



Tenancy Services

Hate Incidents Policy

Regulation & Legislation	This policy links to the Equality Act 2010; the Anti-Social Behaviour Crime and Policing Act 2014; the Regulator of Social Housing (RSH) Neighbourhood and Community Standard
Supporting documents	Anti-social Behaviour Policy; Safeguarding Policy; Domestic Abuse Policy; Investigations Policy; Priority Move Procedure; Anti-social Behaviour and Hate Incidents Procedure; Legal Services Procedure
Scope	This policy outlines how Orbit approaches and manages allegations of Hate Incidents. It applies to customers living in our rented, shared ownership and leasehold properties.
Reference to "Orbit" means Orbit Group which consists of Orbit Group Limited, Orbit Housing Association Limited, Orbit Homes (2020) Limited, Orbit Treasury Limited and Orbit Capital Plc.	

1. Introduction

- 1.1 Orbit is committed to making a positive difference to its customers, ensuring they feel safe in their homes and prioritising their wellbeing.
- 1.2 We believe that everyone has the right to live without fear of hate incidents. We understand the importance of tackling them, recognise their effect and are committed to preventing and detecting them wherever possible.
- 1.3 We may also deal with issues arising from hate incidents under the ASB policy where appropriate.

2. Policy Statement

Definition

- 2.1 We define Hate Incidents as:

"An incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic"

2.2 Actions often associated with hate incidents are:

- Abusive or threatening behaviour and comments
- Deliberate and targeted acts intended to deter someone from peacefully living in their home, or to force them to move away
- Graffiti
- Intimidation and torment
- Physical attacks on people and property

2.3 We acknowledge that hate incidents are offensive as they are directed at an individual, family or group due to their actual or perceived age, disability, ethnicity, gender or gender identity, sexual orientation, religion, or faith.

Reporting allegations

2.4 We aim to make reporting allegations easy, and we accept allegations from anyone with reports able to be made online via our website, by email, by telephone, in writing and in person.

Complainant and witness responsibilities

2.5 We expect our customers to adhere to the terms and conditions of their tenancy agreement.

2.6 We expect allegations to be made at the time of the incident occurring and we may refuse to accept an allegation if it has not been reported to us within 3 working days of the date of the incident. We expect allegations to be factual and detailed enough for us to investigate and take the necessary action and we may refuse to accept an allegation if we are not given sufficient information.

2.7 If an anonymous allegation is made, we will only accept it if there is sufficient information and evidence to take action if necessary.

2.8 We will not disclose a complainant or witnesses' details to an alleged perpetrator without their consent, however, if this is not given we may then refuse to take action if our ability to do so is limited by such a refusal.

2.9 Before making allegations to us we expect complainants and witnesses to:

- report allegations to relevant statutory organisations; for example, if the allegation is of a criminal nature, we expect that it will have been reported to the police. Where a complainant is uncomfortable approaching the police directly, we will offer alternative options to report such as true vision and Crimestoppers.
- support action recommended and/or proposed by us.

2.10 If complainants and witnesses do not follow the expectations above, we reserve the right to refuse to deal with an allegation and may be limited in our ability to act.

Managing allegations

2.11 We will take all allegations seriously; deal with them sensitively and in confidence unless there is a legal obligation to disclose information to statutory services.

2.12 We will not judge the complainant or witness, and we will ensure that our response and actions focus on their needs. In situations where action is necessary, we will tackle issues and we have dedicated CSAF teams who are appropriately trained to manage cases.

2.13 Our priority will always be the safety of the person(s) experiencing hate incidents including their families. Where appropriate, and if the complainant or witness wishes, we will:

- Liaise with specialist agencies to provide support.
- Liaise with the Local Authority or other agencies to help secure temporary accommodation if it is not safe for them to stay in their home.
- Provide support to our customers who may wish to move permanently to alternative accommodation if they feel unable to stay in their home. This will usually be through Choice Based Lettings, but in limited situations and only where there is a proven and real risk of immediate violence, we may consider a move within our own housing stock under our Priority Move Procedure.

2.14 In all situations we will open a case in line with our Anti-social Behaviour Policy.

2.15 We will quickly agree an action plan with each complainant or witness which will include how and when we will keep in contact, any support needs they may have and how these are to be delivered, managing expectations and our intentions as to how we intend to manage the case with their support.

2.16 Any action we may take will be proportionate to the type of allegation made and will be at our discretion.

2.17 Action taken could be against a customer or other person (for example a household member or visitor) and could relate to an allegation committed at the property, or within the immediate neighbourhood. We will only take action against a perpetrator where it is appropriate to do so and does not compromise the safety of anyone.

2.18 The tenure of the customer(s) involved may determine the type of action we take.

2.19 All cases will be kept under review until it is agreed that the issues are resolved, or where no further action can be taken. Before closing a case, we will contact the complainant or witness and clearly explain why we are doing so.

2.20 Where Managing Agents act on our behalf, the agent is responsible for managing allegations and we expect them to have their own policy and procedure. We do however

expect their policy to follow ours as far as is practicable.

- 2.21 Where there is a live case open and a complainant wishes to report more incidents relating to the same case, these should be logged with the case manager in line with the agreed action plan. The case manager or colleague will aim to acknowledge the report within three working days of this being received. Multiple reports may be acknowledged in one response. Complainants should be mindful of out of office responses if communicating by email or direct telephone number. The incident will then be logged on the case and the complainant will be informed of the outcome of any follow-on investigations.

When investigating cases, we may:

- undertake directed surveillance e.g., person specific which includes the use of various methods including CCTV and observations if necessary and only if it is legitimate and proportionate to do so. Any such surveillance will be in adherence with the principles of the Regulation of Investigatory Powers Act 2000 (RIPA).
- use the services of professional witnesses to help us in securing evidence. In such situations, the request for a professional witness will need to be put to the Tenancy Services Team Manager for the area. If approved, the Tenancy Services Officer will give a clear brief and purpose before beginning any observations. The approved request will be saved to EDRM.
- use surveillance (overt or covert) which will be authorised by the Head of Service or their designated deputy being a person not directly connected with the investigation and in line with our CCTV Policy.
- use open-source data such as Facebook and other social media applications to access relevant information to investigate allegations and manage cases. Where we conduct National Anti-Fraud Network (NAFN) searches, these must be authorised by the Senior Triage Officer or the Tenancy Services Team Manager.
- investigate, log the information/evidence gathered, recorded on our chosen case management system.

The decision to carry out or act on any information or evidence gathered rests solely with Orbit.

Legal action

- 2.22 Legal action will be taken in line with our, Legal Action Procedure.

Partnership

- 2.23 In some cases, as a landlord, we will not always be the organisation with the responsibility or powers to deal with the allegation(s) made. In these circumstances we adopt a partnership approach and work proactively with other organisations such as the police, local authority, or other specialists to ensure a coordinated approach. In such

circumstances we may share information in line with our Privacy Policy. We may also refer complainants or witnesses to other organisations as appropriate whilst always being clear about our responsibilities and capabilities.

- 2.24 Where we have an interest, but another organisation is leading, we may decide not to act until the outcome of their investigation is known.
- 2.25 We will work with local authorities to assist them fulfilling their duty to prevent homelessness in line with our 'commitment to refer' obligations.

Support

- 2.26 When dealing with allegations we will consider early on the support needs of complainants and witnesses. Where support needs are identified we will make individuals aware of the support available to them, or we may with permission, make a specific support referral ourselves but this will be at the discretion of the officer managing the case. We recognise that providing support may fall outside our role as a landlord and it is in these circumstances we may signpost to external organisations.
- 2.27 We will as a matter of routine, offer to make a referral to Victim Support unless another organisation has already done so.
- 2.28 We will support our employees involved in dealing with cases of hate incidents and ensure that they receive appropriate training.
- 2.29 We recognise that our employees may also be complainants of hate incidents and we will deal sensitively with such cases.
- 2.30 Harassment and or discrimination involving employees only will be managed in-line with our HR policies.

3. Data retention

All data, documents and information relating to cases to be retained for the duration of the tenancy, in accordance with Orbit's data retention schedule and legal obligations.

4. Roles and Responsibilities

4.1

Role	Responsibility
Tenancy Services Officer / Tenancy Services Legal Officer	Compliance with this policy and associated procedures Case management

Tenancy Services Team Manager	Approval for action Case Audits
Operations Lead / Head of	Approval of legal budget spend

5. Performance Controls and Business Risk

- 5.1 Compliance with this policy will be monitored by monthly reporting and case audits.
- 5.2 Monitoring of live cases will be monthly by the relevant Tenancy Services team Manager
- 5.3 Customer satisfaction surveys (where incidents are considered to be anti-social behaviour) will be sent on case closure.
- 5.4 Performance will be formally reported by the Head of Tenancy Management every April to the Customer Services Senior Management team.
- 5.5 Orbit will carry out a fundamental review of this policy every three years subject to legal, regulatory changes or in accordance with the agreed Policy Review programme.

6. Essential information

- 6.1 All Orbit policies and procedures are developed in line with our approach to the following, data protection statement, equality diversity and inclusion approach, complaints and customer care policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly. Orbit's privacy policy can be accessed on our website www.orbitcustomerhub.org.uk/publications/policies/

EA	Equality Analysis was completed in May 2018 and is available to view.
DPIA	A DPIA was completed against the supporting procedure and is available to view.
Consultation	Internal: Independent Living; Tenancy Services
	External: Engaged customers were consulted on 7 Nov 2024
Applies to	All employees, contractors and agents

Document control

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Approved	Mar 2025	v3.0	

Uncontrolled if Printed

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Author	Amanda Moxham	Sponsor	Kath Buxton
Team	Community Safety and Anti-Fraud	Department	Tenancy Services

Directorate Customer

Approved by	Director of Housing Services	Date	Mar 2025
Last review			
Next Review (or sooner if changed)			Mar 2028

Extension date	Extension reason	Approved by

Revision History

Version Number	Date	Comments / Reason for revision
v1.0	Apr 2018	Published
v1.1	Dec 2019	Statement on Commitment to Refer added
v2.0	May 2021	Three-year review – minor changes: 2.6 – amended from 72 hours to 3 working days for clarity 2.22 – wording amended for consistency with other policies
v2.2	Aug 2022	Minor amendments to reflect new structure: new legal and triage teams
v3.0	Mar 2025	Three-year review: 1.3 – 5.7 and 6.2 removed as clauses don't exist 2.14 – Removed Category A and timescales 2.21 – Added to clarify step when further allegations are received when managing a live case 2.22 – Added Roles & Responsibilities amended 4.2 – Removed Response