

# **Six Town Housing Hate Crime Policy and Procedures**

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## **1. Introduction**

- 1.1 Hate Crime can be defined as behaviour that deliberately seeks to intimidate, harass or threaten individuals on the basis of them belonging to a vulnerable or a minority group that the person causing the harassment considers is different to theirs.
- 1.2 Victims of hate crime can include members of ethnic minorities, disabled people, elderly people, gay men and women and people with learning difficulties, but this is not a complete list. Anyone can be a victim of hate crime at anytime. We are committed to tackling hate crime and will take action to support victims and deal with people carrying out hate crime.
- 1.3 This document sets out the action that Six Town Housing will take to prevent hate crime, to ensure that incidents of hate crime are reported, to support tenants and their families when harassment occurs and to take action against perpetrators of hate crime.

## **2. Racial harassment**

- 2.1 Racial harassment is any verbal, physical or written act which is based on a person's race, ethnic background, nationality, language or cultural background, and is unwanted, unacceptable and offensive to the person.
- 2.2 Under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 the Council has a statutory duty to promote equality of opportunity and good race relations, and to prevent unlawful discrimination. As the Council's ALMO, we need to ensure that we comply with this duty. The Crime & Disorder Act 1998 introduced racially aggravated offences in order to deal with racist violence and harassment.
- 2.3 The Stephen Lawrence Inquiry recommended that a common definition of a racist incident should be used by all police forces, local councils and other relevant agencies. The definition states that :-

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

- 2.4 This definition has been adopted by Six Town Housing and all staff should be aware of it when dealing with reported incidents of racial harassment. Using this definition during an investigation does not necessarily mean that this was the perpetrator's intention. After investigation it may be clear that the harassment is not racially motivated. However, applying the definition when taking reports and carrying out investigations will ensure that any racist intent is fully considered.

### **3. Other Hate Crime**

- 3.1 Other forms of hate crime such as homophobic abuse, verbal or physical assault or intimidation are equally as damaging to the people on the receiving end as racist incidents. As such, Six Town Housing staff should deal with any incidents of hate crime in the same robust manner as racist incidents.
- 3.2 Any incident of hate crime which appears to fall into the definition outlined at 1.1 above must be thoroughly investigated. It should be assumed at the outset of an investigation that the behaviour or action was deliberately targeted hate crime.
- 3.3 Using this definition during an investigation does not necessarily mean that this was the perpetrator's intention. After investigation it may be clear that the action was not hate crime. However, applying the definition when taking reports and carrying out investigations will ensure that any intent is fully considered.

### **4. Statement of Policy**

- 4.1 Six Town Housing is committed to tackling hate crime. This document sets out how we can ensure that a co-ordinated and consistent approach is taken. This will be achieved by
- ensuring staff know how to deal with hate crime when it occurs
  - responding quickly to reports of incidents
  - encouraging the reporting of incidents
  - supporting victims and witnesses
  - dealing effectively with perpetrators of hate crime
  - taking a multi agency approach to dealing with hate crime
- 4.2 The Council's tenancy agreement includes a specific clause stating clearly that hate crime is a breach of the conditions of the tenancy.
- 4.3 We can seek possession under ground 1 of the Housing Act 1985, on the ground that the tenant has breached the terms of the tenancy by committing an act of hate crime. Ground 2 of the Housing Act 1985, as amended by the Housing Act 1996 can also be used, on the basis that the tenant has been guilty of conduct likely to cause nuisance. We can also seek an injunction or anti social behaviour order (ASBO) if the tenant has breached their tenancy conditions by indulging in hate crime.
- 4.4 All tenants must be advised at sign up of the specific clause in the tenancy agreement relating to hate crime and our policy on dealing with it

4.5 Any criminal damage, including graffiti, should be attended to on an emergency basis. The perpetrator, when identified, should be charged for the full cost of the repair.

4.6 Any victims of hate crime who are fleeing violence can be offered suitable, alternative accommodation in accordance with our lettings policy.

## **5. Prevention & publicity**

5.1 As stated at 2.4 above, there is a specific clause in the tenancy agreement dealing with hate crime. This states that the tenant must not:-

Commit any anti social behaviour or act of nuisance or allow anyone in the household or visitors to the home to commit any act of nuisance or anti social behaviour.

The tenant or persons living with the tenant or visitors must not cause harassment on the grounds of race, colour, religion, sex, sexuality or disability.

Examples of behaviour which we would class as hate crime would include the following

- i) threatening or using violence towards another person
- ii) using foul and abusive language
- iii) damaging or threatening to damage property, another person's home or possessions
- iv) writing or spraying threatening, abusive or insulting graffiti
- v) any act that interferes with the peace or comfort of another person or which inconveniences another person.
- vi) using or carrying offensive weapons in the local area

5.2 Any warning letters sent to an individual tenant, or any general warning letters to groups of tenants, should refer to the above clause. The tenant's attention should be drawn to the possibility that they may lose their home if they are identified as a perpetrator of hate crime.

5.3 Mapping incidents of hate crime can help us to identify at an early stage areas where systematic or repeat harassment is occurring. Our records are combined with those from other agencies such as the police, education, youth service etc via the Council's Community Safety Team, which has links with Bury's Community Safety Partnership. This helps to give a more meaningful picture across the borough and helps us to identify trends or "hot spots".

5.4 Posters and leaflets are displayed in Six Town Housing and Council offices giving information on where to report incidents and what support is available for victims of hate crime.

5.5 Any leaflets, posters or other publicity material will be provided in all the main community languages or other suitable format. The Council's translation service can be contacted on 253 5194 if advice is needed.

## **6. Reporting of incidents**

6.1 The Home Office introduced its Code of Practice on Reporting & Recording Racist Incidents in April 2000. A copy is available on the Home Office website at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). Features include:-

- Advice on report taking, including first contact with victims and examples of recording incidents
- A checklist on the minimum standard of information needed for reports to a multi agency forum
- Guidance on multi agency monitoring of incidents
- Advice on sharing information with other agencies and social landlords' responsibilities under the Data Protection Act 1998.

6.2 Our reporting procedures are consistent with the Home Office Code of Practice. This Code of Practice must be followed by all staff when taking reports of hate crime, including racist incidents. The same documentation should be used and the recording and monitoring methods should be the same.

6.3 All housing offices are reporting centres for racist incidents and hate crime and front line staff are trained in how to record reports of incidents. Housing staff must always ask for the victim's consent before information about incidents, the identities of victims and the identities of perpetrators is passed to another organisation. If the victim refuses permission to report the details to the police or another organisation, only anonymous reports containing no information which might identify the victim and their family should be passed on. Only enough information to provide adequate monitoring should be taken.

6.4 Reports of harassment of our tenants should be accepted from community associations, advice centres, Victim Support, Racial Equality Council (REC), residents groups and the police. Any third party organisation should be aware of the definition of a racist incident outlined at 1.3 above and our definition of hate crime and should follow good practice on report taking. Training will be provided to tenant representatives and other estate-based groups in recording incidents of hate crime.

6.5 When recording a report of hate crime, housing staff must complete form 730D within 24 hours of the initial complaint. On completion, the form should be forwarded to the police who will record details of the incident. If the person making a complaint wants us to take action against the

perpetrator, this should be referred to the Anti Social Behaviour team to deal with. A copy of the 730D form should be retained on file. Details of the number and type of recorded incidents should be passed quarterly to the Council's Community Safety Team at the Town Hall for monitoring purposes.

6.6 Details of incidents of hate crime should be reported quarterly to Performance Review Scrutiny Committee as part of the Six Town Housing quarterly performance report.

6.7 Six Town Housing staff should be aware of the importance of confidentiality and data protection when sharing information between agencies. Section 115 of the Crime and Disorder Act 1998 allows multi agency partners to share information as part of a crime and disorder reduction strategy. Information sharing protocols have been drawn up and must be followed where personal information is exchanged between Six Town Housing and agencies such as the police.

## **7. Supporting victims and witnesses**

7.1 The impact of hate crime on victims is often severe. The stress of persistent harassment can damage the physical and emotional health of victims and their families. Officers dealing with cases of hate crime must be aware of the impact on victims and should be aware that the first report may only be made after weeks or months of persistent harassment.

7.2 Housing staff should always be sympathetic and supportive, but are not expected to provide counselling to tenants suffering hate crime. The best way to help the victim is to act quickly and effectively to end the harassment.

7.3 If a tenant is particularly traumatised, a referral to a counsellor or support agency such as Victim Support or a local community group should be considered. A list of useful contacts is provided at section 8.

7.4 Six Town Housing is committed to tackling racial harassment and will take effective action to deal with perpetrators of hate crime. By transferring victims of hate crime we may be sending a message to perpetrators that they can drive vulnerable tenants out of an area. However, there may be a danger that by not rehousing victims when there is a genuine threat of violence, we may expose them to continued harassment and physical danger. In such cases, temporary or permanent rehousing should be provided to victims of persistent hate crime where it is certain that further harassment will occur unless the tenant is moved. Action against the perpetrator should still be taken even if the victim is rehoused.

7.5 In cases where there is a fear of serious intimidation of witnesses, the police should be contacted if the witness agrees. Witness intimidation is an arrestable offence, as is harassment and stalking without violence. The police also run witness protection schemes.

7.6 Where a tenant is intimidating a witness, action should be taken for breach of tenancy conditions by applying for injunction, ASBO or possession.

7.7 The officer dealing with the case must provide their contact details to victims and witnesses so that the officer can be contacted for information, support and guidance. If there is severe intimidation or fear amongst witnesses, the use of professional witnesses can be considered.

7.8 Victims, witnesses and perpetrators should be interviewed as quickly as possible after any incident, ideally within 48 hours. Translation and interpretation arrangements must be arranged promptly where required to ensure that the case can be investigated quickly.

7.9 Officers must not expect friends and/or relatives to interpret or translate for tenants in cases of racial harassment. Young children should not be used in such traumatic circumstances regardless of their ability to speak English. Where language barriers exist, an interpreter should always be offered. The Council's translation service will arrange for interpreters and/or translation of documents as appropriate.

7.10 Officers dealing with hate crime must be aware that by failing to protect tenants suffering hate crime we may be in breach of article 5 (right to security of the person) and article 8 (right to a home and family life) of the Human Rights Act 1998.

## **8. Taking action against perpetrators**

8.1 Where it is established that hate crime has taken place, action must be taken against the perpetrator. Depending on the severity of the case, any or a combination of the following options should be used.

- Sending a warning letter to the perpetrator referring to them breaching the clause in the tenancy agreement outlined at 3.1 above. The perpetrator should be warned that further incidents will lead to legal action which may ultimately mean the Council seeking possession of their home.
- Serving a Notice of Seeking Possession (NOSP).
- Injunction or ASBO proceedings
- Legal action to repossess the tenant's home.
- Recharging the cost of repairs, graffiti removal etc.

8.2 In some hate crime cases criminal remedies will be available as an option. These include cases where the following forms of harassment have taken place.

- assault or criminal damage
- witness intimidation
- using threatening words or behaviour
- repeated harassment

- sending grossly offensive or threatening letters
- nuisance phone calls.

Details of such incidents must not be reported to the police without the victim's permission.

8.3 Where possible, and with the victim's permission, information should be shared between Six Town Housing and the police. Joint interviews between housing staff and police officers should be undertaken where appropriate.

## **9. Multi agency working**

9.1 Six Town Housing are represented on the Hate Crime Working Group, which is a multi agency forum set up to co-ordinate action on hate crime between the police, council departments and other agencies such as the Racial Equality Council. The forum collects data on reported incidents, monitors trends and hot spots and is working to develop a strategic response to hate crime in Bury.

9.2 At an operational level, it is important to ensure that officers dealing with cases of hate crime are aware of local agencies that can help to support the victim or investigate the harassment. A list of useful contacts is outlined at section 8. Investigating officers should contact the relevant organisation as appropriate to the particular case, or should provide details to the victim.

## **10. Useful contacts**

### Township Police

Bury	856 8120
Radcliffe	856 8293
Whitefield	856 8203
Prestwich	856 8281
Ramsbottom	856 8181
Bury Racial Equality Council	761 4533
Racial Harassment Helpline	0800 138 1666 (24 hours)
Bury Youth Offending Team	253 6925
Crimestoppers	0800 555 111
Bury Victim Support	797 3043
Bury Translation Service	253 5194
Six Town Housing ASB team	253 7896