

# Harassment and Hate Incident/Crime Policy Housing Management

19 April 2011



# **Housing Management Harassment and Hate Incident/Crime Policy**

## **1.0 Introduction**

1.1 This document sets out the council's policy for people who live in council-owned residential accommodation who suffer harassment or hate incidents / crimes.

1.2 Wiltshire has one of the lowest rates of recorded crime in England. Even so, concerns about crime and anti-social behaviour are widespread across Wiltshire as in other parts of the country. Public surveys in the county show that residents consistently rate 'a low level of crime' in first or second position when asked what makes somewhere a good place to live.

1.3 Harassment and hate incidents / crimes hurt. They can be confusing and frightening. By reporting it tenants will get help, and may be able to prevent crimes from happening to someone else. We all have a right to live our lives in peace and dignity, at home or on the street.

1.4 Wiltshire Council is concerned that all of our tenants, regardless of race, colour, gender, religious beliefs, age, disability, sexual orientation or marital status, should have the right to enjoy their homes quietly. We are therefore, determined to do everything in our power to combat harassment and hate incidents / crimes.

## **2.0 Scope**

2.1 The policy will apply to all our residents, staff and contractors: action will be taken against residents who harass their neighbours, their neighbours' visitors and our staff and contractors. Similarly, staff who harass residents or their colleagues will be subject to our disciplinary and grievance procedures and our harassment at work and confidential reporting policies. Contractors who harass residents or staff may have their contract with us terminated. The central focus of this policy, however, is on the conduct of residents and their visitors. This policy is intended to ensure compliance with the relevant clauses in the tenancy agreement and allow tenants and residents quiet enjoyment of their homes.

2.2 This policy should be read in conjunction with the housing management policy on anti-social behaviour. Additionally Wiltshire Council will continue to be involved with community partnerships and forums to tackle harassment effectively.

## **3.0 Aims**

The council's tenancy agreement prohibits acts of discrimination, intimidation or harassment on grounds of race, gender, gender reassignment, sexual orientation, religious belief, age or disability. Action for breach of tenancy by any Wiltshire Council resident or persons for whom they are responsible can lead to eviction.

3.1 The aim of the policy is to:

- take reports of harassment and hate incidents/crimes seriously and encourage reporting
- resolve harassment and hate incident/crime cases quickly and professionally
- ensure complainants/witnesses to be dealt with sympathetically
- provide support and advice appropriately to victims and witnesses
- keep victims and witnesses informed on their complaints about harassment and hate incidents/crimes

- find an effective solution to stop the harassment or hate incident/crime
- deal with perpetrators of harassment or hate incidents/crimes affectively and appropriately
- send out a clear message that the council will not tolerate harassment or hate incidents /crimes

#### **4.0 Policy statement and commitments**

Our statement – the Housing Management Service will:

- ensure that an initial incident will be accepted as harassment or hate incident / crime if so defined by the complainant or another person until further investigations prove otherwise
- take a positive and supportive approach to all people who ask for help or advice about harassment or hate incidents / crimes
- take swift and effective action against perpetrators of harassment or hate incidents / crimes with the aim of protecting the complainant, stopping the abuse and preventing further occurrences
- ensure action is taken in accordance with the requirements of current legislation
- adopt a complainant centred approach in dealing with harassment or hate incidents / crimes, treating all information with the utmost confidentiality, but explaining when and why, we may need to seek agreement to share this information within the council and our partner agencies
- recognise it is the fundamental right of all people to be free of discrimination/harassment and accept the individuals' right to quiet enjoyment of their home without fear
- offer advice on suitable alternative accommodation where this is essential for the safety of the complainant, 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 and, if the person wishes, make approaches or referrals on their behalf
- undertake essential repairs arising from any harassment or incidents, as a matter of priority, in accordance with the tenancy agreement
- ensure that staff have been properly trained in how to deal with reports of harassment or hate incidents/crimes
- ensure that there is information in our reception areas on how to seek assistance with harassment or hate incidents/crimes.

#### **Our commitment - we will:**

- respond to the individual needs of people who experience harassment or hate incidents/ crimes and provide speedy and effective re-housing opportunities via our lettings where appropriate or necessary
- recognise the serious and widespread nature of harassment or hate incidents/crimes 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 the perpetrator particularly where they hold a council tenancy
- pursue possession proceedings under 'breach of tenancy' when it has 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 harassment or hate incidents /crimes, and skill our staff on identifying such incidents and following the procedures related to this policy
- identify designated staff in each of the neighbourhoods to act as a point of contact for other service areas and to promote, monitor and review the relevant policies and procedures
- ensure that this policy relates to everyone in the community.

## 5.0 Background and definitions of harassment

Harassment is unwanted and unwarranted conduct which has the purpose or effect of:

- violating a person's dignity, and/or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for others.

Harassment can be experienced by anyone and is often linked to an individual's personal characteristics such as:

- race, ethnicity, nationality or national origins
- gender and gender identity
- disability
- age
- gender re-assignment
- sexual orientation
- religion or belief.

### Harassment may take the form of:

**Verbal abuse** – where threatening, abusive, or insulting words or behaviour are used within the sight or hearing of a person, with the intention of harassing, alarming or distressing.

This can include nuisance telephone calls or the distribution of inflammatory material.

**Physical abuse** – this is defined as a common assault and occurs where the perpetrator uses a degree of force, whether intentional or through carelessness, to the body of another person, without lawful excuse. Physical attacks range from common assault to manslaughter and murder.

**Damage to property** – this covers a wide range of behaviour, including graffiti, damage to property, rubbish and excrement dumped in gardens, substances being put through letter boxes or thrown at doors/windows.

This list is not exhaustive and merely exists to provide examples of various manifestations of harassment.

### 5.1 Hate incidents and hate crimes:

A **hate incident** is any incident that is **perceived** by the victim or any other person as being motivated by the prejudice or hate of someone's:

- race, colour, ethnic origin, nationality or national origins
- religion or faith
- gender or gender identity
- sexual orientation

- disability
- age.

A **hate crime** is “any incident which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate”.

(Home Office definition of hate crime, 2007),

Hate incidents and crimes may include, but are not limited to:

- physical assault
- damage to property
- offensive graffiti
- arson
- threat of attack
- offensive letters and posters
- abusive or obscene telephone calls or emails
- groups hanging around to intimidate
- unfounded, malicious complaints
- verbal abuse or insults.

The Home Office definition of a hate incident/crime is deliberately very broad. It is designed to encourage or enable disadvantaged, isolated and under-represented members of society to speak up about any incident that they feel to be motivated by hatred.

A victim of hate incident / crime does not have to be a member of a minority group or someone who is generally considered to be vulnerable. For example, the friends of a lesbian or disabled person may be victimised because of their association. In some cases the perpetrator’s perception may be wrong. This can result in a person entirely unconnected with the hate motivation becoming the victim. In reality anyone can become the victim of a hate incident/ crime.

Further definitions are contained in Appendix 3.

## **6.0 Equality, diversity and human rights**

6.1 This policy complies with the council’s commitment to meet the Public Sector Equality Duty, under the Equality Act 2010, which is to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2 The policy also complies with the Human Rights Act 1998 and in particular (but not limited to) to the following articles:

Article 6: right to a fair trial

Article 8: right to private and family life

Article 14: protection against discrimination

6.3 We have a commitment to provide information in a variety of formats and have suppliers who are able to provide information in other formats on demand.

6.4 The harassment policy aims to deliver quality services without prejudice and discrimination to meet the needs of all the community

6.5 The harassment policy has a full equality impact assessment (EIA) which is attached as Appendix 1.

### **7.0 Evidence base**

An evidence base for this policy is included as Appendix 2.

### **8.0 Confidentiality**

In dealing with complaints of harassment or hate incidents / crimes Wiltshire Council will ensure that complete confidentiality is maintained, as this is essential to ensure the safety of complainants.

If any child is affected by harassment or hate incident / crime, officers will treat the interests of the child as paramount and make a referral to children's services. The referral procedure and contact numbers are included in the procedure.

### **9.0 Working with other agencies**

Wiltshire Council will work with other agencies to ensure that its response to harassment or hate incident / crime is consistent, co-ordinated, and effective. This policy was written in consultation with a range of organisations with expertise in this field.

### **10.0 Implementation**

The procedure related to this policy sets out specifically how harassment and hate incident / crime will be dealt with by Wiltshire Council's housing management staff that will be trained on the policy and procedure. Enforcement of any breach of tenancy conditions by a council tenant will be carried out by the Neighbourhood Managers, however in view of the seriousness of hate crime early contact and joint working with the police and other agencies may be needed.

### **11.0 Training and publicity- staff, public and other organisations**

During 2010 the council carried out initial training of front-line staff with the assistance of Wiltshire police. On adoption of this policy and procedure further training will be carried out for council staff, and the policy will be publicised to tenants and other organisations.

### **12.0 Complaints of discrimination or harassment by Wiltshire Council**

If in receiving a service from us, you feel you have experienced any form of unlawful discrimination or unfair treatment on the grounds of your race, gender, disability, sexuality, faith/belief or age you can make a complaint using the corporate complaints procedure. In these cases we will put your complaint straight through to Stage 2 of the corporate complaints procedure.

If the complaint relates to staff conduct and behaviour the Corporate Complaints Manager and the Head of Equality and Diversity who will consider the details of the complaint and decide what the most appropriate way to investigate the complaint is.

When officers of the council are involved, it may be necessary to refer the matter to the council's Human Resources (HR) department to be handled under the staff disciplinary procedures.

Depending on the seriousness of the allegations, it may be necessary to refer the matter directly to the police.

If you would prefer to seek independent advice about a complaint of this nature, you may wish to contact The Equality and Human Rights Commission. You can telephone the Commission on 0845 604 6610 or refer to The Equality and Human Rights Commission website:

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **13.0 Roles and responsibilities**

The roles and responsibilities of staff and other agencies are covered in appendix 6 dealing with the procedure.

### **14.0 Procedures and guidance for staff**

See Appendix 6

### **15.0 Consultation**

This policy was drafted with assistance from the following organisations:

Salisbury Coalition Against Racism (SCAR)

Wiltshire Council Tenants' Panel

Race Equality Action Group

Wiltshire Police

Wiltshire Council Equality Section

West Wiltshire Interfaith Group

### **16.0 Review**

The policy will be reviewed annually

### **17.0 Accessibility Statement**

Information about Wiltshire Council services can be made available on request in other languages including BSL and formats such as large print and audio. Please contact the council by telephone 0300 456 0100, by textphone 01225 712500, or email [customerservices@wiltshire.gov.uk](mailto:customerservices@wiltshire.gov.uk)

## **Appendices list**

### **Appendix no.**

1. Equality impact assessment
2. Evidence base
3. Definitions
4. Useful contacts
5. Reading
6. Procedure

19 April 2011

Review April 2012

# Appendix 1

## Equality Impact Assessment (EIA)

### Equality Impact Assessment template

#### 1.1 Stage 1: Screening for relevance

Please use the following template to help determine whether an equality impact assessment (EIA) is required.

<b>Name of the strategy / policy / procedure / practice</b> Housing Management Hate Crime Policy
---

Author: Linda Diamond
-----------------------

Name: Linda Diamond	Job title and directorate: Equality and Diversity Officer-Housing	Date: 1/10/10	Signature:
---------------------	---	------------------	------------

<b>Does the strategy / policy / procedure / practice require an equality impact assessment (EIA)?</b>
Please answer the following questions.
<b>1. What are the main aims, purpose and outcomes of the strategy / policy / procedure / practice and how do these fit in with the wider aims of the organisation?</b>
<p>The main aims and purpose of the policy is to provide a framework to tackle and resolve cases of hate crime and harassment through a process of prevention, intervention and enforcement. This is achieved by working with residents, businesses, partner agencies, victims and taking action against perpetrators.</p> <p>Suggested area for improvement</p> <p>The key outcomes have not been identified within the policy and this is a key section that needs to be included. I would suggest</p> <p>Key outcomes are to:</p> <ul style="list-style-type: none"><li>• identify clearly the number of hate crime incidents</li><li>• ensure hate crime/harassment dealt with in a consistent manner</li><li>• build on safer communities where people want to live</li><li>• work to improve perceptions of quality of life and feelings of safety</li><li>• increase neighbourhood satisfaction</li></ul>

These aims fit into the following organisational goals:

- High quality, low cost, customer-focused services
- Local, open, transparent decision making
- Working together to support Wiltshire's communities, building social capital
- Being inclusive and supporting others
- Safe guarding children and adults
- Key priority of the community safety partnership

The Local Area Agreement for Wiltshire states that one of the ambitions for Wiltshire is “to reduce particular crimes, change behaviours and inform the public to bring about communities that are safe and feel safe”. The reduction of Hate crime which is an Anti-Social Behaviour was identified as a priority in achieving this objective.

Response to this challenge is driven by the Wiltshire Community Safety Partnership (the Partnership) which is committed to the promotion of effective, co-ordinated action by partners and the community to tackle anti-social behaviour at both local and county-wide levels

## **2. How will these aims affect our statutory duty to:**

1. promote equality of opportunity
2. eliminate discrimination and harassment
3. promote good community relations and positive attitudes towards disabled people
4. encourage participation of disabled people, including the consideration of more favourable treatment of disabled people
5. protect and promote human rights?

1. Promote equality of opportunity – the Policy aims to ensure equality in the Housing Department's response to hate crime and harassment
2. Eliminate discrimination and harassment – the Policy aims to ensure that the Housing Department's response to hate crime and anti social behaviour meets people's needs, irrespective of age, gender, ethnicity, class, sexual orientation or disability.
3. Hate crime or anti social behaviour can impact upon community relations and the Policy aims to provide a co-ordinated response to this issue.
4. People from lesbian, gay, bisexual and Transgender community are often hidden and do not report hate crime, this policy seeks to re address this by publicising the support available
5. People with disabilities can be at higher risk in situations of hate crime due to enhanced difficulties in accessing support services. The Policy aims to ensure the provision of support to people with disabilities.
6. Prevention of Hate Crime and harassment is central to the aims of the Policy. This policy aims to supports the human rights of all people but has particular relevance to death threats. People frequently try to change behaviour avoid hate crime. However if your home address is well known, avoidance options may be limited. Therefore Housing must work together with Police and other agencies to address death threats and or where there a high risk of harm
7. The *Osman* case established that if someone suffers a real and immediate risk to their lives from known individuals, the police or other state agents should take positive steps to protect them. This principle was applied in the case of soldiers giving evidence to the Bloody Sunday Inquiry who feared for their lives if they had to testify in Northern Ireland, so the court ruled that they should give their evidence in London. This aspect of Article 2 was also the reason why the boys who killed James Bulger, and the serial killer Mary Bell, were able to obtain injunctions to protect their identities and whereabouts indefinitely from publication in the press

**3. Are there any aspects of the strategy / policy / procedure / practice, including how it is delivered, or accessed, that could contribute to inequality? This should relate to all areas of our statutory duties.**

There has been research conducted in the past that indicated that hate crime responses can have disproportion effects on certain strands based on the 'perceived' types of victims. Examples indicated that hate crime may be seen as a Race based crime in more rural areas. However, research on police data bases when examined did not identify hate crime to LGBT community as a hate crime but recorded them as an assault and did not consider the motivation of the assault.

Similarly there is under reporting of hate crime from the Mental health and Learning Disability community as they are frequently unaware of the support and priority given to hate crime. It essential that there is specific training for those in front line recording of issues including ASB reduction officer to ensure that the possible motivation to an assault/threat is explored at point of reporting.

**4. Will the strategy / policy / procedure / practice have an impact (positive or negative) upon the lives of people, including members of particular communities and groups? What evidence do you have for this?**

This policy will have a positive impact on tenants and others living or visiting within our housing stock. It will have positive outcomes for the following groups based on current research data:

- Younger people
- Black and Minority Ethnic (BME) community
- Lesbian, gay, bisexual and transgender community
- Learning disabilities, mental health and physical or sensory impaired communities
- People suffering domestic abuse
- Faith groups

Research by Iganski, P. Evaluation of the London-wide Race Hate Crime Forum, (2007) (London: London Probation Service).

**5. Are particular communities or groups likely to have different needs, experiences and attitudes in relation to the strategy / policy / procedure / practice?**

Key findings about the nature of hate crime from our research on published data by Paul Iganski and engagement with stakeholders include the fact that:

- hate crime victims are more likely to be young people
- women tend to experience more verbal abuse/harassment and men more violence
- interactions between different characteristics affect the likelihood of becoming a victim of hate crime
- people who are lesbian, bisexual gay, or transgender and those with mental health needs appear to be disproportionately affected by hate crime
- hate crime has a notable affect on victims' emotional and physical wellbeing
- people change various aspects of their lives in attempts to minimise their risk of becoming a victim of hate crime
- hate crime is under-reported across all hate crime strands
- the needs of hate crime victims when they have come forward to report a crime are not always met
- the available evidence suggests that people are more at risk of race hate crime in rural areas and areas with a small BME population.

<b>Is an EIA required?</b>			
If the policy is not relevant to any aspect of the statutory duties or wider equality responsibilities, there is no need to conduct an EIA. <b>In this event, please contact the council's corporate equality and diversity team to discuss this decision</b>			
Remember:			
'High' relevance will have potential / actual impact on three out of the five areas under the statutory duties			
'Medium' relevance will have potential / actual impact on 2 of the areas			
'Low' relevance policies will not have any impact relating to the areas under the statutory duties			
The strategy / policy / procedure / practice is assessed as <b>high</b> relevance			
• <b>High</b> relevance, therefore a full EIA will be done by 30 October 2011			
<b>Author of screening for relevance</b>			
Name:	Job title and directorate:	Date:	Signature:
<b>Director-level sign-off (if EIA will not be done)</b>			
Name:	Job title and directorate:	Date:	Signature:

## 1.2 Stage 2: Full assessment

---

### 1.3 Step 1– scoping the equality impact assessment (EIA)

Building on the material included at the screening stage, you should begin the EIA by determining its scope. The EIA should consider the impact or likely impact of the policy in relation to all areas of our remit, including human rights. The EIA should be proportionate to the significance and coverage of the policy.

<b>1.1. Name of the strategy / policy / procedure / practice</b>
Housing Management hate crime policy
<b>1.2. What are the main aims, purpose and outcomes of strategy / policy / procedure / practice and how does it fit in with the wider aims of the organisation?</b>
The main aims and purpose of the policy is to provide a framework to tackle and resolve cases of hate crime and harassment through a process of prevention, intervention and enforcement. This is achieved by working with residents, businesses, partner agencies, victims and taking action against perpetrators.
Suggested area for improvement

The key outcomes have not been identified within the policy and this is a key section that needs to be included. I would suggest:

Key outcomes are to:

- identify clearly the number of hate crime incidents
- ensure hate crime/harassment dealt with in a consistent manner
- build on safer communities where people want to live
- work to improve perceptions of quality of life and feelings of safety
- increase neighbourhood satisfaction.

These aims fit into the following organisational goals:

- High quality, low cost, customer-focused services:
- Local, open, transparent decision making;
- Working together to support Wiltshire's communities, building social capital
- Being inclusive and supporting others
- Safe guarding children and adults
- Key priority of the community safety partnership

The Local Area Agreement for Wiltshire states that one of the ambitions for Wiltshire is "to reduce particular crimes, change behaviours and inform the public to bring about communities that are safe and feel safe". The reduction of Hate crime which is an Anti-Social Behaviour was identified as a priority in achieving this objective.

Response to this challenge is driven by the Wiltshire Community Safety Partnership (the Partnership) which is committed to the promotion of effective, co-ordinated action by partners and the community to tackle anti-social behaviour at both local and county-wide levels

**1.3. List the main activities relating to the strategy / policy / procedure / practice and identify who is likely to benefit from it**

The policy outlines the way front line staff, report, record and action responses to events that meet the criteria for hate crime. The objective is to provide a consistent, equitable, proactive method of handling any perceived incidents of hate crime: supporting the victim, working to identify the perpetrator and ensuring that the policy works in support of other internal and external stakeholders, as well as delivering improved outcomes for the victim.

**What do you already know about the relevance of the strategy / policy / procedure / practice?  
What are the main issues you need to consider?**

Disability

Hate crime directly affects some of the most vulnerable members of society and this can frequently happen on areas of social housing if people are seen as different. Examples are

Mental health

Research indicates that people who have anxiety based issues can become withdrawn and this can become noticed by other members of the local community and they see them as easy prey for verbal abuse and name calling which can escalate to actual assaults

## **Learning Disabilities (LD)**

Many people with learning disability aspire for years to gain an independent lifestyle. The most common form of hate crime is name calling and aggressive bullying. Other forms of financial harassment may also occur as some people stand out in everyday situation when dealing with money. Frequently handling money can be difficult for mild and medium level LD tenants and they will stand at supermarket checkouts counting out change etc. They can be very vulnerable to others stealing their money, or in extreme cases moving into their homes.

## **Physical disabilities**

Many members of communities who have perceived to be weaker or frail can suffer various forms of hate crime. These include targeting people in wheelchairs who are suffering increased level of hate crime, including verbal incidents, having their wheelchair tipped over, or being robbed in open environments as they cannot chase or avoid the perpetrator.

## **Action**

Training in awareness raising for front line staff is essential to understand the possible threats that different client groups face.

Disability forums should be involved in developing policy reviews.

Joint working with crime safety partnership and police should consider local data on hate crime and hot spots so that joint action plans are based on local needs and are developed appropriately.

Specific forums should be developed locally for example LBGT and Gypsy/Traveller and Disabled Groups.

Protocols for enforcement procedures on identified perpetrators should be developed.

## **Gender:**

Hate crime against the LGBT community can be present within most communities and can remain hidden.

## **Action:**

Contact should be made with local LBGT communities and input sought on the levels of local hate crime; try to increase confidence with tenants to support them to report hate crime and look at valuable methods of combating it including third party reporting.

Arrange awareness training for front line staff.

Consider supporting a local LBGT forum or feedback panel.

## **Age:**

Research indicates that hate crime is adversely high within younger age groups.

## **Action:**

Work with other internal and external stakeholders to identify joint working options that can be delivered within our housing areas. Develop closer working links with Youth Service, DCE and leisure services.

Use publicity targeted at younger people to raise awareness of the issues around hate crime and the steps to reporting it, Including our own publicity vehicle Housing Matters.

Work with others to develop youth engagement options to engender positive relations within our areas of housing

## **BME and faith:**

Establish lines of communications with BME and faith groups to support and encourage closer working and try to encourage hate crime reporting.

Work closer with other internal and external stakeholders on wider local areas and joint agendas

**Action:**

Increase publicity about reporting hate crime and that we are serious in tackling it. Emphasise that it does affect their tenancy.

**1.4. What data, research and other evidence or information is available which will be relevant to this EIA?**

There is extensive non-personal data held by other groups within the council including:

Youth offending team

After-care team

Youth service

Schools

Corporate equalities and diversities

Corporate research team

Crime and disorder team

ASB reduction officers

External stakeholders

Police

Probation service

Victim support

Citizens advice

Age UK

Hospital

Doctors

Colleges

Equal Chances Better Lives

Good data is required to establish robust, evidence-based baseline data against which we can measure progress and work with others to review and evaluate outcomes jointly and use the conclusions to drive forward better services.

Currently research is being undertaken by Jackie Guinness, senior researcher at the corporate research team at County Hall, to establish robust equalities baseline data and specific research is also underway by the housing strategy team on certain projects which may support information on hate crime

**1.5. What further data or information do you need to carry out the assessment?**

There is a significant lack of current data on hate crime. This needs to be established to drive forward the policy.

**Action**

Work with internal and external stakeholders to establish ( housing related ) hate crime with a protocol to share information based on non personal data and ways of collection and recording

## 1.4 Step 2 – Involvement, consultation and partnerships

When considering how you will involve and consult other people in developing the policy, you need to think about internal and external audiences and all areas of the statutory duties.

<b>2.1.</b> Please use the table directly below to outline any previous involvement or consultation which is relevant to this strategy / policy / procedure / practice	
<b>Equality target group</b>	<b>Briefly describe what you did, with whom, when and where. Please provide a brief summary of the responses gained and links to relevant documents, as well as any actions.</b>
<b>Age</b>	
<b>Disability</b>	
<b>Gender</b>	
<b>Gender reassignment</b>	
<b>Race</b>	
<b>Religion or belief</b>	
<b>Sexual orientation</b>	
<b>Human rights</b>	
<b>Other</b>	
<b>2.2.</b> If consultation and involvement of specific groups did not take place, please state why	
This is a new policy for Salisbury Housing Management and it is acknowledged that consultation is needed, including input from tenants and representatives and forums of protected strands.	

<b>2.3.</b> What do previous consultations show about the potential take-up of any resulting activities or services?
No previous consultations, but the policy will be reviewed after one year with planned input as recommended in 2.2 with the EIA running alongside the review

<b>2.4.</b> How are external partners involved, or how do you are intend to involve external partners, in delivering the aims of this strategy / policy / procedure / practice? (if applicable)
Currently are designing and developing ways of involvement for the first review

## 1.5 Step 3 – data collection and evidence

<b>3.1.</b> What evidence or information do you already have about how this policy might affect equality, and what does this tell you?
Please cite any quantitative (for example, statistical or research) and qualitative evidence (for example, monitoring data, complaints, surveys, focus groups, questionnaires, meetings, interviews) relating to groups having different needs, experiences or attitudes in relation to this project. Describe briefly what evidence you have used.

These areas are being developed
<b>3.2. What does available data tell you about the potential take-up of any resulting activities or services?</b>
Area for development
<b>3.3. What additional research or data is required to fill any gaps in your understanding of the potential or known effects of the strategy / policy / procedure / practice? Have you considered commissioning new data or research?</b>
Area for development

### **1.6 Step 4 – Assessing impact and strengthening the strategy/policy/procedure/practice**

**What evidence do you have about how the strategy / policy / procedure / practice will affect different groups and communities in relation to equality and human rights?**

<b>4.1. How does / will the strategy / policy / procedure / practice and resulting activities affect different communities and groups?</b>
Some things to consider: <ul style="list-style-type: none"> <li>• Is there any potential for, or known, adverse or positive impacts of the policy?</li> <li>• You should consider how the policy might affect communities with small populations; people affected by discrimination in multiple areas of equality (age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation); specific interest groups such as small businesses, voluntary sector agencies and other service providers.</li> <li>• Are there examples of good practice that can be built on?</li> <li>• You may wish to consider how the policy will be delivered or communicated.</li> </ul>
Area for development

<b>4.2. What measures does, or could, the strategy / policy / procedure / practice include to help promote equality of opportunity?</b>
For example, positive measures designed to address disadvantage and reach different communities or groups?
Area for development
<b>4.3. What measures does, or could, the strategy / policy / procedure / practice include to address existing patterns of discrimination, harassment or disproportionality?</b>
Area for development
<b>4.4. What impact will the strategy / policy / procedure / practice have on promoting good relations and wider community cohesion?</b>
Area for development

<b>4.5. If the strategy / policy / procedure / practice is likely to have a negative effect ('adverse impact'), what are the reasons for this?</b>
Consider and include comments on direct or indirect discrimination.
Area for development

<b>4.6. What practical changes will help reduce any adverse impact on particular groups?</b>
For example:
<ul style="list-style-type: none"> <li>• Changes in communication methods, providing language support, collecting data, revising programmes or involvement activities.</li> <li>• Have you considered our legal responsibilities under the Disability Discrimination Act, including treating disabled people more favourably where necessary?</li> </ul>
Area for development
<b>4.7. What evidence is there that actions to address any negative effects on one area of equality may affect other areas of equality or human rights?</b>
Area for development

<b>4.8. What will be done to improve access to, and take-up of, services or understanding of the policy / strategy / function or procedure?</b>
Some things to consider:
<ul style="list-style-type: none"> <li>• Increasing awareness of the policy among staff.</li> <li>• Reviewing your staffing profile to make sure you reach all parts of local communities.</li> <li>• Encouraging wider public involvement in our work or communications activities.</li> <li>• Encourage different groups, including disabled people, to get involved in what we do.</li> </ul>
Area for development

Please note that you may need to revisit this section once you have completed the policy development process.

## 1.7 Step 5 – Procurement and commissioning

### 5.1. Consideration of external contractor obligations and partnership working

Is the implementation of this strategy / policy / procedure / practice due to be carried out wholly or partly by contractors / commissioning? If yes, have you done any work to include equality and human rights considerations into the contract / service level agreements already?

If you have, please set out what steps you will take to build into all stages of the procurement / commissioning process the requirement to consider the general equality duties and equality more broadly.

Specifically you should set out how you will make sure that any partner you work with complies with equality and human rights legislation. You will need to think about:

- Tendering and specifications
- Processes for awarding contracts
- Contract / SLA clauses
- Performance measures and monitoring

Within the Housing Improvement Plan , actions are being taken to work with all contractors to improve Equality and Diversity including

Improving tendering and specifications in planned new framework agreements

In award of tenders via the evaluation criteria to up rate good E and D practice

New Contract Clauses referencing the new Equalities act 2010-12-13

Offer Contractors joint training options on Equalities and Human rights

Actively monitoring service delivery both qualitatively via our Tenant Consultation officer-Contracts

Desk top monitoring via quantitative data and targets

## 1.8 Step 6 – making a decision

### 6.1. Summarise your findings and give an overview of whether the strategy / policy / procedure / practice will meet the council's responsibilities in relation to equality and human rights

The new policy is a significant move towards recognising the requirements of those affected by hate crime within our housing and developing policies to work in the following areas

Publicity on our support of hate crime victims policy

Maximise correct recording any possible incidents

Raise awareness internally and with others

Develop methods of recording data and sharing with other stakeholders

Develop better networking and co working with others to identify , support victims

Work with others to identify those who deliver hate crime

Develop further date and practices to support the policy

Develop better evidence and robust data

Review the policy

Develop better participation and involvement from tenants

Develop wider engagement with groups who may be the target of hate crime

**6.2. What practical actions do you recommend to reduce, justify or remove any adverse / negative impact?**

Please note that these should be reflected in the action plan (see Step 8).

The policy review needs to address any findings and data that supports adverse or negative impacts

**1.9 Step 7 – monitoring, evaluating and reviewing**

**7.1. How will the recommendations of this assessment be built into wider planning and review processes?**

This may include policy reviews, annual plans and use of performance management systems.

This new policy will be reviewed after 12 months. Data will be collected and there are significant areas for further development when more data is available. Together with improved inputs from forums and internal and external stakeholders and will link through to other related areas including domestic abuse and crime and disorder team and panels

**7.2. How will you monitor the impact and effectiveness of the strategy / policy / procedure / practice?**

This could include adaptations or extensions to current monitoring systems, relevant timeframes and a commitment to carry out an EIA review once the policy has been in place for one year.

There will be further analysis of base line data with Corporate research team. We will monitor results after 6 months to feed into plans for improving monitoring based on the level of recorded incidents.

The monitoring will include analysis of different equality strands to inform and evaluate initial data. This will be used to drive an action plan in the second six months to focus on improvement or targeting specific protected characteristics if they are shown to be disproportionately affected.

**7.3. Give details of how the results of the impact assessment will be published**

There is legal requirement to publish assessments. Completed assessments should first be quality assured and then, once signed off, be published on the council website, via the Webteam.

### 1.10 Step 8 – action plan

Taking into consideration the responses outlined in Steps 1-7, complete the action plan below (if appropriate).				
	Actions	Target date	Responsible post holder and Directorate	Monitoring post holder and Directorate
Involvement, consultation and partnerships	Improve working with identified internal stakeholders	March 2011	Linda Diamond	Nicole Smith- Head of Housing strategy Graham Hogg- Director of Housing
	Improve working with external stakeholders	June 2011		
	Set up local forums from protected strands	April 2011	Housing -DPN	
	Consult with tenants	January 2011		
Data collection and evidence	Improve /implement recording of data	February 2011	As above	As above
	Seek baseline data from internal and external sources			

	<p>Develop data sharing protocols</p> <p>Publicise new policy to encourage reporting of incidents</p>			
Assessment and analysis	<p>Significant further development required with stakeholders on methodology</p>	<p>June 2011</p>	<p>As above</p>	<p>As above</p>
Procurement and Commissioning	<p>Implementation of planned improvements by contracts section supported by Corporate Procurement unit on new framework contracts currently being planned</p>	<p>March 2011</p>	<p>Ben Lawson Housing improvement team</p>	<p>Graham Hogg- Director of Housing</p>

## 1.11 Sign-off

**The final stage of the EIA is to formally sign off the document as being a complete, rigorous and robust assessment**

The strategy / policy / procedure / practice has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

**Author of strategy / policy / procedure / practice and EIA**

Name:	Job title and directorate:	Date:	Signature:

**Quality check: screening document has been checked by:**

Name:	Date:	Signature:

**Director level (sign-off)**

Name:	Job title and directorate:	Date:	Signature:

### Evidence base

#### National

- In the four years ending March 2009, more than 49,200 defendants were prosecuted for hate crimes
- The conviction rate rose from 74% in 2005/06 to 82% in 2008/09
- In the four years ending March 2009, more than 45,200 defendants were prosecuted for crimes involving racist or religious crime; 57,055 racist incidents were reported in 2007/08, so figures of actual crimes are far higher.
- In the four years ending in March 2009, more than 3,400 defendants were prosecuted for homophobic or transphobic crimes.
- In the two years ending March 2009, 576 defendants were prosecuted for disability hate crime.

#### Crime type and convictions 2008/09

Motivation Type	Total	Percentage of convictions completed	Percentage of unsuccessful convictions
<b>Total</b>	<b>13,030</b>	<b>82%</b>	<b>18%</b>
Racial	11,264	82.4%	17.6%
Homophobic	1,013	80.5%	19.5%
Disability	393	76.1%	23.9%

#### Cost

The Home Office provided in excess of £300,000 in 2009/10 for hate crime victim projects through the Victims' Fund Hate Crime Section. The total cost of hate crime to society in England and Wales is currently unknown.

### 3. Detail

#### (i) Key findings from Crown Prosecution Service Hate Crime report, 2009

- In the four years ending March 2009, guilty pleas increased from 64% to 69%.
- The majority of defendants across the hate crime strands were men.
- 75% of hate crime defendants were identified as belonging to the White British Category, and 79% were categorised as White.
- 25% of hate crime cases involve under-18s and 15% young men and boys.
- Data on victim demographics are less complete and remain under development. However, where gender is known, men formed the largest proportion of victims across all strands, at 68% of the total.
- London: cases of hate crime in London have gone up 4-11%, including domestic abuse.

- Offences against the person and public order offences were the most numerous categories of offences, representing 83% of hate crime prosecutions in 2008/09 (43% and 40% respectively). Criminal damage accounted for a further 5%.

- Of 'offences against the person' offences: 42% were racial and religiously aggravated cases, 48% homophobic and 45% disability hate crimes. Public order was the second largest for racial and religiously aggravated and homophobic cases (42% and 36%). Theft and handling offences were the second largest category in disability hate crime (12%).

#### **Incident rates for 2005/09, breakdown of hate crime types**

Type of hate crime	No. defendants prosecuted	Conviction rate	Guilty pleas	Percentage of male defendants
Racist and religious	45,200+	82% (up from 74%)	69% (up from 64%)	85%
Homophobic and transphobic	3,400+	81% (up from 71%)	81% (up from 67%)	86%
Disability	576 (2008-9) (up from 141 in 2007-8)	76% (N/A)	76% (N/A)	-

Racially-motivated crimes are often seen to be propelled by 'Stop and Search'. Police have been accused of 'institutional racism' for disproportionately targeting ethnic minorities, particularly Black British and as a result figures for racially motivated crime can be distorted. Nationally, black people are still stopped and searched at least six times the rate of white people and Asian people are about twice as likely to be stopped and searched as white people.

#### **(ii) Honour crime**

- The number of murders, rapes and assaults on people who dare to break strict religious or cultural rules is doubling every year, police figures show, up to two violent 'honour crimes' being committed every day and up to 12 honour killings every year.
- Charities which help victims of honour crimes say the true extent of the problem is far worse than the statistics show, as every year hundreds of victims - normally women - are too frightened to report attacks or to give evidence in court.
- Often cases are unresolved due to the unwillingness of family, relatives and communities to testify. A 2006 BBC poll for the Asian network in the UK found that one in 10 of the 500 young Asians polled said that they could condone the murder of someone who dishonoured their family.
- UK Honour-crime is predominantly London based, Met Police recorded a huge rise: 211 incidents reported Apr-Oct 2009 in London, of which 129 were criminal offences.

**(iii) Key cases:** hate crimes that have been in the public eye and have led to amendments in legislation:

**Stephen Lawrence (1993) - racially motivated**

- Low Point in community confidence in Police after forensic evidence mishandled/misplaced
- Seen as the single most important hate crime case in recent decades, it acted as a catalyst for significant improvements
- Tireless large-scale campaigning led by Stephen's parents Doreen and Neville has improved confidence.

(See 'Measures taken' section for table of legislative amendments brought about by this case)

**Anthony Walker (2005) - racially motivated**

- Following measures put into place after the Stephen Lawrence Inquiry, Baroness Scotland was famously quoted as saying: "The handling of the Anthony Walker prosecution has indeed set a standard which we can and surely must aim to achieve in all similar cases." (Nov 2007)

**Jody Dobrowski (2005) - homophobic**

- Deemed a 'tip of the iceberg' case by police and gay rights campaigners
- Brought to public attention the real threat of homophobic violence still in existence, despite the apparent confidence of today's gay community
- 12 years after the Stephen Lawrence murder, the Dobrowski case has been a success story, with the efforts of police and prosecutors resulting in the attackers being jailed less than 10 months after the murder.

**Tulay Goren (1999) - honour killing**

Wife's testimony lifted the 'veil of secrecy' surrounding honour crimes and acted as a 'wake-up call' to negligent police who didn't respond to nine complaints from the family, in the run-up to the murder because they had little understanding of the concept of honour crimes.

### Definitions

#### Racial harassment

For the purpose of this Policy, the definition of racial harassment is as set out in the report of the Stephen Lawrence Inquiry which 'should be universally adopted by the police, local government and other relevant agencies':<sup>1</sup>

This definition states 'A racist incident is any incident which is perceived to be racist by the victim or by any other person'.

The council will use this definition as the first point of assessment in relation to any reported incident.

Using this definition of racial harassment during an investigation does not prejudice the perpetrator's intention. After a thorough investigation of an incident it may be clear that the harassment is not racially motivated. But using a survivor-centred definition for report taking and investigation ensures that any racial motivation is fully considered while the incident is investigated.<sup>2</sup>

#### Religious harassment

Religious discrimination is often related to racial discrimination. Members of black and minority ethnic groups often feel that in practice religious and racial discrimination are not separable.

This policy refers to all religions and recognises that some people have no religious belief. Equality of religious belief relates to the halting of discrimination on the grounds of religious belief including, but not only, anti-Semitism (discrimination against Jews), Islamophobia (discrimination against Muslims) and sectarianism (discrimination within faiths, usually referring to Christian faiths).

It is sometimes argued that religious discrimination is different from other types of discrimination in that religion is a matter of choice. However, religious identity is often not chosen and even where individuals choose to leave their tradition they may still be seen as belonging to their original roots. This Policy follows the MacPherson Report in adopting a victim-centred approach, and as such defines religious harassment as '*any incident which is perceived to be religiously aggravated by the complainant or by any other person.*'

Using this definition of religious harassment during an investigation does not prejudice the perpetrator's intention and after investigation it may become clear that the incident was not one of religious harassment. But using a survivor-centred definition for report taking and investigation ensures that any religiously-motivated aggravation is fully considered while the incident is investigated.<sup>3</sup>

---

<sup>1</sup> Macpherson, W (1999) *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny* (The Stationery Office, London), Cm 4262-I

<sup>2</sup> *Tackling racial harassment: code of practice for social landlords* (DTLR, 2001), 2.1.3

<sup>3</sup> *Tackling racial harassment: code of practice for social landlords* (DTLR, 2001), 2.1.3

## **Homophobic and transphobic harassment**

Homophobic harassment is harassment upon the grounds of, or related to, a person's perceived identification as lesbian, gay or bisexual. Transphobic harassment is harassment upon the grounds of, or related to, a person's perceived identification as transgendered.

The term 'transgender' is an umbrella term used here to include transvestite, transsexual and transgendered identities.

This Policy defines homophobic and transphobic harassment as 'any incident which is perceived to be homophobic or transphobic by the complainant or by any other person,' and follows the Stonewall Scotland good practice guidance in also noting that, while subsequent investigation may reveal that the incident in fact was not homophobic or transphobic in motivation, 'social landlords must treat all allegations seriously.'<sup>4</sup>

## **Age-related harassment**

Age-related harassment is harassment upon the grounds of perceived age, and this Policy defines this form of harassment as 'any incident which is perceived to be related to a person's age by the complainant or by any other person.'

As with other forms of harassment, investigation into the case may reveal that age was not a factor in the incident, however, adopting this definition ensures that any age-based motivation is fully considered during the course of the investigation.

## **Gender harassment**

This Policy defines gender harassment as 'any incident which is perceived to be related to a person's gender by the complainant or any other person.'

While it is more frequent for women to be subjected to gender-motivated harassment than men, the Policy notes that both men and women may be subject to this form of harassment, and that gender harassment may also be based on marital or family status.

As with other forms of harassment, investigation into the case may reveal that gender was not a factor in the incident, however, adopting this definition ensures that any gender-based motivation is fully considered during the course of the investigation.

## **Harassment related to disability**

This policy defines harassment related to disability as 'any incident which is perceived to be related to a person's disability by the complainant or any other person.' This applies to perceptions of learning, physical and sensory disability as well as to chronic or temporary illnesses.

This policy acknowledges the Disability Discrimination Act 1995 and the social model of disability and included within the definition of harassment related to disability is institutional harassment or discrimination caused by an employer failing to make the required reasonable adjustments to enable a person with learning, physical or sensory impairments to fulfil their duties.

---

<sup>4</sup> Stonewall Scotland, '*Recognising and Addressing Homophobic and Transphobic Harassment: A Guide for Social Housing Providers and Homelessness Services*', p.9

As with other forms of harassment, investigation into a case may reveal that disability was not a factor in the incident, however, adopting this definition ensures that any disability-based motivation is fully considered during the course of the investigation.

### **Institutional discrimination**

Institutional discrimination is defined as the collective failure of an organisation to provide an appropriate and professional service to people because of their individual or group characteristics. It can be seen or detected in processes, attitudes and behaviour which disadvantage specific people or groups of people.

### **Multiple oppression**

We recognise that there are differences within all equalities communities and nobody should be defined by a single part of their identity. Individuals who are members of two or more communities may face 'layers' of oppression. For example, people with a disability can also be women, black, lesbian, gay, bisexual or transgendered. An individual's layers of oppression are not necessarily experienced at the same time and the effect may not be the same.

The effect of this oppression will vary depending on the social, cultural, economic and political situation.

All oppression does not happen at the same time and one layer can be removed while other layers remain. For example, black gay men may experience complicated combinations of racism and homophobia within wider society but can also be discriminated against in different ways within their own black and minority ethnic and lesbian, gay, bisexual and transgender communities.

Prejudice within communities often denies individuals cultural and emotional support and may lead to an increased sense of isolation. While recognising layers of oppression, we reject the concept of a 'hierarchy' of oppression. An individual's experience of inequality is no more significant if he or she is a member of many communities.

The council's tenancy agreement prohibits acts of discrimination, intimidation or harassment on grounds of race, gender, gender reassignment, sexual orientation, religious belief, age or disability. Action for breach of tenancy by any Wiltshire Council resident or persons for whom they are responsible can lead to eviction.

## Appendix 4

### Useful contacts:

**Wiltshire Police** – tel. 0845 408 7000 or in emergency dial 999.

**Victim Support** – tel. 0845 30 30 900

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

**Childline** – tel. 0800 1111

**24 hour NSPCC Helpline** – tel. 0800 800 500

**The Samaritans** – 08457 90 90 90

**24 hour National Domestic Violence Helpline** - 0808 2000 247.

**Crimestoppers** – tel. 0800 555 111

**Refugee Council** – tel. 020 7346 6700

**Equality and Human Rights Commission** - 0845 604 6610

<http://www.equalityhumanrights.com/>

**Citizens' Advice Bureau** 18 College Street, Salisbury, Wiltshire  
SP1 3AL tel. 01722 327 222 <http://www.citizensadvice.org.uk/>

**Stonewall** – the lesbian, gay and bi-sexual charity - Tower Building, York Road,  
London SE1 7NX **Info Line:** 08000 50 20 20 (Mon-Fri 9:30am to 5:30pm)  
<http://www.stonewall.org.uk/>

**Stop Hate UK** is a charity that provides independent and confidential support to people affected by Hate Crime.

Phone: **0113 293 5100** Email: [info@stophateuk.org](mailto:info@stophateuk.org) Fax: **0113 341 0396**

Post: **Stop Hate UK, PO Box 484, Leeds LS7 9BZ**

<http://www.stophateuk.org/>

**Voice UK** - a national charity supporting people with learning disabilities and other vulnerable people who have experienced crime or abuse.

Rooms 100-106 Kelvin House, RTC Business Centre, London Rd., Derby DE24 8UP  
Tel: 01332 291042 Fax: 01332 207567

Email: [voice@voiceuk.org.uk](mailto:voice@voiceuk.org.uk) <http://www.voiceuk.org.uk/>

**Wiltshire Council** – tel. 0300 456 0100

27 -29 Milford Street, Salisbury, Wiltshire SP1 2AP

Email [customerservicessouth@wiltshire.gov.uk](mailto:customerservicessouth@wiltshire.gov.uk)

<http://www.wiltshire.gov.uk/index.htm>

### **Statutory framework:**

The following is a list of relevant legislation however it is not intended to be exhaustive.

**Public Order Act 1986**, Part III Incitement to Racial Hatred

**Racial and Religious Hatred Act 2006**

**Criminal Justice and Immigration Act 2008**

**Childrens Act 1990**

Section 27 details a duty of care, when dealing with incidents and / or complaints involving children

**Data Protection Act 1998**

Responsibility that obtained information is processed fairly and lawfully, kept accurate and up to date. Information is not held for longer than necessary and held securely.

**Human Rights Act 1998**

Articles 6, 8, and 14, significant in respect for private and family life, prohibition of discrimination and right to a fair / public hearing

**Protection from Harassment Act 1997**

While the Act does not specifically define 'harassment', it clarifies it as conduct which causes alarm or distress.

**Crime and Disorder Act 1998**

The Crime and Disorder Act 1998 created a number of new racially and religiously aggravated offences

**Criminal Justice Act 2003**

This Act introduced tougher sentences for offences motivated by hatred of the victim's sexual orientation.

**Equality Act 2010**

The Single Equality Bill was passed into law on the 6th April 2010. It was intended to codify the complicated and numerous arrays of Acts and Regulations that previously formed the basis of anti-discrimination law in the United Kingdom. The Act therefore replaces the Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, and the statutory instruments of the Equality Act (Religion or Belief) Regulations 2003, Equality Act (Sexual Orientation) Regulations 2007 and the Equality Act (Age) Regulations 2006.

The Equality Act 2010 renders it a criminal offence to harass or to discriminate, directly or indirectly, against anyone because of their age, gender, gender re-assignment, marital or family status, sexual orientation, race or ethnicity, and/or religious beliefs.

## **Remedies and powers:**

### **The Housing Acts 1985 and 1996**

The Housing Acts provide a sanction on perpetrators of nuisance and antisocial behaviour in the housing context, whether they are tenants or persons who are, broadly, affecting others lawfully in the area of local authority housing. Racial harassment or other hate crime is not provided for specifically, although case law has held that harassment or hate crime is included under the heading of “nuisance and annoyance”. In reliance on the Housing Acts perpetrators of racial harassment or other hate crime who are tenants can be evicted or can 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 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**

The council’s tenancy agreement specifically prohibits harassment on the grounds of individual characteristics. If tenants or persons for whom tenants are responsible perpetrate criminal harassment or other 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 the council may apply for an Anti Social Behaviour Order (ASBO) as a means of combating serious incidents of harassment or 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 (ABC)**

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 harassment or hate crime where the council can get the perpetrator to admit that he or she should change his or her ways. An ABC can be used to record an agreement between the council and the perpetrator and, if broken, serves as evidence for any court action.

## Appendix 6

### Housing Management

#### Harassment procedure

##### 1.0 Background

This procedure should be read alongside the Housing Management Harassment Policy which explains about the background, scope, definitions and general approach the council takes regarding harassment or hate crime that involves its tenants.

##### 2.0 Receiving the complaint

Staff may receive a complaint of racial harassment or other hate crime in a number of ways:

- Direct referral from reception
- Referrals from partner agencies
- Personal direct contact from the complainant
- Report from a community group
- Letter
- Email
- Report from a third party
- Councillor

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. Many of the communities referred to in this procedure have suffered many years of harassment and it is essential for housing staff to play their role in ending harassment for the policy and this procedure to be meaningful. This issue has been stressed by some of the groups we consulted when drafting the harassment policy.

Of the various types of anti-social behaviour, harassment and hate incidents/crimes are among the most serious and must be treated as an urgent priority when a complaint is received.

##### 2.1 Service Standards for response

- Respond to the complainant within **–24 hours**
- Conduct interview and evidence gathering within – **five working days from complaint or within one working day if an urgent case**
- Written response to complainant / agreed actions - **five working days from interview**
- Follow up visit to complainant – **three weeks**
- Review need for re-housing of complainant – **three months or sooner in urgent cases**

##### 2.3 Dealing with a complaint involving council tenancies

It is the immediate responsibility of housing management to deal with cases of racial harassment or other hate incident / crime when the complainants or the perpetrators of the racial harassment or other hate crime hold a current council tenancy.

Establishing tenure should form part of any early enquiries. If neither the complainant nor the perpetrator is a council tenant, the case officer should make a referral to the relevant organisation which will be able to assist, and this will normally be the police.

In most cases the appropriate officer to investigate an initial complaint of racial harassment or other hate crime will be the **neighbourhood manager**, in consultation with the police.

Complaints should be acknowledged / complainants visited within **24 hours** of receipt. In 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 the neighbourhood manager and 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. It is important to remember that it is the **victim's perception** that determines if an incident is harassment.

Staff receiving the complaint should:

- ask for the consent from the complainant and call Wiltshire Police on tel. 0845 408 7000 or in emergency dial 999.

If the complainant does **not** wish for any police involvement at this point, then offer to make a referral to 'Victim Support'. this organisation can provide initiatives including personal attack alarms and target hardening measures. Other alternatives could be specialist organisations provided by the council, or voluntary bodies.

- As far as is 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. However, 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 housing management takes the issue of racial harassment and other hate crimes seriously.

A hate incident / crime is one 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 origin, gender, age, disability, or sexual orientation of another individual or group.

It is important to remember that people reporting racial harassment or other hate crime may be frightened or confused and find this initial contact an extremely difficult decision to make.

A leaflet containing telephone numbers and details of specialist support organisations should be provided with the offer of arranging translation into another appropriate language or format if needed. If required, arrangements can be made for delivery of this to an appropriate location chosen by the complainant /complainant.

Always ensure accurate details are taken at this point, paying particular attention to recording the complainant or complainant's details, a brief outline of events, what has happened so far and to whom, any involvement from outside bodies or agencies, future contact numbers or addresses, and the names of perpetrators.

Advise the complainant of housing management's policy on racial harassment or other hate crime and provide clear details of what will happen next.

## **2.4 Dealing with a complaint involving other tenures**

### **Tenants of Registered Social Landlords (RSL)**

All Registered Social Landlords will have their own robust policies for dealing with racial harassment or other hate incidents / crime whether the tenancy is held by the complainant or the perpetrator and therefore 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 situation.

### **Tenants of private landlords or owner-occupiers**

If neither the complainant nor the perpetrator is identified as a tenant of the council 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 re-housing that may prove necessary. This will remain with the housing management team with advice from the housing options section.

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

## **3.0 Initial investigation**

The council considers racial harassment or other hate crime to be a priority. Housing management, in conjunction with Community Safety (CS) and the police, will consider the use of Anti-Social Behaviour Orders (ASBOs) and demoted tenancies, as well as the threat of possession proceedings, evictions and injunctions to combat this problem.

### **3.1 Interviewing the complainant**

Housing management's complainant-centred approach to racial harassment or other hate crime means that staff should accept the complainant's view on what is happening. It is not essential for complainants to provide evidence of harassment before we will assist and this principle should guide the investigation of the complaint.

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

Prior to the interview taking place refresh yourself that you have-

- All the necessary *pro forma*, leaflets,
- A listing of useful telephone numbers / specialist organisations and a copy of the racial harassment or other hate crime 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 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 should they wish to do so, they can bring someone with them for emotional support to the interview. Interviews should take place at a convenient time and private location chosen by the complainant. This could be an estate office, their home, the home of a friend, or the offices of an agency offering support. Try and make the complainant feel comfortable with the process.

Always use direct questioning and stress how importance given to the service acting at all times according to the complainant's best wishes and interest. 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 racial harassment or other hate crime report form accurately as this will provide a complete history of events and may form the basis of future criminal action. Advise the interviewee as to '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 racial harassment or other hate crime.
  - Highlight options available to the complainant including possible re-housing or legal remedies.
  - 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, spy holes, window reinforcement)
    - The provision of a risk assessment from the Fire Service where there is a real fear of arson attacks
    - Housing staff can arrange through the Fire Service / Community Safety the installation of fireproof letterboxes, fireproof mats, smoke alarms and fire extinguishes

In concluding the interview the neighbourhood manager should advise the complainant a letter will be sent to them highlighting the discussion and outlining the agreed action plan.

#### **4.0 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 without 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 / complainants. The police will not provide written details of incidents or offences through the information sharing protocol with housing

management (Data Protection Act 1998) unless a signed consent from the complainant / complainants is received.

- When 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 racial harassment or other 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.

## 5.0 Possible actions

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

Housing management can offer advice and signposting to support agencies dealing with racial harassment or other 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 and seek advice from senior officers. Ensure the complainant is fully aware of this process.

If the complainant is a council tenant, but is **not** requesting re-housing, 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 an agreed permanent offer of accommodation.

## 5.1 Re-housing

In many cases the complainant will request re-housing and any action should be prompt, depending on the severity of the situation. At this stage you should, at the earliest opportunity, present the details to the housing manager. Re-housing should be the last resort and the victim should be encouraged to stay in their own home, with action to be taken against the perpetrator. However, there will be situations when the victim's safety means that re-housing is essential.

If re-housing is approved the neighbourhood manager should:

- advise the complainant of what will then happen, outline the offer procedure and be realistic. If the complainant is already registered with Homes4Wiltshire his/her banding may be adjusted. If not registered, the complainant should be encouraged to apply for housing and should be assisted, ensuring that their banding reflects their situation.
- advise the complainant of bedroom standards based on 'family need'. We will not apply any disadvantage because they need to move; offers of accommodation will be of the same 'letting potential' quality of location as their current home, and ideally the same size and type.

- outline briefly how choice-based lettings works. This can give the complainant choice and opportunity to bid for current empty council properties they themselves would be interested in moving to.
- arrange for the complainant's details to be input onto the Homes4Wiltshire system
- Advise 'Housing Options' of details and whether or not suitable alternative accommodation is needed so that matching for offers can start
- If the complainant wishes to be re-housed outside of Wiltshire, explain the procedure. Assist with the completion of the application form and, if agreed, contact the authority concerned about demand in the complainant's area of choice. Advise the complainant that we have no direct influence on the outcome of any allocations from neighbouring authorities, but still offer assistance.

### **Suitable alternative accommodation**

The emphasis will be on aiming to ensure that the victim can stay in their own home, and suitable alternative accommodation will normally only be considered as a last resort. In the most serious cases, providing temporary accommodation may be the only provision for removing the complainant from immediate danger.

The complainant may choose to find their own temporary accommodation, usually from relatives or friends.

If the complainant is a sole tenant at that property we will not apply the 'four weeks notice', before termination of the tenancy can take place.

Should the rent account be in arrears, an arrangement to pay will still need to be made.

### **5.2 Follow-up work**

It is important to record action details on the racial harassment or other hate incident/ crime report form, whether this includes offers of accommodation, future interviews, witness reports, or actions taken by yourself and other officers, and referrals to other agencies. This may consist of:

visiting witnesses and completing statements, arranging victim support through the police. Enforcement action against the perpetrator will be considered by the neighbourhood manager.

collecting information from other agencies such as the police, and ensuring appropriate referrals have gone to designated staff in other service areas. This will form the basis for decisions and appropriate action with the case.

The early stages of any racial harassment or other hate crime incident will require close scrutiny from the neighbourhood manager involved and monitoring by the housing manager. Agreed actions and visits must be followed up and should form part of the good practice regime for dealing with such cases. The neighbourhood managers will need to chase up outstanding repair issues with the repairs contractor and any provision for target hardening measures agreed.

An 'inter-agency' meeting may need to be called to discuss legal actions against perpetrators and should form part of the consideration during case monitoring by the housing manager.

### **5.3 Dealing with the alleged perpetrator**

It is important to have the consent of the complainant, and assess the risk to them and their housing options. There may be anti-social behaviour issues which affect other occupants / neighbours, when action is required immediately. The complainant may wish to remain in the tenancy and require early action in support of this.

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 manager.

#### **Interviewing perpetrator**

Interview may be carried out with the police in attendance in the most serious cases. 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 to conduct the interview in a professional manner and to accurately record information must be maintained at all times.

Possible actions against a perpetrator 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 manager and the appropriate agencies such as the police.

#### **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 neighbourhood manager in consultation with their housing manager (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 racially aggravated offences, intentional racial harassment or other hate crime and racial hatred.

Housing management will work closely with the police and other relevant agencies to collect intelligence and evidence, in pursuing prosecutions for racially aggravated offences.

Housing management will widely publicise its policy and procedure and make these available in other formats on request.

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

### **6.0 Remedies and Powers**

#### **The Housing Act 1985 and 1996**

The Housing Acts provide sanctions against perpetrators of nuisance and antisocial behaviour in the housing context, whether they are tenants or persons who are affecting others lawfully in the area of local authority housing.

Racial harassment or other hate crime is not provided for specifically although case law has held that racial harassment or other hate crime is included under the heading of “nuisance and annoyance”. In reliance on the Housing Acts perpetrators of racial harassment or other 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**

The council’s tenancy agreement specifically prohibits harassment on grounds of race or ethnicity. If tenants or persons for whom tenants are responsible perpetrate racial harassment or other 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 the council may apply for an Anti Social Behaviour Order (ASBO) as a means of combating serious incidents of Racial harassment or other 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 (ABC)**

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 the council 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 council and the perpetrator, and if broken will be useful evidence for any court action.

## **7.0 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 Manager to constantly update the case notes and consult with the appropriate Housing Manager in their absence.

Some may view closure of a case when the complainant is re housed or returned back to their tenancy and the perpetrator removed. Due to the nature of racial harassment or other hate crime cases, it is difficult to determine when a case is actually concluded as there may well be future reoccurrences.

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

## **8.0 Monitoring**

Besides any legal requirement, it is important that we monitor all cases of racial harassment and hate incident / crime, to ensure not only that the complainant received what they regard 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' resources to combat such incidents through our service provision. In the first instance ask the complainant to complete the monitoring information form which should be sent through to the Housing Manager.

Information is then sent to Community Safety to collate and map incidents and ensure that action is being taken on the reported incidents on a regular basis.

**Hate Crime report form**

**Name of complainant:** .....

**Address:** .....

**Size / Type:** .....

**Temporary address:** .....

**Contact telephone number(s)**.....

**Family composition / list everyone residing at the property**

**Names:**

**Dates of birth:**

**Relationship:**

**Type of Incident:** .....

Details of most recent incident

.....  
.....  
.....

**Has the complainant suffered racial harassment or other hate crime before?  
Yes / No**

**If Yes detail other incidents, time, date and place:**

.....  
.....  
.....

**Has complainant reported incidents to Housing Management before?**

**Yes / No If Yes give details:**

.....  
.....  
.....  
.....

**Is there any evidence to support allegations?**

**Yes / No If Yes list evidence**

**(E.g. Graffiti, written material, broken windows other damage)**

.....  
.....  
.....

**Has incident been reported to any of the following agencies? If not 'do you wish' for Housing Management to contact any support services on your behalf?**

**Agency**

**Contact person**

**Contact number**

**Request referral**

Social Services **Yes / No**

Complainant Support

**Yes / No**

Police **Yes / No**

Solicitors -

Elected Members **Yes / No**

Education Welfare **Yes / No**

Other **Yes / No**

**Do you know who the person(s) causing harassment are, or where they live? Yes / No If yes please provide details:**

.....  
.....

**Do you know the tenure / landlord details of person harassing you?**

Council / housing association/owner-occupier/private landlord/ other/not known

**Where there any witnesses to incident(s)?**

**YES / NO     If yes, please provide details-**

**Name Address Contact number**

.....  
.....

**Are there any immediate repairs /security measures requiring attention?  
(Front or rear doors, windows, locks etc)**

.....  
.....  
.....

**What does the complainant / complainant, wish Housing Management to do?**

.....  
.....  
.....  
.....

**Tenant's (complainant) signature:**

.....

**Name of reporting officer: .....**

**Date: .....**

**Declaration**

I \_\_\_\_\_, confirm the information detailed above is accurate to the best of my knowledge.

I acknowledge the advice I have been given and I give my consent to allow representatives of Wiltshire Council Housing Management to refer / contact other agencies to assist in the investigation of my complaint.

I give my permission for Housing Management to refer my case details to other support agencies on my behalf.

**Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

**Witnessed** \_\_\_\_\_





**Would the witness be willing to go to court? Yes / No**

**Date of interview:**

---

**Witness signature:**

---

**Neighbourhood Manager**

**Signature:**



**Signed**

by alleged perpetrator .....

**Date:** .....

**Signed**

by Neighbourhood Manager.....

**Date:** .....

**Action Log Sheet**

**1. Any repairs / security arrangements needed?**

.....  
.....  
.....

**2. Have police been informed?**

**If Yes, highlight officer contact names concerned and any crime reference numbers**

.....  
.....  
.....

**3. Any witnesses or any other party who can be contacted for supporting evidence? YES / NO**

**4. Have the witnesses been visited? Yes / No**

**Were statements taken? Yes / No**

**If no, why not?**

.....  
.....

**5. Is perpetrator a council tenant? YES / NO**

**If so, what action has been taken?**

.....  
.....

**If no, has their Landlord been informed? Yes / No**

**6. Records of discussions with other agencies:**

.....  
.....  
.....

**7. Referral to Housing Manager: .....**

**Decision: .....**

Date: .....

**8. Details of any alternative offers of accommodation:**

.....  
.....  
.....

**9. Interview letter on agreed actions sent to complainant:**

.....

**Follow up visit completed:** .....

**10. Case conclusion:**

.....  
.....  
.....

Signed ..... **Neighbourhood Manager**

Signed ..... **Housing Manager**

**Is the person at risk of violence?**

**Yes / No**

If there is a risk of violence then the police should be contacted.

This would normally be via a **999** call or where the danger is not imminent via – tel. 0845 408 7000.

This should ensure police attendance at the scene.

The call operator will be able to dial 999 and transfer the call if needed.

**Police route**

Where possible referrals should be made to the Police Hate Crime Unit.

The police can:

- investigate crimes
- act as intermediaries
- provide information on other organisations
- allocate a specific officer to the victim

### **Non-police route**

If the caller does not wish to involve the police at this stage, then a referral can be made to Victim Support.

### **Victim Support**

Victim Support – tel. 0845 30 30 900

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

Victim Support can offer -

- Emotional Support
- Practical advice
- Home visits

**Racial incident monitoring form**

Ref:

NB - Racial incident is any incident that is perceived as such by the victim or anyone else

**1. The incident - please tick one**

Arson

Robbery

Damage

Sexual assault

Offensive post

Theft

Physical assault

Threatening behaviour

Graffiti

Verbal abuse

Other – please specify

**2. Postcode**

a) where victim lives \_\_\_\_\_

b) where incident took place \_\_\_\_\_

**3.0 Gender of victim - male/female**

**3. Racial origin of victim**

Black British

White British

Caribbean

White Irish

African

Any other white background

Any other African

Mixed

Nigerian White & Black Caribbean

Somali White & Black African

Any other Black background

White and Asian  
Chinese or other ethnic group  
Any other mixed background  
Yemeni  
Asian or Asian British  
Chinese Asian British  
Gypsy  
Indian  
Traveller\*  
Pakistani  
Bangladeshi  
Any other Asian background  
Other – give details below:

\*Travellers are defined as a specific ethnic group who may also belong to a variety of racial backgrounds. For this reason if you consider yourself to be a traveller you may also tick another category which indicates your racial background.

4. Is the victim an asylum seeker - **Yes / No**

5. Further action - if taken must have been recorded in writing - please tick **all** that apply

**Please complete this section – the council’s aim is to deal with all reported racial incidents**

Detailed investigations e.g. interviews with alleged perpetrator(s)

Referred to the police or other body

Mediation

Warning to The perpetrator (If oral must be recorded at the time)

Relocation of the victim

Removal of graffiti

Other – please state

**6. Is the victim satisfied with the action taken? Yes / No**

**Victim** – complete only if willing to disclose

Name

\_\_\_\_\_

Address

\_\_\_\_\_

\_\_\_\_\_

**Reporting officer**

Name

\_\_\_\_\_

Position

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

\_\_\_\_\_

**NB All information is confidential and will be stored and used only for monitoring purposes by the Wiltshire Council Community Safety Team**

Send completed forms (**marked confidential**) to the Housing Manager.

## Guidance on completion of relevant documentation

### Racial harassment or other hate crime report form (Appendix 1)

- 1) Name of complainant – self-explanatory.
- 2) Address – permanent address of complainant.
- 3) Size/Type – present accommodation – this information will be relevant if complainant requires re-housing and relates to the permanent address of the complainant.
- 4) Temporary address – The complainant may well have fled from permanent address and will be the contact address until notified differently by the complainant.
- 5) Contact telephone number(s) – this may be a land line or mobile or of a third party such as a friend or community group.
- 6) Family composition – important if complainant requires re-housing.
- 7) Type of incident – Take details rather than trying to classify it, because incidents such as physical assault, verbal abuse or graffiti may be easier to classify than racial harassment or other hate crimes which can take many forms. Recording what occurred is most important as it may be used in evidence in a criminal prosecution.
- 8) Has the complainant suffered racial harassment or other hate crime before? This may or may not have been reported, but provides background to the case. Any details are likely to be important and so a record that is as accurate as possible is important. The complainant may not remember all the incidents at the time, or may not have built up sufficient trust in you to open up fully at that time. It may, therefore, be relevant to go back to this question at a later time either during the initial interview or in subsequent interviews.
- 9) Has the complainant reported incidents to Housing Management before – our records which you will have checked before the visit may not be accurate and so do not contradict the complainant if they say they have and you cannot find a record, take the details and check again later.
- 10) Is there evidence to support the allegations – this may be physical in terms of such things as graffiti (take a camera), a police report, a broken door or window, or it may not be visible in which case this is a simple yes/no with details - if yes.
- 11) Has the incident been reported to any of the following agencies...if not 'do you wish' for Housing Management to contact any support services on your behalf – This is a **vital** question and again one you may wish to revisit as you build trust with the complainant. The more agencies we can involve the more likely we are to resolve the situation and be able to take appropriate action against the perpetrator to prevent reoccurrence of their behaviour and bring relief to the complainant.
- 12) Do you know the person(s) causing the harassment are or where they live – This will frequently be **no** as the complainant may not know or be too scared to tell you – again this is a question to revisit when a trust has been built up between you and the complainant.
- 13) Tenure/landlord details of person harassing you – Again if known and will follow from previous question.
- 14) Were there any witnesses to incidents – Yes/no answer but complainant may not know details and your knowledge as officer "on the ground" may prove useful as well as intelligence from other agencies.

15) Are there any immediate repairs/security measures requiring attention – this be obvious e.g. broken windows, graffiti removal and you may fill in some of this by observation if the interview takes place at complainants home, other issues to do with feelings of safety need to be expressed by the complainant, though you may wish to prompt depending on the seriousness of the situation.

16) What does the complainant/complainant wish for Housing Management to do – this might require some prompting by you verbalising available help. The complainant will frequently express a wish to be re-housed and this is an option but we would want the complainant to be able to live in quiet enjoyment of their home and we would like to pursue the perpetrator to the full extent of the law, to allow them and their neighbours to do this so explain other options as well.

17) Complainant signature – it is important that they sign so encourage them to do so while ensuring they understand that we will maintain confidentiality.

18) Name of reporting officer – your name as lead officer of the case.

19) Declaration – This is a vital component of the form as we cannot share information without this and the more agencies we can involve the better the chance of a successful resolution to the case there is. The witness can be another officer, a translator, an advocate/friend of the complainant or any other relevant person witnessing the interview.

### **Officer's report (appendix 2)**

1) Name of Officer – your name as lead case officer

2) Neighbourhood – name of your Neighbourhood Management area

3) Complainants – usually the complainant of the harassment

4) Address – permanent address of complainant for record keeping and monitoring purposes.

5) Report – Your observations and comments on the case for use in case monitoring

### **Witness report (Appendix 3)**

1) Name of witness – It is important to stress that this will remain confidential without their consent and that any evidence they can give will be vital in the successful resolution of the case. Also their evidence may well be able to be presented as 'hearsay' without the need for them to give evidence in court. Again, as with the interview with the complainant, this question may be worth revisiting when a degree of trust has been built up.

2) Address – again, could be withheld but will be important in the case.

3) Contact number – could be a landline/mobile/ via a community group.

4) Dates of incident(s) witnessed – They could have seen more than one incident and this could be used in criminal proceedings; be accurate without being off-putting.

5) Incident details – accuracy is essential and so get as much detail as possible.

6) Would the witness be willing to go to court – this may be important but is not always necessary, although it will be worth revisiting.

7) Date of Interview – self explanatory but important to be accurate.

- 8) Witness signature – they may not want to give it in early stages, but revisit.
- 9) Neighbourhood Manager's signature – you sign as record of interview.

#### **Alleged perpetrator report (Appendix 4)**

Respondent for the purposes of this procedure is the alleged perpetrator

- 1) Name –self explanatory
- 2) Address – again self explanatory
- 3) Contact telephone number – stress the importance of being able to keep in touch and you may need to talk to them again
- 4) Respondents comments – There are issues of confidentiality in dealing with any cases and you it may be the case you cannot give the details of the complainants but you can still question the actions of the alleged perpetrator, any comments they make have to be recorded. Also you need to make them aware of the consequences of any actions in regard to racial harassment or other hate crime, how seriously the council takes them and remedies available.
- 5) Signed – by the alleged perpetrators as a record of the interview
- 6) Date – self explanatory
- 7) Signed – Your signature
- 8) Date - self explanatory

You should seek to have a Housing Manager or another Neighbourhood Manager as a witness.

#### **Action Log Sheet (Appendix 5)**

This is the record and monitoring sheet for the case and will be assessed by your Housing Manager in case review meetings. In addition it is a prompt sheet for your use during an ongoing case or if someone else has to pick the case up.

- 1) Any repairs / security arrangements needed – this is drawn from your initial contact with the complainant but may need review as case progresses
- 2) Have Police been informed? – This needs the consent of the complainant and if given must be done promptly and records kept.
- 3) Any witnesses or any other party who can be contacted for supporting evidence? - Again information from contact with complainant and is there as an aid for the ongoing case
- 4) Have the witnesses been visited? – used for review purposes and if statements taken they should be kept with the case file
- 5) Is perpetrator a council tenant – pertinent for action purposes and tenancy details should be recorded and kept with the case file
- 6) Records of discussions with other agencies – You need to note which agency, when contacted, who you spoke to and what actions agreed, these would form a file note which you should sign and date.
- 7) Referral to Housing Manager – All cases will be monitored closely by your Housing Manager and each stage of action must be agreed by them.

8) Details of any alternative offers of accommodation – self explanatory but vital records kept. You can also record here if complainant has found their own temporary accommodation.

9) Interview letter on agreed actions sent to complainant – This is for monitoring and as a reminder, a copy should be kept on file.

10) Case conclusion – This can only be with the consent of the complainant and your Housing Manager.

**Useful contacts:**

Wiltshire Police – tel. 0845 408 7000 or in emergency dial 999.

Victim Support – tel. 0845 30 30 900

[www.victimsupport.org.uk](http://www.victimsupport.org.uk)

Childline – tel. 0800 1111

24 hour NSPCC Helpline – tel. 0800 800 500

The Samaritans – 08457 90 90 90

24 hour National Domestic Violence Helpline - 0808 2000 247

Crimestoppers – tel. 0800 555 111

Refugee Council – tel. 020 7346 6700

Wiltshire Council – tel. 0300 456 0100