

Document Title	Hate Incidents Policy
Version	Final
Release Date	April 2018
Review Date	March 2019
Extension Reason(s)	
Extension date approved	
Approver details	Customer and Communities Board
Document Type	Policy
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HATE INCIDENTS POLICY

Executive Summary	<p>This document outlines our policy on how Orbit as a business approaches and manages Hate Incidents.</p> <p>This policy also takes into account our statutory and regulatory responsibilities.</p>
Approved by	Customer Services – Senior Management Team (February 2018) and the Customer and Communities Board (April 2018)
EA completed	February 2018.
Explain how customers have been involved	Feedback on this policy will be sought from our involved customers.
Consultation	Independent Living, Leasehold and Tenancy Services.
Applies to	All staff.
Scope	This policy forms part of the wider Community Safety and Anti-Fraud agenda aimed at supporting teams to tackle and resolve allegations which are our responsibility as a Registered Provider.

1.0 INTRODUCTION

- 1.1 This policy demonstrates our strong commitment and outlines our response to dealing with allegations of Hate Incidents (which includes crimes) in our role as a Registered Provider.
- 1.2 We believe that everyone has the right to live without fear of hate incidents. We recognise the importance of tackling them and acknowledge their effect and are committed to preventing and detecting it wherever possible.
- 1.3 This policy is part of a suite under the umbrella of Community Safety and Anti-Fraud (CSAF). Other relevant policies are detailed in paragraphs 1.4 to 1.6 and 5.7 and 6.2.
- 1.4 Anti-Social Behaviour (ASB) - We recognise the serious impact of ASB and the role we have in tackling it as part of a multi-agency approach. In such cases we will apply our **Anti-Social Behaviour Policy**. We may also deal with issues arising from hate incidents under the ASB policy where appropriate.
- 1.5 Domestic Abuse - We recognise the serious impact of domestic abuse and the role we have in tackling it as part of a multi-agency approach. In such cases we will apply our **Domestic Abuse Policy**.
- 1.6 Safeguarding - Where safeguarding concerns arise in dealing with allegations of Domestic Abuse we will apply the **Safeguarding Policy**.

2.0 DEFINITION

- 2.1 We define Hate Incidents as:

“Any behaviour which is deliberately intended to harm or intimidate a person(s) which is perceived by the complainant(s) or any other persons(s), as being motivated by prejudice or hate.’ It may or may not constitute a criminal offence.”

- 2.2 Actions often associated with hate incidents are:

- Abusive or threatening behaviour and comments
- Deliberate and targeted acts intended to deter someone from peacefully living in their home, or to force them to move away
- Graffiti
- Intimidation and torment
- Physical attacks on people and property

- 2.3 Relevant legislation includes:

- The Equality Act 2010
- The Anti-Social Behaviour, Crime and Policing Act 2014

- 2.4 We acknowledge that hate incidents are particularly offensive as they are directed at an individual, family or group due to their actual or perceived age, disability, ethnicity, gender or gender identity, sexual orientation, religion or faith.

3.0 REPORTING ALLEGATIONS

3.1 We aim to make reporting allegations easy and we accept allegations from anyone with reports able to be made online via our website, by email, by telephone, in writing and in person.

4.0 COMPLAINANT AND WITNESS RESPONSIBILITIES

4.1 We expect our customers to adhere to the terms and conditions of their tenancy agreement.

4.2 We expect allegations to be made at the time of the incident occurring and we may refuse to accept an allegation if it has not been reported to us within 72 hours of the date of the incident. We do however acknowledge that in hate incident cases there may be justified reasons for a delay in making allegations and we will therefore take each situation on its own merits. We expect allegations to be factual and detailed enough for us to take action if necessary and we may refuse to accept an allegation if we are not given sufficient information.

4.3 If an anonymous allegation is made, we will only accept it if there is sufficient information and evidence to take action if necessary.

4.4 We will not disclose a complainant or witnesses details to an alleged perpetrator without their consent, however if this is not given, we may then refuse to take action if our ability to do so is limited by such a refusal.

4.5 Before making allegations to us we expect complainants and witnesses to:

- report allegations to relevant statutory organisations; for example if the allegation is of a criminal nature, we expect that it will have been reported to the Police in the first instance;
- support action recommended and/or proposed by us.

4.6 If complainants and witnesses do not follow the expectations above, we reserve the right to refuse to deal with an allegation and may be limited in our ability to act.

5.0 MANAGING ALLEGATIONS

5.1 We will take all allegations seriously; deal with them sensitively and in confidence unless there is a legal obligation to disclose information to statutory services.

5.2 We will not judge the complainant or witness and we will ensure that our response and actions focus on their needs. In situations where action is necessary, we will quickly tackle issues and we have invested in dedicated CSAF teams who are appropriately trained to manage cases that fall under the Community Safety and Anti-Fraud umbrella.

5.3 Our first priority will always be the safety of the person(s) experiencing hate incidents including their families and where appropriate and if the complainant or witness wishes, we will:

- Liaise with specialist agencies to provide support;

- Liaise with the Local Authority or other agencies to help secure temporary accommodation if it is not safe for them to remain in their home;
- Provide support to our customers who may wish to move permanently to alternative accommodation if they feel unable to remain in their home. This will usually be through Choice Based Lettings, but in limited situations and only where there is a proven and real risk of immediate violence, we may consider a move within our own housing stock under our **Management Move Policy**.

5.4 In all situations we will immediately open a case and categorise as Category A in line with our anti-social behaviour policy and we will respond within 1 working day of receiving the allegation.

5.5 We will quickly agree an action plan with each complainant or witness which will include how and when we will keep in contact, any support needs they may have and how these are to be delivered, managing expectations and our intentions as to how we intend to manage the case with their support.

5.6 Any action we may take will be proportionate to the type allegation made and will be at our discretion.

5.7 We will investigate cases in line with our **Investigations Policy**.

5.8 Action taken could be against a customer or non customer for example a household member or visitor and could relate to an allegation committed at the property, or within the immediate neighbourhood. We will only take action against a perpetrator where it is appropriate to do so and does not compromise the safety of anyone.

5.9 The tenure of the customer(s) involved may determine the type of action we take.

5.10 All cases will be kept under review until it is agreed that the issues are resolved, or where no further action can be taken. Before closing a case, we will make contact with the complainant or witness and clearly explain why we are doing so.

5.11 Where Managing Agents act on our behalf, the agent is responsible for managing allegations and we expect them to have their own policy and procedure. We do however expect their policy to follow ours as far as is practicable.

6.0 LEGAL ACTION

6.1 If a Tenancy Services Officer (CSAF) managing a case wishes to commence legal proceedings on a DIY basis, this must be approved by their line manager or in their absence, their nominated deputy.

6.2 If a Tenancy Services Officer (CSAF) managing a case wishes to use a legal remedy requiring the services of a solicitor or barrister, they must adhere to the **Legal Services Procedure**.

7.0 PARTNERSHIP

- 7.1 In some cases as a landlord, we will not always be the organisation with the responsibility or powers to deal with the allegation(s) made. In these circumstances we adopt a partnership approach and work proactively with other organisations such as the Police, Local Authority or other specialists to ensure a coordinated approach. In such circumstances we may share information in line with our **Privacy Policy**. We may also refer complainants or witnesses to other organisations as appropriate whilst always being clear about our responsibilities and capabilities.
- 7.2 Where we have an interest but another organisation is leading, we may decide not to act until the outcome of their investigation is known.

8.0 SUPPORT

- 8.1 When dealing with allegations we will consider early on the support needs of complainants and witnesses. Where support needs are identified we will make individuals aware of the support available to them, or we may with permission, make a specific support referral ourselves but this will be at the discretion of the officer managing the case. We recognise that providing support may fall outside of our role as a landlord and it is in these circumstances, that we may signpost to external organisations.
- 8.2 We will as a matter of routine, offer to make a referral to Victim Support unless another organisation has already done so.
- 8.3 We will support our staff involved in dealing with cases of hate incidents and ensure that they receive appropriate training.
- 8.4 We recognise that our staff may also be complainants of hate incidents and we will deal sensitively with such cases.
- 8.5 Harassment and or discrimination involving employees only will be managed in-line with our HR policies.

9.0 PRIVACY STATEMENT

- 9.1 We collect information ('personal data') so that we can manage and support our relationship with our customers, comply with legal obligations, improve our services and achieve our legitimate business aims. We are committed to complying with data protection legislation when handling customers' data. Customers have rights around their data, including the right to access their data and to object to the way it is processed. For more information on how and why we process customers' data and how customers can exercise their rights, please see our full Privacy Policy on our website at www.orbit.org.uk/privacy-policy/

10.0 EQUALITY AND DIVERSITY

- 10.1 Our policies are developed in line with our [Equality and Diversity Policy](#) approach. An Equality Analysis has been conducted and the details can be accessed by clicking [here](#).

11.0 COMPLAINTS

11.1 Anyone is able to make a complaint about the service they have received and this is managed under our **Complaints Policy**. We do not however accept complaints based on the outcome of a case.

12.0 MONITORING, ACCOUNTABILITY AND REVIEW

12.1 Monitoring of live cases will be monthly by the relevant Tenancy Services Manager (CSAF) and measured against any agreed Key Performance Indicators and the Customer Promise. Performance will be formally reported each April to the Customer Services Senior Management Team by the Head of Tenancy Services.

12.2 We will usually carry out a review of this policy every three years or sooner if it is newly created, or there are legal or regulatory changes.