording any evidence of the motivating hostility associated with the incident crucial to a successful court case, e.g. the words used by the offender.
1.6 Official guidance to social landlords on hate incidents

Although there is a lot of guidance on dealing with ASB, there is relatively little that addresses hate incidents. The main sources of guidance are in the box below.

<table>
<thead>
<tr>
<th>Main sources of guidance relating to hate incidents</th>
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<tr>
<td><strong>Name:</strong> Tackling Racial Harassment: Code of Practice for Social Landlords</td>
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<td><strong>Publisher and date:</strong> Department of the Environment Transport and the Regions, Housing Corporation and National Assembly for Wales (2001)</td>
</tr>
<tr>
<td><strong>Content:</strong> Guidance specifically concerned with racial harassment – but much of it relevant to all kinds of hate incidents. The guidance includes good practice standards, how to bring about good multi-agency working, encouraging high levels of reporting and the need for support to victims and witnesses and action against perpetrators.</td>
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| **Name:** Code of Practice on Racial Equality in Housing |
| **Publisher and date:** Commission for Racial Equality (2006) |
| **Content:** Includes recommendations that social landlords should adopt a clear definition of racial harassment, a specific provision in tenancy conditions backed up by adequate sanctions, arrangements to support victims, effective inter-agency work and monitoring arrangements. |

| **Name:** Housing and the Disability Equality Duty |
| **Publisher and date:** Disability Rights Commission/Habinteg (undated) |
| **Content:** Recommends that social landlords should tackle harassment on the basis of disability with the same degree of rigour as racial harassment and there should be policies and procedures to enable them to do this. Organisations should use surveys and focus groups to establish what the experience of disabled people is in relation to harassment. |

| **Name:** The Gender Equality Duty: A Code of Practice for Public Authorities |
| **Publisher and date:** Equal Opportunities Commission (2006) |
| **Content:** The code states that public authorities should develop and regularly review a clear policy for preventing and tackling harassment across all of its functions where relevant, including in regulatory and enforcement functions and in the management of premises. |
1.7 Working in partnership

Social landlords cannot tackle hate incidents on their own. They should work with a range of agencies:

- **The police** - have responsibility for investigating and preventing crime. They have powers to seek community remedies such as ASBOs and parenting orders. The police will often be the organisation that receives reports of hate incidents. They have expertise in interviewing victims, witnesses and alleged perpetrators and in gathering evidence.

- **Racial equality councils** - or their equivalent, will often be involved in receiving reports of race hate incidents, supporting victims and in prompting agencies to take action where they feel the response is inadequate. They also have a role in acting to promote more cohesive neighbourhoods and in preventative measures. Some will coordinate the monitoring of incidents in the area.

- **Inter-agency partnerships for hate incidents** - exist in some areas. Roles vary from casework co-ordination to monitoring, campaigning and spearheading preventative work.

- **Local authority anti-social behaviour teams** - a few local councils have such teams and they are responsible for investigation and action in cases where a victim is a tenant of the local authority. They may also offer advice to social landlords in the area, particularly on the use of sanctions against perpetrators.

- **Local community safety projects** - may be active in target-hardening and may also have a role in reporting and victim support.

- **Community safety partnerships** - can help in providing advice and perhaps seek to ‘unblock’ difficulties in multi-agency working. They may provide the stimulus to local initiatives to combat hate crime and to the establishment of specific hate incidents forums.

- **Victim support organisations** - befriend and advise the victims of crime. The service is tailored to suit the needs of an individual. Specialist help can be made available to help those attending court.

- **Organisations representing or working with particular communities** - such as minority ethnic community groups, groups standing up for the rights of lesbian, gay, bisexual or transgender people and disability organisations, may receive reports, support victims and prompt organisations to take action where needed.

- **Residents’ associations** - can keep an eye open for local problems, encourage reporting and, however informally, play a role in victim support.
1.8 Structure of the toolkit

This toolkit is divided into the following chapters:

2. Getting people to report hate incidents
3. Investigating incidents and action planning
4. Supporting victims and witnesses
5. Achieving multi-agency working
6. Taking action against perpetrators
7. Improving practice
8. Working to reduce hate incidents

A list of sources of information and of helpful organisations and websites can be found at the end of the toolkit.
2: GETTING PEOPLE TO REPORT HATE INCIDENTS

This section of the toolkit will help you to:

- understand how victims might feel
- build confidence among victims
- publicise your approaches
- establish reporting arrangements
- provide a range of methods for reporting

2.1 Understanding how the victim feels

People who have experienced a hate incident might or might not want to report it. They may:

- not know who to report it to
- not feel confident that the matter will be handled effectively or sensitively
- feel that reporting may make the situation worse
- be unaware that something can be done about the incident
- face obstacles - for example, they can’t get a speedy appointment to report the incident or they can’t report it in the evening after they’ve finished work
- fear reprisals from the perpetrator
- if the incident involves their sexual orientation or gender identity, fear of this becoming known if they make a report.

They may feel all of these or a mixture of them.

Understanding how the victim feels is the first step in giving them confidence to come forward.

2.2 Building confidence among victims

Victims will be more willing to report incidents if they feel they can trust the organisation concerned.
Trust is based on a number of factors. Ask yourselves these questions about your organisation. If you can reply ‘yes’ to most of them, that should be a good indication that you can be trusted!

**Questions to ask about your organisation**

1. *Does it provide a high quality service?* – if its services are known to be good and reliable, it is more likely to be trusted by people with sensitive issues.

2. *Does it have a high-profile commitment to providing equal opportunities and tackling inequality?* – if it does, then it might be more likely to deal properly with an incident concerning someone’s race or sexual orientation.

3. *Does its staff reflect the diversity of the community it serves?* – if so, people may feel more welcome when approaching it.

4. *Does it involve the community in its work?* – if it does this, people are likely to feel they already have a relationship with the organisation, know key staff, and feel confident about contacting it.

5. *Does it make special efforts to communicate with or involve different groups?* - such as minority ethnic communities, or lesbian, gay and bi-sexual people, or simply making efforts to cater for older people and for younger people within the community.

6. *Does it have a track record of meeting diverse needs?* – such as having women workers in its repair teams for customers who may prefer to make an appointment with a woman.

7. *Does it wear its badge on its sleeve?* – it’s good to do these things, but even better to be seen to do them. Get accredited, for example as a ‘Stonewall diversity champion’ (see example below).

8. *Does it have proper procedures?* – this toolkit will enable you to develop them.

9. *Does it train and support staff to implement the procedures?*

10. *And most importantly – does it have a zero tolerance policy towards hate incidents?*

**Zero tolerance** means that incidents, however minor, are treated very seriously without any suggestion that they are excusable or can be overlooked. This key message needs to be at the heart of policy and procedures [link] and be reflected in the social landlord’s publicity.

Critical factors in demonstrating zero tolerance include:

- *having* detailed procedures – and sticking to them
- *publicising* service standards
- *achieving* them in practice
- *taking* successful action against perpetrators.
Three of these factors are dealt with later in the toolkit. Next we deal with publicity.

**Good practice example**

**Stonewall Diversity Champions Programme**

The Stonewall Diversity Champions Programme is Britain's good practice forum for sexual orientation where employers can work with Stonewall, and each other, to promote diversity in the workplace. There is just one criterion for joining the programme: a clear commitment to improving the working environment for lesbian, gay and bisexual staff.

There are currently over 490 members in the programme including Wales and West Housing Association.

More details: [www.stonewall.org.uk/workplace/](http://www.stonewall.org.uk/workplace/)

2.3 Publicising approaches to hate incidents

Publicity campaigns should cover:

- what hate incidents are
- the landlord’s commitment to tackling them
- how incidents can be reported
- help that will be provided to victims
- action that will be taken against perpetrators
- previous success in dealing with incidents
- service standards
- help available for people with specific needs

This might be done through:

- leaflets
- posters
- tenants’ handbooks
- tenants’ newsletters
- the landlord’s website
- in meetings with residents
Bear in mind that people have differing communication needs. Leaflets should have a message offering to make them available in an alternative language or format and offering help with face-to-face communication, such as through an interpreter or signer. Posters may need to be printed in community languages.

Landlords could also promote any other help that may be available, for example by putting leaflets in their reception areas. One example is Stonewall Cymru’s leaflet Have you experienced homophobic hate crime? (see www.stonewallcymru.org.uk).

Get your key messages across from the start:

- work with local community groups and voluntary organisations to get the messages across
- make sure they include groups serving minority ethnic communities, faith groups, disability organisations and those representing the lesbian, gay, bisexual and transgender communities
- share information about patterns of incidents with other organisations, particularly if accompanied by anonymous details of successful action against perpetrators - this helps spread knowledge that social landlords know and care about the issue
- consider sending hate incidents monitoring reports - in summarised form - to community organisations
- include reports on the agenda of tenants’ meetings
- consider issuing press releases when they have something to say, such as a successful legal action against a perpetrator.

**Expected standards:**

*The Wales Housing Management Standard for Anti-social Behaviour* includes as one of the building blocks the need for user-friendly sign-up meetings for new residents to include a clear explanation of the landlord’s policies, how problems will be addressed, what is expected of the resident and what they can expect in return.

2.4 Reporting hate incidents

Here are the main types of reporting:

- **Direct reporting** – a person who knows about an incident reports it directly to an agency to deal with it. This might include a facility for 24-hour reporting (see below).
  
  *Example:* an assault believed to be motivated by prejudice or hate is reported to the police, or racist name calling between two tenants is reported to their housing association.

- **Third party reporting** – a victim or witness reports an incident to an agency that is not the one that will deal with the case.
  
  *Example:* The person goes to a community organisation or advice agency where they feel they are more likely to be dealt with sympathetically. Some places have reporting centres specifically set up to help victims of hate incidents.

- **Self-reporting** – a victim or witness reports an incident via a standard form or a website. Forms may be available in libraries, clinics, post offices and community centres and via the police.
  
  *Example:* North Wales Police have a leaflet on hate crime which includes an incident self-reporting form that can be posted to the force’s diversity unit.

- **Anonymous reporting** - reports of incidents are received in one of the above ways but without giving details of the victim or alleged perpetrator. When an incident is reported anonymously so the victim is not identified and there is no further evidence like CCTV images, then the incident cannot be ‘crimed’. Staff dealing with hate incidents should have an understanding of the differences in legal and practical terms.

Here are more details about these different forms of reporting:

*Direct reporting.* The police provide for 24-hour reporting. But the Home Office Code of Practice on the Reporting or Recording of Racist Incidents urges other agencies to also consider taking reports 24 hours a day. Some social landlords already provide a 24-hour telephone service. Others should think about what they can do, eg building on their out of hours repairs reporting service to taking reports of hate incidents, or extending the service provided by their 24-hour care alarm schemes. Where services are extended in this way, instructions and training should be provided to staff receiving calls so that they can adequately deal with the types of call they are likely to receive.
Third party reporting recognises that victims should be able to report incidents at locations other than police stations. This works best if there are a variety of agencies involved, including statutory, voluntary and community organisations. The Home Office’s Code of Practice on the Reporting and Recording Racist Incidents\(^2\) lists a number of locations for reporting, other than police stations: housing offices, race equality councils, victim support, citizens’ advice bureaux, mosques, churches, shops, libraries, community centre and doctors surgeries.

This has led to the development of reporting centres - places where a victim or someone else, such as a witness, can report an incident and can expect a sensitive response from a trained person and, most importantly, a co-ordinated response from all the relevant agencies.

Self-reporting forms and websites should give victims the choice of whether to reveal their identity. Social landlords should consider whether to include a section on their websites to allow for self-reporting. This may bring about further reporting of incidents where victims wish to remain anonymous or where they feel they cannot spare the time for a formal interview.

Anonymous reporting allows for monitoring and mapping while observing a victim’s wishes for secrecy. Those who report an incident anonymously will need to be told that, whilst the information will be helpful in helping to track the pattern of incidents, it will not be possible to take direct action to deal with the incident.

Good practice examples

Charter Housing Association has produced a leaflet called *Hate Crime: Tackling Not Tolerating Anti-Social Behaviour*. The leaflet defines a hate crime, outlines what victims can do and what the association is able to do. It also gives sources of help and advice. There is a short statement in six languages offering the leaflet in other languages.

East North East Homes Leeds's leaflet *Hate Crime* sets out a number of service standards:

We will:

- Act on hate crime incidents the same day
- Pass on information, with the customer’s permission, to the police, to the local anti-social behaviour unit and other relevant parties once a hate crime has been reported, within two days
- Give advice and information on what support is available to victims of hate incidents
- Follow up cases within five working days of a hate incident being reported
- Provide interpreting and translation facilities as required
- Remove hate crime graffiti within 24 hours
- Enforce the tenancy agreement where the alleged perpetrator is an ALMO tenant
- Advise other landlords where possible and with the customer’s permission, of an incident where the alleged perpetrator is their tenant
- Hold quarterly meetings with the police and other agencies to combat hate crime
- Monitor and review recording of hate crime incidents on a quarterly basis
- Monitor and review customer satisfaction with the response to hate crime incidents on a quarterly basis and use this information to inform future policy development
• Publicise information on hate crime to our customers and staff on a quarterly basis

• Report hate crime incidents to our board of directors on a quarterly basis

Good practice examples
Wales and West Housing Association has a 24 hour call centre which allows residents to report ASB and other issues at any time. Sometimes the call-handler can hear what is happening, for example shouting, which adds to the available evidence. Staff have been trained to take calls and obtain information such as:

• what has happened
• when
• to whom
• whether there were any witnesses
• why the person making the report thinks it may have happened.

Staff probe sensitively to determine whether the incident was hate-related. The call-handler provides a listening ear and signposts the caller to other agencies as appropriate.

The call-handler will also find out if the resident felt able to speak to the perpetrator first. The association sends out a leaflet to residents who have said they would be happy to speak to the person responsible for the problem, with some tips about how to approach them and how attempts may be made to solve the problem.

Details of calls are recorded on an incident form on the association’s intranet system and are then submitted to the ASB unit for follow up.

2.5 Providing a range of methods for reporting

The Wales Housing Management Standard for Anti-social Behaviour calls for reporting to be made easy by offering a variety of reporting methods and through being responsive to a range of needs. Services should be accessible to all and use jargon-free language in a range of formats.
Victims, witnesses and others should be given the maximum possible number of routes to making initial reports about incidents. The range should include:

- in person
- by phone - some organisations have hate incident hotlines or dedicated phone lines for forms of ASB
- by letter
- via a form, perhaps a tear-off section in a leaflet about hate incidents
- by email
- through a website – either the landlord’s website, that of the local police or by using Safer Wales self-reporting forms www.saferwales.com

It is an important principle that, whatever route is chosen, the victim should receive a similar standard of response in terms of its timeliness, the type of support offered and the sharing of information, where appropriate, with other agencies.

All police forces in Wales have self-reporting forms for crimes and allow crimes to be reported via their websites.

Some local authority areas have a 101 call centre service. This service increases public access, provides an easy-to-remember number in order to reduce the high volume of non-urgent calls being made to 999, and raises awareness and reporting of issues of importance to police and local authorities. Where this service is available social landlords should help to publicise it.

Social landlords should also publicise the telephone number for Crime Stoppers to help those who wish to report hate crimes anonymously.
Good practice examples

**Neath Port Talbot CBC** has a referral system that allows direct public access to the council’s ASB unit via the telephone or internet. Reports can be anonymous or otherwise, which allows the council to build up an accurate picture of all ASB incidents, including hate incidents, in the area.

**Stop Hate UK** is an independent national charity that has existed since 1995. Its aim is to raise awareness and understanding of discrimination and Hate Crime, encourage its reporting, and support the individuals and communities it affects.

People affected by hate crime anywhere in the UK can call the free Stop Hate Line on 0800 138 1625 and talk to someone at any time of day or night. The Stop Hate Line can be used to report incidents and get information on what help is available.

The Stop Hate Line provides a confidential 24-hour alternative to reporting directly to the police. It gives callers the chance to talk about their experience to a trained operator, who can provide information about services and possible courses of action – or simply listen. Information will only be passed on to the police and relevant support agencies with the caller’s consent.

Checklist on getting people to report hate incidents

- √ Do you publicise your commitment to tackle hate incidents?
- √ Do you tell victims how they should report them?
- √ Have you joined a third party reporting scheme?
- √ Are victims able to report incidents 24 hours a day?
- √ Do you offer a variety of methods for reporting incidents?
3: INVESTIGATING INCIDENTS AND ACTION PLANNING

This section of the toolkit will help you to:

- establish what the initial approach should be
- make sure your approach is victim-centred
- establish how to recognise race incidents
- document cases and capture information
- investigate incidents
- prepare action plans to respond to them

3.1 The initial approach

Staff need to be aware of how victims might feel and of the variety of circumstances that might have led to an incident. Victims may feel a range of emotions about the incident - including fear, anger, guilt or shame. Or, they may just feel numb. They may have been reluctant to come forward and therefore hesitant in giving information. They may have clear ideas about what they want done. Or, they may be completely unsure about what they want to do.

Contexts and reasons for incidents can vary. Victims can be any or all members of the household, including children. For example, hostility can be directed against a child because he or she is gay, whereas the rest of the family is left alone. Or, it could be that the whole household suffers abuse.

A victim may not be a member of the group against whom hate or prejudice is directed. For example, white women sometimes experience racist hostility because they have mixed race children.

Incidents may be motivated by a variety of factors, for example, racist taunts to a woman may also include an element of sexual harassment.

Incidents may increase as circumstances change. For example, a lesbian couple may be left alone initially but may start to suffer attacks if they decide to foster or adopt children.

Lesbian, gay, bisexual and transgender people suffering hate incidents may hold specific fears in relation to reporting them or having information about a reported incident passed on to other agencies, or having details made public in court. They may be worried that their sexual orientation or gender identity will become known. This fear of public ‘outing’ may be based on a simple desire not to publicise information they regard as private. But they could also worry that
repeat incidents could occur if information about them became more widely known.

3.2 A victim-centred approach

Does your organisation provide a victim-centred approach to tackling hate incidents? The box sets out the ten key tests:

<table>
<thead>
<tr>
<th>Ten key tests that you offer a victim-centred approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔ It’s the victim who has the main say in whether it is a ‘hate incident’ or not</td>
</tr>
<tr>
<td>✔ Victims are informed, supported and empowered throughout the process</td>
</tr>
<tr>
<td>✔ Victims are dealt with in a sensitive way that doesn’t make judgements about their behaviour</td>
</tr>
<tr>
<td>✔ Victims are able to remain anonymous if they want to, or restrict the personal information that is disclosed to other organisations</td>
</tr>
<tr>
<td>✔ Agencies appreciate the full effects of the incident on the lives of the victim, members of his or her household and the community</td>
</tr>
<tr>
<td>✔ All incidents are recorded and investigated, no matter how trivial they may seem</td>
</tr>
<tr>
<td>✔ Your organisation tells victims clearly what will happen following the complaint: what can and cannot be done, what the risks are and the timescales for when action will be taken</td>
</tr>
<tr>
<td>✔ Victims are kept informed about progress. When things do not go to plan or if deadlines cannot be met, they are told why</td>
</tr>
<tr>
<td>✔ Victims are able to build up a positive relationship with a caseworker - as far as possible the same person from start to finish</td>
</tr>
<tr>
<td>✔ Victims are consulted about key decisions, for example:</td>
</tr>
<tr>
<td>▪ any action that may increase the risk of further incidents</td>
</tr>
<tr>
<td>▪ their case being ‘closed’ and what ‘closure’ means (such as the ending of visits or the removal of security equipment)</td>
</tr>
</tbody>
</table>

3.3 Recognising hate incidents

Social landlords will often receive reports of incidents via service points that deal with a wide range of issues, including ASB. Staff on reception, inquiry desks or in
call centres should be able to recognise a possible hate incident even when it’s not described as one. They can then (sensitively) ask some questions to establish if it should be treated as one.

Example questions are:

- Did this happen to anyone else in the area or just to you?

- Do you think that whoever did it picked on you for some reason? If so, why do you think it was?

- Sometimes people who harass or even attack other people do it because the people are different in some way. Could this have happened to you?

If the organisation has customer-profiling information available to frontline staff, they might be able to pose a question such as:

- I see from our records that you are disabled. Do you think this could be the reason why you have suffered this behaviour?

Sometimes cases will be wrong-tracked: initially treated as a case of general ASB and only later is it apparent there is a hate motive. As soon as this happens, the case should be correctly recorded and responded to accordingly.

3.4 Documenting cases

Landlords must collect full information about cases and be consistent and careful about what they write down. They should have a set of forms or templates covering these steps:

1. the initial report

2. the interview with the victim

3. the interview with witnesses

4. the interview with the alleged perpetrator

5. things that the investigating officer observed

6. diary sheets kept by the victim or witness [link]

7. the action plan [link]
More open ended forms or templates can be used to record the ongoing process: further contact with the victim, witness or perpetrator and discussions with other agencies, such as the police.

3.5 Capturing the information

**Taking the initial report**

Some initial reports will arrive via an email, a self-reporting form or a letter. There should be immediate with contact with the victim to arrange an interview.

When reports are received by phone or personal visit, it is important that essential information is captured there and then, leaving the rest for a later interview. This should include:

- Name, address and contact details of person reporting the incident
- Name, address and contact details of victim
- Name, address and contact details of any witnesses
- Type of hate incident and who considers it to be such
- Brief details of the incident
- Whether violence was used or threatened
- Tenure of victim’s home. If another landlord’s tenant, name and address of that landlord
- Details of any specific communication requirement(s) of victim and witness (if known)
- Time and place where victim and, if known, witnesses can be interviewed
- Details of any other agency that has been informed of, or is in some way involved in, the case
- Details of any immediate support needs that should be met prior to a full assessment

This is the critical information needed to allow contact to be made with the victim and to decide the urgency of the case. It should also provide details for contact with any witnesses and for urgent support needs to be met.
Collecting full data about race hate incidents

The Home Office *Code of Practice on the Reporting or Recording of Racist Incidents* includes a list adopted by the police for recording racist incidents. The list over the next couple of pages is based on this; including the items appropriate to social landlords and (in bold) some additional recommended items. This is a useful framework which may be adapted for other types of hate incidents but is not necessarily the precise questions to be asked of the person or people reporting a hate incident.
**Hate incidents - the data needed and recommended additions**

**Report details**
- Reported to (i.e. the person receiving the report such as police officer, counter clerk, race equality council member, etc. but not the victim)
- At (location reported at: police station, home address, community centre etc.)
- Referred by (i.e. agency or other person referring the victim to the police if the incident is being referred)
- Time, date of report

**Victim details**
- Full name (including any other name used)
- Age/date of birth
- Address (include postcode, telephone number)
- Type of tenure – owner occupier/council tenant/private tenant/housing association tenant
- Gender
- **Details of household**
  - Religion
  - Ethnicity
  - Occupation
  - School (if applicable)
  - Language spoken
  - Repeat victim? (Y/N)
  - Was previous incident reported? (Y/N)

**Person reporting** (if different from victim details - this would cover cases of third party reporting)
- Same information as above
- Relationship with victim

**Location**
- Type of location (these are examples, not an exhaustive list):
  - in or near home
  - place of worship
  - place of education
  - street
  - leisure facility
  - work place
  - licensed premises
  - public transport
  - internet
  - other (specify)
- Exact location e.g. house number, street name, postcode, map reference
Brief description and type of incident
- General description of incident
- Is the incident part of a series? (Y/N)
- Is an extreme organisation involved? (Y/N) (If yes, specify)
- Type of hate incident (i.e. believed to be motivated by prejudice/hate based on race, gender, gender identity, age, disability, sexual orientation, faith/beliefs)
- Who identified the incident as a hate incident? - victim, police, other (specify)
- Brief reason why incident is believed to be a hate incident

Victim’s needs
- Effect of the incident on victim (physical and mental health, practical issues such as willingness to go out etc)
- Specific help requested by victim
- Details of any specific communication requirements
- Degree of support from family and neighbours
- Any other information about vulnerability
- Is the victim likely to face intimidation if legal action is undertaken? Y/N If Yes, give details

Alleged perpetrator(s) details
- Has the alleged perpetrator been identified? Y/N
  If Yes:
  - Full name (include any former name(s)/alias)
  - Age/date of birth
  - Address (include postcode, telephone number, type of tenure)
  - Gender
  - Religion
  - Ethnicity
  - Occupation
  - School (if applicable)
  - Language spoken
  - Relationship to victim
  - Has alleged perpetrator been subject of a hate-related complaint in previous twelve months? Y/N (specify)

If alleged perpetrator has not been identified. What is known about him/her? Any description?

Victim’s consents
- Recording of personal information about him/her
- Installation of equipment or security improvements
- Contacting the alleged perpetrator
- Passing on details to other organisations
3.6 Investigating incidents

Two important aspects need to be considered before the investigation gets under way:

**Safety of people**

The safety of all people involved in the incident and those investigating it is of paramount importance. All efforts must be made to identify and reduce the risks to staff as well as to victims and witnesses.

Staff may be particularly at risk when dealing with the alleged perpetrator. For example, social landlords should consider the need for:

- interviews with the alleged perpetrator to be carried out in their offices rather than in the home and/or
- having two members of staff present at interviews.

**Possible need to involve other agencies in the investigation**

Where crimes have been committed and the police were the first to receive the report, they will be taking the lead. But there may be cases where a hate crime has first been reported to a social landlord. In these cases - if the victim consents - social landlords should consider whether the investigation should be carried out jointly by a police officer and a member of the landlord’s staff. The matter needs to be weighed up in each case, considering:

- early involvement of a police officer in interviewing victims, witnesses or perpetrators may seem too heavy-handed
- on the other hand, the police are experienced in taking statements
- they may agree to share them if the landlord needs them for legal action against the perpetrator
- a police presence should help impress on the alleged perpetrator the seriousness of the complaint that has been made.

Procedures for tackling hate incidents should spell out the process, with timescales, for investigating incidents. The utmost care must be taken at all stages. Documents must be signed and dated and all forms of evidence must be recorded and stored safely with some form of referencing system to ensure they can be attributed to a particular case.

All avenues must be used to obtain evidence, including:

- *Door knocking* in the neighbourhood to find out if anyone has seen or heard anything
Networking through local organisations, such as community groups, social clubs and faith groups, again to find out if people know anything

Positioning staff in relevant places at key times, for example, as school children are returning home

Installing surveillance equipment such as CCTV

Employing professional investigators. There are private companies that collect and present evidence to courts in both civil and criminal cases. Social landlords are advised to make enquiries about the credentials of professional witness companies and to ask for references before commissioning one. They should only use companies that are members of the Association of British Investigators or the Institute of Professional Investigators

Patrols by locally based staff and those of partner organisations, such as area wardens, to increase the possibility of a witnessed incident.

3.7 The key steps in the investigation

Once the initial report has been received, social landlords need to make sure that there are mechanisms in place to investigate the incident promptly and thoroughly.

The main steps and points to consider are these.

Step 1: Interviewing victims and witnesses

Do it promptly. A vital element of victim support is taking the complaint seriously. A prompt response will show that this is the case, and service standards should set out target timescales, such as the carrying out of an interview with the victim within 24 hours for cases involving violence or threat of violence and three working days for other cases.

Do it where the person feels comfortable. There are, however, advantages in interviewing in the victim’s home because the investigating officer can collect or photograph evidence whilst there and can get a better ‘feel’ for the victim’s degree of vulnerability.

Use an interviewer with whom the victim will be comfortable. Some female victims or witnesses may prefer to be interviewed by a woman, or if the interview is to be carried out by a man in the victim’s home, may ask that this should only be when a male member of the family is there. Minority ethnic victims of race hate incidents may also feel more comfortable talking to a member of staff from a
similar background to them. It may not always be possible to do this but it should be done if possible.

**Establish whether there have been previous incidents** - involving the victim, or a member of the household and, if there have been, previous case data needs to be linked to the current report in order to ensure that the latest incident is given due weight and that patterns of repeat victimization can be established.

**Record what effect the incident has had on the victim and the rest of the household** - both at a practical level, such as fear of going out or being alone in the house, as well as any effects on the victims’ and household members’ mental and physical health.

**Recognise that the victim may fear reprisals.** Interviewers must be careful in regard to what will happen with the information provided. This includes: whether the alleged perpetrator should be contacted, whether the organisation should attempt to identify the perpetrator(s) in cases where the victim does not know who they are, and whether other agencies should be notified. In cases where criminal actions have been carried out victims should be encouraged to allow the details of their complaint to be provided to the police, but it must be recognised that some will not want this done. The victim’s consent must be obtained before a number of actions are taken - see the box below.

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**The victim’s consent**

The victim’s written consent must be obtained before:

- Personal information is recorded about him or her (see Chapter 5 [link]).
- Installing any equipment such as CCTV cameras or security improvements. Although this equipment is intended to protect the victim, he or she may actually feel that it draws attention to the house and could increase the chances of further incidents.
- Contacting the alleged perpetrator.
- Passing on details (unless anonymous) to other agencies, such as the police.

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**Staff should be sympathetic to victims but impartial when collecting evidence.** They should:

- use the victim’s own words when writing things down
- not ‘lead’ the victim or witness in the questions they ask.

Details of witnesses may have been obtained at the time of the first report or during the interview with the victim. Again, witnesses should be contacted promptly and interviewed.
Victims and witnesses should be asked to date and sign to say that evidence in documents, such as a statement made to an investigating officer or an incident diary, is accurate.

**Step 2: Collecting evidence**

Good evidence is vital if successful action is to be taken against perpetrators. Evidence gathering must comply with the requirements of the Regulation of Investigatory Powers Act 2000 [link].

These are ways in which evidence might become available:

- **From statements made by victims and witnesses.** These will be things that victims and witnesses saw and heard and should be recorded on interview forms and incident diaries [link].

- **From the investigating officers’ observations.** This could include damage to a victim’s house or property, such as a car, or graffiti. The officer should make notes about what (s)he saw and when and take photographs.

- **From statements made by the alleged perpetrator.**

- **From recordings made by CCTV equipment, pinhole cameras and similar devices.** As well as equipment specifically installed at the home of the victim, permanent cameras mounted in communal areas may record incidents.

- **From objects left or sent by the perpetrator(s) -** such as threatening or insulting notes pinned to the door, or letters. These may contain forensic evidence and, where the victim consents, they should be passed to the police. Otherwise, the investigating officer should keep them carefully on file.

- **From statements made by other investigating agencies, particularly the police.**

- **From the opinion of experts.** If cases are to go to court, then evidence concerning the effects of the incident on the victim’s mental and physical health will be useful, such as letters from doctors or counsellors.

- **From officials who have heard the descriptions of incidents made by others.** This is known as hearsay evidence. For example, a member of a social landlord’s staff can testify in court to what he or she heard when talking to a witness who saw an incident. It can also include evidence
from someone who took a statement from a victim, such as how upset the victim was.

**Incident diaries**
Where incident diaries could be useful, social landlords should have a clear form that shows:

- when the incident happened
- where it happened
- who did it or who was involved?
- what happened?
- any witnesses?
- have you reported it?
- how has it affected you?

Landlords should offer alternatives to the traditional written diary format, i.e. videos or audio diaries.


Where a victim or witness is asked to keep a diary of incidents this would not normally make that person what the Regulation of Investigatory Powers Act (RIPA) calls a **Covert Human Intelligence Source** (CHIS). RIPA is not intended to cover those individuals who voluntarily share knowledge or information. However, if they were to undertake what RIPA calls directed surveillance, for example, video recording the activities of an alleged perpetrator, they may become a CHIS and therefore require a RIPA authorisation by the local authority. The authority may only give such authorisation for the purposes of preventing or detecting crime or preventing disorder. ‘Disorder’ includes anti-social behaviour.

Although RIPA relates only to Public Bodies it is also considered good practice for registered social landlords to follow the RIPA guidelines.
Step 3: Interviewing the alleged perpetrator

When first contacting the alleged perpetrator to arrange an interview, it is important to keep things simple – investigating officers should simply say it is about a tenancy matter. They should not enter into a discussion about the allegation or mention anything about a hate incident at that stage.

Interviews with the alleged perpetrator should be carried out as soon as possible after they have been identified and the victim has consented, and certainly within five working days.

Investigating officers should:

- **Remain impartial.** They should put the allegations made to the alleged perpetrator and write down the response, including any counter allegations.

- **Not accuse** the alleged perpetrator of anything.

- **Refer to the formal basis of the interview** - namely an alleged breach of tenancy conditions etc., and refer to the landlord’s hate incidents policy.

- **Not name the victim** - although recognise that in many cases the perpetrator will guess who it is.

- **Not threaten to take formal action at this stage.** The alleged perpetrator could interpret this as a sign that the landlord has already pre-judged the outcome.

- **Through specific questions and observation** - take a note about anything that may lead to the suspicion that the alleged perpetrator has mental health problems or learning disabilities that may account for the actions he or she is alleged to have carried out. Think about whether (s)he has any support needs.

3.8 Action planning

An action plan is a list of tasks that need doing, who will be responsible for them and by when, and when progress will be reviewed. It should cover:

- **What action is proposed** in terms of both victim support and action against the perpetrator, and who is responsible for carrying it out.

- **Details of contacts to be made** with other agencies.
Tackling Hate Incidents: A Toolkit for Social Landlords in Wales.

- *Review dates* including when incident diaries will be returned or collected and when staff intend to make further monitoring calls

A copy of the completed action plan should be given to the victim.

Responsibility for drawing up the action plan rests with the investigating officer. Joint action-planning involving a number of organisations may, however, be needed where cases are particularly complex. An action plan should definitely result if a case conference takes place.

Social landlords will find it helpful to use a template for their action plans. Once names, addresses and reference details have been input, the template should prompt a response to a number of questions. For many of the questions a tick box checklist will be the best method for recording the answers. Where appropriate the template should prompt officers for answers on the **type** of action proposed, **who** will take the action and **when**.

The following questions are suggested:

- *Is it a hate incident?* If the answer is ‘no’ the case may well need to be handled under a different procedure, such as the ASB procedure

- *Could it be a crime?* Many incidents will in fact be crimes and the investigating officer should be familiar with the police’s powers to take action on hate crimes in a housing context [link].

- *Should another organisation be informed?* A checklist of the relevant organisations should be included

- *If yes, do I have the victim’s signature* - agreeing to my passing details to the organisation(s)?

- *If no, should I pass anonymous details* to another organisation?

- *What support should be provided?* A checklist based on the types of support discussed in Chapter 4 should be used.

- *Has the perpetrator been identified?*

- *If yes, do I have the victim’s signature* - agreeing to the perpetrator being approached?

- *If the perpetrator has not been identified, what action should I take to try to identify the perpetrator?* A checklist of options should be presented.

- Has the perpetrator been interviewed?
• **If yes, what initial action should I take against the perpetrator?** A checklist based on the sanctions discussed in Chapter 6 should be included. Does the perpetrator have any support needs I need to address? Do I have any information about other incidents in which the alleged perpetrator is involved or said to be involved?

• **If the perpetrator has not been interviewed -** what more should I do to seek contact?

• **If legal action is likely to be taken -** are special measures needed in court? If yes, a checklist of options based on details given in chapter 6 should be provided [link].

• **What action am I asking the victim to take?** The checklist should include things the victim should/should not do or say if there are further incidents, together with details of tools to be used such as diary sheets or recording devices.

• **When I am planning to contact the victim again?**

• **When am I planning to review the case?**

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### Checklist on investigating incidents

- √ Do reception, inquiry and call centre staff use a variety of questions to find out whether ASB complaints have a hate motivation?

- √ Do you have mechanisms to capture basic information about a hate incident at the time of the initial report?

- √ Does the data that you record about hate incidents cover at least the data listed in the Home Office Code of Practice on the Reporting and Recording of Racist Incidents - plus the additional topics recommended in this chapter?

- √ Where evidence is lacking, do you use a variety of methods, including CCTV surveillance, to seek to obtain evidence?

- √ Do you use standard documentation to capture information about incidents?

- √ Is there a target set and published for the timescale in which victims should be interviewed?

- √ Do you prepare an action plan following each reported incident and give a copy to the victim?
4: SUPPORTING VICTIMS AND WITNESSES

This section of the toolkit will help you to:

- understand the effects on victims
- assess support needs
- maintain contact with the victim and keep them informed
- have rules about making good any damage and hardening targets
- help with communication
- decide whether to bring in other agencies
- make victims harder to find
- decide whether to offer alternative accommodation
- support witnesses

4.1 What we know about the effects on victims

Research has shown that the effects of hate crime on victims can include:

- fear and anger
- depression or a worsening of a physical illness
- traumas in children
- a financial burden (for example, because of the need to repair damaged property).

Research has also shown that racist incidents have an impact on victims and their households beyond the actual events. 4 The effects include strain on relationships within the household, poorer health and a tendency for friends and relatives to visit less often. Children’s lives could be harmed through not being allowed to play outside or having to be escorted to and from school.

A survey of homophobic hate crime 5 found that one in seven people experiencing such a crime did not seek support and advice because they did not know it was available.

At the same time, various researchers have shown very positive feedback about specialist support services, whether they were specialist police units, faith groups

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4 Chahal, K and Julienne, L (1999) ‘We Can’t All Be White’: Racist Victimization in the UK, Joseph Rowntree Foundation
or organisations serving the needs of particular communities, or a specialist racial harassment agency or caseworker.

But research has also produced mixed reports about housing organisations.\textsuperscript{6} Negative comments tended to be about poor communications - for example not returning calls or not keeping the victim informed, the lack of staff from a similar background to the victim, in terms, for example, of ethnicity or sexual orientation, and a failure to provide meaningful help.

4.2 Assessing support needs

The Wales \textit{Housing Management Standard for Anti-social Behaviour}\textsuperscript{7} states that every case of ASB and every person involved deserves a robust, tailored and sensitive response.

The need for proper support to victims and witnesses of hate incidents should hopefully be self-evident:

- victims are likely to be feeling upset, vulnerable and in need of help. Witnesses may well feel this way too
- providing support is a critical element in underpinning the willingness of victims and witnesses to stay in touch with landlords and other agencies and to provide the necessary evidence for perpetrators to be identified and dealt with
- an effective approach to victim and witness support in an area will boost the confidence of victims and witnesses to come forward to report incidents in the future.

Through discussions with victims, landlords should build up a picture of their support needs. This should be done in a systematic way through the action plan, setting out the forms of support discussed in this chapter (see checklist at end). The assessment should also cover the particular situation the victim faces, including stress and other mental health problems, the degree of support from family and neighbours and whether the victim is particularly isolated. The pattern of previous incidents, whether reported or not, should also be used to build up a picture of support needs.

Some elements are essential in all cases, for example, keeping the victim informed and maintaining contact between the victim and caseworker. Other elements of support will vary from case to case and over time.

\textsuperscript{6} Michael Bell (2006) – see above.
\textsuperscript{7} Welsh Assembly Government (2008) \textit{The Wales Housing Management Standard for Tackling Anti-social Behaviour}
4.3 Maintaining contact and exchanging information

A constant two-way flow of information is essential. At the start victims should be told what the organisation will do to help, the service standards they can expect and what other agencies are there to help. Some landlords provide this information in the form of a leaflet or information pack.

Victims will need to be kept informed as the case progresses and should be told at the point of case closure what the outcome is. Even if cases do not end with some kind of sanction against the perpetrator, victims should be told what has been attempted by way of bringing perpetrators to book and what ongoing monitoring and support will be provided.

Most victims will value regular contact from the landlord even if there have been no developments. Contact need not always be a personal visit - it could be by phone or email. Victims will want to know that their landlords care about what is happening, and will check whether any more incidents have occurred or whether further support is needed.

**Good practice example**

All the main agencies involved in tackling hate crime in Greenwich (25 in total) have worked together to produce the **Greenwich Advice and Support Pack (GASP)** which is aimed at people who have been victimised on the grounds of their race, faith, sexuality or disability. The pack provides information about what each agency can do, and how people can protect themselves from attack. It is available in 10 community languages and in alternative formats where necessary. Included in the pack is an individual action plan, agreed with the victim when an incident is reported.

The pack includes a brightly coloured card folder into which other elements of the pack are placed. It includes a list of emergency contacts in a detachable wallet-sized card.

4.4 Making good damage

Some hate incidents involve damage to tenants’ or leaseholders’ homes. Sometimes also nearby assets, such as lampposts and bus shelters, are affected, for example by offensive graffiti. There should be clear procedures to make good damage quickly and efficiently. Where damage is caused to an asset belonging to another organisation (for example, street furniture) swift contact should be made with the agency responsible. Inter-agency agreements [link] should include target response times. They should also cover the ability for one organisation to do work for another on a re-charge basis.

Timescales should be demanding, but realistic. Examples are pledges to:
• put right any damage that has made a home insecure on the same day
• remove offensive graffiti within 24 hours.

Before damage is made good it is critical that evidence is collected. Damage to property is a criminal offence and, unless the victim objects, the matter should be reported to the police who should take the lead in collecting evidence.

Regardless of police involvement, landlords should photograph the damage for their own records. Photographs will be useful for legal action they may initiate.

4.5 Target hardening

Landlords should consider making physical changes to the homes of victims and witnesses and possibly to their neighbourhoods. Some target hardening focuses on the neighbourhood rather than the individual dwelling. In many cases, therefore, they will be part of broader programmes focusing on community safety and environmental enhancement. Mapping of hate incidents [link] can, however, help to identify locations where intervention is needed and the number and nature of incidents should be used to prioritise investment.

Where necessary, these measures should be in addition to the installation of equipment to identify perpetrators and collect evidence [link]. The following are examples of target hardening:

**Neighbourhood**

• improved lighting in streets, alleyways and car parks
• alley gating
• reducing the height and density of shrubs
• improved fencing.

**Home**

• stronger doors, frames, hinges and locks
• window locks
• laminated glass in windows
• fireproof letter boxes, fire extinguishers and extra smoke alarms
• spy holes to front doors
• window alarms
• external lighting linked to movement sensors
• personal alarms
• a sanctuary room[8] within the home – a very secure room to which the victim may retreat when threats to safety are particularly high.

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[8] Expert advice should be obtained from the Fire Services Authority and the Police in connection with any proposal to create a sanctuary room.
### Good practice examples

The **Bristol Sanctuary Scheme** aims to help victims of domestic abuse or hate crime feel safe, secure and remain living in their home. It recognises that, even though they are threatened with violence, many people do not wish to move away from their local support networks, employment and schools.

The scheme makes homes more secure, through professionally fitted security measures. Every case is individually assessed by the **Avon and Somerset Bobby Van Scheme**. Security measures may include:

- window and doors locks
- door viewer
- extra bolts
- mail safes or external mail boxes
- any other additional measures tailored to suit individual needs.

The scheme is a partnership between Avon and Somerset Constabulary, Bristol City Council Neighbourhood and Housing Services, Safer Bristol, the Police Community Trust and victim support agencies.

The scheme is open to anyone who lives within Bristol who is threatened with domestic violence, hate crime or racial harassment. The only other criteria are that the referral agency must be satisfied that, without the work, the victim would be at risk of further violence; the applicant does not live with the abuser or is not in a relationship with the abuser and that, if it is a rented home, the landlord agrees that the work can be carried out.

http://www.bristol.gov.uk/ccm/content/Housing/Council-Housing/estate-management/bristol-sanctuary-scheme.en;jsessionid=29F1F4991AE3CD4C6AE7111FCD8A77DA.tcwwwaplaws2

As part of **Flintshire County Council**’s homelessness prevention toolkit, Flintshire’s Neighbourhood Wardens, on receipt of a referral from partner agencies such as the Police, Victim Support Unit or Women’s Aid, visit survivors of domestic violence within a target time of eight hours of the referral.

During the visit, home security is assessed and ‘target hardening’ work is carried out to improve household security - upgrading locks, windows and fitting alarms if necessary. In addition, Neighbourhood Wardens provide a visible presence which can generate a greater sense of security for individuals. The service provided is tailored to the needs of the individual as far as is possible, e.g. female or male Neighbourhood Wardens can provide the service.

After around 12 months of operation, the scheme had received almost 100 referrals, and the eight hour response time has been achieved in every instance.
Survivors of domestic violence have benefited from the additional security measures. Enabling them to remain in their homes has positive effects on the family life of people who have experienced domestic violence, preserving community links and access to support networks. The service also reduces their need to access emergency or temporary accommodation.

In late 2007, the scheme received £10,000 funding from the Home Office. It was featured by BBC Wales in November 2007 as part of their "White Ribbon Day" programmes.

4.6 Helping with communication

Ask whether help is needed:

- Do vulnerable victims need help to communicate with their landlord or other agencies?
- Do they have a phone?
- If not, can a mobile phone be provided or a care alarm linked to a central control?
- Will the police install an alarm linked to the police station?

Social landlords should provide for any particular help that victims or witnesses may need. Landlords that have set up a customer profiling system should already have relevant data but it may need to be updated at the time of the complaint. Any of the following may be needed:

- interpreting
- translating
- signing
- induction loops
- providing documents in large print
- providing material on audio tapes
- providing documents in electronic format, for example as an email attachment, so that the recipient’s computer software can put it in an accessible format.

A strain can be put on landlords’ budgets where those involved in serious or complex cases have specific communication requirements. Landlords should anticipate that demand will peak at the time of court hearings and should be willing to switch funds into their communication budgets if necessary.
4.7 Bringing in other agencies and other sources of support

Some victims may need a degree of support beyond what the landlord can provide. Services will vary locally but their availability should be investigated and details included in victim information packs and procedure manuals for staff. Support for victims and witnesses is a crucial area for inter-agency cooperation. Victims and witnesses need to feel confident that all the agencies are working together well. Thought should be given to the need for organisations to provide support visits to victims and witnesses on a joint basis, for example a police officer and a housing officer. This can help organisations to provide a seamless service, help victims to see that the incident is being taken seriously and may, for example, make gender matching easier where the victim has requested this.

The agencies that may need to be involved in supporting victims are:

**The police**

Can help in victim support by:

- Keeping victims and witnesses informed of progress, where crimes have been committed.
- Stepping up patrols in the neighbourhood.
- Providing advice on home and neighbourhood security. The police should be involved in decisions about target hardening and can give advice about simple means that victims can take to reduce the chances of further incidents.
- Providing help under witness protection schemes.
- Involving hate crime police officers (South Wales) or Diversity Officers (North Wales) – if available.

**Victim Support**

Victim Support is a national charity with trained volunteers to help the victims of crime and their families and friends. It provides a completely confidential service that is available regardless of whether crimes have been reported to the police.

The organisation contacts all victims of crime (other than auto-crime) who are referred to them by the police. The police now automatically make a referral unless the victim requests otherwise.

Victim Support has a bank of telephone staff who work from 8.00am until 8.00pm. The target is to contact victims within 48 hours. They attempt to make telephone contact three times with each victim. If they do not make contact then, depending on the nature of the crime and risk assessment, they send a letter offering their services. Use is made of Language Line where necessary.
The organisation offers immediate support and information over the phone, but there may also be a need for a visit by a trained volunteer and for other services, such as help with target hardening.

Volunteers who have received enhanced training can provide emotional support to victims of hate crime.

Victim Support can also help in court cases. A witness support service is provided in every magistrates and crown court in Wales [link]. In some cases an enhanced level of support is provided, which involves a pre-court visit and support after the case is over.

The help extends to those involved in civil court cases, including those where the landlord is taking enforcement action. Social landlords should discuss with the victim whether they are happy for a referral to be made.

Victim Support can also help people complete criminal injuries compensation scheme and insurance claim forms. The service can also advise people about making an appeal.

**Community and faith organisations and residents’ associations**

Community and faith organisations and residents’ associations can help in victim support by:

- Arranging for local residents to help such as visiting on a regular or ‘as and when’ basis

- Arranging for help with practical tasks such as shopping and taking children to school where victims are afraid to leave their homes

**Other social landlords**

Other social landlords can help in victim support by:

- Participating in joint victim support schemes.

- Providing help with rehousing - may be important where the victim’s landlord has limited stock in the area the victim is seeking to move to.

**Counselling services**

In some areas counselling is available as part of the package of help provided by victim support services. If not, the availability of general counselling services accessed via family doctors or other community health services should be explored.
Organisations supporting or representing particular groups

Help may be available from organisations working with or representing particular groups, such as organisations involving people from the lesbian, gay and bisexual communities, disabled people’s rights organisations and community groups representing particular minority ethnic communities.

Patch-based staff

Estate and scheme-based staff, such as wardens and caretakers, should be involved in victim support by visiting and by keeping an eye open for the recurrence of problems.

Community safety organisations can help by increasing patrols by neighbourhood wardens.

Mutual support

If there have been a number of hate incidents involving a variety of victims, they may welcome contact with each other. Social landlords can foster mutual support by:

- introducing victims to each other – if they agree
- providing a safe place for them to meet if they wish.

4.8 Making victims harder to find

Social landlords should be prepared to help victims and witnesses to protect themselves by reducing opportunities for contact by perpetrators. This could involve:

- Changing phone numbers and going ex-directory.
- Ensuring that when the electoral register is next compiled the victim’s details are not on the edited register – this is a public document and can be used to find where someone lives.
- Providing alternative car parking arrangements - because perpetrators may be able to track victims from the location of their cars. Also, cars can be prone to hate-related damage.
- Taking great care to protect the new address of victims where they move to alternative accommodation [link]
- In extreme cases, helping victims to change their names.
4.9 Offering victims alternative accommodation

Should social landlords offer alternative accommodation to victims? This involves balancing the victim’s safety on one hand and broader social objectives about communities on the other. The code of practice on *Tackling Racial Harassment* summarises the dilemma as follows:

‘Many social landlords believe that transferring victims of racial harassment sends a message to perpetrators that they can drive black and minority ethnic tenants out of ‘white’ parts of an estate. But this approach runs the risk of exposing tenants to persistent harassment and physical danger. Social landlords should always treat the tenant’s safety as paramount…’

Rehousing victims requires clear policies and procedures emphasised through staff training. There are seven issues to cover:

1 *The circumstances in which alternative accommodation will be offered*

Offering alternative accommodation should not be automatic. A number of factors have to be taken into account, including the victim’s wishes, any serious threat to the safety of the victim or members of the household, the number and severity of previous incidents and a realistic fear of recurrence. Sometimes incidents are carried out by a single perpetrator and the threat can be neutralised by effective, coordinated action. In others, however, a group of people from an area may have ganged up against a victim. If this happens then there is often little alternative but to offer the victim somewhere else to live, and then tackle the perpetrators.

2 *Whether the move is permanent or temporary*

A temporary move may be needed to provide a place of safety while the victim attempts to return to normality and/or while evidence is gathered. However, moves should be permanent where the long-term safety of the household seems uncertain.

3 *The timing of the move*

Urgent priority must be given to agreed moves following hate incidents and there should be a clear provision for this in allocation schemes and lettings policies. Targets should set out the maximum time in which a move should take place. Performance should be monitored with a senior manager being responsible for chasing progress on households who have not moved within the target time.

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4 The areas for the move
Staff should avoid making an offer in an area where there have been recent hate incidents unless they are fairly sure that the household will be safe. This could be, for example, because perpetrators have subsequently been dealt with or it is known that the household will benefit from strong community support.

5 The type of property
Some social landlords operating traditional letting systems operate a ‘like for like’ policy so that there is, on one level, no loss to the victim in terms of quality of accommodation but equally there is no loss to other home seekers.

6 Whether moving expenses are to be paid
Some social landlords recognise that this is a forced move and pay the removal costs.

7 Consequences of moving
Social landlords should ensure that existing support networks are restored following the move, as appropriate. It certainly should not be assumed that the victim no longer needs support because they have moved away from the perpetrator. Neither should efforts to deal with the perpetrator be dropped, although people will feel differently about this. Some victims may want to try to forget it all happened. Others, as a result of the distance put between them, may feel more comfortable about giving evidence against the perpetrator.

4.10 Support to witnesses
Witnesses of hate incidents may feel as vulnerable as victims, particularly if they are also members of a similar social group and therefore also potential targets. Support packages should therefore be provided to vulnerable witnesses on a similar basis to victims, including as appropriate counselling and target hardening.

Witnesses to violent incidents may also be vulnerable to attack if perpetrators find out where they live, and offering rehousing should be considered. The principles outlined above [link] should apply equally to witnesses.
## Checklist on supporting victims

- √ Are support needs assessed on a systematic basis?
- √ Do you provide victims and witnesses with an information leaflet or pack?
- √ Is there a target set and published for the timescale in which hate-related damage is made good and graffiti removed?
- √ Do you keep in regular touch with victims?
- √ Do you carry out target hardening measures to victims’ homes and in the surrounding neighbourhood?
- √ Are mechanisms in place to meet the specific communication needs of victims and witnesses - including interpreting, translation and signing services?
- √ Has information on support services provided by other organisations been captured and are victims referred to these other organisations?
- √ Do you have written policies and procedures on offering alternative accommodation to victims and witnesses?
5: ACHIEVING MULTI-AGENCY WORKING

This section of the toolkit will help you to:

- understand the operation of multi-agency forums
- draw up inter-agency agreements
- maintain and share information

5.1 Introduction

Effective multi-agency working is essential to tackling hate incidents. Joint working between organisations is discussed at a number of points in this toolkit. This chapter looks at the ways that multi-agency co-operation can be improved through two formal processes: the setting up of multi-agency forums and the drawing up of inter-agency agreements.

5.2 Multi-agency forums

The Home Office Code of Practice on Reporting and Recording of Racist Incidents recommends the use of multi-agency panels or common monitoring systems. Multi-agency forums may only deal with strategic issues such as monitoring and campaigning. Or they may also co-ordinate action on particular cases. Sometimes, there is a two-tiered structure involving a strategic group and casework panel. Ideally, forums should allow for inter-agency case conferences to be called at short notice to discuss serious or complex cases, or cases where little progress has been made. Agendas should be open with all partners being allowed to put items forward.

What can multi-agency forums offer?

Multi-agency forums can help bring improved responses to hate incidents through:
- commonly agreed definitions and response standards set out in written agreements
- fostering of good working relations between organisations
- on individual cases - a coordinated response to supporting victims and dealing with perpetrators
- sharing good practice
- co-ordinated publicity and outreach work
- better understanding of the problem through monitoring and mapping
- joint initiatives - perhaps to tackle particular local hotspots or a wave of incidents in the wake of an act of terrorism.
**Good practice example**

The Cardiff Multi-Agency Race Forum meets on a monthly basis to discuss racially motivated, homophobic and disability hate incidents where the victims or perpetrators are tenants of the participating housing agencies. Membership includes the South Wales Police, Cardiff County Council, housing associations and the race equality council (Race Equality First).

The forum works to provide effective support and advice to those who endure hate crimes and to develop actions that will lead to resolution of the problems. More specifically it aims to:

- help victims of hate crime and to ensure appropriate support is offered to victims
- ensure that action is taken against perpetrators
- share information and best practice
- assist those victims who want to move away from their home as a result of hate crime.

The forum seeks to ensure better outcomes for the victims of hate crime, as the ‘joined up’ approach means a smoother and more effective service, and the same level of service from each housing organisation within the Cardiff area. Forum members benefit from the sharing of information and best practice as well as the support afforded from each other.

Having the forum sends a message to perpetrators that hate crime is illegal and could lead to loss of their homes. It recognises and values the diversity that makes Cardiff a vibrant and multi-cultural city. Reporting of hate incidents has increased since the forum started.

Membership of forums will include the police and other agencies such as:

- community safety partnerships
- social landlords
- relevant local authority departments
- the race equality council
- Victim Support
- community groups.

There are a variety of models of participation. Social landlords should consider one or some variant of the following:

- All social landlords attend all meetings.
• Stock holding local authorities and housing associations with large stock holdings in the area attend all meetings and smaller housing associations attend on a pre-arranged basis or through a ‘buddy’ system in which they report and receive information via a regular attendee.

• All social landlords nominate one representative to attend all meetings and to make sure there is effective two-way communication before and afterwards.

Forums should monitor and publicise attendance levels, including keeping the local community safety partnership informed.

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**Good practice example**

The **STockport Against Racism Today (START)** group was formed to improve local organisations’ response to race hate incidents. There are agreed reporting procedures for incidents, which are used by the local authority as well as Stockport Homes, and are available for housing associations to use. As well as offering victims a number of reporting centres, the procedures ensure the partner agency staff can record information about the victim and incident where the victim chooses not to report directly to the police. Training on the procedures is available to all frontline staff within the centres.

A quarterly meeting reviews race hate incidents across Stockport. It brings together a range of partners and allows for any recent trends to be identified and tackled. Issues covered include:

- monitoring community tensions
- planning for potentially sensitive occasions, such as elections
- reviewing high profile cases
- anticipating religious or other events which might result in incidents.

Since January 2007, the police have been sending satisfaction questionnaires to all victims of hate crime. The questionnaire asks about the reporting process, the person taking the report, satisfaction with the information given, and action taken. The START group has also commissioned a consultation exercise with victims of race hate incidents in order to explore satisfaction levels, understanding about reporting and potential improvements.
5.3 Drawing up inter-agency agreements

An important way of ensuring that agencies work together effectively is through joint agreements that clearly set out expectations. In many areas there are agreements (or ‘protocols’) governing the sharing of information - but there is no reason why agreements should not cover a wider range of issues. Here are nine issues they could cover:

1 Definitions
Multi-agency working requires common definitions. It is fundamental that organisations adopt a common definition of a hate incident and a hate crime. Use those in chapter 1.

2 Capturing information about incidents, victims and alleged perpetrators
A consistent set of data about the incident, the victim(s) and the perpetrator(s) will help ensure an effective response and will greatly help in information exchange, monitoring and mapping. The Home Office Code of Practice on the Reporting or Recording of Racist Incidents sets out the minimum data content for recording incidents. This is reproduced, with some amendments and additions, in chapter 3 [link].

3 Responsibilities
Victims clearly do not want either no action because agencies assumed that another was responsible, or duplication of action because agencies were not clear about who was doing what.

The agreement should therefore cover:

- responsibilities of the agency that first receives the report
- responsibilities of agencies that are then notified under the agreed information-sharing procedures
- how the agencies communicate who is doing what.

The last is important where, for example, the organisation receiving the report may not be the one to support the victim and tackle the perpetrator (e.g. where a community organisation receives a report involving tenants on a local authority managed estate).

A social landlord is responsible for investigating complaints, or at least in being involved in investigating complaints, where:

- one of its tenants or leaseholders or licensees, or
- a member of the household of one of its tenants or leaseholders or licensees, or
• a visitor to the home of one of its tenants or leaseholders or licensees
• …is either a victim, witness or alleged perpetrator of a hate incident.

As far as possible, a case should be handled by a single named member of staff who will be the prime point of contact and take action on it.

4 Lead agency
The agreement should provide for identification of a lead agency for each case. The lead agency will be responsible for initiating action and keeping the victim informed.

The lead agency may change as a case progresses. A social landlord may take on the role initially where one of its tenants is the victim of a hate crime, but the lead is taken over by the police once the alleged perpetrator is known and there is sufficient evidence to take the case to court.

5 Sharing of information

Effective action to tackle hate incidents depends upon robust information exchange between those agencies whose role it is to tackle this issue. Perceived difficulties in exchanging information should not be seen as an excuse not to tackle hate incidents.

The exchange of information should not be seen as a barrier to successful action – information, including personal information, can be shared with confidence and within the framework of existing legislation through the use of information exchange protocols that meet the requirements of the law, in particular the Data Protection Act and Section 115 of the Crime and Disorder Act 1998.

Further guidance on the disclosure of information on racist incidents, which would also apply to other forms of hate incidents, can be found in the next main section [link].

Responsibility for sharing information with other organisations should rest with one member, or only a small number of members, of staff who should have full knowledge of the law on disclosure of personal information.

6 Performance standards

Agreements should commit agencies to deliver services within laid down target times, such as the timescale for carrying out the initial home visit following the first report, and the timescale for making good damage to the victim’s home and other assets.
7 Common approaches

Each organisation will be responsible for developing its own detailed policies and procedures within the framework of the law and regulatory and good practice guidance. But there is a strong case for there to be a unified approach to some issues. Perhaps the best example concerns policies for restricting evicted perpetrators from re-applying for social housing. This is discussed in Chapter 6 [link]. Sanctions for denying perpetrators access for a period of time are more effective if there is uniformity of approach across the whole sector locally.

8 Training

The agreement should set out partners’ commitment to training their staff in how hate harassment is to be tackled. It is important that all of those whose job will include interviewing victims, witnesses or perpetrators receive specific training. In areas where there are multi-agency forums it makes sense to provide training on an inter-agency basis.

9 Commitment to attend multi-agency meetings

Although difficult to enforce, agreements should commit partners to attend meetings and could spell out any arrangements for one organisation to represent another and what is expected in terms of the seniority of representatives attending the meetings.
Good practice example

Agencies within Rhondda Cynon Taff believe there is excellent partnership working on hate crime. One example of this is as follows:

A family, comprising a mother and two teenaged daughters, are from a visibly identifiable minority ethnic group and have suffered racial abuse. On one occasion, one daughter suffered racial abuse from a local teenager. The mother complained and the youth was arrested. However, this youth then threatened the daughter if she were to proceed with her complaint.

The hate crime officer from the police identified the daughter as a repeat victim of hate crime. The youth was arrested for witness intimidation, remanded in custody, but later released pending trial. The hate crime officer then produced a repeat victim action plan, which became the responsibility of the neighbourhood policing team to implement. The plan included regular foot patrols in the area of the family’s home, weekly visits to the home and regular contact by the hate crime officer.

The officer installed a police panic alarm at the home, reassuring the family and allowing them to receive an immediate response from the police. A crime prevention officer also went to the home to advise about security.

The family was also referred to Victim Support and to the Valleys’ Race Equality Council (VALREC). A VALREC case officer has helped the family in many ways, including involving the daughters in making a film about the problems they have had. This is to be used in local schools to raise awareness of how racism can harm the community.

5.4 Maintaining and sharing information

Under the Crime and Disorder Act 1998 it is lawful for organisations to exchange information in the interest of reducing crime and disorder. Below are extracts from the Homes Office’s code of practice dealing with maintaining and sharing information. The guidance deals with racist incidents, but it is applicable to all forms of hate incidents. More general guidance on sharing data concerning crime and disorder can be found at www.crimereduction.homeoffice.gov.uk/infosharing22.pdf
Basic guidance on disclosure of personal information

Whenever a racist incident is reported (whether or not the incident amounts to a crime), the person reporting should be asked to consent to the disclosure of this information to other agencies, for the sole purpose of prevention or detection of that or other racist incidents or crimes. If the person reporting is also the victim, they should also be asked whether they wish Victim Support to be informed. Due regard should be taken of language or other communication requirements of the person providing the consent, and translation facilities should be made available if necessary.

The other agencies in question are agencies named in Section 115 of the Crime and Disorder Act 1998, i.e. a chief constable, a police authority, a local authority, a probation committee, a health authority, or a person acting on their behalf.

While victims should not be pressurised into consenting to disclosure against their will, the advantages should be made clear to them. Sharing information about racist incidents allows these problems to be addressed, and it is to the advantage of both the victims and the other (potential) victims of racist incidents.

The person reporting can choose to have this information disclosed to only some of the named agencies. For example, they may consent to disclosure of information to the local authority and health authority, but not to the police.

In this case, it is important that this restriction is clearly communicated to the authority receiving the information. In the above example, the health authority or local authority is not entitled to pass the information on to the police. If it was felt that reports would be automatically forwarded to (the) police despite the wishes of the reporting person, this might prevent victims from reporting incidents even to third parties and remote reporting sites.

Where an agency receives a report of a racist incident which is particularly serious, it may conclude that it would be irresponsible not to share the data with other agencies, including the police, even though the informer does not consent. It will wish in reaching its decision to take account not only of the seriousness of the incident but also of the danger of recurrence, any danger to the informant and the interests of the victim if different to the informant. Where the agency decides it must disclose despite the informant’s wishes, it should not disclose the informant’s name, and should tell the informant of its action.

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10 Section 219 of the Housing Act 2004 added registered social landlords to the list of agencies
Data protection implications

The recognition that non-statutory agencies may be best placed in some circumstances to receive and disseminate information about racist incidents, much of it sensitive, means that they as well as the statutory agencies will need to consider the data protection implications carefully. If the information relates to any identified living individual, it will be subject to the Data Protection Act if it is held on computer or in a structured non-computerised system such as a card index.

The holder of information, which is subject to the Act, must:

- Notify the Data Protection Commission
- Observe the data protection principles (set out in Part 1 of Schedule 1 of the Data Protection Act 1998)

...the data protection principles do not only affect the way in which information may be shared with others. Particularly relevant to the recording and reporting of racist incidents are their requirements that information held shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed, shall be accurate and, where necessary, kept up to date and shall not be kept longer than is necessary for the purpose for which it is processed...

In particular, all agencies receiving information about racist incidents and crimes should ensure that their Data Protection notification (if required) provides for the disclosure of information to other agencies. It is true that Section 29 of the Data Protection Act allows certain exemptions from the Act’s restrictions on disclosure where the application of those restrictions would be likely to prejudice the prevention and detection of crime, but it will not be possible to rely on this provision routinely and indeed the provision will not apply at all where the information disclosed relates to a racist incident which is not a crime.

Every effort should be made to obtain the direct consent of the victim before recording or processing any personal information about him or her. If this consent is not forthcoming, then any details that could identify the victim (e.g. name, address, postcode) should not be recorded. The need for direct consent means that if a third party is reporting on behalf of the victim, the third party needs to be able to provide written authorisation of the victim’s permission for personal details to be recorded. If this is not forthcoming an anonymized record should be made, unless it is decided that the incident is serious enough to merit disclosure to the police without consent (see above).

Sensitive personal data about victims should not be processed without the explicit consent of the victim. This should be made clear on the form. Sensitive information relating to perpetrators can be recorded and processed without the consent of the perpetrator...
Checklist on multi-agency working

√ If there is a multi-agency hate incidents forum in your area, do you participate in it through one of the models outlined in this chapter?

√ Or are you involved in any discussions about setting one up?

√ If there is a hate incidents inter-agency agreement in your area, are you a signatory?

√ Or are you involved in any discussions about having such an agreement?

√ Do you comply with the guidance provided by the Home Office on maintaining and sharing data?
6: TAKING ACTION AGAINST PERPETRATORS

This section of the toolkit will help you to:

- consider the full range of options available
- understand the issues about using different options
- manage cases effectively
- support victims and witnesses involved in legal action
- deal with violent or potentially violent perpetrators
- know about police powers to deal with hate crimes
- understand particular issues related to race, religion, disability or sexual orientation

6.1 What affects the choice of options?

A wide range of actions can be taken against perpetrators. Some sanctions can only be taken against a tenant or other person with whom a social landlord has a legal relationship. Other sanctions can be taken against a wider range of people. Some action affects the whole household, whilst other action is specific to an individual. Some action can only be taken if a court agrees; other interventions are not dependent on court proceedings. Proceedings also vary according to their complexity and the time they take.

Before deciding on the type of sanction, you need to consider:

- The severity of the incident – what was the effect on the victim?
- The nature of the evidence - how specific is it?
- Are witnesses available? – are they willing to give evidence?
- What are the perpetrator’s characteristics? – young or old? tenant or not?
- Do they have any mental health problems or learning disabilities that may account for the behaviour?
- Do they have a track record? - of previous hate incidents or other forms of ASB?
- What actions are other agencies taking? - such as the police?
- What would best suit the victim’s needs, balanced against the interests of other residents and the rights of the perpetrator, including his or her rights under the Human Rights Act?

Generally, the more severe sanctions, such as an eviction, will only be appropriate after other sanctions have been tried. The Wales Housing Management Standard for Tackling Anti-social Behaviour recommends that eviction is used as a last resort and that other tools are used first, such as
injunctions and demotion orders - making sure that suitable support is offered in the first instance.

Sanctions can be used in combination, such as seeking an interim injunction whilst possession proceedings are underway. Or one measure can follow another, such as seeking a parenting order after a parenting agreement has been breached.

6.2 Overview of the options

A number of types of action can be taken without the need to go to court. These are summarised in the Table 1. Actions needing a court decision are summarised in Table 2.
<table>
<thead>
<tr>
<th>Action</th>
<th>Brief details</th>
<th>Benefits</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuing a warning</td>
<td>A statement, preferably in writing, that further action will be taken by the landlord if specified behaviour is repeated</td>
<td>Can be issued quickly. Draws attention of perpetrator and may have the effect of reducing unwanted behaviour in the future.</td>
<td>This change attitudes, which may lead to perpetrator understanding and change</td>
</tr>
<tr>
<td>Recharging for damage</td>
<td>Perpetrator is sent bill for cost of remedial work, such as graffiti removal.</td>
<td>Can be done quickly. Allows perpetrator to see cost of his/her actions. Behaviour may be breach of tenancy giving rise to possession claim</td>
<td>Tenancy at risk of losing a tenancy on the grounds of anti-social behaviour. Behaviour support services are provided to the tenant under a behaviour support agreement</td>
</tr>
<tr>
<td>Extending a local authority introductory tenancy</td>
<td>For tenancies starting after 6 June 2005 a local authority can extend an introductory tenancy by a further six months if there are doubts about conduct of the tenancy.</td>
<td>Serves as a warning to improve behaviour</td>
<td>Extensions will be subject to a statutory right to a review</td>
</tr>
<tr>
<td>Offering a family intervention tenancy</td>
<td>A tenancy that is neither secure nor assured for tenants who have lost or are at risk of losing a tenancy.</td>
<td>A basis for providing support and guidance on addressing anti-social behaviour for a tenant who might otherwise be evicted</td>
<td>Tentancy intervention by a family intervention tenancy authority can extend an introductory tenancy for tenancies starting after 6 June 2005 a family intervention tenancy</td>
</tr>
<tr>
<td>Mediation</td>
<td>An independent person helps resolve a conflict by helping the people involved to work out an agreement. More detailed information can be provided later in the chapter.</td>
<td>An independent person helps resolve a conflict by helping the people involved to work out an agreement.</td>
<td>Mediation</td>
</tr>
<tr>
<td>Action</td>
<td>Brief details</td>
<td>Comments</td>
<td>Benefits</td>
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<tr>
<td>Restorative Justice</td>
<td>Provides an opportunity for the victims and perpetrators of hate crimes and anti-social behaviour to communicate directly about the behaviour and its consequences.</td>
<td>Requires a willingness on the part of the victim and perpetrator to meet face to face, guided by a skilled facilitator.</td>
<td>A process for clearly setting out undesirable and desirable behaviour.</td>
</tr>
<tr>
<td>Exclusion or suspension of an application for social housing</td>
<td>Not allowing or delaying a person seeking to apply for social housing.</td>
<td>Landlords may agree to co-ordinate action by all social landlords in an area to prevent the recurrence of the behaviour.</td>
<td>As is discussed later in the chapter, it is a more effective sanction if there is effective co-operation between landlords.</td>
</tr>
<tr>
<td>Acceptable behaviour contract (ABC)</td>
<td>A voluntary agreement between a social landlord and a person of any age in which it is agreed not to carry out specified acts.</td>
<td>A process for clearly setting out undesirable and desirable behaviour.</td>
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</tr>
<tr>
<td>Parenting contract</td>
<td>Similar to an ABC but under this measure parents agree to exercise control over the behaviour of their children.</td>
<td>Landlord may agree to provide support to the family.</td>
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</tr>
</tbody>
</table>

Tackling Hate Incidents: A Toolkit for Social Landlords in Wales

© Wales Social Landlords Anti Social Behaviour Forum, HouseMark and Social Landlords Crime and Nuisance Group
<table>
<thead>
<tr>
<th>Enforcement action that can be taken by social landlords through the courts</th>
<th>Relevance for dealing with hate incidents</th>
<th>Effect on person against whom action taken</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession proceedings (secure and assured tenancies)</td>
<td>Can be used where breach of a tenancy</td>
<td>Required to move out of home</td>
<td>Provided all formalities have been observed.</td>
</tr>
<tr>
<td></td>
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<td>Can be used where breach of a tenancy</td>
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Table 2: Tackling Hate Incidents: Action that can be taken by social landlords through the courts.
<table>
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<tr>
<th>Enforcement action available to can be used against</th>
<th>Relevance for dealing with hate incidents</th>
<th>Effect on person against whom action taken</th>
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<tbody>
<tr>
<td>Demotion order</td>
<td>Local authorities and housing associations</td>
<td>A tenant over 16</td>
<td>Anyone over 16</td>
</tr>
<tr>
<td>Common law or civil injunction</td>
<td>Anti-social behaviour injunction (ASBI)</td>
<td>A tenant</td>
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<td>Common law or civil injunction</td>
<td>Anti-social behaviour injunction (ASBI)</td>
<td>A tenant</td>
<td>Anyone over 18</td>
</tr>
<tr>
<td>Type of Injunction</td>
<td>Housing Associations are entitled to apply for an ASBO. An ASBO can be used to deal with behaviour that caused or was likely to cause harassment or distress to one or more persons not of the same household. Behaviour complained about must be recent and no older than six months. The ASBO can be used to stop anti-social behaviour, harassment, or distress to one or more persons not of the same household.</td>
<td></td>
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</tr>
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<td>--------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Public Nuisance Injunction</strong></td>
<td>Requires Police to prosecute the perpetrator. Can support a victim to seek their own injunction.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Recovery Orders</strong></td>
<td>Police and the victim can seek an injunction to prevent anti-social behaviour, harassment, or distress to one or more persons not of the same household.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Protection from Harassment Injunctions</strong></td>
<td>Local authorities and housing associations can apply for this type of injunction. Can be used to stop anti-social behaviour and harassment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Anti-social Behaviour Orders (ASBO)</strong></td>
<td>Local authorities and housing associations can apply for this type of injunction. Can be used to deal with behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household.</td>
<td></td>
<td></td>
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<tr>
<td><strong>Enforcement Action</strong></td>
<td>Can be used to stop anti-social behaviour, harassment, or distress to one or more persons not of the same household.</td>
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**Comment**

- **Public Nuisance Injunction:** Can be used to stop anti-social behaviour, harassment, or distress to one or more persons not of the same household.
- **Enforcement Action:** Can be used to stop anti-social behaviour, harassment, or distress to one or more persons not of the same household.
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<tr>
<th>Order Type</th>
<th>Description</th>
<th>Authority(s)</th>
<th>Relevance for dealing with hate incidents</th>
<th>Effect on person against whom action taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parenting orders</td>
<td>Can be used to prevent a child or young person from repeating the kind of behavior that led to an ASBO (or certain other orders). Parent is required to comply with requirements in the order, for a period not exceeding 2 months. Also may include a non-residential course which may include a counselling/guidance component or a residential course within the housing association area.</td>
<td>Local authorities</td>
<td>An individual, with premises of the person responsible for the premises that are associated with persistent serious nuisance to members of the public in the last 3 months.</td>
<td>Prevented from continuing to use the premises for a period not exceeding 12 months. May include counseling/guidance, which may include a residential course.</td>
</tr>
<tr>
<td>Premises closure</td>
<td>Can be used to prevent the use of premises that are associated with persistent serious disorder and persistent serious nuisance to members of the public for up to 3 months.</td>
<td>Police and the local authorities</td>
<td>A child or young person, with premises of the person responsible for the premises that are associated with persistent serious nuisance to members of the public in the last 3 months.</td>
<td>Prevented from continuing to use the premises for a period of closure.</td>
</tr>
<tr>
<td>Premises possession</td>
<td>Can be used to prevent the use of premises that are associated with persistent serious disorder and persistent serious nuisance to members of the public for up to 3 months.</td>
<td>Police and the local authorities</td>
<td>A child or young person, with premises of the person responsible for the premises that are associated with persistent serious nuisance to members of the public in the last 3 months.</td>
<td>Prevented from continuing to use the premises for a period of closure.</td>
</tr>
</tbody>
</table>

**Comment:**
- Non-compliance can lead to a fine.
- Wide application to the premises needed for 3 months.
- Wide application of the premises closure order for 3 months.
- Residential premises need not be the residence of the child.
- Can be used to prevent a child or young person from repeating the kind of behavior that led to an ASBO (or certain other orders).
6.3 Issues about different options

This section discusses issues that need to be taken into account when considering some of the options. Those considered in more detail here are:

1. mediation
2. excluding and suspending applications for social housing
3. including anti-harassment clauses in legal documents
4. taking possession proceedings
5. obtaining injunctions
6. obtaining anti-social behaviour orders

1 Mediation

Mediation involves efforts to stop further incidents through agreement between the parties facilitated by an independent person or agency.

Whilst mediation can be used to good effect in solving some forms of ASB, there are severe limitations on its role in hate incidents. This is particularly because of the non-negotiable aspect of such incidents. Hate incidents are motivated by prejudice against, or hatred of, someone because they are a member of a group, or perceived to be a member of a group, that he or she has no choice over. ‘Give and take’, which is frequently part of a mediated solution, may therefore not be possible. In addition, mediation gives the victim and perpetrator equal status which is likely to be inappropriate in the context of hate incidents.

A further barrier to mediation is the fear that many victims will feel of the perpetrator. Mediation will not work where there is a perceived imbalance of power between the parties.

As can be seen from the Newport Housing Trust example below, some landlords deem mediation inappropriate for hate incidents. In spite of this, social landlords may consider that it has a role where incidents result from misunderstandings about, or lack of knowledge of, the lifestyle of people of a different background.
Good practice example

Newport Housing Trust’s Anti-social Behaviour and Nuisance Policy and Procedure states that mediation is an option where:

- there is no clear victim or perpetrator
- corroboration of allegations is difficult
- allegations are met with counter-allegations
- lifestyle differences are at the root of the problems
- the relationship between the neighbours is the key issue
- communication and understanding between the neighbours need to be improved
- people’s basic rights are not at stake
- the power differential between the parties is not too great.

Mediation will not be considered in cases where:

- there is a history of violence
- mental health issues are a key factor
- legal proceedings have been started
- the perpetrator is involved in racial harassment
- it is reasonable to assume that the perpetrator’s past behaviour indicates that they will not respond to mediation
- where the particular circumstances of the case make it inappropriate, e.g. where stalking is a factor.

2 Excluding and suspending applications for social housing

Social landlords should consider whether they should stop or delay perpetrators of hate incidents from obtaining social housing if they make applications for it. The legal position about this is as follows:
Section 160A (7) of the Housing Act 1996 allows local authorities to decide that an applicant for housing is ineligible if they are satisfied that the applicant (or a member of his or her family) is guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant.

Section 160A (8) states that the only behaviour that can be regarded as unacceptable is that which would, if the applicant had been a secure tenant, have entitled the authority to getting a possession, under one of the ‘fault’ grounds in part 1 of schedule 2 of the Housing Act 1985.

These grounds include nuisance or annoyance or having committed a crime in the locality or having breached a condition of tenancy, for example one that prohibits harassment.

A person can be deemed to be unsuitable to be a tenant even if he or she had not been evicted by an authority on one of the fault grounds or even if he or she had never been a secure tenant of the authority. The test is whether the person, or someone for whom (s)he is responsible, had carried out behaviour that would have entitled the authority to a possession order.

Guidance on the use of exclusions is set out in the Welsh Assembly Government’s code of guidance on allocations and homelessness. The guidance makes clear that local authorities should minimise barriers to social housing. In particular, they must make sure that policies comply with the law, the guidance set out in the code and established good practice. Among the matters they should consider are:

- using suspensions rather than outright exclusions
- setting appropriate timescales for the period of exclusion
- introducing appropriate appeal mechanisms
- providing information about ways in which an ineligible decision may be reversed.

There is a very strong case for social landlords in an area to collaborate over exclusions and suspensions. An agreed common policy would prevent perpetrators from exploiting loopholes that would be available if one or more landlords had no policy in operation. Furthermore, a common approach helps bolster the ‘zero tolerance’ policy on hate incidents.

The Wales Housing Management Standard for Anti-social Behaviour recommends:

‘…common policies around restricting access to housing due to

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unacceptable behaviour and/or reflecting an agreed approach (including identifying support needs and how these may be met) in formal nomination agreements.’

In areas where common housing registers operate, common approaches can be built in but in other areas, inter-agency agreements [link] could be the way forward.

Agreements should also provide for exchange of information about evicted perpetrators of hate incidents and ones who voluntarily give up their tenancies before proceedings are completed.

Social landlords should ensure that Housing Application Forms are clear and require applicants for housing to answer specific questions as to previous behaviour/convictions. Regards should be had to the Rehabilitation of Offenders Act and spent convictions. Grounds for recovery of possession exist where a social landlord is induced into granting a tenancy by a false statement.

3 Including anti-harassment clauses in legal documents

Possession proceedings and the obtaining of some kinds of injunctions will be made easier if tenancy agreements and related documents specifically cover hate incidents.

Make sure you:

**Have an appropriate clause** in tenancy agreements, licence agreements, leases and where homes are sold, in conveyances, prohibiting harassment. This should be in addition to clauses that cover more general ASB.

**Cover any form of hate behaviour** based on:
- race, colour, nationality, ethnic origin or national origin
- gender, including gender identity
- age
- disability, including having learning disabilities or mental health problems
- sexual orientation
- faith or beliefs.

**Make it clear** that tenants, leaseholders and owners are responsible for the behaviour of every person living in the home, including children, and visitors to the home. Their responsibilities also include behaviour in communal areas around the home and the immediate neighbourhood.
Give examples of what will be considered as harassment:
- using or threatening violence
- damaging or threatening to damage another person’s home or property
- throwing objects at people, their homes or other property
- placing offensive material in or around another home
- using abusive or insulting words or gestures
- making other forms of abusive or insulting communications
- writing threatening, abusive or insulting graffiti.

Make it clear that this includes behaviour towards other residents, visitors and the landlord’s staff and agents.

Warning letters threatening legal action should refer to the clause in the tenancy agreement, lease or conveyance.

4 Taking possession proceedings

This is the most drastic action available to a landlord. As indicated in Table 2, once action has started the desired effect may also be achieved through the acceptance of an undertaking from the perpetrator or through a suspended possession order or an injunction.

The **Living in Harmony Toolkit**\(^{12}\) suggests the following questions before taking possession action:

- have all appropriate self-help measures such as mediation been explored?
- have other available/appropriate measures been used?
- have all potential partners been contacted and kept informed of the case?
- have all partners acted appropriately?
- have all support measures been put in place for the perpetrator to help them to stop their ASB?
- has the perpetrator been given sufficient warning of the intention to take legal action?
- have all support measures sufficient to protect residents been put in place?

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Legal issues about possession action

Apart from introductory or starter tenancies, the court has discretion in possession proceedings for nuisance etc. However, a number of factors have to be taken into account.

The Court must be satisfied that the landlord has established the grounds for possession based on the evidence presented to the court. The court must then go on to decide whether it is reasonable to make an order for possession. Then and only then will the court go on to decide the type of order to be made.

Section 16 of the Anti-social Behaviour Act 2003 amended the law applying to possession of properties let under secure and assured tenancies. In deciding the type of order to grant the court must consider:

- the effect that the nuisance or annoyance has had on people other than the person against whom the order is sought
- any continuing effect the nuisance or annoyance is likely to have on such people
- the effect that the nuisance or annoyance would be likely to have on such people if the conduct is repeated.

The court also has a duty to consider fairly the case against the tenant who is accused of committing or failing to prevent the behaviour in question. But in doing so, the court must give particular weight to the effect of their behaviour on their victims and the wider community.

A court should not be suspending an order for possession where there is clear evidence that the order will be breached.

5 Obtaining injunctions

Injunctions provide an alternative or additional solution to possession proceedings.

There are several types of injunctions:

- **Without notice or ex parte** – these injunctions are made without notifying the perpetrator of the application. They may be appropriate in particularly serious cases, such as where violence is threatened. They only last a few days and a further court hearing will need to be sought in order to obtain a further injunction.
- **Interim or temporary** – these injunctions are for a limited period of time while other proceedings are underway, such as a perpetual injunction or an order for possession.

- **Perpetual or substantive** – these injunctions follow an interim or temporary injunction where the perpetrator did not stop acting in the way the original injunction sought to prevent.

- **Statutory injunctions** – these injunctions are ‘stand alone’; that is, where there are no other proceedings underway. Examples are anti-social behaviour injunctions under sections 153A to 153D of the Housing Act 1996.

The *advantages* of injunctions over other forms of legal action are:

- they can be obtained more quickly than other sanctions such as an eviction - particularly useful where there is a threat of violence
- they are useful in protecting a victim while other action, such as for possession, is underway
- they can be used where a court would not consider the case serious enough to justify granting a possession order
- they may be useful against a wider range of residents - such as long leaseholders and those who have purchased a former social housing property
- they can be used not only against people with whom landlords have a legal relationship - for example, adult members of a tenant’s household and visitors
- they are specific to the individual that is causing the problem - not like an eviction of a whole household that punishes both the ‘guilty’ and the ‘innocent’
- they may in some circumstances (see Table 2 [link]) have a power of arrest or exclusion order attached
- in an ex parte [link] or interim [link] injunction, victims and witnesses generally do not have to go to court, although they may have to provide statements
- civil rules of evidence apply and victims and witnesses may be more willing to give evidence compared with criminal proceedings
- hearsay evidence may be admissible
- lower burden of proof is generally required compared with an order for possession
- in final order injunctions, they may continue in force for so long as the incidents continue - unlike for example a criminal punishment which is for a period of time
- they can include victim and witness protection provisions - such as an order for perpetrator not to approach the victim or witness.
The *Living in Harmony Toolkit* provides a number of questions for social landlords to answer *before applying* for an injunction:

- are the circumstances of the case such that an injunction is necessary?
- has advice been sought as to the most appropriate form of injunction – legal advice and liaison with the police?
- is there sufficient threat of violence for the perpetrator to warrant an ex parte injunction?
- do witness protection measures need to be built into the injunction?
- is there a clear action plan for what happens next, e.g. should other measures be used at the same time as the injunction (such as repossession). What if the problem continues and the injunction is breached, including supporting the other tenants/residents?

[Note: many documents that discuss court action, and the courts themselves, tend to use the word ‘witness’ to apply to anyone who is giving evidence in a case, i.e. they do not distinguish, as this toolkit does, between a victim (a person against whom an incident took place) and a witness (a person who is not a victim but who has information about an incident)]
Good practice examples
Charter Housing Association has carried out an extensive review of its policies and procedures for tackling ASB, which includes hate incidents. Its new approach is called the 360 Degree Approach to Tackling Anti-Social Behaviour, so called because its use of diverse and complementary methods helps the association to approach and tackle the problem from all angles. It focuses on five areas of activity:

- prevention
- enforcement
- support
- responsibility
- monitoring.

Staff have received training on hate crime issues relating to race, sexuality and mental health in order to help establish how under-reporting can be addressed and to ensure an effective response when reports are received.

Charter’s outreach support worker works very closely with victims of hate providing support and advice.

Safer Blaenau Gwent has funded and arranged training for a range of partner organisations on the use of housing injunctions. Attendees included council staff responsible for dealing with anti-social behaviour, environmental health officers, the borough solicitor and local police officers.

The training was delivered by a member of staff from Charter Housing Association. Further training specifically for housing management staff is planned.

6 Obtaining anti-social behaviour orders

Anti-social behaviour orders (ASBOs) are an important tool in tackling anti-social behaviour in general and can have a role in dealing with hate incidents, including those where the perpetrator is not a social housing tenant or below the age of 18.

Social landlords can seek interim ASBOs, which can ensure quick and effective action before a full ASBO is granted. The existence of an interim ASBO may give greater confidence to a witness to come forward. An application for an interim ASBO can be made without notice in the magistrate’s court by obtaining leave from the clerk. It will be granted if the clerk is satisfied that it is necessary.
to do so; for example, where there is a likelihood of reprisals against witnesses before protection can be provided.

The CIH briefing on *Anti-social Behaviour*\(^{13}\) lists the following advantages of ASBOs:

- a useful way of tackling anti-social behaviour committed by young people
- can be used to protect anyone in the community including private tenants, freeholders and lessees
- can be taken against perpetrators who live in private rented or owner occupied housing
- can stop specific anti-social behaviour or exclude the person from a particular area or impose a curfew - the courts have recently confirmed that the inclusion of a curfew provision in an ASBO is not unlawful
- breach of an ASBO brings stiff penalties for an adult – a maximum criminal sentence of five years
- no geographical limit
- professional witnesses and hearsay evidence are permitted.

ASBO’s require publicity to operate. Home Office Guidance and the courts encourage the use of publicity providing it has stated aims such as to assist with enforcement, reassurance of the public, increasing public confidence and deterring others. Publicity is not contrary to Data Protection and should not breach individuals’ human rights as long as the publicity is accurate, necessary and proportionate to the stated aims.

### 6.4 Managing cases effectively

Once it has been decided that enforcement action is to be taken, it is critical that staff act carefully and promptly. The *Wales Housing Management Standard for Tackling Anti-Social Behaviour* recommends robust case management procedures which enable the fast-tracking of legal action where required, e.g. systems which facilitate pursuing interim injunctions at short notice and enforcement of breaches.

The code of practice on *Tackling Racial Harassment*\(^{14}\) recommends that social landlords work closely with the police in the collection of intelligence and evidence, and in pursuing prosecutions. It advocates the need for the sharing of information (with the victim’s permission), carrying out joint interviews and working together in preparing evidence for court hearings.

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\(^{13}\) Chartered Institute of Housing (2005) *Anti-social Behaviour*, Good Practice Briefing

Careful preparation of victim and witness statements is vital. The key points are:

- statements are taken so that evidence can be presented to court
- they can cover what has happened during the time leading up to the complaint and afterwards right up to the time that legal action is taken
- statements may be the account of a person who has information about the incident, such as a housing officer who saw the damage caused or can describe the victim’s emotional state, or the statement of a doctor who treated a victim for stress following an incident
- incident diaries [link] should be used to help prepare the statement
- witness statements should contain a detailed account of the behaviour complained about - dates and times should be specified (even if only approximate); it should be clear what happened, who was involved and, if appropriate, the steps taken by the witness to resolve the situation (e.g. complaining directly and, if so, how the alleged perpetrator responded)
- the statement should also include a description of how the experience has affected the witness, e.g. loss of sleep, anxiety/depression
- should be limited to the facts
- they should always be signed and dated
- always contain a statement of truth
- be in the format required by the Civil Procedure Rules.

It may be possible for evidence from a victim or witness to be presented to a court in writing without the witness having to attend. However a victim or witness would have to attend where a claim for possession is allocated to the fast or multi-track. In addition, if the perpetrator disputes important evidence given in a written statement by a victim or witness, the court will normally adjourn the hearing so that oral evidence can be given.

6.5 Supporting victims and witnesses involved in legal action

It is vital that social landlords give support to victims and witnesses. They will feel vulnerable and they need to have as much confidence as possible if they are to be effective witnesses in court. The services of specialist organisations, such as Victim Support, should be sought where appropriate.

Particularly critical times are when:

- court papers are first served on the alleged perpetrator
- the alleged perpetrator receives other documents about the case, for example evidence from the victim or witness
- the court hearing takes place
- the day that the action is implemented, for example an eviction
- the perpetrator is released from prison (if it reaches that stage).
If the court decides that no action is to be taken against the person who was believed to be the perpetrator, the victim may feel particularly vulnerable after that decision - fearing that person may feel bolder, having ‘got away with it’.

Victims and witnesses may be worried about what is expected of them, such as when giving statements to the police or appearing in court. Many will feel uncertain about the process, misunderstand what is involved and may fear for their safety. Social landlords should be open and honest about what is involved in being a witness in court cases.

Social landlords must make sure that they pass on critical information about the particular needs of victims and witnesses to the court witness service [link] and make contact with the service to ensure that their services are engaged. In appropriate cases and where a victim or witness is vulnerable or fears intimidation, they should also ask for ‘special measures’ [link] to be made available. Such requests should be made well in advance.

A Home Office leaflet aimed at organisations involved in tackling all forms of ASB recommends that victims should be supported in a number of ways. This is reproduced below.
Home Office advice on victim support

At court
• offer to arrange a visit to the court in advance of the hearing so witnesses can familiarise themselves with the layout
• ask the court for a room where the layout is less intimidating
• arrange transport to the court for witnesses
• make arrangements or cover the costs of any childcare or other dependant care
• consider reimbursement for time off work and other expenses incurred by the witness
• escort the (victim and) witness at all times
• arrange if possible for a police presence in the court
• secure the provision of a secure waiting area

After court
• inform the victim, community and relevant agencies about successful legal action
• consider publicising successes through targeted leaflets and posters which can be effective in strengthening the community, encouraging future witnesses and helps to monitor any potential breach of orders
• provide ongoing support for as long as the witness feels it is necessary and as long as reasonably practical
• recognise those that take a stand via local award schemes

Intimidation of witnesses
Remember it is a criminal offence if a person knowingly performs an act intended to intimidate another person who is or may be a witness in civil or criminal proceedings. The penalty is up to five years in prison (sections 39 to 41 of the Criminal Justice and Police Act 2001). In addition, should a perpetrator act in a manner that causes a witness to feel intimidated whilst at court the perpetrator is likely to have committed a Public Order offence, (section 4A and 5 of the Public Order Act 1986).

Getting to know the courts
Make contact and strike up a relationship with local statutory and voluntary agencies that are working with victims and witnesses such as Victim Support, local criminal justices boards, court clerks and court managers. Become a member of your local court user group.

The court witness service
There is a witness service in every magistrate’s court and crown court in Wales.

The service offers:

- someone to talk to in confidence
- a visit to the court and where possible a look round a court room before you are called as a witness
- information on court procedures
- a quiet place to wait before and during the hearing
- someone to accompany you into the court room when giving evidence
- practical help, for example, with the completing expense forms or to put you in touch with people who can answer specific questions about the case (the witness service cannot discuss evidence or offer legal advice)
- a chance to talk over the case when it has ended and to get more help or information.

Because it is run by the charity Victim Support, this service is free and independent of the police or courts. The service is available to both prosecution and defence witnesses.

Source: www.cjsonline.gov.uk
Special measures
Under the Youth Justice and Criminal Evidence Act 1999 the courts can provide special measures to help vulnerable and intimidated witnesses in criminal cases. Section 143 of the Serious and Organised Crime and Police Act 2005 allows special measures to be available in applications for ASBOs.

The special measures that may be provided are:

- **Screens around the witness box.** A screen is placed around the witness box to prevent the witness from seeing the defendant.

- **Evidence via live link.** The witness can sit in a room outside the courtroom and give their evidence via a live television link to the courtroom. The witness will be able to see everything that goes on in the courtroom and those in the courtroom can see the witness via the link.

- **Video-recorded evidence in chief.** The witness' main oral evidence is videotaped and played to the court.

- **Removal of wigs and gowns.** The judge and lawyers in the Crown Court do not wear gowns and wigs.

- **Evidence given in private.** This is when the public gallery is cleared

- **Use of communication aids.** For example an alphabet board.

- **Examination through an intermediary.**

- **Video-recorded cross-examination.**

Source: [www.cjsonline.gov.uk](http://www.cjsonline.gov.uk)

In addition, courts may impose reporting restrictions in criminal cases. Section 46 of the Youth Justice and Criminal Evidence Act 1999 allows an application to be made for restrictions on the reporting of certain details of witnesses (this includes victims) in the media that may lead to their identification. A section 46 direction can for example prevent the media from publishing the sexual orientation of a witness and can therefore provide protection for people who are concerned about being 'outed' when giving evidence as a victim to a homophobic crime.
Although special measures are not formally available in county courts, victims and witnesses in possession action cases may well fear intimidation, or be vulnerable, and need some kind of special arrangements made. Social landlords can request such arrangements, either directly or through Victim Support. They could include asking for separate entrances and waiting areas for the victim/witness and alleged perpetrator, and arrangements to give evidence via a video link. Requests should be made well in advance of the hearing.

6.6 Dealing with violent or potentially violent perpetrators

The *Living in Harmony Toolkit* recommends the following steps where there has been, or could be, violence from perpetrators:

- If proceedings are being issued which contain allegations of assault or threatened assault by one or more defendant, this should be indicated on the claim form.

- The court has the power to reduce the usual time limits in possession proceedings (abridge time) where the behaviour of the defendant makes urgent consideration of the case more appropriate.

- If this information cannot be included in the particulars of the claim, it should be provided in a covering letter.

- Before the hearing, the social landlord should provide the court with as much information about the violent or potentially violent person as possible so that the safety of those within the court on the day of the hearing can be protected.

- Information about a violent or potentially violent defendant should always be provided where injunctions are granted which lead to the issue of a warrant of arrest or committal, or where the claim leads to an eviction.

6.7 Relevant police powers to deal with hate crimes in a housing context

The most relevant police powers are those to deal with:\(^{15}\)

**Assault**

- grievous bodily harm
- racially/religioulsy motivated grievous bodily harm
- actual bodily harm

\(^{15}\) Based on: *Association of Chief Police Officers (2002) Guide to Identifying and Combating Hate Crime and Incidents*
• racially/religiously motivated actual bodily harm  
• common assault  
• racially/religiously motivated common assault

**Damage**
• criminal damage  
• racially/religiously motivated criminal damage

**Offensive behaviour**
• threatening words or behaviour  
• racially/religiously motivated threatening words or behaviour  
• intentional harassment, alarm or distress  
• racially/religiously motivated intentional harassment, alarm or distress  
• disorderly conduct  
• racially/religiously motivated disorderly conduct  
• harassment/stalking without violence  
• racially/religiously motivated harassment/stalking without violence  
• harassment/stalking with fear of violence  
• racially/religiously motivated harassment/stalking with fear of violence  
• send letter or article to cause distress or anxiety  
• nuisance phone calls  
• stirring up racial or religious hatred or hatred on the grounds of sexual orientation– words/behaviour/written material  
• stirring up racial or religious hatred or hatred on the grounds of sexual orientation– publish/distribute written material

**Witnesses**
• witness intimidation

6.8 Special issues in cases related to race, religion, disability or sexual orientation

**Racially or religiously aggravated offences**
Section 28 Crime and Disorder Act 1998 provides a definition of the term 'racially/religiously aggravated'.

An offence is racially/religiously aggravated if:

• At the time of committing the offence, immediately before or after doing so, the offender demonstrates towards the victim hostility based on the victim’s membership (or presumed membership) of a racial/religious group, or

• The offence is motivated (wholly or partly) by hostility towards members of a racial/religious group based on their membership of that group
This term applies to the following offences under the Crime and Disorder Act 1998: assaults, criminal damage, public order offences and harassment.

**Increase in sentences for aggravation based on race, religion, disability or sexual orientation**

When considering the seriousness of an offence, the courts must consider whether the offence was motivated (wholly or partly) by hostility towards a person based on their race or religion or sexual orientation or because they have a disability.

If the offence was aggravated by such a motivation, the court must treat that fact as an aggravating factor (i.e. a factor that increases the seriousness of the offence) and must state this in open court. This does not, however, apply to the specific offences involving racial or religious hostility, that is: racially/religiously motivated assaults, criminal damage, public order offences and harassment (see above).

---

**Checklist on taking action against perpetrators**

- ✓ Do you have a rational strategy for deciding which sanction(s) to use against particular perpetrators?

- ✓ Do you have a written policy for excluding or suspending applications for housing from those who have carried out hate incidents that complies with the law and guidance and has been agreed with other social landlords in the area?

- ✓ Do you have an anti-harassment clause that deals with all forms of hate incidents in your tenancy agreement and, where appropriate, in licences, leases and conveyances?

- ✓ Do you provide specific support to victims and witnesses involved in legal action, in the ways described here?
7: IMPROVING PRACTICE

This section of the toolkit will help you to:

- develop your policies and practices relating to hate incidents
- ensure staff are trained
- learn from victim and partner feedback
- set targets
- carry out mapping and monitoring
- benchmark performance
- review practice periodically

7.1 Developing policies and procedures

To have an effective response to hate incidents, social landlords need clear policies and procedures. They need to train their staff in them and develop mechanisms to obtain feedback on service quality from those reporting incidents. They need to set targets and have proper monitoring systems.

Policies and procedures on hate incidents could either be stand-alone documents or part of broader policies and procedures on ASB required by the Anti-social Behaviour Act 2003. However, if they are part of broader documents they must reflect the special nature of hate incidents.

Policies should set out a definition of a hate incident and hate crime - see Chapter 1 [link] and also:

- the landlord’s zero tolerance of hate incidents
- the landlord’s commitments including:
  - maximizing the level of reporting
  - prompt and thorough investigation of incidents
  - full support to victims and witnesses
  - determined action against perpetrators
  - full co-operation with other agencies.
- service standards and a commitment to monitoring
- the outcomes that the social landlord aims to achieve, which could include:
  - victims and witnesses feel confident in reporting incidents
  - they are satisfied with the support they receive
  - successful action is taken against perpetrators
  - perpetrators are deterred from carrying out further acts
no areas in which the landlord operates are considered by residents or applicants for housing to be ‘no go’ areas because of a fear of hate incidents.

**Procedures** are more detailed documents that describe **how** the landlord will put its policies into practice. They should set out what is to happen under each of the strands of activity, timescales for action and who is responsible.

Section 12 of the Anti Social Behaviour Act requires social landlords to publish their policies and procedures for dealing with anti social behaviour. The statutory guidance on how social landlords should implement that duty expects that those policies and procedures will reflect policies for dealing with reported hate incidents and to include policy and procedural commitments to:

- eliminate unlawful discrimination and harassment
- promote good relations between people of different racial groups
- encourage people to report incidents; support complainants and their families and
- take action against perpetrators.

Policies and procedures should reflect the guidance issued by the Welsh Assembly Government and good practice guidance including that in this toolkit. They should be kept under review and amended from time to time in the light of practical experience of staff in dealing with cases, victim and partner feedback [link], and new legislation and guidance.

**Good practice example**

**Cardiff Council** has developed comprehensive policies and procedures for dealing with racial and homophobic harassment in its housing estates. The document is divided into a number of chapters:

- Executive summary.
- Receiving and recording a complaint.
- The alleged perpetrator interview.
- Considering the options – legal and non-legal remedies.
- Guidance for preparing a case for court.
- Legislation and statutory requirements.

Key principles set out in the document include a commitment to investigating all cases, however isolated; adopting a victim-centred approach through an acceptance that an initial report is racial or homophobic harassment if the victim so defines it (and until further investigations prove otherwise) and a commitment that those suffering harassment will be encourage to play their full part in taking action to deal with it.
Four key elements are emphasised:

- dealing with each case in the timescale specified
- ensuring case notes are up to date and comprehensive
- ensuring everyone is kept informed at each key stage
- ensuring that appropriate action is taken at the right time

The document includes a checklist for immediate action and good practice ‘does and don’ts’ for interviewing the alleged perpetrator. The procedure has recently been updated and is now called the 'Racial, Homophobic and Disabilist Procedure’.

7.2 Ensuring staff are trained

Policies and procedures for tackling hate incidents need to be implemented and reinforced through staff training:

- **Induction training programmes** - should make reference to the policies and procedures and why they are needed, so that all new staff have a basic awareness of how the organisation responds to such problems.
- **Equality and diversity training programmes** – should be more detailed and should include training for board and committee members and for involved residents.
- **Customised training** – should be considered for frontline housing management staff. Call centre staff and those working on reception and enquiry desks will need specific training on how to deal with initial complaints, including how to find out whether what appears to be general ASB has a hate motivation.

Training on hate incidents may best be provided on an inter-agency basis, particularly involving police officers and housing staff. Joint training should help participants to see how the response of different agencies should join up and should also help to build relationships between people who will work together on incidents.

7.3 Learning from victim and partner feedback

Feedback should be obtained from victims about the response they feel they have received. Getting feedback should happen at the stage when the victim can make an informed judgment about his or her treatment. The best approach is via a face-to-face discussion between the victim and case officer at the point when a case is to be closed. It should include:

- a short list of questions about the level of satisfaction with the various elements of the support the victim received
• suggestions for any ways in which the service could have been improved.

Results need to be analysed on a regular basis – on the same frequency as other monitoring data [link]. The frequency will depend in part at least on the volume of cases but no less frequently than every six months.

Feedback is aimed at improving services overall, but some victims may raise concerns that warrant a personal response, such as a specific complaint about the landlord’s performance. These should be treated as formal complaints under the landlord’s complaints procedure.

Social landlords should also be responsive to feedback, both positive and negative, that comes in through routine casework contact with partners. More structured feedback mechanisms could involve all partners periodically undertaking a ‘360-degree review’ through, for example, focus group discussions or a series of semi-structured interviews.

7.4 Target setting

Targets should:

• reflect customer and partner concerns
• be realistic – the target must be achievable solely or mainly by staff in the organisation itself
• be measurable – to determine whether the target has been met or not
• be monitored regularly - data to allow performance to be measured must not only exist, it should actually be analysed and the results presented to decision-makers.

Focus on a small number of key issues rather than spread attention too widely. Do not set too many targets, particularly as they are likely to be targets for many other areas of activity. Victim and partner concerns should be important drivers.

The following are possible targets for responding to hate incidents:

• percentage of hate-related repairs completed within target timescales
• percentage of victims re-housed within target timescales
• percentage of cases closed following some kind of resolution involving the perpetrator: mediation, eviction, injunction, ASBO etc.
• percentage of victims who are satisfied overall with the support services they received.

7.5 Mapping and monitoring

Monitoring information is vital to the fight against hate and prejudice. Information in the form of statistics or mapped data can help in the development of services
and in performance improvement. Data needs to be analysed at least every six months and made available to the following groups:

- boards and committees
- senior management teams
- inter-agency hate incident forums
- community safety partnerships
- community organisations (perhaps in summarised form).

Landlords should consider providing general information to the local media about hate incidents and responses. For example, media releases could be issued when boards and committees are due to consider monitoring reports.

It is helpful to think about three kinds of monitoring, although there is overlap between the three:

**Trend data**

Data can be generated from casework files and other sources, such as lettings information. Some of the data lends itself to mapping, such as incident counts, so that ‘hotspots’ can be identified. For landlords with access to geographical information systems (GIS), mapping should be straightforward once systems have been designed. Those without GIS can manually put spots on maps.

Examples of trend data that can be monitored over time are:

- level of reported incidents by type (racist, sexist, homophobic, etc)
- nature of incidents (such as crime/non-crime, assault, damage, name calling, etc)
- characteristics of victims (such as ethnic group, gender, age group, household type)
- characteristics of perpetrators (such as ethnic group, gender, age group)
- support services provided
- action taken against perpetrator (such as security measures, rehousing, referral to other agencies)
- cases closed by reason for closure (successful action against perpetrator, ‘natural’ stopping of incidents etc.)
- refusals of offers of homes because of fear of harassment
- exclusions and suspensions on the grounds of previous hate-related behaviour.

**Performance data**

Data that allows the actual situation to be compared with targets. Depending on the targets that have been set data could relate to response times and successes against perpetrators.
Information on victim and partner views
Information from victim and partner feedback (see above). In addition, surveys of residents may be used to obtain views about the state of community relations, information on the level of hate incidents whether reported or not, and whether any areas are perceived as unsafe because they have a reputation for hate incidents.

7.6 Benchmarking

HouseMark’s ASB Benchmarking system
ASB benchmarking was developed by HouseMark and the Social Landlords Crime and Nuisance Group to enable social landlords to measure and benchmark activity on core aspects of their work in tackling ASB, including hate-related incidents. It is the industry standard in the UK for recording and categorising ASB.

The system is accessed through HouseMark’s subscriber website. Both data entry and reports are online and designed to be easy to use. The service is included within the subscription cost for full HouseMark members.

Benchmarking enables users to collect and compare data for both the types of ASB being reported by residents and the actions landlords are taking to tackle it.

Using benchmarking to improve practice
Collecting and benchmarking data on hate incidents is only the starting point to improving practice in this area – the hard part is to use that information intelligently. It is useful to analyse the data by linking it to activities undertaken by frontline staff. For example:

- To show what works and what doesn’t - for instance, if NSPs lead to a drop in ASB; or if CCTV prevents ASB from occurring once installed. It saves resources being spent on prevention and diversionary measures that don’t work.

- To show residents that their landlord is actively tackling any hate incidents.

- As a basis for discussion with residents when targeting responses to ASB in a particular area.

- To show how hard staff are working. Every case reported will involve staff time and effort to investigate and take some action.

- Show efficiency gains – as housing officers gain experience in tackling ASB, their outputs are likely to increase.
Assure inspectors and regulators - that the landlord is performing to an industry-wide standard, is well-managed, delivering policy objectives, worthy of further investment and working towards continuous improvement.

**Benchmarking measures**

The measures are split into seven domains reflecting the stages and areas of work that tackling ASB falls into.

1. **Caseload** - covers quantitative measures on number of managed properties, number of new ASB cases, number of live cases, and average number of days taken to resolve ASB cases.

2. **New cases by type** – this looks at the types of ASB being reported to the landlord during the period and contains 15 types of ASB including race-related incidents.

3. **Actions taken** - covers 28 legal and non-legal actions landlords can take to resolve ASB cases - from early interventions such as warning letters right through to ASBOs and eviction.

4. **Outcomes** - looks at how many cases are resolved and closed unresolved in the period, as well as looking at the sustainability of resolved cases.

5. **Closed cases by type** - deals with the same 15 types as before but for cases closed during the period - analysis can be carried out to see if there are differences between cases being reported and those being closed.

6. **Resolved by main action taken** - seeks to find actions that work. It contains 27 actions that landlords can take to resolve ASB cases and asks which one was the most important in getting the ASB to cease.

7. **Satisfaction** - using a standardised complainant survey in the 16CLG’s toolkit, this domain asks for data relating to 14 questions in the survey. Inputted annually, these measures aim to provide information on the customer's experience of the ASB service.

**Hate-related incidents benchmarking definition**

Hate incidents are included as a type of ASB to be recorded as cases are reported to the landlord. For benchmarking purposes, hate incidents are collected for new cases by type and closed cases by type.

A type may only be recorded once against a case of ASB, but a case can have more than one type appended to it. It is expected that more types of ASB will be
recorded against closed cases than new cases, as different types of ASB are added as a case is investigated.

Hate-related incidents are defined as ASB based on race, sexual orientation, gender, disability, religion, age, etc. The actual abuse may also be recorded under a separate category. These include:

- verbal abuse / harassment / intimidation / threatening behaviour
- vandalism and damage to property
- physical violence
- criminal behaviour / crime.

**Benchmarking results**

In 2008 HouseMark published a report based on benchmarking data collected by social landlords in England and Wales over a 12 month period. The key findings were:

- in eight out of ten cases (83%), early intervention by housing management staff was successful in resolving the problem.
- the number of ASB cases differed considerably between the highest and lowest levels reported by different organisations
- ‘noise’ was consistently the most commonly reported type of ASB that social landlords were asked to deal with.

With regard to hate-related incidents, the data used in the report shows very low levels being recorded by social landlords. In 2007, over 70,000 new ASB cases were recorded by HouseMark ASB Club members. Just 1,550 of these were recorded as hate incidents. This compares to 22,327 ASB cases involving noise and 13,217 of harassment and other intimidating behaviour.

The explanation for hate-related incidents accounting for such a small proportion of overall types recorded could include the following:

- hate might be the motivation for another type of recorded abuse, such as threatening behaviour, and might not be flagged up by the complainant
- ASB motivated by hate is often criminal and reported to police, with the perpetrator’s landlord not being alerted
- victims may not know or see the relevance of reporting hate-related incidents to their landlord.

These initial benchmarking reports are merely a ‘can opener’ to enable users to see what ASB is occurring where and who is reporting it. It helps them find out if their results are ‘typical’. In the area of hate-related ASB, it seems that it is largely either not being reported, or not being picked up by landlords.
7.7 Reviewing practice

Periodic reviews should take place of the landlord’s approach to hate incidents. These could involve:

- analysis of existing monitoring data
- benchmarking
- consultation with staff involved in the process
- customer and partner consultation
- peer review.

Landlords who have followed the guidance in this toolkit will have the material available to carry out such reviews.

**Checklist on improving practice**

- √ Do you have specific written policies and procedures covering the way hate incidents are to be tackled?
- √ Have relevant staff been trained in the way that hate incidents should be dealt with?
- √ Are there mechanisms to obtain victim and partner feedback?
- √ Do you set and monitor targets regarding the response to hate incidents?
- √ Is information on hate incidents mapped and monitored and reported at least twice a year to key decision-makers?
8: WORKING TO REDUCE HATE INCIDENTS

This section of the toolkit will help you to:

- improve relationships within neighbourhoods
- increase the likelihood of letting homes in areas with a history of hate incidents

8.1 Improving relationships within neighbourhoods

Social landlords should do more than react to hate incidents when they occur. They need to work with other organisations to seek to create neighbourhoods where people show respect for each other and where prejudice or hatred is not tolerated. They also need to prevent individual incidents from occurring by making sure that those who are vulnerable are aware of the risks and the help they can get. Wherever possible, they also need to protect people who have already suffered a hate incident from further incidents. Security improvements were discussed in Chapter 4 [link]. This chapter discusses broader preventative measures.

Detailed guidance on improving relationships within neighbourhoods is beyond the scope of this toolkit. But there is already guidance aimed at a wide range or national and local organisations as well as specific guidance aimed at housing organisations. For example, the Chartered Institute of Housing good practice guide on Community Cohesion and Housing has practical examples from across the UK.

Fundamental to any approach is working in partnership with other organisations, including local authorities, the police and voluntary and community groups, whose activities have an impact on community relations. (The CIH guide has many examples of partnership working.)

Below are some of the practical steps that can be taken by housing organisations to create more cohesive communities, followed by some specific examples of work with young people:

1 Analysing the changing nature of neighbourhoods

Housing organisations, and especially local authorities in their strategic housing role, need to understand changes that are taking place in different neighbourhoods. They should monitor demographic changes, such as changes in patterns of migration and movement, and also using survey results and other data to look at how neighbourhoods are seen by local people, including how cohesive people think their neighbourhoods are.

2 Monitoring community tensions

Social landlords should work in partnership with the police and organisations to monitor any potential community tensions. The Practical Guide to Tension Monitoring for Local Authorities, Police Services and Partner Agencies, published by the Institute for Community Cohesion for the Metropolitan
police\textsuperscript{17}, recommends approaches and gives examples of preventative work. Concerns about the state of relations should be shared with the police and inter-agency forums, such as those dealing with hate incidents [link].

3 *Promoting greater understanding between people from different backgrounds and life styles*

Social landlords have a significant role in promoting greater understanding between people, through their work at neighbourhood level. From the work of neighbourhood wardens through to their meetings with local residents’ groups, they have many opportunities to promote contact between people, deal with minor problems before they escalate and tackle friction-causing myths that sometimes circulate about the way resources are allocated.

4 *Ensuring transparency in the allocation of resources*

Inter-community tension can be created where some groups feel that other groups are given an unfair advantage in the allocation of resources. Social landlords need to make sure they use justifiable and explainable systems for letting their homes, for prioritising areas for investment and, where relevant, for making decisions about grant aid to community organisations.

5 *Promoting opportunities for different groups to meet*

Promoting opportunities for mixing can involve a wide range of activities, from making sure that resident involvement activities are as inclusive as possible, to reaching out to groups who may be on the margins, such as those from new migrant communities, Gypsies and Travellers, and people from lesbian gay and bisexual communities. It may also involve promotion of contact between people living in supported housing environments and those living in general needs housing, or inter-generational contact, such as through creating links between schools and sheltered housing schemes.

6 *Using customer profiling information*

Customer profiling can enable landlords to provide services tailored to residents’ needs, avoiding disadvantage suffered by individuals who might otherwise be offered inappropriate services. It can also help identify potential tenants who might be vulnerable to hate incidents so that preventative action can be taken. This is discussed below [link]. CIH has published a good practice briefing on *Customer Insight* that provides more detail about profiling.\textsuperscript{18} HouseMark is also in the process of developing new services around customer profiling.

7 *Profiling perpetrators of hate incidents*

Preventative measures can be guided appropriately if landlords can profile who is responsible for hate incidents. Young people carry out many, but by no means all, hate incidents. Responsibility for reducing alienation of young people from mainstream society and for creating opportunities for productive activities is clearly much broader than a housing function. However, some social landlords are heavily involved in programmes to divert young people away from ASB by creating opportunities for work through training

\textsuperscript{17} Downloadable at www.coventry.ac.uk/researchnet/d/361
\textsuperscript{18} See www.cih.org/publications/pub657.htm
programmes, by offering activities such as sports and social events, and by challenging them to think critically about their attitudes and behaviour.

Creating opportunities for young people

The Chartered Institute of Housing’s *Community Cohesion and Housing* good practice guide gives a number of examples of work that could be carried out by social landlords to create opportunities for young people:

- Tackling the issue of young people ‘hanging around’ in imaginative ways, e.g. projects to bring together young people and older people, or providing ‘shelters’ where young people can meet in an unsupervised way.
- Making land available or bidding for funds for ball courts, sports pitches and other facilities.
- Providing training opportunities for young people.
- Preventative work for ASB offenders or potential offenders, such as one-to-one support or group work.
- Resolving potential conflicts between groups in ways which also create opportunities for young people, such as through the promotion of inter-group contact and setting up a taskforce for young people, thus giving them a way of influencing decisions.
- Bringing young people into the decision-making processes in their area, such as through targeted consultation.
8.2 Letting homes in areas with a history of hate incidents

Social landlords need to have a different approach to letting homes in areas with a recent history of hate incidents – particularly to people who may be vulnerable to such incidents. The most obvious example is taking care over the re-letting of a home vacated by a household that has moved to escape a hate incident.

Landlords should not allow the creation of ‘no-go’ areas for particular groups, but neither should they expose vulnerable people to hate-related harassment.

An effective strategy should be based on the principle of giving potential tenants informed choice – that is, not seeking to place restrictions on where they live but making sure they know what may happen and, should an incident occur, the help that would be provided.

There are a number of building blocks to an effective approach to the issue:

- Risk-assessment based on a thorough understanding of the volume and nature of hate incidents and an understanding of potential tenants’ vulnerabilities based on customer profiling information.

- A clear explanation of the risks given to the vulnerable household contemplating a move to the area but also assurance of help - backed up by information on the landlord’s track record of effective work in tackling hate incidents.

- A ‘no penalty’ policy if the potential tenant refuses the offer, e.g. the offer does not count against the offer quota where there are restrictions placed on the number of offers that can be made.

- Target hardening where the risk warrants it.

- If the offer is accepted, regular visits to check the household is settling in and not experiencing problems, and alerting other agencies that may be able to provide support.

Examples of support schemes, of lettings to people in unfamiliar areas, and of good practice in managing choice-based lettings in relation to people from different communities, are included in the CIH guide to Community Cohesion and Housing.
The All Wales Community Cohesion Strategy

The All Wales Community Cohesion Strategy aims to promote more cohesive communities across Wales, with shared values and with equal opportunities in all areas of Welsh society.

The strategy will seek to raise awareness of community cohesion issues, increase knowledge of good practice in relation to improving community cohesion in communities, and provide advice on mapping the changing make-up of communities. This will allow the Welsh Assembly Government, local authorities and partners to respond to changing needs. The strategy includes a chapter looking specifically at community cohesion and housing, which it identifies as being particularly significant.

The Welsh Assembly Government’s website www.wales.gov.uk/communitycohesion contains information on the strategy and examples of practical steps taken by organisations in Wales to build and foster cohesion.

Checklist on working to reduce hate incidents

√ Are you actively involved in trying to create more cohesive neighbourhoods in the areas where your organisation operates?

√ Do have written procedures dealing with what should be done where vulnerable households are contemplating a move to an area where there has been a history of hate incidents?

√ If so, are such procedures based on the principle of ‘informed choice’?
APPENDIX 1: PROJECT STEERING GROUP MEMBERS

Claire Bryant    Wales and West Housing Association
Sarah Evans    Welsh Assembly Government
Bridget Garrod    Wales and West Housing Association
Ranjit Ghoshal    Tai Pawb
David Higgins    Whiteheads Solicitors
Peter Jackson    Social Landlords Crime and Nuisance Group
Jenny Porter    Stonewall Cymru
Rachel Stevens    Linc Cymru and formerly United Welsh Housing Association
Karen Thomas    Taff Housing Association
## APPENDIX 2: FURTHER INFORMATION

**Welsh national organisations: contact details**

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Remit</th>
<th>Contact details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability Wales</td>
<td>National association of disabled people’s organisations striving to achieve rights, equality and independence for all disabled people in Wales.</td>
<td>Caerphilly Business Park, Van Road, Caerphilly, CF83 3GW 029 2088 7325 <a href="mailto:info@disabilitywales.org">info@disabilitywales.org</a> <a href="http://www.disabilitywales.org">www.disabilitywales.org</a></td>
</tr>
<tr>
<td>Equality and Human Rights Commission Wales/Cymru</td>
<td>Champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.</td>
<td>3rd Floor 3 Callaghan Square Cardiff CF10 5BT 029 2044 7710 <a href="http://www.equalityhumanrights.com/en/wales/pages/wales.aspx">www.equalityhumanrights.com/en/wales/pages/wales.aspx</a> Helpline for individuals 0845 604 8810</td>
</tr>
<tr>
<td>Learning Disability Wales</td>
<td>Creating a Wales that values and includes every child and adult with a learning disability</td>
<td>41 Lambourne Crescent, Llanishen, Cardiff, CF14 5GG Telephone: 029 2068 1160 <a href="http://www.learningdisabilitywales.org.uk">www.learningdisabilitywales.org.uk</a></td>
</tr>
<tr>
<td>LGBT Excellence Centre (Wales)</td>
<td>Centre that gathers and shares excellence, information and good practice for LGBT people as well as organisations that want to achieve better equality and human rights.</td>
<td>60 Walter Road Swansea SA1 5PZ 01792 468 333 <a href="http://www.lgbtexcellencecentre.org.uk">www.lgbtexcellencecentre.org.uk</a> LGBT Cymru helpline 0800 023 2201</td>
</tr>
<tr>
<td>Organisation</td>
<td>Remit</td>
<td>Contact details</td>
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<td>----------------------------------</td>
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</tbody>
</table>
| Stonewall Cymru                  | Aims to achieve legal equality and social justice for lesbian, gay and bisexual people in Wales. | Transport House  
1 Cathedral Road  
Cardiff CF11 9SB  
029 2023 7744  
The Equality Centre  
Bangor Road  
Penmaenmawr  
Conwy LL34 6LF  
01492 622202  
www.stonewallcymru.org.uk       |
| Tai Pawb                         | Tai Pawb's mission is to promote race equality and social justice in housing in Wales. | 8 Coopers Yard  
Ground Floor, Centre Court  
Curran Road  
Cardiff CF10 5NB  
029 2053 7630  
www.taipawb.org                  |
| Tenant Participation Advisory Service Cymru | TPAS Cymru has a Wales-wide role to be a resource hub of information and expertise delivering at a range of levels. | Transport House  
1 Cathedral Road  
Cardiff CF11 9SD  
029 2023 7303  
Ty Blodwel  
Broad Street  
Llandudno Junction  
Conwy LL31 9HL  
01492 593046  
www.tpascymru.org.uk             |
| Welsh Refugee Council            | The lead voluntary sector agency working with refugees and asylum seekers in Wales | Phoenix House  
389 Newport Road  
Cardiff CF24 1TP  
Tel: 029 2048 9800  
www.welshrefugeecouncil.org     |
| Welsh Assembly Government – community cohesion | The aim of the All Wales Community Cohesion Project is to promote more cohesive communities across Wales, with shared values and with equal opportunities in all areas of Welsh society. | All Wales Community Cohesion Project Community Safety Division Merthyr Tydfil Office Rhydycar Merthyr Tydfil CF48 1UZ 01685 729055 http://new.wales.gov.uk/topics/housingandcommunity/communitycohesion/?lang=en Good practice case studies http://new.wales.gov.uk/topics/housingandcommunity/communitycohesion/?lang=en |
| Welsh Assembly Government – housing | The Assembly considers that the quality of people’s homes is critical to the quality of their lives. Homes are a cornerstone of the strong, safe communities we wish to see throughout Wales. | http://new.wales.gov.uk/topics/housingandcommunity/housing/?lang=en Anti-social behaviour http://new.wales.gov.uk/topics/housingandcommunity/housing/social/management/antisocialbehaviour/?lang=en |
| Welsh Local Government Association – community safety | Represents the interests of local government in respect of community safety, as well as the interests of its associate members. | Rachel Morgan, Policy Officer Community Safety (also contact for Wales Association of Community Safety Officers) Local Government House Drake Walk Cardiff CF10 4LG 029 2046 8651 www.wlga.gov.uk/english/community-safety2 |
| Welsh Local Government Association - equalities | The Welsh LGA considers equality to be an essential element of the modernisation agenda for local government and other public sector organisations in Wales. | Naomi Alleyne, Director of Equalities & Social Justice  
Local Government House  
Drake Walk  
Cardiff CF10 4LG  
029 2046 8660  
|---|---|---|
| Welsh Local Government Association – housing | Housing is an area of responsibility which is devolved to the Welsh Assembly Government, and the Welsh Local Government Association takes an active part in the development of housing policy in Wales. | Sue Finch, Policy Officer Housing  
Local Government House  
Drake Walk  
Cardiff CF10 4LG  
029 2046 8674  
www.wlga.gov.uk/english/housing |
| Welsh Tenants Federation | The Welsh Tenants Federation is essentially a rights based organisation whose role is to respond to issues raised by members and to act as the representative voice of tenants in Wales. Towards this aim, we provide information, advice and support to both our members and the general body of tenants. | Milbourne Chambers  
Glebeland Street  
Merthyr Tydfil CF47 8AT  
01685 723922  
www.welshtenantsfed.org.uk |
References

Below is a list of all publications referred to in this toolkit, with weblinks to source documents online where these are available.


www.jrf.org.uk/bookshop/details.asp?pubID=541

Chahal, K and Julienne, L (1999) ‘We Can’t All Be White’: Racist Victimisation in the UK, Joseph Rowntree Foundation
www.jrf.org.uk/knowledge/findings/housing/679.asp

Chartered Institute of Housing/Housing Corporation (2007) Community Cohesion and Housing good practice guide
www.cih.org/publications/pub655.htm

Chartered Institute of Housing (2005) Anti-social Behaviour, Good Practice Briefing
www.cih.org/publications/pub59300.htm

Chartered Institute of Housing (2002) Crime, Disorder and Ant-social Behaviour, Good Practice Briefing
www.cih.org/publications/pub59230.htm


www.communities.gov.uk/publications/housing/landlordtoolkit

www.communities.gov.uk/archived/publications/housing/tacklingracial


www.equalityhumanrights.com/Documents/Gender/Public%20sector/Gender%20equality%20duty/Specific%20gender%20equality%20duty/Codes%20of%20practice/Gender_equality_duty_CoP_England_Wales.pdf

www.homeoffice.gov.uk/documents/coderi.pdf

www.harassment-law.co.uk/pdf/lemcn1.pdf

www.archive.official-documents.co.uk/document/cm42/4262/4262.htm

www.victimsupport.org.uk/vs_england_wales/about_us/publications/index.php#vsp

www.respect.gov.uk/members/article.aspx?id=8140


The following publications are not referred to within the toolkit but may be of interest:

www.crimereduction.homeoffice.gov.uk/partnerships/partnerships001.htm

http://new.wales.gov.uk/topics/housingandcommunity/housing/publications/raceequalityplan/?lang=en


Welsh Assembly Government (2005) Anti-social behaviour policies and procedures – code of guidance for local authorities and housing associations
http://new.wales.gov.uk/topics/housingandcommunity/housing/publications/antisocialbehaviour/?lang=en


Websites

Below is a list of websites which those working to prevent and tackle hate incidents may find useful.

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<td>Criminal Justice System (England and Wales)</td>
<td>Website for anyone who has come into contact with the criminal justice system</td>
<td><a href="http://www.cjsonline.org">www.cjsonline.org</a></td>
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<td>Crown Prosecution Service</td>
<td>Policy and guidance on prosecuting various forms of hate crime</td>
<td><a href="http://www.cps.gov.uk/publications/prosecution/homophobia.html">www.cps.gov.uk/publications/prosecution/homophobia.html</a></td>
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<td>Disability Now</td>
<td>Dossier of hate crimes against disabled people</td>
<td><a href="http://www.disabilitynow.org.uk/the-hate-crime-dossier">www.disabilitynow.org.uk/the-hate-crime-dossier</a></td>
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<td><strong>HouseMark</strong></td>
<td>Subscription good practice and benchmarking service – includes range of information on anti-social behaviour</td>
<td><a href="http://www.housemark.co.uk">www.housemark.co.uk</a></td>
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<td><strong>Social Landlords Crime and Nuisance Group</strong></td>
<td>The Social Landlords Crime and Nuisance Group (SLCNG) is the UK's leading housing based organisation specialising in delivering effective solutions to anti-social behaviour.</td>
<td><a href="http://www.sclng.org.uk">www.sclng.org.uk</a></td>
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<tr>
<td><strong>Institute of Community Cohesion</strong></td>
<td>Online resource including good practice and range of toolkits</td>
<td><a href="http://www.cohesioninstitute.org.uk">www.cohesioninstitute.org.uk</a></td>
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<tr>
<td><strong>Raceactionnet</strong></td>
<td>Subscription service from Lemos and Crane</td>
<td><a href="http://www.lemosandcrane.co.uk/raceactionnet">www.lemosandcrane.co.uk/raceactionnet</a></td>
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<td><strong>Respect</strong></td>
<td>Tackling anti-social behaviour and its causes – includes range of guidance</td>
<td><a href="http://www.respect.gov.uk">www.respect.gov.uk</a></td>
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<td><strong>Safer Wales</strong></td>
<td>Developing on-line hate crime self-reporting form.</td>
<td><a href="http://www.saferwales.com">www.saferwales.com</a></td>
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