



Nottinghamshire County Council
Hate Crime Draft Policy Statement & Guidance

November 2015

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1. INTRODUCTION

In Nottinghamshire we will not tolerate any form of hate crime. Everyone who visits, lives or works in Nottinghamshire has the right to be treated with dignity and respect and live without fear or discrimination. Nottinghamshire County Council (NCC) recognises the seriousness of Hate Crime in all its forms and its impact on the victim/s and community. NCC has signed up to the 'No to hate!' pledge (see Appendix C).

This document sets out NCC's Policy on the reporting, recording and response to Hate Crime and covers reports provided by service users and from NCC employees who either witness or are subject to a Hate Crime based primarily on one or more of the following:

- Race/ethnicity and nationality;
- Gender or gender identity;
- Disability;
- Religion, faith or belief;
- Sexual orientation;
- Age;
- Appearance/lifestyle;
- Marriage and civil partnership;
- Pregnancy and maternity.

2. AIM AND PURPOSE

The County Council has a duty to act positively to create and promote access to services to all citizens, irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, ethnicity/culture, religion or belief, gender or sexual orientation.

The purpose of this Policy is to:

1. Raise awareness within NCC of what a Hate Crime is and why reporting is important.
2. Provide guidance to all employees on how to respond to a Hate Incident they witness or are subject to, and the procedure to follow. To ensure that all such incidents are reported and are dealt with promptly, appropriately and effectively.
3. Raise awareness across Nottinghamshire to encourage users of NCC services to report the incident and ensure they have confidence in the response received, regardless of who in the Council they report it to.
4. To improve the response to a hate incident to ensure any victims or witnesses are supported appropriately and individuals' needs are met.

5. Provide a consistent approach across NCC for recording, reporting, investigating and monitoring a hate incident; including triggering a multi-agency approach.
6. Ensure that hate incidents are proactively identified, managed and challenged within the NCC.
7. Ensure that hate incidents are properly recorded to build up a complete picture of hate incidents within NCC operations.
8. Ensure NCC and Partner resources are targeted appropriately, and to improve community cohesion.
9. Ensure that how we tackle hate crime is linked into NCC's commitment under the Public Sector Equality Duty to eliminate discrimination, promote equality of opportunity and foster good relations through our Strategic Plan and our core value of 'treating people fairly'.

3. SCOPE OF THE POLICY

This Policy is intended to provide guidance relating to:

- victims
- witnesses
- any third parties (e.g. trade unions) representing victims and witnesses

The Policy relates to any Hate Crime occurring:

- on NCC premises;
- during the delivery of a service by NCC;
- during the delivery of a service on behalf of NCC;
- within the community that a member of the public wishes to report.

In order to ensure employees know what to do and how to respond when:

- they are a victim of a hate incident, have witnessed a hate incident (by another NCC employee or member of the public) or told about an incident from an employee or member of the public (third party) who do not want to report it themselves.
- a resident or visitor to Nottinghamshire wants to report to the Council that they are the victim of a hate incident, they have witnessed a hate incident or are told about an incident from someone who does not want to report it themselves.

Also, in order to ensure managers know what to do when an employee is a victim of a hate incident.

The Policy gives due regard to other existing policies of NCC including:

- Harassment Complaints Procedure;
- Disciplinary Procedure (including Appendix B - Code of Conduct);
- Corporate Health & Safety Policy;
- Equality Policy;
- Grievance Procedure;
- Safeguarding vulnerable adults and children's policies and procedures.

The Council operates a Code of Conduct which stipulates employees who fail to adhere to the Code may be subject to disciplinary investigation and action. Therefore, if an allegation of a hate crime is believed to have been perpetrated by one employee or employees against another employee(s) or service user(s), this will be addressed by the appropriate existing Human Resources Policy and not the Hate Crime Policy. See section 7.3 for further information.

4. **DEFINITION: *What is a Hate Crime?***

Nottinghamshire Police define Hate Crime as **(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.**

A crime is deemed as Hate Crime when it is committed against a person or property and it is motivated by the offender's prejudice against a person because of their protected characteristic and also other aspects of their life and character which give rise to criminal actions based on prejudice and hostility. Prejudice can be based on:

- Race/ethnicity and nationality;
- Gender or gender identity;
- Disability;
- Religion, faith or belief;
- Sexual orientation;
- Age;
- Appearance/lifestyle;
- Marriage and civil partnership;
- Pregnancy and maternity.

Types of behaviour which could be classed as Hate Crimes are listed below: (this list is not exhaustive)

- Verbal abuse;
- Threatening or abusive behaviour towards any person;
- Harassment;
- Damage or threats of damage to property (including arson);
- Writing threatening, abusive or insulting messages by letter, graffiti or on social media;
- Distributing and or displaying racist leaflets, posters or notifications and posts on social media (Twitter, Facebook etc.);

- Physical assault;
- Jokes/'banter';
- Malicious phone calls or text messages;
- Bullying at school/college or in the workplace.

5. THE IMPACT OF HATE CRIME

Anyone can be a victim of a Hate Crime. Hate Crime can cause a person to feel humiliated, embarrassed or angry. Repeated episodes may lead to severe distress, making life intolerable; in extreme circumstances they can cause death or injury and will almost certainly cause stress, ill health and fear. They can create a climate of fear and can stop people from taking part in everyday life. Incidents of Hate Crime are not only significant for an individual, family or group; they have widespread implications for the whole community.

6. WHY IS IT IMPORTANT TO REPORT HATE INCIDENTS?

NCC wants everyone to feel safe at home, at work or school/college and during the course of their day to day living. Only by recording incidents can we build up a picture of hate incidents and do something about them. We also want to ensure victims and witnesses are supported and appropriate action is taken.

7. ROLES AND RESPONSIBILITIES

7.1 All employees

Employees who work for (or who are contracted to work for) NCC have a responsibility under this Policy when carrying out their duties to record and report and/or challenge Hate Crime if they:

- witness them (this includes seeing, hearing or reading them)
- have incidents reported to them by victims or witnesses
- have strong suspicion or evidence of a Hate Crime

All employees must recognise the importance of dealing effectively with incidents of Hate Crime. All employees are responsible for ensuring positive action is taken on receipt of an allegation of Hate Crime. This includes recording full and accurate details on the NCC Hate Crime Report Form (Appendix A).

In recording, reporting and challenging incidents, employees should pay due regard to their own health and safety, particularly if working off site and/or alone. (Please refer to NCC's Health and Safety Guidance on Lone Working.)

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If the complaint is identified as being criminal in nature it should immediately be reported to the Police for them to follow up and

investigate. In these circumstances, any collection of evidence should only be carried out by the police officer in charge of the investigation.

Employees should be aware that

- A case could be made stronger by evidence from a number of witnesses about one alleged perpetrator. Therefore, details of what may appear to be minor incidents should be fully recorded.
- Not all incidents are manifestly hate related, for example, arson, graffiti, damage to cars and other property. Due consideration should always be given to whether hate or prejudice could be a motivating factor or underlying issue in such incidents.

Employees who believe that they have been the victim of a Hate Crime committed by a member of the public while carrying out their duties should report the incident to their line manager who will support the employee as set out in section 7.2 of this Policy.

7.2 Managers

An employer is potentially liable for the welfare and conduct of its employees. NCC is committed to creating a harassment free environment and has a legal and moral responsibility to protect and support employees who may be subjected to Hate Crime from members of the public, other agencies with whom they engage on behalf of the Council or other employees.

An employee or service user may have a strong case of unlawful discrimination against NCC if it can be shown that alleged Hate Crime(s) were not investigated or remedied. Managers should take all reasonable steps to try to prevent discrimination and to ensure employees and service users are protected.

As a provider of services NCC recognises it has a responsibility to protect and support service users; this includes ensuring that any contracts offered for tender encourage those carrying out services on behalf of NCC to adopt the same approach to dealing with Hate Crime.

Although it is the responsibility of all employees to report and challenge episodes of Hate Crime, management have a specific responsibility to ensure that they do everything they can to support and protect service users/employees from intimidation and harassment.

Managers therefore have additional responsibilities under this Policy to:

- Ensure that employees understand the Policy and procedure for recording and reporting Hate Crime;
- Make new staff aware of the Policy and procedures as part of their induction programme;

- Ensure that information on Hate Crime is accurately recorded and reported on the Hate Crime report form (appendix A);
- Put in place a process to review and discuss Hate Crime and its resulting implications both within their service and across the council
- Ensure that line managers are able to support employees who are affected and advise them on the actions that can be taken to support complainants in taking action against alleged perpetrators.

In terms of service delivery, Managers have additional responsibilities under this Policy to:

- Clearly state to members of the public who harass employees or other service users due to a protected characteristic that their behaviour will not be tolerated;
- State that the service may be withdrawn, if necessary and appropriate, in order to protect employees and other service users;
- Invoke NCC's Health & Safety Policy as appropriate;
- Support and advise employees who experience Hate Crime from service users, by protecting them and by offering assistance where needed including reporting the incident on the Appendix A form;
- Ensure that all complaints of Hate Crime are taken seriously and investigated as quickly and as effectively as possible and/or referred to Nottinghamshire Police for investigation;
- Make employees who are the subject of a Hate Crime aware of the support available including the Council's confidential counselling service, Occupational Health service and Trade Union support;
- Make employees who are the subject of a Hate Crime aware of the NCC's stance and where appropriate formal action will be taken against members of the public/perpetrators such as injunction or disciplinary action to prevent a reoccurrence.

7.3 Perpetrators of Hate Crime

Nottinghamshire County Council recognises that both victims and perpetrators of Hate Crime may be working for NCC.

Hate Crime perpetrated by employees will not be tolerated under any circumstances and it may be necessary to share relevant information about the issues occurring with partner organisations.

In cases where both the victim and the perpetrator work in the organisation, NCC may take action where appropriate, following an appropriate investigation to ensure that the victim and perpetrator do not come into contact with each other in the workplace. However, the needs to the service must always be balanced with the needs of the individuals concerned. Managers are therefore advised to discuss individual cases such as these with their HR Business Partner.

7.4 Training

Nottinghamshire County Council will ensure that all employees are aware of this Policy and the role they play in reporting and recording Hate Crime through use of e-learning modules and other appropriate materials. Managers will make appropriate arrangements with none office based staff or staff that require additional support.

8. REPORTING AND RECORDING PROCEDURES

It is not always easy to deal with a victim's feelings after such an incident and any victims should be treated respectfully and sensitively. Evidence of an offence is not required in order for an allegation of a Hate Crime to be recorded. Perception that a Hate Crime has occurred, on the part of anyone, is all that is required.

It should be remembered that the victim or alleged perpetrator could be either an employee, service user or a member of the public.

All reported incidents should be recorded on NCC Hate Crime Report Form (Appendix A) and forwarded to the Community Safety Team.

A service user who wishes to report an incident should be able to do so in person with any officer of the Council who will fill in the Hate Crime Report Form. You should advise your Line Manager that you have received a Hate Crime Report and seek any advice or assistance from them if required.

Alternatively a service user may report a Hate Crime by telephone or by completing and submitting the Council's Hate Crime Report form to the Community Safety Team either by hand, online or through the post.

An employee may wish to report the incident through their line manager or can do so directly to the Community Safety Team. If the incident is not disclosed to the line manager directly, the employee will be asked by the Community Safety Team to do so. The Community Safety Team will not inform the line manager unless expressly given permission to do so by the employee, except if there are safeguarding or duty of care implications for service delivery.

It is important to take a customer centred approach to gathering information. The Community Safety Team will refer to the consent section on the form whether they can contact the victim/witness/reporting person to follow up the report. If so, the complainant will be asked about what they want, before any further action is taken upon NCC receiving the completed Hate Crime report, again with consent.

Therefore not every complaint will necessarily lead to action. The victim, witness or third party may want to report the incident purely as a record which will assist with building up a picture of the reality of hate crime taking place in the course of Nottinghamshire County Council's operations.

Normal safeguarding procedures should be adhered to. If there are any immediate concerns regarding children or vulnerable adults, please refer to the NCC's Safeguarding Policy available on the intranet. (Include a link here)

If there is any uncertainty over reporting an incident of Hate Crime, please contact the Community Safety Team for further guidance.

In the event of Hate Crime being reported which is not about NCC services the report should still be taken. The person reporting will be advised that this information can be passed to the appropriate organisation including the Police (with their permission) and advised they may wish to contact the relevant agency directly.

9. ROLE OF THE COMMUNITY SAFETY TEAM

In order to ensure that the Council is meeting its legal liabilities reports of Hate Crime must be referred to the Community Safety Team who will:

- Acknowledge all Hate Crime reports as early as possible upon receipt if there is consent on the form, or to the employee that has submitted the form to confirm safe delivery;
- Ensure that all incidents which are criminal in nature are referred to the Police (where there is informed consent or a vulnerability concern);
- Ensure that all other incidents are recorded and appropriately investigated and case managed (with consent) and recommend the action to be taken following completion of the investigation;
- Ensure that if an alleged perpetrator is an employee of NCC then consultation must be made with NCC HR Team/Local Authority Designated Officer (LADO) immediately;
- Provide advice and signposting to appropriate support services to people experiencing Hate Crime;
- Where appropriate, ensure that victims are referred to other agencies;
- Provide reports for any relevant forums;
- Share good practice when dealing with Hate Crime including with partner agencies.

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If there is no consent detailed on the form and safeguarding or vulnerability is not highlighted, the information will be used for monitoring purposes only

10. VICTIM CARE

In order to protect victims, a Health and Safety Risk Assessment will be completed in cases of Hate Crime reported to NCC (with consent provided) and investigated by the Community Safety Team. This will ensure that incidents which may at first sight appear to be low level, take account of the impact upon the victim when deciding on the action to be taken.

In cases where the risk is assessed as 'high' a referral will be made to the Community Safety Partnership's Vulnerable Persons Panel known as 'VPP'. This is a multi-agency forum where all information relevant to the case will be shared with partners to agree the most appropriate response, responsibilities and actions.

The purpose of the VPP meeting is to share information to increase the safety, health and wellbeing of victims and witnesses of Antisocial Behaviour and Hate Crime.

11. TRUE VISION

In Nottinghamshire, True Vision provides a 24 hour third party online reporting service for witnesses and victims of Hate Crime. This reporting service is independent of NCC and the police and information will only be passed to the police if the caller wishes for this to be done on their behalf.

True Vision can be contacted online: details are provided at Appendix B.

12. GLOSSARY OF TERMS

Biphobia	Fear and dislike for people who identify themselves as bisexual. A biphobic incident is any incident that is perceived to be biphobic by the victim or any other person.
Disability	A physical, mental or sensory impairment that has substantial and long term adverse effect on a person's ability to carry out day to day activities.
Gender	Refers to male, female or transgender people.
Homophobia	Fear and dislike for people who identify themselves as lesbian, gay or bisexual. A homophobic incident is any incident that is perceived to be homophobic by the victim or any other person.
Protected Characteristics	<p>The term protected characteristics is used in the Equalities Act 2010 to describe the following:</p> <ul style="list-style-type: none"> • Age • Disability • Gender reassignment • Marriage and Civil Partnership • Pregnancy and Maternity • Race • Religion or belief

	<ul style="list-style-type: none"> • Sex • Sexual Orientation
Racially and religiously aggravated crime	Those offences are where the offender demonstrates hostility towards the victim of the offence, based on the victim's membership of a racial or religious group; OR where the offenders are motivated by hostility towards members of racial or religious group based on their membership of that group.
Racism	In general terms consists of conduct or words or practices which disadvantage or advantage people because of their colour, culture or ethnic origin.
Racist Incident	Any incident that is perceived to be racist by the victim or any other person.
Religion	Refers to faith and worship of religious groups and includes people with no religious belief.
Third party reporting	Any crime or incident that is reported by someone other than the victim directly to the police or indirectly to an organisation which has agreed to act as a third party reporting centre.
Transphobia	Fear and dislike for people who identify themselves as transgender. A transphobic incident is any incident that is perceived to be transphobic by the victim or any other person.
Transgender	<p>A generic term to include anyone whose gender identity does not conform to their physical sex or who may adopt a gender role, either full or part time, that does not conform to their physical sex. Consequently it includes;</p> <ul style="list-style-type: none"> • Transsexual people – those who have chosen to adopt the gender role opposite to their physical sex on a permanent basis • Transvestites – those who wear clothing appropriate to the opposite sex, normally on an intermittent basis.

13. APPENDICES

Appendix A: Hate Crime Report Form

1. ABOUT THE VICTIM

First name(s) _____

Surname _____

Address _____

Telephone Number _____

Email _____

Workplace and Team _____

Age _____ Ethnicity _____

Religion/belief _____

Sexual Orientation _____

First language _____

2. ABOUT THE INCIDENT

Are you the (please tick one)?:

Victim ☐ Witness ☐ Third Party ☐

If you are NOT the victim what is your relation to the victim?

Details of the incident (please give as much information as possible)

Time _____ Date _____ Location _____

Details of the incident:

What sort of incident was it? (Please tick all that apply)

Verbal abuse	<input type="checkbox"/>	Physical assault	<input type="checkbox"/>	Criminal damage	<input type="checkbox"/>
Harassment	<input type="checkbox"/>	Phone call	<input type="checkbox"/>	Email	<input type="checkbox"/>
Bullying	<input type="checkbox"/>	Social media	<input type="checkbox"/>	Theft/robbery	<input type="checkbox"/>
Threat/intimidation	<input type="checkbox"/>	Discrimination at work	<input type="checkbox"/>	Arson	<input type="checkbox"/>
Graffiti	<input type="checkbox"/>	Written abuse	<input type="checkbox"/>		
Other	<input type="checkbox"/>				
Details if Other					

3. ABOUT THE PERPETRATOR

Details of the perpetrator – please supply as much information as possible.

First name(s) _____

Surname _____

Address _____

Telephone Number _____

Email _____

Workplace and Team

Age _____ **Ethnicity** _____

Religion/belief _____

Sexual Orientation _____

First language _____

If perpetrator has disability details please: _____

Any other details

Has this incident been reported to anyone else? Details please:

Has a similar incident happened before?

Yes ☐ **No** ☐

Details:

4. DETAILS OF ANY WITNESS OR THIRD PARTY (NOT THE VICTIM)

First name(s)_____

Surname _____

Address _____

Telephone Number _____

Email _____

Workplace and Team

APPENDIX B

Support Services & Useful Information

Victim Support	www.victimsupport.org.uk	0845 30 30 900
Crimestoppers	www.crimestoppers-uk.org	0800 555 111
True Vision	www.report-it.org.uk	0800 138 1625
Nottinghamshire Police	www.nottinghamshire.police.uk	101
NCC Community Safety Team	safercommunities.cc@nottsc.gov.uk	0115 9774879

Equality Act 2010 information

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf

Gender Reassignment information

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85024/vcs-gender-reassignment.pdf

Homophobia and Transphobia information

<https://www.cps.gov.uk/publications/prosecution/homophobia.html>

APPENDIX C

NOTTINGHAMSHIRE COUNTY COUNCIL HATE CRIME PLEDGE

In Nottinghamshire we recognize that everybody has a role to play in tackling hate and discrimination and in promoting communities which are safe for all.

By signing this pledge, we are committing ourselves and the organisations for which we work, whether they are from the statutory, voluntary, community or private sectors, to create a Nottinghamshire that says ‘No to Hate!’.

Say ‘No to Hate!’ Organisational Pledge

I pledge on behalf of Nottinghamshire County Council that we will:

- Tackle prejudice and stop those who, because of hate or ignorance, would hurt anyone or violate their dignity
- Be aware of our own prejudices and seek to gain understanding of those who we perceive as being different from ourselves
- Speak out against all forms of prejudice and discrimination
- Reach out to support those who are targets of hate
- Share information about hate crimes that come to our attention with the Safer Nottinghamshire Board Hate Crime Steering Group to contribute to creating a better picture of hate crime in the County and City
- Ensure that our policies and procedures deal effectively with hate crime or incidents that occur, whether against members of the public or staff or between employees in the workplace
- Think about specific ways our organisation and all those who work for us can promote respect for all people and make Nottinghamshire a place where people feel safe
- Train all our staff to be aware of hate crime issues and how to respond appropriately to victims who report incidents
- Implement policies that promote diversity and equality and challenge all forms of discrimination.

I know that I can make a difference and that everyone within my organisation has a part to play in achieving equality and social justice.

By signing this pledge, I commit myself to leading my organisation in the steps that will ensure we create a Nottinghamshire that says ‘No to Hate!’