

Hate Crime and Incidents policy

1. Purpose:

This policy sets out the approach adopted by Merlin with regard to how we deal with Hate Crime.

In realising our vision to be a world class organisation providing homes in communities people aspire to live in, it is recognised that a robust approach to tackling hate crime and incidents is required.

We are committed to:

- Providing a positive response to reports of Hate Crime and Incidents and being clear about what we can and cannot do
- Taking a victim centred approach to responding to reports of Hate Crime and Incidents
- Taking a robust approach to tackling hate crime and incidents being caused by, or affecting our customers, homeowners other household members and their visitors
- Using an incremental approach to tackling Hate Crime and Incidents where possible, using legal action only when proportionate and reasonable
- Tackling the most serious incidents swiftly and effectively

This policy sets out our approach to tackling Hate Crime and Incidents through prevention, enforcement and support. We recognise that a failure to respond promptly to a reported incident might put people at further risk and therefore clear guidance must be in place to deal with all reported incidents.

We take reports of Hate Crime and Incidents very seriously and will treat reports of these as a priority. We want to increase reporting of such incidents and will take positive action wherever possible to encourage reporting of hate crimes and incidents.

This policy links closely with our Anti-Social Behaviour Policy and Domestic Abuse policy and reference between the policies may be required.

2. Scope and definitions:

2.1 Scope:

This policy applies to all Merlin customers whether they are victims or perpetrators of a Hate Crime or Incident. It also applies to members of the public who wish to report a Hate Crime or Incident caused to them, or by them and one of our customers is involved.

Version	3
Date issued	February 2017

The Equality Act 2010 offers protection from harassment to people on the grounds of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage or civil partnership
- Pregnancy or maternity

We are committed to providing a sensitive and confidential response to anyone approaching us for assistance.

We recognise that failing to respond promptly to reports of a Hate Crime or Incident may put victims at further risk, therefore it is good practice to have clear guidance in place to deal with such reports.

This policy clearly sets out our intentions for tackling Hate Crimes and Incidents comprehensively and our commitment to ensuring that reported incidents are responded to swiftly and effectively. Our commitments to tackling Hate Crime and Incidents is clearly reflected in our tenancy agreements.

This policy is closely linked to our Anti-Social Behaviour Policy.

2.2 Definitions

We define a Hate Crime as:

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

Any criminal offence can be a hate crime if it was carried out because of hostility or prejudice based on race, religion, gender reassignment, disability or sexual orientation.

We define a Hate Incident as:

‘Any incident which is perceived by the victim or any other person as being motivated by prejudice or hate’.

Incidents which are based on other protected characteristics, such as age, are not considered to be hate crimes under the law. We will take reports of these seriously and support the customer although the police will not prosecute these specifically as hate crimes.

Version	3
Date issued	February 2017

Hate incidents include:

Name calling

Leaving faeces in close proximity or directly on the property

Knocking on doors and windows

Malicious complaints, letters or calls

Intimidating groups

Hate crimes include:

Verbal or physical abuse

Damage to the property

Offensive graffiti

Arson

Offensive letters or posters

Hate incidents may also operate at what appears to be a low level and be less easy to identify; such as not including people in events or groups, or minor damage to property. This may be due to the protected characteristics as mentioned in the Equalities Act 2010 above. It is important to deal with these incidents, as they could be having a serious impact on the victims and witnesses. Swift and early intervention could prevent such incidents escalating in severity and/or frequency.

3. Policy Statement & Principles:

3.1 Preventing Hate Crime Incidents

We are committed to preventing Hate Crime or Incidents from occurring. We will engage in the following approaches to prevent Hate Crime where possible:

- Ensuring that all residents are aware of their responsibilities under their tenancy agreement or lease
- Explaining and enforcing tenancy conditions
- Promote sustainable communities during the letting of our homes
- Monitoring reports of incidents that do occur, to proactively identify potential problem areas and work with other agencies strategically to deal with not only problems already identified, but to prevent further problems from occurring

3.2 Reporting a Hate Crime or Incidents

We encourage residents and the wider community to report hate crime and incidents and to feel confident that their complaint will be taken seriously. There are a number of ways to report a Hate Crime or Incident to us:

- In person or via a third party e.g. neighbour or SARI
- By letter
- By telephone

Version	3
Date issued	February 2017

- By Email
- On our website
- Outside of office hours via our usual telephone number

Providing us with clear, detailed and accurate information helps our investigations when a Hate Crime or Incident is reported to us.

For reports made via a third party, we will still need to speak to the person directly affected by the Hate Crime or Incident. If the victim does not want to engage with us, this may limit the action we can take.

We will accept anonymous reports but this may affect what we can do in response to the Hate Crime Incident because we will not be able to provide feedback or gather further information.

3.3 Dealing with a Hate Crime or Incident effectively

We will respond to and investigate all reports of hate crime and incidents and take all possible steps to stop the problem behaviour, prevent re-occurrence and achieve effective and long lasting solutions.

We will provide a range of methods to report Hate Crimes and Incidents and work with agencies to encourage reporting.

We will support employees and contractors to identify Hate Crime, Incidents and harassment.

We will develop our employees to identify protected characteristics, especially when they are not obvious and to recognise where these might have led to a Hate Crime or Incident.

We will provide support and information on how a Hate Crime or Incident can be reported to ensure that there are no barriers to victims receiving the necessary support.

We will contact all victims of Hate Crime and Incidents within 24 working hours of receiving a report and arrange to see them at a location where they feel safe to agree an Action Plan to act to address the concerns.

We aim to support all victims of Hate Crime and Incidents to remain in their homes and will consider additional security measures to the property where appropriate such as fire proof letter boxes and window locks.

Our response to proven allegations of Hate Crimes and Incidents will be proportionate and appropriate through effective:

- Preventative action

Version	3
Date issued	February 2017

- Early intervention
- Support and advice for victims and witnesses of Hate Crimes and Incidents
- Partnership working with the Police, Local Authority and Stand Against Racism and Inequality (S.A.R.I)
- Legal action against perpetrators (whether by us or another agency)
- Responding to vulnerable perpetrators to ensure proportionate action

Through our Lettings Policy, we may consider perpetrators of Hate Crimes or Incidents to be ineligible for housing with us where they have been evicted.

All prospective tenants will be made aware of their responsibility not to carry out any act that may constitute a Hate Crime prior to them signing a tenancy or lease with us.

We will monitor reports to proactively identify potential problem areas or 'hotspots' and will work with other agencies strategically to deal with the immediate problems as well as aiming to prevent further problems from occurring.

We aim to have a clear understanding of each local community, using customer insight information to provide clear information customers in different languages and formats should they suffer any incident of Hate Crime. Where there is a language barrier, we will also provide an interpreter.

3.4 Residents responsibilities

We expect our residents to show consideration to their neighbours and their community, and not to commit, or allow their family or visitors to commit acts of Hate Crime or Incidents.

In addition to the terms set out in our tenancy agreements and leases, we encourage all residents to:

- Report all Hate Crimes to the Police and Hate Crimes and Incidents to us including threats or acts of violence
- Respect other peoples' right to their chosen lifestyle and everyday reasonable level of disturbance
- To work with us to resolve disputes/issues, for example by providing witness statements or attending court

3.5 Support for Complainants and Witnesses

We aim to create sustainable communities and an environment where Hate Crime victims and witnesses feel confident and safe to report Hate Crime. We will provide support to the person reporting a Hate Crime or Incident and to witnesses both to ensure their own well-being and that action against perpetrators is as successful as possible. We will support victims of a Hate Crime or Incident by:

Version	3
Date issued	February 2017

- Responding to reports promptly
- Ensuring that graffiti is reported to the Police, photographed and then removed within a target of 24 working hours
- Creating an action plan that is tailored to the victims needs and wishes
- Completing a risk assessment to inform our response and approach to the Hate Crime or Incident
- Agreeing how frequently we will contact the customer
- Referring to support services where necessary

We will work with victims to agree what actions they would like us to follow through. There may be occasions where the victims wishes us to take no specific action on their report. The situation may however be serious enough that we feel we have little option but to pursue the issue against their wishes. This might occur if there has been a criminal act and we feel that other people might be at risk due to any failure to act accordingly. In such circumstances we will explain our decision and will take appropriate measures to protect all those affected.

Where a victim wishes us to take action against an alleged perpetrator that we consider is not proportionate we may decide to follow a different course of action. We will always make the victim aware of the reasons why and keep them updated with our progress.

3.6 Rehousing victims and witnesses of Hate Crimes and Incidents

We will take action against perpetrators of a Hate Crime or Incident to stop their behaviour, rather than moving the victim(s) affected by it. Where the resident wants to leave their home, we will support requests for re-housing if we are satisfied that it is reasonable and necessary to protect the victim and or witness. Please refer to our Lettings Policy for further guidance.

3.7 Responding to perpetrators

We always aim to tackle Hate Crime and Incidents in our communities by challenging behaviour and providing remedies to resolve the behaviour. We recognise the importance of giving perpetrators the opportunity to modify their behaviour and make positive changes.

In the majority of cases we will work with perpetrators to resolve the Hate Crime incident and take into account any underlying factors that may be causing their behaviour. This might include but is not limited to issues arising from:

- Mental health
- Learning disabilities
- Clash of lifestyles

Version	3
Date issued	February 2017

There may be occasions where this is not possible and we may take immediate legal action, for example where violence is involved. In most instances, when we receive a report of a Hate Crime or Incident, we will contact the alleged perpetrator and explain the report to them. We will arrange an interview with them so that we can discuss this with them and agree a resolution.

In some circumstances such as violence or threats of violence it may not be appropriate to contact the alleged perpetrator and we will refer the matter to Court immediately.

Where possible, we will offer to make referrals to support agencies such as social services, their GP, floating support services, Drug and Alcohol support groups and other support groups that are available to provide additional support.

If the perpetrator does not modify their behaviour or engage with us we may consider taking further action against them or their tenancy.

If the perpetrator makes counter allegations, we will endeavour to investigate these separately.

When a report of a Hate Crime or Incident is made against someone who we know or is suspected to be vulnerable, we will contact any appropriate support agencies. We will ensure that all options are considered prior to action being taken to ensure proportionality. We will work with all support agencies to ensure the perpetrator has the full opportunity to modify their behaviour. A resident's failure to engage with the support service may result in further action being taken against them or their tenancy.

3.8 Legal action and enforcement

We will take firm, prompt and appropriate action against the perpetrators of hate crimes and incidents and if proportionate, action leading to eviction.

Dependent on the severity of the Hate Crime or Incident, options for legal action and enforcement can include but are not limited to:

- Warning letters
- Acceptable Behaviour Contracts
- Restorative Justice or Mediation (where all parties agree)
- Consideration of legal action through partnership agencies
- Action against tenancies, including demotion, injunction and or possession

Criminal cases will be referred to the Police to deal with, though this should not prevent us from considering our own legal action, we will work in partnership with the Police and may be guided on the action that they are taking in order to take tenancy action against a perpetrator.

Version	3
Date issued	February 2017

3.9 Partnership working

We will always adopt a multi-agency approach to tackling Hate Crime and Incidents so we can benefit from sharing of expertise and resources, including feedback on the effectiveness of services and working towards solutions to specific area issues.

We will seek our partnership with statutory organisations, partnering agents, community groups, professional bodies and other stakeholders to support individuals who report a Hate Crime or Incident, and witnesses and perpetrators' and to manage behaviour. We will work in partnership at a strategic and operational level.

3.10 Gathering evidence

We will use a variety of tools to gather evidence where it is required. These include but are not limited to:

- Door knocking
- CCTV
- Noise monitoring equipment and The Noise App
- Investigation with other agencies such as the Police or S.A.R.I
- Interviewing other witnesses

3.11 Closing cases

We will formally close cases when the Hate Crime or Incident has been resolved or if the complainant fails to provide information or engage with us.

If we are satisfied that we have taken every reasonable and proportionate step to resolve the Hate Crime Incident we will close the case. We will explain the reasons why we have closed the case and will provide alternative advice if the complainants feel there is still an issue.

We will regularly review cases to prevent them from being left open indefinitely.

3.12 Costs

We have a legal budget that supports us to progress cases to Court and where required this will fund legal representation to support us with our case management. The budget is reviewed annually.

We will seek to recover all legal costs from the perpetrator where we have a court order to do so.

Version	3
Date issued	February 2017

4. Responsibilities:

Execution of and adherence to this policy will be led by the Neighbourhood Services teams in conjunction with other front line staff.

Neighbourhood Housing Team Leaders and the ILS Service Manager are responsible for managing the Housing Officers and Anti-social Behaviour Officers who hold a direct case load.

5. Performance Standards/Measures of success:

The following key performance indicators apply:

- % of customers satisfied with the way their ASB case was dealt with
- % of customers satisfied with the way their Hate Crime case was dealt with
- % Hate Crime complainants interviewed in target (24 working hours) YTD
- % of Hate Crime cases closed and resolved YTD
- % of cases reopened to determine re-offending rates

When we close a case a satisfaction survey will be carried out. We will use the results of this to monitor levels of customer satisfaction to improve our service and for the Board to monitor our performance.

Where we have service level agreements (SLA) in place with specialist agencies, we hold review meetings throughout the year to ensure outcomes are achieved and the agency is meeting the targets set in the service level agreement. We currently have a SLA with SARI who provide victim support work.

6. Diversity, Equality and Inclusion

Merlin is bound by the Equality Act 2010 and is totally opposed to all forms of discrimination because of any of the nine protected characteristics including age, race, disability, sexual orientation, religion or belief, gender, transgender status, marriage or civil partnership and pregnancy or maternity. We also recognise other forms of inequalities which exist due to socioeconomic circumstance or other 'hidden' vulnerabilities and will also not tolerate discrimination or any form of bullying or harassment on these grounds.

We take our duty seriously to offer a safe environment for those named above (*and others*) and also in protecting their wellbeing. We believe that everyone has the right to be treated with respect and have equal access to opportunities; and we are determined to address discrimination and promote equality & diversity in the provision of housing and related support services and employment (*and recruitment*).

We have high expectations of our Staff (*whether permanent or temporary*), Customers, Partners, Contractors, Stakeholders, Volunteers and Board Members. We expect all of the above to uphold the expectations put on organisations under the Equality Act 2010 & Human Rights Act 1998. We also expect the above to embody the DEI ethos we have

Version	3
Date issued	February 2017

of 'Valuing People and working together.' This Hate Crime Policy wholly embodies our DEI ethos and also supports the wider aims of the general duties of the Public Sector Equality Duty of the Equality Act 2010 as its main aim is to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

7. Customer Insight – understanding our customers

All customers using this service are potentially vulnerable due to being in housing need and the effect this can have on a person; but there are certain factors which have shown trends for staff members needing to spend more time with customers due to needing a more intense level of support such as:

- Ill mental health
- Alcohol / drug dependencies
- If a customer does not speak English well
- Learning disabilities / difficulties

We are a housing organisation with limited resources and a specific skills case, this means we need to respond to this insight when developing and delivering our service.

We will commit to:

- Analysing and reporting on the profile of service usage on an annual basis and share with partners so we can better plan for the support needed year on year.
- Strengthening our external partnerships with specialist and support agencies to deliver the wrap around support needed.
- Offering training to our staff to increase basic skills and awareness around: Basic mental health, Suicide prevention, MECC Training.
- Training staff in being able to use the telephone interpreter service & offer the use of a local face to face interpreter when needed.
- Delivering other services that aim to improve our customers' financial circumstances, this includes employment and training services and affordable warmth programmes of work.

We will support our victims to ensure that they have access to support services and where differences between victim and perpetrator require mediation to resolve tensions, this service will be offered.

Version	3
Date issued	February 2017

Responsibilities will be explained to new tenants to make them aware of their obligations by signing their tenancy agreement and the terms they are signing up to in relation to anti-social behaviour.

8. Assurance Framework

Adherence to this policy will be monitored in the following ways:

- Monthly anti-social behaviour case review meetings
- 1:1 meetings with Housing and Anti-Social Behaviour Officers

9. Data Protection

We will store and process data in accordance with the requirements of our Data Protection Policy and in keeping with the Data Protection Act 1998 (DPA).

We must always offer a “prefer not to answer” option for all non-essential data.

We will share relevant information with third parties where we are legally required to do so and in line with the DPA. Some examples are:

- The prevention or detection of crime and fraud and the apprehension or prosecution of offenders
- In connection with legal proceedings
- In relation to the physical or mental health of an individual, where disclosure is required to protect them or others from serious harm
- In order that third parties can carry out our duties on our behalf
- To comply with the law

We are also signatories to the Avon and Somerset Information Sharing Protocol and only share information when required to under this protocol.

Document details

Owner: Neighbourhood Services Manager

Approval: Board – 23rd February 2017

Next review: January 2020 unless new legislation is introduced