

## Harassment and Hate Crime Policy & Procedure

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| <b>1.</b> | <b>Policy objectives</b>  |
| 1.1       | Watford Community Housing (WCH) is committed to eliminating discrimination, harassment & victimisation in all its forms, advancing equality of opportunity & fostering good relations between groups. WCH takes all forms of harassment and hate crime seriously and adopts a zero tolerance approach to this behaviour.  |
| 1.2       | Harassment and hate crime often differs to anti-social behaviour (ASB) in that harassment <u>may be</u> specifically motivated by prejudice or hatred towards people with a <i>perceived</i> identifiable characteristic and hate crime <u>is</u> motivated in this way. It should be borne in mind that ASB may have an underlying harassment or hate crime intent.  |
| 1.3       | Our Harassment and Hate Crime Policy seeks to:- <ul style="list-style-type: none"> <li>• Take appropriate steps to prevent harassment and hate crime, for instance by including appropriate provisions in Tenancy Agreements &amp; leases allowing us to take action against alleged Perpetrators;</li> <li>• Encourage the reporting and recording of all incidents, working collaboratively with external partners to support the Victim;</li> <li>• support complainants appropriately in reporting incidents and seeking external support;</li> </ul> |
| <b>2.</b> | <b>Legislative &amp; regulatory requirements</b>  |
| 2.1       | <u>Legislative</u> <ul style="list-style-type: none"> <li>• Crime and Disorder Act 1998 (ss28-32)</li> <li>• Protection from Harassment Act 1997 (“together Harassment Law”)</li> <li>• Human Rights Act 1998</li> <li>• Criminal Justice Act 2003 (2145-146)</li> <li>• Racial and Religious Hatred Act 2006</li> <li>• Anti-Social Behaviour Act 2003 &amp; Anti-Social Behaviour Crime &amp; Policing Act 2014</li> <li>• Equality Act 2010</li> </ul>   |
| 2.2       | <u>Regulatory (WCH Tenants):</u><br>RSH Tenant Involvement & Empowerment Standard (para 1.3) :<br>“Registered providers shall : treat all tenants with fairness and respect, demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs”.   |
| <b>3.</b> | <b>Scope &amp; definitions</b>  |

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| <p>3.1</p> <p>3.1.1</p> <p>3.1.2</p>                   | <p><b>Scope</b></p> <p>This Policy applies to WCH tenants and leaseholders regardless of tenure type. The Policy does <b>not</b> apply to harassment or hate crime experienced by WCH staff members, this would be dealt with under the relevant Human Resources policy. All WCH staff must be aware of and follow this Policy and Procedure in their day to day work for the WCH Group.</p> <p>This Policy must be adhered to by Watford Community Housing Group, including its subsidiaries, and any joint venture companies which have adopted the WCH policy framework.</p>   |
| <p>3.2</p>   | <p><b>Definitions</b></p> <p><b>CAS (Community Action System):</b> the system within Orchard used to log and manage ASB incidents.</p> <p><b>Complainant:</b> the person reporting harassment or hate crime, whether a Victim, person associated with them or member of the public.</p> <p><b>Harassment:</b> behaviour deliberately intended to harm or intimidate a person. It is usually motivated by prejudice on the grounds of race/ethnicity, disability, religion, gender, sexual orientation or other personal characteristics but not always. Where behaviour falling into this category constitutes a 'course of conduct' i.e. occurs on at least <b>two occasions</b> it will give rise to a criminal offence under Harassment Law.</p> <p><b>Hate Crime:</b> a criminal offence which is perceived by the Victim or another person to be motivated by hostility or prejudice based on a person's disability, race, nationality, religion, sexual orientation or transgender status, or a perception that the person falls into one of these categories.</p> <p><b>Internal Transfer:</b> a process by which existing WCH tenants, not including those in JVs, bid for an alternative property through the Choice Based Lettings which then allocates properties according to housing need.</p> <p><b>Perpetrator:</b> the person believed to be causing the harassment/hate crime.</p> <p><b>Victim:</b> the person believed to have experienced Harassment or Hate Crime.</p> <p><b>WCH Housing Panel:</b> an internal panel of a minimum of three WCH staff members comprised of at least two managers which meets weekly to review and consider internal transfer applications and managed transfers. Note that in exceptional circumstance tenants in the JVs will be considered for moves if they are experiencing harassment, hate crime or serious ASB.</p> |
| <p><b>4. Examples of Harassment and Hate Crime</b></p> |   |
| <p>4.1</p> <p>4.2</p>                                  | <p><u>Examples of Harassment</u></p> <ul style="list-style-type: none"> <li>- Threatening or intimidating behaviour, whether verbal or physical, including threats of violence on at least <b>two occasions</b></li> </ul> <p><u>Examples of Hate Crime</u></p> <ul style="list-style-type: none"> <li>- Threatening or intimidating behaviour, whether verbal or physical, including threats of violence</li> <li>- Assault (verbal or physical)</li> <li>- Robbery</li> <li>- Vandalism</li> <li>- Bullying/online abuse</li> <li>- Deliberate and targeting acts intended to deter residents from living in their home or to force them to leave</li> </ul>  |
| <p><b>5. Roles and Responsibilities</b></p>            |   |

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| 5.1  | <p><b>Housing Operations Manager:</b></p> <ul style="list-style-type: none"> <li>• Ensuring that the Policy and Procedure is being followed, is up to date and in line with legislation and best practice; and</li> <li>• Providing performance analysis and reporting where required.</li> </ul>   |
| 5.2  | <p><b>Area Housing Managers:</b></p> <p>Handling cases of harassment and hate crime in accordance with this Policy &amp; Procedure;</p> <ul style="list-style-type: none"> <li>• Liaising with external support services for complainants as required; and</li> <li>• Maintaining regular contact and keeping the Complainant informed of progress.</li> </ul>  |
| 5.3  | <p><b>All Staff:</b></p> <ul style="list-style-type: none"> <li>• Ensuring that any case of harassment or hate crime they become aware of are logged on CAS.</li> </ul>   |
| <b>6. WCH Response to Harassment and Hate Crime</b>      |   |
| 6.1  | <p>Cases of harassment or hate crime may come to WCH's attention through : -</p> <ul style="list-style-type: none"> <li>(i) A report from a Complainant;</li> <li>(ii) A report from a member of WCH staff.</li> </ul>  |
| 6.2  | <p>The Complainant will be contacted within <b>24 hours</b> of receipt of the initial report to record sufficient detail to record the incident and support the Victim.</p>   |
| 6.3  | <p>WCH's role in dealing with incidents of harassment and hate crime is as follows:-</p> <ul style="list-style-type: none"> <li>(i) Recording such cases appropriately – see section 7 below;</li> <li>(ii) Offering support to Victims – see section 8 below;</li> <li>(iii) Referring Victims to the police and other support agencies – see section 9 below;</li> <li>(iv) Address relevant property or tenancy issues related to the incident(s) – see section 10 below.</li> </ul> |
| 6.4  | <p>All cases reported of harassment and hate crime must be recorded in our Anti-Social Behaviour CAS System. To log a case please refer to the Anti-Social Behaviour Policy and Procedure.</p>  |
| <b>7. Recording Cases of Harassment &amp; Hate Crime</b> |   |
| 7.1  | <p>We record cases of harassment and hate crime under the CAS system as an appropriate monitoring tool in these cases.</p>  |
| 7.2  | <p>The member of staff first becoming aware of a case of harassment and hate crime must log the case in CAS. The case will be categorised as a High Risk since harassment and hate crime constitutes a criminal offence. The case will then be assigned to the correct Officer.</p>   |
| 7.3  | <p>As the case is High Risk this will involve completing a Risk Assessment Matrix (RAM) via the CAS system by requiring a series of questions to be answered about the incident(s). The Risk Assessment Matrix may be completed by telephone or by arranging an interview with the complainant.</p>   |
| <b>8. Offering Support to Victims</b>                    |   |
| 8.1  | <p>The officer managing this case will then need to establish what action, if any, has been taken by the Complainant, Victim or another person to address the incident(s).</p>  |
| 8.2  | <p>The Victim should be offered specialist support following the incident(s) from a range of sources such as :</p>  |

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|            | <ul style="list-style-type: none"> <li>(i) Victim Support;</li> <li>(ii) Hertfordshire Partnership Foundation Trust Wellbeing Service;</li> <li>(iii) The Victim's GP who may make an additional referral e.g. to CAMHS or ACMHS; and</li> <li>(iv) Local charities e.g. Age Concern, Mencap or MIND.</li> </ul>  |
| 8.3        | The Senior officer managing the case will complete a weekly phone call review to the Complainant to ascertain their wellbeing, ensure further support is established and capture information on the proceedings of any police case related to the incident(s), if any.  |
| <b>9.</b>  | <b>Referring Victims for External Support</b>   |
| 9.1        | <u>Police</u>   |
| 9.1.1      | Where the incident(s) has not yet been reported to the police, the case officer must encourage the Victim to do so, in order to protect their safety and wellbeing and take steps to reduce these incidents from occurring. Cases can be reported to the police as emergency cases using 999 or non-emergency cases using 101, or alternatively online.   |
| 9.2        | <u>Local Authority Adult Care or Children's Service</u>   |
| 9.2.1      | <p>A harassment and hate crime incident may trigger a safeguarding referral in accordance with the Safeguarding Children &amp; Adults at Risk Policy and Procedure ("the Safeguarding Policy").</p> <p>This will be the case where the Victim is a Child or Adult at Risk (as defined under the Safeguarding Policy); in the case of an Adult this means the person has existing care and support needs which make them less able to protect themselves from harm or the risk of harm. Where a safeguarding referral needs to be made in relation to a Child or Adult at Risk the Safeguarding Policy &amp; Procedure should be applied <b>the same working day</b> and followed in full.</p> |
| <b>10.</b> | <b>Managing Property and Tenancy Issues</b>   |
| 10.1       | <u>Property Issues</u>  |
| 10.1.1     | A harassment or hate crime incident may cause damage to WCH/JV property through vandalism, graffiti or arson. The case officer will liaise with the Customer Service Centre to report any of these matters who will then log any repairs or remedial work required as a result.   |
| 10.2       | <u>Tenancy Issues</u>   |
| 10.2.1     | In serious cases of harassment or hate crime it may be deemed unsafe, such as on police advice, for the Victim to remain in the same property or area going forward.  |
| 10.2.2     | The Case Officer would in these cases need to refer the matter to the WCH Housing Panel to consider a Managed Transfer. Further information about this aspect can be found in the Housing Panel Guidance Notes.   |
| 10.2.3     | Joint venture tenants have no Registered provider rights and are not eligible to mutual exchange. Joint Venture residents will be jointly referred to the relevant Local Authority and direct lets of housing within WCH may be considered on a case by case basis.   |
| <b>11.</b> | <b>Dealing with Perpetrators</b>  |
| 11.1       | Where an alleged Perpetrator(s) <b>is/are not</b> a WCH/ JV tenant or leaseholder, we have no contractual relationship with them and is therefore unable to take any tenancy-related action against the individual(s) concerned. We would support police action by providing any  |

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|            | information that is requested.  |
| 11.2       | Where an alleged Perpetrator(s) <b>is/are</b> a WCH/ JV tenant or leaseholder, we will not generally take any actions regarding them unless and until they had been convicted of a criminal offence related to the incident(s). Action which may be considered includes :<br><br><ul style="list-style-type: none"> <li>(i) Legal injunction; and</li> <li>(ii) Termination of tenancy which may include action to demote the tenancy.</li> </ul> Further guidance can be found in the Termination of Tenancy Procedures. |
| <b>12.</b> | <b>False Reporting</b>  |
| 12.1       | If the case officer has concerns that the Complainant may be providing false information in relation to the alleged incident(s), we will write to them with these concerns and offer them an opportunity to provide additional evidence in support of their case within <b>10 working days</b> .  |
| 12.2       | If these concerns are not resolved, we will write to the Complainant advising that we are unable to provide further support.  |
| <b>13.</b> | <b>Closure and Review Procedure</b>   |
| 13.1       | When a case has reached conclusion, the Case Officer must close the case in CAS providing reasons for closure.  |
| 13.2       | CAS will then issue a letter to the Complainant accordingly. The letter will reassure the Complainant that we will remain available should the further incidents of this nature occur.  |
| <b>14.</b> | <b>Equality and Diversity</b>   |
|            | WCH will not discriminate because of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation when dealing with reports of harassment and hate crime.  |
| <b>15.</b> | <b>Monitoring &amp; reporting</b>   |
|            | We will ensure that all reports of harassment and hate-related incidents are fully and consistently recorded in order to monitor their incidence and ensure that lessons for WCH are learned where appropriate.   |
| <b>16.</b> | <b>Person responsible</b>   |
|            | <b>Housing Operations Manager.</b>  |
| <b>17.</b> | <b>Related documents</b>  |
|            | Anti-Social Behaviour Policy and Procedure<br>Domestic Abuse Policy & Procedure<br>Diversity & Inclusion Policy & Action Plan<br>Customer Feedback Policy & Procedure<br>Termination of Tenancy Procedures<br>Safeguarding of Children and Adults at Risk Policy & Procedure<br>Housing Panel Guidance Notes  |
| <b>18.</b> | <b>Approval</b>   |
|            | Approved by : Assistant Director of Housing   |
|            | Date of approval : November 2022  |
|            | Review date : September 2025  |
|            | Policy owner : Housing Operations Manager   |