

# ANTI-SOCIAL BEHAVIOUR

Hate Crime Policy



# **Hate Crime**

## **Policy Document**

### **Contents**

<b>Purpose &amp; Scope .....</b>	<b>2</b>
<b>Definitions .....</b>	<b>2</b>
<b>Council Principles.....</b>	<b>3</b>
<b>No one should have to suffer from hate crime.....</b>	<b>3</b>
<b>Our role as a Social Landlord: .....</b>	<b>4</b>
<b>Partnership working and our role in the community:.....</b>	<b>4</b>
<b>Prevention .....</b>	<b>4</b>
<b>We will treat reports of hate crime promptly and effectively, by .....</b>	<b>5</b>
<b>We will deal with hate crime firmly and proportionately, by .....</b>	<b>5</b>
<b>We will collaborate with partners and stakeholders in order to tackle hate crime our communities, by.....</b>	<b>5</b>
<b>We will deliver a high-quality service, by .....</b>	<b>6</b>
<b>What we expect from our residents .....</b>	<b>6</b>
<b>Equality and Diversity.....</b>	<b>7</b>
<b>Legislation .....</b>	<b>7</b>
<b>Complaints .....</b>	<b>8</b>
<b>Monitoring and Review.....</b>	<b>8</b>

## **Purpose & Scope**

This Policy is intended to fulfil the requirements of the Housing Act 1996 with regards to the publication of the policies and procedures of a local housing authority in relation to anti-social behaviour, specifically hate crime. This associates with our obligation to work with the Police to reduce crime and disorder in Birmingham, under the Crime and Disorder Act 1998.

This Policy tells you what hate crime is and sets out the guiding principles for those officers in the Council who deal with hate crime.

This Policy states what we want our services to achieve for residents experiencing hate crime and sets out the principles on the kind of service level and quality we aim to provide.

We outline how we will deal with hate crime on a day-to-day basis in our **Procedures** document. In both documents, we will make it clear when a policy or a power applies only to Council tenancies.

## **Definitions**

Birmingham City Council is committed to tackling hate crime. We want to raise awareness of what a hate crime is and help people understand that it is unacceptable to target individuals based on their identity.

A hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's:

- Race
- Religion
- Sexual orientation
- Transgender identity
- Disability

These aspects are known as protected characteristics.

A hate crime can include verbal abuse, intimidation, threats, harassment, assault and damage to property.

A hate incident is behaviour which isn't a crime, but which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice based on the five protected characteristics.

Hate crime reports are triaged to determine the Council's response time as described below in Table 1. Depending on the circumstances or vulnerabilities a tailored response may be required, but the categorisation will not change.

**Table 1 – Hate crime categorisation**

Category	Definition	Response Time
<b>A</b>	(This list is not exhaustive): <ul style="list-style-type: none"><li>• Hate related incidents (hostility towards a person's race, sex or ethnicity, sexual orientation, disability, religion or belief, or transgender identity)</li><li>• Reports involving serious risk to individuals or the neighbourhood, which may include a serious threat of violence or other criminal activity. Incidents such as serious threats of violence or abuse, assault, violent criminal activity, drug dealing or hate crime must be reported to the police by either phoning 101 (999 in an emergency) or reporting online.</li><li>• Reports where individuals with care and support needs are involved.</li></ul>	1 working day

### **Council Principles**

The Council values and behaviours are:

- We put citizens first
- We are empathetic and respectful in everything we do
- We are true to our word
- When we make promises, we keep them
- We act courageously
- We lead, we manage, and we tackle the difficult issues: every day, every one of us
- We achieve excellence
- We get things right. First time every time

### **No one should have to suffer from hate crime:**

We will:

- Make residents aware of what hate crime is, ensuring all information is accessible
- Publicise and promote our various services and partnerships to tackle hate crime
- Encourage residents to report hate crime and make it as easy as possible for them to do this using a range of reporting methods
- Respond to each reported case of hate crime within our target times
- Set out a plan of action, risk assessment in line with the service level agreement, that sets out how we will keep the complainant informed of progress and possible enforcement powers
- Proactively prevent hate crime through active engagement with residents and the community and through partnership working with relevant organisations
- Ensure that you feel we have listened to you. We will be open and honest focussing on resolving the problem, being realistic about what we can deliver

### **Our role as a Social Landlord:**

Birmingham City Council believes that every individual is entitled to peaceful enjoyment of their home and surrounding areas. We are committed to fulfilling our duties of investigating and resolving hate crime issues that creates disturbance to residents. As a landlord, we have a duty, under the Anti-social Behaviour Act 2003 to respond to the issues affecting the properties we manage. We now have a range of additional powers to take action against hate crime under the Anti-social Behaviour, Crime and Policing Act 2014.

### **Partnership working and our role in the community:**

Where the hate crime relates to a dispute involving a Registered Social Landlord tenant, a leaseholder, an owner-occupier, a private tenant or a landlord, Birmingham City Council will work with the appropriate organisations for any required action. However, in cases where the team is unable to take action, the complainant will be signposted to appropriate agencies.

Many hate crime cases will require the involvement of partner agencies and services to resolve the problem. City Housing will work with internal departments and partner agencies such as the Police, Housing providers, as well as statutory services, for example Social Services, Education, Health, Youth and Counter Terrorism. In addition to this we will also seek to work with commissioned services or support agencies.

We will carry out joint interviews or home visits to Complainants and Perpetrators to assess support needs or issue warnings. Our involvement with partners varies, dependent on stock numbers and profile within each area. We are members of the Birmingham Community Safety Partnership and contribute to decisions relating to housing, including community safety in local areas through participation in Local Community Safety Partnerships. We will utilise this partnership to provide and obtain relevant knowledge and data surrounding hate crime.

Under the Crime and Disorder Act 1998, we must work with the police and other agencies to reduce crime and disorder in Birmingham.

### **Prevention:**

We will:

- Ensure applicants on our Housing register are encouraged to declare any previous links to criminality or convictions in the locality of a property
- Have a proactive approach to the needs of youth and children by identifying support needs and facilitating signposting to partnership agencies
- Have greater awareness of people with support needs through tenancy support services
- Take an impartial and tailored approach to finding sustainable solutions to effectively address hate crime incidents, to ensure that tenancies can be sustained where possible
- Be responsive to vandalism and damage to properties and communal areas
- Ensure management of communal areas as set out in tenancy conditions
- Ensure the teams identify and share learning from hate crime incidents, to implement initiatives and estate intervention plans to prevent further hate crime from occurring
- Provide ongoing mandatory training for staff for awareness of extreme possibilities
- Work with partners to understand how media platforms can be used to spread divisive and hateful narratives
- Work with partners to encourage delivery of education surrounding hate crime

**We will treat reports of hate crime promptly and effectively. by:**

- Complying to our prompt response period in line with our corporate timescales
- Registering each case, give it a unique reference number and named case officer
- Encouraging and supporting residents to be involved in remedying hate crime by using the tools and technology available
- Assessing the hate crime reported to us and take action in accordance with our service standards
- Treating all reports as personal information under the General Data Protection Regulations 2018 and we will not disclose personal information unless required to for such purposes as a prosecution, a safeguarding concern, where it is in the public interest or with the persons consent
- Sharing information with other organisations for the prevention or detection of crime or disorder, in accordance with data protection laws and information sharing agreements
- Ensuring criminal activities reported to the Council are referred on to the police
- Fully investigating the complaint, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses
- Referring cases between the different departments of the Council and to other agencies, as necessary
- Explaining our reasons if we are unable to progress with the complaint and signpost to support agencies
- Ensuring cases are not open longer than is deemed necessary and inform all parties of the case closure, using their preferred method of correspondence
- Respond swiftly and effectively to feedback about the service

**We will deal with hate crime firmly and proportionately. by:**

- Ensuring residents are fairly treated, without discrimination on any grounds including those identified as protected characteristics in the Equality Act 2010.
- Prioritising responses to cases, based on the details of the case, taking any necessary early action to protect residents and property
- Investigating the circumstances and seek to understand all the facts with an evidence-based approach
- Consider a broad range of interventions where appropriate to encourage tenancy sustainment
- With the consent of the residents involved, refer suitable cases to mediation
- Adjust our approach as necessary, when a complainant or a perpetrator is a vulnerable person
- Seeking to resolve cases utilising a broad range of intervention, tools and techniques
- Taking swift and appropriate formal action by using the legal and non-legal tools and powers available to us according to our professional judgement
- Attempt to avoid any major impact in our neighbourhoods
- Seek to promote a focus on perpetrator accountability

**We will collaborate with partners and stakeholders in order to tackle hate crime our communities. by:**

- Playing a full part as a lead member of the Birmingham Community Safety Partnership, to ensure strong partnerships with local communities and organisations

- Participating in relevant strategic or preventative initiatives
- Participating in multi-agency workgroups dealing with hate crime trends, by working with social housing providers, private landlords, letting agents, universities and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent, or tackle hate crime making use of their own resources

**We will deliver a high-quality service. by:**

- Ensuring all staff understand the definition of hate crime
- Ensuring that staff responding to hate crime follow agreed policies and procedures
- Complying with the Home Office Principles on hate crime
- Ensuring that staff dealing with hate crime are trained in all relevant legislation including equality, diversity, mental health including capacity and safeguarding
- Ensuring early identification and intervention of hate crime reports
- Ensuring that staff are aware of their responsibilities and roles in tackling hate crime, including early intervention and prevention measures, safeguarding vulnerable people, commitment to multi-agency working and tailoring approaches in line with best practice
- Identifying hate crime champions locally to provide support on live cases
- Facilitating best practice groups to review cases and trends, adopting continuous improvement
- Providing a tailored approach to the resident's experiences and deliver a supportive collective response
- Explaining to the complainants how their evidence will be used and their role in possible court proceedings
- Obtaining residents feedback through surveys to obtain an understanding of their experiences with the service and drive service improvement
- Using data-driven approaches in addressing hate crime incidents
- Regularly reviewing and assessing hate crime incidents to ensure the needs of complainants and communities are met
- Acting on any negative feedback to improve our service when appropriate
- Ensuring that we keep high quality records of our interactions, actions and case management

**What we expect from our residents:**

- Be a thoughtful and considerate neighbour
- Communicate with residents respectfully, contribute to a positive environment, avoid escalation, have compassionate consideration of resident's personal circumstance
- Consider mediation to resolve complaints and disputes, where appropriate
- Ensure residents make us aware of any support needs or vulnerabilities in the household as early as possible
- Engage and communicate with Birmingham City Council as per agreed action plan
- Keep records of incidents and work with us to gather evidence to support the case
- Report incidents to the police and other relevant partners
- Complete a Customer Satisfaction Survey following the case closure, so you can tell us about your experience in how we handled your case, this will help us to continuously improve our service to you

## **Equality and Diversity**

The council recognises that its colleagues and citizens come from diverse backgrounds, with varying experiences and needs. BCC is committed to promoting equality and fairness and combating discrimination. This applies to everyone, regardless of gender, racial or ethnic background, disability, religion or belief, sexual orientation gender reassignment, age, marital or parental status. The Council treats everyone it houses, serves, and employs, fairly, and encourages others to do the same.

We recognise that within this policy we will be required to undertake reasonable adjustments when we identify vulnerabilities within the household to deliver a service that meets the needs within the household.

## **Legislation**

Our policy commits us to trying to reach a fair and lasting solution to hate crime problems as quickly as possible. Dependant on the nature of the complaint, we will identify the most appropriate and necessary action. We may start with low-level action and then, if this does not stop the problem or reduce it to a reasonable level, start to take increasingly stronger measures. The Council (on its own or in partnership with other agencies) can deal with hate crime problems in a variety of ways.

The approach we will take in any individual case will depend on a large number of factors, in particular whether the problem is housing-related or involves hate crime in the wider community.

We are committed to using the tools and powers available to us under the law, according to our best professional judgement. However, legal remedies will usually take time and the solution may be beyond our control. Lead officers will explain to complainants of hate crime that if a case goes to court, it will be the Court and not the Council that will decide whether an action, like an injunction or eviction, is justified

The following actions are possible for cases of serious hate crime and are escalations on from the actions detailed above:

- Serving a Notice Seeking Possession on secure tenants (Discretionary Grounds)
- Serving a Notice Seeking Possession on secure tenants (Absolute Grounds) ·
- Serving a Notice of Possession Proceedings on Introductory Tenants ·
- Serving a Notice of Extension on Introductory Tenants
- Possession Order
- Injunctions (Without notice · Injunctions (With notice)
- Undertakings
- Committal
- Parenting Orders
- Closure Notice
- Closure Order
- Community Protection Notices
- Public Space Protection Orders
- Fixed Penalty Notices for breaches of CPN and PSPO
- Demoted Tenancies

Prior to taking Legal action, a proportionality assessment will be carried out to ensure our actions do not discriminate against the perpetrators and we have paid due regard to the Equality Act 2010.



If we do have to take legal action, together with our partners, we will make full use of the enforcement powers available to us under relevant legislation, including the following: -

- Mental Health Act 1983 (amended 2007)
- Housing Acts 1985, 1996 & 2004
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Data Protection Act 1998, 2003 and 2018
- Local Government Act 2000
- Freedom of Information Act 2000
- Anti-Social Behaviour Act 2003
- Equalities Act 2010
- Care Act 2014
- Anti-Social Behaviour, Crime and Policing Act 2014 (As amended)

\*\*\*This list is not exhaustive

### **Complaints**

We recognise on occasion that citizens may become dissatisfied with the process and or the quality of works undertaken, and we would encourage any tenant to contact us directly to make a complaint:

- Telephone
- Online
- Face to face
- Letter
- Email

The complaints system will also be used to identify themes, trends, improvements and learning opportunities in service delivery and residents' outcomes.

Once our Complaints Policy is exhausted and if they remain dissatisfied, then they can contact the Housing Ombudsman.

### **Monitoring and Review**

This policy will be periodically reviewed in line with our corporate timescales to ensure its effectiveness and compliance with any changes in legislation or local housing requirements. Amendments may be made as necessary.