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WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:	Internal Hate Crime / Hate Incident Policy
POLICY REFERENCE NO:	HR/14

Executive Summary.

Officers and staff have a fundamental right to be treated with dignity and respect in the workplace. On occasion, it is possible that a hate incident and/or a hate crime could be committed by police officers or police staff against other colleagues. This is contrary to the Standards of Professional Behaviour and the Conduct at Work policy, and may lead to a criminal or misconduct investigation. This policy explains what should be done by relevant parties if an incident that someone believes may have been motivated by hate occurs within WMP.

Any enquiries in relation to this policy should be made be made directly with that of the policy contact / department shown below.

Intended Policy Audience.

This applies to all employees, paid and unpaid, and on any form of contract or work attachment at WMP.

Current Version And Effective Date.	Version 3	14/09/2015
Business Area Owner	Human Resources/Professional Standards Dept.	
Department Responsible	Human Resources	
Policy Contact	Christopher Rowson, Head of Human Resources	
Policy Author	Rebecca Hess, HR Business Adviser	
Approved By	Head of HR and PSD/Info Services, Legal and Crime Registrar	
Policy Initial Implementation Date	09/09/2013 – Reviewed 14/09/2015	
Review Date	14/09/2016	
Protective Marking	Not Protectively Marked	
Suitable For Publication – Freedom Of Information	Unrestricted	

Supporting Documents

- *Hate Crime Policy - Manual of Standards LP/03 24/4/2012 (to be amended removing Section 6 p8-9 which is superceded by this policy)*
- *Code of Ethics (http://www.college.police.uk/docs/Code_of_Ethics.pdf)*

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP database on the Intranet.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behaviour that sets and defines the exemplary standards expected of everyone who works in policing.

Please see http://www.college.police.uk/docs/Code_of_Ethics.pdf for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organization to do the right thing.

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1. INTRODUCTION

- 1.1 Officers and staff have a fundamental right to be treated with dignity and respect in the workplace. On occasion, it is possible that a hate crime and/or a hate incident could be committed by police officers or police staff against other colleagues. This is contrary to the Code of Ethics and may lead to a criminal or misconduct investigation.
- 1.2 This policy applies to the following officers, staff and other personnel of WMP of all ranks and grades ("Personnel") who are victims of, witnesses to, or alleged perpetrators of, internal Hate Crimes or Hate Incidents (as defined below):
- police officers;
 - police staff;
 - police community support officers (PCSOs);
 - special constables;
 - volunteers;
 - contracted-out staff designated under Section 39 Police Reform Act 2002;
 - persons employed on a temporary basis;
 - those undertaking work experience or any other form of work attachment to WMP
- 1.3 WMP employees who are subject to Hate Crimes and Hate Incidents by members of the public in the course of their duty must report the details promptly to their line manager, so that appropriate action can be taken by WMP.
- 1.4 Any Hate Crimes and Hate Incidents against WMP employees that take place off duty, whether or not they are related to their employment, should be reported promptly to the local police in the normal way.

Definitions

- 1.5 For the purpose of this policy:
- 1.6 A Hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice towards a person based on their race, religion, sexual orientation, disability, who is transgender or perceived race, religion, sexual orientation, disability, perceived to be transgender.
- 1.7 A Hate Incident is any non-crime incident, which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a persons race / perceived race, religion / perceived religion, sexual orientation / perceived sexual orientation, disability / perceived disability or against a person who is or perceived to be transgender.

2. INITIAL ACTION FOLLOWING AN ALLEGATION OF AN INTERNAL HATE INCIDENT OR HATE CRIME

- 2.1 The following initial action will be taken when dealing with any allegation of an internal Hate Incident or Hate Crime, which has been made via any of the following methods:-
- Reported in person by the victim
 - Reported by a third party on the victim's behalf
 - Reported anonymously
 - As a result of the Force Resolution procedure or
 - Via the online Confidential Form or Confidential Hotline:

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- Each Department/LPU has a designated Appropriate Authority who will be the single point of contact locally for all allegations of either internal Hate Crimes or Hate Incidents and will be responsible for retaining all relevant information.
- The Appropriate Authority will usually be a West Midlands Police Chief Inspector or Police Staff equivalent.
- Where the relevant Appropriate Authority may have a conflict of interest, the Head of the Professional Standards Department (PSD) may identify an appropriate alternative.
- The Appropriate Authority (as defined above) shall endeavour to obtain a signed initial consent form from:-
 - The victim(s)
 - Any third party making the complaint or providing information or evidence (where applicable)
 - The alleged perpetrator of the Hate Crime or Hate Incident
- The Appropriate Authority shall ensure that all parties are aware of the purposes for which their personal data may be used, the circumstances in which it may be disclosed, and the length of time it may be retained in accordance with this policy
- The Appropriate Authority will assess whether there is any conduct issue to investigate.

Victim Support

- 2.2 The Appropriate Authority will ensure that all involved in the investigation are offered welfare support and assistance via the People Advice and Liaison Service, Police Federation, Unions, Chaplaincy, EDHR and Staff Associations

3. INVESTIGATION PROCEDURE

- The Appropriate Authority will ensure that all information and evidence about the allegation is recorded and preserved in a secure and confidential environment, and will make a Severity Assessment under Regulation 12 of the Police (Conduct) Regulations 2012, or the police staff misconduct procedures.
- The Appropriate Authority will then inform and consult with the Head of the PSD to:
 - determine whether the allegation should be dealt with as an internal Hate Crime or an internal Hate Incident in accordance with the procedures set out below;
 - determine whether the allegation meets the criteria for a referral to the Independent Police Complaints Commission; and
 - agree an investigation plan.

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- If the allegation is to be investigated by PSD, the relevant information will be provided for the use of PSD only. If matters are not to be investigated by PSD, the reason will be noted. These reasons should be formally communicated in writing to the complainant so that they are fully informed and can be in a position to make a potential appeal to the Crime Registrar.
- In line with conduct procedures, those Personnel involved in any allegation will be notified in writing by the relevant Appropriate Authority, and they will be told what action is proposed.

4. RECORDING PROCEDURE

- The Appropriate Authority shall cause the following data or information to be recorded:
 - personal details of the alleged perpetrator of the Hate Crimes and Hate Incidents;
 - personal details of the victim and any third party making the complaint on the victim's behalf or providing information or evidence about the alleged Hate Crimes and Hate Incidents;
 - a brief outline of the allegation;
 - any other evidence which supports or undermines the allegation.
- PSD will ensure that the incident is recorded on an appropriate secure WMP database and a reference number provided to the complainant.
- PSD will also ensure that the subsequent investigation complies with the IPCC Statutory Guidance and the relevant guidance to the Police (Conduct) Regulations 2012 and/or the police staff misconduct procedure.
- The Appropriate Authority, PSD and any investigating body shall:
 - keep all recorded information about the investigation and resolution of the allegation up to date at all times;
 - comply with the data retention policy applicable to that allegation and ensure that personal data about any Personnel involved in the matter is used solely for the purposes of the prevention, detection, investigation and monitoring of internal Hate Crimes and internal Hate Incidents (the **Specific Purposes**);
 - ensure that all evidence or personal data about Personnel involved in the investigation is kept secure and confidential and that it is only disclosed to such persons as are necessary for achieving the Purposes.
 - ensure that, following the outcome of an investigation into an internal Hate Incident or internal Hate Crime, only that personal data which is relevant and necessary for achieving the Specified Purposes is retained on any Appropriate Database.

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- Where there is any dispute regarding any aspect of the implementation of this procedure, the WMP Crime Registrar will remain the final arbiter and will offer support and guidance where needed. The complainant can appeal to WMP Crime Registrar if they do not agree with the Appropriate Authority's Severity Assessment of the allegation and or decision not to treat an allegation as a crime and will be informed of the decision and appeal process formally in writing.
- Throughout this process, personal information, particularly regarding protected characteristics which individuals wish to remain private, should be treated in an appropriately sensitive manner.

5. DEALING WITH INTERNAL HATE CRIMES

- Where, after the Severity Assessment with advice from PSD, the Appropriate Authority decides that the allegation is an Internal Hate Crime, then the incident will be investigated by PSD.
- Following the outcome of a criminal investigation, all personal data recorded in relation to the internal Hate Crime shall be retained on the appropriate database in accordance with WMP's Retention Policy.

6. DEALING WITH NON-CRIMINAL INTERNAL HATE INCIDENTS

- Where, after the Severity Assessment with advice from PSD, the Appropriate Authority decides that the alleged Hate Incident does not amount to a criminal offence, then the incident will be dealt with as follows:
 - where it **DOES** meet the threshold for a conduct investigation it will be determined by PSD who should conduct the investigation;
 - where it **DOES NOT** meet the threshold for a conduct investigation, it will be referred promptly to the Corporate HR for the matter to be resolved via an appropriate WMP conflict resolution procedure and/or lower level management advice, and/or training. This decision should be formally communicated in writing to the complainant detailing the reasons.
 - where there is clear evidence that an allegation is vexatious or malicious, this may form part of a separate misconduct investigation.
- Following the outcome of a conduct investigation, if:
 - the allegation is upheld, the appropriate disciplinary action shall be taken against the perpetrator of the internal Hate Incident and any personal data recorded about the perpetrator in relation to the internal Hate Incident shall be retained on the appropriate database for a period of time:-
 - ❖ commensurate with the nature and gravity of the misconduct;
 - ❖ only to the extent that the retention of that personal data is relevant and necessary to achieve the Purposes.

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- Where an internal Hate Incident is referred to Head of Corporate HR, following the resolution of the incident **ALL** information the file will be retained securely for management Information purposes. HR will retain the records / files in respect of Force Resolutions and PSD will retain a record of their severity assessment and any decision they make not to progress to an investigation.

7. PERIODIC REVIEW OF DATA RELATING TO INTERNAL HATE INCIDENTS

- The Head of PSD and/or HR shall conduct an annual review of the data retained on any victim, alleged perpetrator, offender or third party and shall ensure that personal data about any Personnel involved in the matter is being retained in accordance with the Force Retention Policy.
- Trends will be reviewed on a regular basis by the appropriate stakeholders in the Force to ensure that there is appropriate oversight of recent complaints, investigations and outcomes. The statistical data (without personal information or specific details of the allegations) will be shared with Staff Associations, the EDHR Diversity Champions Board and Command Team Silver EDHR Lead.

7.1 All matters relating to this policy must be treated by those involved with appropriate sensitivity and confidentiality.

8. EQUALITY IMPACT ASSESSMENT (EQIA)

8.1 The Policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this Policy.

9. HUMAN RIGHTS

9.1 This policy has been implemented and reviewed in accordance with that set out with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm.

10. FREEDOM OF INFORMATION (FOI)

- 10.1 Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 3 of this policy has been GPMS marked as Unrestricted
- 10.2 Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole Document	Section Number
N/A	N/A	N/A

There are no exemptions which apply to this document.

11. TRAINING

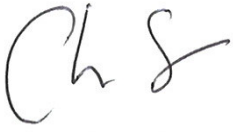
- 11.1 This policy should be brought to the attention of those providing training on Hate Crime and Hate Incidents so that the distinct process for dealing with internal matters is fully understood.

12. PROMOTION, MARKETING & DISTRIBUTION

- 12.1 The following methods will be adopted to ensure full knowledge of the Policy:
- This policy has been fully consulted with Staff Associations and Trade Unions. It should be included on relevant areas of the intranet and supplied to EDHR/HR staff, PSD, Legal and Information Services.
 - Publication on Force Policy Portal

13. REVIEW

- 13.1 The Policy business owner PSD/HR maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
- 13.2 The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.
- 13.3 A formal review of the Policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.
- 13.4 Any amendments to the Policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 13.5 Feedback is always welcomed by that of the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



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14. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
1	August 2013	Introduced to clarify Section 6 of pre-existing LP/06 Hate Crime Manual of Standards	HR/PSD/Legal Services/Information Services/Crime Registrar
1	09/09/2013	Signed off by CC – amended to show this and policy implantation/review dates	56408 Couchman
2	September 2013	Minor amendments made for accuracy and clarity	HR/PSD – Rebecca Hess
3	September 2015	Minor amendments made for accuracy and clarity	Hate Crime Lead DI Ainsley Cobbett / Rebecca Hess/ PSD / EDHR and Staff Associations
3	07/10/2015	Amended formatting & republished policy	56408 Couchman