



HATE CRIME POLICY



HATE CRIME POLICY

1. BACKGROUND

Manningham Housing Association (MHA) is a registered social housing provider. The Association provides general needs housing for rent and shared ownership.

This policy sets out how we will deal with hate crime and is applicable solely to customers and complements our Anti-social Behaviour Policy. Where an incident relates to staff, the following documents should be referred to:

- Staff Code of Conduct
- Grievance and Disciplinary Procedure
- Confidential Reporting Policy
- Whistle Blowing Policy

Manningham Housing Association recognises the detrimental effect Hate Crime has on the welfare of our customers and the impact this has on their communities. We are a registered Hate Crime Reporting Centre in Bradford and committed to tackling all forms and incidents of hate crime.

2. DEFINITION OF HATE CRIME

The Association adopts the definition of a Hate Crime as used by the Police and Crown Prosecution Service:

“Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person’s disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; transgender identity or perceived transgender identity.”

The law recognises five types of hate crime on the basis of:

- Race
- Religion
- Disability
- Sexual Orientation
- Transgender Identity

Any crime can be prosecuted as a hate crime if the offender has either been motivated by **or** demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity.

Hate Crimes can be committed against a person or property and any person can be the victim of a hate crime. Additionally, a person can be the victim of more than one type of hate crime.

A victim of hate crime does not have to be either a member of a minority or someone who is generally considered to be a “vulnerable” person. For example, the friends of a visible minority



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ethnic person, lesbian or refugee may be victimised because of their association. In other cases, a person entirely unconnected with hate motivation may be victimised if the perpetrator is mistaken in perceiving an association.

We recognise that Prejudice within communities does exist and this can often deny individuals cultural and emotional support and may lead to an increased sense of isolation. For example, Black or Asian gay men experience a complicated combination of racism, 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.

We also understand that, in a city like Bradford, tensions and prejudice within South Asian communities such as Pakistanis, Bangladeshi and Indian can and do exist for example over heightened nationalistic issues abroad which can lead to hate crimes being committed.

We recognise it is important to ensure that appropriate service responses are in place to support all victims of hate crime. MHA will ensure that we have a consistent approach to all hate crime in line with good practice and relevant legislation.

3. REGULATORY AND LEGAL FRAMEWORK

This Hate Crime policy is relevant to any legislation dealing with issues of discrimination, regulatory requirements, national and local strategies. The following pieces of legislation and guidance have been considered when producing this policy:

- Race Relations Act 1976
- GDPR Data Protection 2018
- Equality Act 2010
- Anti-social Behaviour Act 2003
- ASB, Crime and Policing Act 2014
- Criminal Damage Act 1971
- Common Law Offences Against the Person Act 1981
- Public Order Act 1986
- Criminal Justice and Immigration Act 2008
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Section 66 of the Sentencing Act 2020
- Community Alliance to Combat Hate (CATCH)



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4. RACIAL HATE CRIME

The Association adopts the definition of a racist incident as provided by the Stephen Lawrence Enquiry Report:

“A racist incident is any incident which is perceived to be racist by the victim or any other person. The term racist incident must be understood to include crimes and non-crimes and must be reported and recorded and investigated”.

The Association also works in line with the legal definition of racial harassment which is:

“unwanted conduct (on the grounds of race or ethnic or national origin) which has the purpose or effect of either violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment”.

Accordingly, racial harassment is violence which may be verbal or physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, nationality or ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism.

MHA will make sure that staff are aware of the impact that racial harassment can have on both ethnic and non-ethnic minorities, in particular to their mental and physical wellbeing. We will ensure that relevant support is provided to victims by making referrals to the appropriate agencies such as Restorative Justice, Bradford Hate Crime Alliance, Victim Support etc.

5. RELIGIOUS HATE CRIME

A religious or faith related incident is defined as any incident which is perceived to be based on prejudice towards or hatred of the faith of the victim or perceived as such by the victim or any other person.

This policy refers to all religions and recognises that some people have no religious belief. Equality of religious belief relates to stopping discrimination on the grounds of religious belief. This includes, but is not limited to, anti-Semitism (discrimination against Jews), Islam phobia (discrimination against Muslims) and sectarianism (discrimination within faiths, usually referring to Christian faiths) and discrimination against Hindus and Sikhs.

6. DISABILITY HATE CRIME

The Equality Act 2010 generally defines a disabled person as someone who has a physical or mental impairment that has a substantial and long term (12 months or more) adverse effect on his or her ability to carry out normal day to day activities.

The definition of disability hate crime would include anyone who was targeted as a result of his or her disability or impairment, as defined by the Act. This includes hidden disabilities such as epilepsy, diabetes and those with HIV status.



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If a perpetrator of hate crime is suffering from a mental health condition or a learning difficulty, we will establish capacity before making an application to court and will ensure they receive access to an advocate to act on their behalf. We will work with our colleagues in Adult Social Care and from the voluntary sector to signpost residents to the appropriate advocacy services.

7. SEXUAL ORIENTATION HATE CRIME

Homophobia is an irrational fear and dislike of people who identify themselves as lesbian, gay, bisexual, Transgender/Transsexual, Queer/Questioning plus (LGBTQ+). The “plus” is inclusive of other groups, such as asexual, intersex etc.

Homophobic attitudes can impact upon anyone who is perceived to be lesbian, or gay. It could impact on someone who has association with the gay community or it can impact on a person who does not conform to stereotypical expectations of masculine or feminine behaviour. We recognise a seemingly low level homophobic incident can have a devastating effect on an individual. LGBTQ+ harassment and incidents occur regardless of age, and can affect both young and older people.

8. TRANSGENDER IDENTITY HATE CRIME

Transphobia is an irrational fear and dislike of people who identify themselves as Transgender. It is often linked to homophobic hate as it is partially motivated by an assumption that transgender people are always lesbians or gay but this is not necessarily the case. Many people from the LGBTQ+ communities avoid disclosing their sexuality to family, neighbours, colleagues etc. because they fear negative consequences.

In both instances of Sexual Orientation and Transgender Hate Crime this fear of negative consequences means that victims are reluctant to report homophobic/transphobic abuse to the police/others. We will support victims by contacting them and relating to them in a way that builds their confidence in the process and is in accordance with their wish.

We recognise that each time a gay, lesbian, transsexual, transgender or bisexual person has to inform someone of their sexuality it can be the same as them ‘coming out’ for the first time. This process may leave the person feeling vulnerable while they are awaiting the response from us. We will remain mindful and careful not to ‘out’ the person experiencing the harassment; maintaining and upholding the principals of confidentiality.

9. MYSOGINISTIC HATE

Although not formally recognised by Law as a hate crime, The Association recognises that harassment and crimes against victims because of their gender can occur. And that this is mainly, but not exclusively women and girls who experience sexual harassment, domestic abuse and other types of abuse. It is mainly, but not exclusively, men who cause harassment and abuse.

Women have particular concerns about safety at work, in the home and in society generally. Domestic abuse is the most commonly reported incident against women.



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10. PREVENTATIVE MEASURES

As part of the signing up procedure, housing staff will make customers aware of the Association's Hate Crime Policy. Customers will also be informed that they are responsible for the behaviour of family members and visitors, and if any behaviours listed under this policy are proven, it will be deemed a breach of their tenancy and could result in eviction.

11. REPORTING AND INVESTIGATING HATE CRIME

The Association undertakes to investigate cases of hate crimes listed in this policy in a sensitive and professional manner, and will contact complainants, to obtain detailed information (by the next working day in emergency cases of receiving a complaint).

Where the Association receives a report of a Hate Crime Incident, staff are trained to record and investigate these. Where appropriate, advice will be given to victims on how to self-report to the relevant agencies (i.e. The Police). If victims are unable to self-report, staff are trained to report incidents on their behalf.

Police will be the lead agency to investigate any Hate Crime Incident and Manningham Housing Association will work with them to ensure that any response to requests for support and action are dealt with appropriately and in a timely manner.

The Association will also liaise with any other relevant agencies involved, requesting copies of reports, or forwarding information as required. The Association is committed to referring any cases of Hate Crime to Bradford Hate Crime Alliance. This will occur in line with the Associations Data Protection policies and with the complainants' express permission.

Where perpetrators are fully identified as customers of the Association and have been charged and found guilty of committing a Race Hate Crime by the relevant Authorities, the Association will consider this to constitute a breach of their tenancy agreement. The Association will then seek legal advice in deciding the appropriate course of legal action.

The identity of perpetrators of hate crime is not always known, therefore, legal remedies are limited in some instances. However, the Association will liaise with appropriate statutory and voluntary agencies in an attempt to fully identify perpetrators, including the use of surveillance equipment or professional witnesses, where appropriate.

12. PARTNERSHIP WORKING

The Association is an active partner of the Bradford Hate Crime Alliance (BHCA) and a registered Hate Crime Reporting Centre. We have committed to reporting any alleged incidents of Hate Crime to the Police & BHCA with consent of the victim. We will always adopt a multi-agency approach to tackling Hate Crime and Incidents so we can benefit from sharing of expertise and resources. We will work in partnership and forge links with other agencies with responsibility for dealing with hate incidents to provide a co-ordinated response. Examples of some of these agencies may include:



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- West Yorkshire Police
- Stop Hate UK which provides independent support to people affected by hate crime
- Bradford Council
- The Court Service
- Floating Support Providers
- Families First Project
- Bradford Hate Crime Alliance (BHCA)

13. SUPPORTING VICTIMS AND WITNESSES

We will deal with all incidents reported to us under this policy by taking a victim-centred approach such that the necessary support and protection will be provided to the victim(s).

We will take firm action against the perpetrators and, in cases where there is an immediate risk to life or property, we will assist in liaison with the police immediately and expedite an investigation within 48 hours.

We will provide support to victims by:

- Refer cases to Bradford Hate Crime Alliance and Restorative Justice.
- Keeping regular contact with victims and review their cases monthly, until their case is satisfactorily resolved and closed.
- Offer counselling where required.
- Consider management transfers on the grounds of harassment fairly and sympathetically where this is a helpful resolution of the case.
- Invest in the use of CCTV equipment to assist in evidence gathering that is admissible in court if necessary.
- Where necessary improve security, helping to protect vulnerable residents in their homes i.e. window locks, fireproof letterboxes, door entry systems, better street lighting.

14. REHOUSING OF EXISTING MHA RESIDENTS EXPERIENCING HATE CRIME

After investigation where it has been concluded that a hate crime has occurred or is suspected, the Housing Services Manager or the Director of Operations will have the authority to rehouse the complainant if requested by the victim.

It is essential that victims do not suffer further by being rehoused in accommodation which is not comparable to that being vacated. Offers of accommodation will not be restricted due to rent arrears.

In cases where the complainant (or their family) have experienced serious physical assault, arson or the threat of arson or there is a risk to the safety of the complainant (or family) the Association will offer the option of arranging emergency accommodation.

Financial assistance to help towards the cost of moving will be considered by the Investigating Officer if necessary.



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15. REPAIRS

Where damage has been caused to the customer's home, or graffiti daubed on the property, we will ensure prompt action is taken immediately. The cost of this will be borne by the Association. However, if the perpetrators of the damage or graffiti are fully identified, then appropriate action to recover costs will be taken immediately.

Officers, whose role takes them out of the office, should report any graffiti appearing on MHA's schemes attributable to hate crime activity. The Association will seek immediate removal of the graffiti.

16. TRAINING

Staff responsible for investigating or handling hate crime cases will be required to attend training. We will ensure that staff make use of the most appropriate service and response in dealing with victims and alleged perpetrators.

17. CONFIDENTIALITY

We will always treat any sensitive or personal information given to us as confidential in accordance with the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) 2018. We will only pass this information onto third parties such as statutory organisations if:

- We are required by law to do so - either for the prevention or detection of crime or the apprehension or prosecution of offenders.
- There is an information/data sharing protocol, contract or confidentiality agreement in place.
- The person who gave us the information is happy for us to share the information.

Our employees will always respect confidentiality and will not share any information given in confidence unless justified by the assessed risk to the vulnerable person or required by law.

Confidentiality will be discussed with the customer where there are safeguarding concerns or alerts and an explanation will be given that this information may need to be shared with other people in order for the situation to be resolved.

Where Safeguarding concerns are identified while dealing with ASB then staff should refer to the Safeguarding – Children and Vulnerable Adults Policy and act in accordance with guidance set out in the policy.

18. EQUALITY AND DIVERSITY

As Bradford's only Black and Minority Ethnic (BAME) housing association, MHA is actively committed to promoting and embedding a culture of equality, diversity, and inclusion. MHA is



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an organisation which values differences and enables individuals to be their authentic selves.

Our aims are for the organisation to be a leading voice for BAME communities, to be truly representative of all sections of the society and communities we serve, and for each member of our staff, residents, and other stakeholders to feel respected and valued.

19. MONITORING AND REVIEW

We will monitor and review this policy in conjunction with customers to ensure its effectiveness and relevance to the Association's stated aims and objectives.

The Assistant Chief Executive/Director of Operations has overall responsibility for the on-going monitoring of the policy through the work of frontline staff, particularly those engaged in Neighbourhood Management. The policy will be reviewed every three years or sooner following significant legislative or regulatory changes or good practice requirements.

Policy Name	Hate Crime Policy
Ref No.	EX07
Date of Customer Panel Consultation	February 2022
Equality Impact Assessment Completed	Yes
Date Approved by the Executive	March 2022
Next Review date	March 2025
Lead Officer	Head of Housing Services



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APPENDIX:

EXAMPLES OF HATE INCIDENTS AND HATE CRIME

For victims, Hate Incidents can often feel like a crime has been committed against them. Hate incidents can often escalate into a crime and can lead to tensions in a community. Some examples of hate incidents are:

- Verbal abuse like name-calling and offensive jokes
- Harassment
- Bullying or intimidation by children, adults, neighbours or strangers
- Physical attacks such as hitting, punching, pushing, spitting
- Threats of violence
- Hoax calls, abusive phone or text messages, hate mail
- Online abuse for example Twitter/Facebook or other social media platforms
- Displaying or circulating discriminatory literature or posters
- Harm or damage to property, pets or vehicles
- Graffiti
- Arson
- Throwing rubbish into a garden
- Malicious complaints for example car parking, cooking smells or noise

When a hate incident becomes a criminal offence, they are classified as a Hate Crime. Hate crimes can take many forms including:

- Assaults
- Criminal Damage
- Harassment
- Murder
- Sexual Assault
- Theft
- Fraud
- Burglary
- Hate Mail
- Causing harassment, alarm or distress