

# Harassment and Hate Crime Policy

Housing management policy 9

Keniston Housing Association

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## 1. Introduction

For the purpose of this policy, the term 'harassment' means hate harassment, which is a prejudice based on any of the protected characteristics which are listed below. This policy sets out how Keniston will deal with harassment related to a protected characteristic. Harassment is a form of anti-social behaviour and can have devastating effects on communities and individuals. We take harassment very seriously and are committed to dealing with any harassment against any of our residents, staff, board members, contractors, or visitors.

We aim to ensure all our communities are free of harassment, abuse and hatred.

We will respond to any incident that a person perceives as being motivated by hate. We will take a proactive and supportive approach towards people experiencing any form of harassment and hate crime.

We will ensure that our residents are made aware of their responsibilities; staff are equipped to deal with cases and that we work in partnership with other agencies to deliver a joined-up and consistent approach.

## 2. Scope

This policy applies to all residents, applicants, staff, board members, contractors and visitors to our schemes or surrounding neighbourhoods.

## 3. Definitions

There are nine protected characteristics which are covered by equality and diversity guidelines and legislation. These are: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation.

You are also protected if you are discriminated against because you are perceived to have, or are associated with someone who has, a protected characteristic.

Harassment is defined in the Equality Act 2010 as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Hate crime is defined under the Criminal Justice Act 2003 as 'any offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice.' A key test (called the 'perception test') is whether the crime or incident is perceived by the victim to be motivated by hate related to race, religion or belief, disability, sexual orientation and gender reassignment.

Hate incidents are defined by the Home Office as 'any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.'

Victimisation is when someone treats another person badly or subjects them to a detriment because they complain about discrimination or help someone who has been the victim of discrimination. Because the Equality Act recognises that someone may

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be reluctant to complain, they then have extra legal protection when complaining about discrimination.

#### **4. Forms of harassment**

Harassment can include:

- Physical assault
- Damage to property or the dumping of excreta, rubbish, etc. in the victim's home and property.
- Abusive and insulting graffiti
- Arson
- Verbal abuse such as offensive remarks
- Threatening or abusive behaviour or communications
- Inciting others to commit hate crime

#### **5. Regulatory and legal requirements**

Keniston will abide by existing regulatory requirements and legislation including:

- The Housing Acts 1985, 1988, 1996 and 2004
- The Anti-Social Behaviour Act 2003
- The Anti-Social Behaviour, Crime & Policing Act 2014
- The Crime and Disorder Act 1998
- Regulation of Investigatory Powers Act 2000
- The Housing and Regeneration Act 2008
- The Localism Act 2011
- The Data Protection Act 1998 and 2018
- UK General Data Protection Regulation
- The Equality Act 2010
- The Human Rights Act 1998
- The Protection of Freedoms Act 2012
- The Social Housing (Regulation) Act 2023
- The Regulator of Social Housing Neighbourhood and Community standard 2024

#### **6. Prevention**

The following will be undertaken to help minimise incidents of harassment:

- In accordance with our Selection and Allocations Policy, we will not normally make an offer of a tenancy to an applicant if they, or any member of their household have been guilty of unacceptable behaviour within the previous five years.
- Make use of tenancy agreements, which include provisions against harassment.
- We will remove offensive graffiti within 24 hours of the time it was reported.
- Work with residents' groups and other local agencies to identify potential problems.
- Consider measures to improve the physical design and security of estates.
- Make use of mediation services where a neighbour dispute has taken on any discriminatory overtones.
- We will monitor hate crime cases across our stock, allowing us to identify persistent perpetrators, to monitor the success of our actions, and the satisfaction levels of both victims and witnesses. We will use this information to improve the services we offer.

## **7. Awareness**

We will raise awareness of hate crime and related issues in our neighbourhoods and communities through information and advice. We will publicise our approach to hate crime via a range of media including our website, noticeboards and social media.

We are committed to ensuring the safety and wellbeing of our colleagues. We will provide colleagues with role appropriate training so that they understand their roles and responsibilities in dealing with hate crime.

## **8. Multi agency working**

We will work with partner agencies, community groups and statutory organisations where appropriate, to ensure co-ordinated services to prioritise the safety of victims and their families.

## **9. Supporting victims and witnesses**

All hate related incidents will be categorised as high priority unless investigation has established otherwise.

Anyone in the locality can report harassment and it can be made in person or by their advocate, over the phone, via email, text and social media.

The vulnerability of the victim will be assessed as soon as possible by using a risk assessment matrix.

Keniston will do whatever we can to ensure the safety and protection of our residents and will abide by the following general principles, and take the following action:

- Take the initial action within 24 hours of receiving the complaint, adopting a victim centred approach responding sensitively to the victim. We will explain what steps can be taken to protect them and any limitations.
- Removal of graffiti and any emergency repairs will be a priority. We will advise the victim to contact the Police, who will be able to provide basic security advice and provide details of other support organisations.
- We will conduct a prompt and thorough investigation into all alleged cases.
- With the victim's consent we will inform our partners of the incident and expect to build a case against the perpetrator. Keniston will always act in consultation with the person and fully consider their views in whatever action is taken. We will adopt high standards of confidentiality when dealing with victims. Incidents can be noted as 'record only' if the victim wishes.
- Discuss the possible rehousing options available to victims. Keniston is not able to provide emergency accommodation. Where there is no prospect that a victim can return to their own home safely, we will support them in making an application to the local authority. We will take all the necessary steps and offer support to enable the resident to continue to live in their current home. If rehousing is agreed, this will be based on housing need.
- Consider any appropriate security measures to protect the victim, for example fitting locks, vandal proof letter boxes, fences and lighting. Personal alarms may also be available. Referral to other agencies such as the Sanctuary Scheme may be undertaken.
- Will consider other ways of obtaining more evidence, e.g. CCTV

#### **10. Action against the perpetrator**

As with anti-social behaviour, we understand harassment can be symptomatic of many other more complex problems within a household which may have unmet support needs. We will involve other agencies as appropriate.

We will take early and firm action, where it is possible, against perpetrators of hate crime, including those who fail to engage with support offered. This may include working with partner agencies, where we will keep these agencies updated of any action taken.

We will work with perpetrators as well as parents of young perpetrators, ensuring they are aware of the consequences of harassment. We will provide opportunity for them to correct their behaviour, depending upon the severity of the incident, or to access any additional support that may be required.

We will take necessary and proportionate action against the perpetrator which could result in eviction where allegations are proven.

#### **11. Monitoring**

Annually, we submit a report to the Board outlining all reported cases of ASB and hate crime. Trends will be noted and relevant action taken.

#### **12. Staff and harassment**

Keniston will not tolerate any incidents of harassment whether it is by a staff member towards a resident or a staff member by another staff member. The issue will be dealt with in line with our staff handbook.

We will investigate any allegations or suspected hate crime by Keniston colleagues through our internal disciplinary procedures and formal statutory investigative procedures where appropriate.

Any incidents of harassment by contractors or other service providers towards residents or staff will be dealt with by Keniston, ensuring that the contractors / service providers take the appropriate action. (Further details are contained in the Code of Conduct). If they fail to take the necessary action, then Keniston will institute actions depending on the circumstances of the case. This may include the termination of their contract.

We recognise the emotional impact on colleagues who may be subject to hate crime whilst carrying out their job. Support will be available through line managers and in line with our Employee Assistance Programme (EAP).

Any unreasonable behaviour towards our colleagues will be dealt with in line with our unreasonable behaviour procedure and ASB policy. If any of our colleagues are victims of a hate crime we will support them to report this to the Police. Our contractors sign up to our Code of Conduct.

### **13 Equality, Diversity and Inclusion**

Everyone at Keniston, our external partners and customers are required to:

- Treat people fairly, give equal access to jobs, homes, services and contracts without discrimination, harassment, bullying and prejudice, and meet diverse needs through reasonable adjustments whenever possible and appropriate.
- Not discriminate against any individuals or groups, not tolerate attitudes and behaviours that amount to or could result in discrimination and swiftly handle any reports of victimisation, bullying or harassment.
- Acknowledge and value the differences by recognising people's individual circumstances, unique aspirations and needs and responding appropriately.
- Comply with relevant legislation, statutory codes and guidance designed to promote equality of opportunity and eliminate discrimination, such as the Equality Act 2010, Housing and other Regulatory Standards, and the Housing Ombudsman's Complaints Handling Code.

This policy was agreed by **Management Team on 24<sup>th</sup> June 2024**

**Next review date: June 2027**