

# Hate Crime and Incident Policy and Procedures



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# **Hate Crime and Incident Policy and Procedures**

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# Hate Crime and Incident Policy

## 1. Introduction

The aim of this policy is to ensure that a systematic approach is taken in the reporting, recording, investigating and monitoring of all Hate Crimes and Incidents across all services. It is the Council's aim to ensure that every service area has a designated officer responsible for speaking to victims/witnesses and completing the Hate Incident Reporting form. An important factor for this policy is awareness-raising and training in understanding hate incidents, particularly for those officers within each service nominated as the persons responsible for receiving reports of Hate Crimes and Incidents.

This document provides details and clarification of Daventry District Council's commitment towards Hate Crimes and Incidents. It replaces all previous policy documents and forms relating to the subject. There is a wide range of legislation governing hate crimes and incidents (as outlined in Appendix A).

## 2. Policy Statement

Daventry District Council is fully committed to tackling all hate incidents based on people's race, religion, disability or sexual orientation by creating a culture of reporting, recording, challenging and eradication of such incidents. The Council is committed to ensuring that all individuals are treated fairly, with dignity and respect and valued equally.

The Council's actions and policies will be governed by this commitment in its dealings with its own employees, citizens, visitors and any other persons it comes into contact with.

This policy should be read in conjunction with the Corporate Equalities Policy and the Harassment and Bullying Policy.

## 3. Responsibilities

### Employees

Employees who work for (or are contracted to) Daventry District Council have a duty to report and challenge a hate crime or incident if:

- They have a crime or incident perpetrated against them
- Witness a crime or incident
- Have a crime or incident reported to them by a victim or a witness

Employees should always pay due regard to their own health and safety when reporting and challenging a crime or incident.

### Nominated Co-ordinators

Hate Incident Co-ordinators are to be nominated by each service. They will be responsible for receiving reports of all Hate Crimes or Incidents. Where there is a report that an employee's safety is at risk, the co-ordinator must inform the employee's Line Manager immediately.

### Community Partnerships Manager

The Community Partnerships Manager has responsibility for collating and producing reports on all information received relating to Hate Crimes and Incidents.

Nominated Co-ordinators, Managers and Councillors can seek advice and guidance from the Community Partnerships Manager or the Access and Equalities Officer.

The Community Partnerships Manager will receive any reports against an officer who is the Nominated Co-ordinator for a service.

## **Line Managers and Senior Managers**

Line Managers have a specific responsibility to intervene and defuse a situation immediately if they are made aware that a person's safety or welfare is at risk.

Line Managers will be responsible for ensuring that their team are aware of the Hate Crime and Incident Policy, and that they adhere to it. Senior Managers will be committed to ensuring that when working in partnership with others or contracting out services, that outside organisations acting on behalf of the council adhere to the principles of the Council's Hate Crime and Incident Policy.

## **Councillors**

Elected Members and senior officers are seen as role models to the rest of the organisation and are expected to act appropriately.

## **4. Definitions**

The underpinning rationale behind a hate crime or incident is **perception**. It is the perception of the victim or any other person (e.g. a witness) that is the determining factor of a hate crime/incident.

### **4.1 Hate Crime**

#### **Definition:**

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

Hate incidents and crimes are motivated by hatred of a certain characteristic or perceived characteristic of the victim.

Although all of the protected characteristics below are valid, only the first five in bold are currently officially recorded by Central Government:

**Race (Racism); Faith or Religion; Sexual Orientation (Homophobia); Gender Identity (Transphobia); Disability;** Alternative Lifestyles (dress style, physical appearance, culture); Gender (Misogyny/Misandry); Age (Ageism)

### **4.2 Examples of Hate Crime**

Hate crimes can take many forms including: physical attacks e.g. physical assaults, damage to property, offensive graffiti; verbal abuse or threat of attacks e.g. explicit threats to a person or property either in person, by telephone (including text messages) or in writing (by post, posting to social networking sites or e-mail) and harassment.

### **4.3 Hate Incident**

#### **Definition:**

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

### **4.4 Examples of Hate Incidents**

Hate incidents can consist of verbal abuse or insults, detrimental comments, abusive language, insulting gestures, abusive telephone calls, offensive leaflets and posters and "jokes" relating to any of the protected characteristics.

## **5. Implementation and Communication**

Senior managers are responsible for communicating this policy and procedures to employees at team meetings at appropriate intervals. This policy and procedure is available on DAVNET.

## **6. Training and Awareness**

Prominent communication and regular training are important to ensure that all our employees understand our commitment to prevent harassment and understand their responsibilities and role in the process.

We are committed to using a number of different ways in which to communicate our policy effectively.

These are:

1. Training and awareness programmes for staff and nominated co-ordinators.
2. Posters
3. Items on notice boards
4. Policy, procedures and information available on the internet and intranet
5. Inclusion in briefing meetings

## **7. Monitoring, Review and Evaluation**

This policy will be monitored and reviewed every two years by the Community Partnerships Manager, taking into consideration legislative changes and developments in good practice, to ensure it meets the needs of the Council, all employees, and members of the public. Any changes to the policy will be in consultation with the appropriate bodies.

Any employee who wishes to make comments or suggestions about the development of the policy can do so by contacting the Community Partnerships Manager.

## **Procedures for reporting a Hate Crime or incident**

### **8. Non-Victim Hate Incident**

Where customers of the Council use racist or other derogatory language, not against a member of staff or a particular individual but, for example, to complain that the level of service that they receive is inferior to that given to a minority group, this can constitute a hate incident.

#### **8.1 Advice**

It is not intended that customers be unable to express opinions but there is a line between expressing an opinion and a hate incident. Customers using inappropriate language will be given advice by the Nominated Co-ordinator on how to make a complaint in an appropriate manner. They will also be made aware that services could be withheld should they continue to address a service area in an inappropriate way.

#### **8.2 Reporting the incident**

Even though there is no 'victim' in this incident, a formal report of the incident and the advice given should be made to the Nominated Co-ordinator by the Officer witnessing the incident on the Hate Incident Report Form (appendix b). This will allow the Council to monitor incidents to highlight any repeat offenders and any processes within a particular service that may need clarification to Customers to avoid any further misconceptions and myths.

### **9. Hate Crime or Incident committed by an Employee**

#### **9.1 Against a Customer**

If a customer wishes to report a Hate Crime or Incident, they need to be referred to the relevant service area's Nominated Co-ordinator.

#### **Receiving the report**

The Nominated Co-ordinator must listen carefully to the Customer and complete a Hate Incident Report Form (appendix b). The Nominated Co-ordinator should also ascertain if the Customer wishes to receive assistance from victim support services.

*Regardless of whether the Customer wishes to take further action, HR should be made aware of the incident as soon as possible. Any inappropriate behaviour by an Employee will be investigated and, if necessary, dealt with under the Disciplinary Policy and Procedure.*

#### **If the customer does not wish to take further action**

The Nominated Co-ordinator should ensure that the Customer receives a copy of the completed form (by post if the crime/incident was reported by letter or phone). A copy should be kept within the service area for monitoring, and a copy sent to the Community Partnerships Manager within two working days. The Community Partnerships Manager will ensure a copy is sent to Northamptonshire Police and victim support services if requested.

#### **If the customer wants to take further action**

The Nominated Co-ordinator should ensure that the Customer receives a copy of the completed form (by post if the crime/incident was reported by letter or phone), and inform them that the Council's Complaints and Feedback Policy and Procedure will now be instigated. A copy should be kept within the service area for monitoring, and a copy sent to the Community Partnerships Manager within

two working days. The Community Partnerships Manager will ensure a copy is sent to Northamptonshire Police and victim support services if requested.

## **9.2 Against another Employee**

If an Employee perceives that they have been a victim of a Hate Crime or Incident then they need to report it to their Nominated Co-ordinator as soon as possible.

### **Reporting of incident**

The Nominated Co-ordinator must listen carefully to the Employee and complete a Hate Incident Reporting Form. The Nominated Co-ordinator should also ascertain if the Employee wishes to receive further support from assistance from victim support services, HR or the Employee Assistance Programme helpline.

*Regardless of whether the employee wishes to take further action, HR should be made aware of the incident as soon as possible. Any inappropriate behaviour by an Employee will be investigated and dealt with under the Harassment and Bullying Policy and Procedure.*

### **If the Employee does not want to take further action**

The Nominated Co-ordinator should ensure that the Employee receives a copy of the completed form (by post if the crime/incident was reported by letter or phone). A copy should be kept within the service area for monitoring, and a copy sent to the Community Partnerships Manager within two working days. The Community Partnerships Manager will ensure a copy is sent to Northamptonshire Police and victim support services if requested.

### **If the Employee wants to take further action (formal or informal)**

The Nominated Co-ordinator should ensure that the Employee receives a copy of the completed form and inform them that the Council's Harassment and Bullying Policy and Procedure will now be instigated.

A copy should be kept within the service area for monitoring, and a copy sent to the Community Partnerships Manager within two working days. The Community Partnerships Manager will ensure a copy is sent to Northamptonshire Police and victim support services if requested.

## **10. Hate Crime or Incident committed against an Employee by a customer**

It is unacceptable for a Customer to reject the provision/delivery of a service on the basis of an employee's race, colour, nationality, ethnic/national origin, disability or sexuality.

### **Reporting the incident**

Any Hate Crime or Incident whether in person, by telephone (including text messaging), by post or letter (including e-mail), should be reported to the Nominated Co-ordinator for that service area. The Co-ordinator will complete a Hate Incident Reporting Form. A copy should be kept within the service area for monitoring, and a copy sent to the Community Partnerships Manager within two working days. The Community Partnerships Manager will ensure a copy is sent to Northamptonshire Police.

Customers using inappropriate behaviour towards an Employee of the Council will be informed (where possible) that the incident has been reported to the Police. The Customer will also be made aware that services may be withheld should they continue to address a service area in an inappropriate way.

### **If the Employee does not want to take further action**

The Nominated Co-ordinator should ensure that the Employee receives a copy of the completed form (by post if the crime/incident was reported by letter or phone). A copy should be kept within the service area for monitoring, and a copy sent to the Community Partnerships Manager within two working days. The Community Partnerships Manager will ensure a copy is sent Northamptonshire Police and victim support services if requested.

### **If the victim wants to take further action**

The Nominated Co-ordinator should ensure that the victim receives a copy of the completed form (by post if the incident was reported by letter or phone).

A copy should be kept within the service area for monitoring, and a copy sent to the Community Partnerships Manager within two working days. The Community Partnerships Manager will ensure a copy is sent to Northamptonshire Police and victim support services if requested.

### **If an Employee's safety or welfare is at risk – incident is to be reported to a Manager**

The Nominated Co-ordinator must listen carefully to the Employee and complete a Hate Incident Reporting Form. The Nominated Co-ordinator should also ascertain if the Employee wishes to receive further support from Victim Support, HR or the Employee Assistance Programme helpline. **The incident must be reported to the Line Manager immediately.**

The Manager will have responsibility for intervening and diffusing the situation. They are also responsible for deciding the immediate actions to take (e.g. whether to report the incident to the Police).

A copy of the incident form should be kept within the service area for monitoring, and a copy sent to the Community Partnerships Manager within two working days. The Community Partnerships Manager will ensure a copy is sent to Northamptonshire Police and victim support services if requested.

## **11. Incidents reported to the Council**

Where a member of the public wishes to report an incident that occurs outside of Council premises and that does not involve an Employee the person receiving the report will complete a Hate Incident Reporting Form as per section 10.

If you are the victim or witness to a hate crime/incident which results in Police intervention, you should be prepared to assist the Police with their work; by, for example giving a statement.

We will make certain that victims are at the centre of their response to hate incidents and crime by ensuring that:

- **Each complaint will be investigated and taken seriously.**
- **All information you give us will be treated in confidence and in accordance with data protection legislation.**
- **Our staff will be trained to give you the correct advice.**
- **A risk assessment will be completed to help identify vulnerable and repeat victims.**
- **We will respond to high risk incidents within one working day.**
- **We will respond to non high risk incidents within 5 day working days.**



- You will be informed who the lead organisation will be and be provided with appropriate support. The lead organisation will work with partners and other service providers where necessary.
- You will have a single point of contact (SPOC) within the lead organisation dealing with your hate incident and be provided with their contact details.
- We will ideally resolve the complaint to your satisfaction, through the compliance of an agreed action plan produced with consideration of the full range of actions available.
- We will support you in collecting evidence to enable positive action to be taken. We will regularly review this information and explain what action is to be taken and why.
- We will keep you informed about your case and provide updates within timescales agreed with you.
- We will contact you via telephone, text, e-mail, letter or in person as agreed with you.
- We will monitor your satisfaction with the way we have dealt with your case.
- The lead agency will ask the court for special measures for vulnerable or intimidated victims and witnesses where appropriate.
- We will make a referral to the witness service if appropriate during criminal proceedings.
- Where appropriate, we will keep communities informed of what is happening within their neighbourhood through a range of means including street briefings, newsletters and leaflet distribution.
- We will promote another route if you are not satisfied with the outcome.

## **Appendix A: The Law on Hate Crime**

### **Racially & Religiously Aggravated Offences**

The Crime and Disorder Act 1998 saw the introduction of Racially Aggravated offences (sections 29-32) which covers racially aggravated assaults, criminal damage, public order and harassment.

The Anti-terrorism, Crime & Security Act 2001 amends the Crime and Disorder Act to include religious aggravation (within the definition of section 28 of the Crime and Disorder Act).

*“Racially”* means in reference to a person’s race, colour, nationality (including citizenship) or ethnic or national origins.

*“Religious”* is defined by reference to a person’s religious belief or lack of religious belief.

Criminal Justice Act 2003, s145 saw the introduction of an increase in sentences for racial or religious aggravation. This section applies where a court is considering the seriousness of an offence other than one under sections 29-32 of the Crime & Disorder Act 1998.

The Racial and Religious Hatred Act 2006 made it a criminal offence to use threatening words or behaviour or display written material with the intention of stirring up hatred against any group of people defined by their religious beliefs or lack of religious beliefs.

### **Incitement offences**

These crimes include the stirring up of hatred on the grounds of race, religion or sexual orientation.

In addition to the above there is a specific offence of Racist Chanting where the Football (Offences) Act 1991 makes it an offence to engage or take part in chanting of an indecent or racist nature at a designated football match

### **Enhanced sentencing legislation**

The enhanced sentencing provisions are provided for by Sections 145 and 146 of the Criminal Justice Act 2003. Section 145 requires the courts to consider racial or religious hostility as an aggravating factor when deciding on the sentence for any offence (which has not been identified as a racially or religiously aggravated offence as outlined above). Section 146 has the same effect for sexual orientation, disability or transgender.

In cases where the prosecution is able to prove that the offender was motivated by hostility towards a person’s (actual or perceived) race, religion, sexual orientation, disability or transgender identity the court must treat that fact as an aggravating factor.

## Appendix B: Hate Incident Reporting Form

*If any criminal offences or safeguarding issues are disclosed, we are obliged to report this to the appropriate authority without the victim's consent*

**1** **Person Completing:**  Victim  Witness  Third Party

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Surname: \_\_\_\_\_

House no./name: \_\_\_\_\_ Street: \_\_\_\_\_

Town: \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact number: \_\_\_\_\_ e-mail: \_\_\_\_\_

Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Sex:  Male  Female

Ethnicity: \_\_\_\_\_ Preferred Language: \_\_\_\_\_

Nationality: \_\_\_\_\_

preferred contact method:  E-mail  Phone  Letter

### **2** **Victim Details:**

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Surname: \_\_\_\_\_

House no./name: \_\_\_\_\_ Street: \_\_\_\_\_

Town: \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact number: \_\_\_\_\_ e-mail: \_\_\_\_\_

Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Sex:  Male  Female

Ethnicity: \_\_\_\_\_ Preferred Language: \_\_\_\_\_

Nationality: \_\_\_\_\_

preferred contact method:  E-mail  Phone  Letter



**4 What do you think was the reason for the incident/crime?**

- Race       Religion or Faith       Sexual Orientation       Disability       Transgender  
 Age       Gender       Other (please specify) \_\_\_\_\_

**5 Type of offence (tick all that apply)**

- Damage to property       Verbal abuse/threats in person       Abuse/threats online or via text  
 Graffiti       Intimidation/bullying       Offensive material  
 Theft       Arson       Physical assault       Other (please specify): \_\_\_\_\_

**6 Has this type of incident happened before?**

- No       Yes (please give details) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was it reported?  No       Yes (to whom?) \_\_\_\_\_ (Contact name or reference number)

**7 Offender Details**       Known       Not known

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Surname: \_\_\_\_\_

House name/no.: \_\_\_\_\_ Street: \_\_\_\_\_

Town: \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Age: \_\_\_\_\_ Sex:  Male  Female

Ethnicity: \_\_\_\_\_ Nationality: \_\_\_\_\_

Description: \_\_\_\_\_

Vehicle details (make/model/colour/index): \_\_\_\_\_

**8** Witness Details

1. Witness willing to be contacted?  No  Yes

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Surname: \_\_\_\_\_

House no./name: \_\_\_\_\_ Street: \_\_\_\_\_

Town: \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact number: \_\_\_\_\_ e-mail: \_\_\_\_\_

Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Sex:  Male  Female

Ethnicity: \_\_\_\_\_ Preferred Language: \_\_\_\_\_

Nationality: \_\_\_\_\_

preferred contact method:  E-mail  Phone  Letter

2. Witness willing to be contacted?  No  Yes

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Surname: \_\_\_\_\_

House no./name: \_\_\_\_\_ Street: \_\_\_\_\_

Town: \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact number: \_\_\_\_\_ e-mail: \_\_\_\_\_

Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Sex:  Male  Female

Ethnicity: \_\_\_\_\_ Preferred Language: \_\_\_\_\_

Nationality: \_\_\_\_\_

preferred contact method:  E-mail  Phone  Letter

**9** What outcome would you like from this report?

Support from.....  The 'Voice' Care Service  Northampton Rights Equality Council (NREC)

Contact from the organisation taking the report

Refer to Police for them to make initial contact

Record for information only

10

**Action log**

**FOR OFFICIAL USE ONLY**

Officer reporting: \_\_\_\_\_ Organisation: \_\_\_\_\_

Contact number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Log/Ref. Number: \_\_\_\_\_

Referred to the Police?  No  Yes If yes, on what date? \_\_\_\_\_

Date	Officer Completing	Action

11 **Further Offender Details**  Known  Not known

Title: \_\_\_\_\_ First name: \_\_\_\_\_ Surname: \_\_\_\_\_

House name/no.: \_\_\_\_\_ Street: \_\_\_\_\_

Town: \_\_\_\_\_ Postcode: \_\_\_\_\_

Contact Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Age: \_\_\_\_\_ Sex:  Male  Female

Ethnicity: \_\_\_\_\_ Nationality: \_\_\_\_\_

Description: \_\_\_\_\_

Vehicle details (make/model/colour/index): \_\_\_\_\_