

RACIAL HARASSMENT and HATE CRIMES POLICY

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		Revised:	

1. Statement of Intent

- 1.1 Racial Harassment and all forms of Hate Crime have no place in our society. Housing Solutions Group (the 'Group') adopts a Zero Tolerance approach to all forms of Racial Harassment and Hate crime.
- 1.2 Racial Harassment and Hate Crime incidents are a form of anti-social behaviour. This policy should therefore be read in conjunction with the Group's Anti-Social Behaviour policy, which sets out the framework for dealing with anti-social behaviour.

2. Aims

- 2.1 The Group seeks to have in place comprehensive policies and procedures that are compliant with legislation and best practice yet remain flexible to the needs of the communities it serves.

3. General Policy

3.1 True Vision

The Group supports the police initiative 'True Vision' ⁽¹⁾, and will encourage residents, who are otherwise reluctant to report incidents, to report any incident anonymously through that initiative.

(1) True Vision is a police funded web site designed to provide you with information about Hate Crime. The police service recognises that hate crime comes in many different forms. This includes race, religion, homophobic and transphobic Hate Crime. 'True Vision', launched in May 2004, was aimed at improving the service the police provide to minority communities. 23 different police forces have joined together to provide you with a single self-reporting and information pack together with an on-line facility that allows you to report hate crime directly to the police. The True Vision website can be found at: www.report-it.org.uk

- 3.2 The Group's offices are a 'Racial Incident Recording Centre' and the Group has an ASB Officer and a racial harassment champion (contact telephone number 0800 876 6060).
- 3.3 The Group is committed to investigating and taking effective action in the delivery of its service to the community on racial harassment and hate crime.

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- 3.4 The Group will take action using a range of actions available to it in line with the principles and core commitments contained in the 'Respect Agenda'.
- 3.5 The Group will also ensure that it complies with the requirements of the Race Relations Act and the Commission for Racial Equality (CRE) code of practice.
- 3.6 All staff will be trained in the issues relating to Racial Harassment and Hate Crime.
- 3.7 The Group reserves the right not to take action if there is insufficient evidence or any other reason for not pursuing the matter further.
- 3.8 Racial harassment can range from serious incidents involving assault, criminal damage and arson to relatively minor offences such as verbal abuse, graffiti, and noise, where the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism.
- 3.9 The introduction of the Crime and Disorder Act 1998 made any act of racial harassment (racial aggravation) a criminal offence punishable by law. The Act defines racial aggravation as:

'If at the time of the offence or immediately before doing so, the offender demonstrates hostility towards the victim and the hostility is based upon the victims membership or presumed membership of an ethnic group'.
- 3.10 Any person convicted of racial aggravation faces a maximum custodial sentence of six months and/or a fine not exceeding £5,000.
- 3.11 As a consequence of the Stephen Lawrence Enquiry (1999), and the subsequent MacPherson Report, a further form of racism has been identified, that of institutional racism. The Enquiry defined institutional racism as:

'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or their ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people'.
- 3.12 This definition has implications for the Group, its staff, contractors and agents in terms of service delivery afforded to all members of the ethnic minority.

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- 3.13 As a result of the MacPherson Report, Thames Valley Police, in conjunction with other statutory authorities in the Royal Borough Windsor & Maidenhead, formed the Racial Incident Advisory Forum (formerly the Racial Harmony Group). The Forum represents various sections of local ethnic minority communities, and the appropriate statutory authorities in the area. The Forum meets regularly to discuss a wide range of issues to eliminate any racial harassment and institutional racism, to promote racial tolerance, and to encourage harmony in the area.

4. Definition of Hate Crime

- 4.1 There is a distinct difference between a hate incident and a hate crime.

Hate incident is defined as:

‘Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.’ – Home Office & Association of Chief Police Officers (ACPO) 2005.

Hate crime is defined as:

‘Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or Hate crime.’ – Home Office & ACPO 2005.

- 4.2 It is vitally important to note that all hate crimes are hate incidents. However, some hate incidents may not constitute a criminal offence and therefore are not hate crimes.
- 4.3 The following are examples of different types of hate incidents. This list is not exhaustive:
- Racist incident
 - Homophobic incident
 - Transphobic incident
 - Faith related incident
 - Sectarian incident
 - Disablist incident
- 4.4 Any other classification of a hate incident would of necessity follow the general principles of those listed above, in as much as the perception of the victim or any other person is of prime importance.
- 4.5 The Group policy applies equally to all forms of Hate Crime, which will be dealt with in accordance with this policy and associated procedures.

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- 4.6 The following are examples of actions effected by perpetrators of Hate Crime. This list is not exhaustive:
- Physical attacks on people and property;
 - Intimidation and torment;
 - Graffiti;
 - Arson or attempted arson;
 - Offensive comments;
 - Abusive or threatening behaviour – language, letters, phone calls
 - Deliberate and targeted acts intended to deter residents from living in their home or to force them to move away.
- 4.7 The definition for hate crime repeat victimisation is:
- ‘Where a person or immediate family member suffers more than one hate incident in a 12 month period following the date the first crime was reported.’ – Home Office & ACPO 2005
- 4.8 Domestic abuse is not included within this policy. Please refer to the Group’s separate Domestic Abuse policy.

5. Definition of Racial Harassment

- 5.1 Definition of racial incident as defined by the Metropolitan Police and accepted by the Association of Chief Police Officers:
- ‘Any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation;
OR any incident which includes an allegation of racial motivation made by any person.’
- 5.2 Definition of racial harassment as defined by the Commission For Racial Equality:
- ‘An unwelcome or hostile act or series of acts carried out on racial grounds.’
- 5.3 Definition of racial harassment as stated by the MacPherson Report:
- ‘A racist incident is any incident which is perceived to be racist by the victim or any other person.’

6. Victim Centered Approach

- 6.1 The Group has a procedure to deal with all aspects of Hate Crime and Racial Harassment and will publish and measure performance targets on this issue.

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- 6.2 The Group will adopt a victim centred approach in dealing with Racial Harassment and Hate Crime and recognises that it is the victim's perception that carries weight in the determination of any breach. Every effort should be made to ensure that those subjected to Racial Harassment or Hate Crime is dealt with in a sensitive and sympathetic manner by officers taking a non-judgemental approach.

Key considerations include:

- Location of interview;
- Race and gender of officer;
- Translation services;
- Cultural differences;
- Diversity issues;
- Friend or advocate being present.

- 6.3 In recognising that evidence may not be readily available, investigators will in the first place, accept the incident without formal evidence until further investigations prove otherwise. This does not however mean that the alleged perpetrator is immediately assumed to be guilty. Evidence may be needed for some legal proceedings. Officers will listen, support and, wherever possible, respond to the victims needs

7. Prevention

- 7.1 The Group will communicate with residents about their rights and responsibilities, emphasising the importance of allowing people to live peacefully in their homes and neighbourhoods.
- 7.2 The Group will ensure that resident participation arrangements are inclusive and contribute to the effective tackling of all forms of harassment and hate crime / incidents.
- 7.3 The Group will profile the areas they serve to enhance their knowledge and will link the knowledge to all aspects of their service delivery including "Secure by Design" development.
- 7.4 The Group's staff will act immediately on receipt of an allegation or on noticing the early signs of a problem on an estate i.e. graffiti of a racist or gender specific nature.
- 7.5 All incidents will be recorded on the Groups Anti – Social Behaviour I.T system. The Group recognises that the consistent and accurate recording of information relating to Hate crime and Racial Harassment is vital in combating the problem in our communities and developing effective strategies to enhance the service delivery.

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- 7.6 The Group is committed to supporting community development, working in a multi-agency environment and engaging with partners wherever the possibility exists, endeavouring to sign up to multi agency agreements and protocols in the areas of operation.
- 7.7 The Group will seek to take whatever appropriate action is required to aid and support victims of Hate Crime and Racial harassment.
- 7.8 The Group's staff will also seek to work with offenders to attempt to change their pattern of behaviour and seek to end the problems they cause.
- 7.9 The Group's policy will at all times comply with the law and the Group's Equality and Diversity policy. The guiding principles used in the performance monitoring are those contained in the Government's 'Respect Agenda'.
- 7.10 Staff will be fully trained in dealing with all aspects of Racial Harassment and Hate Crime, forming part of their induction and competency training assessments.

8. Confidentiality

- 8.1 Victims will be encouraged to allow us to share information with other agencies, including the police and local authority departments, to ensure that the full range of civil and criminal remedies can be pursued. However, all information provided by the victim will be treated with the utmost confidence, and only passed to external agencies with prior consent. The exception to this is where we consider a child is at risk in any situation or if there is a high risk of serious harm, emotional or financial abuse to anyone in the situation described. In these circumstances the relevant officer will approve any disclosure without the victim's consent.
- 8.2 In the case of joint tenancies, the perpetrator may have a right to access the contents of the tenancy file. Measures must be taken to ensure that it is not possible for confidential information from the victim to be seen by the perpetrator or anyone representing the perpetrator.
- 8.3 Any file notes or letters that are confidential must be clearly labeled. Information will be shared with work colleagues **only** on a strict 'need to know' basis. Staff will at all times adhere to the Group's Data Protection and Confidentiality policy.

9. Support for victims

- 9.1 Support will be offered to residents who are victims of racial harassment or hate crime. This support may be provided directly by Group employees, or through other local agencies that are able to give appropriate support.
- 9.2 The safety of the victim is of paramount importance. Where it is practical for the victim to remain in their home, every effort will be made to provide additional security and support as appropriate. This may include:
- Installation of a panic alarm in the home;
 - Provision of security equipment, such as a safe letterbox, additional door and window security, to safeguard the victim and their home;
 - Replacement of broken windows, the removal of rubbish or the carrying out of any other emergency repair to the home as a result of a racial harassment or hate crime incident without delay (generally within 24 hours).
- 9.3 Generally, victims of racial harassment or hate crime will not be charged for these security measures or clean-up operations.
- 9.4 Where it is *supported by evidence* that the victim would be in acute danger if they remained in the home, we will aim to provide either temporary or permanent alternative accommodation, in accordance with the Group's transfer policy. (Where urgent re-housing is necessary and the Group does not have a dwelling available, we will liaise with the appropriate local authority homeless person unit and other specialist refuges in an attempt to provide temporary accommodation).
- 9.5 Where alternative accommodation is provided, whether temporary or permanent, the Group will provide, as necessary, any additional security measures as noted above.
- 9.6 The Group will discuss and involve the victim in deciding our course of action and we will regularly communicate with them to ensure that they are kept informed about developments.

10. Action against perpetrators

- 10.1 The Group will adopt a multi-agency approach in dealing with perpetrators of racial harassment and hate crime against its residents. This will include working with the police and appropriate local authority departments, but may involve other organisations and agencies. Our multi-agency approach is intended to ensure that the full range of civil and criminal remedies can be used.

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- 10.2 The action taken against perpetrators will depend upon the individual circumstances. From the Group's point of view, this may include taking possession action against a perpetrator.
- 10.3 Generally, the Group's staff will not be involved in interviewing alleged perpetrators. Such interviews will only be undertaken if:
- considered appropriate by the investigating housing officer and their manager;
 - the victim is in agreement with such a proposal; and
 - it is considered safe to do so.
- 10.4 Where it is considered necessary and appropriate to interview a perpetrator, there will always be two housing officers present and the venue must be considered safe.

11 Closure of cases

- 11.1 A case will be closed when:
- it has been successfully resolved by whatever means; or
 - the perpetrator of the harassment has been evicted or sent to jail or;
 - there is no further action which can be taken.
- 11.2 A clear conclusion is important to all concerned, i.e. the victim, the alleged perpetrator and the Group. Ideally, the victim should be satisfied with the result, but some cases will have to be closed even though the victim is not satisfied. This may be due to insufficient evidence to support action, whether legal or otherwise.
- 11.3 Housing Officers should never raise a complainant's expectations falsely. Clarity is essential. If there is no rational basis for the complaint, or rigorous investigation cannot verify the problem, the complainant must be advised that the case is closed unless further evidence is available.
- 11.4 A decision to close a case should always be discussed, and ideally agreed, with the victim in a formal review meeting before confirming this in writing. Formal closure of a case will be provided in writing to both the complainant and alleged perpetrators, clearly explaining the reasons. The appropriate manager will evaluate the effectiveness of every closed case.

12 Who to contact within the Group

- 12.1 The first point of contact can be any member of staff who will be supported by a trained representative within Neighbourhood Housing. The representative will be supported by external agencies.
- 12.2 The Group works in partnership with a specialist multi-agency forum.
- 12.3 The Group has a racial harassment champion.

13 Appeals

- 13.1 Where a victim or alleged perpetrator is dissatisfied with the investigation or the decision, they may appeal against the way an investigation has been handled or a decision reached and request a review of the case. The Assistant Director of Housing Services will conduct this review.

14 Monitoring and reporting

- 14.1 Managers of front line housing staff will regularly monitor each case of racial harassment or hate crime, provide appropriate advice and support to the housing officer dealing with the case, ensure that they receive appropriate training; and also ensure that all cases are appropriately recorded and dealt with in line with detailed operating procedures.

15 Equal Opportunities

- 15.1 Housing Solutions Group is committed to a policy of fair and equal treatment for all its members, residents, employees and applicants, regardless of religion, sexual orientation, age, class, racial origin, sex, disability or marital status, as determined in the Equality & Diversity Strategy.

16 Review

- 16.1 This policy will be reviewed on a three yearly basis or in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions Group policy.