

Safer Lewisham Partnership Hate Crime Manual



Contents

1. Foreword – Sir Steve Bullock, Mayor of Lewisham
2. Introduction – Cllr Janet Daby, Cabinet Member for Community Safety
3. Definition of Hate Crime
4. Impact on Victims
5. Reporting of Hate Crime
6. Roles and Responsibilities
7. Support for Victims
8. Legislation
9. Useful Contact Information
10. Glossary

1. Foreword

The Safer Lewisham Partnership takes all reports of crime and anti social behaviour seriously and works to reduce crime of all types across the borough. However, we recognise due to the nature of hate crime and the way in which perpetrators target their victims, this type of crime requires us to take a different approach to other crimes to ensure it is effectively addressed.

Hate and prejudice are not limited to one type or group. Hate crimes are committed based on prejudice against people from all backgrounds; different races, religions, sexual orientations, disabilities, ages and gender orientations. Hate crime affects residents across the borough, and not only is the impact on victims extremely damaging, it has a wider affect on the communities of those victims and threatens community cohesion and confidence.

Our aim is to ensure that every victim of hate crime in Lewisham receives a timely and effective response with appropriate support and protection to ensure they feel safe and secure.

We also want to ensure that perpetrators of hate crime are held to account, and that at all levels, hate crime is challenged.

The Safer Lewisham Partnership is working to prevent hate crime of all types and at all levels. In 2010 we introduced a Third Party Reporting scheme which includes a variety of independent reporting sites across the borough where victims of hate crime can confidentially report incidents in a safe, non-police environment. The Council also offers online reporting on its website, and reporting facilities in all of its libraries in the borough.

The Safer Lewisham Partnership is also working to promote awareness of hate crime across the borough and to spread the message that it will not be tolerated. From workshops in schools and with local communities and training for professionals, we are working to educate all about the impact of hate crime and how it can be addressed.

Lewisham has a wealth of diverse and vibrant communities where residents treat each other with respect and tolerance. By us all working together we can take a stand against those that jeopardise those values and ensure that the message is clear - hate in Lewisham will not be tolerated.

**Sir Steve Bullock,
Chair of the Safer Lewisham Partnership
Mayor of Lewisham**

2. Introduction

This manual has been produced as a guide for both residents and professionals in how to respond to hate crime, the impact it has on victims and communities, and the support, prevention and enforcement tools available to address hate crime.

It provides information to Lewisham residents and victims of hate crime on how you can report these incidents, the support available and the response you can expect from agencies such as Lewisham Council, the Police and Housing Providers who are responsible for tackling and addressing hate crime in the borough.

This manual also aims to provide public sector professionals working in the borough with a comprehensive overview of why it is important that we all do what we can to identify, address and tackle hate crime, be it with our clients or our own staff. We all have a responsibility to ensure all that is possible is being done to root out hate crime of all kinds and at all levels. This manual is a resource for all agencies to refer to when dealing with victims of hate crime so they can provide an informed and appropriate response.

This manual also provides information on the tools and legislation that organisations can use to enforce against hate crime perpetrators, and contact details of services and community groups who can offer advice and support.

Our aim is to ensure that every victim of hate crime in Lewisham receives an effective response when they report an incident, and has access to appropriate support; this manual helps us to take a step towards achieving that goal. Please read the information provided and absorb, use and share it as best you can. Together we can ensure hate is not tolerated in our borough.

**Cllr Janet Daby, Cabinet Member for Community Safety,
London Borough of Lewisham**

3. Definition of Hate Crime

What is Hate Crime?

The issue of hate crime has become increasingly recognised in recent years at both a local and national level. There has been a growing determination from public and voluntary agencies to tackle this problem and provide an effective response for victims.

Hate crime is the targeting of individuals, groups and communities because of who they are, and it can have a devastating and psychological affect on its victims. While it is often perceived that hate crime affects a small number of individual victims, the nature of hate crime is that it is based on prejudice or hatred of a particular group in society, and therefore it has a wider impact on the confidence and cohesion of the wider community.

It is known that the under reporting of hate crime is a serious problem across the country, due to a lack of confidence in authorities to take reports seriously and take action or for fear of repercussions. Third party reporting has been a method employed across the country to encourage victims to come forward to non-police sites to report incidents in an environment where they feel comfortable (see section 4).

Definitions of Hate crime:

The Home Office defines hate crime as any criminal offence committed against a person or property that is motivated by an offender's hatred of someone because of their:

- race, colour, ethnic origin, nationality or national origins
- faith/religion
- gender or gender identity
- sexual orientation
- disability

Hate Crime is any criminal offence where *anyone believes* the victim has been targeted because of their race/ethnicity, religion/belief, gender/gender identity, disability, age, sexual orientation or any other actual or perceived difference.

Hate incidents are incidents that do not constitute a criminal offence but cause alarm, distress or harassment where *anyone believes* the victim has been targeted because of their race/ethnicity, religion/belief, gender/gender identity, disability, age, sexual orientation or any other actual or perceived difference.

Categories of Hate Crime

- a) **Homophobic Hate Crime** is; when a person is targeted because they are (or are thought to be) lesbian, gay, transvestite, transsexual, transgender or bisexual.

- b) **Racist Hate Crime** is: any incident, where a person is targeted because of their race or colour of their skin, and it is any incident that is perceived to be racist by the victim, or any other person.
- c) **Disability Hate Crime** is; an incident which is perceived to be based upon prejudice towards or hatred of, the victim because of their disability or so perceived by the victim or any other person.
- d) **Faith/religious Hate Crime** is: any incident which is perceived to be based upon prejudice towards, or hatred of, the faith of the victim or so perceived by the victim or any other person.

Also, hate crimes can be focused around age hatred, immigration/nationality hatred, and gender violence.

Types of Hate Offences:

Hate crime can be displayed in many ways. The three main categories are:

- **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.

4. Impact on Victims

As hate crime is the targeting of individuals, groups and communities because of who they are it can have a devastating and psychological affect on its victims.

The reality of hate crime is that it affects not only the individual victim but the also the wider community, as it is based on prejudice or hatred of a particular group in society. This can have an impact on the whole community by way of confidence and cohesion.

Some victims of hate crime do not even realise they are victim to it, or may not report the incident as they either do not know how or feel they will not be taken seriously. Hate crimes are often tolerated by victims, who then go on to suffer severe trauma and distress which will affect their everyday lives.

Victims can also suffer repeat attacks, which will cause further trauma and may then impact on the victims family and wider social circle and community. Hate crime can breed mistrust, alienation, and exclusion, and can disrupt community cohesion.

Hate crimes impact negatively on all aspects of the victim's health and wellbeing:

Physical health: injuries sustained from an attack, ranging from minor and short term to permanent disability or disfigurement. Chronic health related symptoms related to stress, sleep disturbance, eating disorders, increased substance misuse.

Mental health: all victims of crime are at risk of psychological trauma, but the problems associated with hate crimes are known to last longer than for 'random' crimes. In some cases individuals may continue to experience high levels of stress for many years, sometimes resulting in self harm or suicide. Victims often experience a heightened sense of personal danger, vulnerability, and powerlessness. They may also suffer anxiety and depression.

Social exclusion: Avoiding certain areas or activities, withdrawing from groups matching the perpetrator profile and staying indoors for safety. Many victims will change their whole way of life to avoid being targeted, such as only leaving the house at a certain time of day, avoiding particular places, and not participating in social, community, religious activities because of fear of repeat incidents.

Disrupted education: Missing school, or avoiding school if incidents are occurring there, and the emotional and physical impact of incidents on victims either at school or within students families, or disruption caused if the family moves area to feel safer.

Financial loss: Many victims may suffer loss of earnings due to sickness or if they avoid work as incidents are taking place there. Damage to property and additional home security may also result in financial loss.

Feelings of rage, bitterness and hatred: towards people displaying the perpetrators characteristics, further fuelling community tension.

Loss of confidence: in the public authorities to protect individuals and uphold justice.

5. Reporting of Hate Crime

Why is it important to report Hate Crime?

Effective action against instances of hate crime can be a good deterrent to other potential perpetrators and will send a message that action will be taken. An effective response can also reinforce confidence in a community, and encourage stability and cohesion, as well as help the victim recover from their trauma.

Even if the perpetrator of a hate crime can not be identified, details of the incident can assist the police in building up intelligence of the problem and support other investigations. This can help when making decisions on deployment of resources and identifying areas to patrol.

Reporting hate crime also allows victims to get access to support services available to them and help them get the support they need to increase their safety and wellbeing.

The following details the ways a Victim or a witness can be advised to act on reporting Hate Crime or a Hate Incident:

How can I report Hate Crime?

Report directly to the Police:

Visit your local Police Station and speak to an officer.

Call the **non emergency number 101** to report a hate incident by telephone.

If it is an emergency or the incident is taking place, call 999.

Non Police Reporting:

Report to the Council

Calls the Council's Neighbourhood Community Safety Service on 020 8314 6688 and speak to a member of the team.

Fill in the online form on the council website (www.lewisham.gov.uk)

Email communitysafety@lewisham.gov.uk

Report to your Local Housing Office

Ask to speak to your ASB or Hate Crime Officer at your Housing Office and report incidents to them.

Report to a Third Party Reporting Site

Lewisham Third Party Reporting Scheme provides a non-police reporting service for victims and witnesses. Contact or visit one of the third party reporting sites below who will assist you in making your report and will contact the police on your behalf.

Report to a Lewisham Library

You can make a hate crime report at any Lewisham Library in the borough, either by completing a paper reporting form or using the online reporting form on the council website using a library computer. Speak to a librarian for more details.

Report to a Lewisham Youth Club

Report at a Lewisham Youth Club if you are a young person.

Lewisham Third Party Reporting Sites:

178 Café

178 New Cross Road, SE14 5AA

<https://www.facebook.com/no178newcross>

020 7998 6922

2000 Community Action Centre

199 Grove Street, Deptford, SE8 3PG.

contact@2000cac.com

www.2000cac.com

020 8692 2760

Baseline drop-in service

39 Lewis Grove, Lewisham SE13 6BG

www.lewisham.gov.uk/baseline

020 8314 7549

020 8314 4835

Catford Citizens Advice Bureau

120 Rushey Green, Catford SE6 4HQ

www.citizensadvice.org.uk

0844 826 9691

Eco Communities

www.ecocom.org.uk

020 8698 7436

Eco Learning at North Downham

Concept House

North Downham

SE6 1PF

020 8698 7436

Pepys Resource Centre

Deptford Strand

Deptford

SE8 3BA

020 8691 3146

Crofton Park Community Library and Re-use Centre

375 Brockley Road

Brockley

SE4 2AG

020 8694 9373

Sydenham Community Library and Re-use Centre

210 Sydenham Road

SE26 5SE

020 8778 1753

Grove Park Community Library and Re-use Centre

Somertrees Avenue

SE12 0BX

020 8851 3136

Goldsmiths, University of London

Lewisham Way, New Cross SE14 6NW

su@gold.ac.uk

www.gold.ac.uk

020 7919 7171

LeSoCo

Lewisham Way, SE4 1UT

enquiries@lesoco.ac.uk

www.lesoco.ac.uk

020 8694 3233

Lewisham Disabilities Coalition

2 Catford Broadway, Catford SE6 4SP

info@ldcadvice.co.uk

www.ldcadvice.co.uk

020 8314 1414

Lewisham Islamic Centre

363-365 Lewisham High Street,

Lewisham SE13 6NZ

info@lewishamislamiccentre.com

www.lewishamislamiccentre.com

020 8690 5090

Lewisham Speaking Up

The Albany, Douglas Way,

Deptford, SE8 4AG

info@lsup.org.uk

www.lsup.org.uk

020 8691 7198

Lewisham Victim Support

300 Sangley Road, Catford SE6 2JT

enquiries@victimsupport.org.uk

www.victimsupport.org.uk

020 8698 4583

London Sivan Temple

4A Clarendon Rise, London SE13 5ES

vkraj@hotmail.co.uk

www.londonsivankovil.org.uk

020 8318 9844

07836 347748

Millwall Football Club

The Den, Zampa Road, New cross SE16 3LN

melliott@millwallplc.com

www.millwallfc.co.uk

020 7232 1222

Second Wave

1 Creek Road, Deptford SE8 3BT

info@secondwave.org.uk

www.secondwave.org.uk

020 8694 2444

Sydenham Citizens Advice Bureau
299 Kirkdale, Sydenham SE26 4QD
www.citizensadvice.org.uk
0844 826 9691

Tamil Association
Goldsmiths Community Centre
Castillon Road, Catford SE6 1QD
balav@hotmail.co.uk
www.goldsmithscommunitycentre.info
020 8695 9118
07702 809396
07983 396261

The METRO Centre Ltd
141, Greenwich High Road
London SE10 8JA
info@metrocentreonline.org
www.metrocentreonline.org
020 8305 5000

Hate Crime Reporting Form and Guidance Notes

The following is an aide memoire for the completion of the hate crime reporting form. The key is to ask OPEN questions; Who, What, When, Where, How, Which and Why?

Anonymous reporting

- The victim/witness may make an anonymous report should they not wish to pass on their personal details to the police or third parties. However this may limit the action that can be taken against the perpetrator.
- The Police operate a Positive Action Policy where a perpetrator will be arrested if there is evidence that they have committed an arrestable offence.

Recording factual information

- Ensure your handwriting is clear and legible when recording information on the form.
- Ensure that the information recorded is what the victim/witness has stated and that the victim/witness is happy with it.
- If the victim/witness declines to give some information or doesn't know the answer, indicate this clearly on the form, do not leave boxes empty.

Communication needs

- It is vital that you ask if they have any language support needs or accessibility needs so that these can be taken into account in the investigation and support services.

Risks and safety issues

- It is important to record any concerns the victim has for their safety, and that of others in their household.
- Is the victim concerned for their safety? If so, please ask them why. If the victim/witness is in immediate danger, dial 999 immediately.

Completing the form:

Part 1: Who is reporting the incident?

- Tick either 'victim' or 'witness' depending on who is reporting the incident. If the incident is being reported by a witness, fill in the rest of the form with as much detail as they can provide.
- If the witness is reporting the incident, they need to outline how they know about the incident. They can either tick the relevant box or provide a written explanation.

Part 1A: Communication Support or Interpreter

- It is vital that you ask if they have any language support needs or accessibility needs so that these can be taken into account in any investigation or by support services.
- It is useful to identify this early in case they need assistance in completing the rest of the form.

Part 1B: Consent

- Ask if the victim consents to making a full report where their contact details will be disclosed to the Police, and if they request, other support agencies such as Victim Support. Ask them to tick the relevant boxes.
- If they wish to make an anonymous report, victims/witnesses should tick the relevant box and go straight to Part 3 to complete the incident details. They

should leave the form unsigned and leave Part 2 (contact details) blank. If they have made an anonymous report but would like to be referred to a support service, either give them the contact details for Victim Support (outlined on the reporting form) or make a call to the support service on their behalf. This will avoid any contact details being sent to other agencies when the victim/witness does not want them disclosed.

- Take into account that where there are child protection issues, risk to life and matters of national security, information can be shared without consent of the victim. Decisions to disclose information without consent should be made in accordance with the agencies' own confidentiality, adult protection and safeguarding children policies and procedures.
- Have the Police already been informed? If so, try to obtain the Crime Reference Number which will help in ascertaining what action, if any the Police are taking.

Part 2: Details of the victim or witnesses

- Are they the victim or the witness? Tick the relevant box. If they are a witness do they know the victim? If so ask them to outline how, e.g. family member, friend, neighbour.
- Ask them to complete their name, address, date of birth, Contact number and email, and the best time and method to contact them. This is important as it may be that it is unsafe to call them at a particular time.
- Ask them to outline their gender.
- Obtain the housing status of the victim. This determines if a housing provider needs to be notified or could assist with enquiries.
- Ask if they would be willing to make a statement to the Police to support an investigation. Tick the relevant box.
- Equalities monitoring and access information: Ask how they define their faith/beliefs, sexual orientation, disability and ethnic identity. This section is optional; however do inform them that this will be valuable for purposes of equalities monitoring.

Part 3: Details of Incident

- It is important to record the date and time of the incident. If the exact time is unknown, enter an approximate time (e.g. "about 10am")
- Ask the victim or witness to be specific on details of the location of incident, e.g. street name, was it outside a particular shop, house, bus stop?
- Ask them the number of people involved in the incident.
- Obtain a brief description of the incident and what activity happened. This needs to be accurate and legible. Continue on a separate sheet if necessary.
- How did it make the victim/witness feel?
- It is essential to ask "Why do you think you were targeted?". The key definitions of hate crimes are based on the victim (or any other person's) belief that they were targeted on the grounds of their race, faith/beliefs, gender, sexual orientation, age or disability. If the victim perceives it as hate crime, you must record it as such.
- Were there any injuries? Did they need medical attention? If so which hospital did they go to?
- Was there any CCTV of the incident, and if so where? e.g. at a tube station, outside a shop or building.
- Is there any evidence of the incident taking place? Emails, text messages, phone records, graffiti, stained clothes (if spat at or stained with blood), visible marks or tears on skin, can all be used as evidence. These need to be preserved for use in the investigation.
- Ask the victim/witness if they have any concerns for their safety or that of their family. If they feel there is an immediate danger, always call the Police.

Part 3A Alleged perpetrator details

- This section should be completed with details and description of the perpetrator if known. Tell the victim/witness that as many details as possible at this stage would be beneficial as this would help the police with their enquiries.
- The more information the victim/witness is able to provide about the perpetrator the better. Enforcement action is only possible if the perpetrator can be identified.
- If they know the perpetrator, obtain as many details as possible, including how they know them, their name (or nickname), address, age and car details.
- If they don't know, ask for a description of the perpetrator including height, race, gender, clothing, hair colour, age and anything else which could help identify the perpetrator such as tattoos, unusual clothing or hairstyles.

Part 3B: Details of any witnesses

- Were there any witnesses? If so, accurately record witness details including name, address and contact details where known.
- The victim may have details of the witness, such as contact details or a description, or if a witness is reporting the crime, they may have details of other witnesses to the incident.

Part 3C: Repeat incidents

- It is important to get details of any previous incidents that the victim/witness may have suffered/seen.
- Ask the victim if this is the first time that such an incident has occurred?
- Have they reported similar incidents before? If so, who to?
- If there has been more incidents, ask the reporter to provide as many details about these as possible, and how many occurrences have taken place.
- Also ask if the incidents involved the same perpetrator.

Part 3D: Victim/Witness Declaration

- Finally, do they verify that the information included in this form is true and accurate to the best of their knowledge?
- If they are making an anonymous report they do not need to sign the form.

Part 3E: Details of reporting site

- Provide details of your name and the agency you work for in case there is a need to contact you for further information.

Follow up action

- Remember to sign the reporting form send to the Neighbourhood Community Safety Service on :
Email: communitysafety@lewisham.gov.uk
Post: Neighbourhood Community Safety Service, 23 Mercia Grove, Lewisham, SE13 6BJ
- **If you do not receive an acknowledgment email within one working day from the NCSS it will be the responsibility of the TPR officer to chase this up.**
- Offer information of support services to the victim. Victim Support is a good place to signpost initially as they offer a range of support to victims, and can refer them on to other services should they better suit the needs of the victim.



Hate Crime Reporting Form

Part 1A Communication Support or Interpreter

Do you have any communication or accessibility needs? No Yes

If Yes, please provide details e.g. Language / Hearing / Sight :

Is anyone helping you complete this form? No Yes

If Yes you can ask them to complete the rest of the form on your behalf.

Part 1B Consent

I wish to make a full report and I give consent for my personal details to be passed onto the Police and Lewisham Council.

I give consent for my details to be passed to the following support agencies:

Lewisham Victim Support Other Relevant Support agencies None

Signed.....Print NameDate.....

I wish to make an anonymous report and will not be disclosing my personal/contact details.

(If yes, go straight to Part 3 of this form and complete 'Incident details'. If you would like receive support from Lewisham Victim Support please call 020 8698 4583)

Part 2 Victim or Witness Details

Are you the: Victim Witness If you are a Witness do you know the victim? Yes No

If Yes, please provide details (e.g. Brother, Friend, Colleague)

Name:Date of Birth:

Address:Postcode:.....

Contact no:Email:.....

Gender: Male Female Transgender Other

Your home? Council/Housing provider Private rented Homeowner

Your Background (Optional)

Ethnic origin

- White
 - Black
 - Asian
 - Chinese
 - Mixed Other
- (Specify Below)*

Other
(Specify below)

Rather not say

Religion

- Christian
- Muslim
- Jewish
- Buddhist
- Hindu
- Sikh
- Atheist
- Other

Rather not say

Sexual Orientation

- Straight
- Lesbian
- Gay
- Bisexual
- Other

Rather not say

Disability

- No
- Yes

If Yes please specify:

- Physical disability
- Learning disability
- Mental disability
- Other

Rather not say

Part 3 Details of Incident

Date of Report.....

Date of Incident..... Time of Incident.....

Location of Incident..... Number of people involved.....

What happened? (continue on a separate sheet if necessary).....

.....
.....
.....

Why do you think you were targeted?

Race Religion/Faith Disability Sexuality Other Please specify.....

Do you know the Perpetrator/s? Yes No

If Yes, please provide their name/s.....

Do you know where they live?.....

Have they done this before?.....

Can you give a description of the person/s who did this?.....

.....

Is there any evidence? e.g. CCTV, emails, text messages, graffiti Yes No

If yes, keep safe and provide details.....

Were there any witnesses? Yes No If yes, please provide details.....

.....

Part 4 Details of Reporting Site / Person completing form if not the victim

Name..... Organisation.....

Telephone..... Email.....

Signature..... Date.....

Please forward this completed form to LBL Neighbourhood Community Safety Service by:

Email: communitysafety@lewisham.gov.uk

Post: Neighbourhood Community Safety Service
23 Mercia Grove, Lewisham, SE13 6BJ

6. Roles and Responsibilities

Statutory, voluntary, and community agencies all have a role to play in tackling hate crime, and there are a number of legislative measures in place that place a statutory responsibility on all of these to address the problem.

This section will summarise the specific roles of agencies who have this responsibility placed on them, and it will outline what action you can expect them to be able to take.

5.1 The Role of Housing Services

Policies and procedures

The Housing Act 1996 states that housing providers including Social landlords and local authorities must have policy on anti social behaviour including Hate Crime. Housing providers should:

- Inform tenants and other local residents how they can report incidents of ASB and hate crime involving one of their tenants on their property.
- Have a simple recording system in place so that all staff are able to take incident reports.
- Train staff in how to receive reports and how they are expected to respond.
- Monitor the number and nature of cases reported to them, the outcomes, and customer satisfaction with their response.

Prevention

Housing providers should implement measures to make ASB more unlikely. Within certain bounds landlords can influence how stock is designed, who it is allocated to and the terms of the tenancy agreements. They can also set up visible security patrols to make people feel safe and provide support to young people and families.

Protection and Support for victims

Housing providers have an important role in protecting and supporting victims, through both practical measures such as 'target hardening' (improving home security) and helping them to access support and advice by providing information and making referrals to other agencies.

Re-housing

If a victim is unable to remain in their home because of a threat of violence, they can seek statutory homelessness assistance from the Council's homelessness and housing advice service, or they could apply for a transfer through their landlord. Each housing provider will have its own policy and procedure for transfer – for information on options contact the relevant local housing office.

Enforcement action against perpetrators

Social landlords have a range of legal powers that can be used against perpetrators of hate crime – this includes taking eviction action for breach of tenancy conditions, securing injunctions and seeking anti-social behaviour orders. The main powers are outlined below:

- Tenancy agreements:

A tenancy agreement is the most important tool when a landlord is considering and taking legal action against perpetrators of anti social behaviour or Hate related harassment. Tenancy agreements should make clear the standards of behaviour that are required of tenants and reference should be made to any tenancy clause relating to ASB or nuisance. Tenants can have an injunction brought against them, making them responsible for the behaviour of others visiting or residing in their property, for

example, if a visitor is intimidating a neighbouring resident. Injunctions can also be brought against owner occupiers or leaseholders for ASB including Hate related crimes or incidents.

➤ Warning letters:

Before taking any legal enforcement action perpetrators of ASB or hate crime must be sent a warning letter in writing to urge them to stop their unacceptable behaviour. Warning letters may be enough to deter perpetrators from further ASB, and legal action is unlikely to succeed if warnings have not been issued.

➤ Possession proceedings

Whether possession can be obtained depends upon the nature of the tenancy. Most tenants of social landlords will be either secure tenants under the Housing Act 1985 or assured tenants under the Housing Act 1998, and possession or demotion must be sought in accordance with those acts. Landlords have powers under the Housing Act to serve notice of seeking possession on a tenant who breach any of their tenancy conditions including causing ASB or hate crime. The landlord must apply to court for an eviction order in most cases before a tenant can be lawfully evicted.

➤ Demotion Orders

Under Sections 14 and 15 of the ASB Act 2003 tenants that chose not to respect their homes or the communities they live in could face losing their home unless their behaviour changes. If a tenant behaves anti socially, or allows a member of their household or visitors to do so the landlord can apply to the court for a demotion order ending the tenants existing tenancy and replacing it with a less secure demoted tenancy. This removes the right to buy and security of a tenure for at least a year. At the end of a year if the landlord has been satisfied by the tenants conduct of the tenancy a review will take place to reinstate the original status.

➤ Suspending the right to buy

Since amendment to the Housing Act 1985 by housing act 2004, social landlords have been able to apply for an order suspending the right to buy. Under section 121a the landlord may apply to the county court for an order suspending a secure tenants right to buy for such a period as the court may specify. This period is known as suspension period.

➤ Housing Injunctions

The landlord may obtain an injunction from the court without notice on the day ASB occurs. This power enables landlords to apply to the court for housing injunctions to prevent behaviour capable of causing annoyance and nuisance which indirectly or directly affects their housing management functions.

The ASB act 2003 created new powers of injunction, commonly referred to as housing injunctions under which the council will have to prove that a defendant is engaging or has engaged or threatens to engage in conduct which is capable of causing annoyance to the following groups:

- A person with the right to reside in or occupy other housing accommodation owned or managed by the relevant landlord
- A person with a right to reside in or occupy other housing accommodation in the neighbourhood of housing accommodation owned or managed by the relevant landlord
- A person engaged in lawful activity in the neighbourhood of housing accommodation owned or managed by the relevant landlord
- A person employed (whether or not the relevant landlord) in connection with the exercise of the relevant housing management functions.

5.2 The role of police

The police operate a positive action policy, where if they have evidence to make arrests they will act on this. The police believe that by taking robust action against perpetrators, supporting victims and working in partnership with other agencies such as the Council they will make a noticeable impact on hate motivated crime in the borough and make Lewisham residents feel safer.

The home office Code of Conduct sets out standards and procedures for recording reports of crime. This code includes a model for recording racist incidents.

Lewisham Police's Community Safety Unit (CSU) has specialist police officers trained to deal with both hate crime and domestic violence. Investigators in the CSU will use comprehensive evidence and intelligence gathering techniques in their investigations, combined with multi agency responses to support victims. The primary aim of a hate crime investigation is to arrest and prosecute the offenders to ensure safety and satisfaction of the victim and wider community. The police will also seek multi agency action to support the victim and to address the root of the problem in an attempt to ensure the incident does not happen again e.g. community cohesion exercises, restraining orders, ASBOs etc.

In cases where a sexual offence has occurred, the Met's Sapphire unit, who specialise in investigating sexual offences and who are specially trained in providing specialist support to victims, will investigate the offence.

When you call the police to request police assistance or to report a crime you will be given a CAD number. You will then receive a CRIS number (also known as a Crime Reference number) when you have made a full report and a computerised crime report has been completed.

The reporting officer will take initial statements from the victim and any witnesses. It is these statements that will form the basis of victim or witness evidence in court. Police will then make enquiries and investigate the report to locate the suspect and make an arrest. At this stage responsibility of the investigation is passed to the police community safety unit who are specially trained to investigate hate crime incidents. In most cases victims can expect contact from the CSU within 24 hours of the crime being reported.

Where no suspect is arrested, the CSU will continue their investigation to identify the perpetrator. The length of time this can take depends on the evidence available. Speaking to witnesses, viewing CCTV, looking at electronic records such as phone bills and computers, are all usual methods of tracking down perpetrators.

If the police arrest a suspect you can expect the following actions to be taken:

Not to proceed with – This is where there is insufficient evidence to take any action. Should further evidence come to light the case would be reviewed.

Harassment warning – The suspect will be released from custody and informed that if they continue their conduct it may be treated as harassment in the future and they could be arrested and charged.

Caution – if the suspect has admitted to the offence and it is a relatively minor offence, and the suspect has no previous history, they may be given a caution and released. When deciding on this the police also take into account the victims wishes and the risk to their safety. If the suspect is under 18 they would be given a reprimand or final warning.

Charge – if there is sufficient evidence the suspect will be charged and taken to court for trial. Depending on the court decision, they may be released on bail or kept in

custody until trial. If they are found guilty, depending on the seriousness of the crime and previous history, they may be fined, given a prison sentence or community service.

Bail – Where further enquiries are necessary police can bail suspects to return to the police station at a later date, and they can apply conditions to this bail, and if these conditions are breached the suspect can be arrested.

Alternative courses of action – where there is insufficient evidence for criminal charges, multi agency action can be taken by agencies such as the local authority or housing provider to enforce against the perpetrator.

5.3 The role of LBL Crime Reduction Service

The Crime Reduction Service at the London Borough of Lewisham respond to community concerns about crime and disorder, and aims to increase feelings of safety within the borough for all.

YOS

Lewisham Youth Offending Service (YOS) works with the community and local agencies such as the Police and schools, to help keep young people aged 10 -17 out of trouble. If a young person does commit an offence, we work with them, their families and anyone else affected by the crime to hold the young person to account and try to prevent further offending.

CCTV

The council's CCTV system is monitored 24/7 and can be used to provide evidence of offences as well as aiming to deter crime and increase feelings of safety within the borough.

Neighbourhood Community Safety Service (NCSS)

The aims of the NCSS are to:

- reduce the fear of crime, especially street crime and antisocial behaviour throughout the borough
- reduce actual crime and encourage people to report crime to the police and relevant agencies
- coordinate victim support and social services where appropriate
- reduce antisocial behaviour and liaise with other Council services and housing providers to enforce our antisocial behaviour strategy
- foster social inclusion within communities through a programme of events and initiatives designed to bring residents together
- promote awareness, care and maintenance of the environment, and work with other Council services to ensure that environmental issues are resolved
- improve the quality of life in and around the borough of Lewisham.

NCSS is responsible for coordinating partnership strategy to reduce crime and ASB in the borough including working closely with the police and prosecution services to take out civil action against problematic residents in the form of ASBOs, warning letters, dispersal orders and ABCs.. The NCSS also have specific responsibility for Hate Crime, Serious Youth Violence and Domestic Violence strategy and deliver projects to reduce these in conjunction with the police and local community.

DAAT

Responsible to implementing the national drug strategy at borough level, the DAAT coordinates and commissions drug treatment services within Lewisham. Additionally the work on prevention and education projects on drug misuse, and works in partnership with the police to address the availability of drugs in the borough.

Civil action that can be taken by the local authority is outlined below:

- Warning letters: Before taking any legal action against the perpetrator they should be warned that they have committed unacceptable behaviour. If they fail to stop this behaviour, legal action may be taken against them. Warning letters may be enough to deter them from further unacceptable behaviour, and without the issue of warning letters legal action is unlikely to succeed.
- Acceptable Behaviour Contracts (ABCs) : an ABC is a written agreement between the perpetrator and the local authority (and possible more local agencies) about whose role it is to prevent further unacceptable behaviour. ABCs are often used for young people but may be used for adults.
- Anti Social Behaviour Orders (ASBOs): ASBOs were introduced by the Crime and Disorder Act 1998 and are used as a civil remedy which can be obtained against a person aged 10 or over. ASBOs can be brought against perpetrators living in all types of housing, by the council, British transport police, RSLs, transport for London and housing management organisations, however agencies must consult with each other before applying for one.
- Injunctions: Injunctions are civil court orders requiring an adult to do or stop a particular act or behaviour. They are most often used to deal with serious incidents, to protect victims or witnesses from the threat of violence or to exclude perpetrators from a particular area.
- Exclusion orders: Section 153C of the ASB Act 2003 gives the court powers to attach an exclusion order to the injunction prohibiting the defendant from entering a specified area. This can exclude a person from their normal place of residence if there has been the use or threat of violence. A breach of this order can result in arrest.
- Crack house / Nuisance Premises closure: Under the ASB 2003 act, the police can issue a closure order of a premise used for the unlawful use, production or supply of Class A drugs, or a premises linked to and causing significant and persistent nuisance. The police must consult with the council to do this, and once a notice has been issued the police must apply to the magistrates court for an order, no later than 48 hours after the notice was served. If the closure order is granted by the court it will last for up to 3 months.
- Dispersal Order: can be used to disperse groups of youths causing nuisance in identified areas. The dispersal order means that the police will be able to pick up youths that break the order and take them home or take further action.

5.4 The Role of Schools

Many incidents take place either at school or involving young people, and schools can play a part in helping to identify perpetrators or undertaking enforcement action against perpetrators, as well as supporting victims.

Additionally, schools play an important role in educating young residents in the borough about hate crime and anti social behaviour and outlining potential consequences for this behaviour.

5.5 The press

The press can play an important role in tackling crime. For the purposes of investigating an offence, catching criminals or for crime prevention, the police may release details of a case to the press. If you are concerned about this happening, tell the Police Officer dealing with the case.

7. Support for Victims

There are a number of support networks available to victims of hate crime. A good place to start is by referring them to Lewisham Victim Support (contact details can be found at the end of the manual). Victim Support is an independent national charity which offers a free, confidential service to victims of crime. Their specially-trained hate crime volunteers can:

- help victims to cope with the emotional effects of being a victim of hate crime
- support victims and other members of your family if necessary
- help you get in touch with other organisations that can help if there are problems we can't deal with
- provide counseling services
- help victims to deal with other agencies, such as the Police or housing department

Counselling can also be accessed through their local GP or NHS trust. There maybe some more local community organisations that could provide support that fits their needs, such as Metro Centre, or the Lewisham Disability Coalition.

The Police will provide updates regularly to the victim with regards to how action is being taken against perpetrators. The Police operate a Positive Action Policy where a perpetrator will be arrested if there is evidence that they have committed an arrestable offence.

Further details of support groups and networks can be found at the end of the manual.

Victims can also be offered the following support should they wish to progress their case to court:

1. Witness Protection

It is an offence to intimidate, harass or cause harm to a victim or witness under the Criminal Justice Act 2001. There is also a civil remedy to prevent harassment in the form of a restraining order.

If you report a crime to the Police you can expect:

- the Police to investigate the crime
- in most cases, to be contacted by Victim Support - unless you ask the Police not to pass on your details
- to be told by the Police if someone is charged with, or cautioned for, the offence
- to be told (if you ask to be) by the Police or the Crown Prosecution service if the charge is later dropped or downgraded
- if you are needed as a witness, to be given a 'Witness in Court' leaflet and told the date of the trial
- if the case goes to court, consideration to be given to making a compensation order in your favour
- to be told (if you ask to be) the result of the court case, or in more serious cases, to be told (if you ask to be) the result of any appeal against conviction or sentence
- to be given advice about applying for compensation for personal injury from the criminal injuries compensation authority, and
- to be given crime prevention advice if you ask for it
- not all categories of crime are routinely referred to Victim Support by the Police.

To help make this possible, you should:

- report the crime to the Police promptly
- give the Police full details of your injury or loss
- tell the Police if you want compensation
- tell the Police if you fear for your (or your family's) safety
- tell the Police if you do not want them to tell victim support or the press
- tell the Police of any changes of address while the case remains unresolved and contact Victim Support directly if you want to.

Going to court

For the reasons mentioned above, many cases never reach court. Of those that do the great majority are dealt with by magistrates' courts. The most serious cases have to be sent to the Crown Court for trial by jury.

If your case goes to court and you are needed as a witness:

- you will be sent a copy of the leaflet 'Witness in Court' which will explain what is likely to happen
- you should let the Police know if there are any days you could not manage to attend court - for instance, because of important job or professional commitments, or because you have a holiday booked. If possible, these dates will then be avoided although there may be times when the case has to go ahead even though this may not be convenient for individual witnesses
- the aim is that prosecution witnesses do not have to wait more than two hours before being called to give evidence
- arrangements will be made to provide an interpreter if you are called to give evidence and are unable to give it in English
- if you are not needed as a witness the police will try to keep you informed about hearing dates (there could be several such dates if, for example, cases are delayed or postponed). They will also try to keep you informed of the results of the cases.

Special measures are also available in court to protect witnesses who are vulnerable or intimidated so that they can give the best evidence possible:

- Screens – to ensure the witness does not see the perpetrator and that the perpetrator does not see the witness
- Live link – allowing the witness to give evidence outside of the courtroom.
- Evidence in private – the court can be cleared of people expect legal representatives
- Video reordereed evidence - an interview with the witness filmed before the court hearing can be played at court.

Separate victim and perpetrator waiting rooms and entrances can be arranged to avoid intimidation and threatening behaviour.

8. Legislation

There is a range of legislation that can be applied to hate crime and hate incidents.

The Crime & Disorder Act 1998

The crime and disorder act created a number of specific offences of racially aggravated crime, based on offences of wounding, assault, damage, harassment and threatening/abusive behaviour.

The act was amended by the Anti Terrorism and Crime and Security Act 2001, created new specific religiously aggravated offences and applying the same sentencing duty to all other offences where there is evidence of religious aggravation.

Public Order Act 1986

Section 4 – states that a person is guilty of an offence if they use threatening, abusive or insulting behaviour as well as causing harassment, alarm and distress.

Section 5 makes it a criminal offence to use threatening, abusive, insulting words or behaviour within the sight or hearing distance of another person likely to be distressed by that behaviour.

Racial and Religious Hatred Act 2006

The act amends the Public Order Act 1986 by creating new offences of stirring up hatred against person on religious grounds . The new offences apply to the use of words or behaviour or distributing written material , the public performance of a play, and the broadcasting, publication, or distribution of information that is threatening and are intended to stir up religious hatred.

Protection from Harassment act 1997

The offence of harassment is covered under section 2, where it states that the prosecution must prove that the defendant has pursued a course of conduct on at least two separate occasions, and that the defendant ought to have known that their actions would have amounted to harassment.

The offence of putting people in fear of violence is covered under section 4, and the court may grant a restraining order as part of a package of punishment against this offence.

Anti Social Behaviour Act 2003

Created a number of tools and civil remedies to address problematic perpetrators at a local level. (please see section 5 for a list of civil remedies)

Putting Victims First – White Paper 2012

Proposes further amendments to the Anti Social Behaviour Act 2003.

9. Useful Contact Information

Lewisham support groups

Lewisham Victim Support

Victim Support is an independent national charity which offers a free, confidential service to victims of crime. Their specially-trained hate crime volunteers can:

- help you to cope with the emotional effects of being a victim of hate crime
- support you and other members of your family if necessary
- help you get in touch with other organisations that can help if there are problems we can't deal with
- provide counselling services
- help you to deal with other agencies, such as the police or housing department

300, Sangley Road, Catford, SE6 2JT
enquiries@victimsupport.org.uk
www.victimsupport.org.uk
020 8698 4583

Samaritans

Samaritans provides confidential non-judgmental emotional support, 24 hours a day for people who are experiencing feelings of distress or despair, including those which could lead to suicide.

Lewisham, Greenwich, & Southwark Branch)
1-5 Angus St, New Cross, SE14 6LU
jo@samaritans.org
www.samaritans.org/
020 8692 5228 (Helpline)

Support for LGBT Communities

METRO Centre

The Metro Centre in Greenwich offers a confidential space for you to be yourself and work out who you are.

- Youth groups
- Counselling
- One-to-one support
- Sexual health clinic

141, Greenwich High Road
London SE10 8JA
info@metrocentreonline.org
www.metrocentreonline.org/
020 8305 5000

Galop

Works to prevent and challenge homophobic and transphobic hate crime in Greater London. To report a hate crime or find out more, visit the Galop website.

2G Leroy House, 436 Essex Road,
London, N1 3QP
info@galop.org.uk
www.galop.org.uk/
020 7704 6767

Support for BME communities

LEMP

Lewisham Ethnic Minority Partnership seeks to be a representative 'voice' of Lewisham's black and minority ethnic (BME) communities.

2nd Floor Showroom, H E Olby, 307-313 Lewisham High Street, Lewisham SE13 6NW

admin.lemp@btconnect.com

www.lewishamethnicminoritypartnership.org.uk

020 8690 0013

Support for disabled people

Lewisham Disability Coalition

Support and advocacy for people with disabilities.

2 Catford Broadway, Catford, SE6 4SP

info@ldcadvice.co.uk

<http://www.ldcadvice.co.uk/>

02083141414

Nexus

Nexus provides support for people with learning disabilities in SE London.

84 - 86 Rushey Green, Catford,

SE6 4HW

info@lnssupportservices.org.uk

<http://www.nexussupportservices.org/>

02086139965

02084614811

Lewisham Association of People with Disabilities

Provide support and legal services to people with disabilities including advice and advocacy.

Lewisham PCT, Downham Health and Leisure Centre, 7-9 Moorside Road, Downham BR1 5EP

info@lapdonline.org.uk

<http://www.lapdonline.org.uk/index.html>

0303 999 3455

Support for older people

Age UK Lewisham and Southwark

Information / advice (e.g. benefits, housing, community care, consumer).

Stones End Centre, 11 Scovell Road,

London, SE1 1QQ

info@ageuklands.org.uk

www.ageuk.org.uk/lewishamandsouthwark/

020 7701 9700

Alzheimer's Society

(Lewisham & Greenwich) Telephone information & advice Carers support groups. For Carers of and people with dementia.

White Gables, 18 Bromley Common, London, BR29 PD

lewishamandgreenwich@alzheimers.org.uk

<http://www.alzheimers.org.uk>

0208 290 8190

Support for young people

<p>Baseline drop-in service Young people in Lewisham can pop in at any time during opening hours to get information about a range of services as well as guidance and support.</p> <p>39 Lewis Grove, Lewisham SE13 6BG www.lewisham.gov.uk/baseline 020 8314 7549 020 8314 4835</p>	<p>XLP Lewisham XLP's projects are delivering three clear outcomes:</p> <ul style="list-style-type: none">• Transformed attitudes and behaviours of young people towards their families, peers and teachers.• A raised sense of self-worth, self-esteem and increased educational achievement, which helps them confidently and positively contribute to their communities.• Encouraged young people who have fresh goals and work hard to achieve them, and who are empowered to make wise lifestyle choices. <p>All Hallows-on-the-Wall, 83 London Wall, London, EC2M 5ND info@xlp.org.uk http://www.xlp.org.uk/projects/lewisham.php 020 7256 6240</p>
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In emergencies dial 999

Police/Fire Services/Ambulance

24 hour helplines:

Samaritans - 08457 90 90 90

Childline – 08001111

Victim Support 'Supportline' – 0845 3030 900
