Hate Crime Policy

platform housing group

Scope of Policy

This policy sets out Platform Housing Group's (the Group) commitment to dealing with all forms of hate crime in the communities in which we work.

Applicability

The policy applies to all members of the Group.

It is not within the scope of this policy to deal with the following:

- General incidents of anti-social behaviour - as these will be dealt with in accordance with the Group's Anti-Social Behaviour (ASB) Policy.
- Harassment and intimidation involving employees, these will be addressed through the relevant human resources policies.

The Group has a zero tolerance approach to hate crime and discrimination. We will also seek to protect employees from all forms of abusive behaviour and will follow the appropriate procedures and measures involving harassment and intimidation.

1. Policy Statement

1.1 We value the diversity of our residents and believes that all residents, their families and visitors have a right to live without a fear of abuse, harassment, intimidation, humiliation or threat of harm.

1.2 We recognise that hate incidents and crime can have a serious and devastating impact on an individual's sense of security, health, and wellbeing but that it can also have a negative impact on communities in relation to cohesion and integration.

1.3 We condemn all forms of hate incidents and crime and will treat all incidents reported to us as an emergency. We aim to provide safe, secure and sustainable communities.

1.4 We will meet all legal and regulatory requirements to ensure that our approach reflects best practice.

2. Context and Definition

2.1 The criminal law recognises five types of hate crime on the basis of:

- Race
- Religion
- Disability
- Sexual orientation
- Transgender identity

A **hate crime** is any criminal offence where the offender has either:

(i) demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity; or
(ii) has been motivated by hostility on race, religion, disability, sexual orientation or transgender identity.

2.2 The police and Crown Prosecution Service (CPS) use the following definition to help identify whether a crime is a hate crime:

"A*ny criminal offence which is perceived by the victim or any other person, to be motivated by hostility, 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."*

2.3 A non-crime **hate incident** is any incident or alleged incident which involves or is alleged to involve an act by a person which is perceived by a person other than the subject to be motivated - wholly or partly - by hostility or prejudice because of race, religion, sexual orientation, disability or transgender characteristic.

Not all hate incidents will amount to criminal offences and not all reports of hate crime or hate incidents will be correctly described. An 'incident' is defined as "*a single distinct event or occurrence which disturbs an individual, group or community's quality of life or causes them concern*".

2.4 Hostility and prejudice have no specific legal definitions. The CPS state that, for hostility, "*we use the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike*."

2.5 **Freedom of Expression**

Hate crime legislation includes 'free speech' provisions which recognise that certain views and opinions on political speech or speech discussing political or social issues would not, by themselves, amount to a criminal offence. These provisions are designed to make a distinction between strongly held but lawful views and forms of expression which are intended to stir up hatred, and which therefore constitute a criminal offence.

Freedom of expression is a fundamental right that is protected under the Human Rights Act 1998. The majority of speech that expresses political or other opinions, even if offensive or controversial, does not constitute a criminal offence.

By way of example, the mere expression of 'gender critical beliefs' (the belief that biological sex is immutable and not to be conflated with gender identity) is protected

under 'philosophical belief' in the Equality Act 2010. The mere expression of 'gender critical' beliefs, in and of themselves, are protected in law. Fundamentally, offending someone is not, in and of itself, a criminal offence. To constitute an offence under hate crime legislation, the speech or behaviour in question must be threatening, abusive or insulting and be intended to, or likely to, stir up hatred.

Special regard will be given to the impact on freedom of expression. This includes, but is not limited to, debate, humour, satire and personally held views which are lawfully expressed.

We will consider whether it is proportionate and necessary to interfere with the right to freedom of expression by recording the personal data of an individual who is the respondent to a complaint of hate crime or incident.

3. Aims and Objectives

3.1 We are committed where possible to preventing hate crime and will seek to respond effectively with incidents should they occur using all proportionate tools and resources to deal robustly and effectively with perpetrators of hate incidents, crime or harassment, taking a harm-centred approach.

3.2 We are committed to working in partnership with other agencies to prevent and tackle hate crime.

3.3 We aim to ensure that those who are subjected to hate crime are supported in a sympathetic and sensitive manner, in accordance with their needs.

3.4 We aim to strike a lawful balance between investigating and recording alleged hate crimes and incidents and freedom of speech. Recording the personal data of a respondent to alleged hate incidents only if it is proportionate and necessary to do so in order to mitigate a real risk of harm.

4. Policy Outline

4.1 Leadership and Strategic Commitment

We recognise that hate crime can have a significant impact on quality of life and we are committed to tackling incidents wherever they occur in our communities. We aim to create a culture of respect and tolerance in the communities in which we work.

This policy has been developed to deal with all forms of hate crime and sets out the principles for addressing and tackling this behaviour. This policy should be considered in conjunction with our Anti-Social Behaviour (ASB) and Equality, Diversity and Inclusion policies and associated policies.

We will endeavour to show strong leadership, corporate commitment, and accountability in preventing and tackling hate crime. The management and

prevention of hate crime will be seen as a core operational business activity, supported by proportionate resources, to attempt to tackle hate crime effectively.

4.2 **Principles**

In responding to complaints and allegations we will endeavour to:

- Ensure that our employees are made aware, and regularly trained, to identify the needs of victims and witnesses of hate crime whether it is harassment, verbal or physical abuse or any other behaviours deemed to be criminal, so that they can provide a responsive and effective service whilst respecting the need for sensitivity and confidentiality.
- Provide a supportive and safe environment to all customers to encourage the reporting of hate crime.
- Ensure that reporting is accessible and easy, giving consideration to customers' needs and eliminating any barriers to reporting incidents of hate crime.
- Enable customers to report incidents of hate crime to us in different ways including in person, through the customer portal, over the phone and via our website. We offer anonymous reporting to witnesses of hate crimes and facilitate the reporting of hate crimes by non-residents.
- Endeavour to respond to any hate incidents within 1 working day.
- Ensure that all information is written, as far as possible, in plain English and we will provide communication to customers in other formats and languages where required.
- Support victims and witnesses throughout the investigation and any further action which may arise where appropriate.
- Work with partner agencies, community groups, partner and statutory organisations, where appropriate, to ensure co-ordinated services to prioritise the safety of victims and their children.
- Following a report of hate crime, we will, where appropriate, raise emergency repairs to remove offensive graffiti, posters or visible materials if it is on our land and/or secure the property of the victim or witness within 24 hours. We will also work with partner agencies to make them aware of reoccurring offensive graffiti.
- Ensure customers are made aware of the terms and conditions of their tenancy agreement and of their responsibilities in relation to hate incidents, criminal offending and anti-social behaviour.
- Enforce tenancy and lease conditions, using effective and prompt case management interventions and a balance of prevention and support measures to include legal and non-legal remedies as is proportionate in the circumstances of the case. This may include working with partner agencies, where we will keep these agencies updated of any action taken.
- Ensure any information provided to us is treated in the strictest of confidence subject to our ability to disclose information to relevant third parties in accordance with data protection law (for example, in cases of child protection or the prevention of crime).

- Raise awareness of hate crime and related issues in our neighbourhoods and communities through information, advice and community initiatives. We will publicise our approach to hate crime via a range of media including our website and social media.

4.3 **Responding to Incidents of Hate Crime**

Incidents believed to be motivated by hatred or prejudice directed against any person or group of people based on any of the identifying factors will be classified as a high priority for investigation purposes, irrespective of the nature of the actual behaviour reported.

Although the following is not an exhaustive list, incidents of hate crime may comprise, for example, one or more of the following:

- physical assault
- bullying
- harassment
- verbal abuse, insults and threats
- abuse through social media/cyber
- damage to property or personal belongings
- threatening or abusive behaviour including spitting, ridicule of cultural differences, arson or attempted arson, offensive jokes or comments
- deliberate and targeted acts intended to deter residents from living in their home or to force them to leave

In responding to reports of a hate incident/crime we will:

- Adopt a victim led approach to dealing with hate crimes, which means that if a person or a third party feels that they or someone else has experienced a hate crime we will deal with it under this policy.
- Talk to the victim and encourage and support them to report incidents to the police to pursue the possibility of a criminal investigation. Where appropriate, and consent is provided, we may report hate crimes to the police on behalf of the victim(s).
- Assess the vulnerability of complainants and the risk of harm through the completion of the vulnerability matrix, offering support, where appropriate and available.
- Adapt our response to the individual circumstances and needs of the victim, recognising that every reported hate incident/crime will be different.

Hate crime legislation allows for a third party to report and stand as a witness where they have witnessed the incident.

Where we receive a report from a third party, we will investigate the incident, ensuring that our interaction takes place with the victim(s) as well as the third party. The views of the victim will be considered. However, should they not wish to pursue

the matter, this will not necessarily prevent us from taking appropriate action where the third party is willing to provide evidence and stand as a witness.

4.4 **Case Management**

Case management will follow the anti-social (ASB) procedure, notably in respect to completion of action plans, vulnerability assessments and the use of early interventions.

As part of our initial contact and assessment with victims/complainants, we will seek to establish if they are a repeat victim and consider this in any response. We will also review any potential vulnerability and the likely risk of harm to the complainant by normally completing a vulnerability risk assessment.

Further vulnerability risk assessments will usually be completed throughout the case in accordance with the ASB procedure. We will also normally complete a vulnerability risk assessment for respondents where this appears to be appropriate. Through the use of robust vulnerability risk assessments we will ensure a 'harm centred' approach is adopted in our response to hate crime/incidents.

An initial action plan will normally be agreed with complainants, taking into account the outcome of the vulnerability risk assessment and any further action plans may then be completed as and when appropriate until case closure. Action plans will also normally be completed wherever possible with respondents of hate crime/incidents, ensuring they are made aware of the allegations, capturing their response and providing them with actions required.

Referral and signposting to support agencies will be considered and completed where appropriate and available for both the complainant and respondent. We will remain vigilant of any safeguarding concerns and will give consideration to the Safeguarding Children, Young People and Adults at Risk Policy where appropriate.

4.5 **Partnership Working**

We recognise that the responsibility for preventing and tackling hate crime is not the sole responsibility of one agency, although it appreciates that it plays a critical role.

Successful case management and prevention often depends on the willingness of organisations to work in partnership. Further, this is often dependent on the freedom and willingness to exchange information between different organisations within the constraints of data protection legislation.

Victims will be encouraged to allow us to share information with other agencies, including the police and local authority to ensure that the full range of civil and criminal action is pursued where reasonable and proportionate and that appropriate support is provided.

4.6 **Training**

All colleagues are responsible for ensuring the policy is incorporated into their working practices.

Appropriate training will be given to colleagues to raise their awareness and to equip them to implement this policy and its related procedures effectively.

5. Equality and Diversity

5.1 The main legislative framework relating to equality and diversity include:

- Human Rights Act 1998
- Equality Act 2010
- Anti-social Behaviour, Crime and Policing Act 2014
- Domestic Abuse Act 2021
- Marriage (Same Sex Couples) Act 2013
- Racial and Religious Hatred Act 2006
- Criminal Justice Act 2003
- Crime and Disorder Act 1998
- Anti-terrorism Crime and Security Act 2001
- Environmental Protection Act 1990
- Protection from Harassment Act 1997
- Mental Capacity Act 2005
- Housing Act 1985, 1988, 1996 and 2004
- Children Act 1989
- Data Protection Act 2018 and UK General Data Protection Regulation
- Modern Slavery Act 2015
- Police and Justice Act 2006
- Homeless Reduction Act 2017

5.2 We are committed to fairness and equality for all regardless of their age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief, sex or sexual orientation as referred to in our relevant Group policies. Our aim is to ensure that our policies and procedures comply with our legal duties and do not unlawfully discriminate, either directly or indirectly, and adjustments which are reasonable, in law, may be made to the policy to where required.

5.3 Equality and data protection impact assessments have been undertaken in respect of this policy and which identified no negative impacts on any person or group with a protected characteristic as a result of this policy.

6. Complaints

6.1 We aim to meet the needs of our customers by providing an excellent service. However, it is acknowledged that occasionally things go wrong and customers may wish to complain. Should the need arise to make a complaint, please refer to our Complaints, Comments and Compliments Policy.

7. Performance Management

7.1 Key performance information will be provided to the Senior Leadership Team which will determine the effectiveness of this policy.

8. Monitoring and Review

8.1 This policy will be reviewed every three years or on the introduction of new legislation or best practice guidelines, whichever is the sooner.

8.2 Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

9. Associated Documents

9.1 List of documents - associated policies, procedures and publications:

- Anti-Social Behaviour (ASB) Policy and Procedure
- Anti-Social Behaviour (ASB) Procedure
- Complaints, Comments and Compliments Policy
- Customer Domestic Abuse Policy and Procedure
- Data Protection Policy
- Equality, Diversity and Inclusion Strategy
- Equality, Diversity and Inclusion Policy
- Lettings Policy
- Safeguarding Children, Young People and Adults at Risk Policy
- Tenancy Agreement
- Regulatory Framework for Social Housing - Regulator of Social Housing
- Neighbourhood and Community Standard – Regulator of Social Housing
- Tenancy Standard – Regulator of Social Housing
- Guidance on Hate Crime and Hate incidents – Crown Prosecution Service
- Human Rights at Home – Guidance for Social Housing Providers - Equality and Human Rights Commission
- Hidden in Plain Sight - Inquiry into disability-related harassment - Equality and Human Rights Commission
- Challenge It, Report It, Stop It - The Government's Plan to Tackle Hate Crime – HM Government
- Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data – Home Office

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