

Wear Valley District Council Housing Services Department
Hate Crime Policy and Procedure

Introduction

Wear Valley District Council Housing Services Department celebrates the diversity found within the district and seeks to provide an environment in which all employees, customers and members of the public can live free from discrimination and harassment.

This policy and procedure covers all hate crimes because they share a high potential for harming the victim, for harming the victim group and for harming society. Many hate crimes also share other common features relating to under-reporting and repeat victimisation.

Currently the Council is only required to provide information to the Audit Commission on the number of racist incidents recorded and any further action taken against alleged perpetrators. However, in order to provide a consistent level of protection and service all hate crimes will be recorded and investigated as appropriate.

Wear Valley District Council is committed to the principle of a multi-agency approach to the reporting and monitoring of hate crime and will share information with partner agencies when appropriate to do so.

This policy and procedure document is designed to compliment the already existing Tenancy Enforcement and Racial Harassment policy and procedure documents. Domestic violence is not included within this policy. Many of its features are not common to hate crime as defined here. Specific guidance to ensure that domestic violence is dealt with effectively and sensitively is provided in a separate policy document. It is recognised that domestic violence can be racist or homophobic. Such hate crimes must be dealt with in line with guidance for domestic violence as well as with the hate crime guidance provided here.

Aim

The aim of this policy is to provide a mechanism for the reporting, recording, investigation, monitoring and evaluation of all hate crimes or harassment and to encourage and promote inter- agency responses to incidents of hate crime or harassment.

Purpose

The purpose of this policy is to give guidance to all Housing Services Department employees on how to respond to hate crimes or harassment and to ensure that all incidents are reported to the department, or of which the department becomes aware, are dealt with promptly, appropriately and effectively.

The implementation of this policy will enable the monitoring of all hate crimes reported within the district, as well as assist in the evaluation, review and development of practice.

Scope of the Policy

This document sets out the departments policy on the reporting and recording of hate crime and harassment based primarily on race, gender, disability, sexuality, religion, faith and belief. It provides guidance to help employees; Councillors and contractors implement the policy. This policy applies to service users, members of the public, Wear Valley District Council employees where the perpetrator is a service Councillors and those who are contracted to work for the Council.

Employees who work for, or who are contracted to work for, Wear Valley District Council have a responsibility under this policy, when carrying out their duties, to record and report and /or challenge hate crime.

Why We Have A Policy?

The effects of hate crime or harassment can be severe for individuals, families and the community. The Council, as a major employer and service provider, has an important role to play in:

- Providing services that support victims of hate crime or harassment;
- Challenging alleged perpetrators;
- Acknowledging the significance of hate crime or harassment on the community; and
- Taking action in partnership with other agencies to eliminate hate crime and harassment in the district.

Hate crime and harassment can cause a person to feel humiliated, embarrassed or angry. It can in extreme circumstances, cause death or injury, and will almost always cause stress, ill health and fear. Repeated harassment may lead to severe distress, making life intolerable.

People may be targeted for harassment on multiple grounds. For instance, black and minority ethnic women may face 'multiple abuse' if they are subjected to both sexual and hate crime harassment. Other groups, such as people who have a disability, lesbians and gay men, people who are older, lone parents, or young people, may also experience multiple abuses.

Hate crime and harassment may not always be reported directly as such. There may be circumstances where harassment is disguised or results into repeated requests for advice and help. For example, a tenant with broken windows could contact the Council repeatedly, when the real problem is harassment because of the tenant's race, gender, disability ,sexuality or religion.

Hate crime or harassment can create a climate of fear. This can stop people from taking their full part in everyday life, and in democratic processes because of their ever-present fear of harassment. It can also discourage reporting of incidents.

Incidents of hate crime and harassment are not only significant offences against an individual, family or group; they have widespread and long-term implications for the whole community. All hate crime incidents have far-reaching effects, beyond those common to neighbour nuisance, anti-social behaviour and harassment that is not hate crime motivated.

Definition of Hate Crime

Wear Valley District Council Housing Services Department has adopted the definition of hate crime found in the Association of Chief Police Officers Hate Crime Manual 2003 in which hate crime is taken to mean any crime where the perpetrator's prejudice against an identifiable group of people is a factor in determining who is victimised. This is a broad and inclusive definition.

A hate crime is a crime in which the perpetrator's conduct is motivated, in whole or in part, by hatred, bias, or prejudice, based upon the actual or perceived race, colour, religion, national origin, gender, age, disability, sexuality, religion, faith or belief of another individual or group.

A victim of hate crime does not have to be a member of a minority group or someone who is generally considered to be a 'vulnerable' person. In fact, anyone could be a victim of a hate crime.

The Criminal Justice and Public Order Act 1994 describes harassment as 'entailing threatening, abusive or insulting words or behaviour, or disorderly behaviour' or the display of 'any writing, sign or other visible representation which is threatening, abusive or insulting'.

Racial harassment is 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. It includes any unwanted verbal or physical abuse and/or behaviour, which is racially motivated.

A Racist incident is any incident, which is perceived to be racist by the victim, or any other person. (Definition adopted from the Stephen Lawrence Inquiry Report, recommendation 12)

The purpose of this definition is not to prejudge the question of whether a perpetrator's motive was racist or not, that may have to be proved if for instance the perpetrator is to be charged with a racially aggravated offence. The purpose of the definition is rather to ensure that investigations take a full account of the possibility of a racist dimension to the incident and that statistics of such incidents are collected on a uniform basis.

Sexual harassment is 'any unwanted verbal or physical advance, of a sexual nature, sexually explicit derogatory statement or sexually discriminatory remark which is offensive, threatening, abusive or insulting.

Disability harassment includes any unwanted verbal or physical abuse and or behaviour related to a person's disability, which is offensive, derogatory, discriminatory, threatening, abusive or insulting.

A homophobic incident is any incident, which is perceived to be homophobic by the victim, or any other person. In effect, any incident intended to have an impact on those perceived to be lesbians, gay men, and bisexual or transgendered people. (Defined by analogy from the definition of racist incident)

Victims of homophobic crime do not have to be lesbian, gay or bisexual; they just have to be perceived as gay or lesbian and/or the crime to be perceived as containing or being influenced by homophobia.

The definition of homophobic crime includes motivation based on transgender or those perceived to be so, therefore recognising the term 'transphobic incidents'

Other Forms of Hate Crime

It must be stressed that other forms of hate crimes against faith groups, asylum seekers, refugees, travellers and any other groups are also covered by this policy and procedure. Hate crime incidents or harassment can take a variety of forms. These may include:

- Physical attacks on people as well as damage to property;
- Abusive language and 'jokes';
- Physical threats, assault's and insulting behaviour or gestures;
- Unfair allocation of resources;
- Non-provision of services;
- Unfair treatment on the grounds of race, gender, disability, sexuality, religion, faith or belief;
- Anti-social behaviour which causes a nuisance;
- Putting up posters, stickers or writing offensive graffiti;
- Making abusive telephone calls;
- Sending racist, sexist, homophobic, disablist, material or correspondence through the post;
- Unwanted verbal or physical abuse/advances of a sexual nature,
- Sexually explicit derogatory statement or reference made to a person's sexuality or behaviour, which is offensive, threatening, abusive or insulting.
- Continuously complaining about cultural differences and needs
- Social prejudice towards Asylum Seekers and Refugees

This list is merely illustrative, not exhaustive.

Responsibilities of Employees, Managers, and Councillors

Employees

Employees who work for (or who are contracted to work for) Wear Valley District Council Housing Services Department have a responsibility under this policy when carrying out their duties to record and report and/or challenge incidents of hate crime and or harassment if they:

- Witness them (this includes seeing, hearing or reading them)
- Have incidents reported to them by victims or witnesses.
- Have strong suspicion or evidence of hate crime or harassment.

In recording, reporting and challenging incidents, employees should pay due regard to their own health and safety, particularly if working off site and alone.

Employees should note that hate crime or harassment (unless you directly witness or experience it) might not always be obviously or directly disclosed by either the victim or the alleged perpetrator. There are many reasons, why a victim may not directly report an incident of hate crime or harassment to a Council employee. For example those outlined under the heading of “Why We Have a Policy”. However, hate crime harassment could be occurring in a number of circumstances and you should be alert to this.

Managers

Wear Valley District Council Housing Services Department is committed to creating a harassment free environment and has a responsibility to employees, both under the law and as an equal opportunity employer to protect and support employees who may be subjected to harassment from members of the public. As a major provider of services the department also recognises its responsibility to protect and support service users.

Although it is the responsibility of all employees to report and challenge incidents of hate crime or harassment, management have a specific responsibility to ensure that they do everything they can to support and protect employees and service users from intimidation and harassment. This may be by:

- Stating clearly to members of the public who harass employees that this behaviour will not be tolerated.
- Stating that the service may be withdrawn, if necessary and appropriate, in order to protect employees.
- Supporting and advising employees who experience hate crime or harassment from service users, protecting them and offering assistance.
- Supporting and advising a member of the public who has experienced or is reporting hate crime or harassment.

- Ensuring details of incidents are recorded and seek further guidance if required from the nominated officer.
- Ensuring that all complaints of hate crime or harassment are taken seriously and investigated as quickly and as effectively as possible by an appropriate officer.
- Making employees who are harassed aware of support workers, counselling services, Trade Union representation, and the support of the Personnel Section. In addition employees can be referred to supporting policies such as the Violence at Work Policy.

An employer is potentially liable for the welfare and conduct of its employees. If it can be shown that alleged hate crime or harassment was not investigated or remedied an employee or service user may have a strong case of unlawful discrimination against the employer/Council. Managers must therefore take all reasonable steps to prevent discrimination from occurring and ensure employees and service users are protected.

Councillors

Councillors also have a duty to use the recording and reporting procedures outlined in these guidelines if they witness, experience or have reported to them, incidents of hate crime or harassment. Councillors can seek advice and guidance from the Tenancy Enforcement Manager.

Procedures For Employees Working With People Experiencing Or Affected By Hate Crime

This procedure guide is designed to complement the existing Tenancy Enforcement procedure. In cases where an alleged hate crime is perpetrated by a tenant of Wear Valley District Council the investigation and life-cycle of the case will conform to the standard Tenancy Enforcement system. However the complaint will be recorded and monitored as a Hate Crime and due consideration given to the safety and welfare of the victim.

Reporting and Recording Hate Crime

These guidelines are intended as a helpful guide for employees throughout the department. They cover the action you are expected to take if you witness or deal with a report of hate crime and harassment while on duty, whether within your own service or relating to another service area. Councillors can also use many of these guidelines if they witness or have reported to them incidents of hate crime / harassment. The victim or alleged perpetrator could be either an employee or a member of the public.

The first point of contact for any incident of hate crime may vary. Reports may be verbal, written or by phone call, it is therefore important that all staff members are aware of how to

record these incidents whatever the source of the complaint. Anyone who wishes to report an incident may do so in person or by telephone at any of the department's reception areas and neighbourhood offices .

Complainants in person will be interviewed by a front-line officer who will complete a Hate Crime Monitoring Form. In addition a person wishing to report a hate crime incident from any of the Council's public reception areas or centres can request a Hate Crime Monitoring Form

Incidents reported by telephone will be recorded by the receiving officer and will be forwarded to the Tenancy Enforcement Manager, who will assume responsibility for ensuring that incidents are:

- Acknowledged within 3 working days of receiving the completed Hate Crime Monitoring Form, setting out action to be taken.
- Forwarded to the investigating officer(s) who will start the investigation within 5 working days

Hate crime incidents must be recorded and responded to.

The initial Hate Crime Monitoring Form should be completed by the receiving officer wherever possible. This should be done immediately or as soon as possible.

On completion of the form, a copy should be given to the victim/complainant.

In the event of hate crime incidents being reported which are not about Council services, the Hate Crime Monitoring Form should still be completed and sent to the Tenancy Enforcement Manager, who will decide on what action is to be taken.

If there has been violence or threats of violence a visit should be made within 24 hours wherever possible.

The purpose of the visit is to:

- Make an assessment for further action
- Identify appropriate support for the victim.
- Consider actions to prevent the recurrence of further incidents and with the consent of the victim, notify other relevant agencies
- Collection of evidence
- Offer external support

Contact with the victim/complainant should be maintained whilst action is pursued and/or until harassment stops.

After or during the visit the Investigating Officer(s) should make arrangements to interview the alleged perpetrator(s) and any witnesses as appropriate. This may include convening a meeting with representatives from relevant partner agencies e.g. Social Care & Health, Police, Victim Support and other department of the Authority.

The Tenancy Enforcement Manager will be responsible for overseeing the investigation/follow-up action and monitoring reports.

Collection of Evidence

As soon as a complaint is made, evidence should be collected. If the victim is in receipt of abusive hate crime written material, handle the document with care as the police can check for forensic evidence. If this is not done at an early stage, it may not prove possible to pursue the case later when legal action seems the only answer.

Everyone who is involved in the recording or interviewing of a customer experiencing harassment should be aware of the following points:

- Details taken should be full and accurate. A case could be made stronger by evidence from a number of witnesses about one alleged perpetrator. Therefore, details of minor incidents should be fully recorded.
- Taking a clear statement from a distressed person is by no means an easy task and adequate time should be allowed. Consideration should be given to the need for a private and accessible place of the interview, the need for an interpreter (language or British Sign Language) and if the client wishes support from a friend or relative.
- If the victim has injuries they should be encouraged to visit a GP or hospital for medical reports to be made. The victim should be encouraged to pursue photographic evidence of any visible injuries.

Support the Complainant

Appropriate support is dependent upon circumstances. It is also important to remember to check out any action you plan to take with the complainant **before** you take action - including contacting the Police. The victim has a right, but not an obligation to pursue a complaint against the alleged perpetrator.

If the complainant makes a complaint in person, explain who you are and what you can do to help and ask the victim what they would like you to do. If the complainant is a child under 17, try to make contact with parents or guardians as soon as possible.

If the complainant reports the incident by phone, or in writing, or if there is not the opportunity to discuss the matter properly, make an appointment for the complainant to discuss the incident with an appropriate officer either at their home or on Council premises as soon as possible and within 3 working days (unless the complainant requests a later date).

The following actions may be appropriate immediately or at the follow-up meeting.

- Encourage the complainant to inform the police, doctors, hospital, relatives, children's school (if harassment is being experienced by the family) or other agencies as appropriate.
- Provide immediate quiet and confidential space to discuss the incident with the complainant if possible.
- Ensure that the initial Hate Crime Monitoring Form is completed and a copy given to the complainant.
- Suggest they inform the Police of the incident, if this has not already been done.
- Make available the list of community and voluntary organisations that can assist with help advice, counselling and practical help for the complainant.

Action related to the Alleged Perpetrator(s)

Do not collude with hate crime and harassment by saying or doing nothing. For example it may be appropriate to say:

- The Council has a policy opposing all hate crime and you will need to seek further guidance - and then withdraw if appropriate.
- You find a remark or action inappropriate, unacceptable or offensive.
- Ensure that the alleged perpetrator is treated fairly and appropriately in all situations.

Take or assist in legal action against the alleged perpetrator(s)

In certain cases the Council may be a witness to, or initiator of, legal action against the alleged perpetrator.

If relevant (and the complainant agrees) report the incident to the police and be prepared to use your own records of the incident and to act as a witness.

If the complainant requests the Council to take action against the alleged perpetrator, seek advice from the Tenancy Enforcement Manager or your line manager immediately.

Withdraw Council services

If you are in the process of delivering a service to the alleged perpetrator it may be possible to withdraw that service either immediately or by issuing a warning for future withdrawal.

Hate crime and harassment breaks a tenant's tenancy agreement. Action may be taken against a tenancy in extreme or prolonged cases.

Employees have a right to work in an environment, which is free from harassment and is safe. Hate crime and harassment from service users can create an intimidating working environment for all employees and other users. All employees have a right to report incidents of hate crime harassment, whether from a user or another employee, immediately to their supervisor or service manager and to remove themselves from a situation in which they feel threatened or in danger. It is management's responsibility to make decisions on future provision of service to the alleged perpetrator. If the manager or supervisor is the alleged perpetrator or suspected perpetrator an employee should seek advice from their Personnel Section or Trade Union representative.

GUIDANCE FOR COMPLETING THE HATE CRIME MONITORING FORM

General Guidance

- If possible take the victim or complainant to a quiet room to complete the form where appropriate.
- If the complainant is distressed it may be necessary to call a senior manager for guidance wherever possible.
- Where information is not known you must enter **NK** in the box rather than leaving it blank.
- The form should be sent onto the Tenancy Enforcement Team on the same day if possible.

Reporting Centre Information

- Reporting Centre: this is the venue the incident is reported to e.g. Woodhouse Close Neighbourhood Office
- Telephone Number: this is the telephone number at the Reporting Centre. If the employee normally works at another venue they may need to include their normal work number in brackets after the Reporting Centre number.
- Date and Time: this refers to the date and time the employee or complainant completes the form.

Victim/Complainant Information

- Name: all names should be recorded (include nee names/alias if appropriate).
- Telephone: include any mobile number.
- Occupancy: in 'Other' box include information such as living with parents, Traveller, Homeless, temporary accommodation.
- 1st Language: this includes British Sign Language (BSL) and Sign Supported English (SSE).
- Repeat Victim: applies if the victim has previously been a victim of a hate crime incident within the last 2 years.

4) Details of Incident

- Date of Incident: if more than one incident obtain the date of the most recent incident.
- Location: this includes e.g. home, street, school, college, Community or Leisure Centre, public transport or taxi, shopping centre etc.

Description of incident (include details of the following):

- Incident type e.g. abuse (verbal or gestures), criminal damage, graffiti, physical threats, violence against the victim, arson; offensive leaflets, letters or posters; use of weapons (specify).
- Name of street, park, shopping centre etc.
- If an on-going situation identify the period of time incidents have occurred over and if there has been previous reporting and if so to which agency.
- If victim knows the name(s) of the perpetrator(s).
- Immigration Status: if the victim states they are an Asylum Seeker or a Refugee seek permission from them to record this.

Advice: state if the victim was advised to report the incident immediately to the Police or if they were advised to seek medical attention or a 999 call was made on their behalf.

Alleged Perpetrator(s) details (include victim's perception of the following)

- Did the victim recognise the perpetrator(s)
- Relationship to victim? e.g. neighbour, relative, customer.
- Has the perpetrator been involved in previous incidents with the victim?
- Number, gender and age(s) of perpetrator(s).
- Equality data – use the classification system under **Victim/Complainant Information above.**

Declaration

- The victim or complainant may need to tick more than one box for complaints made in person.
- Bring to the attention of the victim or complainant the Data Protection Statement at the bottom of the form.

If the incident does not appear to involve the services of Wear Valley District Council, or you are unsure which department it needs to be referred to, send the form to the Tenancy Enforcement Team.