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crime

BUSINESS CRIME GUIDE

**SUPPORTING
EMPLOYEES
AFFECTED BY
HATE CRIME**

A GUIDE FOR EMPLOYERS



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#NoPlaceForHate

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INTRODUCTION

Any crime lowers the quality of life for a victim, but a hate crime attacks a person's core sense of identity and belonging within society. Hate crime victims have higher levels of depression, stress and anger, and for longer than victims of other types of crime. The effects on an individual being targeted because of their personal characteristic should not be underestimated.

The purpose of this guide is to offer practical support for organisations in the case of a member of their staff becoming a victim of or witnessing a hate crime or a hate incident. Having the right processes and procedures in place that support the victim or witness in their efforts to not only report the incident to the police, but also help them deal with it in the work place, can be crucial for their wellbeing.

This guide gives useful tips for what to include in a workplace policy, how to deal with reports of hate crime in the workplace, and where additional help and support can be found locally and nationally.

WHAT IS A HATE CRIME?

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 personal characteristic, specifically actual or perceived race, religion/faith, sexual orientation, disability and gender identity”.

- Race (e.g. skin colour, ethnicity, citizenship)
- Religion (e.g. faith, atheists, targeting religious premises)
- Sexual Orientation (e.g. gay, bisexual, pansexual)
- Gender Identity (e.g. transgender, agender, demi-gender)
- Disability (e.g. learning needs, mental health, physical impairment)

A hate crime can manifest itself as:

- Physical abuse or violence
- Verbal abuse or threats
- Sexual abuse
- Offensive calls or texts
- Written/printed abuse (including offensive mail or email)
- Indirect attacks
- Harassment, exclusion or isolation
- Damage to property
- Online abuse

HATE INCIDENT

In England and Wales the police also monitor hate incidents. This could include: not allowing someone to enter a club because of their colour; laughing at homophobic jokes; refusing to let someone with a disability sit next to you.

Just because a crime has not been committed does not mean the behaviour is acceptable. The police still record and investigate hate incidents. Many hate incidents can turn into hate crime. For example, bullying can become the criminal offence of harassment.

“

AN INCIDENT IS TREATED AS A HATE CRIME OR HATE INCIDENT IF THE VICTIM OR ANY OTHER PERSON PERCEIVES IT TO BE.

”

WHY DOES HATE CRIME EXIST?

Hate-based crime and incidents are underpinned by underlying negative attitudes, prejudices and stereotypes, which exist within individuals and society. These attitudes have to be addressed, challenged and tackled to prevent escalation of behaviours into serious crimes.



WHY YOU SHOULD REPORT IT

Hate crime is rarely a one-off incident and victims of hate crime are more likely to suffer repeatedly.

The effect of hate crime can have a devastating psychological effect on the victim. Hate crime often consists of a series of crimes. The cumulative effect of such incidents and crimes can destroy lives through emotional damage and long-term trauma. For victims of hate crime, the risk of attack may be constant. Feelings of insecurity can result in anxiety, a continuous state of watchfulness, and an inability to sleep. The impact on a person can include:

- Feeling isolated and vulnerable
- Feeling as though your self-respect has been taken from you
- Protecting yourself, but finding yourself on the wrong side of the law
- Loss of faith in the police and criminal justice system
- Feeling like retaliating, but fearing reprisals
- A break-down in family relationships
- Finding it difficult to cope
- Having a sense of despair
- Finding that nobody believes you
- Feeling hated by others
- Feeling afraid to let your children out
- Feeling afraid to go out and staying in
- Suffering from emotional / mental stress
- Hating your home and wanting to move
- Being overcome by panic or anxiety

If victims of hate crime do not report it, government agencies and policy makers will not know the extent of the problem in order to take important steps through legislation, etc, to eliminate it. Hate crime is committed by people who do not care who suffers and to what extent. If they go unchallenged, they will continue to put others in danger. Report it so they can be caught before others suffer.

INFORMATION FOR EMPLOYERS

Employers should take all reasonable steps to protect employees from discrimination and harassment, including from outside sources such as service users, customers and contractors.

All employees have the right to:

- Work in safe and healthy conditions
- Not to be threatened, harassed or bullied
- Not to be discriminated against
- To be treated fairly and considerately in the workplace
- Complain about poor treatment without being victimised

Additionally, any employee who is accused of any form of discrimination as defined by the Equalities Act 2010 must be dealt with fairly – including a reasonable investigation and if needed, a fair disciplinary process.

Hate incident can include employment and criminal law matters, meaning that some incidents should be handled by both an employer and the police. As an employer you may become aware of concerns and complaints by the victim themselves, through third party means either verbally or through an official reporting mechanism within your organisation, or through external parties, such as clients, customers and suppliers and contractors. The person who the abuse is directed at does not have to be the person who is offended by the comment or action.

Employees who have been a victim of a hate crime or incident can be very badly shaken by the experience and may need support from a colleague, friend, internal and external support services as well as potentially needing time off to recover from the incident. In order to set out clear expectations from the organisation around its response and processes when a hate incident or crime is identified, it may be useful to have a specific hate crime policy which can complement other organisational policies and procedures. Information about writing a policy as well as guidance is provided by ACAS, UNISON and other organisations.

The policy should set out how the employer will respond to concerns raised and what an employee can expect and may include:

- An organisational overview and expectations, for example stating that there is a zero tolerance to hate crime and that the organisation will take all reports seriously and investigate matters to protect and support victims, disciplining any employees perpetrating these offences. It should also be stated that all employees and contractors are expected to adhere to the standards of the organisation and to treat everyone and be treated with respect and not be subjected to any bullying or harassment.
- In the case of small businesses, where there are very limited options in terms of who a person can raise a grievance with, the employer should recognise and address this, taking all reasonable steps to resolve the matter as fairly and objectively as they can, even if the grievance is about something they have said or done.
- What is expected of employees in terms of intervening if they see or hear any behaviour which they perceive to be a hate incident, and their duty to report these incidents. Employees should be reminded that any intervention should

only be made if it is considered safe to do so and not to compromise their personal safety.

- Reporting options – this can include informal and formal reporting channels as well as what information should be included within a report, for example, what was witnessed; details of comments made, ideally direct quotes; the impact of the comment or action on the person it was directed at; any actions taken by the person reporting.
- What the organisation will do in terms of investigating reports of a hate incident – this is likely to include that investigations will be conducted with an open mind; in a fair, tactful, respectful manner; and the likely time period for a complaint to be fully investigated and resolved, together with information about how the outcome of investigations will be notified to the person who raised the concern.
- Options which may be considered in response to the concerns raised – this can include support options for the victim (e.g. referral to internal counselling support; time off to recover if this is applicable; signposting to external organisations for on-going support) and potential consequences for the perpetrator of the incident (this can include reporting the matter to the police; disciplinary proceedings if it is an employee; or any actions to be taken if the incident was perpetrated by an external party, for example a client, customer or supplier, such as raising the matter with their employer, or banning them from utilising your services).
- Any actions the organisation is taking to support this policy – for example internal or external training (including increasing awareness of cultural backgrounds); the appointment of hate crime ‘champions’ within the organisation; how information from any investigations can be appropriately shared within the organisation to prevent future incidents etc.

RECORD KEEPING

Records need to be clear and accurate. The information should be factual and include details of the allegation; location and time of the incident(s); who was involved and possible causes; effect on the individuals involved; witnesses spoken to and statements obtained; evidence gathered; the outcome of the investigation and any follow-on actions. Information and a template for recording the evidence gathered in an investigation can be found at: www.acas.org.uk

Direct comments need to be in quotation marks, however it is also important to capture the effect the behaviour had on the complainant and person that the behaviour was directed at (if these are different).

You may wish to consider classifying incidents based on their severity, any injuries, any time off work needed, counselling required and any work place adjustments made as a result in order that you can identify any common causes, areas or times.

CONFIDENTIALITY

Employers have a duty of confidentiality to their employees. When an allegation of a hate crime is received, the organisation's commitment to confidentiality should be made clear. As there will usually be a need to retain investigation reports for a period of time, the report should be stored securely and access should only be given to those individuals who need this and in line with data protection and any other relevant legal requirements.

If an individual wishes to see a report they believe they have been named in, they have a right to see any parts of the report that contains information about them, or that is reliant on information that they have been provided. They should not however be allowed to see any private information belonging to other individuals. The report should be securely disposed of once it becomes irrelevant or out of date. For more information about the General Data Protection Regulation (GDPR) 2018 see: www.ico.org.uk

There may be occasionally instances where information will need to be shared with other agencies and the consent of the employee should be sought prior to any information being released. If this consent is not forthcoming but there is a 'legitimate' reason for sharing without consent, for example if the person, or others are at risk; sharing the information could prevent a crime; or a serious crime has been committed, this may still be possible, but you should seek guidance to ensure that the thresholds are met to enable this. Guidance can be found at: www.scie.org.uk/care-act-2014/safeguarding-adults/sharing-information

REPORTING

Anyone who has been a victim of or witnessed a hate crime occurring whilst in the course of their employment should in the first instance refer to any policy and/or procedure; however, in the absence of these they should speak to their line manager or HR team. Anyone who feels unable to report the matter to their employer can report it either to the police or a third party reporting centre.

REPORTING TO THE POLICE

In emergencies, call the police on 999. The non-emergency number for your police force is 101, and most police forces now have an online reporting option.

REPORTING ONLINE

A victim can report their experience anonymously online through True Vison, a national online hate crime reporting portal, at www.report-it.org.uk

THIRD PARTY REPORTING CENTRES (TPRCs)

Not all victims are comfortable with reporting their experiences directly to the police.

The reasons for this may include the following:

- Victims find visiting police stations intimidating or daunting
- Victims think the police won't believe them or take them seriously
- Individuals are unaware they are victims of hate crimes
- Victims are not aware of alternative ways to report hate crimes
- Lack of support to help victims make a report, e.g. interpreters
- Victims fear being outed in terms of their sexuality or disability

LOCAL TPRCs

Partnership working has led to the setting up of more than 60 TPRCs across Hampshire and the Isle of Wight. TPRCs provide an alternative way to report a hate crime, better inform the public about such incidents, give confidential advice, help you report it, and support you along the way. You can remain anonymous if you wish, and you don't need to have contact with the police if you don't want to.

For a list of Third Party Reporting Centres in Hampshire and the Isle of Wight, visit: www.hampshire-pcc.gov.uk/hatecrime

For TPRCs in other areas, please contact your local Police and Crime Commissioner.

NATIONAL TPRCs

You can also report hate crime via one of the national independent reporting sites without revealing your personal details. An up-to-date list is available on the Police and Crime Commissioner's website: www.hampshire-pcc.gov.uk

SUPPORT

HAMPSHIRE & ISLE OF WIGHT SUPPORT SERVICES

VICTIM CARE SERVICE

The Victim Care Service (provided by Victim Support) is a free service that provides support for victims of crime to cope with, and recover from, the harmful effects of the crime they have experienced.

The service is available to all victims aged four years and up – it does not matter:

- What type of crime they've experienced
- When the crime happened
- Whether it was reported to the police or not
- Whether they are the direct victim or not

The Victim Care Service offers:

- Practical Support – for example the provision of alarms, signposting or referrals to other organisations and advice relating to Criminal Injuries and Compensation Authority claims
- Emotional Support – talking about experiences with a trained supporter and working in partnership to develop ways to increase confidence or self-esteem.
- Intensive Support – for victims of more serious crimes, such as sexual violence and domestic abuse, the most vulnerable victims and those that have been persistently targeted, intensive support is available.

To find out how the Victim Care Service could help you, call 0808 178 1641 (open Monday to Saturday, from 8am to 8pm) or visit:

www.hampshireiowvictimcare.co.uk

OTHER SUPPORT SERVICES

A list of further support services in Hampshire and the Isle of Wight is available on the Police and Crime Commissioner's website: www.hampshire-pcc.gov.uk

CHECKLIST

- Raise awareness of the issue through training, events and to be driven from upper management and senior leadership.
- Consider appointing a hate crime lead for the organisation.
- Put forward the organisation's commitment to protect and safeguard all their employees from hate crime.
- Encourage employees to report any incidents.
- Define employees' / managers' / HR's role and responsibilities.
- Make clear the organisation's zero tolerance approach to hate crime.
- Set out what victim care and support is available – internally and externally.
- Make clear the organisation's commitment to confidentiality once a hate crime / incident has been reported.
- Ensure your employee handbook has a clear outline of what the company's policies and procedures are in case such an event occurs.



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This guide has been produced with the support of the following organisations:



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