

Guidance framework to respond to hate incidents and hate crimes in Lancashire



Lancashire Hate Crime Incident Group 2007

(A guidance framework for statutory, voluntary and community organisations to tackle hate incidents and hate crimes across Lancashire)

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This is a guidance framework document to support organisations in Lancashire with the aim of providing a consistent approach to hate crimes and hate incidents and their reporting.

NB. This document is not looking to replace organisations existing policy and procedures but to enhance or be a reference tool and example of good practice.

Background

In October 2006 several organisations met to consider the position on hate incidents and hate crimes across Lancashire. Their aims were:

- to identify the most important issues in Lancashire for dealing with hate-related incidents and hate crime;
- to share understanding of the aims to be achieved; and
- to plan the first steps in achieving those aims, looking across every race, religion, sexuality, all disability, age and gender identity.

From November 2006 to January 2007 the group co-ordinated an information-gathering exercise, asking organisations to provide information about their policies and services. The exercise showed that there was no consistent approach to providing services for victims, providing staff training, or reporting and recording hate incidents and hate crimes. Some areas were very well supported. Others tended to rely on the police to deal with incidents.

The group unanimously agreed that the first priority for Lancashire was to develop a county-wide co-ordinated approach to hate incidents and hate crimes – a priority which has since been endorsed by the Strategic Crime Reduction Board. This framework hopes to establish such an approach, providing support and guidance for all organisations in Lancashire and seamless help for victims from the point of reporting an incident to any organisation. In this way we can make sure that the true extent of hate incidents and hate crimes in Lancashire is acknowledged and understood by all.

Lancashire's vision for hate incidents and hate crimes

Our vision recognises that hate incidents and hate crimes are always serious and can sometimes be life-threatening. They affect victims, families and the communities they live and work in.

Our vision is:

- to make Lancashire a safer place to live, work and visit; and
- to encourage personal relationships and inclusive communities that promote mutual respect and celebrate diversity.

We will not tolerate hate incidents and hate crimes. And we will work together to reduce risk and improve services to victims.

The aims of this framework

- To co-ordinate the way service providers identify, respond to and tackle hate incidents and hate crimes across Lancashire in order to provide a consistent response and improve services.
- To help organisations make sure their policies and procedures take into account the needs of the victims of hate incidents and hate crimes.
- To build communities' trust and confidence that incidents will be dealt with suitably and sensitively, and so to increase the number of incidents reported.
- To make everyone aware of what a hate incident and hate crime is and how to deal with it.
- To improve the support and services available to victims.
- To make sure those who commit hate crimes are dealt with effectively and to reduce the risks of repeat offending.
- To tackle social attitudes and behaviour which can lead to abuse and intolerance.
- To improve the quality of life for everyone in Lancashire by improving community cohesion.

Definitions of hate incidents and hate crimes

- A hate incident is defined as:

Any incident which may or may not constitute a criminal offence that is perceived by the victim, or any other person, as being motivated by prejudice or hate. *(Association of Chief Police Officers)*

A hate incident is motivated by someone's prejudice against or hatred of their victim. It may not be a crime as defined by law, but their actions are hostile and intended to cause offence or hurt.

Public authorities have a legal duty to record all racist, religious, homophobic, transgender and disability hate incidents. All organisations should collect information on hate incidents involving disability, gender, sexuality (LGBT), gender identity, religion or belief, race and age that fit in with the above.

Appendix A provides more details of specific types of hate incident.

- A hate crime is defined as:

Any incident which constitutes a criminal offence that is perceived by the victim, or any other person, as being motivated by prejudice or hate. *(Association of Chief Police Officers)*

A hate crime is at least partly motivated by someone's prejudice against an identifiable group of people.

This is a broad definition developed by the Association of Chief Police Officers. It means that the victim may not necessarily be a member of a minority group or someone who is generally considered to be 'vulnerable'. For example, the friends of a minority ethnic person, lesbian or refugee may be victimised because of their association.

In some cases the person who commits the crime may have misunderstood the situation. This means that someone entirely unconnected with the hate motivation may become a victim. In reality, anyone can become a victim of hate crime.

Hate crime can take many forms. These could include:

- physical attacks such as assault, violence, murder, damage to property, offensive graffiti, neighbour disputes and arson;
- threats such as offensive letters, abusive or obscene phone calls, intimidation and malicious complaints; and
- verbal abuse such as insults and bullying.

You **must** report all hate crimes to the police.

Developing a policy

Every organisation should have a policy and procedures for:

- reporting, recording, investigating, monitoring and assessing hate incidents and hate crimes; and
- promoting internal responses to them.

Appendix B gives details of specific legislation relating to equality issues.

Appendix C provides a model policy for dealing with hate incidents and hate crime. It sets out:

- responsibilities for managers and staff;
- procedures for reporting, recording and responding to incidents; and
- central data collection arrangements (MADE project – see below).

Training

As a measure of good practice, all organisations should provide employees with training in dealing with hate incidents and hate crimes both within the organisation and when reported to them from victims or witnesses.

All employees need to be aware of the definitions of a hate incident and hate crime. They must also be aware of the issues relating to hate incidents and hate crimes and the processes involved in recognising and dealing sensitively with everyone involved.

Training can be provided through workshops or as part of the induction process for new recruits.

Appendix D provides a list of suitable training providers.

Multi-Agency Data Exchange (MADE) project

The MADE project was set up to share data with the aim of reducing crime and disorder throughout Lancashire. It is funded and run by the statutory authorities (fire and police services, local authorities and health authorities).

To create a more reliable picture of hate incidents and hate crime in Lancashire, all organisations should forward their recorded data to the project. This information should include where possible:

- an incident reference number;
- the date and time of the incident;
- details of where the incident took place – preferably a full address including postcode or six-figure grid references;
- motivation behind the incident – for example, race, religion, sexuality, all disability, age or gender identity;
- the victim's details – for example, age, sex and ethnic origin; and
- the offender's details – for example, age, sex and ethnic origin.

Names should not be included.

Please send your data in an Excel spreadsheet to parvinder.bhatoa@css.lancscc.gov.uk. You can send data every month, every three months or once a year depending on your reporting methods. All information collected is presented in a monthly diversity report.

The project also collects information from the index of multiple deprivation, censuses, the emergency services, local authorities, probation and health services and other partners. This information is grouped into ward-based statistics and made available to crime and disorder reduction partnerships and other strategic partners through a password-protected website – www.saferlancashire.co.uk/MADE. MADE also provides a public website for community safety statistics at www.saferlancashire.co.uk/statistics/.

For more information about the MADE project, please phone Melanie Greenslade on 01772 532864 or email melanie.greenslade@css.lancscc.gov.uk.

Incident reports and reporting centres

Victims may report incidents face to face, by phone or in writing. Incidents may take place in or outside of the workplace. All employees must know how to record these incidents, wherever they happen and however they are reported.

If an incident is reported which is not about your organisation, you should still fill in an initial reporting form and then pass it on to the relevant organisation.

If there has been violence or threats of violence, you must report the incident to the police immediately.

It is important to give the victim suitable support based on the circumstances. And you should always check with the victim before taking further action, including contacting the police. The victim has a right, but is not obliged, to make a complaint against the alleged offender.

Appendix E contains a flowchart on how to respond to hate incidents and hate crime. Appendix F provides a model incident report form.

If victims do not wish to contact your organisation or the police, they can report the incident to an external reporting centre. These are often based in:

- housing offices;
- race equality centres;
- mosques;
- churches;
- shops;
- libraries;
- hospitals;
- doctors' surgeries; and
- community organisations.

Or it may be possible to report an incident on the internet.

Details of external support agencies in Lancashire are set out in Appendix G.

Victim satisfaction

Organisations should also develop systems for monitoring victim satisfaction. Appendix H shows a model victim satisfaction questionnaire.

Charter Mark

The Lancashire Hate Crime Incident Group proposes to develop a Charter Mark process for organisations which adopt measures and actions to improve their services to hate incident and hate crime victims.

Types of hate incident

These incidents have been defined by the Association of Chief Police Officers.

Racist incident

Any incident which is perceived to be racist by the victim or any other person.

‘Racism, in general terms, consists of conduct or words or practices which disadvantage or advantage people because of their colour, culture or ethnic origin. In its more subtle form it is as damaging as in its overt form.’

(Stephen Lawrence Inquiry Report 1999, section 6. 4)

Racism can be direct or indirect. The definitions provided in the Race Relations Act 1976 are summarised below.

- Direct racism is where someone is treated less favourably because of their colour, race, nationality, citizenship, or ethnic or national origins. It includes separating a person from other people for one or more of these reasons.
- Indirect racism involves imposing an unfair requirement which excludes a particular racial group.

Protection under the Race Relations Act 1976 does not extend to groups defined by religious belief. This means, for example, that a Muslim cannot claim direct racial discrimination based on being Muslim, although indirect discrimination or victimisation may apply. However, as the law currently stands, Jews and Sikhs are included as racial groups.

Homophobic incident

Any incident which is perceived to be homophobic by the victim or any other person.

This means any incident directed at a person because they are thought to be lesbian, gay or bisexual.

Transphobic incident

Any incident which is perceived to be based on prejudice towards or hatred of transsexual people.

Transsexual includes anyone who dresses in the clothing of the other gender, whether or not they have a gender recognition certificate. It also includes anyone who is mistaken for being transsexual.

Gender incident

Any incident which is perceived to be based on prejudice towards or hatred of the victim because of their gender.

Religious incident

Any incident which is perceived to be based on prejudice towards or hatred of the religion and beliefs of a person or place of worship.

Legislation defines a religious incident as hostility based on the victim being a member of a religious group. It defines a religious group as 'a group of people defined by reference to religious belief or lack of religious belief'. It does not define religion.

Disability incident

Any incident which is perceived to be based on prejudice towards or hatred of the victim because of their disability.

The victim of a disability incident may be:

- someone with a long-term physical or mental disability which seriously affects their ability to carry out everyday activities;
- someone who has had such a disability but is now recovered;
- someone with a severe disfigurement; or
- someone who has been diagnosed with cancer, HIV or multiple sclerosis.

Specific Legislation (summary end 2006)

Age Equality

The Employment Equality (Age) Regulations 2006

Disability Equality

Disability Discrimination Act 1995 (DDA)
Building Regulations Part M 1992 (updated in 2003)
Special Educational Needs and Disability Act 2001
Chronically Sick and Disabled Persons Act 1970
Community Care Act 1990

Gender Equality

Sex Discrimination Act 1975
Equal Pay Act 1970
Equality Act 2006
Sex Discrimination Act (as amended in 1999)
Gender Recognition Act 2004

Anti-harassment

Crime and Disorder Act 1998.
The Anti-Terrorism, Crime and Security Act 2001 amended the Crime and Disorder Act
Section 146 Criminal Justice Act 2003
The Protection from Harassment Act 1997
Public Order Act 1986
Racial and Religious Hatred Act 2006
Action for Justice and the Youth Justice and Criminal Evidence Act 1999.
The Stephen Lawrence Enquiry (MacPherson Report) 1999.

Lesbian, Gay and Bisexual Equality

The Employment Equality (Sexual Orientation) Regulations 2003
The Civil Partnership Act 2004

Race Equality

Race Relations Act 1976 (RRA)
The Race Relations (Amendment) Act 2000

Religious Equality

Crime and Disorder Act 1998
The Race Relations Act 1976
The Employment Equality (Religion or Belief) Regulations 2003
Equality Act 2006 (from April 2007).

Transgender Equality

Gender Recognition Act 2004
Equality Act 2006 (from April 2007).
Sex Discrimination Act (as amended in 1999).

Human Rights

The Human rights Act 1998

Specific Equalities Legislation (summary end 2006)

Age equality

1. The aim of the **Employment Equality (Age) Regulations 2006** is:
“To prohibit unjustified direct and indirect age discrimination, harassment and victimisation, on grounds of age, of people of any age, young or old”
2. The **Employment Equality (Age) Regulations 2006** came into force in October 2006. Unjustified discrimination by employers on the grounds of age became unlawful as well as harassment of employees on the grounds of age. This applies to all workers, whatever their age. Employers are allowed to set a default retirement age (usually 65) but employees have the right to request to work longer.
3. Positive action measures may be allowed for training and encouraging job applications to prevent or compensate for disadvantages experienced by a particular age group.

Disability equality

1. Under the **Disability Discrimination Act 1995** (DDA) it is generally unlawful to treat a disabled person less favourably than others in employment, providing services or carrying out public functions. It is also unlawful for employers and staff to harass people because of their disability. Employers and service providers must make ‘reasonable adjustments’ to enable disabled people to work or access services.

Reasonable adjustments fall into three areas:

- changes to practices, policies and procedures
 - providing extra aids and services
 - adaptations to overcome physical barriers.
2. Since December 2006, anyone carrying out a public function must also make reasonable adjustments, in the three areas set out above, where necessary to ensure that disabled people are not disadvantaged because of their disability by how the function is performed.
 3. Also since December 2006 all public authorities, have to consider how to achieve the following objectives in relation to everything they do:
 - a. get rid of disability discrimination
 - b. get rid of disability-related harassment
 - c. promote equality of opportunity for disabled people
 - d. take account of disabled people’s disabilities
 - e. promote positive attitudes toward disabled people
 - f. encourage participation by disabled people.

4. Public authorities now have to publish a disability equality scheme showing how it will make sure it meets these, and other duties, under the DDA.
5. Under the **Building Regulations Part M 1992 (updated in 2003)**, new and refurbished buildings must meet minimum physical access requirements.
6. The **Special Educational Needs and Disability Act 2001** strengthens the rights of disabled children to mainstream education and makes unjustified disability discrimination unlawful in nursery, primary, secondary, further and higher education. It also puts duties on local education authorities and schools to review their policies, procedures and practices to make sure that they do not discriminate against disabled pupils and to increase accessibility to the curriculum, information and the environment.
7. There are other pieces of legislation that affect disabled people, but come from a traditional, medical model of disability and do not tackle issues of rights. These include the following.
8. Under the **Chronically Sick and Disabled Persons Act 1970**, local authorities must provide a range of social care services to meet the eligible needs of disabled people.
9. Under the **Community Care Act 1990**, disabled people have the right to have their needs assessed by the local authority and a decision made about what services will be provided to them. The disabled person and his or her carer must be consulted on the assessment.

Gender equality

1. Under the **Sex Discrimination Act 1975**, it is unlawful to discriminate, directly or indirectly, in employment and in providing goods, facilities or services, either by refusing services or by providing them on less favourable terms to one sex than the other or because a person is married or in a civil partnership. It is also unlawful to harass an employee on the grounds of their gender.
2. Sections 47 and 48 allow positive action measures to be taken in some circumstances for training and encouraging job applications to tackle under-representation of women or men in the workforce.
3. Section 7 allows employers to say that only women or men can apply for a job. This is restricted to a limited number of posts where being of a particular gender is a "Genuine Occupation Qualification", e.g. work involving specific intimate work with either women or men.
4. Section 29 allows gender specific services to be provided in limited circumstances, for example single-sex changing rooms.

5. Under the **Equal Pay Act 1970**, it is unlawful to pay one sex less than the other for work of equal value.
6. From April 2007 the **Equality Act 2006** will amend the Sex Discrimination Act to make it generally unlawful for a public authority to do anything that amounts to gender discrimination.
7. Public authorities will also have to consider how to achieve the following objectives in relation to everything they do:
 - a. the need to eliminate unlawful gender discrimination and harassment, and
 - b. the need to promote equality of opportunity between men and women.
8. Each public authority will have to publish a gender equality scheme to show how it will make sure it meets these, and other, duties.

Anti-harassment

1. Harassment in the workplace is outlawed if it is on the grounds of age, disability, gender, race, religion or sexual orientation.
2. Under the Crime and Disorder Act 1998, police forces and local authorities must form community safety partnerships that will tackle crime at a local level. Local authority community safety officers must work with the wider community and partnership agencies, to carry out crime and disorder audits every three years and produce crime reduction strategies. Section 1 also allows antisocial behaviour orders to be used in cases of harassment. The Act created new “racially aggravated offences” such as assault, grievous bodily harm, criminal damage and public order offences which carry significantly higher penalties than similar offences with no element of racial aggravation.
3. The Anti-Terrorism, Crime and Security Act 2001 amended the Crime and Disorder Act to change “racially aggravated criminal offences” into “racial or religiously aggravated criminal offences”.

An offence becomes religiously aggravated where the hostility is based on the victim’s membership of a religious group.

4. Section 146 of the **Criminal Justice Act 2003** came into effect in April 2005, empowering courts to impose tougher sentences for offences motivated or aggravated by the victim's disability or sexual orientation.
5. The **Protection from Harassment Act 1997** and the **Public Order Act 1986**. These Acts are intended to deal with harassment and intimidating behaviour that causes distress. The Protection from Harassment Act makes it illegal to harass another person or make another person fear that violence will be used against them. Victims can obtain injunctions to prevent further harassment or intimidation and can claim damages. The Public Order Act makes it an offence to cause

harassment, alarm or distress or intentionally cause another person to fear that violence will be used against them. It also allows for extra penalties for crimes which are found to be racially motivated. The Act also makes it an offence to stir up racial hatred. The **Racial and Religious Hatred Act 2006** has extended this to cover stirring up religious hatred. Fixed-penalty notices under **Section 5** of the

Public Order Act 1986 allow the police to issue an £80 ticket for causing harassment, alarm or distress. The police may also issue a £40 ticket for throwing fireworks and being drunk and disorderly (S. 80 **Explosives Act 1875**). These powers can be used to stop some kinds of hate crime, and it is important that people are supported to give evidence.

6. Action for Justice and the Youth Justice and Criminal Evidence Act 1999.

Police forces must direct resources to set up and support specialised units to identify and support vulnerable witnesses. Specialist and criminal justice agencies must work together to plan how they will make sure there is equal access to legal action and compensation for people with learning difficulties and for other vulnerable witnesses.

7. The Stephen Lawrence Enquiry (MacPherson Report) 1999.

The effect of the MacPherson report on local authorities and the police service as a whole should not be underestimated. The police must take specific action to 'increase trust and confidence in policing among black and minority ethnic communities'. The police also have a responsibility to make sure that people who are at risk of becoming victims of hate crime or other kinds of crime are supported by a community project, or are in contact with the police to provide better protection from specifically targeted crime. The police should monitor the policies and procedures set up to prevent and respond to hate crime, such as making sure people who see harassment report it even though they are not the victim (third-party reporting), and better recording and monitoring.

Lesbian, gay and bisexual equality

1. The Employment Equality (Sexual Orientation) Regulations 2003 protect employees and job applicants from discrimination, victimisation or harassment on the grounds of sexual orientation. Discrimination will not be unlawful if being of a particular orientation is a genuine and determining occupational requirement or for some jobs with an organised religion. Positive action measures may be allowed for training and encouraging job applications to prevent or compensate for disadvantages experienced by people of a particular sexual orientation.

2. The Civil Partnership Act 2004 created a new legal relationship of civil partnership which is formed by two people of the same sex signing a registration document. It provides same sex couples who form such partnerships equal treatment with married couples.

3. In April 2007 new regulations will be introduced that will make it unlawful for the providers of **goods and services**, and public authorities, to discriminate on the grounds of sexual orientation.

Race equality

1. Under the **Race Relations Act 1976 (RRA)**, it is unlawful for employers and service providers to discriminate directly or indirectly because of someone's colour, race, nationality (including citizenship), or ethnic or national origin.

2. The **Race Relations (Amendment) Act 2000** replaced **Section 71** of the **RRA** and says that public authorities must consider how to meet the following objectives in relation to everything they do:

- a. get rid of unlawful racial discrimination;
- b. promote equal opportunities;
- c. promote good relations between people of different racial groups.

3. Each public authority must publish a race equality scheme setting out what actions it will take to make sure they meet these, and other, duties under the RRA.

4. **Sections 37** and **38** allow employers to take positive action where a racial group is under-represented in a particular type of work to provide training to that racial group to help fit them for that work or to encourage them to apply for jobs.

5. **Genuine Occupational Qualification Section 5(2)(d)** **Section 5(2)(d)** of the Race Relations Act 1976 allows a job to be restricted to members of a particular racial group in limited circumstances e.g. where the job provides people of that racial group with personal services that promote their welfare, and those services can best be provided by a person of that racial group.

6. **Section 35** of the **Race Relations Act 1976** allows the provision of facilities and services to members of a particular racial group to meet the special needs of that group in education, training or welfare. This is known as positive action.

Religious equality

1. In 2001, the **Crime and Disorder Act 1998** was changed to recognise when crimes are motivated by religious discrimination.

2. The **Race Relations Act 1976** provides limited protection against religious discrimination for religious groups that have the same ethnic origins as religion, for example, Jews and Sikhs. Other faith groups can claim indirect racial discrimination if many people from a particular ethnic group are affected.

3. The **Employment Equality (Religion or Belief) Regulations 2003** protects employees and job applicants from any act of discrimination, victimisation or harassment on the grounds of religion or belief. Religion or belief is defined as being any religion, religious belief or philosophical belief that is similar to a religious belief. Discrimination will not be unlawful where being of a particular religion or belief is a genuine and determining occupational requirement. Positive action measures may be allowed for training and encouraging job applications to prevent or compensate for a disadvantage experienced by people with a particular religion or belief.

4. Part 2 of the **Equality Act 2006** will come into force in April 2007. It will make it unlawful for providers of goods and services, and public authorities, to discriminate on the grounds of religion or belief. Exceptions will apply to religious organisations and some charities and schools.

Transgender equality

1. Transgender people are protected under the **Sex Discrimination Act (as amended in 1999)**. www.pfc.org.uk/legal/sda-gr.htm

2. The Sex Discrimination (Gender Reassignment) Regulations 1999 protects the rights of people who intend to undergo, are undergoing, or have undergone gender reassignment by stating, for example, that employers must not treat such employees less favourably than other employees. For further information please see <http://www.pfc.org.uk/legal/sda-gr.htm>

3. The **Gender Recognition Act 2004** became law on 4 April 2005. It allows transsexuals to gain legal recognition in their acquired gender. Once issued with a gender recognition certificate, transsexuals will have the right to marry and obtain a birth certificate in their acquired gender and obtain state benefits like anyone else of that gender.

4. Transsexual people have privacy protection under section 22 of the Gender Recognition Act. This means that anyone who acquires knowledge, in their professional capacity, of a trans person's history, and knows or is able to surmise that the person has a Gender Recognition Certificate and/or new birth certificate may be prosecuted and fined up to £5,000 and/or be jailed for up to 6 months if they pass that information onto a third party without the trans person's consent.

Whether or not a trans person has a Gender Recognition Certificate, their status as trans is also sensitive information under the Data Protection Act.

Human rights

1. The Human rights Act (1998) came into force on 2nd October 2000, designed to ensure that public authorities pay due attention to people's rights. The Act is a non-specific 'higher law' that sets out basic values aimed at changing the way authorities and individuals think, act and develop policies.

Article 14 of the European Convention on Human Rights gives people the right to enjoy their other human rights without discrimination on such grounds as sex, race, colour, language, or religion.

Model policy for dealing with hate incidents and hate crime

Aim

The aim of this policy is to:

- provide a system for reporting, recording, investigating, monitoring and assessing all hate incidents and hate crime; and
- encourage us to work with other organisation in our responses to these incidents.

Purpose

The purpose of this policy is to:

- provide all our employees with guidance on how to respond to hate incidents and hate crime; and
- make sure all incidents are reported and dealt with quickly, effectively and in the most suitable way.

The policy will allow us to monitor all hate incidents and hate crime and to develop and review best practice within the organisation.

Good practice suggests that every organisation should appoint a policy co-ordinator to make sure all necessary actions are taken in line with this policy. In smaller organisations, the co-ordinator may also be the manager.

Responding to hate incidents and hate crime is a corporate responsibility. However, in some cases we will need to work in partnership with other organisations.

Scope of the policy

This policy applies to our service users, members of the public and everyone who is contracted to work for us.

If a complaint involves a criminal offence, you must report it to the police immediately for investigation. The member of staff in charge of the investigation will then take responsibility for collecting any evidence.

In all other cases, all employees have a responsibility to follow this policy and to report and record all hate incidents and hate crime.

Employee responsibilities

Policy co-ordinator

The policy co-ordinator must make sure the following actions are taken when a hate incident or hate crime is reported.

- Contact the person who has made the report to acknowledge their complaint. (This must be done within five working days of receiving the complaint.)
- Make sure all incidents that could be classed as criminal are referred to the police. (Please see the flow chart in appendix E.)
- Provide guidance and support to the victim – for example, by making sure they are aware of any support services available.
- If necessary, refer the incident to other organisations.
- Provide reports on the incident for any relevant forums.
- Collect any evidence and make sure it is stored securely (see below).
- Share good practice with partner organisations.

Managers

We are committed to creating a harassment-free environment and have a legal and moral responsibility to protect and support employees who may be harassed by members of the public and colleagues.

As a provider of services, we must also protect and support our service users.

All employees have a duty to report and respond to hate incidents and hate crime. However, managers have a specific responsibility to make sure everything is done to support employees and service users and to protect them from intimidation and harassment.

This may be by:

- making it clear to members of the public that we will not tolerate harassment of our employees;
- threatening to withdraw our services to protect our employees;
- protecting, supporting and advising employees who experience hate incidents or hate crime from service users;
- supporting and advising members of the public who have experienced a hate incident or hate crime;
- making sure the details of any incident are recorded and seeking further guidance if necessary; and

- making sure all complaints of hate incidents or hate crime are taken seriously and investigated as quickly and as effectively as possible by the most suitable person.

As an employer we may be legally liable for our employees' welfare and behaviour. Employees and service users may have a strong case of unlawful discrimination against us if they can prove that we did not take suitable action following a reported hate incident or hate crime. As a manager you must take all reasonable steps to prevent discrimination and to protect employees and service users from harassment.

Employees

Everyone who is contracted to work for us has a duty to report, record and respond to hate incidents and hate crime which they:

- witness (by seeing, hearing or reading);
- receive a report of from victims or witnesses; or
- suspect or discover evidence of.

In carrying out this duty you must take account of your own health and safety, particularly if you are working off site and alone.

Remember that victims may not always be willing to report incidents and offenders may be reluctant to give details of their behaviour. There are many reasons why a victim may not directly report an incident. However, incidents can take place in many circumstances and you should be alert to this.

Reporting and recording hate crime

All hate incidents and hate crime must be recorded and responded to. As well as an initial reporting form, there should be a procedure for people to report incidents anonymously.

Reports may be made face to face, in writing or by phone. All employees should know how to record incidents, however they are reported.

If you receive a report by phone, you should fill in a reporting form and pass it on to your policy co-ordinator. They will make sure that:

- the person reporting the incident receives a letter within 5 working days setting out what action is to be taken;
- all the relevant paperwork is completed;
- any intervention is appropriate;

- the investigation is completed within 20 working days, including sending a written response to the person who made the complaint and carrying out all appropriate recommendations; and
- all outcomes are recorded and a copy of the incident reporting form goes to the relevant manager.

Reporting procedure

If the incident does not relate to our organisation, fill in the initial reporting form and send it to a senior manager. They will decide what action is to be taken.

In all other cases:

- fill in the initial reporting form immediately or as soon as possible;
- give a copy of the form to the person who has made the complaint, your policy co-ordinator and your line manager;
- if the complaint involves violence or threats of violence, report the incident to the police immediately;
- maintain contact with the person who has made the complaint until the process has been completed or the incidents stop; and
- forward all information to your Lancashire Hate Crime and Incident Group central data collection point.

Collecting evidence

If the victim has received abusive written material, this may provide vital evidence for a police investigation.

- If documents or letters are part of the incident, handle them with care (to protect forensic evidence) and give them to your policy co-ordinator to be stored safely as soon as the complaint is made. If in doubt, contact your local hate crime police officer for guidance (see appendix G).
- Make sure the information you collect is as full and accurate as possible. This includes details of minor incidents. The case against an offender may be stronger if you have evidence from several witnesses.
- Taking a clear statement from someone in distress is not an easy task. Find a private but accessible place to carry out the interview. And make sure you allow plenty of time to help them feel more comfortable and gather all the information you need.

Supporting the person who has made the complaint

The support you provide will depend on the circumstances of each case. In all cases it is vital to check with the person who has made the complaint before taking any action, including contacting the police. Remember at all times that the victim has a right to take action but does not have to do so.

The following actions may be suitable, either immediately on receiving a complaint or at the follow-up meeting.

- Find a quiet and private space to discuss the incident with the person who has made the complaint.
- Offer an interpreter if you think this may be necessary.
- Provide a list of community and voluntary organisations that can give advice and practical help.

Training providers

Hate crime

The Participation Works Ltd

51 Daneshouse Road

Burnley

Lancashire

BB10 1AT

Key contact: Lynne Blackburn

Phone: 01282 411182

Mobile: 07834 595165

Email: lynne_participationworks@yahoo.co.uk

Lewis Turner

Hate Crime Project

Civic Centre

Breck Road

Wyre Borough Council

Poulton le Fylde

Phone: 01253 891000

Fax: 01253 899000

Email: lturner@wyrebc.gov.uk

Preston and Western Lancashire Racial Equality Council

Town Hall Annexe

Birley Street

Preston

PR1 2RL

Phone: 01772 906422

Email: admin@prestonrec.org.uk

Web: www.prestonrec.org.uk

Training provided on:

- race discrimination complaints procedures;
- the effects of racist victimisation and racism; and
- race equality duties.

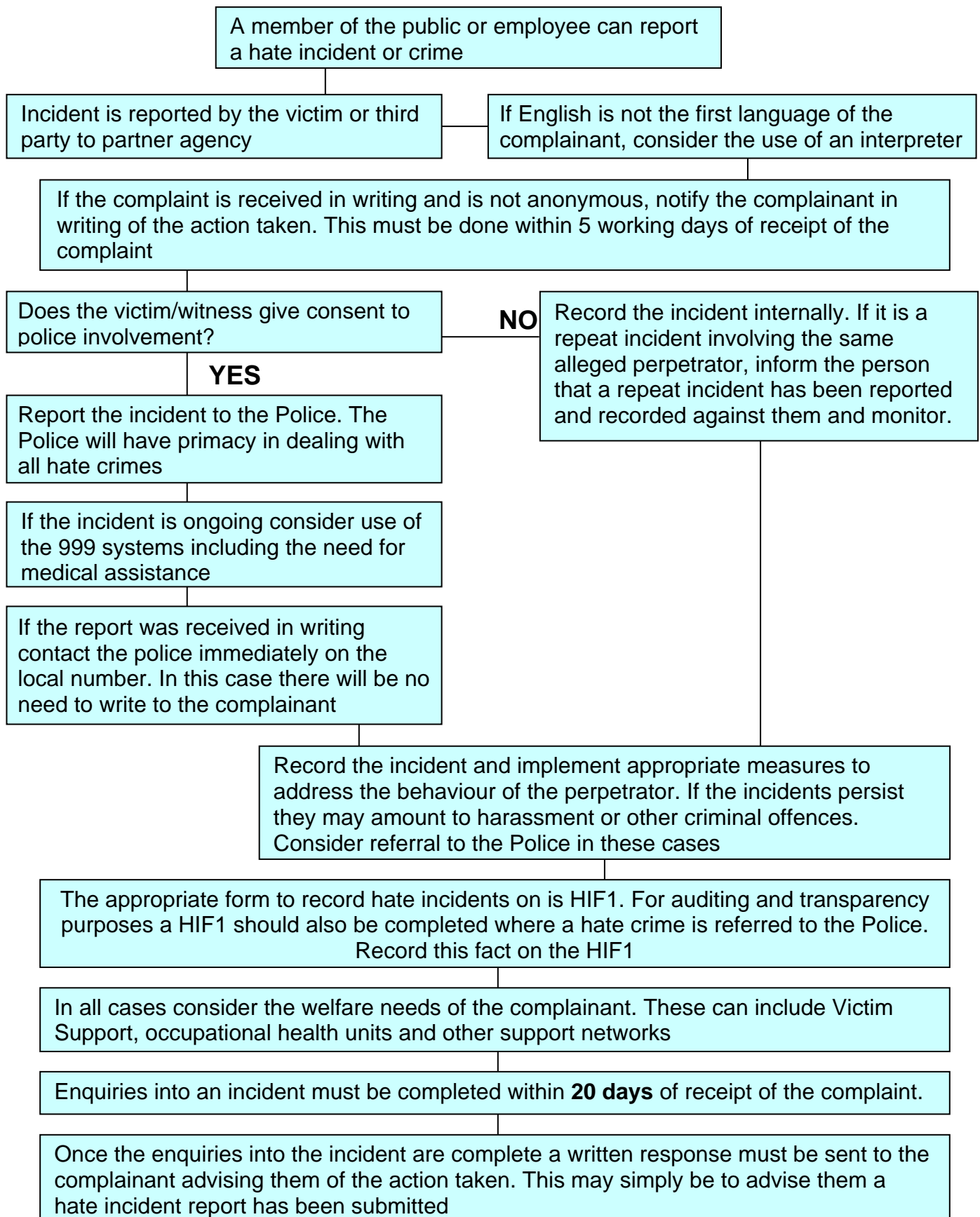
Transsexual issues

Press for Change

Lewis Turner and Stephen Whittle

Email: l.turner@pfc.org.uk

How to respond to hate incidents and hate crime



Model incident report form

Name of Organisation
Hate Incident/Hate Crime Reporting Form

All the information requested below would be valuable to us. You do not have to give **all** the details requested. Please complete as much of the form as you can and tell us what action you would like us to take by ticking the appropriate box:

YES I would like Police involvement **NO** Police involvement

Signature

Date of Report: **Time of Report:**

Organisation:

Completed by:

Telephone: Email:

Are you filling in this form on someone else's behalf? Yes No

If they are a child, what age are they?

Would you like someone to contact you about this report? Yes No

No one will call you at your home without your prior consent.

Please state your chosen method of contact, for example telephone number, address or email

Contact details:

.....

.....

.....

Language spoken or preferred

When is it convenient to contact you?

Were you a witness victim

If this has been reported somewhere else, please say where

.....

.....

.....

.....

.....

Were you or the victim physically hurt? Yes No

Please include **any** injuries, no matter how minor you think they are (any kinds of bruises and scratches should be mentioned)

Was any medical attention given? Yes No

If yes, please give treatment/name of hospital

The Offender/s

Is/Are the offender/s known to you?

Name/s and contact details

How did you learn this was a Third Party Reporting agency?

How would you describe your ethnic background?

| | | | |
|----|------------------------------|----|--------------------------------------------------------|
| W1 | White British | A1 | Indian |
| W2 | White Irish | A2 | Pakistani |
| W3 | White Other (please specify) | A3 | Bangladeshi |
| M1 | White & Black Caribbean | A4 | Asian Other |
| M2 | White & Black African | B1 | Caribbean |
| M3 | White & Asian | B2 | African |
| M4 | Mixed Other | B3 | Black Other |
| C | Chinese | O | Other (e.g. Traveller of Irish heritage or Gypsy/Roma) |
| | | | |

If the aggrieved is happy for the police to get involved, send to:

(Input details of your local police contact
- See Appendix G)

If the aggrieved does NOT want police contact, send to:

(Contact person in your organisations and details)

| | |
|--|--|
| | |
|--|--|

External support agencies

Local

Age Concern Lancashire

61-63 St Thomas's Road

Chorley

Lancashire

PR7 1JE

Phone: 01257 233200

Fax: 01257 479012

Email: admin@ageconcernlancs.org.ukWeb: <http://www.ageconcernlancs.org.uk>**Commission for Equalities and Human Rights**

CEHR

Arndale House

Arndale Centre

Manchester

M4 3EQ

Phone: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

Web: www.cehr.org.uk**Preston and Western Lancashire Racial Equality Council**

Services include legal advice, assistance and representation in race discrimination cases, a case-work service for racial harassment and race hate crimes, and assistance with race equality schemes.

Town Hall Annexe

Birley Street

Preston

PR1 2RL

Phone: 01772 906422

Email: admin@prestonrec.org.ukWeb: www.prestonrec.org.uk

National

Crimestoppers

Call Crimestoppers anonymously to report a crime.

Phone: 0800 555 111

Web: www.crimestoppers-uk.org**Immigration Advice Line**

Open Mondays, Wednesdays and Fridays, 12pm to 4pm.

Phone: 0808 808 7398

SCOPE

A disability group in England and Wales which focuses on people with cerebral palsy.

6 Market Road
London
N7 9PW
Phone 0808 800 3333
Web: www.scope.org.uk

Polari

Working for better services for older lesbians, gay men and bisexuals.
Phone: 020 7255 4480

Stonewall

Working for equality and justice for lesbians, gay men and bisexuals.
Phone: 020 7881 9440

Victim Support

Provides free and confidential support to help victims of crime deal with their experience, whether or not they report it to the police.
Phone: 0845 303 0900
Email : supportline@victimsupport.org.uk
Web: www.victimsupport.org.uk

Hate crime divisional police contacts

Lancashire Constabulary is committed to fighting hate crime across the county. Every division has a hate crime officer and a lesbian and gay liaison officer (LAGLO). These officers are responsible for investigating hate incidents and crime, and monitoring and building relationships with those in communities who are particularly affected.

If your incident is not an emergency and you would like to speak to someone about a hate crime or incident, please phone one of the officers below.

Minorities teams

- A Division – PC Lindsey Nottingham – 01253 607242
- B Division – Sgt Karen Hall – 01995 607870
- C Division – Sgt Jeanette Hickey – 01772 415866
- D Division – PC Julian Andrews – 01772 209513
- E Division – Sgt John Rigby – 01254 353638
- F Division – PC Bev Taylor 01282 472190

LAGLO officers

- A Division – PC Lindsey Nottingham – 01253 607242
- B Division – Sgt Karen Hall – 01995 607870
- C Division – Sgt Jeanette Hickey – 01772 415866
- D Division – PC Julian Andrews – 01772 209513
- E Division – PC Pete Lang – 01254 353539
- F Division – PC Bev Taylor – 01282 472190

Model victim satisfaction questionnaire

You recently reported a hate incident or hate crime that was committed against you. To help us make sure we are meeting the needs of those who suffer these distressing incidents, we would be grateful if you would take the time to fill in this questionnaire.

1. Before this incident were you aware of our reporting procedure? Yes No

2. What did the incident involve?

3. How easy did you find it to report the incident?
 Very easy Quite easy Quite difficult Very difficult

4. If you found it difficult, please tell us why.

5. Who did you report the incident to?

6. How satisfied were you with the process?
 Very satisfied Quite satisfied Not very satisfied Not at all satisfied
 Why do you say this?

7. If you were referred to another person or organisation, please give their name here.

8. Were you satisfied with the outcome?
 Very satisfied Quite satisfied Not very satisfied Not at all satisfied
 Why do you say this?

9. Please use this space for any other comments you want to make.

