



## **RACIAL AND OTHER FORMS OF HATE CRIME POLICY**



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### 1. BACKGROUND

Manningham Housing Association (MHA) is a registered social housing provider. The Association provides general needs housing for rent and shared ownership.

This policy sets out how we will deal with racial and other forms of hate crime and is applicable solely to customers and complements our Anti-social Behaviour Policy. Where an incident relates to staff, the following documents should be referred to:

- Staff Code of Conduct
- Grievance and Disciplinary Procedure
- Confidential Reporting Policy
- Whistle Blowing Policy

### 2. DEFINITION & EXAMPLES OF RACIAL HARASSMENT

The Association adopts the definition of a racist incident as provided by the Stephen Lawrence Enquiry Report:

“A racist incident is any incident which is perceived to be racist by the victim or any other person. The term racist incident must be understood to include crimes and non-crimes and must be reported and recorded and investigated”.

The Association also works in line with the legal definition of racial harassment which is:

“unwanted conduct (on the grounds of race or ethnic or national origin) which has the purpose or effect of either violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment”.

Accordingly, racial harassment is violence which may be verbal or physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, nationality or ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism. These include:

- Abusive notes or letters
- Arson or attempted arson
- Assault
- Bullying of children
- Car tampering
- Circulation of offensive reading material
- Creating persistent noise
- Cruelty to pets
- Damaging the home /property
- Dumping rubbish outside the home or through the letterbox



## **RACIAL AND OTHER FORMS OF HATE CRIME POLICY**

- Exclusion from social activities
- Loud music
- Malicious complaints – perhaps to those in authority
- Mocking gestures/ body language
- Nuisance telephone calls
- Racist graffiti
- Slogans on t-shirts or other offensive clothing
- Spitting
- Stalking
- Stealing or removal of property, e.g. plants
- Taunting from a distance
- Threatening behaviour
- Verbal abuse, face to face or over the phone

This list is not exhaustive.

### **3. MENTAL HEALTH IMPACT OF RACIAL HARRASMENT CRIME ON ETHNIC MINORITIES**

Mental Health affects one in four people in the UK every year and this is higher for ethnic minorities with several studies linking racial harassment to poor mental and physical health.

Research has shown increased mental health problems were shown to be significantly higher among ethnic minorities compared to white British people and the more racism ethnic minorities people experience, the more psychological distress they suffer.

Research carried out by The Institute for Social and Economic Research (iSAER) has shown that around one in ten ethnic minorities living in England report experiencing ethnic and racial harassment in the last one year. If someone experiences racial and racial harassment in one year then the chances that they will experience it again two years later is 28% (nearly one in three). These people are also more likely to report fearing or avoiding places due to their ethnicity, religion or nationality.

Further iSAER studies have shown ethnic and racial harassment is experienced by a broad population of ethnic minorities, with damage to mental health, even among those who do not directly experience it.

MHA will make sure that staff are aware of the impact that racial harassment can have on ethnic minorities, in particular to their mental and physical wellbeing. We will ensure that relevant support is provided to victims by making referrals to the appropriate agencies.



## RACIAL AND OTHER FORMS OF HATE CRIME POLICY

### 4. REGULATORY AND LEGAL FRAMEWORK

This Hate Crime policy is relevant to any legislation dealing with issues of discrimination, regulatory requirements, national and local strategies. The following pieces of legislation and guidance have been considered when producing this policy:

- Race Relations Act 1976
- Data Protection Act 1998
- Equality Act 2010
- Anti-social Behaviour Act 2003
- ASB, Crime and Policing Act 2014
- Criminal Damage Act 1971
- Common Law Offences Against the Person Act 1981
- Public Order Act 1986
- Criminal Justice and Immigration Act 2008
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Community Alliance to Combat Hate (CATCH)

### 5. HATE CRIME

This policy will also apply to all incidents of hate crime. Our definition for hate crime is as follows:

“Hate Crime is where the perpetrator’s prejudice against any identifiable group of people is a factor in determining who is victimised.”

Hate crime can be any crime based on people’s differences, be that the difference of race, culture, faith, colour of skin, age, gender, sexual orientation, disability or other vulnerability. A victim of hate crime does not have to be either a member of a minority or someone who is generally considered to be a “vulnerable” person. For example, the friends of a visible minority ethnic person, lesbian or refugee may be victimised because of their association. In other cases a person entirely unconnected with hate motivation may be victimised if the perpetrator is mistaken in perceiving an association. Anyone can become a victim of a hate crime.

We recognise that Prejudice within communities does exist and this can often deny individuals cultural and emotional support and may lead to an increased sense of isolation. For example, Black or Asian gay men experience a complicated combination of racism, homophobia within wider society but can also be discriminated against in different ways within their own black and minority ethnic and lesbian, gay bisexual and transgender communities.



## **RACIAL AND OTHER FORMS OF HATE CRIME POLICY**

We also understand that, in a city like Bradford, tensions and prejudice within South Asian communities such as Pakistanis, Bangladeshi and Indian can and do exist for example over heightened nationalistic issues abroad which can lead to hate crimes being committed.

We recognise that while hate crime is not restricted to a specific gender, race, religion or class it is important to ensure that appropriate service responses are in place to support all victims of hate crime. MHA will ensure that we have a consistent approach to all hate crime in line with good practice and relevant legislation.

This policy will apply but not limited to the following hate crimes:

### ***a. Homophobic and Transphobic Hate Crime***

Homophobia is an irrational fear and dislike of people who identify themselves as lesbian, gay, bisexual, Transgender/Transsexual plus (LGBT+). The “plus” is inclusive of other groups, such as asexual, intersex, queer, questioning, etc.

Homophobic attitudes can impact upon anyone who is perceived to be lesbian, or gay. It could impact on someone who has association with the gay community or it can impact on a person who does not conform to stereotypical expectations of masculine or feminine behaviour. We recognise a seemingly low level homophobic incident can have a devastating effect on an individual. LGBT+ harassment and incidents occur regardless of age, and can affect both young and older people.

Transphobia is an irrational fear and dislike of people who identify themselves as Transgender. It is often linked to homophobic hate as it is partially motivated by an assumption that transgender people are always lesbians or gay but this is not necessarily the case. Many people from the LGBT+ communities avoid disclosing their sexuality to family, neighbours, colleagues etc. because they fear negative consequences.

This sometimes means that they are reluctant to report homophobic/transphobic abuse to the police/others. We will support victims by contacting them and relating to them in a way that builds their confidence in the process and is in accordance with their wish.

We recognise that each time a gay, lesbian, transsexual, transvestite or bisexual person has to inform someone of their sexuality it can be the same as them ‘coming out’ for the first time. This process may leave the person feeling vulnerable while they are awaiting the response from us. We will remain mindful and careful not to ‘out’ the person experiencing the harassment; maintaining and upholding the principals of confidentiality.

### ***b. Religious Hate Crime***

A religious or faith related incident is defined as any incident which is perceived to be based prejudice towards or hatred of the faith of the victim or perceived as such by the victim or any other person.



## **RACIAL AND OTHER FORMS OF HATE CRIME POLICY**

This policy refers to all religions and recognises that some people have no religious belief. Equality of religious belief relates to stopping discrimination on the grounds of religious belief. This includes, but is not limited to, anti-Semitism (discrimination against Jews), Islam phobia (discrimination against Muslims) and sectarianism (discrimination within faiths, usually referring to Christian faiths) and discrimination against Hindus and Sikhs.

### ***c. Sex/Gender Hate Crime***

It is mainly, but not exclusively women and girls who experience sexual harassment, domestic abuse and other types of abuse. It is mainly, but not exclusively, men who cause harassment and abuse.

Women have particular concerns about safety at work, in the home and in society generally. Domestic abuse is the most commonly reported incident against women.

### ***d. Disability Hate Crime***

The Equality Act 2010 generally defines a disabled person as someone who has a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities.

The definition of disability hate crime would include anyone who was targeted as a result of his or her disability or impairment, as defined by the Act. This includes hidden disabilities such as epilepsy, diabetes and those with HIV status.

If a perpetrator of hate crime is suffering from a mental health condition or a learning difficulty, we will establish capacity before making an application to court and will ensure they receive access to an advocate to act on their behalf. We will work with our colleagues in Adult Social Care and from the voluntary sector to signpost residents to the appropriate advocacy services.

## **6. PREVENTATIVE MEASURES**

As part of the signing up procedure, housing staff will make customers aware of the Association's Racial and Other Forms of Hate Crime Policy. Customers will also be informed that they are responsible for the behaviour of family members and visitors, and if any behaviours listed under this policy are proven, it will be deemed a breach of their tenancy and could result in eviction.



## RACIAL AND OTHER FORMS OF HATE CRIME POLICY

### 7. INVESTIGATIONS

The Association undertakes to investigate cases of racial and other forms of hate crimes listed in this policy in a sensitive and professional manner, and will contact complainants, to obtain detailed information (by the next working day in emergency cases of receiving a complaint). The Association will also liaise with the police or other agencies involved, requesting copies of reports, or forwarding information as required. This will only occur with the complainants' express permission.

Where alleged perpetrators are fully identified (i.e. where names and addresses are known) and are our customers, the Association will arrange to interview them, with the permission of complainants. The alleged perpetrators will be provided with an opportunity to respond to the allegations made against them. They will also be advised that racial and other forms of hate crimes listed in this policy are unacceptable and, if proven, they constitute a breach of their tenancy agreement, which could result in the loss of their home. The action open to the association will rely upon the quality of evidence gathered and presented, the availability of independent witnesses, and the willingness of both complainant and witnesses to give evidence in Court.

If the alleged perpetrator(s) are under 18 years of age, we will interview them in the presence of a parent, guardian or responsible adult of their choosing.

The identity of perpetrators of racial and other forms of hate crime listed in this policy is not always known, therefore, legal remedies are limited in some instances. However, the Association will liaise with appropriate statutory and voluntary agencies in an attempt to fully identify perpetrators, including the use of surveillance equipment or professional witnesses, where appropriate.

The Association will seek legal advice, where necessary, in deciding the appropriate course of legal action, based on the consideration of the complainant's wishes, availability of independent witnesses, the quality of evidence available and the type of incidents.

### 8. 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. We will work in partnership and forge links with other agencies with responsibility for dealing with hate incidents to provide a co-ordinated response. Examples of some of these agencies may include:

- West Yorkshire Police
- Stop Hate UK which provides independent support to people affected by hate crime
- Bradford Council



## RACIAL AND OTHER FORMS OF HATE CRIME POLICY

- The Court Service
- Floating Support Providers
- Families First Project
- Bradford Hate Crime Alliance (BHCA)

MHA is an active member of the Bradford Hate Crime Alliance which is an alliance of agencies dealing with hate incidents in the Bradford District. MHA is a hate crime reporting centre and as such all frontline staff are fully trained to help victims, that chose to do so, to formerly report hate incidents that can then be investigated.

### 9. SUPPORTING VICTIMS AND WITNESSES

We will deal with all incidents reported to us under this policy by taking a victim-centred approach such that the necessary support and protection will be provided to the victim(s).

We will take firm action against the perpetrators and, in cases where there is an immediate risk to life or property, we will assist in liaison with the police immediately and expedite an investigation within 48 hours.

We will provide support to victims by:

- Keeping regular contact with victims and review their cases monthly, until their case is satisfactorily resolved and closed.
- Offer counselling where required.
- Consider management transfers on the grounds of harassment fairly and sympathetically where this is a helpful resolution of the case.
- Invest in the use of CCTV equipment to assist in evidence gathering that is admissible in court if necessary.
- Where necessary improve security, helping to protect vulnerable residents in their homes i.e. window locks, fireproof letterboxes, door entry systems, better street lighting.

### 10. REHOUSING OF EXISTING MHA RESIDENTS EXPERIENCING RACIAL AND OTHER FORMS OF HATE CRIME

After investigation where it has been concluded that racial or other forms of hate crime has occurred or is suspected, the Housing Services Manager or the Director of Operations will have the authority to rehouse the complainant if requested by the victim.



## RACIAL AND OTHER FORMS OF HATE CRIME POLICY

It is essential that victims do not suffer further by being rehoused in accommodation which is not comparable to that being vacated. Offers of accommodation will not be restricted due to rent arrears.

In cases where the complainant (or their family) have experienced serious physical assault, arson or the threat of arson or there is a risk to the safety of the complainant (or family) the Association will offer the option of arranging emergency accommodation.

Financial assistance to help towards the cost of moving will be considered by the Investigating Officer if necessary.

### 11. REPAIRS

Where damage has been caused to the customer's home, or graffiti daubed on the property, we will ensure prompt action is taken immediately. The cost of this will be borne by the Association. However, if the perpetrators of the damage or graffiti are fully identified they will be asked to pay for the recharges.

Officers, whose role takes them out of the office, should report any graffiti appearing on MHA's schemes attributable to hate crime activity. The Association will seek immediate removal of the graffiti.

### 12. TRAINING

Staff responsible for investigating or handling racial or other forms of hate crime cases will be required to attend training. We will ensure that staff make use of the most appropriate service and response in dealing with victims and alleged perpetrators.

### 13. MONITORING AND REVIEW

The Director of Operations has overall responsibility for the on-going monitoring of the policy through the work of frontline staff, particularly those engaged in neighbourhood management. The policy will be reviewed every three years unless statutory changes or good practice guidance require a review to be carried out sooner.

<b>Policy Name</b>	Racial and Other Forms of Hate Crime
<b>Date Approved by the Board</b>	September 2018
<b>Next Review date</b>	September 2021
<b>Lead Officer</b>	Director of Operations