

Hate Crime and Harassment Policy

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| Responsible Officer | Assistant Director Housing |
| This policy is applicable to | All Karbon Homes directorates including any subsidiary companies. |
| Approved by | Karbon Management Team (KMT) |
| Date approved | 30 th March 2023 |
| Frequency of review | Every 3 years |
| Date of next review | March 2026 |
| Implementation date | 3 rd May 2023 |
| Key related documents (policy, procedure, customer literature) | <ul style="list-style-type: none"> • Allocations Policy • Anti-Social Behaviour Policy • Caution Alert Policy • CCTV Policy • Complaints and Compliments Policy • Customer Service Standards • Data Protection Policy • Domestic Abuse Policy • Estate Management Policy • Equality and Diversity Policy • Karbon Tenancy Agreements • Safeguarding Policy • Unacceptable Customer Behaviour Policy • Any relevant procedure or appendices that accompany the above policies. |
| Sources of best practice or guidance used in developing this policy | <p>Legal references:</p> <ul style="list-style-type: none"> • Anti-Social Behaviour Crime and Policing Act 2014 • Civil Partnership Act 2004 • Crime and Disorder Act 1998 • Data Protection Act 2018 • Equality Act 2010 • Gender Recognition Act 2004 • Housing Acts 1985, 1988, 1996, 2004 • Housing and Regeneration Act 2008 • Human Rights Act 1998 • Policing and Crime Act 2009 and 2017 • Protection from Harassment Act 1997 |

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| | <ul style="list-style-type: none"> • (The) Racial and Religious Hatred Act 2006 (amended the Public Order Act 1986) • Criminal Justice and Immigration Act 2008 • Serious Crime Act 2015 <p>Guidance:</p> <ul style="list-style-type: none"> • Hate Crime Action Plan, Home Office. • Guide to Anti-Social Behaviour Crime and Policing Act 2014, July 2014, Home Office. • CPS Guidance on hate crime • Tenant Satisfaction Measures |
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| Version Control | | | |
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| Version (see note 1) | | Changed sections | Insert name and job title |
| Equality Impact Assessment (EIA) (see note 2) | Initial/Full | EIA Date 1 st March 2023 | Laurie Edmundson Community Safety Manager Kelly Taylor Assistant Director Housing |
| Data Protection Impact Assessment (DPIA) (see note 2) | Initial/Full | DPIA Date 1 st March 2023 | Laurie Edmundson Community Safety Manager Kelly Taylor Assistant Director Housing |

| Document change history | | |
|--------------------------------|------|------------------|
| Version | Date | Changed sections |
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| Consultation | |
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| Consultation Group (if applicable) | Date of Consultation (if applicable) |
| Staff | February 2023 Housing, BCT, 54North, Safer Communities Officers and Supported teams |
| Union(s) | N/A |
| Customers | February 2023 |

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| Human Resources / Organisation Development | February 2023 Inclusion and Belonging Strategic Lead |
| Health and Safety Working Group | N/A |
| Data Protection | N/A |
| Other stakeholder (please state) | N/A |

Policy statement

Karbon Homes take all forms of hate crime seriously, it will not tolerate incidents of hate crime.

This policy highlights the core commitments adopted by all members of the Group to work to tackle and deal effectively with incidents of hate, to adopt a preventative approach to hate crime and to educate neighbourhoods and communities around hate crime and harassment.

We recognise that this must involve developing and maintaining strong relationships and partnerships with our customers, other organisations and agencies in the communities in which we work. We will ensure that effective links are developed to achieve this. We will meet our legal and regulatory requirements and work to ensure that our approach reflects best practice.

Karbon Homes will use the powers and resources available to deal effectively with perpetrators of hate crime or harassment, as well as to ensure that victims of hate crime or harassment receive appropriate support.

Risk policy is designed to control

To ensure the safety of our residents, staff and communities

Key performance measures

Number of reports of hate crime
Number of reports dealt with within timescales

Definitions

Hate Crime: “Any hate incident, which constitutes a criminal offence and is perceived, by the victim or any other person as being motivated by prejudice or hate. It is a crime that is committed against a person or people because they belong to a certain group. That group will usually have certain identifiable characteristics i.e. their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.”

A hate crime can take many forms, including threats or acts of violence, damage to property and name calling.

Harassment: “Conduct directed at, or towards an individual by another which causes a victim to fear violence, may be used against them or another person, or causes the victim to feel afraid, alarmed or distressed. Harassment is a personalised form of anti-social behaviour, specifically aimed at a particular individual.”

Harassment may include (and is not limited to) any of the following:

- Abusive or insulting behaviour that is written or verbal
- Violence or threats of violence
- Vandalism or graffiti to property
- Arson or attempted arson
- Repeated and unfounded complaints against a tenant or family or group
- Action/activities intended to deter a person from occupying a particular property
- Abusive telephone calls, messages or posts on any form of social media.
- Uninvited visits to someone’s home
- Placing offensive materials near or in the victim’s home

Racial harassment: is an acute form of anti-social behaviour and is a criminal offence. Section 32 of the Crime and Disorder Act 1998 introduced the offence of Racially Aggravated Harassment. There are civil and criminal remedies available to prosecute the perpetrator of such an act. Pursuing a course of conduct that would amount to harassment is outlawed by the Protection from Harassment Act 1997.

Racial Incidents: Karbon has adopted the definition of racist incident as recommended by the Stephen Lawrence Inquiry.

“A racist incident is any incident which is perceived to be racist by the victim or any other person.” (McPherson Report).

This definition means that if anyone, the victim, a witness, a Police officer or member of staff believes an incident may be motivated due to racism or hate then it will be recorded and dealt with as such by Karbon Homes.

Sexual harassment: is physical, verbal or non-verbal conduct of a sexual nature which is unwanted or offensive to the recipient – this may include unwelcome sexual

advances, requests for sexual favours, and other verbal or physical harassment of a sexual nature.”

Homophobia/Transphobia: The Criminal Justice and Immigration Act 2008 provides legal protections against incitement to hatred on the grounds of sexual orientation, i.e. behaviour that is offensive or hostile towards a personal who is lesbian, gay, bisexual or transgender.

Disability Hate Crime: a disability under the Equality Act 2010 is defined as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a person's ability to do normal daily activities. If a person is hostile to another based on the victim's disability then this may be a disability hate crime.

Religious: The Racial and Religious Hatred Act 2006 (amended the Public Order Act 1986) and created a criminal offence of stirring up hatred against a person because of their religious grounds. The offence applies to the use of words or behaviour, which are threatening and intended to stir up religious hatred against a group of people defined by reference to their religion, or lack of belief.

Chronic conditions: We recognise that people can suffer from a range of chronic conditions, e.g. HIV status which can result in harassment or negativity occurring towards them due to misconceptions and the ignorance of others.

1.0 Purpose of policy

- 1.1 This policy outlines Karbon Homes' approach to tackling hate crime and harassment.
- 1.2 This policy demonstrates our commitment to working in partnership with other agencies to tackle hate crime and harassment using relevant legislation, guidance and best practice.
- 1.3 This Policy should be read in conjunction with the Anti-Social Behaviour policy and procedure.

2.0 Objectives

This policy ensures that Karbon Homes' approach to preventing and effectively tackling Hate Crime and Harassment fulfils the following objectives:

- To focus on prevention of hate crimes and harassment and early intervention.
- To ensure reports of hate crime and harassment are dealt with in a sensitive and timely manner.
- Supports victims and adopts a victim centred approach.
- To challenge and tackle perpetrators of hate crime and harassment.
- To support perpetrators to amend their behaviour where appropriate.

- To work in partnership to address these issues with other organisations and agencies including but not limited to the Police, Local Authorities, specialist support agencies and third sector organisations.
- To comply with relevant legislation, guidance, and best practice.

3.0 Policy detail

3.1 Prevention

- 3.1.1 The rights and obligations contained within the tenancy agreement and other supporting documentation will be explained as part of the sign-up process. The tenancy agreement sets out the expected standard of behaviour and outlines the implications for the tenancy if a tenant, members of their household or visitors to the property perpetrate hate crime or cause harassment.
- 3.1.2 Karbon Homes will work closely with partner agencies to raise awareness and improve understanding of hate crime and harassment and the impact on victims as well as to actively promote community cohesion.
- 3.1.3 Karbon Homes is committed to improving the services we provide to our customers and will learn from best practice in the sector to achieve this and to ensure that customers are provided with an effective and high-quality service.

3.2 Reporting incidents of hate crime and harassment

- 3.2.1 Karbon Homes is committed to ensuring that the reporting of incidents is as easy as possible for customers.
- 3.2.2 Hate Crime, is a criminal offence and in the first instance should be reported to the Police by using 101 in non-emergency situations or 999 in emergencies.

Hate crime and harassment can be reported in a number of ways to Karbon Homes:

- In person to any member of Karbon Homes staff
- By telephone (during office hours and via the out of hours service)
- In writing or by email
- Via a local Community Safety Team – these may be named differently within individual Local Authorities
- Via a tenants/resident's association, community group or community representative

- 3.2.3 Where the victim is at risk or where appropriate we will encourage victims to report the matter to the Police or to other relevant agencies for support and assistance.

3.3 Tackling incidents of hate crime and harassment

- 3.3.1 Karbon Homes will adopt a victim centred approach and any actions will be tailored to the needs of the customer.
- 3.3.2 Karbon Homes will ensure that anyone reporting incidents will be taken seriously and will be treated in an empathetic, supportive, and non-judgemental way and that the person reporting the incidents will be given advice and assistance as a priority.
- 3.3.3 We will treat all information given to us in confidence and will only pass on information to other agencies if we have permission unless we have a duty to disclose information in order to:
- Protect the victim.
 - Prevent harm to someone else.
 - Prevent or detect a crime.
- 3.3.4 Where appropriate, rehousing requirements and housing options will be discussed. Officers will make every effort to ensure that a safe and secure environment is provided for customers and their families, and will work alongside specialist agencies to provide advice and assistance.
- 3.3.5 Karbon Homes can provide victims with some small items of personal security equipment such as personal alarms. Other security may be offered such as lock changes, window and door alarms immediately to provide some reassurance.
- 3.3.6 We may also consider carrying out further security measures such as dusk until dawn lights, or additional door or window locks where appropriate and based on a risk assessment.
- 3.3.7 Karbon Homes may also make referrals to partner agencies such as the Police, the Local Authority or the local Fire service for additional security or where a much greater level of home security is required (or where security is required as a matter of extreme urgency).
- 3.3.8 If repairs or security measures are needed to victims' homes we will undertake these as a high priority. For example, securing damaged doors and frames, boarding up windows and changing locks will be treated as emergency repairs.
- 3.3.9 Where there is evidence to suggest that the tenant and/or family members would be at immediate and substantial risk of violence, advice will be offered to victims and they will be referred to the relevant Local Authority and the Police. Those who are vulnerable due to being forced to leave accommodation as a result of threats or violence from other person may have a priority need as defined by article 6 of the Homelessness (Priority Need for Accommodation (England) Order 2002.

The relevant Local Authority may have a duty to provide immediate temporary accommodation under the Housing Act 1996 and the Homelessness Act 2002.

3.3.10 Karbon Homes do not have readily available properties and advertise all prospective empty homes at the first opportunity. Victims and their families will be supported to apply through the relevant housing schemes with Local Authorities in a bid to obtain a property, regardless if this is Karbon stock or not to ensure that victims have the widest possible opportunity for rehousing.

3.4 Support

3.4.1 We will support victims by dealing with their reports promptly, by keeping them informed of any developments relating to their case and by referring them to appropriate support services, where necessary. We will work closely with the victims throughout all stages of the case, to ensure that they are aware of the action being taken, where appropriate.

3.4.2 Karbon Homes will ensure that anyone experiencing hate crime or harassment can access appropriate support as a matter of priority. Where we are unable to provide support directly, victims will be referred to other agencies.

3.4.3 Karbon Homes will:

- Offer same gender interviews or caseworkers for victims when requested.
- Arrange for an interpreter or sign language interpreter where required.
- Ensure any letters, paperwork or literature is translated into a victim's first language wherever necessary.
- Ensure that that referrals are made to appropriate agencies where children or young people are affected by hate crime and harassment.
- Support victims to take appropriate legal measures to protect themselves and their families and signpost them to appropriate agencies where they can access help and support to use both civil and criminal laws.
- Make appropriate safeguarding and any other necessary referrals if we believe that a child or an adult is at risk due to hate crime and harassment.

3.4.4 Karbon Homes acknowledges that perpetrators of harassment can change their behaviour and will, therefore refer them to other agencies for support, education and assistance as and when appropriate.

3.4.5 Karbon Homes recognises certain issues can contribute towards this kind of behaviour for example drug and alcohol abuse, mental health problems, isolation, exclusion and discrimination. Perpetrators of hate crime and harassment will be offered support through referrals to specialist agencies if appropriate.

3.5 Intervention

3.5.1 Karbon Homes will seek to address the first report of an incident effectively and promptly.

3.5.2 Karbon takes all forms of hate crime and harassment seriously and will take appropriate and proportionate action to address this type of conduct across all Karbon owned or managed properties. Non legal remedies and or/legal proceedings may be considered to resolve these issues. Action will only be taken after consulting the victim and considering their wishes.

Methods of interventions may include:

- Mediation
- Acceptable Behaviour Agreements
- Applying for an Injunction
- Applying for committal where a resident has breached an Injunction
- Seeking Possession Orders and enforcing the same
- Any other appropriate power proportionate to the circumstances

3.6 Partnership working

3.6.1 Karbon will work closely with relevant partner agencies, especially the Police, to address, raise awareness, educate, and prevent hate crime and harassment. We will inform the Police about all hate crime and harassment incidents reported to us with the consent of the victim.

3.6.2 We will actively work with the Police to effectively tackle all reports of hate crime and harassment. We will develop partnership arrangements with relevant statutory and voluntary organisations, where appropriate.

4.0 Monitoring and Review

4.1 This policy will be reviewed every three years unless there are business, sector developments or significant changes to best practice, regulatory or legislative requirements.

4.2 All staff will be given regular safeguarding training, and will be updated on any changes to policy, procedure or legislation around hate crime and harassment.

4.3 Karbon will also support any staff member adversely affected by dealing with any incidents of hate crime as part of our approach to staff welfare.

5.0 Equality and Diversity

- 5.1 This policy is applied in line with Karbon's Equality and Diversity Policy and the associated legislation including the Public Sector Equality Duty and Equality Act 2010.
- 5.2 At Karbon we aim to eliminate discrimination, promote equality of opportunity, foster good relations, and define the nine protected characteristics of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.
- 5.3 However, we like to go even further. Beyond these protected characteristics we also take into consideration additional factors such as socio-economic status and language barriers which may also play a part. Our vision is for everyone to be treated fairly, have equality of opportunities, freedom, respect, and access to our services.
- 5.4 To help us achieve this, we will work to improve accessibility for all, offering reasonable adjustments, adaptations and discussing ways that we can work to remove any barriers. A reasonable adjustment involves making a change to the way that we usually do things.
- 5.5 All of our customer policies and key information are made available on the Karbon Homes website. Reasonable adjustments that can help for example to make our information and services more accessible are sign language and language interpreters.
- 5.6 We will work to improve accessibility for everybody that we deal with offering reasonable adjustments, adaptations and discussing ways that we can work to remove barriers that you may experience. A reasonable adjustment involves making a change to the way that we usually do things.
- 5.7 We work together to look at options and agree what adjustments would be reasonable in your individual circumstances. If you would like to find out more please get in touch with the team.

6.0 Data Protection and Privacy

- 6.1 We have a clear policy on data protection and sharing data with other partners/third parties under the requirements of the UK General Data Protection Regulation, the Data Protection Act 2018 and other associated legislation.
- 6.2 This is clearly set out in the Data Protection Policy for the Karbon Homes Group which, along with its associated procedures, must be followed throughout the operation of this policy.