

CABINET

22 October 2013

Title: Hate Crime Strategy and Delivery Plan 2013-16	
Report of the Cabinet Member for Crime, Justice and Communities	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Divisional Director: Glynis Rogers, Divisional Director of Community Safety and Public Protection	
Accountable Director: Anne Bristow, Corporate Director of Adult and Community Services	
Summary: <p>Tackling the issue of hate crime is crucial for creating a community where everyone is safe and free from the fear that they may be a victim of a hate crime or hate incident. This report introduces the final draft of the Community Safety Partnership's Hate Crime Strategy and Delivery Plan 2013-2016. The report outlines the strategy, the local and national context within which it is being published, and the consultation which has taken place to ensure that it takes account of the needs of the whole community.</p> <p>The overarching aim of the Hate Crime Strategy is to ensure that the CSP has an effective, co-ordinated community response to hate crime. The key objectives in achieving this outcome are:</p> <ul style="list-style-type: none">(a) to prevent hate crimes from happening;(b) to increase the reporting of hate crime; and(c) to work with Criminal Justice Agencies to improve the operational response to hate crime.	
Recommendation(s) <p>The Cabinet is recommended to:</p> <ul style="list-style-type: none">(i) Adopt the Barking and Dagenham Community Safety Partnership's Hate Crime Strategy and Delivery Plan 2013-16, as attached to the report, and agree to its implementation; and(ii) Note that the other Crime and Disorder Act responsible authorities have also been asked to adopt the Strategy and agree its implementation.	

Reason(s)

Hate Crime affects many of the Borough's residents: accordingly, the Council is committed to 'reducing crime and the fear of crime' and to 'building and supporting a place where people respect one another and enjoy safe and peaceful lives' as set out within the Vision of its *Community Strategy 2013-16*. It is understood that a bespoke Hate Crime Strategy will help to steer activity for the next three years and in doing so will increase the community's confidence in the Council and the broader Community Safety Partnership.

1. Introduction and Background

1.1 Definition of Hate Crime

A hate crime is defined as any criminal offence that is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic or combination of characteristics. Types of crime include those committed against a person or property, and can range from criminal damage and insults to inciting others to hatred, serious physical assault, and murder.

- (i) The Association of Chief Police Officers distinguishes between a hate incident and a hate crime: while a hate incident is defined 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 hate,*' a hate crime is defined specifically as '*Any hate incident which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.*'
- (ii) Hate is seen by the criminal justice agencies as an 'aggravating factor,' which means that when cases are prosecuted the courts can impose stronger sentences under powers from the Criminal Justice Act 2003.

1.2 Forms of Hate Crime

(i) Disability

Disability-related hate crimes are those which the victim or a third party believes are motivated by prejudice or hostility towards a person's actual or perceived disability or impairment, as defined by the Equality Act 2010. This can include physical disability, mental illness and learning disabilities. Data shows that nationally learning disability hate crime is emerging as a growing area of disability-related hate crime. This type of crime is known as 'mate crime', as typically individuals are befriended before being exploited. This type of hate crime can also include 'cuckooing', whereby abusers use their victims' homes as their own. There is also consensus amongst researchers that people with disabilities are more likely to experience repeat incidents of Anti Social Behaviour. The disability-related hate crimes which were exposed at Winterbourne View Hospital in 2011 also illustrate the abuse that some people with learning disabilities experience in institutional settings.

(ii) Gender Identity

Transgender-related hate crimes are those which the victim or a third party believes are motivated by prejudice or hostility towards a person's actual or perceived gender identity. This includes people who are transsexual, transgender, transvestite and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004. A Gender Recognition Certificate allows transsexual people to be legally recognised in their acquired gender and to obtain a new birth certificate. Applicants for a Gender Recognition Certificate are required to have transitioned two years before a certificate is issued, but there is no requirement for sex reassignment surgery to have taken place.

(iii) Race

Race-related hate crimes are those which the victim or a third party believes are motivated by prejudice or hostility towards a person's actual or perceived race. This includes any racial group or ethnic background including countries within the United Kingdom, and 'Gypsy and Traveller' groups. The Institute of Race Relations has noted that those at highest risk of victimisation are refugees or asylum seekers.

(iv) Religion/Faith

Religion/faith-based hate crimes are those which the victim or a third party believed are motivated by prejudice or hostility towards a person's actual or perceived religion or faith.

(v) Sexual Orientation

Sexual orientation, better known as homophobic hate crimes, are those which are believed to be motivated by prejudice or hostility towards a person's actual or perceived lesbian, gay or bisexual sexual orientation. Research indicates that homophobic hate crimes and incidents occur commonly in the everyday lives of Lesbian, Gay, and Bisexual (LGB) people.

1.3 How Hate Crime is Addressed in Barking and Dagenham

In Barking and Dagenham, the Hate Incident Panel co-ordinates the operational response to hate crime. Nevertheless, the broad effects of hate crime are dealt with by a range of agencies, including:

Council Services:	Community Safety Team Housing Tenancy Services Public Health Environmental Health and Enforcement Services Adult Social Care
NHS:	Primary and Acute Health Services
Voluntary Organisations:	The Refugee and Migrant Forum for East London Victim Support
Metropolitan Police Service	

Hate crimes can be reported through a number of agencies, including the Police, the Council, and a range of third party reporting sites, which include Victim Support and

Harmony House. The Council commissions a Hate Crime Support Service for victims of hate crime as part of broader support and advocacy.

While the number of hate crime incidents reported has fallen over the past three years (-40%, from 76 in 08/09 to 52 in 09/10 and then to 34 in 10/11), there remain concerns that hate-related incidents are under-reported. The Community Safety Partnership recognised this when it agreed, in December 2011, to establish the Hate Crime Strategic Group, which takes the lead in tackling hate crime.

1.4 Statutory Duties

There is a duty on public bodies to reduce prejudice that is underpinned by several Acts.

- (i) The Race Relations Act 1976 was the first to introduce a mandatory duty on a Local Authority who must 'in carrying out its functions, have due regard to the need (a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity and good relations between persons of different racial groups' (Section 71). In 2002 the Race Relations Amendment Act came into force and the provisions of the Section 71 duty were extended to cover all listed public bodies and the enforcement of the Act strengthened.
- (ii) In 2005 the Disability Equality Duty was introduced through an amendment to the original Disability Discrimination Act 1995. The new duty required public bodies to promote positive attitudes towards disabled people and to promote their involvement in public life.
- (iii) Between 2000 and 2010 the Sex Discrimination Act, Race Relations Act and Disability Discrimination Act were further amended to include the prohibition of harassment on the grounds of gender, race or disability. Additionally, the Equality Act 2010 makes it unlawful for public bodies to discriminate against employees, job seekers and trainees because of their age. This includes direct and indirect discrimination, harassment and victimisation. The new Act also requires public authorities to eliminate discrimination, advance equality of opportunity and foster good relations, and to take action to 'promote understanding' and 'tackle prejudice.'
- (iv) In this context, the duty on a public body to reduce prejudice can be seen to include working with those people in the community whose prejudice has an impact both on them and the people around them and therefore applies to the area of criminal justice and offenders.

2. Hate Crime Strategy & Delivery Plan 2013-16: Proposal and Issues

- 2.1 The Borough's commitment to addressing Hate Crime has steered the Hate Crime Strategic Group's decision to develop a bespoke Hate Crime Strategy and Delivery Plan for 2013-16. A summary is attached as Appendix 1 and the final version for agreement is attached at Appendix 2i and 2ii.
- 2.2 The Strategy has been developed by the CSP's Hate Crime Strategic Group: it is a Community Safety Partnership document. It has been sent for consultation across the CSP and Select Committees, as outlined in section 4. The consultation is now

complete and the final draft has incorporated comments from this process. The final draft was approved by the CSP Board and has now been brought to be approved by Cabinet.

- 2.3 While the Hate Crime Strategic Group has agreed to follow the Government's lead in referring to 'hate crime' throughout the Strategy and Delivery Plan, the documents will also address hate incidents.
- 2.4 The overarching aim of the Hate Crime Strategy is to ensure that the Community Safety Partnership has an effective, co-ordinated community response to hate crime. Its key objectives are:
 - (a) to prevent hate crimes from happening;
 - (b) to increase the reporting of hate crime; and
 - (c) to work with Criminal Justice Agencies to improve the operational response to hate crime.
- 2.5 This discrete Strategy will ensure that the wider Community Safety Partnership is tasking its resources in a manner that addresses hate crime as effectively and efficiently as possible. The development of a Hate Crime Strategy that is separate from the statutory Community Safety Partnership Plan 2011-14, is optional; it can, nevertheless, be considered good practice. The Hate Crime Strategy consolidates the issues, co-ordinates the response; and clarifies the responsibility of all parts of the Council and the role of partners in addressing hate crime in the Borough. As such it will enhance the work to improve community safety and increase confidence in the Council and Police.

3. Options Appraisal

- 3.1 The Strategy and Delivery Plan are in their final draft. The Community Safety Partnership has asked all agencies to take the documents, in their final form, to their governing bodies asking them to endorse the Strategy.

4. Consultation

- 4.1 Consultation on the Hate Crime Strategy and Delivery Plan began on 25 February 2013 and ended on 16 May 2013. The Select Committees were asked to scrutinise the Strategy and submit any feedback to the LBB Domestic Violence and Hate Crime Manager for incorporation into its final draft.

The following fora were consulted on the Strategy:

- (a) Anti-Social Behaviour Strategic Group
- (b) Barking and Dagenham Black, Minority Ethnic, and Refugee Forum
- (c) Barking and Dagenham Safeguarding Children Board
- (d) Community Safety Partnership Board
- (e) Disability Equality Forum
- (f) Domestic and Sexual Violence Strategic Group
- (g) Faith Forum
- (h) Headteachers' Forum
- (i) Health and Well-Being Board
- (j) LBB Adult and Community Services Departmental Management Team

- (k) LBBD Children's Services Departmental Management Team
- (l) LBBD Housing and Environment Departmental Management Team
- (m) LBBD Portfolio Holder for Crime, Justice, and Communities
- (n) Learning Disability Partnership
- (o) Lesbian, Gay, Bisexual, and Transgender Forum
- (p) Mental Health Services Users' Group (SURG)
- (q) Older People's Forum (Silvernet)
- (r) Safeguarding Adults Board
- (s) Safer and Stronger Communities Select Committee
- (t) Serious Youth Violence Partnership
- (u) Young People's Safety Group

4.2 All comments on the Strategy and Delivery Plan were considered and incorporated into the final draft, and was signed off by the Community Safety Partnership Board on 3 September 2013. This is now being brought for sign off by the approving bodies of each member of the Community Safety Partnership, and brought before Cabinet as the London Borough of Barking and Dagenham's approving body.

5. Financial Implications

Implications completed by: Roger Hampson, Group Finance Manager Adults and Community Services

5.1 The Domestic Violence and Hate Crime Service is responsible for the Hate Crime Strategy and Delivery Plan 2013-16. This Service is funded by multiple income streams. The income streams for 2013/14 in respect of the Hate Crime Strategy and Delivery Plan are detailed below:

Local Authority Budget	£30,000
Public Health Grant	£17,100
Total	£47,100

5.2 The Domestic Violence and Hate Crime Service will deliver the actions in the Hate Crime Strategy and Delivery Plan within the available budgets. Some of the funding streams are agreed on an annual basis; a significant fluctuation and/or cessation of funding streams may impact on the delivery of the Strategy and Delivery Plan, and funding streams will be carefully monitored to minimise this risk.

6. Legal Implications

Implications completed by: David Lawson Deputy Head of Legal & Deputy Monitoring Officer

6.1 This report is for noting and comment and represents a considered, effective and integrated approach to addressing hate crime - which has been widely recognised as an 'aggravating factor,' in criminal prosecutions allowing the courts to impose stronger sentences under powers from the Criminal Justice Act 2003.

7. Other Implications

- 7.1 **Risk Management** – There is no legal obligation upon the Council or its partners to have a Hate Crime Strategy. However, the work that the Community Safety Partnership undertakes serves to prevent serious injury and homicides. Therefore, leaving hate crime poses a significant reputational risk to the Council and the broader Community Safety Partnership that would not only reduce public confidence, but would also exacerbate the human and emotional costs of hate crime: a Borough that leaves hate crime unaddressed sends the message that hate crime is acceptable and further serves to isolate victims and survivors. This bespoke Hate Crime Strategy provides a focus for the work in this area and allows the Council and its partners to monitor our performance against agreed indicators.
- 7.2 **Contractual Issues** – in dealing with hate crime, the Council currently commissions one scheme:
- (a) Hate Crime Advocacy: The Citizens Advice Bureau are contracted to provide advocacy for the victims of hate crimes and hate incidents. This includes contacting the victim to offer support, advice and information and liaise between agencies with the victim or on their behalf depending on services they require.
- 7.3 **Staffing Issues** – The strategic aims contained within the strategy are to be delivered within existing Council and Community Safety Partnership resources.
- 7.4 **Customer Impact** – Figures state that the Police had data on over 250 hate crimes in 2012/13. As national figures suggest that up to 95% of all hate crimes go unreported, the figure for the amount of hate crimes and incidents which occur in the Borough could be far higher. To date, the Community Safety Partnership is progressing in addressing incidences of hate crime. The development of this more wide-ranging strategy will consolidate achieved progress further, and the comprehensive action plan and performance measures will assist improvement. Consultation with the community has provided understanding of what issues need to be addressed to make residents more confident to report hate crimes, and the Strategy has been designed around improving the levels of reporting.

The Hate Crime Strategy has undergone a comprehensive Equality Impact Assessment, which demonstrates that the strategy will benefit all groups living and working in the Borough.

- 7.5 **Safeguarding Children** – In working to reduce hate crime it is anticipated that this would impact upon children and reduce their chances of becoming a victim or a witness of a hate crime – as well as working with young people to prevent them from becoming the perpetrators of a hate crime or hate incident. The psychological impact of a hate crime is greater than that of other types of crime, as indicated by the Health Implications below, and being a victim of or witnessing a hate crime at a young and formative age could be expected to greatly increase this impact.

Children often do not report such cases through a fear of reprisal or rejection. It is important to establish a culture whereby children feel not only able to report cases of hate crime, but be assured that they will be supported through the process of doing so. The strategy will ensure that all those working with children have an

understanding of the steps being taken to reduce hate crime and the resources available to them in assisting children to report any cases of hate crime.

The strategy will be incorporated within the Corporate E-Safety Strategy being developed to ensure that hate crime committed through electronic means and social media can also be tackled and reduced

Many schools have already started the process of dealing with and reporting hate crimes and this strategy will provide a universal and clear approach across all schools for doing so. It will further ensure that there is a consistent strategy being implemented across all schools in the Borough.

There must be strong information sharing and an agreed strategic approach across services working with adults and children to reduce the impact for victims, but also to help children and young people who may become future perpetrators.

7.6 Health Issues - Hate crimes are different from other crimes in that the offender - whether purposefully or not - is sending a message to members of a given group that they are unwelcome and unsafe in a particular neighbourhood, community, school, workplace, or other environment. Thus, the crime simultaneously victimizes a specific individual and members of the group at large. Hate crimes are often intended to threaten entire communities and do so. For example, a hate crime that targeted children in a religious day care centre and an ethnic minority postal worker was intended to instill fear in members of these minority communities (Sullaway, 2004). Being part of a community that is targeted because of immutable characteristics can decrease feelings of safety and security (Boeckmann & Turpin-Petrosino, 2002). Being a member of a victimized group may also lead to mental health problems. Research suggests that witnessing discrimination against one's group can lead to depressed emotion and lower self-esteem (McCoy & Major, 2003). More research is necessary to document the impact of hate crimes on those who share the victim's identity.

Little is known specifically about the impact of hate crime on the mental health of people from minority ethnic groups. However, research indicates that where racism is a factor this is likely to increase the impact (Fitzgerald and Hale, 1996). A survey by Stonewall (1996) of over 4,000 gay men, lesbians and bisexuals and found that of the 34% of men and 24% of women respondents who had experienced homophobic violence, 79% suffered stress and fear and 18% had nightmares. Other effects on mental health included attempted suicide, 'nervous breakdown' sleeping disorders.

While violent crime victimization carries risk for psychological distress, victims of violent hate crimes may suffer from more psychological distress (e.g., depression, stress, anxiety, anger) than victims of other comparable violent crimes (Herek, Gillis, & Cogan, 1999; McDevitt, Balboni, Garcia, & Gu2001). Survivors of violent crimes, including hate crimes, are also at risk for developing a variety of mental health problems including depression, anxiety and posttraumatic stress disorder (PTSD). PTSD emerges in response to an event that involves death, injury, or a threat of harm to a person. Symptoms of PTSD may include intrusive thoughts or recurring dreams, refusal or inability to discuss the event, pulling away emotionally from others, irritability, difficulty concentrating, and disturbed sleep.

- 7.7 **Crime and Disorder Issues** - S17 of the Crime and Disorder Act 1998 requires local authorities to integrate consideration of the impact on crime and disorder of any decision, policy, activity or Strategy that it performs. The authority is required to ensure that there is no negative impact on crime and disorder of any such decisions.

The development of a discrete Hate Crime Strategy, separate from the statutory Community Safety Partnership Plan 2011-14, is optional. However, it can be considered as good practice. This Strategy will consolidate the issues, co-ordinate the response and clarify the responsibility of all parts of the Council and the role of partners in addressing hate crime in the Borough. As such it will enhance the work to improve community safety and increase confidence in the Council and Police. There are no negative impacts arising from this Strategy.

Background Papers Used in the Preparation of the Report:

A list of linked and associated reports, strategies and research documents are contained within the draft strategy:

- Government Paper: *Challenge it, Report it, Stop it – The Government’s Plan to Tackle Hate Crime*, (2012)
- Latvian Centre for Human Rights: *Psychological Effects of Hate Crime – Individual Experience and Impact on Community*, (2007)
- P Iganski: *Hate Crime Hurts More*, (2001)
- Office for Public Management, Equality and Human Rights Commission: *Disabled people’s experiences of targeted violence and hostility*, (2009)
- Submitted to the Equality and Human Rights Commission (Scotland): *Rehabilitation of hate crime offenders, Research Report*, Spring 2011,
- Lancashire Constabulary, the Metropolitan Police Service, and the Police Service of Northern Ireland:
<http://www.homeoffice.gov.uk/publications/crime/hate-crime-action-plan/action-plan?view=Binary>

List of appendices:

- Appendix 1: Hate Crime Strategy 2013-16 Plan on a Page
- Appendix 2i: Hate Crime Strategy 2013-16
- Appendix 2ii: Hate Crime Delivery Plan 2013-16