
REPORT TO:	Finance & Management Committee	AGENDA ITEM: 14
DATE OF MEETING:	23 October 2008	CATEGORY: DELEGATED
REPORT FROM:	Director of Corporate Services	OPEN:
MEMBERS' CONTACT POINT:	Lakbir Basi (ext 5822)	DOC:
SUBJECT:	HATE INCIDENTS REPORTING PROCEDURE	REF:
WARD (S) AFFECTED:	All	TERMS OF REFERENCE:

1.0 Recommendation

1.1 It is recommended that:

- The Hate Incidents Reporting Procedure be adopted and published as set out below.

2.0 Purpose of Report

2.1 To present the Council's Hate Incident Reporting Procedures for approval and formal adoption. A copy of the Procedure is available from the Council's intranet – use the following link:

<http://harvey/corporate/custservs/ploneexfile.2005-06-18.2878684500>

3.0 Background

3.1 The Home Office in April 2000 produced guidance in the form of the national *Code Of Practice for Reporting Racial Incidents*. The Code of Practice was published following the Macpherson Inquiry Report 1999, which defined a racist incident as:

"...any incident which is perceived to be racist by the victim or any other person"

3.2 The purpose of the definition is to ensure when a racist incident is investigated, the possibility the incident occurred because of a person's race, is taken into account. The definition also ensures racist incidents are recorded and monitored in a uniform way.

3.3 In making judgements about racial incidents it is the behaviour and its impact on the recipient/victim, not the intentions of the perpetrator that is important.

- 3.4 The purpose of this definition is not to prejudge whether a perpetrator's motive was racial or not, but to ensure that any investigation takes full account of the possibility of any racial dimension to an incident and provide statistical data that is collected on a uniform basis.
- 3.5 In addition to the Home Office Guidance, the Race Relations (Amendment) Act 2000 (RRA) introduced a legal duty to promote race equality in the public sector. The Council therefore developed and adopted a Racial Incidents Reporting Procedure in order to tackle and record racial incidents in South Derbyshire.
- 3.6 The duty to promote equality was extended into disability equality and gender equality by The Disability Discrimination Act 2005 and The Equality Act 2006 respectively. In 2007 the Council's Corporate Equality Scheme further extended our commitment to ensure equality on the basis of age, religion & belief and sexual orientation.

4.0 What is a Hate Incident?

- 4.1 The principles behind the Racial Incidents Reporting Procedure have been adapted to ensure we now have a consistent approach to dealing with hate incidents perpetrated on the basis of age, disability, gender, religion and belief and sexual orientation in addition to race.
- 4.2 A Hate Incident, therefore, is any incident committed against a person where the victim or any other person believes is motivated by the offender's hate against people because of who they are. This maybe on the basis of a person's:

- **Age**
- **Disability**
- **Gender**
- **Race**
- **Religion and belief**
- **Sexuality**

- 4.3 The Hate Incident Reporting Procedure has taken the approach to recording and tackling racist incidents and expanded it to include all forms of hate incidents.

5.0 Financial Implications

- 5.1 There are no specific financial implications arising from this report or the policy statement.

6.0 Corporate Implications

- 6.1 Within the Council's Corporate Plan 2008/11 a priority under the theme 'Higher Quality Services' is to Improve Customer Care and access to services. The Hate Incidents Procedure will enable the Council to deliver on this priority.

7.0 Community Implications

- 7.1 The implications for the community are that the Council promotes good relations between all the communities it serves and the Hate Incident Procedure will enable this.
- 7.2 It will also promote the Council's community leadership role by recognising and dealing with unlawful discrimination and harassment in the community.

8.0 Conclusions

- 8.1 The Hate Incident Reporting Procedure demonstrates how the Council continues to promote its Equalities and Fairness Agenda and implement its positive duties.

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