

SOUTH DERBYSHIRE DISTRICT COUNCIL

HATE INCIDENTS REPORTING PROCEDURE

August 2008

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1. Introduction

This guidance is aimed at all South Derbyshire District Council employees and its purpose is to inform employees about the harmful effects of Hate Incidents and the procedures the Council has in place to tackle them. Our Corporate Plan states how we are committed to ensuring a strong culture of equalities and fairness for our workforce and the community of South Derbyshire. This has been developed through our Corporate Equalities and Fairness Scheme.

Hate Incidents can be very harmful in people's lives, in wider society and damage community relations. Publicised attacks on people in one area can frighten people from the same group in another area. We are committed to ensuring good relations between all people within our district and to make certain we play an active and leading role in monitoring and reducing hate incidents, we have devised this reporting system. Its purpose is to identify incidents involving service users, tenants and employees and deliver a consistent, professional approach to reduce and eliminate this often hidden problem.

2. What is a Hate Incident?

A Hate Incident is any incident committed against a person where the victim or any other person believes it is motivated by the offender's hate against people because of who they are. This maybe on the basis of:

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

Some Hate Incidents will be criminal offences. The term Hate Incident includes crimes and non-crimes (e.g. lack of courtesy, rudeness, ignoring or overlooking people). Both must be reported, recorded and investigated with equal commitment. This approach should enable us to identify all incidents including low levels of harassment and provide accurate information for monitoring purposes that lead to some form of action.

3. What counts as a Hate Incident?

This can be:

- Threatening Behaviour
- Threat of assault
- Physical assault
- Damage to property

- Written abuse including email etc
- Verbal Abuse

Hate Incidents can occur in a number of ways:

- Unprovoked assaults including common assault; actual bodily harm, and grievous bodily harm
- Damage to property including breaking windows, doors and fences
- The daubing of slogans and/or graffiti on or near a victim's house or other belongings (cars etc)
- Putting rags, paper, rubbish or any material that can be or has been set alight through for example, someone's letterbox.
- Putting noxious and/or offensive substances through someone's letterbox.
- Making threatening and/or abusive telephone calls, text messages or e-mails.
- Threatening or abusive behaviour
- Participation in any activity that is calculated to deter the person from occupying a particular property

Often Hate Incidents can be a combination of the above. This can occur for instance in neighbour disputes when both verbal insults and property damage occurs, or bullying at school which consists of name-calling and physical abuse.

4. Racist incidents

The majority of hate incidents that occur within South Derbyshire are racist incidents. There is specific legislation in place to help council's to deal with this type of hate incident. The Home Office in April 2000 produced specific guidance in the form of the national *Code Of Practice for Reporting Racial Incidents*. This Procedure complies with the code of practice.

A racist incident is a hate crime committed against a person because of their race, colour, ethnic or national origin. A racist incident is defined as:

"...any incident which is perceived to be racist by the victim or any other person" (Sir William Macpherson - Stephen Lawrence Inquiry Report, February 1999)

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.

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.

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. As such, we will take the following approach to the recording of racist incidents:

- Where the victim indicates they feel the incident was racist, it **must** be recorded as such.
- Where the victim is undecided whether an incident was racist in nature, or even if they are of the view that it was not racist, the incident must be recorded as racist if someone else e.g. a witness views it as such.
- Sometimes an incident is brought to the attention of our officers but is not accompanied by a complaint (e.g. graffiti). If the officer perceives that the incident is racist or has the potential to be interpreted as such by other people then the incident must be recorded.

We have taken the above approach for racist incidents and expanded it to include all forms of Hate Incidents.

5. Underlying Principles

To ensure the reporting procedure is effective, services will need to ensure that the following principles are built into their approach when dealing with hate incidents. Services should ensure they:

- Develop an approach that takes into account: the provision of support for the victim and/or witness; taking appropriate action against perpetrators; and taking action to prevent any future recurrences or address underlying problems.
- Respond quickly in recording, reporting and taking follow up action in response to hate incidents, including any necessary referral to the police or other agencies.
- Investigate thoroughly and objectively to determine whether the victim's and/or witness views/perceptions of the incident are justified.
- Treat all victims and witnesses in a sensitive, supportive and understanding manner.
- Have a separate Hate Incident Report for each victim involved in an incident.
- Provide training/briefings for all staff dealing with hate incidents.
- Keep the victim informed of progress, including details about the action that is to be taken, and feedback about the outcomes of this.

- Sharing information with other services when it is appropriate to do so.
- Take action to deal with any malicious or unfounded allegations
- Ensure that any information is kept secure and used only for the purposes of responding to the incident in accordance with the Data Protection Act.

6. When to complete the Hate Incident Report?

The Hate Incident Report is available from Customer Services. It must be completed for all incidents, which are believed to be hate incidents by the victim or by any other person – i.e. a witness to the incident.

The report should be completed as soon as possible after an incident occurs. Please ensure as much detail as possible is recorded in the report. All incidents should be recorded including those where minimum information is available. Please also take care in filling out the form to ensure it is accurate and records the facts relating to the incident.

7. Who completes the Hate Incident Report?

The report should be filled out by the appropriate officer or by the member of staff that is responsible for dealing with an incident and the relevant follow up action. A copy of the Reporting Form should be sent to Jan Middleton to ensure all incidents are reported to Customer Services for recording and monitoring purposes.

8. How to complete the Hate Incident Reporting Form?

This section sets out what type of information is required in the report:

Name and address: of the victim or third party (complainant or witness) should be recorded in all cases if at all possible.

Details of the Incident: the date, time and location of the incident should be recorded. If a specific time cannot be given an estimate or approximate time frame should be provided. Include any description of the incident.

The reporting officer should attempt to secure consent from the victim/witness for sharing information with the Police. If consent is given it should be highlighted and the complainant (victim or witness) asked to sign and date the document. If consent is not given then the wishes of the victim/witness should be respected.

Some sections of the Form are completed by the victim/complainant and other sections are completed by the member of staff who receives the form when it is returned to us:

Section A contains information relating to the incident and details such as the ethnicity, age, gender etc of the victim and offender. This will be used for monitoring the level and types of incidents in South Derbyshire. This section is completed by the victim/complainant.

Sections B, & C contain personal information relating to the details of the victim and offender. These sections are CONFIDENTIAL.

The consent of the victim/complainant is required to record and share information and hold personal details on file. The details of the offender can be recorded without the consent of the accused.

Consent to share (disclose) information: it should be explained to the persons reporting that it will be necessary to report all incidents to the Police. It should also be stated that this would not include the victim's personal details if they do not wish this information to be passed on.

Section B3 is completed by the victim / complainant.

Section B4, & B5 are all completed by the receiving officer in Customer Services.

Section C is completed by the victim/witness. Please note that it would be useful for a telephone number or other means of contact to be provided so that the receiving officer can contact them if the reported incident is serious or information has been omitted.

As soon as the Hate Incident Report is complete it is **Confidential** and we have a duty under the Data Protection Act 1998 to protect the data.

On completion of the form:

1. Print off the form (if downloaded electronically)
2. Make sure that the correct signature is on the form (See Part C)
3. Return the Form by hand or post in a sealed envelope (marked "Private & Confidential – Addressee only") to:

Jan Middleton
Complaints Officer
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire DE11 0AH

A copy of the form will be kept by Customer Services for monitoring purposes.

9. Dealing with the complaint

Where the reported hate incident concerns our services, employees or tenants it will be handled through our Complaints Procedure. A summary of the stages within the Complaints Procedure that will be followed is shown below;

Stage 1

Customer Services Unit will co-ordinate the investigation into the complaint. They will write to the complainant within 5 working days, telling them who is dealing with the complaint and when to expect to receive a reply. In most cases a full reply will be given within ten working days but if it is going to take longer, the complainant must be informed about what is happening.

Stage 2

We hope that most complaints can be dealt with to give a satisfactory outcome. If the complainant still feels dissatisfied after receiving a reply they can ask for the complaint to be reviewed by the Chief Executive. The Customer Services Unit will then pass the details of the complaint to the Chief Executive, who will review the complaint and come to a decision. A review should take place and a decision made within ten working days but if it is going to take longer, the complainant should be kept informed of progress until a decision has been made.

10. WHAT OTHER ACTION CAN BE TAKEN?

The complainant has the right to ask the Local Government Ombudsman to investigate their complaint if they feel they have been unfairly treated due to maladministration by the Council.

“Maladministration” refers to the way a case has been handled or a council’s failure to do something, not the actual decision.

The Local Government Ombudsman is an independent arbitrator whose decision is final. Customer Services can provide details on how to contact the Local Government Ombudsman.

The complainant can also refer to the following agencies:

Equality and Human Rights Commission Helpline

The Equality and Human Rights Commission helpline gives information and guidance on discrimination and human rights issues. The helpline staff have been specially trained to provide this service.

Equality and Human Rights Commission
Freepost RRLL-GHUX-CTR
Arndale House
Arndale Centre
Manchester
M4 3EQ
(Telephone 0845 604 6610)
Mon, Tue, Thu, Fri 9:00 am-5:00 pm;
Wed 9:00 am-8:00 pm (last call taken at 7:45pm)

Derbyshire Police

The Police have a Community Safety Officer in each of the four police divisions within Derbyshire. The Community Safety Officer deals with racist and cultural issues and can provide advice, discuss what has happened to you or put you in touch with other agencies that may be able to provide you with other forms of support

The appropriate contact details are provided below

Derby and South Derbyshire	01332 613073
Amber Valley/Erewash	01773 571757
High Peaks/Derbyshire Dales	01298 762067
Chesterfield	01246 522368
Force Hate Crime Officer	01773 572233

Derby Race Equality Council

31 Normanton Road
Derby
DE1 2GJ
01332 372428

Appendix A

The following is an extract from the Home Office national *Code Of Practice for Reporting Racial Incidents* (April 2000) and provides examples of racist incidents. The examples are not an exhaustive list but an indicator of the type of incidents that may occur. They should not be used to determine whether an incident is or is not a hate incident.

“Examples on recording racist Incidents

The examples below refer to cases where the incident or crime occurs in a public place, and investigation is the responsibility of the police. In a case where the incident occurs in a place which is under the control of an employer or service provider, the employer or service provider is obliged to take action in order to comply with the Race Relations Act 1976 (currently being amended to apply to all public services). Thus, for example, if a black woman feels herself to be the subject of racial discrimination at work, this should be dealt with in the first instance by her employer under equal opportunities policy, although she may of course report any incidents to another agency if she feels more comfortable doing so.

Examples of incidents that provide useful information for the future

An Asian man calls the police because white youths are hanging around outside his house. He perceives their presence as racist and the police therefore fill in a racist incident form. Some time later his windows are smashed. The earlier information about racist incidents may provide useful intelligence to the police in solving the crime.

A teacher overhears a white child calling an Asian child a racially abusive name. The teacher records this as a racist incident, even though the abused child does not complain to him, and speaks to the child responsible for the abuse. If a more serious incident occurs later on, the teacher has a written record of a previous incident that would allow the subsequent incident not to be dealt with in isolation.

Example of the wider implications of applying the definition of a racist incident (‘perceived to be racist by the victim or any other person’). The car tyres of a Chinese woman have been slashed. She does not think the incident is racist, but her white neighbour does and reports the matter to the local Race Equality Council. They should record the incident as racist based on the perception of the neighbour, even if the victim disagrees.

Example of an ‘Asian on Asian’ racist incident

There is a dispute outside a shop between two groups of youths. One of the young men, of Pakistani origin, is punched in the face by a young man of Indian origin. The victim reports this to the police and tells them that he believes it is a racist incident. The police should record this as a racist

incident, since the young man believes that he was attacked because of his ethnic origin.

Example of a 'White on White' racist incident

Two white males from a community of asylum-seekers visit a local pub shortly after moving into the area. The white barman refuses to serve them, saying that all asylum-seekers are troublemakers. The two men report this incident to a local support group, who should record it as a racist incident, since it is based on stereotyping of the two men according to their ethnic group.”

Appendix B

South Derbyshire District Council

Hate Incident Reporting Form

PART A DETAILS OF INCIDENT

1. DETAILS OF INCIDENT

i. Location/address (inc. post code) of incident:

ii. Description of location (retail premises, dwelling, public house etc)

iii. When did the incident happen (time, date)

iv. Has the incident been reported to the Police? Yes No

v. Type of Incident? - Was the incident due to the victims:

Age

Disability

Gender

Race

Religion or Belief

Sexuality

vi. What happened? (Brief details, is it part of a series of incidents, who identified the incident as a hate incident?)

vii. Nature of Incident (for office use only)

Assault Verbal Abuse Graffiti
Damage Fire raising
Other

vii. Is the victim a tenant? Yes No Which landlord?

Please return all forms marked **Confidential** to:

Jan Middleton,
Complaints Officer
Customer Services,
South Derbyshire District Council,
Civic Offices,
Civic Way,
Swadlincote,
Derbyshire,
DE11 0AH.

PART A (cont....)

2a Ethic origin of Victim/Complainant	2b Person complained About	2c Complainant (if not victim)
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Please tick more than one box if required (e.g. Asian/Pakistani; Black Caribbean etc.)

<input type="checkbox"/> White British <input type="checkbox"/> White Irish <input type="checkbox"/> Other white background <input type="checkbox"/> White & Black Caribbean <input type="checkbox"/> White & Black African <input type="checkbox"/> White & Asian <input type="checkbox"/> Other mixed background <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Other Asian background <input type="checkbox"/> Caribbean <input type="checkbox"/> African <input type="checkbox"/> Other black background <input type="checkbox"/> Chinese <input type="checkbox"/> Traveller <input type="checkbox"/> Any other ethnic group <input style="width: 100%; height: 15px;" type="text"/>	<input type="checkbox"/> White British <input type="checkbox"/> White Irish <input type="checkbox"/> Other white background <input type="checkbox"/> White & Black Caribbean <input type="checkbox"/> White & Black African <input type="checkbox"/> White & Asian <input type="checkbox"/> Other mixed background <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Other Asian background <input type="checkbox"/> Caribbean <input type="checkbox"/> African <input type="checkbox"/> Other black background <input type="checkbox"/> Chinese <input type="checkbox"/> Traveller <input type="checkbox"/> Any other ethnic group <input style="width: 100%; height: 15px;" type="text"/>	<input type="checkbox"/> White British <input type="checkbox"/> White Irish <input type="checkbox"/> Other white background <input type="checkbox"/> White & Black Caribbean <input type="checkbox"/> White & Black African <input type="checkbox"/> White & Asian <input type="checkbox"/> Other mixed background <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Other Asian background <input type="checkbox"/> Caribbean <input type="checkbox"/> African <input type="checkbox"/> Other black background <input type="checkbox"/> Chinese <input type="checkbox"/> Traveller <input type="checkbox"/> Any other ethnic group <input style="width: 100%; height: 15px;" type="text"/>
Religion (if appropriate) <input style="width: 100%; height: 15px;" type="text"/>	Religion (if appropriate) <input style="width: 100%; height: 15px;" type="text"/>	Religion (if appropriate) <input style="width: 100%; height: 15px;" type="text"/>
Age <input style="width: 100%; height: 15px;" type="text"/>	Age <input style="width: 100%; height: 15px;" type="text"/>	Age <input style="width: 100%; height: 15px;" type="text"/>
Disabled Yes <input type="checkbox"/> No <input type="checkbox"/>	Disabled Yes <input type="checkbox"/> No <input type="checkbox"/>	Disabled Yes <input type="checkbox"/> No <input type="checkbox"/>
Gender M <input type="checkbox"/> F <input type="checkbox"/>	Gender M <input type="checkbox"/> F <input type="checkbox"/>	Gender M <input type="checkbox"/> F <input type="checkbox"/>
Sexuality Bisexual/Gay/Heterosexual <input style="width: 100%; height: 15px;" type="text"/>	Sexuality Bisexual/Gay/Heterosexual <input style="width: 100%; height: 15px;" type="text"/>	Sexuality Bisexual/Gay/Heterosexual <input style="width: 100%; height: 15px;" type="text"/>

Language spoken by victim (would interpretation be needed?)

PART B
CONFIDENTIAL

3. MOTIVATION

i. Did victim or any person believe incident to be the part of a pattern?

Yes No Unknown

ii. If yes, please give further details:

iii. Were previous incidents reported? Yes No

4. ACTION BY RECEIVING OFFICER

(This section shows immediate action by the receiving member of staff)

Date action taken

5. COMMENTS OF OFFICERS

Signature Date
Name (Designation) Tel. Ext.:

PART C
CONFIDENTIAL

This part of the form is for internal monitoring purposes only

6. PARTICULARS OF VICTIM

Name:

Age: Gender:

Address:

Post Code: Telephone Number:

Has he/she previously been a victim of a hate incident? Yes No

7. COMPLAINANT (if not victim)

Name:

Age: Gender:

Address:

Post Code: Telephone Number:

8. DECLARATION

The victim/victim's parent/guardian or complainant should read this section before a signature is requested.

The information contained in this form will be held confidentially and may be held on computer and used to identify repeat offenders and victims.

I (Victim)

I (on behalf of) (Victim)

Give consent to South Derbyshire District Council receiving details of this incident and using them for internal monitoring policies only.