



Hate Crime and **Harassment Policy**

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1. Our Aims and Purpose

- 1.1 Every tenant of Cestria Community Housing has the right to the quiet enjoyment of his/her home. This right must be respected and protected.
- 1.2 Cestria Community Housing is committed to equality of opportunity in all areas of its activities. The Hate Crime and Harassment Policy forms an important and integral part of Cestria's Equality and Diversity Policy.
- 1.3 Cestria Community Housing condemns all forms of harassment. It will not tolerate any incidents of harassment including racial harassment, or harassment on the grounds of sexuality, age, religion, disability, gender or other serious harassment. Whether perpetrated by its tenants, employees, agents or third parties, Cestria Community Housing will ensure that every step is taken to eliminate harassment.
- 1.4 All reported incidents of harassment will be fully investigated and appropriate support offered and action taken against the perpetrators of such harassment when it is proven. We will also ensure that complainants of harassment receive adequate support. If complaints relate to more general forms of anti-social behaviour rather than harassment then officers should refer to the Anti-Social Behaviour Policy and procedure instead.
- 1.5 The aim of the Hate Crime and Harassment Policy is to reinforce Cestria's approach to supporting victims of hate crimes or those suffering harassment while taking appropriate action against those responsible. This approach is intended to enable everyone living in a Cestria property to feel safe and secure.
- 1.6 The policy will be of benefit to all residents of Chester-le-Street, not only those directly affected by hate crime or harassment. This policy will make Chester-le-Street a safer place for all, and promote the positive contribution that is made to diverse communities, which will in turn ensure full participation of all residents in Chester-le-Street life.

2. What is Harassment?

2.1 Harassment can be defined as any unwanted behaviour directed at an individual or group which is offensive or objectionable to the recipient. It is behaviour or conduct which will interfere with the peace and quiet of individuals or groups which has the effect of hurting, intimidating, humiliating, ridiculing or undermining their confidence.

2.2 Harassment can take many forms, including:

Physical assault, damage to property (e.g. breaking windows, vandalising cars), dumping of rubbish, excreta etc through the letter box, racist and other offensive graffiti, arson or attempted arson, verbal abuse, patronising remarks, jokes banter and insults, threatening or abusive behaviour, malicious complaints, noise nuisance, anonymous letters and nuisance telephone calls.

2.3 Cestria Community Housing recognises that individuals can suffer from harassment in different forms at the same time, e.g. racial and sexual harassment. Likewise, individuals can suffer harassment and other anti-social behaviour at the same time.

2.4 The interests of the victim of 'harassment or hate' crimes will always be our prime concern. We will take all reported incidents of 'harassment or hate' crimes seriously and will handle the investigation of incidents fairly and with sensitivity.

2.5 Cestria will attempt a range of solutions dependent on the severity of the case, including;

- agreement,
- mediation,
- preventative community support,
- support for individual residents who are vulnerable and pose risks to others,
- support for victims
- and enforcement action where appropriate.

No action will be taken without the consent of the victim.

2.6 Cestria Community Housing will ensure the confidentiality of all parties during an investigation, and will keep the complainant updated of the action being taken. Cestria will also provide access to advice, support and protection as necessary.

2.7 Behaviour which can be identified as harassment but is not a 'hate' crime should be dealt with via the procedures outlined in the Cestria Community Housings' Anti Social Behaviour Policy. This may include nuisance and anti social behaviour such as criminal activity, violence or threat of violence,

neighbour nuisance or disputes, noise nuisance or any other breach of tenancy conditions.

3. What is Hate Crime?

3.1 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 and ethnic origin, gender, age, disability, or sexual orientation of another individual or group. Hate crime includes anything from verbal abuse, threatening behaviour or malicious communications.

This includes all of the following:

Race: Any incident, which is perceived to be motivated by prejudice towards, or hatred of people of diverse races, cultures or ethnic origins.

Religion: Any incident, which is perceived to be based upon prejudice towards, or hatred of, the religion and belief of persons or places of worship.

Sexual Orientation: Any incident which is perceived to be based upon prejudice towards a person's sexual orientation including Homophobia (prejudice towards or hatred of, lesbians, gay men or bisexual people) and Transphobia (prejudice towards, or hatred of, transvestites or transsexuals).

Disability: Any incident, which is perceived to be based upon prejudice towards or hatred of the victim because of their impairment (also people with learning difficulty and/or mental and emotional distress).

Age: Any incident which is perceived to be motivated by prejudice towards or hatred of a person based on the person's age whether this be targeted at elderly, youth or any other age group.

Gender: Any incident which is perceived to be motivated by prejudice towards or hatred of a person based on the person's gender.

3.2 Some forms of harassment can be identified as 'Hate' Crimes;

'In making judgements about 'Hate' Crimes it is the behaviour and its impact on the recipient, not the intentions of the perpetrator, that is important'.

The purpose of this definition from the MacPherson report into the death of Stephen Lawrence, is not to prejudge whether a perpetrator's motive was hate or not. It is to ensure that investigations take full account of the possibility of a hate dimension to the incident and that statistics of such incidents are collected on a uniform basis.

- 3.3 Cestria Community Housing acknowledges the findings of the MacPherson Report and other policies relating to 'hate' crimes and harassment.

4. The National Perspective

- 4.1 The MacPherson Report on the Stephen Lawrence Inquiry changed the way that racist hate crime and institutionalised racism was understood. From the Inquiry, a definition of a racist incident was developed which has since been extended to cover other forms of hate crime and is widely used by central and local government.
- 4.2 Moreover, the Stephen Lawrence inquiry report was the catalyst for a number of institutional changes within the police and statutory service providers to improve responses to racist incidents and racism.
- 4.3 The Home Office has subsequently produced guidelines in relation to racist incidents, religious discriminations and more recently guidelines for tackling hate crime.
- 4.4 Today, the terms gay and lesbian are used to describe women and men who seek same-sex partners. Homophobia can manifest itself in a number of different forms. The Government currently estimates that approximately 5-7% of the population are either: gay, lesbian or bisexual. However, there is very limited data on the number of lesbians, gay men and bisexuals in the UK as no national census has ever asked people to define their sexuality.
- 4.5 A national study of violence against lesbians and gay men in Britain, found that one in three gay men and one in four lesbians had experienced at least one violent attack, and found that the vast majority of homophobic incidents go unreported, with around 18% reporting incidents.
- 4.6 The understanding of disability is enhanced by what is known as the 'Social Model' of disability, which recognises that disability occurs because barriers hinder disabled people from taking a full part in the community. Research by MENCAP demonstrated that 8 in 10 people with learning difficulties had experienced bullying and harassment 66% of people with learning difficulties have been bullied regularly with 32% stating that bullying was taking place on a daily or weekly basis.

5. A Confidential and Sensitive Service

- 5.1 The individual's right to confidentiality is paramount. Cestria Community Housing will ensure that employees know that maintaining confidentiality is of crucial importance to the safety of anyone, experiencing harassment or hate crimes.
- 5.2 Our aim is to empower individuals by advising them of their options and giving guidance so they can make their own decisions.
- 5.3 Safety and confidentiality are paramount. Cestria Community Housing will only involve other agencies or share information with the consent of the service user concerned, unless:
- we are required to do so by law, or
 - the information is necessary for the protection of children.

6. Reporting Incidents

- 6.1 First of all it important to consider the safety of those immediately involved including the victim. If anyone is in danger Durham Constabulary should be called immediately on 999.
- 6.2 For less urgent cases, those involved may wish to visit any Police station or call 0345 60 60 365. If they do not wish to speak to the Police in the first instance then they may wish to discuss the matter with one of Cestria's Estate Services Officers or Anti-social Behaviour Officers.
- 6.3 Cestria Community Housing Association is committed to tackling perpetrators of hate crime or harassment and protecting those affected by it. You can make reports and provide information by:
- Telephone (0191 385 1900)
 - Email (asb@cestria.org)
 - Letter
 - In person (please contact to make an appointment)
 - By completing a complaint form online- www.cestria.org
 - If there is a problem out of hours you can leave a message on the Anti-social Behaviour answer machine 0191 385 1933/ 1934 or e-mail asb@cestria.org and a member of the team will get back to you as soon as possible.

7. Action against perpetrators

- 7.1 Cestria Community Housing takes a zero tolerance approach to harassment and hate crime. We will begin to investigate all reported incidents within 24 hours, and take action against perpetrators as soon as possible. Our tenancy agreements specifically prohibit harassment of any kind. Where a tenant, or person whom the tenant is responsible for, perpetrate racial or other hate based harassment, we will consider action for breach of their tenancy.

- 7.2 Cestria Community Housing works in partnership with local agencies including the police to pursue legal action, or obtain possession, injunctions, acceptable behaviour contracts, and/or anti social behaviour orders depending on the nature of the incident and publicises outcomes where appropriate.

8. Prevention and Publicity

8.1 Cestria Community Housing takes a zero tolerance stance to harassment and hate motivated crimes. Our position is widely promoted to tenants and members of the community through the Cestria Courier, our website, at public meetings and also through schools. We aim to raise awareness of the issue, build confidence and trust with victims and the wider community, and to encourage the reporting of incidents.

8.2 Cestria Community Housing also aims to give a clear message to perpetrators that unacceptable behaviour will not be tolerated. This message is clearly stated within our tenancy agreement under the clause Anti-social Behaviour;

7.2 You, your household and any other person living in, or visiting the property, (including children) must not:

- c) Harass, threaten, pester or intimidate anyone in the local area, any of our employees, our contractors or agents at any time because of his/ her race, nationality, sexuality, gender, religion, age or disability, or any other reason whatsoever;
- d) Abuse, assault or threaten violence against any resident or visitor, any of our employees, contractors or agents, at any time or place;

7.4 We have the right to take the following action if you break any of the terms in this section:

- a) Apply for and obtain injunctions (with power of arrest as appropriate);
- b) Take legal action to take possession of your home;
- c) Take legal action to demote your tenancy to one that is less secure;
- d) Use Acceptable Behaviour Agreements and work with the police and Local Authority in securing Anti-social Behaviour Orders where necessary.

9. Supporting victims and witnesses

- 9.1 Cestria Community Housing takes a victim-centred approach to hate crime and harassment. The starting point for all investigations is to acknowledge victims, witness or other person reporting the incident account and agree a course of action.
- 9.2 We recognise that hate crime and harassment can have an enormous impact on victims, their family and friends and witnesses. We will work closely with the victim throughout all stages of the procedure, to ensure they are aware of actions being taken.
- 9.3 Cestria Community Housing will support victims and their families to remain in their homes safely. However, where we believe it would be unsafe to do so or the victim fears for his or her safety we will act quickly to re-house the victim and or family.
- 9.4 Where appropriate Cestria Community Housing will also arrange witness support, counselling, crime prevention advice, safety and security improvements, translation and interpreting services, mechanisms for ensuring the safety and security of family members and liaise with schools.

10. Multi-agency Work

- 10.1 Cestria Community Housing is a member of the County Durham Community Safety Partnership. This is the thematic partnership of the County Durham Partnership, responsible for tackling crime, fear of crime, anti-social behaviour and substance misuse.
- 10.2 Geographical based delivery takes place through Local Multi-Agency Problem Solving Groups (LMAPS). The purpose of the LMAPS is to identify and analyse trends which when tackled will effectively resolve, crime and reduce the fear of crime. Issues which are tackled by the partnership include community reassurance, anti-social behaviour, substance misuse, and problems at local area level. This is done through the co-ordination of multi-agency responses.
- 10.3 The partnership focus's on tackling repeat issues/themes or issues with both individuals and locations which cannot be effectively resolved in a sustainable way by intervention from an individual agency alone. The LMAPS are also responsible for addressing priorities identified for the local area through the Partnership Strategic Assessment.
- 10.4 The multi-agency approach including data sharing and analysis of trends, informs the strategic overview and service delivery for all agencies, as well as Cestria Community Housing including being able to identify potential community flashpoints.

11. Equality and Diversity

- 11.1 Cestria recognises that it operates in a community where there is wide social diversity, and is committed to providing equal opportunities and valuing diversity.
- 11.2 Through the delivery of our Hate Crime and Harassment Policy, we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.
- 11.3 To enable all residents to have clear information and equal access to our hate crime and harassment reporting and support services, Cestria Community Housing publishes clear information in a range of appropriate languages and formats and through a range of media. Feedback is also accepted through a variety of different routes to reflect individual customer's preferences or needs.

12. Resident Involvement and Consultation

- 12.1 Cestria Community Housing recognises the importance of working in partnership with our residents to develop and continuously improve our services and raise standards.
- 12.2 We actively involve residents at the beginning of the decision making processes and ensures residents are empowered to play a part in wider consultation and involvement structures, as detailed in full in our Community Engagement Strategy.
- 12.3 To demonstrate this commitment, this policy:
- Has been developed with residents from the Anti-social Behaviour Working Group.
 - Will be reviewed in consultation with service users and customers;
 - Will be developed and reviewed in light of customer feedback, comments and complaints.

13. Monitoring and Review

- 13.1 The Board will receive quarterly performance monitoring reports on the nature of incidents reported and the outcome of action taken by the Association.
- 13.2 The Association will automatically review this policy, associated procedures and staff training requirements following policy or legislative changes.
- 13.3 The Director of Housing and Community Services will be responsible for ensuring that this policy is reviewed by the Board at least every two years.