

Hate Crime and Incident Policy and Procedures



NORTHAMPTON
BOROUGH COUNCIL

Hate Crime & 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 ensuring victims/witnesses are spoken to, appropriate action is taken and the Hate Incident Reporting form is completed. 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 Northampton Borough 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

Northampton Borough Council is fully committed to tackling all hate incidents based on people's race, religion, disability, gender, gender identity 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 others persons it comes into contact with.

This policy should be read in conjunction with the Corporate Equalities Policy/Single Equality scheme and the Dignity at Work Policy.

3. Responsibilities

3.1 Employees

Employees who work for (or are contracted to) Northampton Borough 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 safety, and that of others they are responsible for when reporting and challenging a crime or incident.

3.2 Nominated Co-ordinators

Hate Crime/Incident Co-ordinators are to be nominated by each service. They will be responsible for receiving reports of all Hate Crimes or Incidents within their service area. Where there is a report that an employee's safety is at risk, the co-ordinator must inform the employee's Line Manager immediately. Nominated Co-ordinators will also be responsible for ensuring that appropriate action has been made in response to reported hate crime or hate incident and that HIF1 has been completed for each crime or incident.

3.3 Community Safety Manager

The Community Safety Manager has responsibility for monitoring trends and patterns, monitoring the standard of online reporting and levels of action taken. In general, the Community Safety Manager has responsibility for overseeing the operation of the Hate Crime Policy.

The Community Safety Manager also 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 Safety Team.

3.4 Line Managers and Heads of Service

Line Managers have a specific responsibility to intervene and diffuse 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/s are aware of the Hate Crime and Incident Policy, and that they adhere to it. Directors and Heads of Service 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.

3.5 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, hostility or hate towards a persons race or/and religion, belief, gender, transgender, disability, age or sexual orientation. (Association of Chief Police Officers)

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 defined as any hate incident which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice, hostility or hate towards a person's race or/and religion, belief, gender, transgender, disability, age or sexual orientation. (Association of Chief Police Officers)

4.4 Examples of Hate Incidents

Hate incidents can consist of: verbal abuse or insults e.g. detrimental comments, abusive language and "jokes" relating to race or/and religion, belief, gender, transgender, disability, age or sexual orientation; insulting gestures, abusive telephone calls, offensive leaflets and posters.

5. Implementation and Communication

Heads of Service are responsible for communicating this policy and procedures to employees at team meetings at appropriate intervals. This policy and procedure is available on the Northampton Borough Council 'intranet'.

6. Training and Awareness

Prominent and regular communication, training and awareness 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:

- Training and awareness programmes for frontline staff and nominated co-ordinators
- Posters
- Items on notice boards
- Policy, procedures and information available on the internet and intranet
- Inclusion in briefing meetings

7. Monitoring, Review and Evaluation

This policy will be monitored and reviewed every two years or earlier if necessary by the Community Safety 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 Safety Manager.

Procedures for reporting a Hate Crime or incident

8. Non-Victim Hate Incident

Example: 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 should be made aware of the Council's position on this by the witnessing officer, and will be given advice by the Nominated Co-ordinator in writing within 5 days of the incident. This should include Northampton Borough Council's position of not tolerating discriminatory behaviour, the implications of behaving in such a manner, and how to make a complaint in an appropriate manner.

8.2 Reporting the incident

Even though there is no 'victim' in this incident, a formal report of the incident and the advice given or action taken should be made via the online electronic Hate Incident Reporting form (HIF1) by the Officer witnessing or receiving the complaint. The Nominated Co-ordinator will automatically receive a flag on his system informing them that an incident has been reported. The nominated co-ordinator will monitor to ensure appropriate action has been taken and will enter any further details onto the HIF1. The Community Safety Manager will also automatically receive electronic notification of any reports/amendments. 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. It will also allow statistics to be sent to the Police for wider analysis and to fulfil our obligations in terms of reporting.

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 committed against them by an employee, an online HIF1 should be completed by the receiving officer which will automatically flag the issue to the areas Nominated Co-ordinator. If it is a crime then it should be reported to the Police at first contact.

9.11 Receiving the report

In relation to an incident, the Nominated Co-ordinator must respond within 2 working days to the complainant in order to take details or arrange an appointment with the complainant. The Nominated Co-ordinator should listen carefully to the Customer and make any amendments to the initial HIF1 that was completed. The Nominated Co-ordinator should also ascertain if the Customer wishes to receive further support from Victim Support.

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 Dignity at Work Policy and Procedure.

9.12 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) including any action taken

9.13 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.

9.14 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.

9.2 Reporting of incident

The Nominated Co-ordinator must listen carefully to the Employee and complete a HIF1. The Nominated Co-ordinator should also ascertain if the Employee

wishes to receive further support from Victim Support, HR or the CIC programme. If it is a crime and the employee wants Police involvement then it should be reported to the Police immediately.

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 Dignity at Work Policy and Procedure.

9.21 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) including any action taken

9.22 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 Dignity at Work Policy and Procedure will now be instigated.

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, gender, sexuality or gender identity.

10.1 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 by the victim or the victims representative to the Nominated Co-ordinator for that service area, and reported to the Police if requested. The Co-ordinator will complete an online HIF1 including any action taken including a referral to Victim Support if required.

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 will be withheld should they continue to address a service area in an inappropriate way.

10.11 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).

10.12 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) including any action taken and should be updated as to any action to be taken.

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 an online HIF1. The Nominated Co-ordinator should also ascertain if the Employee wishes to receive further support from Victim Support, HR or the CIC Programme. The incident must be reported to the Line Manager immediately.

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

11. Incidents reported to the Council

Where a member of the public wishes to report a Hate Incident or crime that occurs outside of Council premises that does not involve an Employee, the person receiving the report will complete an online HIF1. This form should detail any action taken by the receiving officer (for example if a member of the public reports offensive graffiti, the receiving officer should contact the graffiti removal hotline at that time to minimise the time the graffiti remains). The online form will automatically be forwarded to the Nominated Co-ordinator who will then contact any other department or partner agency they feel relevant who could assist or address the effect or cause of the incident. If it is requested that the police be involved then the Police should be contacted immediately. The Nominated Officer should inform the reportee in writing within 5 days of the report being made with a copy of the completed HIF1 including any action taken

11.1 Hate Incidents witnessed by employees of the Council

If during the course of their duties, an officer employed, or subcontracted by Northampton Borough Council witnesses a Hate Incident they should use common sense and care so as not to put themselves or others in any danger when deciding to take any action. If a crime is witnessed, permission should be obtained from the victim prior to reporting to the Police.

However, all incidents should be reported by completing the HIF1 including any action taken, such as reporting the incident to a relevant department where for example the incident relates to graffiti.

11.2 Non-office based workers

It is accepted that some workers will not be in a position to have access to the online HIF1 or a PC. In these instances when returning to base after witnessing a hate incident or crime these employees should complete an Initial Hate Incident reporting form (appendix c). This form should be completed, including any action taken, and should be submitted to their Nominated Co-ordinator. The Nominated Co-ordinator should then complete the standard online HIF1 with assistance from the witnessing officer if necessary. It should include any further action taken such

as contacting another department or agency who could assist in addressing the effect or cause of the Incident

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

Appendix A: Equality Law

Overarching legislation – Equality Act 2010

Specific Legislation

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 2000; 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

Appendix B

Hate Incident Reporting Form

HIF1

MAG Ref:

Agency Ref:

Nature of Incident:

Race Disability Homophobic Transphobic and Religious Belief

Agencies should indicate that all sections of this form have been considered.

1. Reporting Agency _____
2. Contact Person _____ 3. Telephone No. _____
3. Dates and Time of Incident _____
4. Date and Time of report to agency _____
5. Location of Incident _____
6. Who is alleging or believes this is a Hate incident? (Please tick)

VICTIM(S)		AGENCY CONTACT PERSON	
WITNESS		OTHER (Specify):	

8. Brief description of incident (Please tick)

VERBAL ABUSE/THREATS	<input type="checkbox"/>	PHYSICAL ATTACK/FIGHT	<input type="checkbox"/>
GRAFFITI/CRIMINAL DAMAGE	<input type="checkbox"/>	LEAFLETS/POSTERS	<input type="checkbox"/>
OTHER (please specify):			

9. Brief description of incident and action taken by reporting agency:

10. Reporting actions:

Other agencies already notified: _____

(with contact name if possible) _____

Reports to other agencies agreed: _____

(with contact name if possible)

With client's agreement _____

The information that has been provided may be shared with other agencies

With client's agreement _____

Monitoring record only:

(i.e. victim insists on "No Further Action" - tick box;
if there is any doubt do not tick this box)

11.

NAME(S) OF VICTIM(S) (if known)	AGE (approx)	GENDER	ADDRESS	TEL.No.	ETHNIC ORIGIN (*)

NAME(S) OF PERPETRATORS	AGE (approx)	GENDER	ADDRESS	TEL.No.	ETHNIC ORIGIN (*)

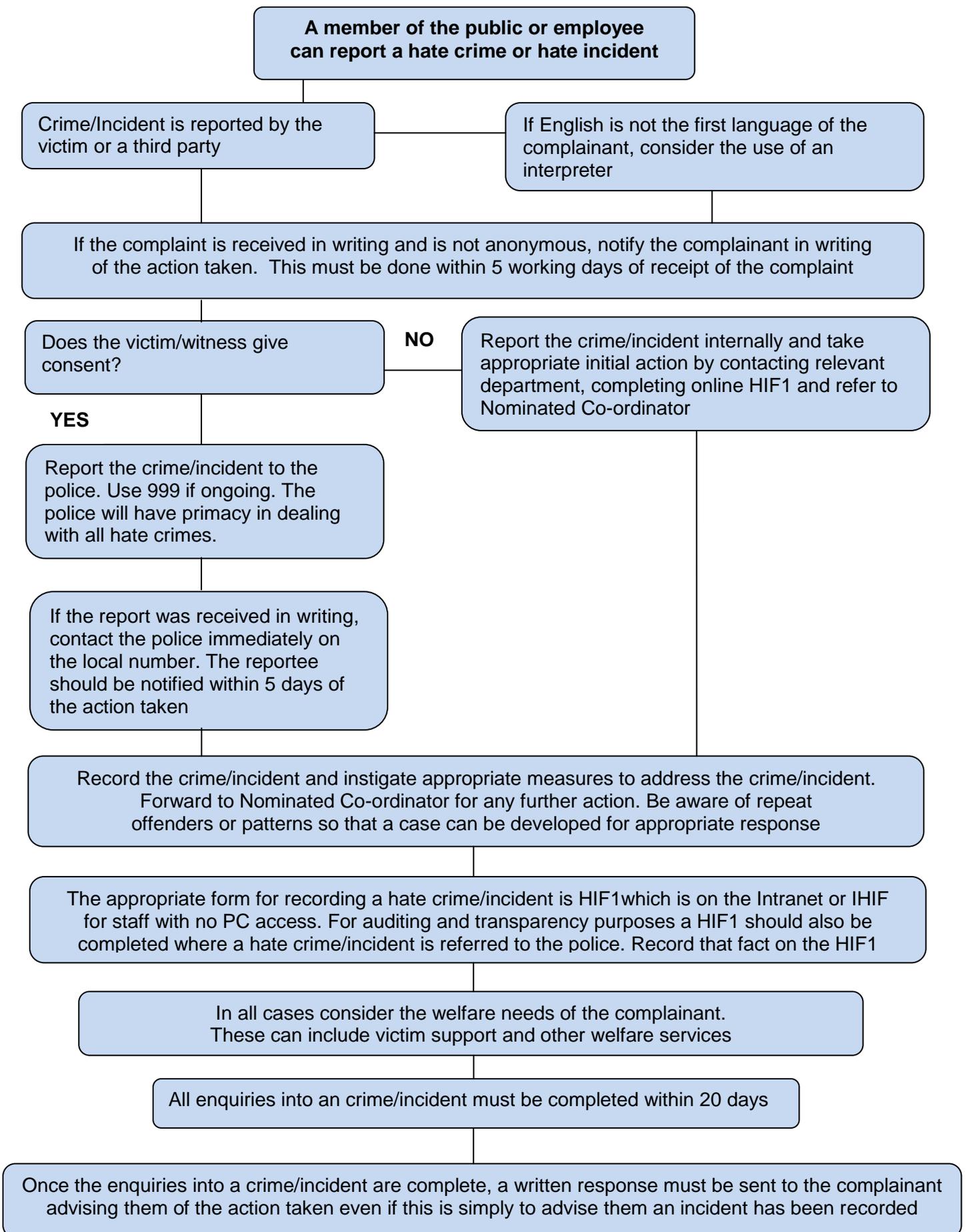
NAME(S) OF WITNESSES	AGE (approx)	GENDER	ADDRESS	TEL.No.	ETHNIC ORIGIN (*)

12. Signed: _____ Date: _____

ETHNIC ORIGIN CODES:

White British	W1	Black Caribbean	B1
White Irish	W2	Black African	B2
White Other	W9	Black Other	B9
Indian	A1	Dual Heritage (White/ Black Caribbean)	M1
Pakistani	A2	Dual Heritage (White/Black African)	M2
Bangladeshi	A3	Dual Heritage (White/Asian)	M3
Asian Other	A9	Dual Heritage Other	M9
Chinese	O1	Gypsy/Traveller	O2
Other ethnic origin: Please specify			O9

Appendix D – Flow Chart on how to respond to a Hate Crime or Incident



Appendix E – Useful Contacts

- Police – Tel: 101
Hate crime webpages: <https://www.northants.police.uk/#!/HateCrime/5629>
- Community Safety Manager – Tel: 01604 838731
- ‘Voice’ victims & witness service – Tel: 0300 303 1965
- Northamptonshire Racial Equality Council – Tel: 01604 400808
- Graffiti Removal – northampton.go.uk/graffiti-removal