

Harassment & Hate Crime Policy



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1. MANAGEMENT INFORMATION

Date Policy approved by LMH Board / Committee	12th February 2015
Replacing / Updating	Harassment & Hate Crime Policy –Sept 2014
Next Review Date	November 2018
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Circulation list	Available to all LMH staff via intranet

2. POLICY AIMS AND KEY OBJECTIVES

LMH is committed to tackling all forms of Anti social behaviour (ASB). This Harassment & Hate Crime Policy is designed to be an integral part of LMH's approach to dealing with anti-social behaviour and should be read in conjunction with the Anti-Social Behaviour Policy and referenced to LMH's Tenancy Agreement.

The aims and objectives of this policy are to outline the steps to be taken in dealing with harassment and hate crime to ensure LMH:

- adopts a victim centred approach using a 5 stage best practice model in case management and the seven core commitments within the RESPECT ASB charter for housing.
- provides a sensitive, supportive, confidential, consistent and prompt response for victims, witnesses and the wider community
- Promotes access and take-up of witness support
- promotes 'Visible Justice' principles (including publicity) to
 - i. keep victims and witnesses informed on progress
 - ii. increase confidence and re-assurance amongst customers within our wider and diverse communities
 - ii. deter perpetrators of harassment and hate crime

3. SCOPE OF POLICY

In cases of harassment and hate crime involving our customers (tenants or leaseholders), their household members, residents, LMH employees or contactors, we will consider taking proportionate, incremental action, including legal action against the perpetrator.

Hate Crime

LMH identifies hate crime as any criminal offence which is perceived by the victim or any other person as being motivated by prejudice or hate, based on a person's race, religion or belief, sexual orientation, disability or transgender or a person's perceived race, religious belief, sexual orientation, disability or gender identity.

Hate crime can be physical violence and assault, threats, verbal abuse, obscene calls or texts, offensive mail, email, graffiti or 'trolling' on social networks and the internet.

It can include damage to property, arson, dumping of rubbish or offensive or dangerous materials or substances posted through letterboxes

Harassment

There are many definitions of harassment. Guidance identifies harassment as unreasonable, unwelcome, and offensive behaviour and that harassment is defined by the impact of the behaviour on the victim, not the intention of the perpetrator. Harassment is a deliberate act to interfere with the peace, comfort or safety of anyone because of their age, disability, ethnic and national origins, gender, gender identity/presentation, religion, sexual orientation, transgender status, cultural background or personal characteristics. Harassment is also a criminal offence.

Racist Incidents:

At LMH we use the Stephen Lawrence Inquiry Report definition of a racist incident, which is:

‘A racist incident is any incident which is believed to be racist by the victim or by any other person.’

Damage to LMH property

Where there is damage to LMH property as a result of harassment and/or hate crime incidents, we will take responsibility for carrying out repairs as a matter of urgency (wilful damage to LMH property will be subject to rechargeable repairs policy if appropriate). Offensive Graffiti will be removed within 24 hours of notification to us.

Third party reporting

LMH is a ‘Third Party Reporting Centre’ and can take reports, advocate and contact relevant agencies on behalf of customers experiencing hate crime or wanting to report a hate incident on behalf of other people in the community

LMH’s housing management, supported housing and community safety teams are principally, but not exclusively, responsible for managing and delivering this policy. All references in the policy where action is required would be taken by LMH, or appointed agents/contractors

4. DETAIL

This policy sets out how Liverpool Mutual Homes (LMH) will deal with all forms of Harassment and Hate Crime. It acknowledges the three core principles within the Governments published action plan on hate crime (‘Challenge it, Report it, Stop it’: The Governments Plan to Tackle Hate Crime March 2012) which focuses on:

- **Preventing hate crime** – by challenging the attitudes that underpin it, and early intervention to prevent it escalating;
- **Increasing reporting and access to support** – by building victim confidence and supporting local partnerships; and
- **Improving the operational response to hate crimes** – by better identifying and managing cases, and dealing effectively with offenders.

Whilst taking into consideration the wishes, sensitivities and confidentiality of victims and witnesses, the policy also recognises the Home Office 'Justice Seen Justice Done' programme, in keeping victims and witnesses informed and publicising interventions, actions and legal remedies in order to promote confidence and re-assurance amongst victims, witnesses and the wider community as well as the use of publicity acting as deterrent to those perpetrating or intending to perpetrate harassment and hate crime.

Harassment and hate crimes are amongst the most distressing crimes for victims and the wider community. Certain groups and individuals may face racism, victimisation or unlawful discrimination because of their race, religion or belief, sexual orientation, disability or transgender or a person's perceived race, religious belief, sexual orientation, disability or gender identity, cultural background or personal characteristics.

Hate crime and all forms of harassment are unacceptable and a clear breach of a tenancy agreement. At LMH, we take a zero-tolerance approach in dealing with hate crime and harassment.

Building customer confidence in reporting hate crime and harassment

LMH acknowledges that hate incidents and hate crime is under-reported and that high levels of customer confidence and re-assurance manifests in encouraging customers to report such crimes. We want all sections of the community to feel confident and be re-assured about reporting incidents to us and seek to encourage this through our 'zero tolerance' approach in dealing with hate crime incidents and where appropriate, by publicising LMH's and partner organisations interventions and actions against perpetrators.

LMH staff will work with individuals, partner organisations and the wider community in:

- Adopting a victim centred approach and 5 stage best practice model in case management and the seven core commitments within the RESPECT ASB charter for housing
- Preventing harassment and hate crime;
- Supporting victims and witnesses;

- Where appropriate and proportionate, consider swift and effective action against perpetrators of harassment and hate crime with the aim of protecting the victim and witnesses;
- Stopping the harassment / hate crime and preventing further incidents;
- Working with all appropriate agencies to support victims and deal with the harassment and hate crime;
- Providing 'Visible Justice' i.e. clear and accurate information to all customers and the wider community on how LMH will deal with complaints of harassment and hate crimes and where appropriate, publicising actions (including legal interventions) taken against perpetrators

Prevention may include (but not limited to): -

- Dealing with reported incidents quickly and effectively;
- where budgets allow, consider additional security measures (target hardening);
- where appropriate, writing to all customers/residents in the immediate neighbourhood, street, block or estate to inform them of hate incidents (this may also help to gather information) and remind about conditions of tenancy;
- Publishing articles on local media and internet as well as in community newsletters/leaflets delivered to customers/residents;
- Working with customers, residents, partner agencies and local community groups to promote and encourage diversity and cohesion in the neighbourhoods where we work.

Taking action may include (but is not limited to): -

- Asking victims and witnesses to keep diaries of events using LMH's ASB incident diaries.
- Agreeing an 'action plan' with victims to identify what LMH can do to tackle the issue, how often we will contact and what actions are expected of customers and support/partner agencies.
- Working closely with schools to correct behaviour and develop awareness;
- Considering using a surveillance to gather evidence;
- Interviewing alleged perpetrators (with parents if minors) and explaining the policy and consequences of the harassment/ hate crime behaviour;
- Using education as a tool to tackle perpetrators perceptions to help modify their behaviour;
- Giving verbal warnings;
- Sending warning letters;
- Using Acceptable Behaviour Contracts, Parenting contracts and orders, and legal undertakings;
- perpetrators/households causing or responsible for ASB being made ineligible to apply to the housing waiting list;

- current housing waiting list applications being made ineligible or given reduced preference/priority where perpetrators/households are causing or responsible for ASB;
- Applying for tenancy and legal sanctions such as Tenancy Demotion Orders / Injunctions / Possession / Eviction and Absolute Grounds For Evictions as per the ASB, Crime and Policing Act 2014 and any additional/replacement legal 'tools and powers' introduced by government
- In exceptional circumstances, perpetrators of harassment or hate crime will be considered for rehousing (refer to allocations policy) i.e. where perpetrators are dependent children and intensive family intervention is appropriate (FIT Tenancies / Dispersed Tenancy) or where mental health or mental capacity issues are identified.

Working with other agencies may include (but is not limited to): -

- Information sharing, attending Multi Agency meetings and problem solving groups (PSG's) and Joint Agency Groups (JAGs) to enable a strategic Local Crime Disorder Reduction Partnership (CDRP – CitySafe) approach to be taken;
- Mindful to the Data Protection Act (DPA) guidelines, contacting other agencies and social landlords to share information and ensure a consistent approach is taken;

Recording Harassment and Hate Crimes:

All reports of harassment and hate crimes are recorded and monitored on LMH's specialist IT Software System Anti-Social Behaviour. This enables LMH to monitor performance as well as assisting in managing cases in a timely and consistent manner and in line with our 5 stage best practice model in case management. We will work closely with our partners, such as the police and other agencies to prevent and tackle harassment/hate crime and support victims and witnesses. LMH will participate in and support the multi agency Hate Crime Joint Agency Group run by Citysafe.

LEGAL REMEDIES

Where appropriate and proportionate and where evidence has been obtained to support the case, LMH will consider legal action against the perpetrator(s) of hate crime and harassment incidents committed against our customers, residents, staff or contractors. The nature of the action will depend upon the seriousness of the case, the level of evidence and in line with the ASB, Crime and Policing Act 2014 and other relevant legislation such as (but not exclusively relating to):

- Public Order Act 1986, Part III Incitement to Racial Hatred
- Crime and Disorder Act 1998 (as amended by the Anti-terrorism, Crime and Security Act 2001)
- Human Rights Act 1998
- ASB, Crime and Policing Act 2014
- Equalities Act 2010
- Criminal Justice Act 2003
- Racial and Religious Hatred Act 2006
- Terrorism Act 2006
- Criminal Justice and Immigration Act 2008
- Crime and Disorder Act 2000;
- Anti Social Behaviour Act 2003;
- Data Protection Act 1998;
- Protection from Harassment Act 1997;
- Housing Act 1996;
- Mental Capacity Act 2007 (amendment 2009)
- Children's Act 1989.

This policy contributes positively to LMH's group design principles and particularly supports/strengthens LMH's key focus on Communities and Customers. This policy also supports LMH's equality and diversity policy and contributes to LMH's VFM principles in delivering cost effective services that protect LMH's investment in homes and neighbourhoods where people chose to live and work as well as enabling customers to have the quiet enjoyment of their home and community.

5. PERFORMANCE MANAGEMENT

We have a 5 step best practice model for ASB Case Management. We monitor our performance and KPI's via a specialist ASB (IT) software system. Monthly and quarterly performance reports are produced and discussed at operational and strategic levels. We also benchmark Key Performance Indicators (KPI's) as well as reporting via Regulatory Statistically Return (RSR).

KPI's for our community safety service are:

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| i) | Cases closed as resolved | 85% |
| ii) | Follow up contact within target timescale
(1 day for serious cases/5 days on general cases) | 95% |
| iii) | Customer satisfaction with case management | 70% |

Performance KPI's are shared with tenants via newsletters and web services as well as via our involvement structure.

6. POLICY REVIEW AND IMPROVEMENT FRAMEWORK

This policy has been reviewed in line with LMH Policy Review Framework. The next review will be completed in November 2018. In line with LMH continuous improvement strategy the policy review will incorporate an assessment of key internal and external influencers to ensure the policy reflects best practice together with all legal and statutory requirements.