

Plymouth Community Homes



Hate Crime and Harassment Policy

- **Purpose**

Plymouth Community Homes (PCH) is committed to providing homes in which tenants want to live, work, and that are safe and secure.

PCH values the diversity of our residents and believes that all tenants and leaseholders, their families and visitors to their home have a right to live their lives without fear of abuse, intimidation, harassment, humiliation or attack irrespective of age, ethnicity, race, religion, gender, sexuality or disability.

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.

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.

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 our anti-social behaviour procedure.

- **Definitions**

Hate Crime:

PCH has adopted the following definition of hate crime:

Any hate incident, which constitutes a criminal offence, perceived, by the victim or any other person as being motivated by prejudice or hate.

It is a crime that is committed against a person or people because they belong to a certain group. That group will usually have certain identifiable characteristics i.e. their ethnicity, race, religion, sex, sexuality etc.

Every person will 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.

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 she or he belongs to a particular group.

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

Harassment:

PCH has adopted the following definition of harassment:

Conduct directed at, or towards an individual by another which causes a victim to fear that violence may be used against them or another person, or causes the victim to feel afraid, alarmed or distressed.

Harassment is a personalised form of anti-social behaviour, specifically aimed at a particular individual. 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 cause alarm or be intended to have the effect of causing, physical or emotional harm or mental distress.

Some forms of harassment may precede a hate crime which is motivated by prejudice or hatred based on race, sexuality, disability, mental health, gender identity, religion etc.

There are specific incidents/behaviours under the broader headings of hate crime and harassment, these can include:

- Racist incidents
 - Sexual harassment
 - Homophobic incidents
 - Harassment against people on the basis of disability
 - Harassment against people on the basis of mental health
 - Religious harassment
 - Other forms of harassment based on perceived differences for example, asylum seekers and refugees, class or economic status immigrants classed as A8 nationals, Gypsies and the travelling community, and the elderly.
- **Policy**
 1. Prevention and Publicity
 2. Reporting and recording Incidents
 3. Action against perpetrators
 4. Multi-Agency working
 5. Supporting victims and witnesses
 6. Equality and Diversity
 7. Monitoring and Review

1. Prevention and Publicity

1.1 PCH takes a zero tolerance stance to harassment and hate motivated crimes. Our position is widely promoted to tenants and members of the community, to raise awareness of the issue, build confidence and trust with victims and the wider community, and to encourage the reporting of incidents. We will do this through our leaflets and newsletters, website and our on-going Resident involvement and Community Development activities.

1.2 PCH also aims to give a clear message to perpetrators that hate crime and harassment will not be tolerated. This message is clearly stated in our tenancy agreement in Clauses 7.18 and 7.1.9.

2. Reporting and Recording Incidents

Reporting

2.1 We recognise that victims and witnesses may sometimes be reluctant to contact the police or PCH directly to report incidents. To address this PCH are flexible and responsive in encouraging reporting.

2.2 PCH will take immediate action to investigate and respond to all incidents fairly and sensitively.

2.3 We recognise that victims may not necessarily identify an incident as being hate crime related. All 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.

2.4 Any resultant damage to property (including graffiti) will be treated as an emergency repair, and responded to within 24 hours.

Recording

2.7 PCH will report all disability, faith and belief, homophobic, racist and transgender incidents to Plymouth City Council using the reporting system managed by the Council's Social Inclusion Unit.

2.8 PCH 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.

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

2.10 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 PCH with other agencies will comply fully with the requirements of the Data Protection Act 1988.

3. Action Against Perpetrators

3.1 PCH takes a zero tolerance approach to harassment and hate crime. We will begin to investigate all serious 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 (including visitors), perpetrates racial or other hate based harassment, we will consider action for breach of their tenancy.

3.2 PCH 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. PCH will publicise outcomes where appropriate.

4. Multi-Agency Working

4.1 PCH will actively work with other agencies on a strategic level to ensure a 'joined up' approach to tackling hate crime and harassment across the city.

4.2 PCH Housing Officers and other relevant staff will work closely with our partner agencies (e.g. The Police, Social Services, local non-statutory agencies) to support the victims of hate crime and harassment and to ensure a consistent response to perpetrators.

4.3 The police will be the lead agency on dealing with criminal offences, including hate crime.

5. Supporting Victims and Witnesses

5.1 PCH takes a victim-centred approach to hate crime and harassment. The starting point for all investigations is to acknowledge victims, witnesses or other persons reporting the incident account and agree a course of action.

5.2 We recognise that hate crime and harassment can have an enormous impact on victims, their family and 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.

5.3 PCH 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 (see PCH Allocation Policy and Procedures)

5.4 Where appropriate PCH 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 liaison with schools.

5.5 PCH will provide victims and their families with up-to-date information about what action we are taking. When doing this we will take into account all relevant legislation and guidance regarding confidentiality, data protection and community safety.

5.6 PCH recognises that our staff can also be victims of hate crime or harassment, either at work or in their lives outside of work. PCH aims to provide a supportive working environment and will signpost staff members to sources of help and support if requested. In dealing with any report of hate Crime or harassment, be it from a tenant or a member of staff, the safety of the person suffering hate crime or harassment must be made the highest priority at all times.

6. Equality and Diversity

6.1 PCH recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.

6.2 Through the management of our housing stock 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.

6.3 To enable all residents to have clear information and equal access to our available properties, PCH publishes information in a range of appropriate 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.

6.4 This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents.

6.5 The policy has been developed giving full consideration to the PCH Equality and Diversity policy.

7. Monitoring and review:

7.1 This policy will be reviewed regularly in accordance with PCH's review timetable by the Customer Focus Committee.

7.2 Procedures relating to this policy will also be periodically reviewed, taking into account any operational issues that arise.

7.3 Review will take into account any changes in law and best practice.

7.4 The reviews will include equality impact assessments to ensure that all of our policies encourage and support our determination to promote equality and eliminate unlawful discrimination.

7.5 Plymouth Community Homes will ensure that opportunities are provided for tenants and leaseholders to engage in the process of reviewing and monitoring this policy.

7.6 Systems will be in place to monitor progress against agreed targets, and reported via the Customer Focus Committee to the Board on an annual basis.

7.7 Monitoring will include the following elements

- assessments of tenant satisfaction with what is being done, making sure that methods of doing so take into account the access needs of all;
- regular reports to the board who have overall responsibility for ensuring that the policy delivers continuous improvement and value for money
- systems that identify performance issues and monitor the progress of actions to address them

7.8 Resident groups will be involved and consulted in any review of this policy in line with PCH's Resident Involvement Policies. The views of vulnerable tenants will be sensitively sought.

- **Relevant legislation (for information: not exhaustive)**

Anti Social Behaviour Act 2003	Gave police, local authorities and landlords the ability to demote secure tenancies, close crack houses and disperse groups of
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	people. The Act also allows Local education authorities to give fixed penalty notices to parents who allow their children to truant
Housing Act 2004	Allows local authorities and landlords to extend introductory tenancies for a further six months and to withhold consent for mutual exchanges for secure tenants. Right to Buy can also be suspended and Registered Social landlords become relevant authorities for disclosure purposes.
Criminal Justice and Police Act 2001	Introduced stronger penalties for witness intimidation. Changed the wording of the 1998 Crime and Disorder Act so that curfews could be sought for children up to the age of 16.
Crime and disorder Act 1998	Gave Authorities and police significant new powers for dealing with a persistent nuisance, harassment and criminal behaviour. The Act also places a duty on local authorities to work in partnership with the police and other key agencies to develop a strategy for reducing crime and disorder. Enables relevant authorities to apply for Anti Social Behaviour Orders for persons aged 10 and over. Initially relevant authorities were councils and the police, but this was later extended to registered social landlords. S. 115 allows for information sharing protocols to be developed.
Police reform Act 2002	Introduced new provisions and powers for dealing with anti social behaviour.
Housing Act 1996	Made injunctions available to a greater extent. S 152 allows for injunctions to be obtained with a power of arrest. Strengthen the grounds for possession (see 1985 Housing Act below)
Housing Act 1988	Schedule 2 lists the grounds for possession for assured tenants. The grounds for possession were strengthened through the 1996 Housing Act Ground 14 now reads <i>'The tenant or a person residing in or visiting the dwelling-house:</i> <i>a. has been guilty of conduct causing or</i>

	<p><i>likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality or;</i></p> <p><i>b. has been convicted of:</i></p> <p><i>i. using the dwelling-house or allowing it to be used for immoral or illegal purposes, or</i></p> <p><i>ii. an indictable offence committed in, or in the locality of the dwelling house'.</i></p>
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- **Links to other policies and strategies**

Equality and Diversity Policy
Anti-Social Behaviour Policy
Social Inclusion and Anti-Poverty Policy
Customer Care and Access Policy
Domestic Abuse Policy
Tenancy Management Policy
Health and Safety Policy