

Tackling hate crime and hate incidents: a workplace issue

Introduction

This guide looks at our role in identifying and encouraging reporting of all forms of hate crimes and incidents at work and outside the workplace. It discusses the difference between a hate incident and a hate crime, the different types of hate crimes and assistance for a member that has been the victim or has witnessed a hate crime or hate incident. It also provides advice on negotiating a workplace policy on hate crime.

Branch activists do not need to become experts in hate crime. There are excellent support organisations and charities sign-posted in this guide who are experienced in advising and supporting people affected by hate.

The main aim of this guide is to raise awareness of hate crime and to set out what UNISON can do about it.



Why this matters

The number of people who have reported and been subject to a hate crime has increased in the last 3 years and sadly this increase shows no sign of slowing. Home Office statistics from 2015/16 show that over 62,000 people reported an incident of hate crime to the police. This was a 19 per cent increase on the year before and there were increases in all five of the monitored hate crime strands (race, sexual orientation, religion, disability and transgender). There has been a further surge since the referendum on leaving the EU.

However, hate crime remains under-reported.

All UNISON self-organised groups (SOGs) have raised this issue at their conferences. Saying no to hate, tackling hate crime where it exists and supporting our members are major campaign objectives for UNISON.

The current law on hate crime

England and Wales

Hate crime legislation in England and Wales is focused on five protected characteristics – disability, race, religion, sexual orientation and transgender identity. Hate crimes are dealt

with by arresting and charging the perpetrator with the criminal offence. For example, if you were assaulted, they would be charged with assault. The hate – for example homophobic - element is an aggravating feature which is taken into account in sentencing. Any regular criminal offence can be aggravated by having a hate element. A criminal offence where hate is a motivating factor can lead to a longer sentence.

Stirring up racial and religious hate and hate because of sexual orientation are specific offences. These hate crimes can lead to significantly longer sentences than other hate crimes. Some police forces in England and Wales also record and monitor hate crime based on misogyny, age, 'alternative subcultures' or targeted at sex workers¹. These subcategories cannot be prosecuted as hate crimes, but monitoring enables the police to respond more effectively.

Northern Ireland

In Northern Ireland, the same five strands of hate crime are recorded and investigated by the police, along with the additional strand of sectarian hate crime. At present, transphobic and sectarian hate can only be prosecuted as regular crimes but the police and prosecutors monitor them nevertheless.

Scotland

The Scottish Government has shown a progressive approach to tackling hate crime and has already commenced a review of its hate crime laws. Scottish hate crime laws cover the five strands of disability, race, religion, sexual orientation and transgender identity and also protect people from hate because of their intersex status. Separate Scottish legislation covers racially aggravated harassment and behaviour and racial hatred, including threatening communications relating to racial hatred.

UNISON's objectives on hate crimes and hate incidents

In a climate where hate crimes and incidents are on the increase, there is no doubt that they have a direct impact on workplaces and workplace culture. Victims of hate crime are four times more likely to experience depression, post traumatic stress disorder (PTSD) and/or anxiety². Hate crime is a workplace issue.

UNISON members may have been subjected to or witnessed a hate crime or incident at work or outside of the workplace and not known what to do or lacked confidence in reporting it.

UNISON's objectives include:

- promoting awareness of hate crime, encouraging reporting and supporting our members affected by these issues
- encouraging branches to negotiate workplace policies which promote zero tolerance of hate crime and provide support for staff affected;

¹ Tackling hate crime in the UK – Amnesty International

² Community impacts of hate crime - University of Sussex

- campaigning for levelling up of all hate crime laws in England and Wales, Scotland and Northern Ireland: we ask that political parties commit to a full review of laws, as recommended by the Law Commission;
- campaigning for laws to be extended to cover age and gender as protected characteristics across the UK ;
- promoting a message of HOPE across the UK, working with other organisations, local authorities, community organisations and charities to combat hate;
- supporting and promoting National Hate Crime Awareness week across the UK;
- standing up against discrimination and challenging inequality wherever it occurs.

What are hate crimes and hate incidents?

A hate crime or incident can be a one-off incident or part of an on-going campaign of harassment and intimidation. It involves acts of hostility, intimidation or violence against people because of their race, religion, sexual orientation, disability or because someone is trans. It can include verbal abuse, harassment, bullying, threats, abusive phone calls or text messages, hate mail, on-line abuse (for example on Facebook or Twitter), graffiti, displaying or distributing discriminatory literature or posters, malicious complaints, physical attacks, arson, damage to property or possessions.

Hate incidents

The police define an incident as a 'hate incident' if the victim or anyone else thinks it was motivated by hostility or prejudice based on someone's disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation or a person who is transgender or a person is perceived to be transgender.

There is no legal definition of hostility so the Crown Prosecution Service (CPS) uses the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike³.

It can happen anywhere – face to face, against property, in writing, online or via social media.

Hate crimes

A hate incident becomes a hate crime when a criminal offence has taken place. Hate crimes include assaults, criminal damage, harassment, murder, sexual assault, theft, fraud, and hate mail.

A judge can award tougher penalties and enhanced sentencing for those found guilty of committing a hate crime. The CPS has some key principles it upholds when making decisions about prosecutions. Prosecutors must be satisfied that there is a realistic chance of a conviction and that it is in the public interest to prosecute.

Online hate

There is growing recognition of the damage caused by online hate, which represents an increasing proportion of hate incidents and can have a devastating impact on people's lives. However, it can be hard to tackle and the CPS has acknowledged that more needs to be done. Anti-LGBT+ violence charity Galop has produced factsheets on tackling online hate which apply across strands. This can be summarised as:

³ Hate Crime – What it is and how to support victims and witnesses (CPS)

- Stay calm and don't retaliate with abuse or insults
- Tell someone: a friend, the platform, a third party reporting agency, and/or the police
- Keep a copy of everything.

The strands of hate crime currently covered in UK law are set out in the table below:

Race hate crime	<p>Crime which is perceived to be motivated because of a person's race or, ethnicity - either their actual ethnicity or ethnicity as perceived by the offender.</p> <p>According to the Home Office statistics race related hate crimes are the most common (79%) of police recorded strands of hate crime.</p>
Homophobic, biphobic and transphobic hate crime	<p>Crime perceived to be motivated by the offender's hostility or prejudice towards lesbian, gay, bi or trans people. Hate crime against lesbian, gay and bi people in Britain has increased by 78 per cent since 2013. Two in five trans people have experienced a hate crime or incident in the last 12 months, just because they are trans</p>
Disability hate crime	<p>Crime perceived to be motivated by the offender's hostility or prejudice towards a person because of their disability or perceived disability. The Crime Survey for England & Wales estimates that disability hate crimes account for 32% of all hate crimes. Despite this, just 5% of hate crimes recorded by the police in England & Wales during 2014/15 were disability hate.</p> <p>Disability hate crimes include 'mate crimes', where a perpetrator befriends or becomes a carer for someone in order to exploit this 'friendship' for financial gain or some other criminal purpose, including physical and sexual abuse.</p> <p>UNISON has an easy read awareness leaflet about disability hate crime for members with learning difficulties, available to download here: https://www.unison.org.uk/content/uploads/2013/08/Briefings-and-CircularsHate-crime-and-members-with-learning-difficulties-mini-poster3.pdf</p>
Religious hate crime	<p>Crime perceived to be motivated by hostility or prejudice based on the victim's belief or faith or perceived belief or faith. Anti-Muslim hate and antisemitism are examples of religious hate crime based on religion or (often) perceived religion</p>
**Crimes against older people	<p>Although older people are not specifically protected in hate crime legislation, the CPS makes clear that crime directed at older people in the community can be prosecuted and the CPS regards crimes against older people as seriously as hate crimes.</p>
Hate crime based on misogyny	<p>Some polices services are beginning to address misogyny as a hate crime, recording incidents as such. It could apply to incidents from street harassment through to physical</p>

	intrusions on women's space. It is defined as 'Incidents against women that are motivated by an attitude of a man towards a woman and includes behaviour targeted towards a woman by men simply because they are a woman.' It does not change the offence but the misogyny category acts as a flag or 'qualifier' on the incident log. For example an incident of anti-social behaviour would become anti-social behaviour with a 'misogyny hate crime qualifier'.
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Source: Crime Prosecution Service (CPS) ** Not currently included in the CPS five strands of hate crime

Source: Human Rights Commission

Hate crime and the EU Referendum

The Home Office reported that following the EU Referendum in 2016 the number of racially and religiously aggravated offences reported to the police was 41 per cent higher than the year before.

This impacts on UNISON members and UNISON branches will want to take action to speak out against hate and defend and support our members. In addition, EU nationals working in the UK may feel uncertain about their future. UNISON guidance on supporting and negotiating for EU workers is here: <https://www.unison.org.uk/content/uploads/2017/06/24406.pdf>

The process of the UK negotiating a deal for EU nationals already in the UK is likely to be long and protracted. Employers should take care to ensure that any discussions about contentious political issues are conducted with sensitivity.

All employees have the right to:

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

Bargaining Support has put together a short guide on the impact of UK exit from the European Union on employment rights, which can be found here:

<https://www.unison.org.uk/content/uploads/2016/12/Employment-rights-impact-of-UK-exit-from-EU.pdf>

What should branches do if a member experiences or witnesses a hate crime or incident at work?

Where the crime or incident takes place at work, the branch should encourage the member to report it. The process of reporting is much simpler if there is a negotiated hate crime policy in place. This will set out how the employer will respond and what an employee can expect. This should include the services they can access for example access to counselling or time-off to recover. Details on what a policy should cover are on page 8 – 16 of this guide. Hate crimes and incidents can be reported directly to the police or via third party reporting services, anonymously if necessary. A list of local police forces and contact phone numbers can be found here: <https://www.police.uk/contact/>

Support services and charities offering help lines and third party reporting facilities are listed at the end of this guide.

Checklist for tackling hate incidents in the workplace (Source: ACAS – June 2017)

- Hate incidents are acts of hostility or violence against people because of their race, religion, sexual orientation, disability or because someone is transgender. Employers should send out a joint mission statement (agreed with staff-side unions) stating their commitment and approach to a zero tolerance on hate incidents and crimes (example of one below):

'It is our commitment to protect and safeguard all our employees and people within our communities from hate crimes and we will look to celebrate the diverse make up of our society. It is a key priority of the organisation to raise awareness and enhance society's understanding of hate crime and challenge inequality and celebrate diversity. [Organisations name] encourages our staff to report any hate incidents and crimes and are keen for these to be reported at the earliest opportunity. We promote a zero tolerance approach to hate crime and any incidents of it may lead to disciplinary action being taken against the perpetrator'.

- UNISON branches can negotiate a specific workplace hate crime policy with their employer, as a hate crime can be a workplace issue and not just a criminal justice issue.
- Employers should intervene if they see or hear employees expressing or acting on racist or hostile views because of someone's race, religion, sexual orientation, disability or because someone is transgender (but should be mindful of their own personal safety and security). Incidents should be investigated and handled appropriately through their own disciplinary measures.
- Any employee who witnesses anyone expressing or acting on racist or hostile views because of someone's race, religion, sexual orientation, disability or because someone is transgender should intervene, but be mindful of their own personal safety.
- Any employee who experiences racism or discrimination because of their race, religion, sexual orientation, disability or because they are transgender – even if it isn't directly aimed at them – should be able to raise their concerns with their employer and expect it to be dealt with swiftly and fairly.
- Any employee who is accused of any form of discrimination as defined by the Equality Act 2010 must be dealt with fairly – including a reasonable investigation and if needed, a fair disciplinary process.
- Taking time to have training and development to build awareness of hate incidents and equality and diversity within the workplace can improve team working and reduce the chance of misunderstandings resulting in complaints, disciplinary action.
- Hate incidents can include employment and criminal law matters, meaning that some incidents should be handled by both an employer and the police.
- Employers must take all reasonable steps to protect employees from discrimination and harassment - including from outside sources like service users, customers and contractors.

Hate crime and incidents outside work

Branches may also be contacted by members that have experienced or witnessed a hate crime or hate incident outside of work, seeking advice and support on what they should do from someone who they trust like their union rep.

A member who has been the victim or witness of a hate crime or incident may experience post-traumatic stress disorder (PTSD) or depression afterwards, which could have a profound impact on their work-life. If they have been the victim of an attack they may need time off to recover from any injuries. Branches should support the member and direct them to the reporting services detailed below. A negotiated workplace policy can ensure that employees can access counselling services, even if the incident took place outside work. If the employee needs time-off they can be covered by their employer's sickness absence policy and not incur any sanctions on their sickness record.

Reporting a hate crime or hate incident

There are many different ways to report a hate crime or incident, some not either directly to the police or through a third party reporting centre:

In an emergency	Call 999
Contact the police	Call 101 (non emergency) to report an incident. You can speak to the police in confidence and you do not have to give your personal details, however this would impact on the investigation and Police's ability to prosecute the offender if the police cannot contact you. To find your nearest police stations go to www.police.uk
True Vision	This is the official website for reporting hate crime – www.report-it.org.uk True Vision have information about third party reporting centres for those that do not want to go to the police directly.
Self reporting form	You can download a self reporting form and send this to your local police force via the True Vision website
Report on-line	You can report a hate crime or incident on-line using this form via the True Vision website
Crimestoppers	If you do not want to speak to the police or fill in a form you can still report the incident by calling crimestoppers on 0800 555111 or via their website. This can be done anonymously and is confidential.
Third Party Reporting Centre	Local organisations like the Citizens Advice Bureau, Community Voluntary Service or your local UNISON branch can help with support and direct you to charities and organisations which offer third party reporting facilities. Stop Hate UK provides a confidential 24 hour helpline – 0800 138 1625 where you can report incidents.
UNISON branch	Your local UNISON branch can also help if you have witnessed or experienced a hate crime or incident in the workplace – call UNISON direct on 0800 0857 857
In Scotland	Report hate incidents directly to Police Scotland website: http://www.scotland.police.uk/

Victim Support helplines	England and Wales – 0808 168 911 Scotland – 0345 603 9213
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Source: True Vision

Other advice and support services

Stop Hate UK - <https://www.stophateuk.org/> – Provides support and resources for branches to promote National Hate Crime Awareness Week. Main number is 0800 138 1625. They have a report LGBT Hate Crime helpline 0808 801 0661 (certain areas only) and a Stop Learning Disability Hate Crime helpline 0808 802 1155 (certain areas only). They also provide a means of contacting them using British Sign Language (BSL).

True Vision – <http://www.report-it.org.uk/home> - Stop Hate Crime – Provides advice and support to victims of hate incidents and crime – you can also report incidents through this website.

Galop – <http://www.galop.org.uk/> - The National LGBT+ Anti violence charity provides advice and support to victims of hate crime and non-crime hate incidents . Their helpline is on 020 7704 2040

Tell Mama – <https://tellmamauk.org/> - Tell Mama supports victims of anti-Muslim hate and is a public service which also measures and monitors anti-Muslim incidents

Community Security Trust do a similar job to Galop and Tell MAMA but for antisemitism – www.cst.org.uk

Sikh Resources Centre – for advice and support call 0117 952 5023 (based in Bristol)

Stand up against racism and inequality (SARI) – <https://www.sariweb.org.uk/> - provides a third party hate crime reporting service

Victim Support – <https://www.victimsupport.org.uk/> - Provides victim support services – call 0808 168 9111

ACAS – <http://www.acas.org.uk/> - offers workplace training and advice if you have experienced/witnessed a hate crime/incident in the workplace.

The Equality and Human Rights Commission <https://www.equalityhumanrights.com/en>

Equality Advisory Support Service – <http://www.equalityadvisoryservice.com/> - helpline 0808 800 0082

Citizens Advice Bureau – <https://www.citizensadvice.org.uk/> - Information and advice on hate crime

Negotiating a workplace hate crime and hate incident policy

Branches should seek to negotiate a workplace hate crime and hate incident policy. Local voluntary and community organisations, as well as national charities can assist with knowledge and expertise⁴.

The employer needs to be clear on the **scope of the policy** – it should cover all staff and service users and the policy should make sure that no one is discriminated against.

The hate crime policy should be linked to other workplace policies including the organisation's disciplinary procedure (including code of conduct), grievance policy, sickness absence policy, equality and diversity policy, safeguarding vulnerable adults and children, harassment complaints procedure and the organisation's health and safety policy. We should seek to ensure that any absence from work due to an employee being the victim or witness to a hate crime or incident should be treated separately from the normal sickness absence procedure. ACAS recommends in their guidance that anyone accused of a hate crime or incident should be investigated and handled appropriately through the organisation's disciplinary measures.

The policy (once finalised) should be equality impacted assessed to make sure that it takes into account the different needs people may have and that it does not discriminate against any group of employees with a protected characteristic. The employer will also have to discuss with the trade unions how data will be collected and monitored from this policy.

What are the guiding principles of this workplace hate crime and hate incident policy?

Numbers of hate crime and hate incidents being reported are on the increase. A workplace policy should effectively address the issue in order to safeguard their own employees.

Workplace hate crime policies should:

- raise awareness of the issue, including through training,
- put forward the organisation's commitment to protect and safeguard all their employees from hate crime,
- encourage staff 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 that is available and
- make clear the organisation's commitment to confidentiality once a hate crime/incident has been reported.

Clear definition of hate crime

The policy should contain a clear definition of what a hate crime / hate incident is, so that employees are in no doubt of the terms of reference for this policy. This could be the definition used by the CPS (as set out earlier in this guide) or the Equality and Human Rights Commission. Examples of types of behaviour that could be classed as hate crimes could be listed.

⁴ Equality and Human Rights Commission - Guidance for developing an effective policy

Set out the impact of hate crime

The policy should set out some of the impacts of being a victim of hate crime and why it is so important that these incidents are challenged. Hate crime can impact on people in different ways including physical, emotional and psychological effects, increased stress, anxiety, depression, PTSD, ill-health and fear. In extreme circumstances victims could be injured and may have to take time off work to recover.

Statistics

It may be appropriate to list some statistics in the policy, in order to demonstrate the importance of tackling hate crime. The Home Office produces a 'Hate crime in England and Wales' report once a year; support organisations like Galop, Community Security Trust, Tell MAMA and True Vision carry statistical information on their websites.

Review and monitor with the trade unions

All workplace policies should be reviewed and monitored on a regular basis to make sure they are fit for purpose. All information which is shared with the trade unions should be confidential and organisations should ensure that employees who have reported an incident of hate crime are non-identifiable from the information shared with third parties.

Commitment to zero tolerance for hate crime

Employers should make clear that abusive or discriminatory behaviour is the responsibility of the perpetrator, whether this is an employee or service user and it won't be tolerated. Employees should be aware that any misconduct inside or outside of work can lead to disciplinary action (this includes social media and perpetrating hate speech online). Not only that, it could also lead to a criminal conviction. Employers have a duty of care to their employees, and if employee(s) are subjected to any form of hate incident or crime by a service user, the perpetrator should be reported to the police and victim care put in place for that staff member(s).

Ensure provision, support and safety

The policy should set out the supportive measures the organisation can put in place to make sure staff who have been the victim of a hate crime have a safe and secure workplace. This might include a section in the policy which details any employee assistance programme (counselling services). Remind members that UNISON offers members free legal advice through UNISON Direct.

Anyone can be the victim of a hate crime and health and safety in the workplace is an important provision to cover in the policy. An organisation should undertake a risk assessment if any employees have been the victim of a hate crime to see if different measures need to be put in place. This might involve for example transferring an employee who has reported an incident of hate crime to another location / role while an investigation is taking place.

Training on the policy

The policy should contain a clear commitment from the employer to distribute the policy to all employees and provide training to all staff on hate crime. This will ensure that all staff are made aware of what hate crime is, where an employee can seek support (list of support agencies) if they have been the victim of hate crime and the organisation's formal process if

an employee is reported as having committed a hate crime. The employer may wish to engage with local charities and organisations that are experts in hate crime to deliver this training. Ideally managers should have separate and more informed training on this issue which covers how to respond if a member of staff approaches them to disclose they have been the victim of a hate crime and how to deal with it.

Appoint a hate crime strategic lead

If an organisation decides to appoint a hate crime strategic lead, their contact details should be in the policy. This person could be a member of the organisations human resources team who has worked with hate crime organisations and received training.

Support and information available from UNISON

UNISON works for equality and against hate by:

- negotiating best practice workplace policies
- supporting and representing our members
- campaigning for strengthened laws and well-funded public and community hate crime services
- working with communities for hope not hate
- recruiting and organising members, including through our equality groups.

UNISON has self-organised groups for Black members, disabled members, LGBT members and women members, plus young and retired members groups. All these groups meet locally and nationally. We also have national networks of African, EU and Filipino workers, convened by UNISON's strategic organising unit.

UNISON offers has free legal advice and welfare services to its members, along with a wide range of online workplace advice for members and for reps.

For more information:

- **[Self-organised groups](#)**: UNISON has four self-organised groups – for women members, Black members, disabled members and lesbian, gay, bisexual and transgender (LGBT) members. Self-organised groups work in partnership with other parts of the union to identify and promote our equality agenda. See **unison.org.uk/equality**
- **[African, EU and Filipino members networks](#)** – See UNISON's strategic organising unit at **facebook.com/UNISONorganising**
- **[Legal services](#)** - UNISON provides quality legal services for employment-related and non-work issues at no extra cost to members and their family. In fact, UNISON provides the broadest range of legal help to union members in the UK – see **unison.org.uk/get-help/services-support/legal-services**
- **[There for you](#)** - UNISON runs a welfare and support service for members covering finances, health, family, personal development – see **unison.org.uk/get-help/services-support/there-for-you**
- **[Bargaining support](#)** – The Bargaining Support unit supports members and branches with bargaining advice. Please email **bsg@unison.co.uk** with any queries.

Appendix 1 – Model Hate Crime and Hate Incident Policy

1. Organisation's Statement

[Insert organisation's own hate crime pledge – commitment to zero tolerance for hate crime]
'It is our commitment to protect and safeguard all our employees and people within our communities from hate crimes and we will look to celebrate the diverse make up of our society. It is a key priority of the organisation to raise awareness and enhance society's understanding of hate crime and challenge inequality and celebrate diversity.'

[Organisations name] will not tolerate any form of hate crime. We encourage our staff to report any hate incidents and crimes and are keen for these to be reported at the earliest opportunity. We promote a zero tolerance approach to hate crime and any incidents of it may lead to disciplinary action being taken against the perpetrator'.

2. Scope of Policy

2.1 This Policy is relevant to: All Staff
 All Service Users

2.2 This policy gives due regard to the following policies and procedures. All allegations or acts of hate crime and hate incidents will be investigated using the organisation's disciplinary procedure (including the code of conduct):

Include relevant workplace procedures such as
Disciplinary Procedure (including code of conduct)
Equality and Diversity Policy and Procedure
Grievance Procedure
Sickness Absence Policy
Whistleblowing Policy
Bullying and Harassment Procedure
Dignity at Work Procedure
Social Media policy (code of conduct)
Complaints Procedure

2.3 The Policy relates to any Hate Crime or Hate Incident that occurs on (delete as applicable):

[Organisation's name] premises;
during the delivery of a service by [organisation's name];
during the delivery of any service on behalf of [organisation's name];
within the community that a member of the public wishes to report;

3. General Principles

3.1.1 **Raise awareness of hate crime** - The main principle of this policy is to raise awareness of what hate crime is and to encourage reporting of any incident of hate crime.

- 3.1.2 **Provide Guidance** – provide guidance to all employees on how to respond to a hate incident if they are witness to or subjected to and the procedure they should follow. This policy will signpost staff to organisations who can offer support and third party reporting sites for those that do not wish to go through the police.
- 3.1.3 **Provide Support** – To ensure employees work in a safe and secure environment and that they are supported appropriately and their needs are met.
- 3.1.4 **Fairness** – This procedure sets out to treat all employees fairly, consistently, impartially, promptly, reasonably and applied without discrimination.
- 3.1.5 **Representation** – The employee at all stages in this procedure has the right to represented and accompanied by their trade union representative, full-time union official or work colleague.
- 3.1.6 **Confidentiality** – All documentation and information relating to the allegation of misconduct will not distribute to any parties not involved with the process. Any information relating the case will be kept in accordance with the Data Protection Act 1998. Any breach of confidence may be treated as a disciplinary case of misconduct.
- 3.1.7 **Natural Justice** – At all stages of this process the employee will be given a full explanation of the complaint in writing and will be given the opportunity to state their case before a decision is taken. If a warning is given as part of this process, the employee will be given full support by the employer to improve their conduct.
- 3.1.8 **Right to appeal** – Following an investigation into the alleged incident, if there is a case to bring by the employer the employee will be informed in writing that the incident will be referred to [the organisation’s name] At all formal stages of this policy the employee has the right to appeal. The appeals will be heard in an appeal hearing by a senior manager that has previously had no involvement with the case.
- 3.1.9 **Recordings** – Audio/ Visual recordings of the proceedings by the employee or their companion are not acceptable at any stage of this process. Conversely the use of surveillance evidence submitted as part of the case must comply with the organisation’s surveillance policy.
- 3.1.10 **Grievance** – The disciplinary procedure is to be used separate from the grievance procedure. If the employee is already being investigated as part of the grievance procedure, the disciplinary process will not begin until the grievance has been completed.
- 3.1.11 **Equal Opportunities** – This procedure will be applied without discrimination. If an employee has difficulty with any stage of this process due to a disability, it is their responsibility to discuss this with their manager or Human Resources as soon as possible.
- 3.1.12 **Disciplinary Process** – There are four stages of disciplinary action. An employee will not normally be dismissed for the first breach of discipline unless the employee is found guilty of gross misconduct, where a penalty may be summary dismissal without pay in lieu of notice. The procedure may be implemented at any stage if the employee’s alleged misconduct warrants such action.
- 3.1.13 **Criminal Offences** – Where an employee is convicted of a criminal offence, they will not be automatically dismissed. The employer will consider if the offence is one that makes the employee unsuitable for his/her type of work or unacceptable to other employees, partners or clients of the organisation and if so whether there

is suitable alternative work available. Following this consideration the employer may initiate the disciplinary process.

3.1.14 **Trade Union Representatives** – Disciplinary action will not be taken against an accredited Trade Union Representative unless the circumstances are sufficiently serious to warrant immediate action. In these circumstances the Head of Human Resources and the full-time official from UNISON should be notified of the case.

3.1.15 **Sickness absence** – Any absence from work due to being a victim of a hate crime will be treated in accordance with the organisation's sickness absence policy; however no sanctions will be incurred on the employee's employment file for absence related to this incident.

4. What are hate crimes and hate incidents?

4.1 A hate incident is any incident where a victim or anyone else thinks it was motivated by hostility or prejudice based on someone's disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation or a person who is transgender or is perceived to be transgender.

4.2 The Crown Prosecution Service (CPS) and Police forces in England and Wales have made a distinction between a hate incident and a hate crime. A hate incident becomes a hate crime when a criminal offence has taken place.

4.3 There is no legal definition of hostility so the CPS use the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.

4.4 Prejudice can also be based on:

- Race / ethnicity and nationality
- Gender or gender identity
- Disability
- Religion, faith or belief
- Sexual orientation
- Age
- Appearance / lifestyle
- Marriage and civil partnership
- Pregnancy and marriage.

4.5 Hate crimes are a criminal activity and can include:

- Verbal abuse
- Threatening or abusive behaviour towards any person / physical assault;
- Criminal damage or threats of damage to property;
- Writing threatening, abusive or insulting messages by letter, graffiti or on social media / hate mail
- Distributing and or displaying racist leaflets, posters or notifications and posts on social media (Twitter, Facebook, etc)
- Malicious / prejudicial jokes/ banter;
- Malicious phone calls or text messages;

- Bullying and Harassment;
- Murder;
- Sexual assault;
- Theft;
- Fraud.

5 Impact of Hate Crime

5.1 Hate crime can impact on people in different ways including physical, emotional and psychological effects including increased stress, anxiety, depression, PTSD, ill-health and fear. In extreme circumstances victims could be injured and may have to take time off work to recover.

6 Reporting Hate Crimes and Incidents

6.1 [Organisation's name] has a duty of care to its employees and encourages its employees to report any hate crimes or incidents at the earliest opportunity.

6.2 This includes anyone who has:

- Witnessed a hate crime or incident (seeing, hearing or reading)
- a hate crime or incident reported to them by victims or witnesses
- a strong suspicion or evidence of a hate crime/incident

6.3 [Organisation's name] will ensure that all victims and witnesses are supported, with full access to workplace counselling services and appropriate action is taken.

6.4 [Organisation's name] will ensure complete confidentiality to any employee who reports a hate incident/crime.

6.5 [Organisation's name] has a dedicated person who employees can speak to in confidence about any incident relating to a hate crime. Please contact HR / [name of hate crime strategic lead]

6.6 Any employee posting or sharing hate speech via social media sites (Facebook / Twitter, etc) will be referred to the [organisation's name] disciplinary procedure.

6.7 If a complaint is identified as being criminal in nature it will immediately be reported to the Police for them to follow up and investigate. In these circumstances any collection of evidence should be carried out by the police officer in charge of the investigation.

6.8 For those who wish to independently report a hate incident / crime and prefer not to contact [organisation's name], as list of third party reporting services is listed below who offer advice and support to anyone who has been a witness or victim of a hate crime:

In an emergency	Call 999
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Contact the police	Call 101 (non emergency) to report an incident. You can speak to the police in confidence and you do not have to give your personal details, however this would impact on the investigation and Police's ability to prosecute the offender if the police cannot contact you. To find your nearest police stations go to www.police.uk
True Vision	This is the official website for reporting hate crime – www.report-it.org.uk True Vision have information about third party reporting centres for those that do not want to go to the police directly.
Self reporting form	You can download a self reporting form and send this to your local police force via the True vision website
Report on-line	You can report a hate crime or incident on-line using the form via the True Vision website
Crimestoppers	If you do not want to speak to the police or fill in a form you can still report the incident by calling crimestoppers on 0800 555111 or via their website. This can be done anonymously and is confidential.
Third Party Reporting Centre	Local organisations like the Citizens Advice Bureau, Community Voluntary Service or your local UNISON branch can help with support and direct you to charities and organisations which offer third party reporting facilities. Stop Hate UK provides a confidential 24 hour helpline – 0800 138 1625 where you can report incidents.
UNISON Branch	Your local UNISON rep / branch can also help if you have witnessed or experienced a hate crime or incident in the workplace – call UNISON direct on 0800 0857 857
In Scotland	Report hate incidents directly to Police Scotland website: http://www.scotland.police.uk/
Victim Support helplines	England and Wales – 0808 168 911 Scotland – 0345 603 9213

7. Training

7.1 [organisation's name] will ensure that all employees are aware of this policy and the role they play in reporting any hate incident / crime. Compulsory training will be provided to all employees on this policy through [e-learning modules / hate crime support organisations].

8. Ensuring support and safety

8.1 [The organisation] has an employee assistance programme (confidential counselling services) which anyone can access if they have been the victim or witnessed a hate crime / incident.

8.2 The health and safety of all employees is a priority and a full risk assessment will be conducted by HR routinely when an incident of hate crime/incident has been reported, in order to ensure no employee is at further risk.