

**Mercian Housing Association  
Hate Crime and Harassment Procedure**

**Date of last review:** 01/04/09  
**Date of next review:** 01/04/10  
**Procedure reviewer:** Anti-Social Behaviour Co-ordinator

This procedure intends to set out clear service standards for the way in which hate crime and racial harassment is addressed and incidents of hate crime and harassment are resolved by officers within Mercian Housing Association. This procedure will also identify how Mercian Housing Association will achieve the commitments set out in its Hate Crime & Harassment Policy.

**1.0 Receiving an initial complaint**

- 1.1 Complaints of Hate Crime can be received in any form. This can include: telephone, face to face, in writing or via email.
- 1.2 Whoever receives the initial complaint must log the complaint on the ReACT database immediately.
- 1.3 The relevant Neighbourhood Housing Officer must be notified of the issue immediately, ensuring that if the Neighbourhood Housing Officer is not able to receive the complaint for any reason, the complaint is received by the Anti Social Behaviour Co-ordinator or the Neighbourhood Manager. Where possible, the Neighbourhood Officer should also be notified by telephone.
- 1.4 Where there is an immediate risk of harm, the caller must be advised to call the police immediately.

**Table 1**

<b>Action</b>	<b>Timescale</b>
<b>Log on React database</b>	Immediately
<b>Notify relevant officer</b>	Immediately (finding an alternative where necessary)
<b>Neighbourhood Officer to contact complainant</b>	Immediately upon receiving report form
<b>Neighbourhood Officer to visit complainant</b>	No longer than 1 working day accompanied by the ASB co-ordinator wherever possible. Consideration should be given to immediate legal action ie. Injunction
<b>Review period</b>	Weekly
<b>All other actions</b>	As per action plan

**2.0 Visiting the complainant**

- 2.1 Before the visit, the Neighbourhood Officer should familiarise themselves with the guidance notes at *Appendix 1*.

- 2.2 At the visit, the following forms should be completed:
  - a. Interview with complainant form (*Appendix 2*)
  - b. Action plan form (*Appendix 3*)
  - c. Witness statement form where appropriate (*Appendix 4*)
  - d. A sample diary sheet where appropriate (*Appendix 5*)
- 2.3 As a part of the action plan, further contact with the complainant should be scheduled.
- 2.4 The visit should be followed up with confirmation in writing and a copy of the action plan agreed.

### 3.0 Action to take when the victim does not want a home visit/appointment.

- 3.1 Give the resident advice over the phone and signpost to other agencies/advice lines (see toolkit at *Appendix 6*.)
- 3.2 Reassure them that “the door is always open” if they change their mind and want to see someone to discuss their options.

### 4.0 Visiting the perpetrator

- 5.1 A visit to the alleged perpetrator would normally only take place if it has been agreed with the complainant. The complainant should be reassured that they will be protected and supported.
- 5.2 Where the incident constitutes a criminal act, a joint visit should be carried out with a police officer.
- 5.2 At the visit, the following forms should be completed:
  - a. Interview with perpetrator form (*Appendix 7*)
  - b. Action plan form (*Appendix 3*)
  - c. Witness statement form where appropriate (*Appendix 4*)
- 5.3 The visit should be followed up with confirmation in writing and a copy of the action plan agreed.

### 6.0 Taking Action

#### 6.2 Incidents where there is no supporting evidence

Where a case is brought to our attention without any evidence being available, the Neighbourhood Officer should take steps to gather evidence. Consideration should be given to the use of CCTV & professional witnesses.

These cases should not be closed until all avenues are explored and every attempt made to gather evidence.

#### 6.3 Making use of the tools available

Where possible, steps should be taken towards initiating enforcement action against the perpetrator.

**Table 3**

<b>Early intervention/ non-legal tools</b>
Written warnings- first and final
Acceptable Behaviour Contracts/Agreements
Parenting Contracts

Family Intervention Programme
<b>Legal Enforcement tools</b>
Anti-Social Behaviour Orders
Individual Support Orders
Parenting Orders
Injunctions
Demotion orders
Possession order/eviction proceedings

**Table 4**

HOW TO...	APPENDIX ...:GUIDE NUMBER...
Write a Witness Statement	1
Issue a Formal Warning	2
Issue an ABC	3
Issue a Parenting Contract	4
Make a Family Intervention Programme referral	5
Write a Community Impact Statement	6
Obtain an Anti-Social Behaviour Order	7
Obtain a Parenting Order	8
Obtain an Anti-Social Behaviour Injunction	9
Serve an NSP for ASB	10
Gain possession of a property due to ASB	11

## 7.0 Evidence gathering

The gathering of evidence is a vital part of any case, no matter how minor. Neighbourhood Housing Officers can gather evidence in the following ways:

- Verbally from a witness. This should be recorded in writing by the Officer in every instance.
- In writing from a witness.
- In incident diaries (see below).
- CCTV footage (see separate policy on CCTV).
- On a camera
- From a third party, eg. Police Officer, Neighbourhood Warden, Environmental Health Officer. If this information is provided verbally, this should be recorded in writing by the Officer in every instance.
- Through use of professional witnesses. This must be approved by the Neighbourhood Manager and ASB co-ordinator.
- From recorded messages on telephones. This should be recorded in writing by the Officer in every instance.
- Through a dedicated phone line for the reporting of anti social behaviour or hate related incidents.

Any action while investigating a hate related incident **must** be recorded in writing in order to build a comprehensive case of actions and behaviours. All paperwork must be kept complete and together by the Neighbourhood Officer; making use of the React system wherever possible.

## 8.0 Referrals

Officers should make use of the contacts toolkit at *Appendix...* to make case contacts and referrals to other agencies eg. Victim support, racial attacks monitoring units and other support agencies.

While referrals are an important tool in addressing hate crime and racial harassment; Neighbourhood Officers should retain ownership of cases to ensure that the case is progressed in a timely fashion and continuity is maintained.

### 8.1 Referrals and monitoring

Where networks and partnerships exist, cases should be referred by the ASB Co-ordinator to regional panels for the monitoring of cases. These panels include:

- Birmingham Racial Attacks Monitoring Unit (BRAMU)
- Coventry Anti Harassment Forum (CAHF)
- Walsall Partnership Tension Monitoring

Updates should be provided to panels as often as requested.

## 9.0 Recording information on ReACT

**Every** action or contact with the individuals involved in a case of ASB **must** be recorded on the ReACT database. This is important to provide an audit trail and for use in any future legal actions. Even where it is unlikely that a case will result in legal action, all actions must be recorded to prove our prompt action in each and every case of ASB and to identify trends and inform allocation of resources.

The ReACT database will ensure that actions are taken in a timely fashion and to the appropriate timescales.

## 10.0 Transfers

It is recognised that transfers are sometimes necessary in order to protect witnesses and victims. In these circumstances, the Neighbourhood Officer should complete a transfer form with the resident and the Neighbourhood Manager will give approval for the case to be awarded Management transfer status.

## 11.0 Housing victims of Hate Crime

11.1 Where we receive an application form from someone who is suffering from harassment, they will be invited to an interview. This should be at a safe, private venue where the complainant feels comfortable.

11.2 At this interview, the applicant should be advised of their options and signposted to specialist support organisations (see toolkit at Appendix 6), making referrals where possible.

11.3 Where the applicant is accepted onto the waiting list, they should be awarded points in accordance with our allocation policies and procedures.

## 12.0 Monitoring cases

All cases of hate crime and racial harassment will be discussed and reviewed at monthly meetings between each Neighbourhood Officer and the Neighbourhood Manager. The Neighbourhood Manager will ensure that cases are being progressed according to Mercian's procedure and that appropriate action is being taken.

Cases will also be reviewed on a weekly basis by the ASB co-ordinator and/or Neighbourhood Manager.

The ASB co-ordinator will review all cases using the ReACT database.

## 13.0 Closing cases

Mercian aims to resolve cases or make use of appropriate tools within 3 months of the complaint first being brought to our attention.

- 13.1 Where a case has been resolved, the Neighbourhood Housing Officer must inform the Neighbourhood Manager that they intend to close the case.
- 13.2 Once this action has been agreed, a closing letter (*Appendix 8 and 9*) must be sent to both parties. A satisfaction survey must also be sent to the complainant (*Appendix 10*) with a prepaid envelope.
- 13.3 Both parties are given 10 working days to bring any further incidents to the attention of the Neighbourhood Housing Officer. If no response is received, the case is closed and all documentation must be placed on the tenancy file alongside the report form that was put on the file at the start of the case.
- 13.4 If the satisfaction survey has not been returned within 10 working days, a member of the customer services team must make telephone contact with the complainant to complete the questionnaire.
- 13.5 There will be occasions when a Neighbourhood Housing Officer feels that it is necessary to close a case when it has not been resolved. This may be because after investigation, the behaviour does not constitute a breach of tenancy or because several actions have been taken but individuals have refused to engage, for example, where the complainant has refused the offer of mediation.
- 13.6 On these occasions, the case closure must be agreed by the ASB co-ordinator and the Neighbourhood Manager and the case must be closed as 11.2 to 11.4 above.
- 13.7 Where further incidents are brought to our attention following a case closure letter, the case is not closed and all incidents are investigated in accordance with Mercian's procedure.

## 14.0 Monitoring Performance

Performance indicators will be reported to Housing and Community Services Committee on a quarterly basis. The following information will be reported on:

***Case profile***

- a. Number of new Hate related cases.
- b. Number of live Hate related cases.

***Enforcement and witness support***

- c. Number of enforcement actions taken in hate related cases.

***Supporting perpetrators to change behaviour***

- d. Number of perpetrator supportive actions taken for each type

***Household composition***

- e. Ethnic origin of complainant and alleged perpetrator
- f. Gender of complainant and alleged perpetrator
- g. Age of complainant and alleged perpetrator
- h. Any disabilities experienced by complainant and alleged perpetrator