



Multi-Agency Hate Response Strategy

MAHRS

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MAHRS partners



2010-2013

Working together to make a difference in Central Scotland

INTRODUCTION

The MAHRS (Multi-Agency Hate Response Strategy) Partnership recognises that some individuals and groups in the community are attacked, harassed and intimidated because of prejudice relating to racial identity, religion, disability, sexual orientation or transgender identity.

This factor may be greatest where the hatred is directed against a visible feature, such as skin colour, disability, or relating to a core personal characteristic, actual or perceived, such as race, religion / belief or sexual orientation.

Such incidents, known as hate incidents, can have a devastating effect not only on the victim, but also on individuals from the same group who then may fear becoming victims also.

An incident that might normally have a minor impact becomes, with the hate element, a very intimate and hurtful attack which can result in the victim and that particular group in the community becoming more fearful, isolated and vulnerable. This impact is amplified further because hate incidents may be one of the most under-reported categories of incident. This under-reporting is due to various factors such as cultural and language barriers, mental or physical impairment, a fear of being 'outed' or ostracised by family or friends, fear of retaliation, or concern that service providers may not treat the complaint seriously, sensitively or with respect.

When a person reports a hate incident, their trauma and distress may therefore reflect the combined fear, misery and despair from previous incidents.

For these reasons the MAHRS partnership recognises that it is vital that various methods are available to allow someone to report a hate incident, that it is recorded and monitored properly and that the incident is treated seriously, and the victim with respect, no matter how trivial it may seem.

THE MAHRS PARTNERSHIP STATEMENT & COMMITMENT

The MAHRS partnership is opposed to all forms of hate incident.

Each partner is fully committed to taking all steps within its power to identify and eliminate hate incidents.

Each partner will promote an environment that respects diversity, challenges discrimination and actively encourages the reporting of hate incidents.

Each partner will actively participate in the support of a victim using appropriate means, which might include an inter-agency response to hate incidents reported

The partnership will monitor and review this strategy regularly to ensure that it remains responsive to the changing needs of a diverse community and the changing legislative framework.

The partnership will actively participate in an annual review on the effectiveness of this strategy. This will include publication of an annual report.

DEFINITION OF A HATE INCIDENT

A hate incident is any incident perceived as such by the victim or any other person to be motivated by malice or ill will based on racism, religious discrimination, homophobia, transphobia or disability related discrimination.¹

This definition has been adopted by the partnership. The appendix to this document, which has been derived from the ACPOS Hate Crime manual, provides additional examples of when this definition applies.

VISION

To provide a strong multi-agency partnership, that engages with the local community and is responsive to its diverse needs in respect of tackling hate incidents.

MISSION

To monitor and tackle incidents motivated by hatred, prejudice or malice targeted towards an identifiable group. To promote inclusiveness, respect diversity, provide reassurance and encourage good relations amongst people of different race, disability, religion/ belief and sexual orientation.

¹ This definition is derived from that stated in the Stephen Lawrence Inquiry, Chapter 47, Recommendation 12

STATEMENTS OF PURPOSE

This strategy is underpinned by the following;

- i. Each partner will promote a working environment that respects diversity, challenges discrimination and actively encourages the reporting of hate incidents.
- ii. Each partner agency will provide a means that allows a person to report such an incident, actual or perceived. This will include a means for remote and third party reporting.
- iii. The partnership will provide an effective and accessible system to record and monitor all such hate incidents, whilst ensuring confidentiality
- iv. Each partner will actively participate in the support of a victim using appropriate means, which might include an inter-agency response to hate incidents reported.
- v. The partnership will raise awareness of the aims and role of MAHRS, within the community and within each partner organisation and community group.
- vi. Each partner will provide appropriate training on MAHRS procedures for existing and new staff.
- vii. Each partner will achieve these aims through active participation in this strategy.

MEMBERSHIP & STRUCTURE

The MAHRS partnership currently comprises of representatives from the following agencies;

- Central Scotland Fire & Rescue Service
- Central Scotland Police
- Central Scotland REC
- Clackmannanshire Council
- Crown Office & Procurator Fiscal Service
- Falkirk Council
- Forth Valley College
- NHS Forth Valley
- Stirling Council
- University of Stirling
- Victim Support

<i>Post</i>	<i>Responsibility</i>	<i>Term</i>
Chair	Co-ordination of the partnership and preparation of the annual report	Review every 3 years
Deputy Chair	Support the chair	Review every 3 years
Secretary	Administration & organisational support	Review every 3 years
Finance Secretary	Administer finance matters & prepare financial report	Review every 3 years

Each individual member agency will demonstrate their commitment and be accountable to the Strategy through their attendance at meetings and involvement in its delivery.

Should a representative be unable to attend meetings they must inform the Secretary as soon as possible. Each member will ensure that a suitable person is nominated to attend in their place. This will allow continuity and ensure that each partner agency is fully represented.

HATE INCIDENT REPORTING, RECORDING & MONITORING PROCESS

Each partner supports and facilitates the reporting, recording and monitoring of a hate incident through a standardised procedure.

Recording

Once reported, a Hate Incident Monitoring Form (HIMF) is raised for every victim of the hate incident.

The Hate Incident Monitoring Form outlines the nature of the incident, the initial action taken in dealing with the incident and the support provided to the victim.

The form can also include any further action considered necessary to prevent a repeat occurrence.

Reporting

A hate incident can be reported to the police for further investigation.

A hate incident can be reported to any of the other MAHRS partners, and also community groups and organisations. This can be done anonymously or on behalf of someone else.

Details of the incident can be forwarded to the police by the MAHRS partner, community group or other organisation it has been reported to for

further investigation on behalf of the person reporting it, with their agreement.

Monitoring

Once completed, the HIMF is forwarded to the monitoring agency (Central Scotland REC).

The monitoring agency will prepare reports on a quarterly and annual basis providing a detailed analysis of hate incidents reported to each partner agency and community group, throughout the Forth Valley area for the time period concerned. This assists to identify trends, repeat locations, patterns of behaviour and any further action considered necessary.

Note: Personal details of the victim or alleged perpetrator are not forwarded to the monitoring agency.

MULTI-AGENCY CASE CONFERENCE

MAHRS procedures for tackling hate incidents allow for the calling of a multi-agency case conference.

The aim of a case conference is to allow the victim of a hate incident to meet and discuss the issues with agencies and / or community groups in an attempt to address the problems being encountered.

Case conferences will normally be chaired either by Central Scotland REC or Victim Support. In the event of this being considered inappropriate by any partner agency, this role will be undertaken by a third party independent body to be agreed by the victim and all agencies involved in the case.

The range of partners involved in a case conference is dictated by the issues under discussion and requiring to be addressed.

SAFER BUSINESS INITIATIVE

The Safer Business Initiative was initiated in response to hate incident statistics which showed that the majority of these, particularly race hate incidents occurred at business premises.

The key aim of the initiative is to reduce hate incidents and the fear of hate incidents related to business premises.

This aim is achieved by identifying premises suffering or having the potential to suffer from hate incidents through the monitoring process.

Advice and support provided to such businesses free of charge includes;

- A security survey at the premises concerned,
- Personal safety advice for staff,
- Provision of a Safer Business Information Booklet,
- Posters for display, and the
- Temporary use of CCTV equipment, which provides external and internal coverage of the premises.

A Strategy and Action Plan has been developed for the Safer Business Initiative which compliments the MAHRS strategy.

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Appendix

Distinction between a hate crime and a hate incident

One of the key recommendations of the Stephen Lawrence Inquiry Report was that “*racist incidents* must be understood to include both crimes and non-crimes in policing terms and that *all* such incidents be reported, recorded and investigated with equal commitment.”²

This created a distinction between the *racist crime* and the *racist incident* (being an incident perceived to be motivated by racism but where no crime has been committed).

This same philosophy which was originally conceived to cover racially motivated hate crime now extends to cover all *hate motivated crime* and *hate incidents*.³ The aggravating factors place an onus on the court to take account of any element relating to prejudice to a crime or offence when determining an appropriate sentence.

Hate crime

When any crime occurs (for example an assault, breach of the peace or malicious mischief) and the crime is motivated by hate, it will be recorded, investigated and dealt with as a crime with the relevant statutory ‘hate crime’ aggravation considered (refer to section 5b).

² Macpherson, W.1999, the Stephen Lawrence Inquiry Report, Recommendation 13.

³ ACPOS Hate Crime Manual 2010

It should also be noted that some legislation (such as Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 relates to specific instances of hate crime (namely racially aggravated harassment or behaviour) and can therefore be labelled exclusively, not as an additional aggravation.

An action or course of conduct is aggravated if immediately before, during or immediately after carrying out an action or course of conduct, the offender displays towards the victim, malice or ill will based on the victims identity or presumed identity or membership of a particular group.

Hate incident

There will be occasions where incidents occur where no crime has been committed but the incident itself is perceived to have been motivated due to hate or prejudice. In such cases these incidents will be recorded as hate incidents.

All details should be recorded on an auditable report (according to individual Force's policy, procedure or recording systems), including:

- Details of the modus operandi,
- The reason for the incident being perceived as hate related, and
- The level of investigation or action completed in respect of the incident

Therefore, a hate incident is any occurrence (where a crime has not occurred), which is perceived to be a hate incident by the victim or any other person.

Examples of this are:

- A same sex couple openly displaying affection in a shop, being approached by the shop owner and then being asked to leave because of this. The incident has been perceived by the couple to be

motivated by homophobia, however no criminal offence has been committed

- Two men of Asian appearance being refused entry to a night club on the grounds their dress is not appropriate. As there are no rules displayed as to dress code requirements and this is left to the discretion of the door stewards, the men perceive their refusal as being due to their ethnic appearance. However no criminal offence has been committed
- A shop displays a t-shirt for sale on which text is reproduced from the Qur'an. Muslims regard reproducing text from the Qur'an as sacrilegious, as it is believed to be the word of God. However the shop selling the t-shirt was unaware of this and withdrew the t-shirts from their stock. No criminal intent was present and no criminal offence has taken place.

It should be remembered that these examples are given only as illustrations. There are many more circumstances that may give victims rise to believe they are being targeted because of their identity, including local colloquial language or expressions or perceived membership of a particular group.

Hate Incident - Race

Racist incidents take many forms but include; verbal abuse, graffiti and damage to property, physical assault and threats of violence and intimidation which has occurred or perceived to have occurred by reason of race, colour, nationality, or ethnic origin.

Hate Incident- Religion/Faith

Incidents include those motivated by hatred or prejudice of a religion or of no religion, this includes **sectarianism**. Such incidents include incidents between sections of the same faith e.g. Catholic- Protestant sections of the Christian faith, or Sunni - Shia sections of the Islamic faith.

Hate Incident - Disability

Is an incident that is perceived by the victim or any other person to have been perpetrated on the grounds of malice or ill-will against someone's disability. Such disability can be actual or perceived.

Hate Incident - Sexual Orientation

This includes persons who are homosexual, heterosexual and bisexual. For example, a person who is homosexual and who assaults a person who is heterosexual and which is motivated by that person's different sexual orientation or perceived different sexual orientation would be categorised as Hate incident- Sexual Orientation. This is also the case when a person who is hetero-sexual and who assaults a person who is homosexual and which is motivated by that persons different sexual orientation

Hate Incident - Transgender identity

Is an incident that is perceived by the victim or any other person to have been perpetrated on the grounds of malice or ill-will against someone's transgender identity. Such a transgender identity can be actual or perceived. It includes transsexual people, transvestite people, intersex people, and anyone who has a gender identity which is not simply a standard male or female gender identity. For example, a Hate Incident - Transgender Identity would be recorded if a person was assaulted because they were perceived to be temporarily cross-dressing or if they were assaulted because they were perceived to have undergone gender reassignment.