



HATE CRIME POLICY

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1. Introduction

At ng homes, we aim to ensure that our homes and communities are great places to live in and we value and cultivate diversity. Most perpetrators of hate crime incidents live in the same communities as their victims. We recognise that hate crime incidents undermine community cohesion and feelings of safety and security of our tenants and applicants. We will therefore not tolerate hate crime incidents in any form.

2. Policy Summary

This policy establishes ng homes' commitment to assisting tenants and applicants who are victims of hate crime.

3. Policy Aims

- Aim to ensure that no one is treated less favourably on the grounds of age, disability, gender and transgender/gender identity, race/ethnicity, religion or belief and sexual orientation. Our tenancy agreement clearly states:

3.8 : "We will act fairly to you in all matters connected with your tenancy. We will not unfairly or unlawfully discriminate against you in any way on the grounds of your race, colour, ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief or other status. If you believe we have acted unfairly to you in any way, you may wish to use our complaints procedure. You may also wish to take independent advice."

- We recognise that hate crime is a form of antisocial behaviour and will deal with all hate crime incidents as being within the most serious category within our "dealing with antisocial behaviour" procedure manual "Getting it RIGHT first time" and within our Antisocial Behaviour Policy
- We will meet the needs and choice of people from all backgrounds
- Ensure that our services are relevant, responsive and sensitive to the needs of our existing and future clients
- Be proactive and take measures to prevent harassment and hate crime incidents in our community. This will include publicising successful actions if it is in the interest of the wider community, our aim being to deter further instances of hate crime

- Ensure that all sections of the community in which we work have equal access to our services

4. Key Policy Objectives

The key objectives of ng homes are to:

- Ensure all new and existing tenants are aware that hate crime is a criminal offence and a breach of the terms of their tenancy
- Ensure we investigate all complaints of hate crime and hate incidents and take all reasonable steps to prevent them
- Adopt a victim centred approach to ensure that when we are dealing with reports of hate crime incidents that the needs, views and support of the victims are at the forefront of our management of the case
- Ensure we risk assess each case and the victims individual vulnerability
- Ensure that we take timeously and appropriate action against perpetrators of hate crime
- Work in partnership with other agencies such as Police Scotland, Social Work and Local Authorities
- Train and support staff to recognise, report and deal with hate crime effectively

5. Definition of Hate Crime

A hate crime can target a particular person or a group of people. Where a crime is committed against a person, that person does not have to be a member of the targeted group to be a victim. This is because the law applies to crimes based on someone's belief about a person's identity, even if it is incorrect.

A hate crime incident is defined as:

Any behaviour that is both criminal and rooted in prejudice related to characteristics:

- Race
- Religion or belief

- Disability
- sexual orientation
- transgender identity
- Variations in sex characteristics
- Age

The most common forms of hate crime are:

- Racist Crime – any incident which is perceived to be racist by the victim or any other person. Racist does not simply relate to colour, it may also relate to race, nationality or to ethnic or national origins
- Homophobic Crime and Transphobic Hate Crime- relates to harassment/prejudice towards lesbians, gay men, bisexual, person who is transgender or perceived to be transgender or people perceived to be in one of these groups
- Disability Hate Crime - relates to harassment / prejudice towards disabled people or people perceived to be disabled. Legislation states that a disability is a physical or mental impairment, which has a substantial and long-term adverse effect on your ability to carry out normal day to day activities

Hate crime can be physical, verbal or written and can take place in public or in private, including online. Hate crime can be an aggravated offence such as breach of the peace or assault which is motivated by hatred towards the listed characteristics in this policy. In addition to this, there can also be racially aggravated harassment and stirring up of racial hatred.

Further protection within legislation has been extended to include any person who has an association with one or more of the characteristics listed above.

6. Communications, Support and Advice

Managing reports of hate crime requires a multi-agency approach. ng homes will ensure that victims are placed in contact with appropriate agencies for specialist advice and support with their consent. ng homes do not provide legal advice or counselling services but refers to other specific agencies when required.

7. Confidentiality

ng homes staff will ensure that they only involve other agencies and share information with the consent of the tenant concerned, unless:

- The information is necessary for the protection of children
- ng homes are required by law, for example ng homes staff cannot withhold information if being questioned by Police during a criminal investigation.

8. Legal and Regulatory Framework

Legislation

The following is a brief summary of the legislation that is taken into consideration:

- Public Order Act 1986
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Data Protection Act 1998
- Housing (Scotland) Act 2001
- Criminal Justice (Scotland) Act 2003
- Antisocial Behaviour (Scotland) Act 2004
- Offences (Aggravation by Prejudice) (Scotland) Act 2009
- Housing (Scotland) Act 2010
- Equality Act 2010
- Hate Crime and Public Order (Scotland) Act 2021

Regulatory Guidance

The Housing (Scotland) Act 2010 asks Ministers to consult on and then set the outcomes that social landlords should achieve. The Scottish Social Housing Charter will be the document which contains these outcomes.

In formulating this policy the following Charter outcomes have been taken into consideration:

1: Equalities

Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

3: Participation

Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

6: Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

Tenants and other customers live in well-maintained neighbourhoods where they feel safe.

11: Tenancy sustainment

Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

9. Equality and Human Rights

In applying the Hate Crime Policy, ng group will ensure it complies with the Equality Act 2010. The Act makes it unlawful to discriminate against, harass or victimise a person or group of persons, because they have one or more of the following protected characteristics: age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender reassignment, sex and sexual orientation.

The ng group is committed to promoting and achieving equality in all aspects of our work. This includes ensuring that everyone has equal access to information and services and, to this end, the ng group will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

10. Equality Impact Assessment

We are aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed.

This Policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.

11. Monitoring and Review

This policy will be monitored to ensure the aims are being achieved through the recording of data in line with the Anti Social Behaviour Policy and procedures. Performance in the delivery of the delivery of the Hate Crime Policy will be reported to the Board annually as part of the Key Performance Indicators pertaining to Anti Social Behaviour.

This Policy will be reviewed every three years or earlier in line with legislative changes or good practice guidelines.

12. UK General Data Protection Regulation 2021

The organisation will treat your personal data in line with our obligations under the UK General Data Protection Regulation 2021 (UK GDPR) and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

13. Complaints Procedure

The Association has a published Complaints Handling Policy and procedure which can be applied where there is any dissatisfaction with this policy or the operation of this policy. Customers can request a copy of the Complaints Handling Policy or this can be accessed on the Associations website.

14. Other Related Policies

- Allocations Policy
- Anti Social Policy
- Child Protection and Vulnerable Adult Policy
- Customer Care Policy
- Domestic Abuse Policy
- Equality and Diversity Policy
- Leasing Policy
- Tenant participation Strategy

15.UK General Data Protection Regulation 2021 (UK GDPR)

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