

Housing Services Policy



Division – Housing Services

Policy: Dealing with Hate based incidents

Review	Version: Final	Effective date: April 2015
	Replaces: Dealing with incidents of Racist, Homophobic, and Disability Harassment (2007)	
	Date of next review: April 2018 or earlier where there is a change to any corporate strategy/policy	
Consultation:	Royal Greenwich Hate Crime Strategic Group	
Approval	Signed off and owned by: Head of Tenancy Services	

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1. Policy Objective

- 1.1 This policy outlines the approach taken by Royal Borough of Greenwich Housing Services when dealing with residents experiencing or involved in Hate based incidents or crimes.
- 1.2 We will provide a service to our residents to be able to report hate based incidents or crimes to/through Royal Greenwich Housing services. We will handle all such cases in a sensitive and confidential manner.
- 1.3 We will, with the consent of the victim, inform the Police where a crime has been committed, or encourage the victim to do so. Where a victim is reluctant to involve the Police, we will respect their wishes, but will assess the risk of harm to determine when

and if it might be necessary to inform the Police and what amount of information may need to be disclosed.

2. Definitions

2.1 Hate Crime:

For the purpose of this policy we are using the nationally agreed definition of Hate Crime, as used by the Crown Prosecution Service (CPS) and Association of Chief Police Officers (ACPO).

“Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.”

The above definition covers:

- ‘any criminal offence’ where the perpetrator's hostility or prejudice against someone in one of the 5 monitored strands (above) is perceived to be a motivating factor
- that either the victim ‘or any other person’ may perceive this
- that a victim does not have to actually be a member of an identifiable group above as it takes into account how a person is ‘perceived’ (See 2.4)

Hate crime can take many forms including:

- Physical attacks such as physical assault
- Damage to property, arson, offensive graffiti, dumping of rubbish outside homes or through letterboxes,
- Threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded, malicious complaints
- Verbal abuse, insults, taunting, abusive gestures
- Offensive leaflets and posters
- Bullying in the neighbourhood, at school, in the workplace, or cyber-bullying
- Inciting others to commit hate crimes
- One-off incidents or a series of incidents as in the case of harassment

Where an offence of any kind has been committed we will cooperate with the Police. For prosecution purposes in terms of hate crime, there will need to be sufficient evidence to prove that ‘*at the time of an offence*’ the offender demonstrated hostility to the victim based on the victims membership of a (for example: racial or religious) group, Or, that an offence was ‘*motivated wholly or partly*’ by hostility towards members of that group.

2.2 Victim centred approach:

Following the Stephen Lawrence Inquiry report, we adopted the definition of a racist incident as ‘*any incident that is perceived to be racist by the victim or any other person.*’

The definition of hate crime above extends this victim centred approach to all monitored strands of Hate crime.

2.3 Hate based Incident:

Other incidents may be reported to us, which do not meet the above definitions. For example where a crime has not been committed or cannot be proven; where a victim may not belong to one of the 5 identifiable groups for which hate crime is statutorily monitored; or where an incident is initially reported as something other than hate crime. However if these incidents appear to have an element of hate or prejudice attached to them, we will record them when reported to us, and where possible investigate perceived motivating factors, and offer support to the victim.

In the absence of a clear admission by the perpetrator, motivation for the incident can be especially difficult to prove. Where we have recorded a pattern of incidents or behaviour that appears to demonstrate hate to a particular group, this information will be shared with the Police and relevant partners, (See 1.3), as it may be important in establishing motive if an offence takes place later.

- 2.4 The Equality Act 2010 introduced the elements of ‘associated’ and ‘perceived’ discrimination. This is reflected in the definition of hate crime above, in that a person does not of themselves need to belong to an identifiable group. For example a person could be the victim of an honour attack from within their own community because of their ‘association’ or relationship with a person from outside of that community. Or a person could be victimised as they are ‘perceived’ to be of a particular sexual orientation, even if this is not their sexual orientation.

3. Context

3.1 Scope - this policy applies to:

- All tenants and leaseholders of Royal Greenwich Housing Services, their households and invited visitors
- People who are not our residents (including staff), but who are a victim of hate crime perpetrated by our tenants/leaseholders or their household
- Non-residents of RBG who are perpetrating hate crime in the boundaries of the land we own, for example our wider estates. (In principle - we retain the right to decide when and how to apply powers to tackle this group, which may include working in conjunction with our partners).

- 3.2 This policy is to be considered in the wider context of work being undertaken by Royal Borough (RBG) and its partners (See Section 6). This includes the work of the Safer Greenwich Partnership, the Hate Crime Strategic group, and various case panels.

4. Legislation

- Equality Act 2010 – combines and updates previous equality legislation, including Disability Discrimination Act, Race Relations Act etc. Also introduces ‘associated’ and ‘perceived’ elements to discrimination.

- Housing Act 1996 - gave councils additional powers to obtain injunctions to prevent harassment and anti-social behavior by tenants and others.
- Protection from Harassment Act 1997 - made it a criminal and civil offence to harass.
- Public Order Act 1986 – covers where an action was intended to stir up religious or racial hatred.
- Malicious Communications Act 1988 – can apply, for example, to cyber-bullying and incitement on social media.
- Crime and Disorder Act 1998 - introduced tougher penalties for crimes that are proven to be racially aggravated. Offences covered by this Act are assaults, criminal damage, public order offences, and harassment.
- Criminal Justice Act 2003 - changed the law regarding the admissibility into evidence of a defendant's convictions for previous offences, and other misconduct, broadening the circumstances in which the prosecution could prove such matters. Chapters include 'Evidence of Bad Character' and 'Hearsay Evidence'. Section 145 and 146 introduced uplifted sentences for offences aggravated by race, religion, disability and sexual orientation. Crimes may be designated as 'aggravated' at the point of charging by the Police, or at the point of sentencing.
- Anti-Social Behaviour, Crime and Policing Act 2014 – simplified some of the existing powers and introduced new powers.

5. Case management

- 5.1 In line with our victim centred approach, if following investigation of an alleged hate incident being reported to us, there is no evidence or insufficient evidence of motivation, the case will continue to be managed as and monitored according to this policy, as a reported incident. We do not follow a process of 'accepting or rejecting' cases before an investigation has been carried out.
- 5.2 Where a victim of ASB or crime reports an incident without mentioning a motivating factor, we will not make assumptions regarding motivation and will not automatically treat it as a hate incident but will deal with it under our ASB processes. However, where there is strong evidence of a motivating factor, we will discuss this confidentially with the victim with a view to treating the case as hate based incident or crime and following this policy.
- 5.3 Where an incident is reported through a third party, who believes there to be a motivating hate factor, we will try to establish whether or not the alleged victim shares this perception. However, in line with the earlier definition where another person may perceive it to be a motivated offence, we will record it under this policy.
- 5.4 We will risk assess cases and prioritise actions in line with this risk assessment.
- 5.5 Where there is a Safeguarding concern this will be escalated in line with our Safeguarding policy.
- 5.6 The victim centred approach means that we will work with the victim to meet their support needs, acknowledging that some individuals may not feel comfortable working with the Police or certain providers, where they have to disclose very personal information.

- 5.7 We will assign a named member of staff to manage the case and be a point of contact for the victim. This caseworker will liaise with other departments and agencies on behalf and with the consent of the victim (See 1.3) including any case panel meetings.
- 5.8 We will keep the victim informed of action that we are taking or intending to take, as well as other case progress.
- 5.9 Where an alleged perpetrator is identifiable we will involve Legal services at the earliest opportunity to make a decision on how to proceed.
- 5.10 We will arrange for the removal of offensive and abusive graffiti on council homes or estates within 24 hours of it being reported. We will provide an out of hours reporting service for this.
- 5.11 Where a hate crime or suspected hate crime is reported while currently in progress we will immediately refer the incident to the Police, with the victims consent (see 1.3).

6. Working in Partnership

- 6.1 We will work with partners to:
- prevent incidents of hate crime occurring or escalating
 - take effective action against perpetrators of hate crime
 - promote reporting including the options to report through a third party
 - protect and support victims of hate crime
 - effectively communicate with the community when incidents occur
- 6.2 The Police deal with all identified hate crime referred to them. We will encourage victims to accept a referral, where a specially trained officer will handle the investigation.
- 6.3 We refer victims to a specialist support provider depending on the type of incident or motivating factor. An up to date list of support providers will be maintained with the accompanying procedures.
- 6.4 We will work alongside other Housing providers and contractors where a victim requires additional security measures to their property or alternative accommodation – on a temporary or permanent basis.
- 6.5 A representative of Housing regularly attends the RBG Multi-agency Hate Crime Panel, which meets regularly to discuss open cases.
- 6.6 We refer cases to Victim Support Greenwich who provide services including practical and emotional support. They also attend the Multi-agency Panel.
- 6.7 Representatives from Housing regularly attend and assist the Hate Crime Strategic Partnership Group within Royal Greenwich.
- 6.8 We will train our staff to identify and manage hate incidents and crime. This includes working with partners to refer for appropriate support and action.

7. Implementation and Performance

- 7.1 We will monitor the performance of this policy through the use of performance indicators which will be reported regularly.
- 7.2 We will analyse case numbers, types, and actions taken, including referrals to the Hate Crime Panel, to ensure we are dealing with these incidents in a suitable and effective way.
- 7.3 We will examine performance information with partners at the Hate Crime Strategic Group, to ensure our findings are reflected in the wider approach RBG takes to tackling hate incidents and crime.
- 7.4 We will publicise our policy through our website, as well as by working with community groups and partners, to encourage victims to report incidents.

8. Related procedures and documents

- Hate Crime procedure
- ASB policy and procedures