

Hate Crime Policy

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Consultation	Completed	Reviewed By	Stop Hate UK & Jay Gill
EIA	Completed	Responsible Officer	Head of Housing
DPIA	Completed	Approval By	Exec Team

1. Purpose

Black Country Housing Group (BCHG) recognises that to provide quality homes that are safe and secure we must be effective in recognising, responding, and tackling hate incidents and crime and offering tailored interventions where required. Our Hate Crime Policy sets out the approach we will take to do this.

BCHG as a social housing provider is required to comply with the public sector equality duty under the Equality Act 2010. This means BCHG must work to:

- eliminate unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the law
- advance equality of opportunity between people who share a protected characteristic and people who do not, and
- foster good relations between people who share a protected characteristic and people who do not share it.

Hate crime has a devastating impact on individuals and communities. People have a right to feel safe as they go about their lives. We are committed to tackling all hate incidents through a robust, victim-centred approach to promote safer neighbourhoods; work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle hate crime in the neighbourhoods where BCHG provide social housing.

Hate Crime is often targeted at the person, family or a community because of who and what they are. This can increase feelings on insecurity, vulnerability and the incident itself can act as a message crime to a whole group identified by a personal characteristic.

The purpose of the Hate Crime Policy is to:

- Provide guidance and a framework for responding to complaints of hate.
- Support victims and witnesses.
- Encourage reporting.
- Prevent hate crime from escalating or occurring by working with customers and relevant partners.
- Treat all involved with dignity and fairness.

2. Scope

This policy applies to customers of BCHG within our general needs, retirement living, supported housing, care services, leaseholders, and shared ownership properties.

We will be clear with customers which policy their complaint falls under when they report to an alleged incident that has been investigated and not accepted as a hate incident.

We will work with local partners and agencies to develop and promote good practice. The Policy will be reviewed in line with new regulations and legislation.

This Policy does not cover BCHG colleagues.

3. Definitions

The law currently recognises five personal characteristics (or monitored strands) that can be the target of hate incident and crime:

- Disability.
- Race, ethnic origin, nationality, national origin.
- Religion or no religion.
- Sexual orientation.
- Transgender identity.

Hate Incident

A hate incident is defined as:

Any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender.

Or:

Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic.

Hate Crime

A hate crime is defined by the Police and the Crown Prosecution Service as:

Any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic:

- a person's race or perceived race, or any racial group or ethnic background including countries within the UK and Gypsy and Traveller groups; this includes asylum seekers and migrants,
- a person's religion or perceived religion, or any religious group including those who have no faith,
- a person's sexual orientation or perceived sexual orientation, or any person's sexual orientation,
- a person's disability or perceived disability, or any disability including physical disability, learning disability and mental health or developmental disorders.
- a person who is transgender or perceived to be transgender, including people who are transsexual, transgender, cross dressers and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004.

Evidence of hate

Evidence of the hate element is not a requirement. A complainant does not have to personally perceive the incident to be hate related. It is sufficient for it to be treated as a hate related if a third party, for example, a witness, BCHG colleague or police officer thought that incident was.

Threshold for hate crime prosecution

Any crime can be prosecuted as a hate crime if the offender has either motivated or demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity.

Hostility

The Crown Prosecution Service (CPS) state that in the absence of a legal definition of hostility they use everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment, and dislike. Evidence of hostility might include words or actions at the time of the offence, or just before or just after it happened.

Prejudice

Prejudice is an unjustified attitude or opinion, usually a negative one, directed toward an individual for something the individual cannot control.

Victim centred approach or complainant-centred approach

This approach means at the outset believing and listening to the complainant and their advocates version of events.

Perpetrator

The person believed to be causing the harassment/hate crime.

Victim

The person(s) believed to have experienced the hate crime.

Complainant

The person who makes the complaint

Intersectional hate crime

Hate crime can be intersectional in nature meaning someone can be targeted for more than one type of hate crime. For example, more likely to be targeted for being black and gay compared to someone who is white and gay.

4. Related Policy / Procedure and other Documents

Anti-Social Behaviour Procedure

CCTV Policy

Complaint Policy

Domestic Abuse Policy

Estate Management Policy

Equality & Diversity Policy

Health & Safety Policy

Lettings Policy

Neighbourhood Management Policy

Safeguarding Policy

Links to external documents:

[Hate crime, England and Wales, 2022 to 2023 second edition - GOV.UK \(www.gov.uk\)](https://researchbriefings.files.parliament.uk/documents/CBP-8537/CBP-8537.pdf)
<https://researchbriefings.files.parliament.uk/documents/CBP-8537/CBP-8537.pdf>
[Hate-Crime-what-it-is-and-how-to-support-victims-and-witnesses.pdf \(cps.gov.uk\)](https://www.cps.gov.uk/hate-crime-what-it-is-and-how-to-support-victims-and-witnesses.pdf)
[How to support hate crime victims - Chartered Institute of Housing \(cih.org\)](https://www.cih.org.uk/how-to-support-hate-crime-victims)

5. Roles and Responsibilities

The responsibility to oversee the implementation of this policy is with the Head of Housing and the Area Customer Relation Managers are responsible for the operation of this policy.

Customer Relation Managers are responsible for recording, actioning, and monitoring incidents.

The Head of Customer Voice is responsible for ensuring our engagement activities promote standards of behaviour we expect.

All staff are responsible for assessing risk of harm to customers and in making sure that there is no serious detriment.

The Deputy Chief Executive will be responsible for approving any eviction requests, and to notify the Exec Team, and Board of Management, of any risk events and serious incidents.

6. Policy Statement

BCHG condemns all forms of hate crime, and our aims are to:

- Respond positively and within 24 hours to any reports of hate crime.
- Develop a victim-centred approach to support the victim(s) and co-creating action plans.
- Use all available tools and options in tackling hate crimes.
- Take prompt and effective action, including legal action where necessary, against perpetrators.
- Communicate with customers about their rights and responsibilities, emphasising the importance of allowing people to live peacefully in their homes and neighbourhoods and being a considerate neighbour.
- challenge any attitudes and behaviours that foster hatred and prejudice and encourage early intervention to reduce the risk of any incidents escalating.
- Encourage the reporting of hate crime.
- Support and offer signposting services to people experiencing hate crime.
- Provide regular training and awareness for colleagues and customers.
- Work to prevent further hate crime, including participate in multi-agency arrangements where appropriate, co-operating with the police, local authority, other housing associations, community groups and multi-agency panels and support services.
- Encourage customer groups to support complainants and victims and give evidence of hate crime.
- Monitor the effectiveness of action taken.
- Where relevant support Anti-Social Behaviour Case Reviews (formerly known as the 'Community trigger')
- Promote awareness of the diversity of our customers to our colleagues and customers.

The processing of personal data included in this policy is included in both the appropriate BCHG Privacy Notice(s) and the BCHG Data Asset Register

7. Policy Details

Types of hate crime

Hate crime can fall into one of three main types: physical assault, verbal abuse and incitement to hatred.

Physical assault

Physical assault of any kind is an offence. Depending on the level of the violence used, a perpetrator may be charged with common assault, actual bodily harm or grievous bodily harm.

Verbal abuse

Verbal abuse, threats, intimidation or name-calling is the most common hate experience. Victims of verbal abuse are often unclear whether an offence has been committed or believe there is little they can do. However, there are laws in place to protect from verbal abuse.

Incitement to hatred

The offence of incitement to hatred occurs when someone acts in a way that is threatening and intended to stir up hatred. That could be in words, pictures, videos, music, and includes information posted on websites.

Hate content may include:

- messages calling for violence against a specific person or group.
- web pages that show pictures, videos or descriptions of violence against anyone due to their perceived differences.
- chat forums where people ask other people to commit hate crimes against a specific person or group.

Although the following is not an exhaustive list, hate incidents/crime may be one or more of the following:

- Physical attacks on people or property.
- Intimidation.
- Graffiti.
- Arson or attempted arson.
- Online abuse.
- Befriending and taking advantage of vulnerable disabled customers.
- abusive or threatening language or behaviour; and
- deliberate and targeted acts intended to deter customers from living in their home or to force them to leave.

Supporting Victims & Witnesses

We will support complainants/ victims and witnesses throughout a case and beyond where appropriate. We will deal with all reports sensitively and confidentially and within the agreed timescales. We will identify a named colleague for each case.

Reporting hate incident/crime

We will accept reports from our customers, members of the community, our partners, the Police, and other agencies. Customers will be able to report hate incidents by phoning us, by letter, by email, through a member of staff, an advocate or through customer groups. Where appropriate we will take anonymous reports and take action, such as the removal of graffiti. We will acknowledge all reports received.

Closing Cases

In all circumstances BCHG will inform the complainant in writing of the reasons for the closure of their case.

Feedback

After closing a case we will seek feedback from the customers involved. These reviews are designed to help improve our strategies on prevention, self-help, intervention, and enforcement.

Information Sharing

BCHG will take an active role in partnerships with local agencies to tackle hate crime, particularly through local RSL forums and Community Safety Partnerships. Information Sharing Protocols are, and where appropriate, will remain in place with key local agencies. These are specifically designed to facilitate and govern the effective use of information relating to the prevention, detection and reduction of hate crime and meeting the requirements of the Public Sector Equality Duty in the Equality Act, 2010.

7.1 Data Processing

Personal Data: Any personal data will be stored on Open Housing or securely on SharePoint. Data will be deleted in accordance with the Asset Data Retention and Disposal Policy.

Data Protection: BCHG recognises that cases of hate crime are particularly sensitive and will take extra measures to maintain confidence of information. Where possible we will seek to establish information sharing protocols with relevant external agencies to help in managing the cases.

Data Integrity: genuine documentation for identification and evidence used to take legal action will be obtained as proof.

7.2 Legal and Regulatory Considerations

Legislative

- Anti-Social Behaviour Act 2003 & Anti-Social Behaviour Crime & Policing Act 2014
- The Social Housing (Regulation) Act 2023
- Crime and Disorder Act 1998 (ss28-32)
- Crime and Policing Act 2014
- Criminal Justice Act 2003 (2145-146)
- Domestic Violence, Crime and Victims Act 2004
- Equality Act 2010
- GDPR Data Protection 2018
- Housing Act 1985, 1988, 1996 and 2004
- Human Rights Act 1998
- Protection from Harassment Act 1997 ("together Harassment Law")
- Public Order Act 1986
- Racial and Religious Hatred Act 2006
- Sentencing Act 2020 (ss66)

Regulatory Considerations

The Neighbourhood & Community Standard requires registered providers to treat neighbourhood management seriously and ensure they have policies and practices in place to address customer concerns on ASB and hate crime.

7.3 Equality Diversity & Inclusion

We will consider our obligations to perpetrators of hate crime who may have a protected characteristic such as a disability. We may, after balancing the needs of neighbours, BCHG's staff and contractors and property safety proceed with legal action as a proportionate means of achieving a legitimate aim following an appropriate risk assessment.

8. Customer Voice

As part of no voice, no approval, BCHG invited customers who indicated a preference to get involved in policy work to an online session with Stop Hate UK. Within this interaction, the experiences of customers backed the need for this policy. Specifically, the recognition that the burden of evidence is not with the victim was welcomed. The general principles and the defining of hate outside of an ASB policy was seen as positive, and helpful to support colleagues and customers.

9. Compliance, Monitoring & Reporting

The line manager of the Customer Relation Managers will regularly monitor cases, and will give advice, support, and make sure relevant training is received where necessary.

All cases are recorded and dealt with, and risk analysed, and feedback given to customers in line with the minimum standards in the procedure. After closing a case we will seek feedback from the customers involved. These reviews are designed to help improve our strategies on prevention, self-help, intervention, and enforcement.

We will analyse incidents to identify 'hot spots and trends, looking out for any groups that are disproportionately impacted.

We will use feedback from Tenant Satisfaction Surveys to evaluate the effectiveness of our hate crime policy and ensure that all our customers feel safe and supported within their neighbourhoods.

Our Key Performance Indicator will record the number closed successfully resolved cases as percentage of those reported. Reports will be submitted to the Executive Board on the progress of incidents, action taken, outcomes achieved and resident feedback of the service.

This Policy will be reviewed every three years, and we will use the feedback from customers to improve the service. BCHG Board will receive an annual report on our activity in this area including resident feedback on our approach and how we can improve our service.

10. Complaints

We will do whatever we can to take a victim centred approach in all that we do. If it is perceived, we have failed in this then we will support the resident to use our complaints handling procedure through the Complaints Policy.