



# HARASSMENT AND HATE CRIME POLICY

Originator:	Policy and Strategy Team
PCHA Approval Date:	January 2022
Review date:	January 2025

1	Introduction
1.1	As responsible landlord, Pine Court Housing Association (PCHA), aims to provide appropriate support and housing management services to any customer(s) who may be at risk, has suffered or is suffering any form of harassment or hate crime / incidents.
1.2	<p>Previously PCHA's provisions for dealing with all forms of harassment / hate crime, anti-social behaviour and domestic abuse were contained in one Policy. In recognition that these issues will affect people differently and require a tailored response, PCHA have now developed three separate but interlinked Policies that should be read in conjunction with each other, as follows:</p> <ul style="list-style-type: none"> <li>• The PCHA Anti-Social Behaviour Policy</li> <li>• The PCHA Domestic Abuse Policy</li> <li>• The PCHA Harassment and Hate Crime Policy</li> </ul>
1.3	In operating this Policy, PCHA intends to send out a clear message that it will not tolerate harassment or hate crime directed to or from any of its customers, directly employed staff or those acting on PCHA's behalf.
1.4	<p>When PCHA becomes aware that harassment or hate crime has or is taking place involving any of the groups of people outlined above it will endeavour to take the most effective and expedient action to:</p> <ul style="list-style-type: none"> <li>• Protect and support survivors and witnesses</li> <li>• Stop escalation</li> <li>• Where possible, ensure known perpetrators receive appropriate punitive measures</li> </ul>
1.5	<p>In operating this Policy, PCHA will comply with all legal and regulatory requirements in regard to harassment and hate crime / incidents, including but not exclusive of the following:</p> <ul style="list-style-type: none"> <li>• Any requirements of revised Regulatory Standards to be adopted by the Regulator of Social Housing</li> <li>• The requirements of the Equalities Act 2010</li> </ul>

- Any breaches of the Crime and Disorder Act 1998 or Criminal Justice Act 2003 specifically in relation to behaviours directed at people related to their protected characteristics or perceived characteristics

1.6 The application of this Policy ensures compliance with the outcomes of the Regulatory Framework for Social Housing in England, responsibility of the Regulator of Social Housing (RSH) as outlined below:

- **(Neighbourhood and Community Standard)**  
Registered providers must work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle anti-social behaviour (ASB) and hate incidents in the neighbourhoods where they provide social housing

## 1.7 Access and Communication

1.7.1 PCHA is committed to ensuring that our services are accessible to everyone. PCHA will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for PCHA or use its services.

1.7.2 In line with the Mental Capacity Act, PCHA will assume that customers have capacity to understand information given to them. Where it is suspected that customers lack capacity to understand, PCHA will request an assessment by a professional practitioner and look to provide the appropriate support where capacity is deemed to be insufficient.

1.7.3 Working with our customers we have established a Vulnerable Persons and Reasonable Adjustments Policy to ensure we make best use of every customer interaction to meet customers' needs in our service delivery and ensure this information is kept up to date.

## 1.8 Equality, Diversity and Human Rights

1.8.1 PCHA is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out its duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity / Gender Expression, Sexual Orientation, Religion and/or Belief, Civil Partnership and Marriage, Pregnancy and Maternity.

1.8.2 PCHA also recognise that some people experience disadvantage due to their socio-economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.

1.8.3 PCHA will also ensure that all services and actions are delivered within the context of current Human Rights legislation. PCHA will endeavour to ensure staff and others with whom it works, adhere to the central principles of the Human Rights Act (1998).

1.9 The Policy should be read in conjunction with:

- PCHA Safeguarding Adults Policy
- PCHA Safeguarding Children Policy

- PCHA Anti-social Behaviour and Harassment Policy
- PCHA Allocations Policy
- PCHA Data Protection Policy
- PCHA Equality, Diversity and Inclusion Policy
- Property Pool Plus Policy (and other similar choice-based lettings schemes that PCHA may be a member of)

## 2 Statement of Intent

- 2.1 In operating this Policy and the procedures that underpin it, PCHA makes a clear statement of intent that it will adopt a zero-tolerance stance to all forms of harassment or hate crime / incidents directed to or from its customers, to or from staff or others working on PCHA's behalf.
- 2.2 PCHA will provide training for all front-line staff on understanding harassment and hate crime issues so that they may recognise and take appropriate actions when they are made aware of or witness these types of behaviour.
- 2.3 Through the provisions contained in this and other Policies, PCHA aims to promote cohesive and inclusive communities in the areas of its operations where there is tolerance and good relations between people regardless of their protected characteristics.
- 2.4 Through direct means, through sign-posting and close collaborative working with partner agencies PCHA will aim to provide support for its customers or staff that are survivors of harassment and hate crime / incidents.
- 2.5 Where possible, i.e. there is strong evidence that individuals are responsible for perpetrating acts of harassment or hate crime / incidents against PCHA customers or staff (or where customers or staff are found to be responsible for these types of behaviour) PCHA will take appropriate enforcement actions.
- 2.6 This may include tenancy enforcement measures available to PCHA as a landlord, civil actions, other legal remedies. Any PCHA employee that is found to be responsible for this type of behaviour or actions will be subject to disciplinary procedures.
- 2.7 PCHA will raise awareness of harassment and hate crime issues through information available via its website and by taking part in national campaigns such as 'Hate Crime Awareness Week'.
- 2.8 Through active participation in multi-agency forums within areas of operation, PCHA will maintain strategic influence over the local provisions for dealing with harassment and hate crime issues and will look to provide a coordinated response with other agencies on cases involving PCHA customers.

## 3

## Policy

### 3.1 Definition and Scope

3.1.1 In line with the Equality Act 2010, PCHA will define 'harassment' as any type of behaviour or act that has the effect of or is meant to:

- Violate another person's dignity
- Creates an intimidating, hostile, degrading or offensive environment

3.1.2 The above definitions may apply to any person or group of people, regardless of protected characteristics e.g. could relate to behaviour or acts directed at individuals because of their age and does not necessarily have to be proven as a criminal act.

3.1.3 Similarly, PCHA adopts a wider definition of 'Hate Crime' other than those where a criminal act has been committed / proven and instead will take action on 'hate incidents' where the survivor perceives that an act or behaviour has been motivated by hostility or prejudice based on:

- Disability
- Race
- Religion
- Transgender identity / expression
- Sexual orientation
- Gender
- Age

3.1.4 Both harassment and hate crime / incidents can take many forms and can occur in a variety of settings and are often interchangeable i.e. hate crime / incidents are also likely to involve an element of harassment. For both issues covered by this Policy a non-exhaustive list of examples, where PCHA will take action, includes:

- Verbal abuse like name-calling and offensive jokes
- Bullying or intimidation
- Physical attacks such as hitting, punching, pushing, spitting
- Threats of violence
- Hoax calls, abusive phone or text messages, hate mail
- Online abuse on social media platforms – (providing advice only to contact the Police or block communications under the provisions contained in the Malicious Communications Act 1988 but not investigating personal communications)
- Displaying or circulating discriminatory literature or posters
- Harm or damage to property, pet, vehicle
- Graffiti
- Arson
- Malicious complaints

### 3.2 Reporting Harassment and Hate Crime / Incidents

3.2.1 PCHA will ensure there are numerous and accessible means by which customers can report harassment or hate crime / incidents including via:

- In-person contact with any directly employed employee during the course of their duties
- Telephone and text message to the PCHA Customer Service Centre on **0300 365 1111** including the My Account Function
- At any office location where PCHA staff may have a permanent or temporary presence
- Via email or letter to [enquiries@ovh.org.uk](mailto:enquiries@ovh.org.uk) or **Pine Court Housing Association, PO Box 891, Orpington, BR6 1LY**

3.2.2 PCHA will receive calls and alerts of harassment or hate crime incidents direct from those customers that may be experiencing these types of behaviours but also from third parties who may be aware or have witnessed this type of behaviour / incident.

3.2.3 Where reports are received from third parties on behalf of others (who are PCHA customers) due to Data Protection and privacy issues it is highly unlikely that PCHA will be able to provide feedback on follow-up actions to the person(s) raising the concerns.

3.2.4 In these circumstances PCHA will endeavour to make contact with the PCHA customer(s) and will make discreet enquiries to confirm if the concerns are genuine and if any on-going support / action is required.

3.2.5 Where anonymous reports are received or the concern is about PCHA customers directing these types of behaviour towards others, PCHA will carry out investigations to determine the validity of the issues raised before determining the most appropriate course of action.

3.2.6 PCHA Customer Service Centre also acts as a '**Hate Crime Reporting Centre**' for third party reporting, meaning it will advise and make referrals for non-PCHA customers wishing to raise concerns about harassment or hate crime / incidents. This will include contacting the Police (if appropriate) and making referrals to 'Stop hate UK' on a survivor or potential survivors' behalf.

### 3.3 **Responding to Harassment or Hate Crime / Incidents**

3.3.1 When it is apparent through observations, direct reporting or third-party reporting that someone is in immediate danger or risk of harm, PCHA will take appropriate action which may include one or more of the following:

- Informing emergency services - (all reportees)
- Visiting the reportee within 24 hours and carrying out a risk assessment and agreeing an action plan (PCHA customers only)
- Making Social Services aware of the potential case and raising appropriate Safeguarding alerts, if relevant (see PCHA Safeguarding Children and Safeguarding Policies for details) – (all reportees)
- Making referrals to local authority Homelessness / Housing Options Departments (in the area where the suspected harassment or hate crime / incident is taking place) for emergency rehousing – (PCHA customers only)
- On request, facilitating female only staff to assist survivors of harassment or hate crime / incident – (PCHA customers only)

- Target hardening of the potential survivors' addresses (which can include a range of measures including but not exclusive of panic alarms, enhanced door and window security measures) – (PCHA customers only)
- Applying for ex parte injunctions – (PCHA customers only)
- Referral to local fire authorities – (all reportees)

3.3.2 Secondary actions that may follow an immediate response and / or be used where the threat of immediate harm is less apparent may include:

- Working with the survivors of harassment or hate crime / incidents to compile evidence to support applications for rehousing within choice-based lettings schemes (aiming to achieve priority banding)
- Providing advice and support on rehousing options
- Referral to external support and advocacy agencies relevant to the survivor(s) e.g. Survivor Support, Stop Hate UK, Anthony Walker Foundation
- Enforcement actions against perpetrators where these are also PCHA customers (which may include tenancy enforcement actions or civil proceedings)
- Referral, where appropriate to the PCHA Independent Living Service

### 3.4 Exemptions and Support for Survivors of Harassment or Hate Crime / Incidents

3.4.1 To ensure support is provided to the survivors of harassment or hate crime / incidents at times when they need it most, PCHA will on a, case-by-case basis, look to show flexibility to normal Policy and practice responses to help achieve lasting outcomes.

3.4.2 This may include overriding tenancy breaches that would normally preclude individuals from moving to alternative PCHA properties or achieving priority banding within choice-based lettings schemes e.g. where rent arrears exist or there have been other tenancy breaches.

3.4.3 To provide this type of support PCHA will normally require support for the survivors' case by statutory agencies i.e. Police, Local Authority Social Services or via involvement of multi-agency groups such as the Joint Action Group (JAG).

### 3.5 Confidentiality

3.5.1 When investigating or making referrals in regard to harassment or hate crime/ incidents, PCHA will always respect individual's rights for confidentiality and will comply with all requirements of UK Data Protection legislation.

3.5.2 This will include the following:

- Working under established information sharing protocols when exchanging personal data with external agencies and partners
- Ensuring all personal data that is gathered in response to a suspected or potential harassment or hate crime / incident is stored securely and is disposed of securely in line with data retention schedules and procedures (see PCHA Data Protection Policy for details)
- Only passing-on information to third parties and external agencies with the explicit consent of potential survivors of harassment or hate crime / incident (unless PCHA has good reason to believe they are at risk or in danger of immediate harm and emergency intervention is required)

<p>3.6</p> <p>3.6.1</p> <p>3.6.2</p> <p>3.6.3</p>	<p><b>Partnership working and sign-posting services</b></p> <p>PCHA is committed to providing the best possible support to its customers that may experience harassment or hate crime / incidents and will work closely with a variety of organisations that can offer specialist advice, assistance and advocacy services.</p> <p>As well as working with support agencies via referral, PCHA will also ensure it provides easily accessible information (following ‘two clicks’ best practice principles) on its website so that those suffering harassment or hate crime / incidents can seek self-help and guidance.</p> <p>PCHA will also make an active contribution into strategic oversight of harassment and hate crime / incidents in its areas of operation, through involvement and membership of multiagency forums e.g. the JAG’s.</p>
<p><b>4</b></p>	<p><b>Implementation</b></p>
<p>4.1</p> <p>4.2</p> <p>4.3</p>	<p>All PCHA teams that provide direct customer services have a responsibility to ensure the provision of this Policy are upheld and enacted including Neighbourhood Services, Independent Living and Customer Access Teams.</p> <p>Working closely with other customer facing services the PCHA Community Safety Team will have specific responsibility for assisting customers with target hardening measures where these are required, taking legal action against those found to be responsible for perpetrating acts of harassment or hate crime / incidents, developing action plans and general case management within PCHA internal systems.</p> <p>Where PCHA staff may feel they have been a survivor of harassment or hate crime / incidents during the course of their duties they should make their concerns known to their immediate Line Manager or the People and Learning Team. Issues of this nature will be dealt with in accordance with provisions contained in the internal PCHA Grievance, Bullying and Harassment Policy.</p>
<p><b>5</b></p>	<p><b>Performance</b></p>
<p>5.1</p> <p>5.2</p>	<p>PCHA recognises the sensitive and personal nature of harassment or hate crime/ incidents, and will manage cases individually and discuss service satisfaction with customers where appropriate</p> <p>PCHA will, however, record the time taken to respond to requests for support and will include this in monthly reporting alongside wider performance indicators to the Executive Management Team on a monthly basis.</p>
<p><b>6</b></p>	<p><b>Consultation</b></p>
<p>6.1</p>	<p>All PCHA staff have been consulted in the development of this Policy. The PCHA Customer Empowerment Panel were also consulted in the development of this Policy.</p>

<b>7</b>	<b>Review</b>			
7.1	The PCHA Harassment and Hate Crime Policy will be reviewed every three years, as near as is possible from the date of Departmental Management Team (DMT) approval or as required by the introduction of new legislation, regulation or as a result of PCHA system audits. The review process will ensure its continuing suitability, adequacy and effectiveness.			
<b>8</b>	<b>Equality Impact Assessment</b>			
8.1	Was a full Equality Impact Assessment (EIA) required?	Yes		
8.2	When was EIA conducted and by who?	An EIA was conducted by the Policy and Strategy Manager and the Community Safety Manager in September 2021		
8.3	Results of EIA	It is recommended that PCHA develop bespoke training for front line staff to improve their awareness of harassment and hate crime / incidents and to be able to react appropriately when they encounter these types of behaviour		
<b>9</b>	<b>Scheme of Delegation</b>			
9.1	Responsible committee for approving and monitoring implementation of the policy and any amendments to it	DMT		
9.2	Responsible officer for formulating policy and reporting to committee on its effective implementation	Operations Director Housing Services		
9.3	Responsible officer for formulating, reviewing and monitoring implementation of procedures	Operations Director Housing Services		
<b>10</b>	<b>Amendment Log</b>			
<b>Date of revision:</b>		<b>Reason for revision:</b>	<b>Consultation record:</b>	<b>Record of amendments:</b>
NA – First version of this Policy- 28 January 2022		NA	See Section 6	NA