

Hate-related incidents policy

The policy sets out how MHP identifies, encourages reports of and responds to reports of all hate-related incidents.

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1.0 Introduction and scope

- 1.1. This policy is to be used in conjunction with the [anti-social behaviour policy and policy guidance](#).
- 1.2. Not all incidents of harassment, intimidation and threats are necessarily hate-related. Non hate-related incidents of harassment, intimidation and threats will be initially managed as anti-social behaviour and addressed through MHP's [Anti-Social Behaviour policy and policy guidance's](#) A separate ASB and Hate-Related incidents policies is required, as a result of resident feedback, to ensure that hate-related incidents are sufficiently prioritised.
- 1.3. All hate-related incidents are a form of anti-social behaviour. Reports of hate-related incidents must be in line with the [ASB policy, processes and ASB case management IT systems](#). The purpose of this policy and associated guidance is to
 - ensure that staff can correctly identify and manage hate-related incidents
 - ensure that victims and witnesses feel confident in reporting hate-related incidents and they are satisfied with the support they receive
 - successful action is taken against perpetrators
 - perpetrators are deterred from carrying out further acts through support and enforcement

2.0 Definition of a hate-related incident

- 2.1. MHP will adopt the definition of a racist incident as stated in the Stephen Lawrence Inquiry Report 1999, and the Housing Corporation Code of Practice 2002, and **extend it to include the 6 key diversity strands** (ethnic origin, religion, gender, sexual orientation, age or disability), or where a person is targeted or selected because of their status, group characteristics or affiliation. As such a **hate-related incident** may be:

“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”

This definition means that if anyone (the victim, a witness, a police officer, member of staff or 3rd party) perceives an incident as hate-related, it should be recorded and investigated as such.

2.2. A **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.’ All hate crimes are hate incidents. However some hate incidents may not constitute a criminal offence.

2.3. **Hate-related incidents** may take many forms. They can often be the same as any other form of anti-social behaviour, with the additional factor that it is motivated, or perceived to be motivated by prejudice or hate.

Hate-related incidents may include, but is not limited to:

- harassment
- threats
- name calling
- graffiti
- rubbish dumping
- door banging and other noise
- unfounded malicious complaints
- abusive or obscene letters, posters or telephone calls
- assaults on individuals
- assaults on property
- incitement
- arson
- groups hanging around to intimidate
- crimes

2.4. MHP defines a **victim** as any person (including staff, contractors or 3rd parties) who has suffered one or more hate incidents. A **witness** is a person, not a victim, who has information about a hate incident, including staff members or 3rd parties acting on their behalf. A **complainant** may be a victim, witness or any other 3rd party.

3.0 Policy approach

3.1. MHP will take a zero tolerance approach towards hate-related incidents. This will mean that all hate-related incidents, however minor, are treated very seriously and will be investigated, without any suggestion that they are excusable.

- 3.2. MHP recognises that hate-related incidents may also operate at a relatively low level and be less easy to identify and will look to deal with these low-level incidents in order to prevent them escalating into more serious incidents.
- 3.3. MHP will encourage reports of incidents by post, in person, on-line and through the out of hours service, either by the victim, witness or via third parties to enable reports to be made by any party.
- 3.4. MHP will include publicity on hate-incident awareness and reporting through their resident information and communication strategies. This will be done corporately (such as an awareness leaflet) and locally. Each business will be responsible for local customer information, such as estate noticeboards, newsletters and bulletins.
- 3.5. Clear information will be provided to all residents that hate-related incidents will not be tolerated. Information will also be provided on how to report incidents.
- 3.6. All reports will be treated in confidence and be quickly and formally acknowledged. An acknowledgement will be the initial confirmation that MHP have received the report, along with a reference number and contact details.
- 3.7. Where appropriate and it is possible to do so, the victim or complainant will be asked whether they wish to be interviewed and their case managed by an appropriate employee.

4.0 Managing reports of hate-related incidents

- 4.1. MHP will investigate all allegations of hate-related incidents and take all possible steps to deal with and eradicate such incidents.
- 4.2. All hate-related incidents will be high-priority anti-social behaviour cases. Reports of hate-related incidents received from customer services, by letter, through the web-self service customer website and out-of hours must be flagged for the urgent attention for the housing, neighbourhood or duty officer responsible to assess and categorise as soon as possible. This may be at the next available working day if a report is received outside of MHP's normal working hours. Where a report is received through customer

services, if the customer services officer believes that the report is hate-related or high priority, they will offer to transfer the complainant to the housing, neighbourhood or duty officer responsible.

- 4.3. The victim or complainant will be interviewed immediately or visited within **1 working day of the initial report**. This is so that the situation is assessed, any emergency actions are instigated and that the complainant is involved in decisions taken about actions proposed from the outset (such as interviewing the alleged perpetrator). A support pack containing important contacts, diary sheets, repairs timescales and relevant local information (for which translations and different formats are available) will be provided to the victim or complainant at the first opportunity.
- 4.4. An action plan/Resident's Agreement detailing a summary of the case, the completed actions, frequency of contact agreed and future agreed actions will be agreed and signed between MHP and the victim or complainant within **10** working days of the initial report.
- 4.5. MHP will seek the advice and assistance of other agencies, for example, the Police, the local authority, support groups or minority groups in the local area, local schools and national charities or organisations when considering possible actions. Consent may be required where personal information is requested from the complainant, in line with [MHP's Confidentiality policy](#). In certain circumstances consent may not be required, such as in relation to concerns regarding child protection, safeguarding Vulnerable Adults or any other legal requirement. Please see section 8.0 and the [Child Protection and Vulnerable Residents policies](#).
- 4.6. Residents have the right to feel secure in their own home and in the wider community. MHP will adopt a pro-active stance in dealing with hate-related incidents both directly and in partnership with other agencies such as the Police, the local authorities and minority ethnic and other community groups.
- 4.7. MHP will ensure a prompt and sympathetic approach when dealing with cases of hate-related incidents. The interests of the victim are paramount and, in the event of proven hate-related incidents occurring, resulting in the victim wishing to move, MHP may, where appropriate, either within their stock or with their housing provider partners, make temporary arrangements and/or seek a permanent move at the earliest opportunity.

However, MHP is focused on the resolution of the problem rather than the transfer of the victim.

- 4.8. MHP will enable the victim or complainant to stay in their own home if they wish by ensuring the urgent repair of damaged property or graffiti and will consider the provision of security works (alarms, fire-proof letter boxes etc) in consultation with the victim and the police. Unless evidence collecting or preservation is required, MHP will action these immediately and aim to complete graffiti removal and repairs and alterations within our published **repairs timescales** and keep the victim or complainant informed of the progress.
- 4.9. Throughout the process, we will work to ensure that victims and witnesses can access the appropriate help and support. This includes working with and complying with any Joint Working Protocols in place with external support providers or support provided by Metropolitan Support Trust. Employees will be trained on how to identify a hate-related incident and how to follow up the reporting through prompt positive action.
- 4.10. High priority cases will be monitored by the case manager's manager to ensure that appropriate actions are taken , that any issues as a result of staff turnover are appropriately dealt with and if the problem had been resolved to the victim's reasonable satisfaction. In addition, cases may be monitored through local team meetings to share and discuss best practice in managing cases.
- 4.11. As hate-related incidents are based on the complainant's perception, reports of hate-related incidents will not be re-classified as medium priority cases. Cases will be closed if, following a full investigation, no further action is required.
- 4.12. MHP recognises that on occasion, allegations may be falsely made. Malicious or unfounded complaints can also have an adverse effect on those falsely accused. In exceptional circumstances, complaints which are found to be intentionally frivolous, vexatious or unreasonable may themselves be treated as carrying out anti-social behaviour.

5.0 Preventing Incidents

- 5.1. MHP will aim to prevent hate-related incidents and promote community cohesion through:

- ensuring that all residents are aware of their responsibility under the occupancy agreement, or lease, which prohibits residents from engaging in ASB, harassment or other hate-related incidents, and of our stance towards such acts;
- working in partnership with other statutory and voluntary agencies to undertake co-ordinated outreach work to promote a culture that discourages hate crime and encourages community cohesion;
- working in partnership within all businesses and departments within MHP to ensure that appropriate information is passed on and that all hate-related incidents are recorded;
- ensuring effective collection and recording of evidence;
- monitoring reports of incidents that do occur, to proactively identify potential problem areas and work internally through the community investment teams and with other agencies on a strategy to deal with not only problems already identified, but to prevent further problems from occurring;
- ensuring that, as far as possible, our Lettings Policy is sensitive to the needs of communities and individuals;
- having a clear understanding of the local community using demographic profiling, census and other information and being aware of who and where residents are housed;
- providing a clear leaflet available in different languages giving practical advice on what to do if residents are suffering hate crime, including victim support and Police information.

5.2. MHP will participate with key agencies involved in the analysis and reporting of hate-related incidents nationally and locally

6.0 Perpetrators of hate-related incidents

- 6.1. MHP will always consider the effect on the victim, the severity of the incident, when the incident took place and the outcome and level of support provided when considering action against perpetrators.
- 6.2. MHP will take firm, prompt and appropriate action against the perpetrators of hate-related incidents including, if necessary, legal remedies on behalf of victims, including but not limited to injunctions and action leading to eviction.
- 6.3. Through the Allocations and Lettings policy, MHP may consider as ineligible for an allocation, where it is known and where it is relevant, housing

applicants who have previously been evicted from accommodation due to racial harassment or hate crime.

- 6.4. Perpetrators may be suspended from internal transfers within MHP if there is evidence that they are involved in hate-related incidents.

7.0 Vulnerable residents

- 7.1. MHP will consider any vulnerability issues of the victim and perpetrator in line with the Vulnerable Residents policy and guidance.
- 7.2. Where a vulnerable resident is a victim of a hate-related incident, the case manager must consider if the cause of the incident is directly linked to the victim's vulnerability. If the perpetrator of hate-related incidents has been identified as vulnerable, the case manager must consider if the vulnerability is the underlying cause of their behaviour.
- 7.3. In either instance, MHO will request a review of the support plan and risk assessment from the support provider or the local authority as this must be considered a change of the vulnerable resident's circumstances.
- 7.4. The primary concern is to the victim and to whom the incident is affecting. MHP will always liaise with the appropriate support or service providers to ensure that a vulnerable perpetrator receives the appropriate intervention actions. As with all ASB cases, enforcement actions should not proceed until all implications (including implications due to the Disability Discrimination Act 1995 and 2005) are fully considered and documented.

8.0 Confidentiality

- 8.1. Under the Crime and Disorder Act 1998 it is lawful for organisations to exchange information in the interest of reducing crime and disorder. MHP has a confidentiality policy that sets out how we deal with confidential information about residents. Confidentiality will be respected unless criminal information (or other examples as listed in 8.2 below) is divulged and is required to be passed on to the appropriate person (please refer to MHP's Confidentiality policy for more information on this).
- 8.2. As a matter of routine or daily business, information can and will be shared with other organisations / parties only where:
 - It is for legitimate reasons (i.e. there is a legal justification for it), and

- The people the information is about have been fully informed

Where the disclosure is not for a legally justifiable reason, the consent of the person (that the information is about) will be obtained. “**Non-routine disclosures**”, i.e. those which are not part of standard processes, may be done without the person (that the information is about) being informed only where it could have an adverse effect on the reason for the disclosure and as long as it is for:

- Crime detection, prevention and, or investigation,
- A disclosure required by an act of law,
- Use in actual / prospective legal proceedings, or establishing legal rights.

MHP will only disclose to contracted organisations or parties acting on behalf of MHP that have signed a confidentiality agreement. Some teams or areas of the business will only make disclosures under the information sharing protocols that have been established with local police and public bodies.

8.3. MHP will recognise the importance to respect an individual need for confidentiality and that reporting hate-related incidents is a sensitive area. For example, a transsexual person may have no wish that others should become aware of their status and requires confidentiality. Families, neighbours, or colleagues may not be aware of their situation, and the person may not want such information to be became known.

8.4. MHP encourages complainants and 3rd parties to cooperate with information disclosures where possible and recognises that where consent is refused, MHP may not be able to fully investigate or take action against perpetrators.

9.0 Training and development

9.1. Learning and Development will ensure that employee awareness of the issues relating to hate-related incidents and their capacity to deal effectively with it is implemented. Each business will monitor the attendance and effectiveness of such training locally, such as through their Senior Management Teams. Training will include;

- Induction training
- Diversity awareness training
- Specialist training for front line staff, where this is available

10.0 Risk

- 10.1. Failure to address hate-related incidents and ineffective implementation of policy presents (but is not limited to) a risk of the following:
- damage to the reputation of an area or estate and of MHP as the landlord/service provider
 - damage to relationships with neighbours, contractors, staff and potentially disruption of community cohesion
 - may lead to actual harm or self harm of victims
 - regulatory and inspection risk to the organisation

11.0 Equality and diversity

- 11.1. In the implementation of this policy, MHP will adhere to the Equality and Diversity Policy, and as such will not discriminate against any tenant on the grounds of their ethnic origin, religion, gender, sexual orientation, age or disability (Please refer to the Equality and Diversity Policy for further information).

12.0 Complaints and appeals

- 12.1. If any person believes that they have not been treated in accordance with this policy, or are unhappy about anything related to the policy, they may complain through the complaints procedure (please refer to [MHP's Complaints Policy](#)). This does not apply if the tenant disagrees with or wishes to challenge a decision which will subsequently be decided by a court (such as an application to a court for a possession order) or if they intend to bring legal proceedings where commencement is imminent.

13.0 Monitoring and evaluation/ Quality assurance

- 13.1. Local businesses will monitor the implementation of this policy through customer satisfaction and other surveys, complaints, appeals and, where applicable, court cases.
- 13.2. Local businesses will monitor their live high-priority ASB cases (including hate-related incidents) to ensure timescales and policy compliance is met.
- 13.3. MHP will monitor and analyse reports of hate-related incidents, both locally and MHP wide. This includes the number of Hate-related incident

types reported as ASB case categories and published in the Housing Services BART and the HouseMark benchmarking area.

- 13.4. Policy and performance will analyse and report at least annually on the profile of hate-related ASB cases received, including analysis of the demographic profile of victims and perpetrators.
- 13.5. The minimum data relating to hate-related incidents that MHP will collect and hold will be specified through MHP's [Anti-Social Behaviour policy and policy guidance's](#)

14.0 Author

- 14.1. This policy was drawn up by Michael Liu, Policy and Performance. Details of the consultation process are added to the associated Consultation Summary and Sign-off documents.
- 14.2. MHP always welcomes comments and feedback. Please contact the Housing Policy Manager, Policy and Performance
- 14.3. Residents and external stakeholders may feed back by contacting MHP.

15.0 Date for review

- 15.1. This policy was approved in 21 June 2010 through Chair of Housing Operations Group
- 15.2. The policy will be reviewed 1 year after commencement, unless there is a significant change in legislation or in services, in which case it may be reviewed earlier.