



## **Hate Incident Policy and Procedure**

### **1. Statement of Policy**

Northwards Housing believe that it is the right of every individual to be treated with respect and dignity, and to live in an environment free from harassment, hatred and abuse regardless of their race, ethnicity, gender, age, disability, sexual orientation, religious belief or asylum status.

Northwards Housing recognise racism and other forms of hate incidents as a serious problem which can threaten the safety, stability and sustainability of communities and which is detrimental to the physical and mental well-being of victims and their families.

As such, Northwards Housing take a zero tolerance approach to all forms of hate crime or incident.

This document sets out a policy to ensure that hate crime is dealt with effectively, efficiently and with due regard to the serious nature of such incidents.

### **2. Aims of the Policy**

The aim of this policy is to reduce harassment, victimisation and crime motivated by a hatred or intolerance in respect to a person's race, ethnicity, gender, age, disability, sexual orientation, religious belief or asylum status.

Northwards also endeavour to support all victims of Hate Incidents with sensitivity and respect, while at the same time showing a firm commitment to taking full and effective action against perpetrators.

In so doing Northwards wish to help create neighbourhoods that are safe and where people choose to live.

### 3. Scope of the Policy

This policy applies to all customers and employees of Northwards Housing.

### 4. Definition of Hate Incidents

A Hate Incident is any incident committed against a person or property that the victim (or any other person) believes is motivated by the offender's hatred towards that person because of their ethnicity, race, sexual orientation, disability, age, religious belief, gender or asylum status.

The term Hate Incident includes both actions that are regarded as criminal offences and actions that are considered as 'non-crimes'. A Hate Incident requires no evidence but is based on the perception of the individual.

Hate Incidents can take many forms, including:

Racist: *Any incident that occurs on the grounds of a person's presumed membership of a particular racial group.*

The Stephen Lawrence Inquiry Report (The MacPherson Report) recommended the following definition of a racist incident, which has been formally adopted by Northwards Housing, Manchester City Council, the Police, and other partner agencies.

*"A racist incident is any incident which is perceived to be racist by the victim or any other person."*

Homophobic: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred of the complainant because of their sexual orientation, or perceived sexual orientation.*

Transphobic: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred because they are transgender.*

Disability Related: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred because they are disabled.*

Age Related: *Any incident which is perceived by the complainant or any other person to be based upon prejudice or hatred because of their age.*

Religious or Faith Related: *Any incident which is perceived by the complainant or any other person to be based upon a prejudice or hatred on the basis of the person's membership or perceived membership of a religious group.*

Asylum Seeker Related: Any incident which is perceived by the complainant or any other person to be based upon a prejudice or hatred of a person because of their immigration status as an asylum seeker.

For an incident to be classified as a Hate Crime it must be one of the following types of incident:

- Assault
- Criminal Damage
- Public Order Offence
- Harassment

Examples of other Hate Incidents include:

- Verbal abuse and threats
- Bullying
- Threatening and/or abusive behaviour including spitting
- Offensive jokes or comments
- Incitement-stirring up racial hatred by a variety of means such as leaflets and stickers
- Offensive graffiti and fly posting (e.g. of a racist or homophobic nature)
- Ridicule for cultural differences (e.g. language, dress, food, music etc.)

In making judgements about 'Hate Incidents' it is the behaviour and its ***impact on the recipient***, and ***not the intention of the perpetrator***, that is important.

## 5. Policy Statement

Northwards Housing is determined to play a full and effective role in tackling the malicious or harmful effects of racist and/or other forms of hate abuse. This will include receiving and responding to reports of incidents from our customers, or in relation to our customers.

Northwards Housing also responds to claims made by members of the public as part of its role as a Third Party Reporting Centre. This means that all members of the local community can use our offices to report hate incidents. We can offer guidance to the victim or person reporting the incident(s), report onto other agencies and bring incidents to the attention of the local Crime and Disorder Reduction Partnership.

Northwards Housing will work hard to eliminate hate crimes and abuses in our local communities. We take all Hate Incidents seriously and will record and investigate all incidents equally, fairly and sensitively. If the victim wishes to speak to a member of staff that they have an existing relationship with (for example a Neighbourhood Services Officer) or a member of staff of the same sex this will be accommodated as far as is possible.

A hate incident requires no evidence but is based on the perception of the individual so if the victim feels to incident is motivated by hate then it will be recorded as such. This does not necessarily mean that it was the perpetrators intention and in some cases after investigation it may be clear that it was not a hate crime. However, by applying the definition and carrying out an investigation Northwards will ensure that any intent is fully considered.

All reports of Hate Crime and Hate Incident will be recorded and investigated. This allows Northwards to ensure that all information received no matter how small is acted upon. In cases where no further action is appropriate, Northwards will collate data and feed into the Crime and Disorder Reduction Partnership. This will assist in pro-actively identifying locations where Hate Crime is, or is likely to become, an issue.

Northwards Housing will ensure that confidentiality of all parties is respected and maintained throughout the investigation. We will consider a range of appropriate actions and solutions however no action will be taken without the consent of the victim.

## **How we can help prevent Hate Crime**

Northwards recognise that prevention is the best approach to tackling Hate Crime. As such, we may take the following steps, amongst others, to reduce the possibility of Hate Crime occurring.

- We will work closely with residents and local community groups to promote and encourage diverse communities that are cohesive, safe and desirable places to live
- We will publish articles in our quarterly newsletter and in local newspapers showing to publicise positive steps that have been taken
- We will deal with all reported incidents quickly and effectively to help prevent any further or more serious incidents
- We will arrange for additional security works or measures to be put in place to increase safety and provide further peace of mind

## **What support we can offer**

- We will offer to put victims in touch with local community or other support groups, such as Victim Support.
- We will discuss the legal and any possible re-housing options that are available.
- We will provide regular updates to the victim on action being taken
- We will monitor and review the case for any further incidents
- We will provide practical support to prevent any further incidences, for example target hardening of property (e.g. windows and door locks, door viewer and chain, security lights, CCTV cameras )

## **What Action we can take**

- We can provide victims and witnesses with diaries or Dictaphones to help them keep an account of events
- We can interview alleged perpetrators (with parents if they are minors) to discuss the allegations and explain possible consequences
- We can issue verbal warnings and send warning letters
- We can pursue legal remedies such as Injunctions, demotion of tenancy, ASBOs or eviction.
- We can work closely with local schools to help educate young people and to address behaviour.

Northwards Housing also recognises the importance of equipping its workforce to respond appropriately to any expressions of racism or other hate incidents and to understand its effects on individuals. It is committed to the implementation and maintenance of a comprehensive training programme to ensure victims and witnesses are consistently treated with sensitivity, understanding, dignity and respect.

## **6. Procedure**

The following procedure outlines how Northwards will respond to incidents reported by our residents.

### **Once a report has been received from a Northwards Tenant:**

- Violence or threat of violence – interview offered within 1 working day
- Others appointment offered to interview within working 5 days.
- Removal of any graffiti within 1 working day. This is carried out at no cost to the complainant.
- Prior to the interview we will organise any special arrangements (interpreter, same sex interviewer, etc).
- Working with the complainant we will:
  - Develop an Action Plan that the complainant is in agreement with.
  - Assign a key worker from the case.
  - Keep the complainant informed of progress in cases of ongoing action (unless it has been clearly recorded and communicated to the complainant , as being taken over by another partner agency)
  - Support the complainant throughout the process, or helping them to access support from another agency of choice.
  - Arrange for any repairs necessary to their complainants home.

### **Taking action**

Our approach is to take swift and effective action against perpetrators and enable victims to remain in their own home by offering additional help and support. We do not as a general rule tolerate people being driven out of their homes.

Listed below are some of the measures we will consider to support victims in their home:

- a) High priority to repairs and graffiti removal

- b) Target hardening of property (e.g. windows and door locks, door viewer and chain, security lights, CCTV cameras and fixing secure letterbox to prevent arson attack).
- c) Work with other crime preventing agencies, such as the Police
- d) Regular contact from local housing staff
- e) Home Link scheme

### **Alternative Action**

There will occasionally be situations when, despite these efforts:

- It is not possible for the complainant to remain in their own accommodation, due to the seriousness of the threat posed to them or,
- The complainant still feels harassed and frightened and wants to move out of the area.

In this situation, we will consider whether alternative housing should be offered, either temporarily or permanently.

If alternative housing is to be offered we will give careful consideration as to where the areas offered and will further consider help with the cost of removals, reconnection charges etc. This will be done on a discretionary and case-by-case basis.

### **Legal Action against Perpetrators**

- Court action may be taken by the Police, by the complainant under private prosecution with Northwards help or by Northwards under breach of the tenancy conditions or the Housing Act 1998. Action may also be taken under the ASB Act 2003 or any other relevant statute.
- Action taken by the Northwards Housing can include possession proceedings, injunctions, ASBO or demotion of tenancy.

### **Data Protection**

In gathering information on hate incidents it is crucial that a balance is struck between the **proper protection** of personal information, and **appropriate sharing** of information in the interests of crime reduction and prevention. Agencies should normally seek to share information with the consent of individuals.

It is important to distinguish between sharing information containing personal information **likely to identify individuals**, and sharing general and anonymous data which **does not** identify individuals, but which is likely to contribute to the public interest.

There are **legal constraints** on sharing information which could identify a living person without their consent. This information could include dates of birth, addresses and postcodes. Where an incident is particularly serious and the agency receiving the report concludes it would be irresponsible not to share the data even though the victim does not consent, it should;

- Share the data without disclosing the victim's name.
- Ensure the victim is told about the data being shared.

## **7. Multi-Agency Working**

Northwards Housing adopt a multi-agency approach in order to maximise the impact of policies to support victims and tackle offenders. It is committed to active participation in developing existing working relationships with community representatives and other partner agencies, and to continuous improvements in strategies for combating racism and other forms of hate crime.

We are aware that victims of hate crime can be deeply affected and often traumatised by their experiences. As a result we work in partnership with agencies such as Victim Support, and link with local support groups in the area to ensure that victims are given extra reassurance and support to following incidents.

Northwards Housing will also work closely with the Police, Manchester City Council and other partner agencies to tackle all forms of hate crime. Regular meetings are held to share information on reported incidents, monitor trends and develop strategic responses to hate crime in the local area.

## **8. Performance Standards**

Northwards recognise the importance of monitoring and reviewing our approach to hate crime and therefore make the following commitments:

- To respond to complaints involving violence or actual violence within 24 hours.
- To respond to all other complaints within 5 days.
- To draw up an Action Plan with the complainant.
- To take timely and appropriate action in conjunction with the Police, Anti-Social Behaviour Action Team and other relevant agencies
- To provide complainants with timely and appropriate support and information throughout.

- To ensure that interpreting and translation and other forms of assistance are provided as required.
- To enforce the tenancy agreement where the alleged perpetrator is a tenant of Northwards Housing.
- To work in conjunction with other landlords where the alleged perpetrator is their tenant.
- To ensure that instances of racial harassment are monitored and the effectiveness of actions taken is reviewed regularly.
- To remove offensive graffiti within 24 hours.
- To monitor and review Customer Satisfaction relating to Hate Incidents on a quarterly basis and inform the Human Resource and Equality Sub-Committee and Board.
- To publicise information on Hate Incidents to customers and staff on a quarterly basis

Northwards Housing expects every member of staff to accept responsibility for their own part in making this policy and procedure work, including the duty to report all racist and/or other hate incidents coming to their notice where they are a victim or a witness.

The Executive Management Team are responsible for ensuring that every employee is aware of Northwards Housing's policy in relation to racist and/or other forms of hate incidents, and that the policy and procedures are rigorously and meticulously followed.

This document forms part of the Northwards Housing's Equal Opportunities Policies.

## **9. Review and Monitoring**

A quarterly monitoring report will be provided to the Human Resource and Equality Sub-Committee and to Manchester City Council.

These quarterly reports will include statistical data relating to the number of incidents reported broken down by type, area, ethnicity etc, information on any national or local Performance Indicators which apply; and information about actions taken.

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## **10. Cross Reference**

Anti-Social Behaviour Policy/ASB Act 2003  
Crime & Disorder Act 1998  
Criminal Justice Act 2003  
Disability Discrimination Act 1995 and 2005  
Gender Recognition Act 2004  
Harassment Policy  
Housing Act 1996  
Housing Act 2004  
MCC Allocation Policy  
Protection from Harassment Act 1997  
Race Relations Act 1976, amended 2000  
Racial and Religious Hatred Act 2006  
NH Tenancy Agreement

## **11. Further Information**

Further information on reporting, recording and Hate incidents are available from -:

- a) Code of Practice on Reporting and Recording Racist Incidents (Home Office, 2000)
- b) Tackling Racial Harassment: Code of Practice for Social landlords
- c) [www.raceactionnet.co.uk](http://www.raceactionnet.co.uk)

Support and advice for people experiencing hate crime or abuse is available from:

- a) Victim Supportline: 0845 30 30 900  
tellsomeone@victim-support-gm.co.uk
- b) The Lesbian and Gay Foundation Helpline: 0845 33 03 030

## Appendix

### **What is a Third Party Reporting Centre?**

It is now recognised  
that many people  
within minority  
communities are  
fearful or mistrustful  
of approaching the