

Policy

Title: **Harassment and Hate Crime**

Date of Issue: December 09

Issue Number: 2.0

Date of next review: December 2012

Author: Jonathan Horsfall

Service Area applies to: Housing Services

Approved By: Customer Services Committee

Electronic Storage: Sharelt / Published Documents

A policy should be a short statement which describes in general terms or objectives what a service area's principles and key objectives are on a particular subject and should be no longer than a 2 pages in length. The aim of the policy is to give practical effect of the strategy it supports.

Translations available on request by phoning 0151 510 5000

यदि आपनि এই तथा अन्य भाषा पढ्ने छान, अहले वना कले 0151 510 5000 नयले फोन करुन।

यह सूचना यदि आपको किसी अन्य भाषा में चाहिये तो कृपया नंबर 0151 510 5000 पर फोन करें।

یہ معلومات اگر آپ کو کسی دیگر زبان میں چاہیے تو براۓ مہربانی نمبر 0151 510 5000 پر فون کریں۔

如果你需要其他語文版本的本資訊，請致電 0151 510 5000

Jeśli chcieliby Państwo otrzymać powyższe informacje w innym języku prosimy zadzwonić pod numer 0151 510 5000

This document is also available in Braille, large print and on tape



Halton
Housing Trust
Delivering quality and excellence for all

CONTENTS PAGE

	Page No
Introduction	3
Aims / Objectives of the policy	3
Scope	4
Policy Statement	4
Responsibility	6
Service Standards	6
Performance Measure / Monitoring	6
Consultation Arrangements	7
Benchmark Analysis	7
Regulatory and/or Legal compliance	7
KLOEs affected	7
Equality and Diversity Considerations	8
Links to Procedures, Strategies and Associated Documents	8
Business Impact	8
Self Assessment Compliance Statement (SACS) Considerations	8

Introduction

Halton Housing Trust condemns all forms of harassment and hate crime and will take firm action to eliminate it on the estates and communities it manages.

Halton Housing Trust (the Trust) will not tolerate any action, harassment or crime which is motivated by hate. Upon receipt of reports of hate crime or harassment the Trust will investigate and upon obtaining evidence will not hesitate to take legal action against any person or persons responsible for inflicting physical and/or verbal abuse, or who intimidate any of its residents, their families or visitors as well as members of its staff or Board Members motivated by hatred.

The Trust understands that preventing and controlling harassment and hate crime is an important challenge and the Trust acknowledges that harassment can:-

- spoil the lives of individual victims and, if left unchallenged, can change the whole environment and culture of an area and disrupt the community as a whole;
- have a prolonged effect on the health, welfare and confidence of the victim;
- even lead to a need for the complainant to move from their home.

This policy has been developed to compliment the Trust's Anti-Social Behaviour Policy.

In implementing this policy, the Trust will have due regard to the Tenant Service Authority's Regulatory Code and guidance, and any future standards.

Aims / Objectives

The Trust recognises that intimidatory behaviour of any kind can affect the health and well being of individuals and communities. All customers have the right to the peaceful enjoyment of their home, garden, estate and wider neighbourhood.

The Trust will investigate and act on **all** reported incidents of harassment or hate crime. When dealing with cases of harassment - whether or not it includes violence, the Trust accepts that the interests of the victims are paramount and they must be treated sensitively, courteously and respectfully at all times. Support will be given to the victims of harassment working to provide solutions with which they are comfortable.

The Trust has reinforced its position on hate crime and harassment using its Tenancy Agreements, Leases, Customers Handbook, leaflets and website to promote customers responsibility and the action and support the Trust will take to resolve harassment and hate crime

The Trust understands that the most effective action will be taken in partnership with other agencies and it will work closely with Halton Borough Council, the Police, other housing associations and statutory agencies and support and voluntary groups when dealing with harassment cases in the wider community.

Most acts of harassment are also criminal offences and the Trust will work with the victims and the police to support any case for criminal action.

The Trust will also work with other agencies, such as local Race Equality Councils, Disability Forums, Age Concern and other support agencies to find strategies for supporting victims and dealing with the perpetrators of harassment. In particular the Trust will join and actively promote any partnerships which are set up to combat harassment of any kind.

Scope

This policy covers all types of hate crime and harassment whether in response to age, race, religion and beliefs, disability gender, sexual orientation or transgender. It covers all aspects of the Trusts work and its involvement within the wider community, and therefore applies to all housing services employees, but especially its specialist ASB/Legal Support team.

Policy Statement

Harassment

To inform its approach, the Trust uses the definition of harassment as '***the interference with a person's comfort or safety.***'

It can be physical or verbal abuse or intimidation and it includes attacks on and damage to property. It is often premeditated or recurring. examples can include:

- unprovoked assaults, for example actual bodily harm;
- damage to property, for example the breaking of windows to the home;
- the writing or affixing of slogans and/or graffiti of a racial or other discriminatory nature on the home or in the vicinity of the home;
- arson or attempted arson, for example the insertion of rags, paper rubbish and/or any material which can be and/or has been set alight into the property;
- the placing of excrement, eggs, paint, rubbish and/or other noxious and/or offensive substances on or in any part of the home;
- verbal abuse of a racist or other discriminatory nature;
- threatening and/or abusive behaviour including spitting and failure to control dogs;
- repeated unfounded complaints to the landlord about a customer;
- threatening letters or phone calls of a discriminatory nature;
- participation in any activity which is calculated to deter the person from occupying or enjoying their home.

Hate Crime

Hate Crime is often defined as being 'behaviour deliberately intended to harm or intimidate a person, which is often motivated by prejudice on the grounds of disability, age, race, religion and beliefs, sexual orientation, gender and transgender.'

Hate Crime involves verbal or physical behaviour that intimidates dominates or harms an individual, a family or a group and is motivated by the perpetrators prejudice to this individual, family or group.

Hate Crime can include verbal abuse, physical attacks on people and damage to property, and any other form of behaviour which deprives people of the peaceful enjoyment of their homes on the grounds of the disability, age, race, religion and beliefs, sexual orientation, gender and transgender.

To ensure effective action the Trust has adopted the Stephen Lawrence Inquiry definition of a hate crime as being "***any incident which is perceived to be hate crime by the victim or any other person***".

To ensure hate crime and harassment is minimised the Trust will work with all relevant partners to promote positive action and perceptions of all within the community and work towards effective community integration

The Trust will also ensure that any barriers to reporting hate crime are minimised by the following:

- Information will be provided to customers in a variety of formats upon request.
- Using induction loops and provision of Type Talk for profoundly deaf customers
- All of the Trusts buildings are DDA compliant
- Use the customer profile information to identify and additional needs or vulnerability
- Increasing accessibility for reporting hate crime and harassment by being a Community reporting centre for harassment and hate crime
- Making information available in different languages and provision of language line and other interpreting services available
- Whenever practical offering flexibility to when undertaking interviews with customers

To reassure our customers and the wider community of the importance that is given to tackling hate crime and harassment the Trust will take prompt action with all cases dealt by the Trust's specialist ASB/Legal Support team.

Complaints of harassment will be accepted either verbally or in writing from customers, or people acting on their behalf. Staff should consider whether complaints of neighbour disputes or nuisance contain elements of harassment. This should be the case even if the victim does not state that harassment is a factor. Incidents may also come to light as a result of a request for a transfer or a repair and staff should be alert to this possibility even if customers do not specifically say that there is a case of harassment. Reports of harassment perpetrated by a direct Trust customer against a non-tenant Trust customer may be received and these must be dealt with in accordance with this policy and associated procedures and vice versa.

Upon receipt of any complaint the Trust will provide practical support assistance to any customer with the following identified actions:

- take initial action within 24 hours of receiving the complaint;
- adopt a victim-centred approach ensuring that any barriers to reporting are removed
- respond sensitively to the victim;
- interview and support the victim and make a detailed assessment of the case;
- inform and liaise with other agencies such as Halton BC, the Police and voluntary groups as appropriate to provide information and support to customers ;
- with the victim's consent, inform third parties of the incident and build a case against the perpetrator;
- where appropriate initiate legal action for breach of conditions of tenancy against the perpetrator;
- where appropriate seek other legal remedies on behalf of victims;
- provide support for the victim after the incident where appropriate;
- where the victim feels able to remain in his/her home either temporarily or permanently but requests additional security measures these will be arranged on an emergency basis ;
- where damage has been caused or graffiti has been daubed and the victim is to remain in the property these matters will be attended to urgently;
- keep comprehensive notes and records of the case and contacts with the victim, witnesses and perpetrators;

- adopt a multi-agency approach to harassment and hate crime with the voluntary sector and other agencies;
- consider rehousing the victim either as a emergency response or in the longer term as appropriate ;
- adopt high standards of confidentiality when dealing with victims and the approach to criminal behaviour;
- conduct a prompt and thorough investigation into all alleged cases;
- always consider taking action against the perpetrator where evidence is available which could result in eviction where allegations are proven.
- carry out emergency repairs within 24hrs and prioritised by construction services
- Provision of additional security and target hardening from within the repairs budget .

Responsibility

The Director of Customer Services will be responsible for ensuring:-

- the effective implementation of this policy;
- that all live cases will be reviewed quarterly by the Area Housing Manager and housing officers, if required;
- that all relevant employees receive training on the Trust's harassment policy and procedures;
- that all procedures are fully documented and that high quality records are maintained on each case.

Service Standards

The following service standards will apply to this policy:

- From the initial complaint the customer should be interviewed within 24 hours
- Following from the initial interview with the complainant the perpetrator will be interviewed within 5 working days
- After the initial investigation the complainant will be contacted within 10 working days with an update and proposed further action

Performance Measures / Monitoring

To ensure that the Trust is taking the most effective action to resolve Hate Crime it will use the Academy Customer Services Module (CSM) for the recording, management and monitoring of cases

The Performance Management system will monitor the following:

- Number, type and location of incidences of harassment and hate crime
- Customer profiling information on perpetrator and complainant
- Action taken to resolve hate crime
- Most successful action prior to resolution
- Costs of provision of service to tackle hate crime

With this information the Trust is able to monitor effective action and target

resources in the most effective way to provide value for money for the organisation and its customers.

Consultation arrangements

To obtain the views of customer and the wider community the following groups and individuals have been consulted on this policy:

- Cheshire Halton & Warrington Racial Equality Council
- Cheshire Police
- Age Concern
- Halton Disability Forum
- Halton Voluntary Action (HVA)

Benchmark Analysis

The Trust is a member of the following organisations

- Social Landlords Crime & Nuisance Group
- Housemark ASB Benchmarking Group

It uses these organisations to benchmark its service and has also used best practice available as a signatory to the Respect Standard of Housing Management.

Regulatory and/or Legal Compliance

The Harassment and Hate Crime Policy and its associated procedures are compatible with obligations imposed by existing legislation, including:-

- Anti-Social Behaviour Act 2003;
- Housing Act 1985 (as amended by the Housing Act 1996);
- Crime and Disorder Act 1998;
- Police Reform Act 2002;
- Local Government Act 2000;
- Homelessness Act 2002;
- Protection from Eviction Act 1997;
- Children Act 1989;
- Disability Discrimination Act 1995;
- Race Relations Act 1976 and the Race Relations (Amendment) Act 2000;
- Human Rights Act 1998;
- Commission for Racial Equality Code of Practice on Rented Housing 1991

KLOEs affected

The Landlord Services KLOE on Tenancy and Estate Management poses the question:
“How does the organisation respond to the diversity of its community to ensure that all users, or potential users, have fair and equal access to tenancy and estate management services?”

One of the descriptors used as an indication of how an excellent performing

organisation would meet this question states that it *“has domestic violence and harassment policies in place that are flexible and have been arrived at with user groups. The policies are effectively implemented and regularly monitored and reviewed. Feedback shows that residents are aware of the organisation’s stance against harassment and domestic violence.”*

This policy and the way it has been developed contributes to achieving the above requirement.

Equality and Diversity Considerations

An Equality Impact Assessment has been carried out on the policy. It concluded the following:

- the policy is not directly or indirectly discriminatory
- the policy increase equality of opportunity by permitting or requiring positive action or action to redress disadvantages
- any action identified following the EIA has been incorporated into the policy. If there are longer term proposals an action plan has been developed which can be adopted that will further enhance the equality of opportunity in the context of this policy.

Links to Strategies, Procedures and Associated Documents

Anti-Social Behaviour Policy
Domestic Abuse Policy
Relationship Breakdown Policy
Meeting Housing Need and Access to Housing Policy
Customer Care Policy
Diversity Policy
Customer Involvement Policy
The Trust’s Tenancy Agreement
The Trust’s Customer Handbook

Business Impact

It is not expected that this policy will have a direct impact on the Trust’s Business Plan. However action in this policy may have a positive impact on its business activities in general. By effectively dealing with hate crime this will help sustain tenancies and therefore communities. With sustained tenancies it is expected that the Trust will have lower void costs and rent loss which will increase revenue and reduce the Trust’s costs. This will also have a less tangible positive impact of improving satisfaction with the Trust’s homes and the communities served.

Self Assessment Compliance Statement (SACS) Considerations

The implementation of this policy will have a positive impact on achieving SACS-111.1 taking a lead role in the co-ordination of a borough wide approach to dealing with ASB.