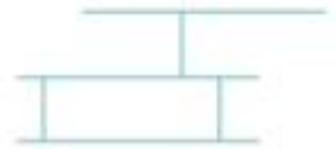


Plus Dane Housing

# Hate Crime Policy

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## 1 Policy Statement

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

The Hate Crime Policy applies to all residents, members of their households and their invited guests regardless of tenure type. It also applies to employees.

We are committed to providing homes in neighbourhoods in which our customers and staff want to live, work and that are safe and secure. We value the diversity of our customers and staff and believe that all customers, their families and visitors to their homes and our staff working in neighbourhoods on Plus Dane business, have a right to live and work without fear of abuse, intimidation, harassment, humiliation, or attack, irrespective of their personal characteristics.

### a. Definitions

The Government defines hate crime as follows ('Challenge it, report it, stop it: The Government's Plan to Tackle Hate Crime' HM Government March 2012): Hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic'.

We use this definition to define our policy. For the Policy, we also refer to hate incidents. This definition covers five nationally monitored characteristics, disability, gender identity, race, religion or faith and sexual orientation. Merseyside Police now recognises street Sex Workers as an alternative sub-culture for hate crime.

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 also of course include hostility or hatred based on other characteristics such as age, gender, political affiliation, or vulnerability. We are committed to the elimination of hate crimes, whether perpetrated by our tenants, employees, 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 person 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 is set within the context of relevant legislation such as the Equality Act 2010 and Criminal Justice Act 2003 as amended. It also aims to reflect the expectations outlined by our regulator in the Homes and Communities Agency Regulatory Framework for Housing in England.

## **2 Policy Aims**

The aims of this policy are to:

- Ensure that employees 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 complainant, 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 Links to Corporate Plan:**

This policy links to the working principles within our corporate plan by ensuring we are clear about what we do and to create with both current and future customers an experience that is efficient and responsive, allows choice, and is tailored to individuals and their circumstances.

## **4 Our Approach**

We value and celebrate diversity in Plus Dane Housing, we condemn all forms of discrimination and hate crime. We will treat complaints of Hate Crime seriously and will take prompt action to remedy complaints.

Hate incidents/crime reports will be logged on our CX system and responded to as the highest most serious level of anti-social behaviour (ASB)

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 a hate crime until and only if it is proven otherwise.

We can only take tenancy enforcement action against our tenants but will work with other agencies including other landlords and the Police to act against anyone committing hate crime and will signpost those people reporting hate crime to the most relevant agency to assist with appropriate action. When hate crime is reported we will offer victims help and support, and we will act against the perpetrators where appropriate where allegations are proved to be true.

We will actively encourage a complainant to also report the case to the Police, particularly where threats of assaults have occurred to ensure effective action can be taken.

In cases of hate crime involving our tenants or their household members, or our staff or contactors, we will take the most appropriate and proportionate action available to us. 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.

Wilful or deliberate damage to our property will be subject to our rechargeable repairs policy.

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

We will establish close links with support groups and partner agencies that provide support to people who have been the victims of hate crime. For example, we can access commissioned services including:

- Anthony Walker Foundation for Race or Religious hate crime
- Liverpool Citizens Advice for LGBTQ+ hate crime
- Daisy UK for Disability hate crime
- Victim Support

4.1 Hate crime is any hate incident which constitutes a criminal offence, perceived by the victim or any person, as being motivated by prejudice or hate.

- 4.2 Our victim centred approach to anyone reporting a hate crime, ensures that we treat the incident as the victim perceives it, not how we may perceive it.
- 4.3 A hate incident may or may not constitute a criminal offence, and is perceived by the victim or any other person, as being motivated by prejudice or hate because of the victim's:
- 4.4 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. They say something is a hate incident if the victim or anyone else thinks it was motivated by hostility or prejudice based on one of the following things:
- disability
  - race
  - religion
  - transgender identity
  - sexual orientation

This means that if you believe something is a hate incident it should be recorded as such by the person you are reporting it to.

- 4.4.1 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.
- 4.4.2 Hate incidents can take many forms. Here are examples of hate incidents:
- verbal abuse like name-calling and offensive jokes
  - harassment
  - 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.

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

4.4.3 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.

#### 4.5 **Hate crimes**

Here are examples of hate crimes:

- 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).

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 take the most appropriate action to deal with the alleged perpetrators.

#### 4.6 Support

##### 4.6.1 Victim and Witness Support

Where necessary we will provide advice and assistance to victims and perpetrators of hate crime and offer appropriate support through the whole case. This may require sign posting victims to Victim Support or other support agencies. This may also be done by other agencies e.g., Police or commissioned services listed above

Where necessary we may offer additional security measures for victims homes such as fire proof letter boxes, ring doorbells and/or window locks and in cases where the safety and well-being of the victim is at risk and this is confirmed by the Police we will consider either increasing banding on the choice based lettings system or making a direct match to an alternative suitable property either on a permanent or temporary basis. This will always be decided on a case-by-case basis dependent on the needs of the victim and the level of risk presented.

4.6.2 We will also take a multi-agency approach and work with partners to highlight issues in an area and support victims. Where appropriate our staff can 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 surveillance as an alternative. For any staff members who are victims of hate crime our internal Human Resources Policy and Procedure will be followed to support colleagues along with any appropriate external agencies.

4.6.3 We will not prejudge alleged perpetrators prior to the investigation but we will advise alleged perpetrators to make them aware of the consequences of their actions. Where appropriate, we will signpost to relevant support agencies for alleged perpetrators to moderate their behaviour however, our priority is the victim and their safety.

##### 4.6.4 Re-Housing

Where there are extreme incidents of hate crime, victims will be supported to secure emergency accommodation to remove them immediately from danger. In line with the choice based letting process in the area that they live, if required we will support the victim to apply for rehousing and ensure that the correct banding is given in line with the circumstances of their application.



#### 4.7 Legal and Non-Legal Remedies

Where there is evidence of hate crime, appropriate and proportionate action will be taken. We will consider the frequency and severity of the incident and the options available. When legal action is taken, we will use the tools and powers available to us in line with the ASB Crime and Policing Act 2014.

Action that we might take can include:

- Warning Letters
- Letters from our Solicitors
- Acceptable Behaviour Contracts (ABC's)
- Good Neighbour Agreements
- Mediation and/or Restorative Justice
- Injunctions
- Possession including use of Ground 7A-mandatory ground for possession
- Any other additional/replacement legal or non-legal tools and powers introduced

#### 4.8 Possession Proceedings

Where there are incidents of serious criminal activity or severe threats to residents living in the neighbourhood, or where the behaviour is frequent and previous interventions have not worked, depending on the severity and the risk to others we will consider possession proceedings (including the absolute ground for possession) to gain possession of the property.

Possession proceedings may not always result in eviction. Suspended orders may be granted by the court, which gives the tenant the opportunity to change their ways and remain in their home.

#### 4.9 Information Sharing, Multi Agency Work and Confidentiality

- 4.9.1 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 complaint without obtaining permission from the person making the report 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.

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

#### 4.10 Recording of Hate Crime and Hate Incidents

When we are aware of them, all reports of hate incidents will be logged on our CX ASB workflow system. 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.

## 5 Assurance

5.1 The Community Safety team will coordinate this policy and will provide guidance and support for all staff on the use and application of the Policy.

5,1 The performance and compliance with the service standards detailed in the policy will be monitored and managed by the Director of Housing, 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.

5.2 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.

5.3 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.

**6 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.

**7 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.