

Hate Crime Policy

Context

1. The Nottinghamshire County Council Strategic Plan 2014 - 2018 commits to a core value of treating people fairly and a strategic priority of supporting safe and thriving communities.
2. This policy sets out the County Council's commitment to tackling Hate Crime and how it will support this through its decision making, service delivery and by the actions it will develop to implement the Policy.
3. NCC recognises the seriousness of Hate Crime in all its forms and its impact on the victim/s and community and has committed to the 'No to hate!' pledge (Appendix A).
4. NCC 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.
5. NCC 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.

Scope of this policy

6. This Policy is relevant to:
 - Victims;
 - Witnesses;
 - any third parties (e.g. trade unions) representing victims and witnesses.
7. 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.
8. Associated guidance will ensure NCC 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 NCC 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;
 - managers know what to do when an employee is a victim of a hate incident.

9. The Policy gives due regard to other existing NCC policies and procedures including:

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

10. NCC 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.

Principles and Commitments

11. The purpose of this Policy is to:

Raise awareness within NCC of what a Hate Crime is and why reporting is important.

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.

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.

To improve the response to a hate incident to ensure any victims or witnesses are supported appropriately and individuals' needs are met.

Provide a consistent approach across NCC for recording, reporting, investigating and monitoring a hate incident; including triggering a multi-agency approach.

Ensure that hate incidents are proactively identified, managed and challenged within the NCC.

Ensure that hate incidents are properly recorded to build up a complete picture of hate incidents within NCC operations.

Ensure NCC and Partner resources are targeted appropriately, and to improve community cohesion.

Ensure that how NCC tackles 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 the NCC Strategic Plan 2014 – 2018 and the core value of 'treating people fairly'.

What is a Hate Crime?

12. 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.
13. 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.

14. 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.

The Impact of Hate Crime

15. 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.
16. 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.

Key actions to meet the commitments set out in the policy

Reporting Hate Incidents

17. 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 NCC build up a picture of hate incidents and do something about them. NCC also wants to ensure victims and witnesses are supported and appropriate action is taken.
18. NCC has a separate, associated, procedure for the reporting by employees of Hate Crime, including those who:
 - 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.
19. 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.

Independent reporting of Hate Crime

20. For those who wish to report Hate Crime but prefer not to contact NCC or the Police Service an independent 24 hour third party online reporting service for witnesses and victims of Hate Crime is provided by True Vision. 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.

Training

21. NCC 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.

Victim Care

22. 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 Council. 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.
23. 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.
24. 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.

GLOSSARY OF TERMS

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| 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 | The term protected characteristics is used in the Equalities Act 2010 to describe the following: Age; Disability; Gender reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or belief; 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 | 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; 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. |

APPENDIX A

NOTTINGHAMSHIRE COUNTY COUNCIL HATE CRIME PLEDGE

In Nottinghamshire we recognise 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!'