



Hate Crime and Hate Incident Policy

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1. INTRODUCTION

Hate Crime is a breach of the Tenancy Conditions and a criminal offence.

Fortis Living condemns Hate Crimes and Hate Incidents, whether perpetrated against a person or a property, by its tenants, employees, agents or contractors.

Victims are more likely to suffer serious long lasting damage as Hate Crime undermines a person's dignity, their individuality, their sense of worth and their respect for their place in society.

Our actions when dealing either with reported Hate Crime or Hate Incidents will be identical. When the policy refers to Hate Crime it is considered this will also include Hate Incidents.

2. POLICY STATEMENT

We recognise the adverse effect Hate Crime has on our residents, communities and assets. The aim of this Policy is to ensure that we minimise this by dealing with incidents effectively and that we meet regulatory and legal requirements.

Fortis Living is committed to ensuring that our neighbourhoods are safe and welcoming places, delivering services that are fair and transparent for all our residents.

We aim to provide the framework to ensure that residents are able to go about their daily lives without fear of becoming a victim of Hate Crime and will work towards preventing this type of behaviour in areas where we work.

This policy has been developed to deal with all forms of Hate Crime and sets out the principles for addressing and tackling this behaviour. This policy should be considered in conjunction with Fortis Living Antisocial Behaviour Policy and the associated procedures.

3. OBJECTIVES

Hate Crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability or gender identity or perceived gender identity or any other individual protected characteristic that makes someone appear different.

A Hate Incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race or ethnicity, religious beliefs, sexual orientation, disability, gender identity or due to individual characteristics that may make them 'appear' different.

Race: means any group defined by race, colour, nationality or ethnic or national origin, including countries within the UK, and Gypsy or Irish Travellers. It automatically includes a person who is targeted because they are an asylum seeker or refugee as this is intrinsically linked to their ethnicity and origins. National Policy and legislation takes a 'human rights' approach and covers majority as well as minority groups.

Disability: A physical impairment is a condition affecting the body, perhaps through sight or hearing loss, a mobility difficulty or a health condition. A mental impairment is a condition affecting 'mental functioning', for example a learning disability or mental health condition such as manic depression.

Religious belief: taken in a broad context and including traditional and non-traditional beliefs. This also includes hostility towards atheists and sectarian crimes within different sections of the same religion.

Sexual orientation: refers to the person's identification as lesbian, gay, bisexual or heterosexual.

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Gender Identity: Includes 'transgender' (or trans) as an umbrella term that covers not only transsexual men and women (who are also protected under the gender reassignment characteristic) but also cross-dressing and transvestite people, intersex people (people born with chromosomal abnormalities or ambiguous genitalia) and polygender/androgynous people.

The final undefined category includes any individual characteristic that makes someone 'appear' different, e.g. physical appearance, lifestyle, cultural and a set of group particular values and tastes.

Other Agencies and partners are free to extend their own policy response to include the hostilities that they believe are prevalent in their area or that are causing the greatest concern to the community.

Telling a victim that a crime is not a Hate Crime could be deeply offensive to them. This is particularly the case when the circumstances fit the first part of the common definition: 'Any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised'.

Hate Crime can be perpetrated by physical attacking, threats and intimidation, verbal abuse or insults, cyber bullying and displaying or circulating discriminatory literature or posters.

Other forms of harassment, which are not perceived to be motivated by prejudice or hatred are not covered by this policy and will be investigated in line with our Antisocial Behaviour Policy and Procedure.

4. LEGISLATION AND REGULATION

The main legislative framework relating to equality and diversity include:

- The Disability Discrimination Act 1995
- The Antisocial Behaviour Act 2003
- Human Rights Act 1998
- Race Relations (Amendment) Act 2000
- The Equalities Act 2010
- The Antisocial Behaviour, Crime and Policing Act 2014
- Marriage (Same Sex Couples) Act 2013
- Religious Hatred Act 2007
- Criminal Justice Act 2003
- Protection from Harassment Act 1997

5. PERFORMANCE STANDARDS AND PERFORMANCE INDICATORS

The operation of this policy will be managed through a comprehensive procedure. The procedure will provide staff with detailed, timetabled guidance for dealing with hate crime in a consistent manner.

We aim to communicate directly with 100% of victims of hate crime who report an incident within 24 hours of receiving the complaint.

6. POLICY DETAIL – OPERATIONS AND IMPLEMENTATION

Victim and witness support is essential in maintaining confidence with those willing to give statements and evidence enabling us to progress successful enforcement measures.

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We will undertake preventative action and will widely publicise information relating to our policy on Hate Crime to encourage reporting.

As soon as we are made aware of a potential Hate Crime we will provide access to support services whilst responding sensitively, nonjudgmentally and effectively to those needing help and will take a proactive approach to providing additional safety in the homes of vulnerable people.

We will respect strict confidentiality and only share information with the consent of the person concerned, unless it can be demonstrated that sharing information is necessary to safeguard welfare.

Where appropriate and necessary we will carry out a risk assessment for the victim, family, the local community, other agencies and our staff.

We will always consider the wellbeing and safety of children and vulnerable adults. All those involved in the delivery of this policy should ensure that they are familiar with the Fortis Safeguarding, Protection from Abuse Policy and the Dignity at Work Policy

7. EQUALITY AND DIVERSITY

Our Equality and Diversity Policy, confirms our commitment to the elimination of discrimination in all our dealings as a provider of housing and related services.

This link to our Equality and Diversity Policy outlines our commitment to ensure that services we provide are carried out fairly and that no group in society is more likely than another to suffer discrimination.

We will ensure that services take into account diversity to ensure no one is excluded.

It is our commitment to identify, protect and safeguard all vulnerable people within our communities and it is a matter of priority that we raise awareness, confidence and understanding.

Equally, we understand that offenders can themselves be vulnerable and in need of specialist intervention and support.

8. IMPLICATIONS

Failure to deal with Hate Crime presents a significant risk to our reputation. It may also lead to lack of reporting incidents of Hate Crime and for residents choosing alternative housing providers thereby reducing demand for our properties.

Hate Crime destroys individual freedoms and poses a real risk to building successful communities.

This can have a significant financial impact on the organisation as a whole due to loss of rental income, costs relating to damage to property, void periods, costs of legal services and staff time.

There are health and safety risks for both staff and residents in not adopting a robust approach to hate crime.

Failure to deal with issues of Hate Crime or an inability to show that they have been considered as a factor may present the potential for complaints or a legal challenge.

Any complaints regarding the fair and equitable enforcement of this policy will be dealt with through our Fortis Living Complaints, Comments and Compliments Policy.

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Complaints from Fortis Living customers only will be dealt with through the Complaints Comments and Compliments Policy, for the purposes of the policy customers will be defined as tenants, leaseholders, commercial leaseholders and shared owners.

Examples of non-customers that would be unable to make a complaint through this policy would be:

- Applicants for housing who are not already existing tenants
- Homeowners
- Community representatives

If complaints are received from non-Fortis Living customers these will be responded to by the Service Manager for the area that the complaint relates to, a response will be sent within 15 working days but there will be no appeals process.

9. CONSULTATION

We have consulted with the Antisocial Behaviour Sounding Board and the Customer and Communities Panel whilst developing this document.

10. MONITORING AND REVIEW

The responsibility for the delivery of this policy will be through the Prevention and Enforcement Group (PEG) led by the Tenancy Services Manager (Leasehold and Enforcement).

This policy will be monitored through the regular presentation of KPI's to the Senior Management Team, Customer and Communities Panel and The Board.

11. APPROVAL

Approved by the Fortis Living Boards on Tuesday 27th February 2018.