

## HARASSMENT AND HATE CRIME POLICY



<b>Policy Title</b>	<b>Harassment and Hate Crime Policy</b>		
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## **NOTES**

This policy was originally developed and agreed with tenants from all areas through the Cornwall Consultation Panel.

## **LEGAL INFLUENCES ON THIS POLICY**

Housing Act 1985, 1988, 1996, 2004

Crime and Disorder Act 1998 Anti-Social Behaviour Act 2003 Family Law Act 1996

Domestic Violence, Crime and Victims Act 2004 Domestic Abuse Act 2021

Equality Act 2010

Disability Discrimination Act, 1995 Human Rights Act 1998

Race Relations Act 1976, 2000

Children's Act, 1989

GDPR and Data Protection Act, 1998, 2018 Local Government Act, 1972, 2000 Regulation of Investigatory Powers Act, 2000

Anti-Social Behaviour, Crime and Policing Act 2014

Cornwall Housing Limited reserves the right to use any subsequent amendments to these acts and any other legislation introduced that relates to Anti-Social Behaviour, Abuse or Hate Crime.

## **OTHER DOCUMENTS LINKED TO THIS STRATEGY**

Enforcing Conditions of Tenancy Policy Drugs Misuse Policy

Harassment and Hate Crime Policy

Domestic Abuse and Sexual Violence Procedure

Anti-Social Behaviour Policies and Procedures customer leaflet Tenancy Agreements

Conditions of Tenancies

Equality and Diversity Inclusion Policy Tenants' Handbook

Safeguarding Children, Adults and Vulnerable Adults Policy Tenant Participation Policy / Tenant Engagement Strategy Homechoice (Allocations) Policy

Gypsy and Traveller Pitch Agreement Tenancy Fraud Policy

## **INTRODUCTION**

The purpose of this policy is to clearly define Cornwall Housing Limited's (CHL) commitment to tackling all forms of Anti-Social Behaviour and ensuring that its neighbourhoods are safe and welcoming places for all residents to live.

This policy has been developed to deal with all forms of harassment and hate crime, including those which are racially motivated and should be considered in conjunction with CHL's Anti-Social Behaviour Policy and Statement.

It sets out the principles for addressing and tackling harassment and hate crime. It also seeks to lay out a timely and supportive multi-agency response to any incidents that occur within the housing stock, and underlines CHL's determination to take action against perpetrators of such incidents.

## **DEFINITION OF HARASSMENT AND HATE CRIME**

### **Hate Crime Incident**

A hate crime incident is any incident which is perceived to be motivated by prejudice by the victim or any other person.

### **Hate Crime**

Hate crime refers to a range of criminal and offensive behaviour motivated by hostility towards someone because of his or her race, religion or belief, sexual orientation, disability or transgender or a person's perceived race, religious belief, sexual orientation, disability or gender identity.

It includes not only physical assaults, but verbal abuse, threats or insults, damage to buildings and property.

### **Harassment**

There are many different definitions of harassment. Guidance identifies harassment as behaviour that involves threats of actual violence or intimidation. It can be racist behaviour or language, using or threatening to use violence, using abusive or insulting words or behaviour, damaging or threatening to damage another person's home or possessions, writing threatening, abusive or insulting graffiti, doing anything that interferes with the peace, comfort or convenience of other people.

### **Racist Incidents**

Sir William Macpherson's report on the Stephen Lawrence inquiry (1999), defines racial harassment as "an incident or series of incidents intended or likely to intimidate, offend or

harm an individual or group because of their ethnic origin, colour, race, religion or nationality”.

## **EXAMPLES OF HARASSMENT AND HATE CRIME**

Harassment and hate crime can take many forms. The following list is illustrative but not exhaustive:

### Threats to the person

- Unprovoked physical assaults;
- threatening or abusive letters, telephone calls, emails or texts;
- verbal abuse;
- repeated and unfounded or trivial complaints against a tenant or groups of tenants;
- threatening or abusive behaviour;
- using a dog as a weapon.

### Damage to the home

- Vandalism to property;
- graffiti;
- arson or attempted arson;
- ‘flooding out’ properties intentionally;
- activities intended to deter a person from occupying a particular dwelling.

### Harassment within the Neighbourhood

- Placing excrement or rubbish near or in homes;
- placing offensive items near homes;
- damage to property used by a particular group including meeting places or community centres;
- vandalism of vehicles;
- attacks on shops or businesses;
- graffiti.

## **POLICY STATEMENT**

CHL is committed to ensuring that its tenants can live in safety and securely within their own homes and neighbourhood. It is recognised that all tenants may experience neighbour disputes, antisocial behaviour or vandalism. However, CHL recognises that harassment and hate crime is far more insidious, and more likely to be experienced by individuals and/or their families because of their sex, sexual orientation, religion, race, disability or culture.

CHL will take action against tenants where there are grounds to believe they are involved in hate crime attacks or carrying out acts of harassment.

Equally, all tenants are responsible for the behaviour of people living in or visiting their property.

CHL will:

- act promptly and effectively in investigating incidents of harassment and hate crimes;
- provide practical support for victims of harassment and hate crime to protect them from further harassment, and identify and take action against the perpetrators of harassment;
- regularly monitor incidents of harassment and hate crime and the effectiveness of the policy and procedure and review annually or as necessary due to any legislative changes;
- work in partnership with other agencies to create an environment which encourages tolerance within society.

## VICTIM CENTERED APPROACH

CHL operates a victim-centred approach. Where the complainant believes that the harassment is motivated by prejudice, the investigation will begin from that premise and the harassment and hate crime procedure will be implemented.

## REPORTING HATE CRIME

Hate crime is a violation of personal and civil rights. No one has the right to harass, threaten or assault anyone because of who they are.

Any incidents of hate crime should also be reported to the Police directly or indirectly through a third party or via another agency if the victim is unable to approach them themselves.

CHL will publicise a broad range of mechanisms available for reporting incidents of hate crime to which include;

- telephone
- Noise App
- talking directly to an officer
- e-mail
- written correspondence
- personal visits
- through a third party (e.g., Councillor, friend or relative)

## **INVESTIGATION**

Where complaints are received, either in person or by letter or by phone or email, CHL staff will aim to interview the complainant within 24 hours of receiving the initial complaint, or the next working day. The investigation will follow the Anti-Social Behaviour and Nuisance Policy.

If the complainant's first language is not English, and if they prefer to use their first language, all reasonable steps will be taken to ensure that an interpreter is present to assist in the interview. This could be accessed remotely via a telephone service.

If the victim wishes, an advocate could be engaged to help facilitate an independent interview. Suitable arrangements will also be offered if the victim has a physical or learning disability, or a mental health problem. There may also be a necessity for physical assistance for a disabled person to leave/move out of their home.

## **ACTION AGAINST PERPETRATORS**

It is CHL's policy to take firm action against any tenant, or other persons living with or visiting the tenant, perpetrating harassment or hate crimes. This includes injunctions, the pursuit of prosecution for criminal offences, and the ultimate sanction of eviction against council tenants. All practical measures will be taken to ensure that the perpetrators are identified.

Legal action may be taken against any person or persons who perpetrate harassment or hate crimes towards any of the council's tenants or damage/deface council property.

However, such action will take into consideration whether the complainant wishes to proceed with the matter. CHL will offer appropriate support to the victim in all circumstances.

## **PROPERTY REPAIRS**

CHL will treat all repairs, including the removal of graffiti, arising as a result of harassment or hate crime as a priority, and will provide such additional security measures as are reasonably practicable. Where the perpetrators have been identified, Cornwall Housing will endeavour to recover the costs of any repairs from them.

## **RE-HOUSING OF VICTIMS**

CHL will offer emergency re-housing where there is significant physical or psychological injury suffered by the tenant or members of the tenant's household, or where damage to their property is such that it is not reasonable for them to occupy the property at that time.

It is recognised that victims of harassment and hate crimes may wish to move from the property/area where problems are experienced. Each case will be dealt with sensitively and on its merits based on the evidence it is possible to gather. Such moves will be considered under the Cornwall Homechoice (Allocations) Policy.

## **LACK OF EVIDENCE TO SUPPORT HARASSMENT OR HATE CRIME**

When a report is made, CHL staff should be sympathetic understanding and believing. However, if there is a lack of collaborating evidence this cannot be ignored.

If there is not sufficient evidence to support the allegations, the officer will give the victim the opportunity to give additional information to support their claim.

If no further evidence is provided, then the victim will be advised in writing that no further action will be taken.

## **CHALLENGING HARASSMENT AND HATE CRIME**

### The Role of Tenants

Tenants who live near victims of harassment and hate crimes can play an important role in helping to support victims. They can establish a climate where harassment is unacceptable. This can help deter perpetrators. The Policy should be advertised and promoted. It is essential that tenants are aware of their responsibilities as stated in their conditions of tenancy, including the unacceptability of harassment and hate crimes.

### The Role of Tenant Associations

Tenant forums, tenant and residents associations, and tenant representatives play a vital role in establishing an environment that encourages tolerance. They can offer support and a point of contact for victims, and they are ideally placed to promote and publicise the unacceptability of harassment within their community.

### The Role of Other Agencies

CHL will work with other agencies, within the Community Safety Partnership, and other voluntary and statutory agencies. This is to ensure that evidence is gathered which satisfies legal requirements, and support is provided to victims. Systematic records will be



kept of all complaints and decisions taken in relation to the complaints. The complainant will be kept fully informed at each stage of the investigation.

## **TRAINING**

CHL will endeavour to ensure that all employees and Forum / Scrutiny Panel members are aware of the policy and procedures and are provided with appropriate training.

## **MONITORING**

All incidents will be recorded, monitored and treated in confidence. If appropriate to do so, Local Cornwall Councillors will be alerted to any serious cases in their wards as and when they occur, though the specific details of the complainants will be kept confidential.

## **REVIEWING THE POLICY**

The policy will be reviewed every two years to ensure that it is meeting the current needs of the community, and to ensure that it takes into consideration any changes to legislation at any given time.

## **DIVERSITY & INCLUSION**

CHL are committed to treating all people with fairness and respect. CHL aim to create an inclusive environment where people are treated with dignity, inequalities are challenged, and CHL anticipate and respond positively to different needs and circumstances to enable individuals to achieve their potential and foster good relations within the communities CHL serve. CHL want to be recognised as an organisation delivering fair, inclusive, accessible services and an employer and partner of choice.

When applying this policy, CHL act sensitively towards the diverse needs of individuals and to reduce discrimination and harassment by making reasonable adjustments such as:

- eliminating discrimination – by providing support to those who need it and information in accessible formats and languages on request.
- tailoring the policy to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community.
- advancing equality of opportunity – treating all tenants fairly
- fostering good relationships – listening to customers and responding appropriately
- compliant with all aspects of Equality & Diversity legislation, and specifically the Equality Act 2010

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