

Policy title	Hate Behaviour Policy
Directorate	Customers & Communities
Author	Shaheen Yousaf, Neighbourhood Manager North
Date First Approved	
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Next Review Date	January 2025
Policy Scope/Users	This Policy outlines MSV's approach to how MSV will deal with Hate Behaviour reports directly. Also how MSV will work in partnership with the community as well as other agencies, to tackle wider issues relating to Hate Crime, through a collaborative approach.
Date EIA done	January 2023

1. Introduction/Policy Purpose

MSV recognises that crime which is motivated by hatred or a particular prejudice towards an individual's race, faith, sexual orientation, gender identity, perceived disability or any other characteristic is particularly corrosive in relation to individual victims and also our communities.

The impact of Hate Crime not only affects the quality of life of victims and their families but also has a negative impact on communities in relation to cohesion and integration.

Hate Crime can have a significant impact on those experiencing it. Being targeted because of personal characteristics or perceived characteristics often leaves people feeling vulnerable, by affecting self-confidence and health and, can leave individuals feeling isolated. Hate Crime can affect personal freedom with people changing when they leave their house, their route home or to work, their appearance, behaviour, and even where they live. This is unacceptable. Everyone has the right to live their life free from fear of attack or abuse because of who they are.

MSV recognise that it is possible for a crime to have more than one motivating factor, and for Hate Crimes to include acts of Anti-Social Behaviour, for example an offence may be motivated by hostility towards both the victims race and religion and the perpetrator could engage in harmful behaviour motivated by their prejudice.

Therefore, MSV recognises the importance of being led by what the victim perceives to be the motive behind the offending and harmful behaviour.

Purpose

MSV take a zero tolerance approach to behaviour motivated by hate.

We will raise awareness of hate behaviour and Hate Crime with our customers highlighting our approach.

We will support and be involved in appropriate local and national initiatives to raise awareness of hate incidents and hate crime.

Our aim is to ensure our customers and our colleagues can enjoy a peaceful and safe environment in which to live, work and play, and applies to all areas where we own and manage properties.

MSV recognise that we cannot effectively deal with Hate Behaviour and Hate Crime related issues without the support of our communities, and we hope that our customers will work with us and engage with us, so that we can tackle Hate Behaviour and ASB issues together.

MSV is strongly committed to fairness and making sure that everyone has the same opportunities to achieve the same or similar outcomes. This Policy acknowledges the requirements set out by the Equality Act 2010 and aims to prevent unlawful discrimination. We recognise that Hate Behaviour and Hate Crime can disproportionately impact those people with protected characteristics. We will take additional steps in the application of this policy and make reasonable adjustments to endure compliance with the Act.

Although we recognise that we might not be able to resolve all complaints of Hate Behaviour to the satisfaction of all parties, we will endeavour to investigate all complaints that we receive which have been assessed as incidents motivated by Hate.

MSV has a separate Policy related to

- Domestic Abuse
- Anti – Social Behaviour

2. Description of the Policy

Our Commitment

- MSV take a zero tolerance approach to behaviour motivated by hate
- We will raise awareness of hate behaviour and hate crime with our customers highlighting our approach
- We will support and be involved in appropriate local and national initiatives to raise awareness of hate incidents and hate crime
- To respond positively to reports and take all reports seriously
- To encourage and publicise the reporting of hate behaviour
- Take prompt and effective action including legal action where necessary and appropriate against perpetrators
- To ensure a service for reporting Hate Behaviour is available and accessible for all customers, colleagues, partner agencies and members of the public
- To respond to reports of Hate Behaviour in a timely manner within one working day of the report being made where possible
- Acknowledge that each case of Hate Behaviour is different and take a harm centred approach to dealing with the issue, tailoring the support offered to victims and witnesses appropriately.

- To support those who are experiencing incidents of Hate Behaviour, and stay in contact with them, keeping them informed of progress throughout their case
- Use a National Standard Risk Assessment Matrix, (therefore recognised by other agencies) applied to any case irrespective of type or category – where there is an identifiable complainant.
- To liaise with partner organisations and work together where possible to find solutions
- To identify additional support needs of all the parties involved and make appropriate referrals to specialist agencies
- To use our professional judgement as to whether the incidents being reported can be realistically investigated and resolved by MSV or needs to be referred on to the Police to consider as a criminal investigation.
- To undertake action that is reasonable and proportionate and be clear with customers on the range of interventions and solutions available
- Have in place a robust tenancy agreement clearly outlining our stance on Hate related incidents.
- Suspend applicants from obtaining accommodation with MSV if they or a member of their household have been responsible for acts of hate behaviour.
- Record information received by MSV about hate related and abusive behaviour committed by our tenants and residents in accordance with our GDPR (Data Protection) obligations.

Our Aim

- To comply with the requirements of the Neighbourhood and Community Regulatory Standard
- To define what we mean by Hate Behaviour in terms of Community Safety and what customers can reasonably expect from us
- Use evidence based effective intervention models, as well as legal tools to assist us in developing an effective approach in the prevention and management of Hate Behaviour.
- To raise awareness amongst residents and customers the need to act reasonably and be considerate of the different values and lifestyles reflected across our neighbourhoods and communities
- To ensure relevant employees of MSV are trained and equipped to respond quickly and effectively to reports of Hate Behaviour, and to prevent reports escalating into more serious incidents
- Where there are persistent serious incidents of Hate Behaviour MSV will look to take enforcement action against the person causing the problem. This may include taking action against any person, who may or may not be our tenants.

- Ensure that information provided is treated confidentially where it is appropriate to do so
- Not tolerate any behaviour that is motivated by hate and is designed to threaten, intimidate or abuse our staff or contractors. If necessary, we will seek legal remedies should staff be subjected to this type of behaviour from our customers.
- Promote fair and equal treatment for everyone.

Definitions

The broad definition of a Hate Crime is *“any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic”*.

A victim of a Hate Crime doesn't have to be a member of a minority group or someone who is generally considered to be a vulnerable person; in fact anyone can be a victim of a Hate Crime.

Hatred is a strong term that goes beyond simply causing offence or hostility.

MSV 's victim centred approach to anyone reporting a Hate Crime, ensures that we treat the incident as the victim perceives it, not how we may perceive it.

A Hate Incident requires no evidence but is based on the perception of the individual, so if the victim feels the incident is motivated by hate, then it will be recorded as such

This does not necessarily mean that it was the perpetrators intention and, in some cases, after an investigation it may be clear that it was not a Hate Incident. MSV will ensure that as part of the investigation full consideration to intent has been explored.

A hate incident may or may not constitute a criminal offence, and is perceived as being motivated by prejudice or hate because of the victim's:

- Race
- colour
- Age
- sex
- ethnic origin
- nationality or national origin,
- Religion or faith
- Gender or gender identity
- Sexual orientation

- Disability
- Alternative subculture

Hate incidents could include (and is not limited to)

- Verbal abuse
- Bullying
- Offensive jokes and comments
- Intentionally spitting at someone
- Inciting hatred with leaflets, publications
- Offensive graffiti and fly posting
- Ridiculing cultural differences e.g. food, dress, language
- ASB /Harmful behaviour motivated by hate

Hate crime and harassment can take many forms including:

- Physical attacks – such as physical assault, damage to property, offensive graffiti, verbal abuse and arson
- Threat of attack – including offensive letters, abusive or obscene telephone calls, texts, emails or via social media, groups hanging around to intimidate and unfounded malicious complaints
- Verbal abuse or insults - offensive leaflets and posters, abusive gestures
- Littering outside homes or through letterboxes.

Hate Crime

MSV recognise that some types of Hate Behaviour will be crime related and cannot be effectively tackled without collaborative working relationships with the Police as the lead agency, as well as those members of the public who are being affected by the criminal activity.

In cases where Hate Crime is taking place customers and residents will be encouraged to report such crimes to the Police or to Crimestoppers. If MSV receives reports of hate crime, MSV will forward these reports to the Police in order to support the Police in any criminal investigation. MSV will encourage witnesses and those affected by the criminal activity to work with us and the Police, to bring about positive resolutions which in some cases may result in a criminal prosecution as well as action against a tenancy.

In the event the Police successfully prosecute these types of crimes, MSV may consider their own legal action, and this will be decided on a case by basis taking into account a number of factors which may include (but not limited to)

- The prospects of success

- The impact on the local community
- The seriousness of the offence
- The age of the offence
- The reasonableness of taking legal action

MSV operate a harm centred approach when dealing with reports of Hate Behaviour, and where a customer is assessed as vulnerable, we will offer support as well as signposting to other agencies

Case Priority and investigation

Reports of Hate Behaviour will be assessed as high priority at the point of contact. This will involve the reporter being asked a series of questions relating to the incidents(s), so that we can assess the potential risk of harm being caused. The report will then be allocated to a named officer.

An officer will aim to contact the reporter within 1 working day to take the full details of the incidents being reported and to decide on next steps.

All reports will be taken seriously, assessed appropriately, and recorded on our internal reporting systems.

All cases will be regularly assessed throughout the investigation using a Risk Assessment Matrix, which will determine case priority, response times and frequency of contact with the parties involved.

Case officers will maintain high quality standards of casework activity and robust record keeping throughout the investigation of a case.

The Case officers will keep in regular contact with the parties involved in the case, agree action plans and provide feedback on a regular basis, using the customers preferred method of communication.

MSV will require the parties involved to engage with us and work with us to resolve the issues, and where the incidents are continuing, MSV will support the victim and encourage the victim to provide further information about these ongoing incidents.

We will usually request the reporter to keep a written record of what is happening where the reporter is able to do so and ask them to submit these to their case officer on a regular basis. Where this is not possible the case officer will agree more appropriate options for collecting the details of any further incidents.

Throughout the case, MSV will continuously assess and review progress of the case, taking reasonable and proportionate steps at all times.

Interventions and actions

MSV use a wide range of tools and powers to challenge unacceptable behaviour including Hate Behaviour and will decide on a case by case basis which tools and powers will be the most appropriate to use.

Generally, in those cases, where there is no ongoing serious risk of harm or imminent danger, early interventions tools and techniques will be applied based on tried and tested casework resolution. All parties involved will be encouraged to engage and participate in order to stop incidents from escalating.

If the reporter or the person responsible for the behaviour has any support needs, these will be discussed with the case Officer, and the case Officer will encourage engagement with appropriate support services by making referrals and signposting the person to the appropriate specialist agencies.

Review security measures at the victims property and provide target hardening where it is reasonable for us to do so.

Arrange access to interpreters where necessary.

In exceptional circumstances MSV will consider a management move for permanent or temporary accommodation where a witness has to be moved for safety reasons

MSV will take enforcement action where early intervention techniques have not been successful and the harmful behaviour is continuing, or where reporters need protection to prevent further hate incidents from occurring and where the person causing the harmful behaviour is refusing to engage with MSV and/or appropriate support services.

MSV will only take enforcement action if it is reasonable and proportionate to do so.

If court action is required, we will support reporters and witnesses throughout the court process and beyond. We understand that not everyone feels able to give evidence in court, but cases are most successful where we have witnesses who can give their own account of what they have been experiencing.

We will not tolerate behaviour motivated by hate and directed towards our staff, or our contractors or anyone else providing services on our behalf. This includes threats of violence, verbal abuse and intimidation, harassment and actual violence. In such situations MSV will always take appropriate action against those who perpetrate these types of serious offences.

Closing a case

MSV will look to close a case in the following circumstances: -

- Reasonable and proportionate steps have been taken and the Hate Behaviour is no longer being reported.
- The perpetrator is engaging with support services, and s/he is no longer involved in any incidents
- The perpetrator has moved, and the Hate Behaviour has stopped.
- There is insufficient ongoing evidence that hate behaviour is continuing to be perpetrated

We will inform the reporters and any witnesses initially about the case closure and then will advise all parties, including any agencies and services that may have been involved in the case.

We will always take into account the customers views when closing a case, however, we cannot guarantee that the action we take will be what the customer is expecting or wants. MSV must operate within legal guidelines and our policy framework which focusses on reasonableness and proportionality.

We will not re-open a case without good reason, for example, where there has been a change in circumstances or fresh evidence has come to light that satisfies MSV that hate behaviour is occurring.

Customer Responsibilities

MSV expect residents to show consideration to their neighbours and their community, and not commit, or allow their family or visitors to commit acts of Hate Behaviour or Anti-Social Behaviour. This includes harassment, unreasonable excessive noise nuisance, unreasonable disturbance to other residents or other people in the area, including colleagues and contractors.

We will encourage our customers to: -

- Report all crimes, including threats or acts of violence to the Police
- Report all Hate Behaviour, ASB, Harassment, Hate Crime and Domestic Abuse to MSV, the Police and other relevant statutory agencies
- Take responsibility for minor personal disputes with their neighbours – resolve problems in a reasonable manner
- Respect other people's right to their chosen lifestyle and everyday reasonable level of disturbance
- Work with MSV to resolve issues by reporting incidents to us and providing us with ongoing evidence and engaging with us in casework progression.

Safeguarding

Our Safeguarding Policy ensures that all MSV staff are trained to identify and prevent safeguarding issues and understands the different aspects of safeguarding that they have a duty to report.

Working together in Partnership

MSV is committed to working collaboratively, with partners both operationally at a local level, as well as strategically. We work in partnership with both statutory, and non-statutory agencies, as well as members of our community, to maintain a safe environment for our tenants and residents.

We invest and participate in the wider partnership approaches to tackling Crime and Disorder, including Hate Behaviour and Hate Crime, across our local and regional areas, and support the work that is being done strategically to address and combat the complex issues that cause Crime and Disorder in our communities.

MSV are involved and do contribute to local partnership meetings to identify solutions to prevent incidents of hate behaviour, protect people who are experiencing these types of incidents and to challenge those who are responsible for it.

On a case by case basis we will assess which partners and agencies may need to be involved so that a holistic approach to case resolution can be identified.

Data Protection and Information sharing

We will share information with our partners in accordance with relevant legislation such as the General Data Protection Regulations 2018, Data Protection Act 2000 and the Crime and Disorder Act 1998, to help protect vulnerable victims and detect, prevent and take coordinated action against crime and ASB (which includes hate behaviour)

We are committed to ensuring customer confidentiality and will not disclose their identity unless they agree that we can , or unless there is a need to share that and other information with other agencies for lawful purposes , such as where there is a need to safeguard someone at risk .

Staff Training and Support

MSV will ensure that relevant staff are confident in their ability to identify and investigate incidents and reports of Hate Behaviour by providing appropriate induction training, refresher training, updates on relevant legislation and changes

in national policy drivers. We are committed to continuous personal development and training and will access both internal and external training appropriately

ASB Case Review – Community Trigger

In situations where a reporter is not satisfied that MSV have taken appropriate action/steps to deal with their report, they have the legal right under the ASB Police and Crime Act 2014 to request a formal review of the case. This is known as the Community Trigger

3. Roles, Responsibility and Policy Implementation

3.1 The Community Safety Manager is responsible for implementing and reviewing the Policy

3.2 The Community Safety Manager/Assistant Director of Customers & Communities is responsible for developing partnerships with local authorities and other agencies

3.3 The Community Safety Manager is responsible for developing the procedure which meets the principle and purpose of this Policy.

3.4 The Community Safety manager is responsible for managing day to day ASB cases through Officers and Administrators.

4. Monitoring, Review and Evaluation

Cases will be closely supervised and managed by the Manager on a regular basis with the case officer. The Manager will provide appropriate advice and support to case officers and provide direction ensuring that cases are progressed in line with operating guidelines and procedures.

Performance Management information about the casework activity will be presented to the Senior Management Team and to the Board on a quarterly basis.

This Policy and associated procedures and guidance will be reviewed every two years or sooner if there are significant changes to legislation, regulatory changes, national policy changes or there is an operational need to do so. Any amendments will be appropriately consulted on and signed off, and clearly communicated to the wider MSV staff groups as well as our tenants and residents

5. Related Documents

- Anti Social Behaviour Policy
- Anti Social Behaviour Procedure
- Domestic abuse policy
- Equality and diversity policy
- Safeguarding policy
- Starter tenancy policy
- CCTV Policy
- Data Protection Policy
- Allocation Policy & Procedure
- Sensitive Let Policy
- Rent Arrears Policy & Procedure

Relevant Legislation

- ASB Crime and Policing Act 2014
- Equality Act 2010
- Housing Acts 1985, 1988 and 1996
- ASB Act 2003
- Crime and Disorder Act 1998
- GDPR 2018
- Data Protection Act 2000
- Public Order Act 1986

6. Appendix

Appendix 1 – Single Equality Impact Assessment

Equality Impact Assessments – Pro-forma

Policy/Procedure being assessed	Hate Behaviour Policy		
Section	Customers & Communities		
Date of assessment	January 2023		
Person(s) responsible for assessment	Shaheen Yousaf, Neighbourhood Manager North		
Is this a new or existing policy?	Existing		
1. Briefly describe the function being assessed	How as an organisation we ensure that all aspects of our work is tenant led and customers are at the heart of what we do.		
2. Who are the main stakeholders in relation to the function?	Customers, Staff, Agencies and Committees.		
3. Who will be consulted as part of this EIA? What times of consultation will be carried out?	Customers, Staff and Committees		
4. <u>Could</u> the function have a differential impact on <u>racial groups</u> ?	Yes	No	
What evidence exists to support your analysis?	Language and cultural barriers where complainants and perpetrators cannot understand English.		
5. <u>Could</u> the function have a differential impact due to <u>gender</u> or <u>gender reassignment</u> ?	Yes	No	
What evidence exists to support your analysis?			
6. <u>Could</u> the function have a differential impact on <u>disabled people</u> ?	Yes	No	

What evidence exists to support your analysis?	Possible access issues for customers who cannot make it to interviews. Reasonable adjustment will be considered, once the matter has come to our attention and appropriate measures put in place where possible. Equality Act Assessment will be carried out when vulnerability has been identified.						
7. <u>Could</u> the function have a differential impact due to age ?	Yes	No					
What evidence exists to support your analysis?							
8. <u>Could</u> the function have a differential impact due to sexuality ?	Yes	No					
What evidence exists to support your analysis?							
9. <u>Could</u> the function have a differential impact due to religion or belief ?	Yes	No					
10. <u>Could</u> the function have a differential impact due to any other protected or vulnerable characteristic including marriage or civil partnerships, pregnancy or maternity?	No						
What evidence exists to support your analysis?							
<p>If the answer is NO to <u>all</u> questions 4-10 and no differential treatment has been found there is no requirement for a full Equality Impact Assessment. Please go back regularly and review the cycle.</p> <p>If the answer is YES to any of the questions 4-10, please continue to question 11</p>							
11. In what areas could the differential impact identified in 4-10 be considered to be an adverse impact in this function? (Please tick if yes)	Any other protected or vulnerable characteristic	Race	Gender/ Gender	Disability	Age	Sexuality	Religion /Belief

<p>12. What solutions will be introduced to overcome these adverse impacts?</p>	<ul style="list-style-type: none"> • Use of profile data to look at customers' needs • Provide translation and interpreter services when required • Reasonable adjustments will be considered • Reviewing Customer Satisfaction Surveys 						
<p>13. In what areas could the differential impact identified in 4-10 be considered a positive impact in this function? (Please tick if yes)</p>	<p>Any other protected or vulnerable characteristic</p>	<p>Race</p>	<p>Gender/ Gender</p>	<p>Disability</p>	<p>Age</p>	<p>Sexuality</p>	<p>Religion /Belief</p>
<p>14. What strategies will be introduced to safeguard and spread these positive impacts?</p>	<p>Advertising on MSV website</p> <p>Customer Communications</p> <p>Partnership Working</p> <p>Community Meeting</p>						
<p>15. Which action plans have these solutions/strategies been transferred into?</p>	<p>Marketing</p> <p>Partnership Working</p>						