

HATE CRIME AND HARASSMENT POLICY

1 POLICY STATEMENT

- 1.1 Erimus and TVH is committed to providing homes and communities in which tenants want to live and work, and that are safe and secure.
- 1.2 Erimus and TVH values the diversity of our residents and believes that all tenants, their families and visitors to their home have a right to their lives without fear of abuse, intimidation, harassment, humiliation or attack irrespective of age, ethnicity, race, religion, gender, sexual or disability.
- 1.3 We are committed to the elimination and prevention of discrimination in all its forms, and widely promote equality of opportunity and the importance of cohesive communities, where people from all different backgrounds and groups can live side-by-side in a culture of co-operation and respect.
- 1.4 Hate crime has a serious and devastating impact on an individual's sense of security, health and well being. We take a zero tolerance approach to hate crime and harassment, and will treat all incidents reported to us with the utmost seriousness.
- 1.5 We work in partnership with other agencies, including the Police, Victim Support and local community groups, to provide a strategic approach to the response to incidents and the provision of appropriate support to victims.
- 1.6 This policy outlines our principles and approach to tackling hate crime and harassment. Details of the process and practical implementation of the policy are contained in the Anti-social Behaviour and Hate Crime procedure. A summary of this policy is available to customers.

2 REFERENCES

- 2.1 Erimus and TVH will commit to being proactive in identifying and implementing excellent practice and new guidance and legislation when it become law, or where It is necessary to continually reduce hate crime and harassment. The following legislation has been fully considered when drawing up this policy document.
- 2.2 External

Legislation and Regulation

- Sex Discrimination Act 1975;
- Race Relations Act 197;

- Race Relations (amendment) Act 2000;
- Housing Act 1985;
- Housing Acts 1996 and 2004;
- Disability Discrimination Act 1995 and 2004;
- Data Protection Act 1988;
- Protection from Harassment Act 1997;
- Human Rights Act 1998;
- Crime and Disorder Act 1988;
- Criminal Justice Act 2003;
- Civil Partnership Act 2004;
- Disability Discrimination Act 2005;
- Equality Act 2006;
- S27 of Children's Act 1990;
- The Racial and Religious Hatred Act 2006.

Guidance

- KLOE 31: Equality and Diversity;
- The Macpherson Report 1999;
- CRE – Code of Practice on Racial Equality in Housing;
- Home Office – Tackling Hate Crime: Homophobic Hate Crime;
- Association of Chief Police Officer – Hate Crime: Delivering a Quality Service: A Good Practice and Tactical Guidance Manual (March 05);
- Home Office – Code of Practice on Reporting and Recording Racist Incidents;
- CLG Code of Practice for Social Landlords on tackling Racial harassment;
- Disability Rights Commission – The Disability agenda: Building Stronger, Safer Communities.

And any other relevant legislation, regulation or guidance that is subsequently published after the date of this policy.

2.3 Internal

Business Plan/Corporate Objectives

Related Documents

- Hate Crime Procedure;
- Anti-social Behaviour Policy and Procedure;
- Tenancy Management Policy and Procedure;
- Repairs and Maintenance Policy and Procedure;
- Lettings Policy and Procedure;
- Tenants Handbook;
- Vulnerable Person Policy.

3 DEFINITIONS

3.1 Hate Crime

3.1.1 The Association of Chief Police Officers defines this crime as “any hate incident, which constitutes a criminal offence, perceived by the victim or any other person as being motivated by prejudice or hate”.

3.1.2 It may be committed against a person or people because they belong to a certain group. That group will usually have certain identifiable characteristics e.g. their ethnicity, race, religion, sex or sexuality.

3.1.3 Every person does belong to more than one group, but what motivates the perpetrator to commit the crime is their prejudice or hatred against a specific group of people, even if the victim does not belong to that group.

3.1.4 The perpetrator’s motive for committing the offence is irrelevant. In these circumstances it is the victim’s perception, or the perception of any other person who reports the crime that counts, i.e. the incident is perceived to be motivated by prejudice or hatred because individuals belong to a particular group.

3.1.5 A hate crime can take many forms, including threats or acts of violence to the person, damage to property, name calling and verbal abuse.

3.2 Harassment

3.2.1 The Association of Chief Police Officers defines harassment as including conduct directed at, or towards an individual by another which causes a victim to fear violence, may be used against them or another person, or causes the victim to feel afraid, alarmed or distressed.

3.2.2 Harassment is a personalised form of anti-social behaviour specifically aimed at a particular individual or family. Harassment may take a variety of forms including threats (verbal or physical), violence (including abuse) damage to property, unwanted attention, stalking, name calling, abusive phone calls, daubing of offensive graffiti or sending offensive material by post. To be an offence, harassment must be committed on at least two occasions and cause alarm or be intended to have the effect of causing physical or emotional harm or mental distress.

3.2.3 Some forms of harassment may precede a hate crime which is motivated by prejudice or hatred based on race, sexuality, disability, gender identity, religion etc. There are specific incidents/behaviours under the broader headings hate crime and harassment, these can include:

3.3 Racial Incidents

3.3.1 Erimus and TVH have adopted the definition set out within the Macpherson Report as follows:

‘A racist incident is any incident which is perceived to be racist by the victim or any other person’;

3.3.2 Examples of racist incidents may include:

- Insensitive jokes or pranks of a racial or ethnic nature;
- Racist graffiti;
- Racially abusive language;
- Offensive photographs, drawings or racist propaganda;
- Offensive comments about physical racial characteristics or lifestyle;
- The transmission of racially offensive materials or statements via electronic means or through the post.

3.4 Sexual Harassment

3.4.1 Defined as physical, verbal or non-verbal conduct of a sexual nature which is unwarranted or offensive to the recipient.

3.5 Homophobia

3.5.1 Harassment received on the basis of sexual orientation, such as behaviour that is offensive or hostile towards a person who is lesbian, gay, bisexual or transgender.

3.6 Harassment against people on the basis of disability

3.6.1 Behaviour which is offensive or hostile towards a person with disabilities or special needs.

3.7 Religious Harassment

3.7.1 Behaviour that is hostile or offensive that is based on a persons religion, culture or beliefs and practices.

3.8 Other forms of harassment based on perceived differences

3.8.1 This can include hostile or offensive behaviour directed towards, for example, asylum seekers and refugees, immigrants classed as A8 Nationals, Gypsies and the travelling community, and the elderly.

4 POLICY CONTENT

4.1 Prevention and Publicity

4.1.1 Erimus and TVH take a zero tolerance approach to harassment and hate motivated crimes. Our position, which is widely promoted to tenants and members of the community, through out tenants' newsletters and website and also through schools, is to aim to raise awareness of the issue, build confidence and trust with victims and the wider community and to encourage the reporting of incidents.

4.1.2 As part of the 'Erimus and TVH Futures' programme, Erimus and EVH will continue to educate young people about Hate Crime with the aim of achieving a long-term reduction via the successful "Show Racism the Red Car" model. Approximately 1500 children each year attend these workshops which advise on what constitutes a hate crime, the effects of hate crime on an individual, the community, and the importance of reporting a hate crime.

4.1.3 In conjunction with the "Show Racism the Red Card" model, this also now includes a workshop on "islamaphobia" for children in both primary and secondary schools tailored accordingly to their age group. This is delivered in partnership with ourselves, Middlesbrough Council and Show Racism the Red Card Team.

4.1.4 Erimus and TVH also aim to give a clear message to perpetrators and that unacceptable behaviour will not be tolerated. This message is clearly stated in a specific clause within our tenancy agreements, which sets out under the clause Nuisance Discrimination and Other Harassment.

4.1.5 "You (or anyone living with you or visiting your home or locality, including children) must not:

- Commit any form of harassment on the grounds of race, colour, religion, sex, sexual orientation or disability which may interfere with the peace and comfort of, or cause offence to a person residing, visiting, or otherwise engaging in a lawful activity in your or their home or in the locality".

4.2 Reporting Incidents

4.2.1 We recognise that victims and witnesses may sometimes be reluctant to contact the Police or Erimus and TVH directly to report incidents. We therefore provide, in conjunction with the Safer Middlesbrough Partnership (and other local agencies including Cleveland Police, The Crown Prosecution Service (CPS), Victim Support, and Middlesbrough Council) a reporting scheme, 'True Vision' that acts as an initial point of contact for victims or other person reporting the incident.

4.2.2 The scheme ensures that people can report incidents in a neutral environment and can discuss incidents with a trained adviser. Erimus and TVH will take immediate action to investigate and respond to all incidents fairly and sensitively.

4.2.3 Incidents can be reported online, by telephoning third party reporting stations throughout Middlesbrough (including housing offices) or by completing the 'True

Vision' self reporting form.

4.2.4 We recognise that victims may not necessarily identify an incident as being hate crime related. All relevant staff are fully trained to understand and identify hate crime and harassment and will ensure that an investigation is triggered if it is perceived to be motivated in this way.

4.2.5 Any resultant damage to property will be treated as an emergency repair, and responded to within 24 hours.

4.3 Supporting Victims and Witnesses

4.3.1 Erimus and TVH take a victim centered approach to hate crime and harassment. The starting point for all investigations is to acknowledge victims, witnesses or other person reporting the incident and agree a course of action.

4.3.2 We recognise that hate crime and harassment can have an enormous impact on victims, their family, friends and witnesses. We will work closely with the victim throughout all stages of the procedure, to ensure they are aware of actions being taken.

4.3.3 Erimus and TVH will support victims and their families to remain in their homes safely. However, where we believe it would be unsafe to do so or the victim fears for his or her safety we will act quickly to re-house the victim and or family.

4.3.4 Where appropriate Erimus and TVH will also arrange witness support, counselling, crime prevention advice, safety and security improvements, translation and interpreting services, mechanisms for ensuring the safety and security of family members and liaise with schools.

4.4 Multi Agency Working

4.4.1 Erimus and TVH is signed up to True Vision. True Vision is an initiative that seeks to reduce incidents of hate crime in Middlesbrough and acts as a single reporting tool. It is called True Vision because it also aims to provide all agencies involved with a clear picture or 'vision' of potential problems and crime patterns in the surrounding community.

4.4.2 Cleveland Police, the Crown Prosecution Service (CPS), Middlesbrough Council, Erimus and TVH, Victim Support, Middlesbrough BME Network, Connexions, Tees Valley Housing, the Refugee Service and the Safer Middlesbrough Partnership are all members of True Vision.

4.4.3 Erimus and TVH works with the Safer Middlesbrough Partnership, which includes representatives from the Police, and CPS in conjunction with Middlesbrough BME Network and other agencies, to ensure that incidents of harassment or hate crime can be reported easily, and appropriate support can be provided to victims and

witnesses. Erimus Housing is also represented at relevant multi-agency groups such as the race hate case group, and the lesbian, gay, bi-sexual and transgender group.

4.4.4 The multi-agency approach including data sharing and analysis of trends, informs the strategic overview, ability to identify potential community flashpoints and tailor multi-agency service provision and response accordingly.

4.5 Action against Perpetrators

4.5.1 Erimus and TVH take a zero tolerance approach to harassment and hate crime. We will begin to investigate all reported incidents within 24 hours, and take action against perpetrators as soon as possible. Our tenancy agreements specifically prohibit harassment of any kind. Where a tenant, or person whom the tenant is responsible for perpetrate racial or other hate based harassment, we will consider action for breach of their tenancy.

4.5.2 We do however, also recognise that some perpetrators need help and support to change their discriminatory behaviour and will therefore work with other agencies to try to bring about these changes.

4.5.3 Erimus and TVH works in partnership with local agencies, including the Police to pursue legal action or obtain possession, injunctions, acceptable behaviour contracts, and/or anti-social behaviour orders depending on the nature of the incident, and publicises outcomes where appropriate.

4.6 Data Protection and Data Sharing

4.6.1 Erimus and TVH will maintain comprehensive records of all reported incidents of hate crime or harassment, including any anonymous reports and will implement the Home Office Code of Practice on the reporting and recording of offensive incidents.

4.6.2 We will respect the confidentiality of victims, witnesses or any other person reporting incidents at all times, have robust procedures in place for the appropriate handling of case files.

4.6.3 Data sharing with other agencies can be vital to us being able to identify trends, potential perpetrators and victims, as well as identifying any problems before they arise. Any information or data shared by Erimus and TVH with other agencies will comply fully with the requirements of the Data Protection Act 1988 and other relevant legislation, and the Safer Middlesbrough Partnership information sharing protocol.

4.6.4 Erimus and TVH may also choose to disclose or request personal data and information if there is a clear legitimate purpose for doing so in a particular case to fulfil a specific objection, and if necessary without consent. In such circumstances as to:

- Prevent and/or detect crime and disorder including anti-social behaviour;
- Prevent and/or minimise the risk of harm to a person including children, youths, young adults, vulnerable adults etc;
- To get improved outcomes for a person, including children, youths, young adults and vulnerable adults etc;
- To disclose information in the public interest (e.g. prevent/detect terrorist/possible terrorist activity).

4.6.5 Information given or received under such circumstances will be handled carefully and sensitively.

5 EQUALITY AND DIVERSITY

5.1 Erimus and TVH recognises that it operates in community where there is wide social diversity, and is committed to providing equal opportunities and valuing diversity.

5.2 Through the delivery of our Hate Crime and Harassment policy, we aim to treat all customers fairly and with respect and professionalism, regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

5.3 To enable all residents to have clear information and equal access to our hate crime and harassment reporting and support services, Erimus and TVH publishes information that is easy to read and understand. It can be provided in different languages and formats and through a range of media. Feedback is also accepted through a variety of different routes to reflect individual customers' preferences or needs.

5.4 To help demonstrate our approach to tackling hate crime and harassment is fully in-keeping with our equality and diversity strategy, we will collect equalities information about the number and type of action taken against perpetrators. This will assist us in establishing whether there are disparities in our response to particular groups. This will feed into our monitoring and review processes.

5.5 Full details of our approach are set out in our Equality and Diversity strategy.

6 CUSTOMER INVOLVEMENT AND CONSULTATION

6.1 Erimus and TVH recognise the importance of working in partnership with our customers to develop and continuously improve our services and raise standards.

6.2 Erimus and TVH actively involves customers at the beginning of the decision making processes and ensures tenants are empowered to play a part in wider consultation and involvement structures, as detailed in full in our Resident Involvement strategy.

To demonstrate this commitment, this policy:

- Will be reviewed in consultation with service users and customers;
- Involves customers in the monitoring and testing of service delivery standards laid out in this policy and relevant procedures;
- Publishes information in relation to performance against the aims and standards set down by this policy;
- Will be developed and reviewed in light of customer feedback, comments and complaints.

7 POLICY MONITORING AND REVIEW

7.1 Monitoring

7.1.1 The monitoring of outcomes is essential for Erimus and TVH to track the impact of our approach to tackling hate crime and harassment. Monitoring of the implementation of the Hate Crime and Harassment policy and the associated procedures will consider both outputs (i.e. the effectiveness of Erimus and TVH procedures that aim to reduce instances of hate crime and harassment) and outcomes, (i.e. victim satisfaction with the outcome of their case). For example:
Outputs

- The number and type of incidents by local area;
- How long it takes to investigate an incident;
- How many victims remain in their homes and how many require re-housing;
- How many cases lead to possession action or other legal remedy;
- The ethnic background of all victims and perpetrators;
- % of victims satisfied with the level of support offered throughout the case;
- % of cases resolved at an early stage due to mediation or intervention (low level nuisance or harassment).

7.1.2 Monitoring information including performance against agreed performance indicators will be reported to the Operations and Development Committee, and/or Erimus and TVH Board twice yearly and progress will also be publicised for customers on a regular basis.

7.2 Review

7.2.1 Monitoring results will be used by Erimus and TVH to inform future policy review in this area. All reviews will consider whether:

- The current policy adheres to legislative and regulatory requirements, and reflects current good practice;
- The aims and objectives of the policy being met;
- The current policy outcomes meet the needs and aspirations of our diverse

- customer base;
- Service users are aware of and understand the policy and believe it to be consistent and fair;
- The policy provides sufficient choice for customers;
- The service offers value for money;
- Partnership arrangements are working effectively.

7.2.2 Overall monitoring and review of the policy will be undertaken in consultation with:

- Staff groups;
- Board members;
- Existing and future service users;
- Resident and community groups;
- Relevant partners, local voluntary agencies and other statutory services as relevant.

7.2.3 This policy will be reviewed on an annual basis or in-line with legislative or regulatory changes.

8 RESPONSIBILITY

- 8.1 The Group Director of Operations retains the overall responsibility for the implementation of this policy.
- 8.2 The Area Managers and Enforcement Manager are responsible for the operational delivery of this policy and the associated procedures. The Equality and Diversity Manager has responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.