



Equality Impact Assessment (EIA)

Name of policy, procedure or activity:

Hate Incident and Crime Policy and Procedure (Internal and External)

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What is an EIA?

An EIA is an evidence based assessment of how a policy or activity will positively support Gwent Police’s general equality duties, as well as identify any potential negative disproportionate impact on people or groups of people.

The EIA will also outline any steps to redress this.

For ease of reference, within this document the term ‘policy or activity’ will be used, but must be taken to mean any functions, activities or decisions that may affect external communities or internal personnel.

1.0 Identification section

Title: Hate Crime and Incident Policy, Hate Crime and Incident Internal Procedure and External Procedure

Reference: 112/14a issue 3

Chief Officer Lead: ACC

Service Area: Neighbourhood Policing and Partnerships

Document Written by: Community Cohesion Co-ordinator

Department Responsible: Community Safety

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Review Date: Dec 13

2.0 Purpose

Please answer all of the following questions, using guidance information in section 6 to help you with your responses.

2.1 Aims

What are the aims of the policy or activity and how do they fit with the wider aims of the organisation?

The overarching aims of the Hate Crime and Incident Policy are to:

- Set out Gwent Police's approach to dealing with hate incidents to ensure professionalism and consistency in accordance with Force policy and procedure and/or the Standards of Professional Behaviour for Police Officers and the Disciplinary Procedure for Police Staff
- Describe the key processes and operational/support structures that will allow this to be delivered
- Detail individual, departmental and force responsibilities in respect to recognising, recording, investigating and scrutinising hate incidents
- Provide guidance on effective victim support
- Highlight the impact of hate incidents
- Signpost to further support for police personnel when dealing with hate incidents
- Ensure that all members of Gwent Police are proactively supporting the principles of opportunity, dignity and fairness in the workplace and professionalism and integrity in all of our activities
- Provide a victim focussed response to all hate incidents

The aims of the external procedure are:

- To build and retain the *confidence* of our communities in relation to reporting hate incidents
- To provide a service that is *sensitive* to cultural differences
- To provide a service that is *considerate* of individual needs in relation to disability, sexual orientation, transgender, faith and race
- To provide a service that is *accessible* to isolated or hard to reach communities
- To provide a service that understands and is *responsive* to the needs of individuals or groups affected
- To provide solutions that are *prompt and effective* in reducing the impact on individuals and communities
- To accurately record *information and intelligence* in order to make meaningful strategic and tactical plans
- To accurately *record* and effectively *monitor* our hate incidents in order to identify trends and patterns and put into place appropriate interventions
- To effectively *scrutinise* our handling of hate incidents and associated processes

The aims of the internal procedure are:

- To build and retain the *confidence* of police personnel in reporting internal incidents
- To provide a service that is *sensitive* to cultural differences
- To provide a service that is *considerate* of individual needs in relation to disability, sexual orientation, transgender, faith and race
- To provide a service that is *accessible* to police personnel
- To provide a service that understands and is *responsive* to the needs of individuals or groups affected
- To provide solutions that are *prompt and effective* in reducing the impact on individuals
- To accurately *monitor* hate incidents within the workplace in order to put in place preventative or remedial interventions
- To effectively *scrutinise* our handling of internal hate incidents and associated processes

Gwent Police has included an outcome statement within their 2011/12 Neighbourhood Policing Plan that 'Communities in Gwent experience less hate crime and are less fearful of hate crime taking place'.

2.2 Motivators

What are the motivators or driving forces in the development of this policy or activity?

It is recognised on a national basis that hate incidents and crimes are under reported, particularly by minority groups (Home Office 2005), and that hate incidents have a significant impact on their victims, particularly where they are repeat victims. There have been a number of high profile hate crime cases that have highlighted the need for Police forces to have a robust policy and procedure in place to deal effectively with hate incidents and crimes. The death of Fiona Pilkington and her disabled daughter in 2007 is a recent example, a case which was declared a national critical incident.

2.3 Equality duties

This section outlines if and how this policy or activity helps support Gwent Police's equality duties. Protected characteristics are listed in the Guidance document in sections 3.1 to 3.10.

2.3.1 How does this policy or activity help to eliminate discrimination, harassment and victimisation?

The policy and associated procedures aim to eliminate discrimination, harassment and victimisation through the provision of guidance and process to all police personnel that either experience or help deal with a hate incident, which in itself will be a form of discrimination. The procedures set out key concepts relating to hate incidents and crimes, including

providing protection based on third party perception, and associated impact on the family or associates of the victim, which is aligned with discrimination by perception and discrimination by association, both now unlawful conduct under the Equality Act 2010. Protection against harassment is afforded through the service delivered to repeat victims of hate incidents and crimes, both internally and externally. Links to the force's Harassment at Work Policy further supports this.

2.3.2 How does this policy or activity help to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it?

Operational Delivery – within the external procedure, there is clear guidance around ensuring that services delivered are accessible, responsive and meet the needs of all communities (for example, giving guidance around engaging with Deaf and Hard of Hearing people).

People and Culture – the internal procedure provides clear guidance around supporting staff that may be victim of internal hate incidents because they have a particular characteristic, and sets out measures that can be taken to ensure that the working environment remains inclusive and supportive of all.

Organisational Processes – the recording and monitoring of internal and external hate incidents, and the associated scrutiny processes, ensure that equality is embedded into organisational processes and the management of performance.

2.3.3 How does this policy or activity help to foster good relations between persons who share a relevant protected characteristic and persons who do not share it?

Both the internal and external procedures support the organisation in encouraging cohesion and tolerance within the workplace and our communities.

3.0 Assessment

This section assesses whether there any aspects of the policy or activity, including how it is delivered, or accessed, that could contribute to inequality or discrimination. Please answer all of the following questions, using guidance information in section 6 to help you with your responses. You should provide evidence in this section for your answers.

3.1 Age

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

There is no evidence that this policy or its associated procedures will have a negative disproportionate impact on people of different ages. Although 'Age' is not classified as a possible motivating factor in determining victims of hate crime, there is capacity through other means to address specific vulnerabilities relating to younger and older victims of crime, for example, legislation relating to offences/abuse against older people (including elder abuse).

3.2 Disability

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

Disability Hate Crime is one of the most under reported types of hate crime, despite anecdotal evidence suggesting it is frequently experienced by disabled people. Research by Mencap (Living in Fear, 2000) found that nearly nine out of ten people with learning disabilities had been harassed or attacked within the last year. There is no evidence that this policy or its associated procedures will have a negative disproportionate impact on disabled people, and disability is one of the characteristics that the Home Office requires forces to record and monitor against. All documents have been developed in order to help provide appropriate protection to disabled people that may become victims of hate crime, and support those that have experienced hate crime. The external procedure makes specific reference to ensuring information and support is accessible to disabled people that may have specific communication needs.

3.3 Gender reassignment

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

There were 8 cases of transphobic hate crime cases in the 4 welsh force areas during 2009 (ACPO Hate Crime report Dec 2009), meaning that this is the most under reported type of hate crime. There is no evidence that this policy or its associated procedures will have a negative disproportionate impact on transgender people, and transgender is one of the characteristics that the Home Office requires forces to record and monitor against. All documents have been developed in order to help provide appropriate protection to transgender people that may become victims of hate crime, and support those that have experienced hate crime. Both procedures provide a definition of Transgender which is aligned with the Equality Act 2010 which no longer requires a person to be under medical supervision to be afforded protection against unlawful conduct.

3.4 Marriage and civil partnership

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

There is no evidence that this policy or its associated procedures will have a negative disproportionate impact on persons who are married or in a civil partnership. People who are in a civil partnership may experience homophobic hate incidents or crimes, which will be addressed in section 3.9

3.5 Pregnancy and maternity

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

There is no evidence that this policy or associated procedures will have a negative disproportionate impact on persons who are pregnant or fall within the timeframe that affords protection on the grounds of maternity.

3.6 Race

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

There were 2,577 racist incidents in the 4 welsh force areas during 2009/2010 (Home Office Statistical Findings 1/10 (2nd Edition) November 2010), making it the most common type of hate incident to be reported. There is no evidence that this policy or its associated procedures will have a negative disproportionate impact on people of different races, ethnic backgrounds or nationality, and there is specific legislation around racially aggravated offences that provide capacity for enhanced sentencing at prosecution stage. Race is also one of the characteristics that the Home Office requires forces to record and monitor against. All documents have been developed in order to help provide appropriate protection to people of different races, ethnic backgrounds or nationality that may become victims of hate crime, and support those that have experienced hate crime. Both procedures give a definition of racist hate incidents which explicitly sets out those groups that are sometimes not considered as protected by legislation relating to racially aggravated offences and hate incidents, including Gypsy/Traveller and Eastern European communities, and groups defined by nationality (e.g. Welsh, or English communities).

3.7 Religion or belief

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

There is no evidence that this policy or its associated procedures will have a negative disproportionate impact on people of different religions or beliefs, and there is specific legislation around religiously aggravated offences that provide capacity for enhanced sentencing at prosecution stage. Faith is also one of the characteristics that the Home Office requires forces to record and monitor against. All documents have been developed in order to help provide appropriate protection to people of different religions, and support those that have experienced hate crime. In the external procedure, it is highlighted that on police

systems, the 'Religion' Qualifier can also be used to indicate where an incident has been motivated by a lack of religion or lack of belief.

3.8 Sex

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

There is no evidence that this policy or associated procedures will have a negative disproportionate impact on persons of different sexes.

3.9 Sexual orientation

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

Stonewall described how in 2008, despite significant progress towards securing legislative equality many of the 3.6 million lesbian and gay people in Britain still live in fear of homophobic hate crime. One in five lesbian and gay people have experienced a homophobic hate crime or incident in the last 3 years. Three in four of those experiencing hate crimes or incidents did not report them to the police and only 6% reported them to third parties. One in eight have been a victim in the last year and one in six lesbian and gay people have been insulted and harassed in the last three years because they are gay. (Homophobic Hate Crime: The Gay British Crime Survey 2008).

Across the Welsh Police Forces there were 411 homophobic hate crime incidents reported in 2008 which would suggest that this type of hate incident is under reported. There is no evidence that this policy or its associated procedures will have a negative disproportionate impact on people with different sexual orientation, and there is specific legislation relating to homophobic offences that provide capacity for enhanced sentencing at prosecution stage. Sexual orientation is also one of the characteristics that the Home Office requires forces to record and monitor against. All documents have been developed in order to help provide appropriate protection to people of different sexual orientations, including those people that are victim of hate motivated incidents based on the fact that they are heterosexual. Gwent has also adopted an additional 'Biphobic' category, detailed in both procedures, to assist in recording incidents that have been motivated by hostility towards bisexual people.

3.10 Welsh Language

Could the policy or activity have a negative disproportionate impact on people who share this protected characteristic?

File classification: OFFICIAL

The policy, associated procedures and any resulting activity will comply with the organisation's Welsh language scheme.

4.0 Actions and outcomes

This section lists any actions that will need to be taken in order to address any adverse impact that has been identified.

4.1 Action Plan

Impact identified: This policy and procedure will be monitored regularly for any adverse effect

Review date: Dec 2013

5.2 Outcomes

This section summarises the outcome of the policy or activity following this assessment.

No changes needed