

# Hate crime and hate incidents related policy

## Housing Management

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## 1. **Headline messages**

**All our residents need to feel safe from hate related incidents and crime, which can have a serious and damaging impact on those targeted.  
We will support any resident subjected to hate crime or hate related incidents in a timely and professional manner.**

## 2. **Aims of the policy**

All residents have the right to live without fear of being targeted for hate related incidents and crimes.

This policy strives to create households and neighbourhoods that promote this, whilst providing colleagues with the tools to correctly identify and manage hate related crimes.

The purpose of this policy and associated guidance is to:

- Ensure colleagues can correctly identify and manage hate-related incidents
- Ensure that victims and witnesses feel confident in reporting hate-related incidents and receive appropriate support
- Ensure successful action is taken against perpetrators and are deterred from further behaviour in the future.

## 3. **Scope**

This policy is applicable to all areas of L&Q. Not all incidents of harassment, intimidation and threats are necessarily hate related. Non- hate related incidents of harassment, intimidation and threats will be initially managed as anti-social behaviour and addressed through the ASB policy.

## 4. **Policy approach**

We want to create places where people do not have to live in fear of hate-related harassment, hate related incidents and hate crime.

All residents have the right to live without fear of being targeted for abuse, intimidation, harassment, humiliation because of their status, identifiable or group characteristics or affiliation.

Hate related incidents and hate crime can have a serious and devastating impact on a person's sense of security, health and wellbeing. We recognise our responsibility to assist residents affected by hate-related incidents and hate crime and this policy outlines our commitment to dealing with this.

### **Vulnerable Residents**

We will ensure that the needs of vulnerable residents are identified and assessed to enable them to live safely and independently within their homes.

The definition of a vulnerable resident is someone with any condition or circumstance that:

- Places them (or others) at risk in their home
- Puts them at risk of being unable to comply with the conditions of their tenancy or lease
- Affects their ability to access our services

When dealing with resident's customer facing colleagues must:

- **Think** – is this customer potentially vulnerable?
- **Respond** – ask how their condition affects them, what support needs they have and consider how we should respond.
- **Record** - ensure their needs are recorded on the system so other colleagues know how to respond in the future.

For further information on vulnerable applicants, please refer to L&Q's Policies: Vulnerable Residents, Safeguarding of Adults and Children, Hate Related Incidents, Domestic Abuse and Anti-social Behaviour Policy.

## Definitions

### Hate Related Harassment

We use the definition found in the Equality Act 2021 to identify hate-related harassment:

*Unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.*

Hate related harassment takes many forms and can occur on various grounds. It may be directed at an individual or group of individuals. It is not intention of the perpetrator but the conduct itself and the impact on the recipient which determines what constitutes harassment.

### Hate Crime and Hate Incidents

The Association of Chief Police Officers distinguishes between a hate incident and a hate crime:

- A **hate incident** is 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 any incident which constitutes a criminal offence and is perceived by the victim or any other person as being motivated by prejudice or hate.

This definition means that if anyone (the victim, a witness, a police officer, member of staff or 3rd party) perceives an incident as hate-related it should be recorded and investigated as such.

## General Approach

We will:

- Respond promptly to all reports of hate-related incidents by carrying out an assessment within our SLA timescales.
- Ensure the risk of harm to the victim is appropriately identified and assessed. Not all victims will necessarily perceive an incident as being a hate-related incident. We will try

to understand the motivations behind the incident to identify whether it is harassment and or hate crime.

- Check if there have been previous incidents involving the alleged perpetrator(s) so that patterns of repeat victimisation can be established.
- Agree an action plan with the victim.
- Regularly contact the victim and keep them informed about progress.

## 4.1 Supporting victims and witnesses

We will:

- Take a victim centered approach to reports of harassment and hate crime. This means acting on the information presented by the victim even if it is unconfirmed or unsubstantiated, and approaching all cases in a sensitive non-judgemental way. Treat all reports confidentially and offer anonymity to witnesses.
- Use interpreter and translation services where appropriate.
- Encouraging the reporting of hate crimes to the police.
- Provide advice and support to victim and witnesses.
- Refer victims to support services and other agencies, where appropriate and work in partnership with other agencies to deliver a co-ordinated plan of action for victims and/or the perpetrator. This can include working with the police, local authority, support services, safeguarding teams and legal representatives.
- If there is imminent personal risk of violence, support victims if they wish to make an application to the local authority homeless persons unit for rehousing
- Support victims to make improvements to security of their home, where appropriate.

## Enforcement

Ordinarily we will instigate enforcement action using the tools available directly to L&Q; however, there may be occasions where we will need to engage with partner agencies and request their assistance to tackle the behaviour.

Where warnings and attempts at early intervention have not worked or where the Anti-Social Behaviour is too serious then L&Q will consider enforcement action.

We will take action against perpetrators of serious ASB, hate related harassment and hate crime, where appropriate. This can include applying for possession proceedings.

L&Q will prioritise removal of offensive and racist graffiti.

The legal powers we will consider or assist partner agencies will include: -

- Application for Injunctions – with and without notice
- Possession proceedings
- Enforcement Action (e.g. committal proceedings for breach of injunction / undertaking)
- Community Protection Notices (support the police/ local authority)
- Closure Orders (support the police/ local authority)
- Criminal Behaviour Orders (support the police/ local authority)

# Appendices

## 1. Assurance

Compliance with the policy will be assessed according to the following criteria:

- Acting in accordance with the customer promise, specifically: we will keep you safe; we'll listen and we'll help resolve issues of concern to you and your community.
- Complete accurate record keeping – right information, right systems, evidenced by: clear notes; all contacts in D365; property information on arena/keystone; any vulnerability and service adjustments information in Arena support flags; documents uploaded; forms/notices completed accurately
- Tone of voice and empathy as evidenced by; empathy in language and actions; jargon free; and with no inappropriate language
- Timeliness – actions in line with agreed timeframes including assessments complete within one working day; regular contact for progress updates; and 'stuck' cases being checked
- A plan is agreed with the reporting person and followed
- Referrals and signposting to support agencies are made as appropriate.

## 2. Legislation and Regulation

1. ***S.218 of the Housing Act 1996 (as introduced by S.12 of the Anti-Social Behaviour Act 2003)***, which requires housing associations to prepare a policy and procedure on ASB. The Act also gave housing associations powers to evict residents for harassment and to secure injunctions to prevent racial harassment.
2. ***The Protection from Harassment Act 1997***, introduced two criminal offences: the offence of harassment and that of putting another person in fear of violence and intimidation. For both offences there must be a 'course' of conduct which is 'conduct on at least two occasions.
3. ***The Crime and Disorder Act 1998*** introduced new offences and higher penalties to deal with the problem of racist violence and harassment. This includes racially aggravated assault, racially aggravated public disorder and racially aggravated harassment.
4. ***The Domestic Violence, Crime and Victims Act 2004***, increased the protection, support and rights of victims and witnesses of domestic violence and abuse. It also introduced new powers for the police and courts to deal with offenders, while bolstering support and protection that victims can receive.
5. ***The Equality Act 2010***, which prohibits unlawful discrimination against the nine 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

### **Regulatory framework**

1. Neighbourhood and Community Standard: Required outcomes

**1.1** *Neighbourhood management: Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own*

*clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.*

**1.2** *Anti-social behaviour: Registered providers shall work in partnership with other agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.*

**2. Neighbourhood and Community Standard: Specific expectations**

**2.3.1** *Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.*

**2.3.2** *In their work to prevent and address ASB, registered providers shall demonstrate:*

**(a)** *that tenants are made aware of their responsibilities and rights in relation to ASB*

**(b)** *strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies*

**(c)** *a strong focus exists on preventative measures tailored towards the needs of tenants and their families*

**(d)** *prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available*

**(e)** *all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not*

**(f)** *provision of support to victims and witnesses*

# Policy controls sheet



**Date of approval:** 1st April 2023

**Approved by:** Sharon Burns, Head of Housing Specialism

**Effective date:** January 2022

**Review date:** April 2023

**Author:** Housing Quality Assurance, Service Improvement Team

**Policy owned by:** Director, Housing Management

**Associated documents:** ASB policy, ASB Standard Operating Procedures

Complete the following table. The most recent update should be first with previous updates following:

Main changes	Key points
Policy has been amended to include reference to customers with vulnerabilities.	Minor amendments have been made under the 'Policy Approach' section to include approach to vulnerable residents, definition, colleague responsibilities and reference to L&Q's associated policies.
<b>Reviewed by:</b> M Griffiths, Housing Quality Assurance <b>Approved by:</b> Sharon Murphy, Head of Housing, 1st April 2023	

Main changes	Key points
L&Q and THT's policy have been aligned and reviewed	<ul style="list-style-type: none"><li>• Policies have been aligned and reviewed to ensure that all information is accurate and up to date.</li><li>• Lines have been added from THT's policy to include enforcement action and legal powers.</li><li>• Lines from THT have been added to L&amp;Q's policy with minor amendments to the aligned policy.</li><li>• Added reference to ASB Policy.</li><li>• Added a bullet to include THT's approach to include legal powers where L&amp;Q will need support from the police and LA.</li></ul>
<b>Reviewed by:</b> M Griffiths, Housing Quality Assurance <b>Approved by:</b> Sharon Murphy, Head of Housing, 1st April 2023	

Main changes	Key points
Transferring policy to revised template and inserting assurance criteria	<ul style="list-style-type: none"><li>• Very minor drafting amendments to reflect tone of voice</li><li>• Addition of assurance criteria</li></ul>
<b>Reviewed by:</b> T Powell, Policy and Assurance	

**Approved by:** Jennifer Marius, Head of Housing Management, 21st January 2022