



Broxtowe Borough Council Hate Crime Policy 2023

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1.0 Introduction and Context

Every year, tens of thousands of people in Britain suffer prejudice because of their identity or perceived 'difference'. This can include acts of physical violence, as well as forms of harassment such as being spat at, being called an abusive name and being threatened. Hate crime is a criminal offence and affects all kinds of people from all walks of life. It can cause enormous damage to victims, to their families and friends and to wider communities.

Broxtowe Borough Council's (the Council's) vision for the Borough is that it "A greener, safer, healthier Borough, where everyone prospers"

Community Safety is one of the Council's priorities "Community Safety – A safe place for everyone"

This policy sets out the Council's commitment to tackling hate crime and hate incidents and how it will support this through its decision making, service delivery and by the actions it will develop to implement the policy.

The Council recognises the seriousness of hate crime in all its forms and its impact on the victim/s and community.

The Council will not tolerate any form of hate crime. Everyone who visits, lives or works in Broxtowe has the right to be treated with dignity and respect and live without fear or discrimination.

The 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.

2.0 Definitions of Hate Crime

Police and the Crown Prosecution Service have agreed a common definition of hate crime. A hate crime is *"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."*

There is no legal definition of "hostility" so the everyday understanding of the word is used which includes all ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment, and dislike.

The definition of a hate incident is *"A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender."*

Hate incidents can feel like crimes (although no crime has been committed) to those experiencing them. For example, a launderette refuses to let a member of the gypsy or travelling community use their facilities.

“Mate crime” is the term used for a relatively new phenomenon where vulnerable people (e.g. elderly people or those with learning disabilities) are befriended and then taken advantage of. Mate crime is not a nationally monitored category but is most likely to be included under disability 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 hatred. All hate crime and hate incidents reported to the Police in Nottinghamshire are given a crime occurrence number but are categorised separately as “crime” and “non-crime” dependent on the circumstances of each incident.

Nottinghamshire Police record misogyny as a separate category of hate crime. The designation of misogyny as a hate crime is supported by Broxtowe Borough Council.

As detailed above, hate crimes and hate incidents are motivated by prejudice or hate. Prejudice can be based on:

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

3.0 Types of hate crime

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.

In terms of recording by the Police, there are five centrally monitored strands of hate crime. They are:

- race or ethnicity
- religion or beliefs
- sexual orientation
- disability
- transgender identity

4.0 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.

5.0 Policy Scope

This policy is relevant to:

- Victims
- Witnesses
- Any third parties (e.g. trade unions) representing victims and witnesses.

The policy relates to any hate crime or hate incident occurring:

- On Council premises
- During the delivery of a service by the Council
- During the delivery of a service on behalf of the Council
- Within the community that a member of the public or employees wishes to report.

The policy gives due regard to other existing Council policies and procedures including:

- Grievance Policy
- Anti-bullying and Harassment Policy
- Disciplinary Policy
- Health & Safety Policy
- Equality and Diversity Policy
- Whistleblowing Policy
- Safeguarding Adults Policy
- Safeguarding Children Policy

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.

6.0 Policy Statement

The 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 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, residents, visitors and any other persons it comes into contact with.

The Council is fully committed to tackling all hate crimes and hate incidents by creating a culture of reporting, recording, challenging and eradication of such incidents.

7.0 Policy objectives

The objectives of this policy are to:

- Raise awareness within the Council of what hate crimes and hate incidents are 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 the Borough to encourage users of the Council's services to report any hate 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 the Council 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 Council, including the services provided.
- Provide a safe place in Council buildings open to the public where vulnerable people with learning disabilities can go if they get into trouble or feel unsafe, frightened or bullied.

8.0 Responsibilities

8.1 Police and Crime Commissioner

The Police and Crime Commissioner is responsible for setting the strategic framework of policing in the county.

8.2 Safer Nottinghamshire Board

The Safer Nottinghamshire Board is a countywide strategic group that is required under the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 to ensure the delivery of shared priorities and a community safety agreement. It supports local community safety partnerships, which were set up as statutory bodies under the Crime and Disorder Act 1998, and aims to bring together agencies and communities to tackle crime and anti-social behaviour in local areas.

The Safer Nottinghamshire Board has a series of Delivery Groups which support the Board to implement the community safety strategies. One of these is the Hate Crime Delivery Group. The work of this group includes the allocation of funding from the Police and Crime Commissioner to enable free attendance at the “No to Hate” conferences in the county.

8.3 Elected Members

Elected Members are responsible for the monitoring and review of this policy, as well as adhering to best practice, participating in relevant training and reporting any disclosure, concern, incident or allegation.

8.4 General Management Team

The General Management Team, led by the Chief Executive, will lead the authority with regard to hate crime responsibilities. The General Management Team will ensure that this policy and the associated procedures are properly implemented to ensure the Council’s duties and responsibilities with respect to hate crime are properly discharged.

8.5 Chief Communities Officer

The Chief Communities Officer is responsible for:

- Writing, reviewing, and implementing the Council’s Hate Crime Policy
- Reporting to General Management Team and Portfolio Holder for Community Safety every six months on the number of hate crime and hate incidents, training, and any changes to policy or guidance.
- Championing training and the dissemination of this policy and associated guidance across the Council.
- The Chief Communities Officer is responsible for facilitating the Complex Case Panel

8.7 Heads of Service and Senior Managers

Although it is the responsibility of all employees to report and challenge episodes of hate crime and incidents, management have a specific responsibility to ensure that

they do everything they can to support and protect service users/employees from intimidation and harassment. Other roles of officers at this level include:

- Ensure that employees understand the procedures for recording and reporting hate crime
- Make new employees aware of the policy and procedures as part of their induction programme
- Put in place a process to review and discuss hate crime and its resulting implications within their service
- 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
- 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 the Council'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
- Ensure that all complaints of hate crime and incidents 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 Council's stance that where appropriate, formal action will be taken against members of the public/perpetrators to prevent a recurrence
- Ensure 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 Policy

8.8 Human Resources Manager

The Human Resources Manager is responsible for receiving and acting on all concerns of hate crime or hate incidents allegedly being perpetrated by employees or members.

8.9 Communities Officer Equalities and Diversity

The Equalities and Diversity Assistant has responsibility for:

- Collating and producing reports on all information received relating to hate crimes and incidents.
- Receiving and acting on all reports of hate crime received by the Council
- Ensuring the effective implementation of the Hate Crime Policy throughout the Council
- Working to assess and reduce risks in relation to hate crime
- Raising awareness of hate crime amongst employees
- Establishing and maintaining effective multi-agency working with the Police, the Safer Nottinghamshire Board Hate Crime Delivery Group, other district councils, and other relevant statutory and non-statutory agencies
- Identifying and providing for employees training needs

8.10 Learning and Development Officer

The Learning and Development Officer will work with the Equalities and Diversity Assistant to source, create, and deliver appropriate training

8.11 All Employees

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

- They have a crime or incident perpetrated against them
- Witness a hate crime or incident
- Have a hate 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 a crime or incident.

8.12 Contractors and other Agencies

The Council will take reasonable care that contractors and other agencies undertaking work on its behalf are monitored appropriately. Any contractor, sub-contractor, or other agency engaged by the Council should have its own Equalities Policy.

8.13 Police

The Police will take the lead in assessing whether or not a hate crime has taken place, and the subsequent action to be taken. The Police will undertake a risk assessment in each case to establish if the victim should be referred to the Complex Case Panel. This is a multi-agency panel facilitated by the Council and will result in agencies identifying services it is appropriate for the victim to access for support.

9.0 Actions to implement this Policy

9.1 Reporting Hate Incidents and Crimes

Irrespective of whether it is a victim or a witness to a hate crime or a hate incident, the reporting mechanisms are the same and are detailed below.

9.2 On-line Reporting

An online reporting facility called “True Vision” is available at http://www.report-it.org.uk/your_Police_force. This allows for the reporting of hate crimes online if you do not want to report directly to the Police. The Police take hate crime very seriously and will record and investigate this offence even if the person reporting does not want to give their details. However, it must be noted that the investigation and ability to prosecute the offender(s) is severely limited if the Police cannot contact the person reporting.

The person reporting may also specify how they want to be contacted and if contacting them would cause any difficulties. The Police will not pass on personal details without consent and may ask a person reporting to consider giving their details confidentially.

9.3 Reporting direct to the Police

Direct reporting to the Police is possible and can be done by telephoning the 101 non-emergency number or by visiting any Police station.

9.4 Reporting to Broxtowe Borough Council

All victims and witnesses of hate crime are encouraged to report the matter directly to the Police in one of the methods outlined above. However, there may be witnesses or victims who, for whatever reason, do not wish to do this directly. They may just want to discuss the matter or seek further advice. They can do this through the Council’s Communities Officer Equalities and Diversity.

9.5 Reporting to other Organisations

It is recognised that certain groups within our society are more likely to become victims of hate crime than the population generally. There are a number of other ways that reports can be made. The information in Section 10 contains details of other people and agencies that victims can speak to. They will take concerns seriously and will ensure that information remains confidential, and they will only share it with any partner agencies that the victim is comfortable with.

9.6 Reporting a Member of Employees or Elected Member

Any concerns about a hate crime being perpetrated by a member of employees should be reported to the Human Resources Manager.

Any concerns about a hate crime being perpetrated by an elected member should be reported to the Council’s Monitoring Officer.

9.7 Hate Incident or Hate Crime by a Service User

Any member of employee's subject to a hate incident by a service user should report the matter to their line manager. The incident should be reported by the line manager to the Police. The perpetrator should be advised that the matter has been reported to the Police, and that further sanctions may be applied, including the potential withdrawal of service, as appropriate.

9.8 Training

The 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 employees or employees that require additional support.

9.9 Support for victims

In order to protect victims, a risk assessment will be completed in cases of hate crime reported to the Police (with consent provided). In cases where the risk is assessed as 'high' a referral will be made to the Complex Case Panel. 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.

10.0 Organisations and Contacts

TellMAMA

<http://tellmamauk.org/>

This project provides a means for hate crimes and incidents against Muslims to be reported, recorded and analysed, working to ensure this data is accurate and reliable and the victims and witnesses affected receive support. This project also works with Police forces across England, Wales and Scotland in order to ensure access to justice for victims through the prosecution of perpetrators.

Healthy Gay Nottingham

www.healthygaynottingham.org.uk

A gay and bisexual men's health service providing a range of services including counselling and one-to-one support on mental health, emotional wellbeing, sexuality and sexual health issues. They also offer third party reporting of homophobic incidents, advocacy and follow-up support.

Nottingham & Nottinghamshire Lesbian & Gay Switchboard

www.nottslgs.org.uk

0115 934 8485

The Switchboard provides information on social facilities, support groups, coming out, accommodation, legal issues, HIV/AIDS or you can just call for a talk. The switchboard also offers third party reporting of homophobic incidents and follow-up support.

Victim Support

<https://www.victimsupport.org.uk/help-victims/ive-been-affected/hate-crime>

08 08 16 89 111

Victim Support has specially trained volunteers who can provide practical and emotional support and practical information to help deal with the impact of hate crime. Its services are free, independent and totally confidential.

Ann Craft Trust

www.anncrafttrust.org

0115 951 5400

Ann Craft Trust is a national charity that is dedicated to the protection of adults and children with learning disabilities from any form of abuse. They can also provide advice on other local support services for adults and children with learning disabilities.

True Vision

<http://www.report-it.org.uk/home>

True Vision is a Police funded web site designed to provide information about hate crime along with a simple reporting procedure.

Smile, Stop Hate Crime

<https://www.nottinghammencap.org.uk/smile-stop-hate-crime>

0115 920 9524

Smile, Stop Hate Crime (SSHC) is a partnership Project between Nottingham Mencap, Nottingham City and Nottinghamshire County Councils. SSHC raises awareness and tackles Hate Crime against adults with learning disabilities and ensures that everyone is equipped with the skills and knowledge to address Hate Crime effectively.

Equality Advisory & Support Service (EASS)

www.equalityadvisoryservice.com

0808 800 0082

Advises and assists individuals on issues relating to equality and human rights across England, Scotland and Wales

Broxtowe Borough Council Employee Assistance Programme (PAM Assist)

www.pamassist.co.uk

0800 882 4102

A confidential help-line for employees of Broxtowe Borough Council