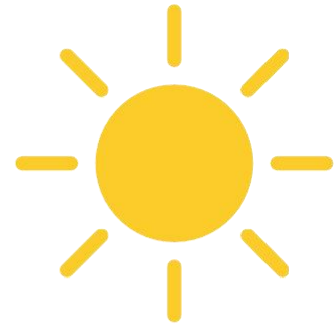


Plus Dane Housing

# Hate Crime Policy

October 2024

COM-POL-14-04



**CONTENTS** **PAGE**

Contents

1	Policy Statement.....	2
2	Policy Aims .....	2
3	Key Legislation .....	3
4	Links to Corporate Plan: .....	3
5	Our Approach .....	4
5.1	Hate Incidents.....	4
5.2	Hate Crimes .....	5
5.3	Victim and Witness Support.....	6
5.4	Rehousing.....	6
5.5	Working with Partner agencies.....	6
5.6	Perpetrator Support.....	7
5.7	Taking Enforcement Action .....	7
5.8	Information Sharing and Confidentiality.....	8
5.9	Recording of Hate Crime and Hate Incidents .....	9
5.10	Colleagues.....	9
6	Assurance.....	9
6.1	The Community Safety team .....	9
6.2	The performance and compliance .....	9
6.3	To ensure we continue to provide the best possible service.....	9
6.4	Victims will be contacted.....	9
7	Equality Impact Assessment.....	9
8	Modern Slavery & Human Trafficking .....	10

## 1 Policy Statement

This Policy sets out our approach to responding to, managing, and preventing hate crime and hate incidents that occur within our homes and communities.

The Hate Crime Policy applies to all customers, members of their households and their invited guests regardless of tenure type. It also applies to colleagues and contractors working within our communities on our behalf.

We value the diversity of our customers and colleagues and believe that all customers, their families and visitors to their homes and our colleagues working in our communities, have a right to live and work without fear of abuse, intimidation, harassment, humiliation, or attack, irrespective of their personal characteristics.

Hate crimes are therefore distinct from general anti-social behaviour in that they are perceived to be motivated by prejudice or hatred against people with an identifiable characteristic. Hate crimes may include hostility or hatred based on other characteristics such as gender, religion, race or disability. We are committed to the elimination of hate crimes, whether perpetrated by our customers, colleagues, contractors, or others. We will use all available powers and resources to deal with reports of hate crime. We encourage all victims and witnesses to report incidents by offering support and signposting to other agencies e.g., Police.

We encourage any person or member of the community who has experienced a hate crime or hate incident to report it to us, in a safe environment and we will advocate and signpost to relevant agencies.

If a report of hate crime is made and the reporter feels that we did not act in accordance with this policy, they have the right to make a complaint through our Customer Complaints and Feedback Policy.

This policy aims to reflect the expectations of the Regulator of Social Housing which are set out within Consumer Standards to inform how we must deal with Hate Crime as an organisation.

## 2 Policy Aims

The aims of this policy are to:

- Ensure that colleagues are made aware and trained to identify the needs of victims and witnesses of hate incidents/crime, so that they can provide a responsive and effective service whilst respecting the need for sensitivity and confidentiality.
- Encourage reporting of hate incidents/crime either experienced or witnessed

- Inspire confidence amongst residents that we will deal effectively with all reports of hate incidents/crime.
- Create safe and welcoming environments for people to report hate incidents/crime.
- Take proportionate action in accordance with the requirements of current legislation against perpetrators of hate crime with the aim of protecting the victim, stopping the abuse, and preventing further incidents.
- Support victims and witnesses where they are required to give evidence or where appropriate refer to support agencies

### **3 Key Legislation**

The Policy incorporates a number of legislative and regulatory requirements, which includes but is not limited to:

ASB Crime and Policing Act 2014

Equality Act 2010

Housing Act 1996

Housing Act 1988

Data Protection Act 2000

Protection from Harassment Act 1997

Policing and Crime Act 2009

Criminal Justice Act 2003

Racial and Religious Hatred Act 2006

Civil Evidence Act 1995

Malicious Communications Act 1988

Public Order Act 1988

There are also a number of internal policies that should be considered in conjunction with this document, including but not limited to:

Anti-Social Behaviour Policy

Domestic Abuse Policy

Starter Tenancy Policy

Safeguarding Policy

Customer Complaints and Feedback Policy

### **4 Links to Corporate Plan:**

Strategic Objective of Customer Experience - This policy will help to create, with current and future customers, an experience where

customers feel they are listened to, empowered, and treated fairly through good quality communication.

## **5 Our Approach**

We will take a 'victim centred' approach when responding to reports of hate crime. Where the victim feels the incident is motivated by hate it will be treated as hate-related until and only if it is evidenced otherwise.

When hate crime is reported we will offer victims help and support and we will encourage a victim to report the incident of hate crime to the police, particularly where threats of harm have occurred to ensure effective action can be taken.

Our approach is we will:

- Not tolerate hate-related behaviour.
- Always offer support to victims.
- Treat any report as a priority.
- Be sensitive and listen.
- Not put victims at further risk.
- Work to the Liverpool City Region Housing Group minimum standards in dealing with hate crimes

### **5.1 Hate Incidents**

Hate incidents and hate crimes are acts of violence or hostility directed at people because of who they are or who someone thinks they are. The Police and Crown Prosecution Service have agreed a common definition of hate incidents as incidents where the victim or anyone else perceives as motivated by hostility or prejudice based on one of the following things:

- disability
- race
- religion
- transgender identity
- sexual orientation

All police forces record hate incidents based on these five personal characteristics. Greater Manchester Police now recognises alternative sub-culture hate incidents. These are incidents based on someone's appearance and include Goths, Emos, Punks, and other similar groups. This means they will also record any such incidents as a hate incident. We will also take the same approach. Merseyside Police recognises Street Sex Workers as a sub-culture.

Hate incidents can take many forms and may include but not limited to:

- harassment
- verbal abuse like name-calling and offensive jokes
- bullying or intimidation by children, adults, neighbours, or strangers
- physical attacks such as hitting, punching, pushing, spitting
- threats of violence
- hoax calls, abusive phone, or text messages, hate mail
- online abuse on social media
- displaying or circulating discriminatory literature or posters
- harm or damage to things such as your home, pet, vehicle
- graffiti
- arson
- throwing rubbish into a garden
- malicious complaints for example over parking, smells or noise.

## **5.2 Hate Crimes**

When hate incidents become criminal offences they are known as hate crimes. A criminal offence is something which breaks the law of the land.

Any criminal offence can be a hate crime if it was carried out because of hostility or prejudice based on disability, race, religion, transgender identity or sexual orientation.

When something is classed as a hate crime, the judge can impose a tougher sentence on the offender under the Criminal Justice Act 2003.

Incidents which are based on other personal characteristics, such as age and belonging to an alternative subculture, are not considered to be hate crimes under the law. These can still be reported but they will not be prosecuted specifically as hate crimes by the police and the Crown Prosecution Service.

**5.2.1** We recognise that hate crime can take a variety of different forms, but they are all based on hatred and prejudice, and they aim to hurt or humiliate their victim(s). All forms of hate incidents and hate crime are unacceptable and we will seek to take the most appropriate action to deal with the alleged perpetrators. Examples of hate crimes can include:

- assaults
- criminal damage
- harassment
- murder

- sexual assault
- theft
- fraud
- burglary
- hate mail (Malicious Communications Act 1988)
- causing harassment, alarm, or distress (Public Order Act 1988).

### **5.3 Victim and Witness Support**

Where there is damage against our property because of incidents motivated by hate crime, we will take responsibility for carrying out repairs as a matter of urgency.

Offensive or racist graffiti will be removed within 24 hours of notification to us.

- 5.3.1** We will provide advice and support to victims and perpetrators of hate crime. This may require sign posting victims to appropriate commissioned services, or the police (see 5.5.2).
- 5.3.2** Where necessary we may offer additional security measures for victim's homes such as ring doorbells and/or window locks.
- 5.3.3** Where appropriate colleagues will give evidence in court if they witness hate crime. They can also take witness statements and present them as hearsay evidence as professional witnesses. Where residents are vulnerable or unable to give evidence at court, we may use professional witnesses and/or CCTV evidence as an alternative.

### **5.4 Rehousing**

Where we have sufficient evidence to prove risk of harm, safety and well-being, we will support the victim to apply to the choice-based lettings system within the area they live. We may also consider a direct match to an alternative suitable home using our own homes, either on a permanent or temporary basis. This will be decided on a case-by-case basis dependent on the needs of the victim and the level of risk/harm presented.

### **5.5 Working with Partner agencies**

We will take a multi-agency approach and work with partners to highlight issues in an area and support victims.

- 5.5.1** We will attend and contribute to all relevant multi agency meetings in the main areas in which we work; this might include, but is not limited to:

- Problem Solving Groups
- Joint Agency Groups
- Local Crime and Disorder Partnership Meetings
- Strategic Housing Partnerships

5.5.2 We will establish close links with partner agencies to share information, corroborate evidence, share good practice, deliver interventions and awareness campaigns, and refer victims and perpetrators for support.

We will attend case conferences, multi-agency meetings or public meetings to support partner agencies to deliver interventions.

We will establish close links with commissioned services that deliver support to victims of Hate Crime including:

- Anthony Walker Foundation for Race or Religious hate crime
- Liverpool Citizens Advice for LGBTQ+ hate crime
- Daisy UK for Disability hate crime
- Remedi for Hate Crime regardless of category in Cheshire

## **5.6 Perpetrator Support**

Where appropriate, we will signpost perpetrators to relevant support agencies to moderate their behaviour however, our priority is the victim and their safety.

## **5.7 Taking Enforcement Action**

We can only take tenancy enforcement action against our customers (including where the perpetrator is an occupant or a visitor to one of our customers).

When the perpetrator is not our customer, we will decide if we are the right agency to take legal action. We will work with other agencies including other landlords and the police to act against anyone committing hate crime and we will signpost those people reporting hate crime to the most relevant agency to assist with appropriate action.

Should it be necessary for us to consider legal action against a non-customer, to reduce serious harm to our tenants or communities we may consider making an application to the courts for an injunction.

5.7.1 In cases of hate crime involving our customers or their household members, or our colleagues or contactors, we will take the most appropriate and proportionate action available to us this can include but not limited to:



- For serious threats or actual harm, we can consider ex-parte injunctions which allow an interim injunction to be granted without the alleged perpetrator attending the first hearing
- With notice injunction applications
- Claim for Possession depending on the type of tenancy agreement
- The use of Ground 7a of the Anti-Social Behaviour, Crime and Policing Act 2014 for absolute possession will be considered in circumstances where a court has already found a tenant or member of their household guilty of a hate crime

**5.7.2** We will only take legal action if it is reasonable and proportionate to do so. It is important that we give victims and witnesses realistic advice from the outset about what action can be taken, the level of evidence required and the possible timescales

**5.7.3** If legal action is pursued, we will support victims and witnesses throughout the court process and beyond to the point where we are assured that they feel safe. We understand that not everyone feels able to give evidence in court, but cases are most successful where we have witnesses who can give their own account of what they have been experiencing.

**5.7.4** After carrying out investigations it may be proportionate to use non legal remedies including, but not limited to:

- Verbal and written warnings
- Using Acceptable Behaviour Agreements and Parenting Agreements
- Using Good Neighbour Agreements
- Signposting to diversionary activities
- Undertaking security measures aimed to design out crime

## **5.8 Information Sharing and Confidentiality**

**5.8.1** When a report of hate crime is made, we will make every effort to ensure that confidentiality is maintained for all concerned however there are limits to confidentiality, particularly where there are safeguarding concerns. We will not divulge who has made a report without obtaining permission from the victim/witness, although those making the report need to be aware that alleged perpetrators might draw their own conclusions when approached about the incident.

Under Section 115 of the Crime and Disorder Act 1998, we will share information with other agencies as part of a strategy to reduce Hate Crime.

### **5.9 Recording of Hate Crime and Hate Incidents**

When we are aware of them, all reports of hate incidents will be logged on CX as an ASB/Hate Crime case. This enables us to monitor performance and identify any trends and assists us to ensure that all reports are managed in a timely and consistent manner.

This is outlined in our Hate Crime Procedure document

### **5.10 Colleagues**

If a colleague experiences a hate incident from a colleague or contractor, this should be reported to a manager as soon as possible.

Where a colleague or customer reports that a colleague has committed an alleged hate crime or incident, this should be reported to a line manager, or People Team. Where appropriate the matter will be investigated in line with our, Disciplinary and Grievance Procedures.

## **6 Assurance**

- 6.1** The Community Safety team will coordinate this policy and will provide guidance and support for all colleagues on the use and application of the Policy.
- 6.2** The performance and compliance with the service standards detailed in the policy will be monitored and managed by the Director of Communities, and the Community Safety Manager. We will use performance measures that are focused on monitoring the effectiveness of our hate crime policy to improve the service.
- 6.3** To ensure we continue to provide the best possible service for our customers and staff this policy will be subject to ongoing evaluation using feedback from satisfaction surveys, complaints, Housing Ombudsman reviews, customer scrutiny reviews and other good practise resources to continually assess what we are doing.
- 6.4** Victims will be contacted following completion of our investigation; we will encourage feedback on the process that we followed to deal with their report and their overall satisfaction with the outcome. The results will be used to provide valuable information to ensure that we continually improve our services and identify areas for improvement.

## **7 Equality Impact Assessment**

An Equality Impact Assessment undertaken on this Policy has indicated there are no negative impacts arising from this Policy based on a customer's race, religion, disability, gender or gender identity, sexual orientation, marital or civil partnership status, pregnancy, or age.

## **8 Modern Slavery & Human Trafficking**

Plus Dane has a zero-tolerance approach to human trafficking and modern slavery. As part of our commitment to the Modern Slavery Act, when we visit and interact our tenants, during these visits we will consider signs of modern slavery and human trafficking, as well as any other welfare concerns which tenants or members of their household may have. Where we have concerns, we will raise this concerns through our wider safeguarding approach.