

Housing Services

Hate Crime Policy



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1. INTRODUCTION

Basildon Council provides housing management services to around 13,500 tenants and leaseholders.

Housing Services contributes to the Council's Corporate Plan 2012 - 2016. The Corporate plan builds upon the successes of the Council over recent years, and it sets out the overarching aim to Create Opportunity for local people. The Council's ambition is for Basildon to be a good place to live and do business where local people can enjoy prosperity and good public services.

The 5 key promises that are the basis for everything that the Council will do over the next four years and beyond are:

- a) We will deliver value for money
- b) We will get the basics right
- c) We will demand good public services
- d) We will support and develop the local economy
- e) We will to transform our borough

Basildon Borough Council, Community Strategy

There is great synergy between the Corporate Plan and the Community Strategy, the former demonstrating the outward focus of the Council and its recognition of the need to work in partnership with other agencies. The strategy sets out the long-term future vision for the next 25 years and captures the key priority areas of focus.

“To treat the cause of crime, anti-social behaviour and disorder and improve community safety”

Basildon (CSP) Community Safety Partnership

Basildon CSP is jointly led by Basildon Council and Essex Police and other responsible authority group members including Essex County Council, Essex probation, Essex Fire and Rescue and the Health Service. The CSP also works with others who have a key role in Basildon to reduce the challenges we face.

The partnership recognises the need to be focused and have a clear sense of direction, providing reassurance to the public of our continuing work to improve the impact of crime and anti-social behaviour (ASB) on the lives of victims, witnesses and the local community.

The CSP has recently published “Reducing Crime and Anti-social Behaviour in Basildon 2012-2015”. The strategy outlines how we will work together over the next three years to deliver the best outcomes for the local community and create a safer borough. The CSP as a whole has identified four key strategic priorities and has agreed to focus its efforts and resources to implement strategies and develop year on year action plans for the next 3 years to:

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- Reduce Anti-social Behaviour
- Reduce Crime and re-offending
- Prevent and reduce alcohol and drug related crime
- Engage the community to tackle crime and ASB

Housing Tenancy Strategy

In 2011 the Coalition Government introduced the Localism Act. Basildon Borough Council has taken regard to the Act, and adopted a Tenancy Strategy. This Tenancy Strategy details the steps that Basildon will be taking to comply with this Act and how the new flexible tenure will be implemented in Basildon Council's own stock. The Basildon Tenancy Strategy has also been developed to guide all providers of social housing in Basildon in setting policies for their own stock. The Tenancy Policy follows the principles and objectives of the Tenancy Strategy and should be read in conjunction with it.

In accordance with the Localism Act 2011 Basildon Borough Council (BBC) will issue tenancies that are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of our housing stock.

This policy applies to all new tenancies that commence after 1 April 2013

Tenancy and Estate Management Strategy

Basildon Council recognises that effective tenancy and estate management is a vital part of housing services provision we deliver to tenant and residents of the Borough. Tenancy and estate management is not just about looking after buildings and the physical environment; it is also about ensuring our tenancies are effectively managed and about providing and arranging advice, support and assistance to those tenants and residents who need it.

The key aim of this strategy is to deliver excellence in tenancy and estate management service over the next three years.

Basildon Borough Council recognises that effective management of our tenancies and neighbourhoods will ensure long term sustainability of homes and communities.

Significant progress has been made in improving the quality of our services and customer focus around tenancy and estate management services. We have developed our staff to ensure that they are equipped to deliver high quality services, as well as developing two specialist teams that deal with all matters relating to Tenancy and Estate Management and Anti-social Behaviour.

During our Annual Survey 2010/2011 85% of residents told us they were satisfied with their neighbourhood as a place to live in. In the same year, customer satisfaction with the way we deal with ASB was 91.3%. This is an improving position.

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The Council is committed to taking positive action, in conjunction with its partners, to deal with all forms of anti-social behaviour. A further commitment is to ensure that residents are able to enjoy peace, quiet and security in and around their homes. This policy sets out the ways in which the Council seeks to deliver on this commitment.

We will be proactive in tackling ASB in the interests of individual residents and communities where our actions have a direct impact on the sustainability of communities and neighbourhoods.

A priority for the Council is to increase customer satisfaction with the services it provides to the community in respect of anti-social behaviour.

As part of our commitment, we have a dedicated Anti-social Behaviour Team that work in partnership with a number of agencies to tackle anti-social behaviour across the Borough. This includes hate crime and domestic violence. The Team also deals with issues across all tenures, not just those affecting Council tenants. Basildon

Homelessness Strategy

The Council also has a Homeless Strategy which delivers the Strategic aims and objectives to reduce homelessness and deliver the Council's statutory obligations outlined in the Homeless Act 2002.

This strategy aims to address some of the underlying causes of homelessness and the problems that our service users face. At the heart of the strategy is the focus on making a positive difference to the lives of the Borough's residents, who could fall into one or more of the following groups:

- Both priority and non-priority homeless people
- People at risk of homelessness
- Intentionally homeless people
- Families and those with dependent children
- Single people
- 16 and 17 year olds
- Care leavers
- People with mental, physical or learning disabilities
- People experiencing or threatened with domestic violence
- People from black minority ethnic (BME) groups
- People with drug and/or alcohol dependencies

Basildon Council is committed to taking positive action to deal with hate crime. As part of this commitment, we have established a specialist Anti-social Behaviour (ASB) Team who investigate incidents of hate crime and also provide support to victims. The ASB Team works in conjunction with a range of partners to deliver a multi agency response. The team deals with issues across all tenures not just those affecting Council tenants. The Community Wardens form part of this team.

The Homeless Team also deals with the victims of Hate Crime immediately, if in crisis, including an "Out of Hours" service which operates 24/7.

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2. CONSULTATION

We are committed to developing our Hate Crime policy and services through wide ranging consultation with service users and key stakeholders. This commitment is reflected within our Tenant Involvement Compact 2012 -2015.

3. BACKGROUND

Nationally, the police estimate that most racist and religious hate crime, and as much as 90% of homophobic crime, goes unreported (source: Hate Crime: Delivering a Quality Service) because victims are too frightened or embarrassed to let someone know.

In 2011 the Police recorded 48,127 hate crimes in England, Wales and Northern Ireland. These crimes were split up into these groups.

- 39,311 were hate crimes because of a person's race.
- 4,883 were hate crimes because of a person's sexual orientation.
- 2,007 were hate crimes because of a person's religion or beliefs.
- 1,567 were hate crimes aimed at disabled people.
- 357 were hate crimes aimed at transgender people.

Whilst a considerable amount of work is being carried out by various agencies, to prevent incidents and support victims.

In 2011 - 2012 there were 168 reported incidents of hate crime in the Basildon Borough. 152 of these were racially motivated, 2 religious, 6 cases were homophobic, 6 cases in respect of disability and 2 involved transgender.

Although the number of reported incidents has increased over recent years, it is acknowledged that there is a significant amount of under reporting and it is recognised that work must be done to increase public confidence in reporting these types of incidents. Public order offences and criminal damage are the main problems related to hate crime.

This statement of policy and procedure is in place to ensure that tenants and residents of the Basildon Borough can clearly see the commitment that is made by the Council to tackling hate crime within the Borough. It explains in detail the resources available to tackle hate crime and what action the Council can take.

4. PUTTING THE POLICY INTO CONTEXT

In 2010/2011 the ASB Team dealt with 599 cases of anti-social behaviour of which 20 were hate related. In 2011/12 the team dealt with 580 cases of which 14 were hate related, which is a reduction of 12.4% across the Borough.

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Basildon Council does not operate in isolation and this policy has been developed to take into account national legislation and other relevant local strategies and policies.

Basildon Council has a general duty to promote good relations between people of different racial groups (Equality Act 2010). This is why addressing hate crime is an important part of creating a cohesive community. We also have a general duty to eliminate harassment and unlawful discrimination (Disability and Gender Equality Duty and Race Equality Duty).

In particular, the following strategies and plans have been identified and taken into account.

- Basildon Council's Strategic Improvement Plan 2010-2013
- Basildon Council's Homelessness Strategy
- Basildon Community Safety Partnership Strategy.
- Housing Services Business Plan 2012 – 2015
- Basildon fairness for all action plans (Inclusion & Diversity)

This policy also complies with the Council's Comprehensive Policy Statement on Inclusion and Diversity, and supports the Government's National Crime Reduction Strategy.

5. OTHER DOCUMENTS TO BE READ IN CONJUNCTION WITH THIS POLICY

- Anti-social Behaviour Policy
- Domestic Abuse Policy
- Inclusion & Diversity Policy
- Tenancy Agreement (for Basildon Council tenants)
- Tenancy and Estate Management Strategy
- Tenants' Handbook
- Community Safety Partnership Plan
- Homelessness Policy
- Housing Tenancy Strategy
- Housing Tenancy Policy

6. POLICY STATEMENT

Everyone has the right to peaceful enjoyment of their home and the community in which they live. This right must be respected and protected. Basildon Council will not tolerate hate crime in any form and we will do our utmost to ensure that issues are resolved as quickly and effectively as possible in accordance with the powers at our disposal and where appropriate, with the help of our partners. We will work in partnership with other agencies and local communities to reduce the prevalence of hate crime in the Borough.

The Council recognises that:

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- Individuals have the right to their chosen lifestyle providing this does not spoil the quality of life for others and that this implies some degree of tolerance of, and respect for, the requirements and needs of others.

The Council will:

- Encourage all victims to report hate crime / incidents by providing an accessible and supportive service
- Base our decision on the victim's perception of the incident to determine if a complainant is the victim of a hate incident or hate crime.
- Record all reports of hate incidents/crime
- Provide a consistent and sympathetic approach and treat victims with sensitivity.
- Only undertake an investigation of a hate crime/incident with the agreement of the victim
- Advise the victim of the actions and support the Council and its partner agencies can offer
- Allow the victim to decide which course of action will be taken
- Keep the complainant informed of the progress of their complaint
- Seek to prevent or minimize the risk of further harm occurring to the victim and/or witness.
- Treat all information relating to a hate crime incident confidentially and will not exchange information with other agencies without the express permission of the victim, unless legislation permits or requires us to do so.
- Work with other agencies such as the Police to take effective action against perpetrators
- With the consent of the complainant/witness, make referrals to specialist support and counselling services
- Promote good standards of behaviour through education and awareness sessions.
- Send out a clear message that we will not tolerate hate crime

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7. LEGISLATION AND STATUTORY DUTIES

A range of legislation places responsibility on public services to develop effective policies and procedures for responding and addressing hate crime / incidents.

Basildon Borough Council has a responsibility for implementing and enforcing its legal obligations as a social landlord and will comply with all relevant legislation including:

- Localism Act 2011
- Housing Act 1985 (as amended)
- Housing Act 1996 (as amended)
- Crime & Disorder Act 1998 s28 – Racially aggravated offences
- Anti-terrorism, Crime and Security Act 2001 – Religiously aggravated offences
- Children’s Act 1989 s27
- Disability Discrimination Act 2005
- Human Rights Act 1998
- Anti-social Behaviour Act 2003
- Local Government Act 2003
- Racial and Religious Hatred Act 2006
- Equalities Act 2010

Equality Act 2010 - Requires all Social Landlords to identify and eradicate all forms of discrimination and develop a strategy to:-

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between communities
- Foster good relations between communities

Equality must be a primary consideration in the construction and delivery of services.
Criminal Justice Act 1988 s23 – Witness Statements in Court Proceedings.

Powers of Criminal Courts (Sentencing Act) Act 2000 s153 - requires the courts to consider racial or religious hostility as an aggravating factor when deciding on the sentence for any offence which is not a specific racially or religiously aggravated offence under the Crime & Disorder Act 1998.

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8. DEFINITION OF HATE CRIME/INCIDENT

Hate Crimes are incidents or criminal acts committed on an individual because of the actual or perceived age, ethnicity, sexuality, religion, disability or gender of the targeted victim.

In making judgments about hate crimes, it is the behaviour and its impact on the recipient, not the intentions of the perpetrator that is important. The purpose of this definition from the McPherson report into the death of Stephen Lawrence is not to prejudge whether a perpetrator's motive was hate or not. It is to ensure that investigations take full account of the possibility of a hate dimension to the incident and that statistics of such incidents are collected on a uniform basis.

Behaviour that is identified as harassment but is not a hate crime should be dealt with via the procedures outlined in the Council's Anti-social Behaviour Policy.

A **Hate Incident** is defined as:

“Any incident, which may or may not be a crime, which is felt by the victim or another person to be motivated by prejudice or hate.”

A **Hate Crime** is defined as:

“Any Hate incident, which constitutes a criminal offence; perceived by the victim or any other person, as being motivated by prejudice or hate.”

Hate Crime can take many forms including:

- Physical attacks – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson.
- Threat of attack – including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate and unfounded malicious complaints
- Verbal abuse or insults – offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

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9. PARTNERSHIP WORKING

Basildon Council does not work in isolation. We work with a range of partners at County, Borough and estate level to tackle hate crime. We will work with our partners and local communities to build good community relations with “marginalised” residents.

When a referral is made to a partnership organisation such as the Police, where appropriate, the Council will continue to work jointly on the investigation to ensure a comprehensive service and consistent support is provided to the victim and/or witnesses.

We work in partnership with:

Borough Wide

Basildon Community Safety Partnership
Basildon Hate Crime Panel
Essex Police
Basildon Disability Equality Forum
Basildon lesbian, Gay Bisexual & Transgender Forum
Women Together
Basildon Forum of Faiths
Basildon Black & Minority Ethnic Forum

Community Safety Partnership (Basildon CSP)

Basildon Community Safety Partnership is a multi-agency group with representatives from statutory, voluntary, community and business organisations from the Basildon Borough. All of the partners are fully committed to working together to reduce the harmful effects of crime, disorder and anti-social behaviour. The Council is represented on this partnership and gets involved in initiatives to tackle and reduce hate crime in the Borough. All partners are fully committed to working together to reduce the harmful effects of crime, disorder and anti-social behaviour.

Our participation in the Community Safety Partnership allows us access to data collected from our multi-agency partners on all reports of hate crime made in the Borough of Basildon. Analysis of the information identifies “hotspots” and trends within the Borough and enables more effective preventive action to be targeted at a specific area to address underlying causes and effects.

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10. PREVENTION AND EARLY INTERVENTION

Basildon Council supports the belief that it is better to prevent hate crime occurring in the first place wherever possible. We will undertake a number of prevention focused activities and projects to reduce and prevent hate crime in local communities. We have introduced a number of measures within our core activities that are intended to prevent anti-social behaviour, including hate crime, occurring. Where we do become aware of a hate crime incident we will take action at an early stage in order to prevent it escalating to a more serious level.

10.1 Allocation Policy

The Council's Allocation Policy includes the provision to exclude any applicant from the Housing Register on the grounds of unacceptable behaviour.

Unacceptable behaviour, is behaviour that affects the applicant's suitability as a tenant and has entitled the Council or other landlord to a Possession Order in the past, and, at the time of their housing application the Council is satisfied that this behaviour is continuing. Tenants who have been evicted or have abandoned their accommodation before or during possession proceedings for hate crime may also be excluded from the register.

10.2 Tenancies

In accordance with the localism Act 2011 Basildon Borough Council will issue tenancies that are compatible with the purpose of the accommodation, the needs of the individual households, the sustainability of the community and the efficient use of the housing stock.

As from the 1 April 2013 the Council will be implementing the new flexible tenure.

(a) Introductory tenancies

The majority of Basildon Council tenants will be introductory tenants for the first year of their tenancy in line with Basildon Introductory Tenancy Procedure. New tenants who are transferring from another social or affordable home, whether with Basildon Council or another social landlord, will not normally be offered an introductory tenancy if they are a secure tenant or holds a flexible (fixed term) tenancy.

(b) Flexible tenancies

A flexible tenancy is a form of secure tenancy, which is for a fixed period. Although it contains many features of a secure tenancy, the main difference is a secure tenancy can only be brought to an end by the landlord if a court order is granted, and the court considered possession reasonable. With a flexible tenancy, the court has to award the landlord possession as long as the fixed term has expired, the correct notices have been served and any appeal has been considered.

The majority of flexible tenancies will be for a period of five years. Five year flexible tenancies provide a reasonable degree of security, for example for vulnerable people, and for people with children, while enabling Basildon Council to make best use of the housing stock for those in need.

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There may be exceptional circumstances which may justify granting a flexible tenancy of less than five years. Examples of such types of circumstances are:-

- Where a tenant has not kept to an agreement to correct any breach of the tenancy agreement during the flexible tenancy

Flexible tenancies do not apply to all secure tenants prior to 1 April 2013.

10.3 Tenancy Agreement

The Council's Tenancy Agreement is a legally binding contract between the Council and its tenants. In this agreement and the accompanying Tenants' Handbook, the Council has set out the standards of behaviour that it considers to be acceptable. The Tenancy Agreement has been updated to reflect a number of changes in legislation and best practice and it contains specific clauses relating to ASB including hate crime and domestic violence.

Under the "Community Responsibilities" section of the Council's Tenancy Agreement it states:

"Everyone has the right to enjoy their life in their own way as long as they do not annoy or disturb people living near them or break the law. A good neighbour will accept other people's lifestyles. Council tenants are responsible for their own actions as well as those of every person and animal living in or visiting their home and in the area around their home."

The tenancy agreement states that you must not;

Commit or threaten to commit any form of harassment because of someone's race, colour, religion, sex, disability, gender identity or sexuality if this could interfere with the peace and comfort of, or cause offence to, anyone living in or visiting the area around your home.

Tenants will be advised that they could lose their home if they are identified as perpetrators of hate crime.

10.4 Tenancy Sign Up Interview

We are committed to taking positive action to deal with all forms of anti-social behaviour and as part of the signing up process for a Council property, new tenants will be made aware of the Council's Anti-social Behaviour Policy and procedures and also the clauses relating to anti-social behaviour contained in Basildon Council's Tenancy Agreement. The standards of behaviour expected

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from Council tenants will be clearly outlined during this interview, and reinforced in the Tenants' Handbook.

All measures will be taken to ensure that those who contemplate causing nuisance and anti-social behaviour will be aware of the consequences that follow.

Tenants will be advised that they could lose their home if they are identified as perpetrators of ASB in any form (including Domestic Abuse and Hate Crime).

11. ENFORCEMENT

Basildon Council believes that taking enforcement action against perpetrators of hate crime sends a clear message to other tenants that we will not tolerate such behaviour.

We will, as far as possible, take action against the perpetrator of hate crime rather than move the person affected by it. The action taken will depend, in part, on whether the perpetrator is a Council tenant, Council leaseholder or private sector tenant/owner occupier. Legal action is always a last resort and the court will want to be satisfied that all other methods have been given serious consideration or have been tried and failed. We will refer all criminal cases to the Police Hate Crime Unit to deal with unless the complainant does not want this to happen and there is no risk of harm.

Basildon Council works closely with the Police, Basildon Hate Crime Panel and other agencies to collect intelligence and evidence in pursuing prosecutions for all hate crime. The utmost effort will be used in order to identify perpetrators and appropriate action will be taken.

This may include any of the following:-

11.1 Tenancy Agreement

Breach of tenancy can lead to eviction (under Ground 1 and/or 2 of Schedule 2 of the Housing Act 1985) or to an injunction requiring compliance with the terms of the agreement.

The Council's tenancy agreement contains a specific clause relating to hate crime that enables ASB Officers to take action against identified perpetrators.

11.2 Possession Proceedings

If the terms of the tenancy agreement are breached, possession proceedings can be initiated against the tenant. A breach of the tenancy agreement is a ground for possession and there is also a statutory ground relating to nuisance and annoyance. Possession proceedings may lead to eviction of the tenant although this will always be a last resort.

Depending on the circumstances we may also consider the use of injunctions or Anti-social Behaviour Orders to tackle more serious cases of hate crime. These remedies may be applied for as stand alone remedies but if necessary can be an addition to possession proceedings.

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11.3 Injunctions

An injunction is an Order of the court requiring a person to do or refrain from doing a particular act. They are sought in cases where there has been use of or threat of violence. In these circumstances the team can apply to the court for an ex-parte Injunction in order to provide reassurance to the victim and to prohibit the perpetrator of causing further harassment, alarm or distress. A power of arrest can also be included with these orders.

Breach of an injunction is contempt of court that may be punishable by a custodial sentence. There are a number of different types of injunction that can be used depending on the specific circumstances.

11.4 Written and Verbal Warnings

In less serious cases, the Council will initially issue a written or verbal warning to the perpetrator of hate crime. These warnings will set out clearly what the unacceptable behaviour is, how it affects the victim/community and will instruct the perpetrator to cease such behaviour or acts immediately. It will also set out clearly the consequences of failing to comply with the request. These warning are often very effective at stopping the unacceptable behaviour at an early stage.

11.5 Mediation Service

Mediation is a well-established process for resolving disagreements in which an impartial third party (the mediator) helps people in dispute to find a mutually acceptable resolution.

Mediation is generally more cost effective and quicker than going to court, and is flexible process that can be used to settle disputes in a whole range of situations. It is a preventative tool and can be used effectively to lower tension and feelings of anger and to stop problems escalating and becoming worse. The Council's Anti-social Behaviour Officers will make referrals to an independent mediation service where appropriate.

11.6 Acceptable Behaviour Contracts (ABC's)

An ABC is a written agreement between a person who has been involved in hate crime and Basildon Council/Police. They are most commonly used for young people i.e. between ten and eighteen years of age but may also be used for adults. The contract is agreed and signed at a meeting with the individual and the lead agencies i.e. Housing/ASB Team and the Police. An ABC is a voluntary agreement, requiring co-operation from all parties. Whilst there is no legal redress for breaching an ABC contract, it may provide evidence that can be used in an application for an Anti-social Behaviour Order or Possession Order.

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11.7 Education/Working with Local Schools

We will work with local schools and other agencies to raise awareness of what hate crime is and its effect on the local community. In cases where an individual or group of school children has been identified as perpetrators of hate crime, we will work closely with the school and other agencies to ensure the problems are tackled swiftly.

11.8 Publicity

We will publicise:

- Our policies and procedures, through a variety of methods, to make it clear how to report hate crime and how the Council will deal with it.
- Successful initiatives to prevent, deter and divert potential perpetrators of hate crime;
- Successful outcomes of cases of hate crime.

We do this because:

- Publicising successful non-legal action e.g. mediation, can help people find more acceptable ways to resolve their differences;
- Publicising successful legal action against the perpetrators of hate crime can help to deter others;
- Good publicity empowers the community and encourages further reporting by victims and/or witnesses who will feel their complaints will be acted upon.

Forms of publicity will include press releases, articles in the Landlord Services publication "Housing News", the Council's publication the "Borough Diary", the Council's website, attending local meetings to discuss initiatives and successes, displaying posters about how to report incidents and how we deal with hate crime.

12. SUPPORT OF VICTIMS AND WITNESSES

Basildon Council recognise that hate crime incidents, whether they are physical or psychological attacks, are likely to leave the victim feeling vulnerable and they may be reluctant to report an incident. We will treat all complaints of hate crime seriously and provide a sympathetic and supportive service to all victims.

We will also explain the options available for:

- reporting the incident to the police for possible enforcement action
- referring the victim to other agencies who can provide practical help and support
- considering alternative accommodation; and
- carrying out security improvements to their home

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- carry out a Harm Based Risk Assessment

Staff will maintain regular contact with the victim to advise and keep them informed of any developments and to support them. Where there is a language barrier an interpreter will be provided.

Victims will be supplied with information that will explain what will happen when a report of hate crime is made and it will also include details on the practical/emotional support and guidance offered by Basildon Council and its partner agencies.

Basildon Council will also work closely with its multi-agency partners to ensure the safety of victims. Referrals will be made to the relevant partners in the multi-agency partnership and supportive voluntary agencies.

Where the victim or witness is a tenant they will be encouraged and supported to stay in their home if at all possible. If the victim or witness feels that there is a risk to life, or feel threatened in any way, the ASB Officer will contact the Council's Homelessness team to request emergency accommodation. Management moves will be considered in exceptional circumstances for Council tenants.

Where the victim or witness is a private resident we will ensure that we work with partner agencies to offer the best possible support. Under homelessness and housing legislation, Basildon Council has a duty of care to those who are fleeing hate crime regardless of tenure.

Housing options at this stage are:

- to remain in the property with additional security and support;
- look for a mutual exchange;
- apply for a transfer;
- * make a request for a management transfer
- make an approach as homeless to Basildon Council;
- apply directly to another authority's waiting list.

All victims and witnesses will be advised of the options available to them. We will recognise that the ultimate choice lies with the victim and/or witness and will fully support their decision.

During an investigation into hate crime we will protect and support victims and witnesses by:

- providing a list of emergency and out-of-hours contact numbers including the police and emergency repairs/homelessness ;
- advising and updating on developments in the investigation;

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- agreeing an action plan to jointly decide on a way forward; this action plan must be signed by the complainant, if it is not, action may not be taken in order to progress the case;
- Completing a Harm Based Risk Assessment to ensure that the appropriate support is in place;
- Installing surveillance cameras in or around the property, in compliance with relevant legislation (Regulation of Investigatory Powers Act 2000). Cameras may be used to gather evidence in certain circumstances but the legislation requires that directed surveillance is a last resort and that all other means of gathering evidence should be attempted first. The ASB Team has access to cameras when required;
- offering the use of a mobile phone and/or personal alarm where appropriate;
- accessing resources available from Essex Police and/or other agencies.
- Using our own ASB Officers or Community Wardens to gather evidence and act as professional witnesses wherever possible.
- offering the use of a panic alarm where appropriate
- accessing resources available from the local police and/or other agencies
- agreeing the preferred method of communication with an individual depending on their specific needs;
- arranging access to translation/interpreters in the appropriate language as required and welcoming the use of advocates by victims of hate crime.

12.1 Support During Legal Proceedings

If legal action is taken, victims and/or witnesses may need to attend court. We will aim to provide optimum support throughout the process. During legal proceedings the ASB Team will ensure that victims and witnesses are supported throughout the process by:

- ensuring they have access to their witness statement for reviewing before the court date;
- having the opportunity to meet with our legal representative to ask any questions about the proceedings;
- providing transport where necessary;
- doing our best to ensure a separate waiting room is set aside away from the defendant;
- accessing resources from Victim Support, if appropriate;

12.2 Support Following Legal Proceedings

At the conclusion of legal proceeding taken by Basildon Council, victims and witnesses will be formally advised of the outcome and given the opportunity to ask questions regarding any aspect of the proceedings that they may not have fully understood.

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13. SUPPORT OF PERPETRATORS/TACKLING THE CAUSES OF HATE CRIME

Basildon Council aims to tackle perpetrators by challenging their actions and enforcing legal sanctions if necessary, to prevent further hate crime from occurring. However, we also recognise the importance of giving perpetrators the opportunity to take responsibility for their actions and make positive changes to their behaviour.

Every effort will be made to bring about real changes and improvements in behaviour and to re-habilitate perpetrators in order to ensure that further action is not required. Such improvement and changes in behaviour are considered to be effective outcomes.

In considering the most effective options for the protection of residents from hate crime, Basildon Council will investigate each case to see if there is an underlying cause for the behaviour. Where appropriate, we will work with perpetrators and signpost them in the direction of specialist agencies that offer perpetrator programmes.

14. IMPLEMENTATION OF THE POLICY

14.1 Reporting and Recording Incidents

All incidents of hate crime should be reported as soon as possible to the ASB Team. Incidents can be reported in writing, by telephone, by email or in person at any Office between the hours of 9am to 5.15pm Monday to Friday. We also have an out of hours reporting hotline 01268 465191 for non-emergency incidents. Residents can leave brief details of the incident and an ASB Officer will make contact within 1 working day.

Alternatively residents can report incidents online via the council's website

On initial receipt of a report of a hate crime incident we will:

- Record the complaint on the Customer Relationship Management (CRM) system.
- Allocate a named officer to work on the case.
- Develop an initial action plan in consultation with the complainant (where known) to investigate the problem.
- Carry out a harm based risk assessment.

14.2 Case Investigation

Following the initial reporting of an incident, an interview will normally be arranged with the complainant. The purpose of this interview is to gather as much information as possible about the incident so that a proper investigation can be carried out and appropriate action taken. This may include the complainant completing diary sheets to gather evidence of the incidents.

The needs of the complainant will be considered prior to this interview. The interview will take place in private and in a place where the complainant feels

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safe. If necessary, home visits can be arranged at a mutually convenient time. Support needs for the complainant will also be identified from the Harm Based Risk Assessment.

The ASB Officer will give advice on the options that are available and an action plan will be agreed with the complainant.

14.3 Monitoring cases

Regular meetings will take place (6 weekly) between the ASB Officer and the Principal ASB Officer to monitor progress on individual cases of hate crime.

14.4 Case Closure

When a complaint of hate crime is received, the Council aims to investigate, monitor and progress the case to its conclusion. There are a number of circumstances when a case will be closed including where:

- the hate crime has ceased
- there is insufficient evidence to take any action
- following the initial investigation, the behaviour cannot be reasonably classed as hate crime
- the perpetrator has moved
- no reports of hate crime have been received for 6 weeks
- at the complainants request

If no complaints of hate crime have been received for 6 weeks, a letter will be sent to the complainant indicating the intention to close the case and inviting any comments within 10 working days. If there is no response within that time, the case will be closed. Should there be any further instances of hate crime at a later stage, the case will be re-opened and investigated according to the Hate Crime procedures.

After each case has been closed the ASB Officer/Neighbourhood Nuisance Officer will write to the complainant and if deemed appropriate the person(s) who have been complained about, to advise them that the case has been closed and explain the reasons for closing the case. An ASB customer satisfaction questionnaire will also be sent out for the complainant to complete and return. These questionnaires will help ensure that we learn from any compliments, comments or complaints, and consequently continually improve our service.

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14.5 Data Collection

- Number of new ASB cases
- Number/percentage of new Hate Crime cases
- Number/percentage of closed resolved ASB cases
- Number/percentage of closed unresolved ASB cases
- Number/percentage of closed resolved ASB cases for each main intervention that led to case resolution
- Percentage of respondents satisfied with the way their ASB complaint was dealt with
- Percentage of respondents satisfied with the outcome of ASB complaint

Data is collected from ASB customer satisfaction surveys once cases are closed. The Council's annual tenant and leaseholder surveys also include questions on issues such as crime and ASB, together with questions on general satisfaction levels.

This information is also entered onto Housemark as this enables the Council to compare this service against other local authorities and registered providers in respect of how well we are performing. This also enables the Council to share best practices with other organisations.

14.6 Performance Management

The purpose of collecting the data detailed in the previous sections is to:

- Identify geographic "hot spots"
- Identify repeat perpetrators
- Highlight key priorities and areas of concern
- Target resources appropriately
- Establish comparative data
- Evaluate success of initiatives to combat hate crime
- Develop future service provision

Regular reports (at least monthly) will be taken from the CRM system to help identify any emerging trends and to allow us to appropriately resource our response.

The data collected will be entered onto the Council's Covalent performance management system and discussed at the monthly Housing Services Management Team Meeting and the Departmental Managers Team (DMT) meeting as appropriate. Reporting to DMT will be by exception only i.e. where agreed targets have not been met.

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This information will be also shared with all staff at the ASB Team during their monthly team meetings. Performance information is a standard agenda item on all team meetings.

Performance information will be made available to our customers in the quarterly Housing News and on our website. We will provide a customer a range of information to the Tenancy & Estate Management Customer Focus Group.

14.7 Service Standards

We have developed these standards following consultation with our Tenancy and Estate Management Focus Group. The purpose of these standards is so that every resident that uses our services understands the level of service they can expect to receive from us.

We will monitor all service standards and regularly report the results via the Tenancy and Estate Management Customer Focus Group meetings.

We aim to provide the best possible service with the resources we have. When we cannot meet your needs ourselves, we try to refer you to other people and organisations that can help.

Our 5 promises are

- We will get the basics right
- We will provide value for money
- We will demand good public services from our partner organisations
- We will support and develop the local economy
- We will transform our borough

When offering our services we will treat everyone equally, regardless of their race, disability, gender, age, sexuality or religious beliefs.

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14.7.1 What Can Residents Expect from the Service

- When a resident contacts the Anti-social Behaviour Team we will start an investigation within a set time depending on the type of incident you are reporting (see response times).
- On receipt of your complaint we will write to you and tell you the name of the Officer who will deal with your case.
- After we have investigated your complaint we will write to you to:
 - Tell you about any action we have taken to deal with the problem: or
 - Tell you why we are not able to take action.
- We will contact you regularly to keep you up to date with the steps we are taking to deal with your complaint. We will do this by e-mail, by phone or by visiting you. We will agree with you how regular the contact will be.

We will:

- Advise of the legal and housing options available to you
- Repair or make good any damage to your home within one working day
- Provide advice and assistance on extra security to your home if there is a risk of further abuse. Panic alarms can be provided.
- Remove any offensive graffiti within one working day
- Provide advice and assistance on extra security to your home if there is a further risk
- Provide ongoing support, with the help of partner agencies, if appropriate, to help you cope with the situation
- Work with the police and other agencies to protect you and any other witnesses
- Take action against those who are committing the hate crime, using injunctions, possession proceedings or supporting criminal prosecutions recommended by the police to the Crown Prosecution Service
- Work with other agencies to help perpetrators realise why they are acting in this way and to find ways of helping them avoid doing it again.

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Residents can help the Council by

- Reporting any abuse to us quickly
- Keeping us informed of any changes in your circumstances
- Giving feedback on the services residents receive from the Council

14.7.2 Response Times

All instances of Hate Crime reported to us will be treated a **Level 1**.

We will

Evidence of danger to the household, at risk of serious assault and/or the household has been subjected to substantial and/or persistent harassment and is at risk of serious mental or physical harm on the grounds of vulnerability

Level 1 – an interview will be offered to take place within one working day.

14.7.3 Our Performance Indicators:

Performance Indicator	Target	Measure	Where reported
% of respondents satisfied with the way their landlord handled their ASB	89%	Customer satisfaction survey	Tenancy and Estate Management Customer Focus Group
% of respondents satisfied with the outcome of their ASB case	88%	Customer satisfaction survey	Tenancy and Estate Management Customer Focus Group

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14.8 Protection of Staff

We will not tolerate threats or violence against a member of staff or our partners. We will work with the police and other agencies to use legal remedies against any person using or threatening violence.

If that person is a tenant, there are specific powers in the Conditions of Tenancy to deal with threats or violence against employees of Basildon Borough Council or its contractors. Where such behaviour can be proved to the satisfaction of the County Court then an injunction and/or a possession order will be obtained, which could lead to the tenant being evicted.

We will ensure:

- that perpetrators of threats, intimidation or violence against staff will be prosecuted and action will be taken against them under the terms of their tenancy agreement, where applicable and under the relevant civil or criminal legislation;
- injunctions will be obtained where necessary banning the person from contacting the officer threatened and/or banning them from the office or a specific area;
- that Health and Safety risk assessments are undertaken as it is recognised that the management of anti-social behaviour including hate crime, can pose an additional risk to staff;
- that staff report all incidents of verbal abuse, threats and assaults and appropriate action will be taken by line managers and/or the Anti-social Behaviour Team;
- that staff have access to protective equipment and clothing where necessary;
- that we work closely with the local police and ensure a police presence on visits, especially evictions, where the perpetrator is known to be violent or a risk of violence is perceived.

14.9 Training

We are committed to training our staff to ensure they have the confidence and knowledge to identify and investigate incidents and reports of hate crime and are equipped to take the appropriate action. All relevant staff will be trained on our own hate crime policy and procedures to ensure consistency and accurate recording of incidents.

Staff will be required to attend internal and external training courses on hate crime and related subjects such as equality and diversity, as appropriate to their role.

Training and/or information sessions on ASB including hate crime will be arranged for tenants, leaseholders and the wider community and will be delivered via the Tenant and Leaseholder Panel, ASB Customer Focus Panel and other community forums.

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14.10 Record Keeping

The Principal ASB Officer/Principal Neighbourhood Nuisance Officer will ensure that all case files and other relevant documents are stored in a secure environment. Disclosure request forms will be stored securely in accordance with the information sharing protocol.

14.11 Data Protection

In order to tackle hate crime across the Borough, information will be exchanged lawfully between all agencies involved. We expect our staff to comply with the requirements of any new or existing relevant legislation, (such as the Data Protection Act 1998) and the Council's policy, procedures and protocols on Data Protection.

14.12 Information Sharing

The Crime and Disorder Act 1998 section 115 allows the exchange of information with other organisations provided it is for the purposes of preventing crime.

Basildon Council has signed up to a joint information sharing protocol. This protocol deals with the sharing of information between relevant local agencies in relation to incidents and perpetrators. Officers will ensure that any disclosure of information is lawful.

Under this protocol only the "designated officers" can either process or initiate requests for personal information and conviction data.

14.13 Confidentiality

Complainants may be concerned that their complaint could lead to retaliation by the perpetrator and any information provided will be treated as confidential. The Council will not disclose the identity of the complainant or any other confidential information to the perpetrator, legal representative or other interested parties without the prior consent of the complainant. We may lawfully share information relating to complainants and perpetrators with other agencies for the purpose of preventing ASB or crime.

15. INCLUSION AND DIVERSITY

We will ensure compliance with our policies on inclusion and diversity in the investigation and determination of complaints of ASB. This ASB Policy will be subject to a Service Impact Assessment. Residents and stakeholders will be consulted on any identified negative impact to identify ways to minimise the negative impact.

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16. SERVICE IMPACT ASSESSMENT

A Service Impact Assessment has been carried out on this document that demonstrates that it is robust and helps the Council to consider the actual or potential effects of its activities on:

- communities
- local economic conditions
- individuals
- vulnerable groups
- and the environment

It also ensures that the Council delivers better value for money by focusing on the issues that are important to people in the Basildon Borough and ensures that what the Council provides is effective and accessible.

The findings of the Service Impact Assessment are shown at Appendix A.

17. REVIEW OF THE POLICY

This policy will be reviewed every 3 years and/or when either internal or external influences prompt a review.

Internal prompts to review the policy include:

- Complaints
- Under Performance
- Internal Audit

External prompts to review the policy include:

- Change in legislation
- External Audit

We are committed to continuous improvement and best practice in this area.

The Home Office has recently published a White Paper in May 2012 entitled "***Putting victims first – more effective responses to anti-social behaviour***", which sets out a new approach to crime, policing and community safety and outlines the government's focus of the needs of victims.

The government is proposing to amend the legislation and the powers available to local authorities, social landlords and Police and it is anticipated that this legislation will come into force from 2014/2015.

This policy will be reviewed to incorporate any changes in legislation.

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18. MONITORING THE POLICY

The policy will be monitored regularly to assess the effectiveness of the policy and whether any changes are needed. The Tenancy and Estate Management Customer Focus Group will be part of the monitoring process.

19. ACCESSIBILITY OF INFORMATION

This publication is available in different formats on request. For example, Braille, audio and different languages.

20. PUBLICATION

This policy will be made available on the Council's website and an electronic or hard copy will be supplied upon request. The final approval and availability of this policy will be advertised in the Landlord Services publication "Housing News".

21. GLOSSARY

Term	Definition
ABC	Acceptable Behaviour Contract
ASB Officer	Anti-social Behaviour Officer
DMT	Departmental Managers Team
SIA	Service Impact Assessment

22. CONTACT US

If more information is needed about the work of the Anti-social Behaviour Team, please contact the Anti-social Behaviour Co-ordinator at Basildon Borough Council, St Martin's Square, Basildon, Essex, SS14 1DL.

Phone: 01268 465130.

E-mail: asb@basildon.gov.uk

23. APPENDICES

Appendix 1 – Service Impact Assessment

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Service Impact Assessment

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