



## Hate Crime Policy

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# **NHS Greater Glasgow and Clyde**

## **Responding to Hate Related Incidents**

### **Introduction**

Hate Crime is an area of community safety that has been highlighted through lessons learned from landmark cases and through engagement with communities affected by hate crime. The racist murder of Stephen Lawrence is the most high profile of these cases with the repercussions continuing for many years after his death. Much of our approach to hate crime today is based on the lessons learned from Stephen's death.

NHS Greater Glasgow & Clyde regards any hate incident to be unacceptable and the organisation is committed to working in partnership to eradicate hate crime within our services. We, and our statutory and voluntary partners, seek to establish consistent policy and practice in preventing, recording, and responding to hate crime.

### **Policy Position**

NHS Greater Glasgow is cognisant of a growing body of evidence that hate crime has unique characteristics that must be recognised in order to develop effective approaches.

NHS Greater Glasgow & Clyde acknowledges that hate crimes undermine community relations because they not only impact on the victim, but also send a message to all members of the social group that the victim belongs to. This creates fear, suspicion and tension between communities. Such crimes need to be particularly condemned in order to avoid a situation in which the relevant community feels victimised as a group, with members in constant fear of attack. Prejudice against groups can lead to a number of consequences, ranging from fear of crime and inability to participate in normal social activities, to paranoia and vigilantism.

NHS Greater Glasgow & Clyde recognises that hate incidents which can be characterised as "low level" offences, such as verbal abuse, often escalate into more serious forms of offending. Therefore our approach is to always seek intervention at an early stage.

NHS Greater Glasgow & Clyde also understands that so called “low level” offences can have a severe impact on victims. The case of Fiona Pilkington and her daughter Francesca Hardwick provides a stark example of this. In 2007, Fiona was driven to take her own life and the life of her daughter due to persistent harassment in their home over a 10 year period, much of which was categorised as “low level”. All three members of the Pilkington household were disabled. NHS Greater Glasgow & Clyde accepts that it is the duty of the organisation and our employees to record and respond robustly to all categories of hate incidents reported in our service.

There is also evidence that offences against the person that are motivated by prejudice are often characterised by greater degrees of physical and psychological brutality than may ordinarily be the case. It is believed that the perpetrator’s prejudice against or dislike of a particular social group often exacerbates the offence. In the most violent hate crimes, stamping on the head of the victim and kicking resulting in severe injury, or death, are not uncommon. Therefore NHS Greater Glasgow and Clyde takes the threat of hate crime very seriously.

For all of these reasons, NHS Greater Glasgow and Clyde has developed this policy to make explicit our commitment to responding to, and supporting the elimination of hate crime across NHSGGC.

## **Definitions**

NHS Greater Glasgow and Clyde applies the Scottish Government definition of hate crime:

“Crime motivated by malice or ill-will toward a social group.”

Scottish Executive, 2004: 3

For the purpose of recording and investigation NHS Greater Glasgow and Clyde applies the Lord Advocate’s Guidance to Chief Constables which gives the direction that “an incident is aggravated by prejudice if it is perceived to be aggravated by prejudice by the victim or any other person”. (Crown Office, 2010: 1)

NHS Greater Glasgow and Clyde’s practice in recording and investigating hate incidents is to apply the principle that it is perception that an incident is motivated by prejudice that is the determining factor in whether it is recorded and subsequently investigated as such. The purpose of this definition is to ensure that investigations take full account of the possibility that there may be a hate dimension to the incident and that statistics of such incidents are collected, applying a consistent definition.

Even where a victim does not necessarily believe that an incident is motivated by prejudice, where a witness to the incident takes such a view, it is sufficient for it to be recorded and investigated as a hate incident.

The definition of hate crime is based on the motivation of malice or ill will towards a social group. This means the question of whether the victim of a hate crime is a member of the social group in question is irrelevant. For example, if someone is the victim of a homophobic attack, whether they are gay or not is irrelevant.

A key recommendation 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.” The Lawrence Report dealt specifically with racism however the findings are now applied to all forms of hate crime.

While this particular recommendation relates to policing, NHS Greater Glasgow and Clyde has a role to play in recording and reporting incidents that can contribute to police intelligence, therefore our policy is to record and respond to all hate incidents,

both criminal and non criminal. These are recorded using NHS Greater Glasgow and Clyde’s [Datix reporting system](#)

## **Legal Context**

In Scotland we have a mixture of criminal law covering crimes that are motivated by prejudice based on the following characteristics:

- Race <sup>1</sup> (includes nationality, skin colour or ethnicity)
- Religion<sup>2</sup>
- Disability<sup>3</sup> (both physical and non physical, including mental health and learning disability)
- Sexual Orientation<sup>4</sup> (lesbian, gay, straight or bisexual)
- Transgender Identity<sup>5</sup> (gender identity or expression that differs from gender assumptions made at birth)

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<sup>1</sup> The Public Order Act 1986, Sections 50A(1)(a) and 50A(1)(b) Criminal Law (Consolidation) (Scotland) Act 1995, Section 96 of the Crime and Disorder Act 1998

<sup>2</sup> Section 74 of the Criminal Justice (Scotland) Act 2003 and Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

<sup>3</sup> Offences (Aggravation By Prejudice) (Scotland) Act 2009

<sup>4</sup> Offences (Aggravation By Prejudice) (Scotland) Act 2009

<sup>5</sup> Offences (Aggravation By Prejudice) (Scotland) Act 2009

The Equality Act 2010 introduced the Public Sector General Equality Duty. This places a duty on the organisation to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- 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

NHS Greater Glasgow and Clyde therefore views our commitment to tackle hate crime as key to fulfilling the organisation's requirement to meet the Public Sector General Equality Duty

### **Scope of Hate Crime Policy**

This policy covers the following:

Public on Employee hate incidents

Public on Public hate incidents

Employee on Employee hate incidents

Employee on Public hate incidents

### **Related Policies**

[Disciplinary Policy and Procedure](#)

[Dignity at Work Policy](#)

[Mental Health and Wellbeing Policy](#)

[Grievance Policy and Procedure](#)

[Corporate use of Social Media Policy](#)

## **Responding to Hate Incidents in the workplace**

For all the reasons set out in this Policy, every NHSGGC employee has a duty to respond to reported and/or witnessed hate incidents quickly and effectively. In most instances this will follow standard police reporting procedures of criminal acts perpetrated against NHSGGC staff, patients and visitors or NHSGGC property. When reporting the incident to the Police, staff must state the perception that the crime was motivated against the victim because of one (or a combination) of the following protected characteristics:

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- Race
- Religion
- Disability
- Sexual Orientation
- Transgender Identity

All incidents must be logged on the DATIX incident reporting system as quickly after the incident as possible.

Further information is available in the accompanying 'Responding to Hate Incidents – Employee Guidance' document.

**END**