

Policy Name: Hate Policy

1. Policy Summary

- 1.1 Midland Heart is committed to tackling anti-social behaviour and hate. Hate is unacceptable and should not be tolerated. We want our neighbourhoods to be safe places for everyone. We won't tolerate behaviour that prevents our customers feeling secure in their home and their neighbourhood.
- 1.2 We are committed to tackling hate by working in partnership, sharing best practice, and ensuring our staff respond to this issue in a co-ordinated and consistent way. We will treat anything reported confidentially.
- 1.3 There may be occasions where there is good reason to apply discretion when decision making. We will always consider the individual circumstances of the individual involved when making our decisions.

2. Policy Principles

2.1 Our policy aims to achieve the following:

- To provide employees with clear and practical guidance to ensure we support and protect victims of hate.
- To ensure that all reports of hate are taken seriously, are dealt with sensitively and in confidence.
- To ensure that those who are subjected to hate are dealt with in an empathetic and sensitive manner, in accordance with their needs.
- To create a safe environment where victims feel they can approach us, are encouraged to talk, and are listened to.
- To work collaboratively with partners so that we can respond quickly to any cases of hate and improve the safety and security of those involved.
- To promote the wellbeing of victims and demonstrate full commitment to the principles of equality and diversity throughout the organisation.
- To ensure that our services are accessible, relevant, responsive, and sensitive to the needs of our existing and future customers.
- To try to prevent incidents and reoccurrence of hate by using effective and appropriate interventions.

3. It applies to...

- 3.1 This policy sets out our response to dealing with hate. This policy applies to customers of all tenures living in a home, owned or managed by Midland Heart, including general needs, supported and retirement living, market and intermediate rent, service users and licensees, leasehold and shared ownership properties.
- 3.2 It also applies to staff and contractors where a Midland Heart customer perpetrates hate, or a person(s) associated with a Midland Heart customer. This policy should be read in conjunction with our Anti-Social Behaviour (ASB) policy.

4. Definitions

- 4.1 'Hate' is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.
- 4.2 There are five centrally monitored strands of hate:
- Race or ethnicity;
 - Religion or beliefs;
 - Sexual orientation;
 - Disability;
 - Gender reassignment or transgender identity.
- 4.3 An offence may also be motivated by hatred towards another protected characteristic i.e., age or gender. *(Home Office)*
- 4.4 Hate can be committed against a person or property, and can be expressed in many forms, and may include:
- verbal abuse or ridicule,
 - vandalism and/ or arson,
 - graffiti or posting of offensive literature,
 - threatening behaviour/ communications.
- 4.5 We recognise that some 'hate' incidents that are reported may not constitute a criminal offence. Midland Heart, therefore, considers such behaviour to also constitute anti-social behaviour as it will cause or is likely to cause harassment, alarm or distress and/ or a nuisance or annoyance, to a Midland Heart customer, member of staff or contractor.
- 4.6 We will take a robust approach to hate of any form, and we aim to respond quickly and effectively to any reported incidents.

5. How will we respond?

- 5.1 Hate is treated with the highest priority in the first instance, to ensure the safety and wellbeing of the victim (and their children), so a case will be triaged by our Customer Hub and allocated for follow up the next working day.
- 5.2 We will accept reports of hate through any available communication channel and ensure all incidents are logged. We will offer a confidential service: at our offices, by telephone, or an agreed choice of safe venue, and ensure that people experiencing hate can access appropriate services as early as possible and are given appropriate advice.
- 5.3 We will accept reports of hate directly from victims and witnesses, but also accept reports by third parties who are reporting on behalf of victims, because we recognise that sometimes victims may be more willing to report incidents to people at advice centres, reporting stations, victim support, places of worship, the police, GP surgeries or any other establishments, rather than to us.
- 5.4 We will establish a victim-centred approach in dealing with hate. An incident will be accepted as hate if it is defined as such by the victim, unless it can be proven otherwise or deemed unreasonable.
- 5.5 We will carry out a risk assessment and provide support for victims, their family, and children. The risk assessment will inform a tailored approach and is used to respond to the affected individual(s). Where there is a concern that an individual is at risk from abuse or neglect, we will also follow our safeguarding policies and procedures.
- 5.6 We will use the full range of tools and powers available to us, including early intervention/prevention remedies, as well as enforcement powers in serious cases, taking proportionate action based on the level of harm caused and the seriousness of the incidents, in line with our ASB Policy.
- 5.7 Proven hate crime/ incidents break the conditions of our Tenancy Agreement, and we will take appropriate action against tenants or members of their household responsible for such incidents. Alleged hate crime and incidents may also be considered a breach of tenancy agreement conditions, with appropriate action being taken.
- 5.8 Where the perpetrator is not linked to one of our properties but causes problems to our customers and/ or staff, we will work with our partners to determine what action is most appropriate and who should lead on the case.

- 5.9 Where appropriate, we will provide support to perpetrators and make referrals to appropriate agencies where we identify support needs and services are available.
- 5.10 We will deal with any repairs which are needed because of hate crime/ incidents as an emergency (within 24 hours); and we will remove offensive graffiti within 1 working day. We may provide additional security measures to a customer's home where necessary, in line with the completed risk assessment and action plan. We may also provide information on specialist agencies such as Stop Hate [Home - Stop Hate UK](#).
- 5.11 We will investigate any allegations or suspected hate by Midland Heart employees through our internal disciplinary procedures.
- 5.12 We record all cases of hate as part of our ASB case management, and we will advise the victim how we are going to tackle the case and agree the frequency and method in which we will keep the customer updated.

6. Accessibility and Awareness

- 6.1 As detailed in section 5.2, reports of hate can be received through any of our communication channels. This includes reports to any member of staff, via phone, email and social media. Where complaints are received through social media, to maintain privacy and confidentiality, we will respond via private message. We will promote the ways in which reports can be made through our main communication channels.
- 6.2 Where reports are received via third parties (see section 5.3) we will need written consent from the tenant or resident to discuss the complaint with their representative, in line with our Data Protection Policy and Procedure and our GDPR 2018 requirements.
- 6.3 Where a Councillor or MP makes an enquiry on behalf of a tenant or resident, they will not be required to provide written consent as they are elected representatives. These will be treated as MP or Councillor enquiries and the usual process will apply.

7. Reasonable Adjustments and Support

- 7.1 We understand that some tenants and residents may have difficulty communicating with us, as such we will always make reasonable adjustments, enabling tenants and residents to report their concerns and engage in the process.

- 7.2 There is no prescribed list of reasonable adjustments; the adjustment will depend on the individual's needs. We will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances.
- 7.3 In the majority of cases, we will be able to agree and deliver the required reasonable adjustment with a minimum of delay. In some cases, we may need to consider in more detail how best to overcome the difficulty or seek advice from expert organisations that can assist with signposting and other forms of support.
- 7.4 There may be occasions where there is good reason to apply discretion. We will always consider the individual circumstances of the tenant or resident involved when making our decisions.

8. Our Commitments

8.1 We will:

- Treat hate with the highest priority and respond within 1 working day.
- Provide the victim with a named officer responsible for the case.
- Assess risk and agree an action plan that will be variable dependant on the circumstances, individuals needs or risk of harm to the individual.
- Ensure a method and frequency of communication is agreed with the victim and ensure they are kept up to date with the progress of any action being taken.
- Identify support needs and tailor our approach accordingly, working with partner agencies where applicable to provide appropriate levels of support.
- Provide staff with appropriate training, support and resources to enable Midland Heart to take appropriate action to, wherever possible, ensure the problem is resolved with a sustainable outcome.

8.2 In dealing with hate, we recognise that our staff may come across issues around the protection of adults and children at risk of harm or abuse. We will:

- Be vigilant in looking for signs that adults or children are at risk of harm or abuse.
- Report any such concerns to the Police and/ or Local Authorities as a Safeguarding concern.

8.3 Midland Heart has a Safeguarding & Wellbeing policy and procedure that deals with safeguarding concerns.

9. Our Strategic Approach

- 9.1 Crime surveys suggest that hate is severely under-reported. Only by taking action to encourage reporting can the full scale of such crimes be seen, and victims properly helped. As an organisation which has a trusted relationship with our customers, we are in a good position to encourage and support customers to report such crimes.
- 9.2 We are a Third-Party Reporting Centre for hate, demonstrating our commitment to tackling hate. We will report incidents to the Police on behalf of victims or support victims in doing so if we have their consent or where we are legally obliged to do so. We will also report incidents anonymously, which allows us to share information about hate, without sharing the victim's details. Anonymous reporting will become 'intelligence' for the Police which will enable them to understand what is happening in communities. Reports should be made via www.report-it.org.uk
- 9.3 We will refer cases to multi-agency panel meetings with the agreement of the victim where appropriate, to ensure that support is received from all relevant agencies to ensure services are co-ordinated, to prioritise the safety of victims and their children.
- 9.4 We will work with all relevant agencies to deal with hate where appropriate, using our range of existing information sharing protocols to exchange information effectively. We will not share information without the prior consent of the victim unless we have safeguarding concerns.
- 9.5 We will review our cases and use tenant insights to understand how hate can be prevented and addressed in the areas we operate. We will work in partnership with statutory partners on strategic responses to hate and the effect this can have on homelessness, and we will support with initiatives to minimise the impact.

10. Closing Cases

- 10.1 When risks have sufficiently been mitigated, we will discuss closure of the case with the victim. We will consider:
- If the issues have been resolved to the customer's satisfaction.
 - We have taken all available action to resolve the matter.
 - There have been no further reports, and we cannot take any further action without the victim's assistance.
 - Whether another agency is dealing with the case, and it no longer requires involvement by our officers.

11. Complaints

11.1 Where a customer is unhappy with Midland Heart's response to a report of hate and believes that we have not delivered our service in line with our published policies and service standards, the customer is able to make a service complaint. Please refer to Midland Heart's complaints, comments and compliments policy for further information.

12. External Review – ASB Case Review

12.1 All members of the public have the right to request that the Local Authority, Local Police Force and the local clinical commissioning group conduct a review of the way in which an anti-social behaviour case has been handled. Arrangements for requesting this review will differ depending upon the local authority area. These arrangements will set out a threshold that must be met for a review to be commenced. If the threshold is not met, the case will not be subject to a review.

12.2 We will work with relevant partners when a review is requested to ensure that all relevant information is provided to the review panel to enable them to respond effectively to customers who request a review. Where it is requested that Midland Heart presents a case to a review panel, the representative from Midland Heart will be of a suitably senior level to enable an effective discussion of the case.

12.3 Where actions are recommended by the review panel, we will consider these recommendations in line with the relevant Midland Heart policies and procedures. Where the recommendation is compatible with our approach and it is reasonable to carry out the recommendation, the action will be taken. Where the recommendation is incompatible with our approach, a representative will discuss the matter with the relevant panel members and advise the panel of the alternative approach that we will take.

13. This policy links to...

External:

- Anti-Social Behaviour Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- Housing Acts 1985; 1988; 1996
- Data Protection Act 2018
- Equality Act 2010
- Care Act 2014
- Crime and Disorder Act 1998, as amended in 2002
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Criminal Justice Act 2003

- Racial and Religious Hatred Act 2006
- Regulation of Investigatory Powers Act 2000
- Regulatory Framework – RSH- Neighbourhood and Community Standard 2024

Internal:

- Safeguarding and Wellbeing Policy & Procedure
- Data Protection Policy & Procedure
- Complaints, Comments and Compliments Policy
- Appeals Procedure
- CCTV Surveillance Policy
- Additional Needs Policy
- Domestic Abuse Policy

Policy Document Control

Business Owner/Role: Vicki Brownhill, Director of Housing

Author/Role: Vicki Brownhill, Director of Housing

Directorate: Operations Directorate

Version Number: V1.0

Customer Insight (if applicable): *How has customer insight shaped the development of the policy to satisfy the TIE Standards: 1.2.1 Registered Providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in: a. the formulation of their landlord's housing-related policies and strategic priorities.*

Approved By/Date Approved: David Taylor, Executive Director of Tenancy Services
October 2024

Next Review Date: October 2026