



# Housing Services Hate Crime Policy (2024)

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# 1. Introduction

## 1.1 - Purpose of this Policy

Housing Services condemns all forms of hate crime.

Housing Services has an important role in both a) reducing incidences of Hate Crime within the borough, and b) providing appropriate support to tenants who fall victim to hate crime.

This policy recognises that hate crime is not restricted to any specific group of people and it is therefore important to ensure that appropriate service support is in place to assist victims of hate crime.

Housing Services will seek to ensure our services are adequately publicised, offered and delivered in line with good practice and relevant legislation.

## 1.2 - Aims of this Policy

This policy aims to:

- ensure that our service meets the housing needs of those experiencing hate crime;
- ensure that Housing Services support is appropriate to the needs of the individual, and in line with good practice to provide secure and safe accommodation;
- outline our responsibilities and the support that is available to people who are experiencing hate crime;
- raise awareness of the issue across our whole workforce and enable relevant employees to provide appropriate support.

This policy also helps explain how we will hold perpetrators to account for their behaviour in such a way that not only acts as a future deterrent for them, but also a deterrent to potential perpetrators.

## 1.3 - Scope of this Policy

The changing demographics of the borough means that Havering is becoming increasingly diverse. Consequently, Housing Services will be prepared to deal with a potential increase in Hate Crime.

The scope of this policy defines how Havering's Housing Services will manage any reported incidents of hate crime reported to us. This includes incidents reported by staff, the public or victims themselves.

Our approach to associated issues such as Anti-social Behaviour, Domestic Abuse and the terms and conditions relating to our Tenancy Agreements is detailed within separate, but relevant, policies. Please visit our website - [Havering.gov.uk](https://www.havering.gov.uk) - for further information.

The Council will use all available powers and resources to deal effectively with any reported hate motivated incident; whether the victim/group suffering harassment or if the perpetrator is a tenant of Housing Services.

We will treat leaseholders in exactly the same way as tenants in the application of this policy.

For homeowners or those in privately rented accommodation, we will refer them to the Safer Neighbourhood Police Team. We may also refer cases to a Tenant Management Organisation (TMO) if the victim lives within their management area.

#### **1.4 - Legal context of this policy**

The policy takes into account the following legal and regulatory requirements:

- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Disability Discrimination Act 1995
- Racial and Religious Hatred Act 2006
- Housing Act 1985 and 1996
- Civil Partnership Act 2004
- Mental Capacity Act 2005
- Equality Act 2010
- The Public Sector Equality Duty (PSED)2010
- Protection of Freedom Act 2012
- Mayor of London 's Hate Crime Reduction Strategy 2014
- The Care Act 2014
- Anti-social Behaviour crime and policing Act 2014
- The Equality Act 2010
- Public sector equality duty (PSED)
- The European Convention on Human Rights
- The Human Rights Act 1998
- Criminal Justice Act (2003)
- The United Nations Convention on the Rights of Persons with Disabilities(2008)
- The Autism Act 2009
- The Anti-social Behaviour Act 2003
- Anti-social Behaviour Crime and Policing Act 2014

## 2. What is Hate Crime?

The law recognises five types of hate crime<sup>1</sup> on the basis of:

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

**Any crime** can be prosecuted as a hate crime if the offender has:

- demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity, or
- been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity

Someone can be a victim of **more than one** type of hate crime.

The police and the CPS have agreed the following definition for identifying and flagging hate crimes:

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

There is no legal definition of the word 'hostility', so the everyday understanding of the word is used, which includes ill will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.

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<sup>1</sup> Crown Prosecution Service

## **3. Categories of Hate Crime**

### **3.1 - Race**

The most recorded form of hate crime in Havering is racially based.

These groups comprise people of colour and include refugees, asylum seekers and Gypsy/Travellers.

There is specific legislation around racially aggravated offences that provide capacity for enhanced sentencing at prosecution stage.

### **3.2 - Religion**

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).

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), Islamophobia (discrimination against Muslims) and sectarianism (discrimination within faiths, usually referring to Christian faiths) and discrimination against Hindus.

We recognise that as well as racism there is a level of religious prejudice and intolerance in society. There is general lack of knowledge about different religions and ignorance feeds fears and prejudice.

It is sometimes argued that religious discrimination is different from other types of discrimination in that religion is a matter of choice. However, religious identity is often not chosen and even where individuals choose to leave their tradition they may still be seen as belonging to their original roots.

The Racial and Religious Hatred Act (2006) created the new offence of 'stirring up hatred against persons on religious grounds'. Offences apply to the use of words, behaviour, or display of written material, publishing or distributing written material, public performance or broadcasting.

### **3.3 - Disability**

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 Equality Act includes special rules that ensure people with HIV, cancer and multiple sclerosis are deemed to be disabled people effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

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

In addition, the Equality and Human Rights commission has made recommendations specifically for housing providers to address disability-related harassment and abuse.

Housing Services will investigate reports of anti-social behaviour to establish if vulnerable people have been targeted because of their disability. We will support the victim to sustain their tenancy and deal with abusers. This may include serving an injunction, re-housing, securing the property to prevent entry, Police intervention or arrest.

People are often targeted because they are disabled. This is hate crime and should be reported as such. So-called 'mate crime' is when people are befriended or groomed for exploitation and abuse.

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.

### **3.4 - Sexual Orientation**

Homophobia is an irrational fear and dislike of people who identify themselves as lesbian, gay or bisexual (LGB).

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.

A seemingly low-level homophobic incident can have a devastating effect on an individual. LGB harassment and incidents occur regardless of age, and can affect both young and older people.

### **3.5 - Transgender Identity**

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.



If a victim is unable to cope and may become homeless or driven away by relentless abuse, we will make a referral for support and practical advice to an appropriate agency.

We recognise that each time a gay, lesbian, bisexual or transgender 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. Housing Services will remain mindful and careful not to 'out' the person experiencing the harassment; maintaining and upholding the principals of confidentiality.

### **3.6 - Multiple Oppression**

We recognise that there are differences within all equalities communities and nobody should be defined by a single part of their identity. Individuals who are members of two or more communities may face 'layers' of oppression. For example, people with a disability can also be women, black, lesbian, gay, bisexual or transgender. The effect of this oppression will vary depending on the social, cultural, economic and political situation.

For example, black 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.

Prejudice within communities often denies individuals cultural and emotional support and may lead to an increased sense of isolation. While recognising layers of oppression, we reject the concept of a 'hierarchy' of oppression. An individual's experience of inequality is no more significant if he or she is a member of many communities.

## **4. Dealing with Hate Crime**

### **4.1 - Victim of Hate Crime**

If you've experienced something that you think it was a single action motivated by prejudice based on any of the characteristics mentioned above, it is considered and classified to be a 'hate crime'.

### **4.2 - Multiple/Sustained Hate Crime**

This is considered and classified as being persistent hate behaviour undertaken by the perpetrator.

### **4.3 - How to report a Hate Crime**

a) If the Hate Crime is perpetrated by a **Council tenant**, please use the following contact details to inform the Council:

- Telephone (9am-5pm, Mondays to Fridays): 01708 432824

- Telephone (after office hours/other times): 01708 433999
- Email: [housing.solutions@havering.gov.uk](mailto:housing.solutions@havering.gov.uk)

In the 'Subject' box of the email, please write 'Hate Crime Report' so that it is received by the correct team.

Housing Services recognises that confidentiality needs to be kept for the safety of anyone experiencing hate crime. We will only ever involve other agencies or share information in accordance with the Council's Data Protection policy and where:

- We are required by law to share the information; or
- The information is necessary for the protection of children

b) - If the Hate Crime is perpetrated by a **non-Council tenant**, the matter should be reported to the police on:

- 999 (if it is happening in real time and anyone is in danger), or
- 101 (if it is after the event and everyone is safe)

Find out [how to call the police when you lack sufficient privacy and can't speak](#).

## 5. How Housing Services deals with reports of Hate Crime

### 5.1 – Report receipt

- Where the victim has experienced a physically violent hate crime attack, we will contact them within one working day and arrange to see them at a location where they feel safe to discuss/agree an action plan to resolve the issue.
- For other incidents of hate crime, we will acknowledge their report in writing within five working days, setting out a timetable for investigating and responding to the report;
- If the victim requests a discussion with an officer, we will make an arrangement to meet with them and notify them within ten working days of their request.

This might take place at the victim's home (in which case, care must be taken to protect the anonymity of the victim), at the Council's office or by telephone.

### 5.2 – The Investigation Process

Before any contact is made with the alleged perpetrator, preliminary investigations must be carried out to ensure that there is truth behind the allegations.

Where preliminary investigations indicate that a report of a hate crime may be justified, a Housing officer will write to the identified perpetrator to notify them of the allegation; remind them of the terms and conditions of their

tenancy/leasehold and, where appropriate, invite them to a meeting to discuss the allegation.

Any counter allegation by the perpetrator will be investigated and taken into account.

The Housing officer will consider all available, relevant information before making a final assessment.

If further investigation is needed, the Housing officer will ensure that both the victim and the perpetrator are informed and given an indication of the likely time for the investigation to be completed. This will exclude circumstances where further action at the time of notification may prejudice another investigation.

When all of the necessary information has been gathered and considered, the Housing officer will make a decision on whether the report is justified and will notify the victim and perpetrators, in writing, accordingly.

If either party is unhappy with the outcome of the investigation, or about the action taken as a result, they will be invited to meet the relevant Housing officer.

## **6. The consequences for perpetrators of Hate Crime**

In some circumstances when the hate crime attack has been violent, persistent in nature or followed by continued threats of violence, it may not always be appropriate to contact the alleged perpetrator directly; and the matter will be referred to Court.

However, whenever possible, we will offer to refer the perpetrator to appropriate support agencies such as Social Services, their GP, floating support services or a Drug and Alcohol support group.

If the perpetrator refuses our support and does not modify their behaviour/engage with us, we will take further action by reviewing the continued sustainability of their tenancy agreement. This could result in the perpetrator being re-housed in a similarly sized accommodation outside the borough.

In all cases, we will take firm, prompt and appropriate action against the perpetrators of hate crime which may result in their eviction from our properties.

## **7. Additional support for victims of Hate Crime**

There are a number of support groups that can offer support for victims:

- [Stop Hate UK \(Opens in new tab\)](#) is available 24 hours a day and can offer confidential support and information for victims of any hate crime. Call 0800 138

1625. Information about reporting hate crime is available in English and 32 community languages upon request to Stop Hate UK.

- [CATCH \(Opens in new tab\)](#) is an advocacy service for people facing hate crime in London. It focuses on working with people in the highest levels of risk, impact and need. CATCH is a service for people over 18 years old. Victim Support supports all victims of crime. Call 0808 168 9111.
- GALOP (LGBT Helpline) The GALOP Helpline can offer you emotional support, provide information and can help you to explore your options, depending on your needs. Call 0800 999 5428 or email [help@galop.org.uk](mailto:help@galop.org.uk). Support Line can offer emotional support to any individual on any issue.

Call 01708 765200 or email [info@supportline.org.uk](mailto:info@supportline.org.uk).

## 8. Staff Training

Well-trained staff are key to delivering the aims set out in this policy. Recognising hate crime and the Council's principles and procedures for responding to it will be covered in inductions for new officers, and regular "refreshers" will be scheduled.

Regular, ongoing training will also ensure that staff are up-to-date on new legislation and best practice. We will ensure that staff have access to trauma-informed training and bystander training whenever appropriate, with staff wellbeing being a key consideration.

Unconscious bias training will also be made available to ensure that the important intersections with other inequalities and disproportionalities are well-understood by officers.

## 9. Equal opportunities statement

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the

Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) has been carried out and accompanies this policy.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

The Council will seek to ensure that this policy is, at all times, implemented in a manner that is fair to all sections of the local community.

All applicants for housing or re-housing will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require additional services to enable them to access and understand the policy to ensure that they are not disadvantaged in any way.

They also will be invited to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information is not obligatory or a requirement for acceptance of an application.

However, such information will help monitor the number and types of protected characteristics requiring hostel support, and will help ensure that service improvement evolves in line with any changing local needs.

Equalities records will be kept and monitored to ensure hostel accommodations are offered and allocated fairly. This policy will be regularly reviewed ensure it is not operated in any way that could discriminate or disadvantage against any particular group of people.

All information provided will be kept confidential and treated with respect at all times.

## **10. Data Protection statement**

Havering Council takes personal privacy matters very seriously and will never share the individual's personal data without their prior knowledge, unless required to do so by law.

For full details about how the Council protects personal data, please visit [Havering Council Data Protection policy](#).

## **11. Dissemination and communication of this policy**

Housing Services will consult with all affected stakeholders, directly or indirectly, to ensure this policy fulfils its purpose to be clear and transparent.

This policy will be made available internally and externally in hard copy and electronic versions, as well as various formats – such as easy read, multi-lingual, braille and audio - upon request.

## **12. Implementation of this policy**

This policy will take effect from September 2024.

Responsibility for the successful implementation of this policy will be with Havering Council's Assistant Director of Housing Operations.

## **13. Monitoring and review of this policy**

In the interests of continuous improvement, this policy will be reviewed annually to ensure it remains relevant, up-to-date and fit-for-purpose for the Council and the residents of Havering.

## **14. Delegated authority to make minor changes to this policy**

The Assistant Director of Housing Operations, in consultation with the Director of Property and Housing, will be able to approve minor amendments; i.e. amendments that do not significantly change this policy or associated procedures.