Hate Doesn’t Belong Here

The Trust is dedicated to ensuring that the idea that hate has no place at Lancashire & South Cumbria is embedded into our culture and everyday practice.

This Commitment has been adopted following work undertaken within Lancashire and South Cumbria secure services, and following feedback and engagement with staff, patients, colleagues from Lancashire County Council and other stakeholders.

Any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity can be classed as a hate crime.

Hate crimes are pernicious; they send the message that some people can be victimised solely because of who they are or who they are believed to be. Such crimes have a deep impact on victims because they are against an intrinsic part of their identity (their race, religion, sexual orientation, disability or gender identity). Those who commit hate crimes also attack the fundamental values that underpin our diverse society, values of acceptance and respect for others. Through the spread of fear, abuse and violence, hate crime can limit people’s opportunities, stopping them from enjoying the full benefits of our society and can lead to isolation and segregation. ¹

When patients, service users, staff and visitors are on the receiving end of negative comments and behaviours from others which are motivated by prejudice or hostility based on the victim’s race, religion, sexual orientation or disability, it is important that they are heard and supported. In particular, they should be encouraged to report the incidents and Trust employees should have a clear understanding of how to support those who have experienced hate related incidents.

Hate incidents are when no crime has been committed but victimisation or abuse motivated by the same hostility has taken place. It is important to record these as perpetrators of hate incidents often progress to commit hate crimes and the impact of hate incidents on individuals can be just as devastating as that of hate crimes.

¹ Action Against Hate, HMG Jul 2016
Action Against Hate

Action Against Hate (July 2016) sets out the Government’s four year plan to tackle hate crime.

The plan focuses on five key areas to tackle hate crime from beginning to end – from understanding the drivers of hate crime and dealing with its causes to providing improved support to victims:

1. Preventing hate crime
2. Responding to hate crime in our communities
3. Increasing the reporting of hate crime
4. Improving support for the victims of hate crime
5. Building our understanding of hate crime

Our Approach

This document adopts these five key elements to provide an overarching framework to prevent, address and monitor hate related incidents which take place within the organisation.

This Commitment incorporates the duties, expectations and specific actions to be undertaken to enable us to put the key elements into practice. Whilst the Government’s plan is a national procedure designed to tackle hate crime in our communities and streets, the aims within it can be transferred to the ‘community’ of our organisation.

We also propose the following standards that we will work towards and evaluate ourselves against. These standards will run alongside the key elements outlined in Action Against Hate.

Standard 1:
We will support victims to report hate incidents and crimes

Standard 2:
We will report hate incidents and crimes to the police

Standard 3:
We will collate data related to hate incidents and crime to enable us to better understand the extent of the problem, the type of incidents and identify patterns, themes and hotspots

Standard 4:
We will offer support to victims and acknowledge what outcomes they want from their experience

Standard 5:
We will challenge those who perpetrate hate but also offer them support to enable them to deal with the beliefs, values and attitudes that underpin the discrimination
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Standard 6:

We will ensure that when a hate incident or crime has been committed all relevant risk assessments will be updated.

Standard 7:

Where a hate crime has been committed we will work with the police to ensure the best outcome for the perpetrator based on the evidence.

Standard 8:

Where hate incidents or crimes have been perpetrated by staff, all the standards will apply alongside implementing relevant HR policies and procedures.

Prevent

We will only be able to drive down hate incidents and crime by dealing with the beliefs, values and attitudes by challenging those attitudes that can lead to discrimination and divisions within our society.

A clear message ‘hate does not belong here’ will be made visible to all people visiting, residing and working in the Trust. A message of ‘zero tolerance’ is not a clear statement of intent and provides no assurance that a person’s experience will be heard, valued and acted upon. The message will clearly state the intention to listen and support both the victim of hate and the perpetrator.

- Posters displaying the message will be provided for all clinical and non-clinical areas.
- A Hate Crime awareness video will be made available to all staff and members of the public.
- Hate Crime awareness will be included in the staff induction that new employees undertake within the first eight weeks of their employment and all employees will be have access to guidance documentation to help them understand hate crimes and incidents and how to report them.
- The Trust has access to a Wellbeing Support Service and a number of Champions Against Hate Crime.
- Reference to Hate Crime will be made in other Trust policies and strategies such as Equality in Employment or relevant HR and Wellbeing policies and processes.
- Even though not they are not all covered by the Hate Crime legislation, incidents related to any of the protected characteristics covered under the Equality Act 2010 (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation) will be considered equally serious by the Trust and be fully investigated internally even when police intervention in inappropriate.
- The Trust’s work on improving culture, values and behaviours will be informed by this approach to Hate Crime to ensure it is complementary.
Respond

Taking positive action to make the behaviour stop is critical. Hate has no place at Lancashire & South Cumbria.

The Trust is committed to working with those who have experienced hate crime or incidents to understand the outcomes they want and whilst we will always prioritise keeping people safe, we will do this in a collaborative way so people feel involved.

The Trust will also work with stakeholders in the wider communities it serves to improve understanding of hate crime. This includes participation in the Lancashire Hate Crime Strategy Cohesion Group chaired by Lancashire Police and supporting local events and national initiatives such as Hate Crime Awareness Week.

Once an incident has been reported to the police, the following outcomes are available for their consideration:

- Prosecution (charge to attend court)
- Conditional Caution
- Simple Caution (no conditions)
- Community Resolution (police officer giving words of advice)
- Restorative Justice
- No further action

A decision to prosecute will be taken by the Crown Prosecution Service (CPS). The outcome from CPS could range from the above. A patient who is already subject to a section of the Mental Health Act may not be prosecuted however the nature, history and the individual circumstances will be taken into consideration.

Restorative Justice (RJ) may be a preferred outcome for dealing with some of the hate incidents or crimes reported to the police. It seeks to bring all parties involved in an incident together to play a part in repairing the harm caused and find a positive way forward.

More information regarding Restorative Justice can be found on the link below:

Please right click and open hyperlink


Report

It is important that there are a wide number of ways that a person can report or raise a concern about hate.

The person who is the victim of hate will often experience shame, anxiety or fear and may feel disempowered. It is therefore the responsibility of anyone who witnesses a hate incident or crime to report it.

Here are some ways to report hate crimes and incidents:
In an emergency, always call 999. For other reports you can call 101.

Hate Crimes can be reported via the Lancashire and Cumbria Police websites www.lancashirepolice.uk www.cumbriapolice.uk and using the True Vision tool www.report-it.org.uk. This form is aimed more at victims of hate crime than witnesses so if you are a witness, you may find it easier to call 101.

The police websites also have lists of third party reporting centres where you can get support and advice as well as making your report.

If you do not feel comfortable making an official report straightaway then it is still important to tell someone what has happened and make sure you get any support that you need. This might be a senior member of Trust staff, a colleague, a Freedom to Speak Up Guardian/Ambassador or a member of the Equality and Diversity or Safeguarding teams.

Local Arrangements – At Guild Lodge, there is a local procedure in place as well as the above and you can find out more about that onsite. Lancashire & South Cumbria staff members will also find the detailed procedure (Hate Incidents and Crime in Secure Services) in the Secure Services section of the policy library on the Trust’s internal Intranet (TrustNet).

Datix – Datix is the Trust’s internal incident reporting system which helps the organisation to record and manage risks. Lancashire & South Cumbria staff members are expected to complete a Datix entry for all hate crimes and incidents even those which are not formally reported to the police.

Support

Hate crime has a disproportionate impact on victims. Research has shown that victims feel more traumatised by hate crimes than equivalent crimes with no such motivation.²

All those who report hate crime to the police will be referred to Lancashire Victim Services unless they state that they do not want their details sharing.

Support offered to those involved in hate incidents and crimes will take a variety of forms. Including:

- Where the perpetrator is a patient/service user, their Positive Behavioural Support Plan (or equivalent) will be updated and where required a care plan supporting them to manage their behaviour or better understand their attitudes and values will be developed by a multi-disciplinary team – this may include considering provision of access to restorative justice

- If the victim is a patient, the multi-disciplinary team will discuss and agree appropriate support and safeguarding measures are in place

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² Ignaski P, Lagou S, Hate crimes hurt some more than others: implications for the just sentencing of offenders, Journal of Interpersonal Violence 30(10), 2015: pp. 1696–1718.
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- Opportunities to reflect and to discuss what has happened – immediately after the event but also in the days, weeks and months following the incident

- Where the victim is a staff member, a referral to Occupational Health should be considered as well as providing access to the Employee Assistance Programme and Workplace Trauma Support services

- Amendments may need to be made to working locations and patterns for staff who have been impacted by a hate crime or incident but these should only be made in collaboration with the individual and assumptions about what people might want or need should be avoided

- Practical support in how to report incidents and signposting to additional help inside and outside of the organisation

Where hate incidents or crimes have been perpetrated by staff on staff and staff on service users relevant HR and safeguarding policies and procedures will apply. This will also apply to students, work experience candidates or staff contracted to provide services within the Trust.

**Understanding**

Hate crimes and incidents will be monitored by the Trust and the police and intelligence that is gathered will be used to help us better understand the extent of the situation across the organisation, improve support available to those affected by hate and identify areas with hotspots, patterns and themes.

Lancashire & South Cumbria will continue to work closely with the police and other local stakeholders to increase awareness of how to report hate crimes and to reduce the frequency of incidents which occur.

Continued dialogue with both victims and perpetrators will inform resources and process improvements and as reporting systems are developed we will be able to audit compliance with these principles.
Appendix 1 – Legislation and Definitions in Law

What is Hate Crime? 3

Racially and religiously aggravated offences - These offences are limited to four offence groups - assaults, criminal damage, minor public order and harassment offences.

Incitement offences - These crimes include the stirring up of hatred on the grounds of race, religion or sexual orientation.

In addition to the above, there is a specific offence of Racist Chanting where the Football (Offences) Act 1991 makes it an offence to engage or take part in chanting of an indecent or racist nature at a designated football match.

Sections 145 and 146 of the Criminal Justice Act 2003 provide for enhanced sentencing provisions. Section 145 requires the courts to consider racial or religious hostility as an aggravating factor when deciding on the sentence for any offence (which has not been identified as a racially or religiously aggravated offence as outlined above). Section 146 has the same effect for sexual orientation, disability or transgender.

In cases where the prosecution is able to prove that the offender was motivated by hostility towards a person’s (actual or perceived) race, religion, sexual orientation, disability or transgender identity the court must treat that fact as an aggravating factor.

Official Definitions 4

Hate crimes and incidents are taken to mean any crime or incident where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.

A hate incident refers to any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on or perception of ‘race’, religion, sexual orientation, disability or whether a person is or is perceived to be transgender.

A hate crime is any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on or perception of a person’s ‘race’, religion, sexual orientation, disability or whether a person is or is perceived to be transgender.

The police will still investigate hate incidents and consider various options such as restorative justice, community resolution and education.

Non-Crime Incident: if you are being treated in a certain way and you perceive that the person’s actions are motivated by your protected characteristics but clearly no crime has occurred. For example: A person staring at you in an intimidating manner.

A crime will be if you are being treated in a certain way and you perceive that the person’s actions are motivated by your protected characteristics and you have been a victim of physical assault or damage to your property.

3 Action Against Hate, HMG Jul 2016
4 Summary of Shared definitions established by the Crown Prosecution Service and the Association of Chief Police Officers