

Policy Name	Hate-Motivated Behaviour Policy
Lead Directorate	Housing
Author	Jamie Lock, AD Housing Operations
Reason for change	New policy
Date	March 2022

APPROVAL PROCESS FOR CURRENT VERSION

Presented to	Services Committee
Date	March 2022
Decision	Approved

1. Introduction

This policy sets out how Poplar HARCA will respond to reports of hate-motivated abuse. It supersedes all previous policies.

Poplar HARCA will:

- Act impartially and proportionately
- Provide information about the role of, and services available from, statutory and other agencies
- Respect decisions made by individuals with capacity
- Work with statutory and other agencies to prevent, and protect from, hate-motivated abuse

2. Definition

Hate motivated behaviour is *Behaviour motivated by a hostility based on race, religion, disability, sexual orientation or transgender identity which causes, or is likely to cause, harassment, alarm or distress and which Poplar HARCA can tackle using the legal powers available to it.*

3. Confidentiality

Personal data will be collected, stored, shared, and retained in-line with Data Protection legislation and the Information Commissioner’s guidance.

Disclosure of personal or sensitive data to a third party will normally only happen with the consent of the individual. If an individual with capacity refuses consent their choice will be respected.

Disclosure without permission may happen when Poplar HARCA believes that there is a risk of serious harm. Disclosure without permission can be approved only by the Head of Community Safety, Assistant Director of Housing Operations, or Director of Housing and Corporate Services.

4. Case management

criminal behaviour	<p>Poplar HARCA does not have legal powers to investigate crime. Criminal behaviour should therefore be reported to the Police.</p> <p>Once a Police report has been made, Poplar HARCA will support the Police to prevent, detect, investigate, and prosecute crime.</p> <p>Substantiated criminal behaviour that is a breach of a Poplar HARCA tenancy agreement or lease will normally result in legal proceedings to end the contractual relationship.</p>
initial contact	Within 1 working day
required information	<p>Complainants will be asked:</p> <ul style="list-style-type: none"> • how long the problem has been going on • how regularly it occurs • if anyone else is affected by it • has it been reported to any other agency • whether any action has already been taken • details about the alleged offender
action plan	Agreed within one week
contact	Agreed with the person affected
closure	<p>After one month:</p> <ul style="list-style-type: none"> • An offender has not been identified, and/or • Evidence does not support action being taken, and/or • The complainant has not responded to two consecutive contacts, and/or • When another agency is providing advice or support, and/or • When Poplar HARCA is not able to take further action, and/or • With the agreement of the person affected
legal enforcement action	<p>When:</p> <ul style="list-style-type: none"> • an offender has been identified, and • behaviour has continued despite a warning, or is serious enough that a warning was not issued, and • there is a risk of harm, and • there is enough evidence to support the action
appeal against enforcement decision	Will be considered as a review in-line with Poplar HARCA's customer care policy
re-housing	<p>Anyone asking to be re-housed because of hate-related behaviour will be referred to the local authority for an assessment of a statutory duty.</p> <p>Anyone who has perpetrated hate-related behaviour in the preceding five years will not be considered for rehousing</p>

children and young people

Children and young people affected by hate-related behaviour will be referred to appropriate services

5. Policy review

Policies are reviewed every 5 years or sooner if they no longer reflect best practice.

6. Impact assessment

How does the policy contribute to Poplar HARCA's aims?	Our community can only take advantage of opportunity if it feels safe.
Which group(s) of people will benefit from the policy? If any group could be disadvantaged, what is the mitigation or justification?	Everyone who lives in, works in or visits Poplar HARCA homes. When Poplar HARCA is aware that an offender has a statutory protected characteristic, Poplar HARCA will have due regard to the need to: <ul style="list-style-type: none">• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.• Advance equality of opportunity between people who share a protected characteristic and those who do not.• Foster good relations between people who share a protected characteristic and those who do not. Through <ul style="list-style-type: none">• Removing or minimising disadvantages suffered by people due to their protected characteristics.• Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.• Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
How have residents been involved in developing the policy? If they have not been involved, why not?	Estate Board members have provided guidance and suggestions.
How will the policy be monitored and measured? (e.g., performance indicators?)	Quarterly report to Services Committee and Poplar Board
If any, what are the Value for Money implications?	Hate motivated behaviour costs in terms of time and money; and, most importantly, also in peace of mind. Preventing or reducing it will, therefore, offer savings and reduce the fear of crime.