

Hate Crime Strategy

2010
ROTHERHAM LTD

TURNING HOUSES INTO HOMES



INVESTOR IN PEOPLE



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Foreword

We are pleased to introduce this Hate Crime Strategy for 2010 Rotherham Ltd.

It represents our corporate commitment to take a structured approach and place local people, our employees, our partners, and the community at large at the heart of all that we do.

Our strategies are evidence that we are serious about bringing positive change within the organisation, and proof that we know more needs to be done through actions listed in the Action Plans.

We know that to succeed we need to work with local people and with local organisations to demonstrate that we are working for our communities, and we look forward to working with customers in delivering the commitments made in this strategy.

Colin Earl
Interim Chief Executive

EXECUTIVE SUMMARY

1. The Hate Crime Policy and Procedure provides a detailed response to how 2010 Rotherham Ltd will manage instances of hate crime within the Borough.
2. Key elements of this procedure cover many potential instances of racial harassment and hate crime and provide a robust and proactive response from 2010 Rotherham Ltd.
3. This procedure provides frontline staff with a fully functional Operational Procedure. This policy and procedure creates a firm multi-agency link up to other regional policies and strategies.

NEW FINANCIAL, PERSONNEL, POLICY OR RISK IMPLICATIONS DIRECTLY ARISING FROM THIS REPORT

1. There are no major financial implications. Court cases are often used as a last resort and costs in relation to Court cases are usually minimal. Many actions can be effectively dealt with by 2010 Rotherham Ltd working in partnership with other agencies.

RECOMMENDATION

The recommendation is that 2010 Rotherham Ltd adopts the Racial Harassment and Hate Crime Policy and Procedure as set out overleaf.

1.0 INTRODUCTION

1.1 2010 Rotherham Ltd recognises that discrimination experienced through hate crime is a serious problem and aims to deal effectively with reported cases. 2010 Rotherham Ltd is prepared to take action against perpetrators of such acts.

1.2 This policy and procedure deals with hate crime incidents which can be defined as:

Racist, religiously aggravated, faith, gender, disability, transphobic or homophobic incidents and any other hate crime (but not that of domestic violence, which is covered by a separate policy).

It applies to all residents of 2010 Rotherham Ltd, their household members and visitors whatever their tenure.

2.0 Key Definitions

The types and nature of incidents covered by this policy may be manifested in the following range of ways. (Please note that this list is not comprehensive or exhaustive):

- Providing or offering offensive literature
- Damage to property
- Assault
- Verbal abuse and threats
- Use of unsavoury or offensive names
- Malicious phone calls
- Threatening behaviour and intimidation
- Arson
- Jokes
- Graffiti and fly-posting
- E-mail
- Plus any other incident that is perceived to be a hate crime by the complainant or any other person.

Please note in some instances complainants of harassment may experience several forms of harassment e.g. verbal abuse and assault at the same time.

2.1 Racist Incident

- **Any incident, which is perceived to be racist by the complainant or any other person. (*Stephen Lawrence Inquiry report, CM 4262-I recommendation 12*)**

2.2 Religiously Aggravated Incident

- Any incident, which is perceived to be religiously aggravated by the Complainant, or any other person.

2.3 Homophobic Incident

- Any incident, which is perceived to be homophobic by the Complainant, or any other person.

2.4 Transphobic Incident

- Any incident which is perceived to be transphobic by the complainant or any other person.
- Transphobia is an irrational fear or hatred of individuals who are or who appear to be transsexual, transvestite or transgender. A transphobic incident is a hate incident motivated by transphobia, committed against people who are or appear to be Transsexual, Transvestite or Transgender.
- The term 'Transgender' is an umbrella term, which includes Transsexual, transvestite and transgenderist.

2.6 Disablist Incident (sometimes referred to as a disability related incident)

- Any incident, which is perceived to be based upon prejudice towards or hatred of the complainant because of their disability, or so perceived by the complainant or any other person.

2.7 Faith Related Incident

- Any incident, which is perceived to be based upon prejudice towards or hatred of the faith of the complainant, or so perceived by the complainant or any other person.

2.8 Sectarian Incident

- Any incident, which is perceived to be sectarian by the complainant, or any other person.

2.9 Asylum Seekers

- Any incident which is perceived to be based on a person's immigration status as an asylum seeker by the complainant or any other person

2.10 Age

- Any incident which is perceived to be based on a person's age by the complainant, or any other person.

2.11 Gender

- Any incident which is perceived to be based on a person's gender by the complainant, or any other person.

3.0 What is Hate Crime?

Hate crime is harassing, victimising, intimidating or abusing someone because of their race, faith, religion, disability or because they are lesbian, gay, bisexual or transgender.

If a hate crime is committed against a lesbian, gay, bisexual or transgender person it is sometimes known as a homophobic or transphobic crime. If a hate crime is committed against someone because of their colour, ethnicity, asylum seeker or refugee status it is known as a racist crime.

A hate crime is defined as:

A crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised.

We will treat all victims of crime in a professional and sensitive manner. It is important that hate crime is reported because it doesn't just affect the victim, it can have an impact on entire communities.

A hate crime can specifically include:

- Physical attacks
- Harassment
- Threats
- Disputes with neighbours
- People swearing or making abusive remarks
- People doing things that frighten, intimidate or distress
- Bullying at school, college or place of work
- Arson
- Spitting or making insulting gestures

Whenever an incident is perceived to be motivated by prejudice or hate we need

to record it as a hate crime incident. This is different from saying a hate crime has occurred, rather it respects the fact that this is the victim or witness's perception and that as a consequence they may feel even more hurt, vulnerable or angry and may require additional support.

Although hate crime is another form of anti-social behaviour and should be investigated in the same way, there are a couple of additional actions that should be taken in a hate crime incident, or an incident that includes elements of hate crime.

- A key contact (usually the Neighbourhood Champion or Housing Officer) should be established for each case, whose role it is to stay in close contact with the victim or witness.
- The incident should always be raised at the next Safer Neighbourhood Team and dealt with on a multi-agency basis.

Additional recording procedures should be followed because the Borough collates statistics specifically on racist incidents and other hate crime incidents.

4.0 Policy Statement

2010 Rotherham Ltd will:

- Ensure that an initial incident will be accepted as harassment if Defined as such by the complainant or another person until further investigation prove otherwise.
- Take a positive and supportive approach to all people who ask for help or advice about hate crime or other hate crimes.
- Take swift and effective action (often with partners) against perpetrators of racial harassment or other hate crime with the aim of protecting the complainant, stopping the abuse and preventing further incidents.
- Will ensure action is taken in accordance with the requirements of current legislation.
- Adopt a complainant centred approach in dealing with racial Incidents and hate crime, treating all information with the utmost confidentiality, but explaining when and hy we may need to seek agreement to share this information within the Borough Council and our partner agencies.
- Recognise that it is the fundamental right of all people to be free of

harassment and accept the individuals' right to quiet enjoyment of their home' without fear.

- In high risk cases offer advice on short-term housing solutions, which may provide tenants with temporary respite and an opportunity to consider their future.
- Provide a signposting service of local agencies that can give specialist Help. If the person wishes, approaches or referrals may be made on their behalf.
- Undertake essential repairs arising from an incident of racial Harassment and other hate crimes, as a matter of priority, in accordance with the tenancy agreement.

5.0 Purpose of Policy

2010 Rotherham Ltd acknowledges that hate crimes are under-reported. 2010 Rotherham Ltd seeks to encourage further reports through its approach in dealing with the incidents and people's ability to report them via the full range of Corporate and Partner methods. To this end 2010 Rotherham Ltd is committed to taking swift and effective action against perpetrators of such anti-social behavior with the aim of protecting the complainant, stopping the harassment and preventing further incidents.

Complainants of hate crime have six main expectations of 2010 Rotherham Ltd:

- To be believed and taken seriously;
- For complainants/witnesses to be dealt with sympathetically;
- To be supported and advised appropriately;
- To be kept informed;
- To find an effective solution to stop the hate crime;
- To send out a clear message that 2010 Rotherham Ltd will not tolerate hate crime.

We will:

- Respond to the individual needs of people who experience hate crime and in high risk cases provide speedy and effective rehousing opportunities via our lettings where necessary.
- Recognise the serious and widespread nature of racial harassment or other hate crime and provide positive support and advice to all people who ask for help or assistance.

Utilise a policy framework that does not provide an advantage to any group.

- Pursue possession proceedings under 'breach of tenancy' where there is sufficient evidence.
- Work closely with other service areas, our partner agencies and the Community to provide a co-ordinated and integrated response improving consistency of approach and performance.
- Ensure that relevant employees are given appropriate training on the impact of our response to hate crime and highlight 'awareness' of the subject.
- Identify for each case a key contact officer to act as a point of contact for the victim or witness and for other services who are jointly dealing with the case.

Ensure that all our own policies and procedures take into account the diversity of our customer base and are designed to eliminate discrimination either witting or unwitting.

6.0 Procedure

6.1 Receiving the Complaint...

2010 Rotherham Ltd could receive a complaint of hate crime in a number of ways:

- Direct referral from any Neighbourhood Office
- Referrals from partner agencies
- Telephone referral from the Citizens Advice Bureau or Advice Centre
- Personal direct contact from the complainant
- A personal telephone call from the complainant
- Report from a community group
- Letter
- E-mail
- Report from a third party
- Elected Member/Every Contact Counts
- Referral from one of our Partner Agencies/Specialist Organisations

The method of the referral is not the important issue it is our response which is vital and the procedure should be followed whatever method used.

2010 Rotherham Ltd may receive referrals of hate crime from any source. Whilst the intent and the spirit of the Policy remains the same, the procedures for dealing with incidents will differ where 2010 Rotherham Ltd

has a landlord responsibility in relation to either the complainant or the perpetrator.

6.2 Performance requirement timescales:

- Respond to the complainant within **1 working day with the name of the identified key contact officer allocated to the case and contact details**
- **Case raised at next Safer Neighbourhood Team meeting (SNT) for multi agency input**
- Written response (backed if necessary by alternative format depending on customers preferred communication format) to complainant with SNT agreed actions within **5 working days of the SNT meeting**
- Follow-up visit to complainant within **2 weeks**

6.3 Dealing with a Complaint involving 2010 Rotherham Ltd Tenancies

It is the immediate responsibility of 2010 Rotherham Ltd to deal with cases of hate crime when the complainants or the perpetrators of the hate crime hold a current 2010 Rotherham Ltd tenancy. Establishing tenure should form part of any early discussions. If that is not the case then 2010 Rotherham Ltd will accept the responsibility of supporting the victim until a more appropriate agency is identified.

For each case a key contact officer will be identified by the assistant neighbourhood manager. This will most often be the '**Housing Officer or Neighbourhood Champion**'. Depending on the circumstances this does not mean other members from the Neighbourhood Team cannot deal with an enquiry in the same manner.

Complaints should be acknowledged by phone or visit within **1 working day** of receipt and contact details given for the identified key contact officer. In high risk cases of violence or the threat of violence you should start the investigation immediately the complaint is received.

Initial complaints or referrals may not necessarily be taken up by staff in the Neighbourhood Teams. For example Customers may tell visiting operatives about harassment, it is therefore important that all staff can act appropriately if the complaint is deemed an emergency, particularly if the complainant stipulates violence has been used or threatened and distress is obvious .

Staff receiving the complaint should:

- Complete, with the complainant the usual antisocial behaviour form and in addition the Hate Incident Reporting (HIR) form. A copy of the HIR should go on file and the original forwarded to the 2010 Rotherham Ltd equality and diversity manager for collation of statistics. The equalities officer will be responsible for notify MAARI (Multi- Agency Approach to Reporting Racial Incidents) of all cases. This is an important action because MAARI can provide advice and support on those issues that cannot be resolved through the SNT's. They also collate statistics on a borough wide level of all racial incidents which allows the service to be more proactive in response to developing trends.
- Ask for the consent from the complainant and call the South Yorkshire Police.
- If the complainant does **not** wish for any Police involvement at this time, then offer to make a referral to Victim Support who can provide initiatives including personal attack alarms and target hardening measures. Other alternatives could include a referral to Rotherham Safer Homes.
- **Inform the assistant Neighbourhood Manager of the case and ensure that a key contact officer is identified.**

The key contact officer should:

- ✓ **Contact the complainant within 1 working day**
- ✓ **Arrange for the case to be raised at the next available SNT**
- ✓ **Compile a list of actions that will be taken and communicate that to the complainant within 5 working days of the SNT meeting (taking into account complainants communication needs, but always backing with a written account)**
- ✓ **Arrange a follow up visit within a maximum of 2 weeks to update the complainant.**
- ✓ **Stay in regular contact with the complainant to check for further incidents and that they feel supported and safe.**
- ✓ **Update the Equalities and Diversity manager on a monthly basis on actions taken by themselves and partners on the SNT.**

As far as practicably possible, if any complainant wishes, they should be given the opportunity to discuss their situation with a member of staff of the same sex/racial origin. Requests by the complainant to see staff members with similar disabilities or sexual orientation (gay or lesbian), may not be possible and would require the involvement of other organisations willing to assist.

A careful and sensitive approach is required at **all** times and reassurance must be given to the complainant that 2010 Rotherham Ltd takes the issue of hate crimes seriously.

7.0 Dealing with Hate Crime

7.1 Dealing with a Complaint involving other Tenures

Tenants of Registered Social Landlords

All Registered Social Landlords will have their own robust policies dealing with hate crime whether the tenancy is held by the complainant or the perpetrator. In the first instance, these would normally be referred through to the relevant RSL, unless the complainant does not for whatever reason wish to deal directly with the organisation.

In that case the complaint should be run as in any other landlord.

Tenants of Private Landlords or Owner-Occupiers

If neither the complainant nor the perpetrator is identified as a tenant of 2010 Rotherham Ltd or a RSL, then while the initial complaint may be dealt with by the Neighbourhood Team it must be stressed that another agency may take the lead on it except for any rehousing which 2010 Rotherham Ltd will assist with.

If assistance is requested, from members of the public or waiting list applicants who are non 2010 Rotherham Ltd tenants, support or advice should still be provided. However consideration in this instance should initially be directing individual(s) back to their own landlord or alternatively other organisations that may be able to assist. Establishing tenure should form part of any early discussion.

7.2 Initial Investigation...

2010 Rotherham Ltd considers hate crime to be a priority as part of the Anti-Social Behaviour Strategy. Neighbourhood Management Services, in conjunction with Community Safety, the Safer Neighbourhood Team (SNT) and the Police, will consider the use of Anti-Social Behaviour Orders and Demoted Tenancies, as well as the threat of possession proceedings and injunctions to combat this problem.

7.3 Interviewing the complainant ...

2010 Rotherham Ltd's complainant centred approach to hate crime means that staff should hear and respond to the complainant's view on what is happening. It is not essential for complainants to provide evidence of harassment before we will assist. This principle should guide the investigation of the complaint.

The objective should be to respond to the situation as fairly and speedily as possible with careful consideration to the facts.

Prior to the full interview taking place refresh yourself that you have:

- All the necessary pro forma and leaflets including the usual antisocial behaviour form.
- A listing of useful telephone numbers/specialist organisations and a copy of the hate incident reporting form.
- Research the background of the case, if appropriate, with other staff members or available records

- Prepare likely questions and answers.
- In some cases arrangements may need to be put in place for an Interpreter or signer to be at the interview.
- If the interview takes place at the complainant's home take a camera and if they give agreement, record any damage to the property.
- Advise the complainant that they can bring someone to the interview for emotional support, should they wish to do so.

Interviews should take place at a convenient time and private location chosen by the complainant. This could be a Neighbourhood Office, their home, the home of a friend, or the offices of an agency offering support.

If during the interview it is clear the complainant or perpetrator is an 'Owner Occupier' or non 2010 Rotherham Ltd tenant, proceed with the interview if they are happy to do so. Try and make the complainant feel comfortable with the process.

Always use direct questioning and stress how important the 'Service' is keen to act at all times according to the complainant's best wishes and interests. Our intention is to take action against perpetrators wherever possible. By giving options, support and information you may empower the complainant to make decisions for themselves.

Ensure you complete the antisocial behaviour report form and the HIR form accurately as this will provide a complete history of events and may

form the basis of future criminal action. Advise the interviewee 'why' you are taking notes and 'what' the details you have recorded will be used for. The following guidelines will assist in your objectives:

- Provide the complainant with advice on the current policy for dealing with cases of hate crime. Highlight options available to the complainant, including in high risk cases possible rehousing or legal remedies. Remember however that whilst we always must do the best thing for the complainant, to move victims without addressing perpetrators will create no go areas within our community.
- The information you record may form evidence in a criminal case so be accurate and comprehensive.
- Discuss some practical solutions:
 - Arranging immediate repair works (broken windows/doors)
 - The possibility of 'Improved Security' works to the property (locks, spyholes, window reinforcement), removal of graffiti and thrown eggs.
 - The provision of a risk assessment from the Fire Service where there is a real fear of arson attacks
 - Neighbourhood staff can arrange through the Fire Service/ Community Safety the installation of fireproof letterboxes, fireproof mats, smoke alarms and fire extinguishers.
 - Complainants can receive mobile phones that only ring the
 - Emergency Services from the Police or Safer homes alarms which contact Rothercare.
 - Should the case be referred to the ASB unit, surveillance mechanisms may be put in place
 - If the incident is not a one off you may wish to use diary sheets. If you leave diary sheets with a customer it is your responsibility to collect them every week and discuss the contents with the complainant and the SNT.

In concluding the interview the Housing Officer should advise the complainant a letter will be sent to them highlighting the discussion outlining the agreed action plan and the additional comments of the safer neighbourhood team.

7.4 Consent and Disclosure

The issue of 'complainant consent' and disclosure of information needs to be a discussion point during the interview and you must:

- Seek signed consent from the complainant before referring case to other support agencies, service areas or partner agencies for assistance. These other agencies, including the Police, can offer support, but never initiate contact with them without prior consent.
- Confirmation of incidents, which may form part of the investigation or possible legal action against the perpetrator, will require written authorisation from the complainant. The Police will not provide written details of incidents or offences through the Personal/Non-Personal Data share agreement with 2010 Rotherham Ltd (Data Protection Act 1998) unless a signed consent from the complainant is received.
- Where there is evidence of harm or the threat of harm to a child or someone else who may be considered vulnerable, you should advise the complainant that potentially there is a duty of care to disclose such information to the appropriate agencies. Support from Social Services and the Police would be appropriate here.
- In completing the Hate crime Monitoring Form if 'information sharing' is refused by the complainant, complete the form without names or addresses and mark it 'anonymous' for monitoring purposes. In this instance it would be useful to add the postcode.

7.5 Possible actions...

Whilst the interview may be difficult, try and make it feel less intimidating and bureaucratic. Allow sufficient time, using active listening, and confirming the steps you have agreed during the interview may assist in this aim. It is our intention to support the complainant and to offer support, advice and practical solutions.

2010 Rotherham Ltd can offer advice and signposting to support agencies dealing with hate crime.

There may be **no** immediate conclusion to this interview. More than likely you will need to collect further information from the complainant, take witness statements for any legal action, confirm details from other agencies such as the Police/ASB Team and seek advice from Principal Officers. Ensure the complainant is fully aware of this process.

If the complainant is a 2010 Rotherham Ltd tenant but is **not** requesting rehousing, arrange for some or all of the practical solutions you discussed. Chase-up emergency repairs immediately and arrange in your diary for a follow-up visit within the next three weeks to check if there have been further difficulties.

This procedure can also apply if the complainant chooses to remain at their property but is waiting for an agreed permanent offer of accommodation.

7.6 Temporary accommodation...

Providing temporary accommodation may be the only provision for removing the complainant from immediate danger. The options here are:

The Allocations Team will actively pursue a temporary offer from current availability, pending a suitable permanent move for the complainant. Any 'temporary offer' will not count towards the standard offer entitlement for such cases. The Housing Officer should liaise in this instance.

If this is not possible, the Housing Officer should explore the provision of hostel accommodation provided by Homeless Service. Close liaison with this service area is required. Agreement from the complainant will be necessary here.

The complainant may choose to find their own temporary accommodation, usually from relatives or friends. If rehousing has been approved, they will still be covered by the policy on hate crime for a permanent offer. If the complainant is a sole tenant at that property we will not apply the '4 weeks notice', before termination of the tenancy can take place.

Should the rent account have arrears an arrangement to pay will still need to be made and the Rents Pursuance Team advised.

In 'private sector' cases, after any initial discussions, they should be referred to the Homeless Service area for assessment of the complainant's specific housing need. If agreed by the complainant, the Housing Officer can make a referral on their behalf or the complainant can contact the Homeless Service direct. These principles also apply when dealing with 'Owner Occupiers'.

7.7 Follow-up Work...

It is important to record action details on the 'anti social behaviour form' and in writing to the complainant once you have had SNT input whether this is offers of accommodation, future interviews, witness reports or actions taken by you, other Officers and referrals to other agencies. An update of what has been done should be forwarded to the equalities and diversity manager on a monthly basis for monitoring purposes.

This may consist of:

Visiting witnesses and completing statements. Support from Rotherham Safer Homes Project, the ASB team, 'Enforcement Officers' attached to each of the Neighbourhood areas may be useful in this instance. This will provide a co-ordinated approach for possible legal action against the perpetrator.

Collecting information from other agencies such as the Police, and ensuring appropriate referrals have gone to designated staff in other service areas e.g. Rotherham Safer Homes/MARAC. This will form the basis for decisions and appropriate action with the case.

The early stages of any hate crime incident will require close scrutiny from the Housing Officer involved and monitoring by their Principal Officer. Agreed actions and visits must be followed-up and should form part of the good practice regime for dealing with such cases.

The Housing Officers will be required to chase-up outstanding repair issues with the repairs contractor and any provision for target hardening measures agreed.

An additional 'inter-agency' meeting over and above discussions at the SNT may need to be called to discuss legal actions against perpetrators and should form part of the consideration during case monitoring by the lead Officer.

7.8 Dealing with the Alleged Perpetrator...

A list of possible actions against the perpetrator is contained in Appendix 1. Some of these will require the direct intervention of the ASB unit and others can be undertaken without their involvement. If possession proceedings are agreed against the perpetrator the Officer dealing with the particular case should refer the matter to Legal Services after consultation with their Principal Officer.

7.9 Interviewing Perpetrators...

Ideally carry out interviews with the perpetrator at the Neighbourhood Office with Enforcement Officers from ASB, and if they are not available, with a Neighbourhood Champion.

The perpetrator may not be aware of the name or address of the person making the complaint, or any witnesses, and confidentiality must be maintained during the interview.

As the interview records may be used in evidence during a criminal Prosecution, due care and attention must be paid in conducting the interview in a professional manner. Information must be accurately recorded.

Possible actions against a perpetrator in addition to any criminal proceedings are outlined in Appendix 1 and these should be explained in detail to the perpetrator during the interview.

The actions taken will be appropriate to the information and evidence available and will be done in consultation with your Line Manager and the appropriate agencies (Police, ASB Team etc).

7.10 Review and Conclusion of Case...

For consistency of approach the agreed processes wherever possible should be applied. It will be the responsibility of the Neighbourhood Officer to regularly update the case notes and consult with the appropriate Manager or Neighbourhood Champion in their absence.

Some may view closure of a case when the complainant is rehoused or the perpetrator warned or removed. Due to the nature of hate crime cases, it is difficult to determine when a case is actually concluded as there may well be future reoccurrences.

Like most situations, only after discussion between the Officers concerned and consensus of agreement is reached can a case be deemed closed. All appropriate documentation should be collected and placed on the house file. If appropriate other agencies will need to be advised of this.

Once a case is closed a satisfaction form will be sent out to the complainant by the Equalities manager in order that we can monitor the quality of our service to them.

8.0 Developing our Customers' views.

This policy and procedure has been developed with our customers. At a recent consultation event our customers provided 2010 Rotherham Ltd with valuable feedback which will be used to further develop this policy.

Our customers said:

- 2010 Rotherham Ltd need to raise the profile of hate crime and increase the awareness of the Impact in the community.
- Is there an Inter agency response for hate crime similar to MARAC for Domestic Violence?
- 2010 Rotherham Ltd need to tie this policy into the Safeguarding Adults policy and procedure.
- Can 2010 Rotherham Ltd Use “Getting to Know you” to develop interact groups and raise awareness?
- 2010 Rotherham Ltd must take care not put vulnerable people in stressed/Local vulnerability index areas.

In response to these suggestions:

2010 Rotherham Ltd will:

- Ensure front line staff raise awareness of hate crime within the neighbourhood. We will encourage reporting and publicise where support is available and take steps to reassure the neighbourhood that action is happening by publishing statistics on enforcement.
- We will engage with our partners and offer to take the lead in developing an Inter agency response to deal with hate crime. We would hope that this agency not only deal with hate crime cases but also provide an environment where best practice can develop into current policy.
- Safeguarding adults is paramount in this procedure and 2010 Rotherham Ltd will review the Safeguarding Adults Policy and Procedure to ensure it is updated and reflects the hate crime policy.
- We will facilitate and enable “Getting to Know You” interactive customer groups where we will raise awareness of hate crime. These sessions will be customer focused and we hope to listen and learn from customers to help tailor our future services.
- 2010 Rotherham Ltd acknowledges that vulnerable people need support when living in the community. 2010 Rotherham Ltd will work in close partnership with Rotherham Metropolitan Borough Councils housing solutions officer to ensure vulnerable people have the support necessary for them to live peacefully in their chosen

neighbourhood. 2010 Rotherham Ltd will manage tenancies and neighbourhoods to ensure vulnerable people are not placed in positions which may knowingly create a stressful environment for them.

9.0 Performance Monitoring

Besides any legal requirement, it is important that we monitor all cases of Hate crime including racial harassment. This is to ensure not only that the complainant received what they regarded as a good service and a satisfactory outcome, but also that we have the intelligence, that comes from mapping of the information, to direct our own (and our partners in community safety) resources to combat such incidents through our service provision.

This can be achieved by:

a) forwarding the Hate Incident reporting form to the equalities manager who also forwards details to MAARI and assists in collating stats for the borough.

b) ensuring that the SNT is made aware of it so that information can be passed on to the CIU.

An important part of the monitoring and evaluation process will be consultation with, racist and hate crime, key voluntary sector agencies such as MAARI (Multi-Agency Approach to Reporting Incidents), Victim Support, Safer Homes, and employees of Rotherham Metropolitan Borough Council including 2010 Rotherham Ltd. This is one of the reasons a monthly update on each case should be forwarded to the equalities manager.

In addition 2010 Rotherham Ltd collates monthly figures for BVPI 174 (numbers of hate incidents) and 175 (incidents dealt with) have to be collated by the 2010 Rotherham Ltd Equalities Manager and reported to the Council every quarter.

10.0 Training

Specific training will be provided, where appropriate, for those frontline employees who are most likely to deal with instances of racial and hate crime incidents, to ensure that they have the necessary skills to support someone who is reporting this to them.

11.0

HATE CRIME DELIVERY PLAN

Aim 1 Improve <i>quality</i> of service by providing customer satisfaction at their first point of call.					
Ref	Action	Target / Date	Outcome	Lead	Progress and monitoring
1.1	Increase the skills of front line officers working with customers vulnerable to hate crime delivering awareness training	March 2009	<ul style="list-style-type: none"> All frontline staff to receive basic awareness raising as part of the Safeguarding Adults awareness raising sessions. March 2009 <ul style="list-style-type: none"> All Neighbourhood management visiting staff to receive Hate Crime Training March 2009	S.E.M	
1.2	We improve the first point of contact by having designated Hate Crime Champion in each Neighbourhood Team.	September 2008	Each team to have a DV Champion to help advise front line staff on DV cases. September 2008	S.E.M	
1.3	We will improve awareness and referral procedures by ensuring front line staff receive an updated Information Handbook and Directory	September 2008	<ul style="list-style-type: none"> Visiting staff to be supplied with awareness raising / support leaflets and cards to issue to customers May 2008 <ul style="list-style-type: none"> All Neighbourhood staff to have access to fully updated support manual September 2008	S.E.M	
1.4	Increase the communities	September 2008	<ul style="list-style-type: none"> SRP Publicity material to be 	S.E.M	

Aim 1 Improve <i>quality</i> of service by providing customer satisfaction at their first point of call.					
Ref	Action	Target / Date	Outcome	Lead	Progress and monitoring
	awareness of Hate Crime and actions taken by 2010 Rotherham Ltd's and partners.		<p>promoted in the neighbourhood office reception areas and contact with resident groups.</p> <p>April 2008 & ongoing</p> <ul style="list-style-type: none"> • Improve the content of the website outlining the service customers can expect and actions taken <p>July 2008 ongoing</p> <ul style="list-style-type: none"> • Summer round Your place article produced tied to the website <p>September 2008</p>		
1.5.	Drive performance by monitor and evaluate performance to the anti-social behaviour service standards	July 2008 & ongoing	<ul style="list-style-type: none"> • Produce quarterly performance reports <p>July 2008</p>	S.E.M.	

Aim 2 Improve the support available to ensure that victims of Hate Crime can remain in their home and neighbourhood of choice

Ref	Action	Target / Date	Outcome	Lead	
2.1	Improve awareness of the Safer Homes Schemes among vulnerable communities.	March 2009	Awareness raising sessions with : <ul style="list-style-type: none"> • MAARI • Speak Up • LGBT Group September 2008	S.E.M	
2.2	Raise the profile of the Safer Homes Scheme amongst partners	September 2008	<ul style="list-style-type: none"> • Roll out the “Every visit Counts “ scheme to all parts of the borough & evaluate progress September 2008	S.E.M	
2.3	Provide an accountable enforcement service that takes appropriate enforcement and preventative action where appropriate	July 2008	<ul style="list-style-type: none"> • Monitoring and Quarterly reporting of all cases & the type of action taken. July 2008	S.E.M	
2.4	Work with Speak up the LGBT Group and MAARI to overcome funding difficulties and maintain and a support and sustain a hate crime advisory body.	March 2009	<ul style="list-style-type: none"> • A sustainable advisory body that can provide advice to develop the service and support and advice for victims September 2008	S.E.M	

Aim 3 Improve the support available to re-house victims of Hate Crime					
Ref	Action	Target / Date	Outcome	Lead	
3.1	Work with RMBC to apply the revised allocation (NB policy to be submitted to cabinet in April 2008)	April 2008 onwards	<ul style="list-style-type: none"> Quarterly report on cases re-housed due to Hate Crime July 2008	S.E.M	

Action against Perpetrators

The utmost effort will be used in order to identify the perpetrators and appropriate action will be taken as stipulated in the procedure. The course of action is to be determined by the investigating Housing Officer in consultation with their Neighbourhood Champion (in line with the complainant's wishes) after receiving legal advice. Frontline staff will also be trained so that they will be conscious of the **potential for criminal action** in cases that involve intentional hate crime including racial hatred.

2010 Rotherham Ltd will work closely with the Police and other relevant agencies to collect intelligence and evidence, in pursuing prosecutions for Hate Crime.

2010 Rotherham Ltd will widely publicise the policy and procedure and service standards which, where appropriate will be translated into community languages.

2010 Rotherham Ltd will also publicise and produce complainant support packs to complainants in order to increase their confidence to report racial incidents. In addition we will also work with other services and local agencies to map racist incidents, so as to detect trends and 'hot spots' of racist activity.

Remedies and Powers

The Housing Act 1985 and 1996

The Housing Acts provide a sanction on perpetrators of nuisance and anti-social behaviour in the housing context, whether they are tenants or persons who are, broadly, affecting others lawfully in the area of local authority housing.

Hate crime is not provided for specifically although case law has held that hate crime is included under the heading of "nuisance and annoyance". In reliance on the Housing Acts perpetrators of hate crime who are tenants can be evicted or have an injunction made against them.

Eviction for harassment may be achieved under two different grounds in Schedule 2 of the 1985 Act: Ground 1 covers breaches of the tenancy agreement (see 7.3 below) and Ground 2 is specifically for nuisance or annoyance and/or certain convictions.

Generally speaking, under Section 152 of the 1996 Act an injunction can be obtained against a person who has harassed people who are lawfully in the area of local authority housing where that harassment included violence or threats of violence. A power of arrest may be attached to the injunction. Section 153 of the 1996 Act makes it possible for a landlord to have a power of arrest attached to other injunctions, provided the perpetrator is their tenant and is in breach of their tenancy agreement.

The Tenancy Agreement

2010 Rotherham Ltd's tenancy agreement specifically prohibits harassment on grounds of race or ethnicity. If tenants or persons, for whom tenants are responsible, perpetrate hate crime they are in breach of their tenancy agreement. Action for breach of tenancy can lead to eviction (under Ground 1 and/or 2 of Schedule 2 of the 1985 Act as above), or to an injunction requiring compliance with the terms of the agreement.

Crime and Disorder Act 1998 (ASBOs)

Under this Act, 2010 Rotherham Ltd may apply for an Anti-Social Behaviour Order (ASBO) as a means of combating serious incidents of hate crime if the relevant test is satisfied, namely the perpetrator has behaved in a way that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as him or her.

Acceptable Behaviour Contract

These are often associated with ASBOs but are in fact a separate tool for dealing with anti-social behaviour. An ABC may be useful in cases of racial harassment or other hate crime where 2010 Rotherham Ltd can get the perpetrator to admit that he or she should change his or her ways. The contract is not in fact contractually binding as such but it can be used to record an agreement between the 2010 Rotherham Ltd and the perpetrator, and if broken will be useful evidence for any Court action.

Glossary

ABC – Acceptable Behaviour Contract

ASB – Anti-Social Behaviour

ASBO – Anti-Social Behaviour Order

CIU – Crime Investigation Unit

HIR – Hate Incident Reporting

LVI – Local Vulnerability Index

MAARI – Multi-Agency Approach to Racial Incidents

MARAC – Multi-Agency Risk Assessment Conference

RMBC – Rotherham Metropolitan Borough Council

RSL – Registered Social Landlord

SNT – Safer Neighbourhood Team