

BRIDGEND COUNTY BOROUGH COUNCIL

CYNGOR BWRDEISTREF SIROL PEN-Y-BONT AR OGWR

REPORT TO EQUALITIES COMMITTEE

REPORT OF THE EXECUTIVE DIRECTOR - STRATEGIC CHANGE

5th December 2007

Report on review of mechanisms for tackling and responding to hate motivated violence and harassment

1. Purpose

The purpose of this report is to provide the Equalities Committee with the findings and recommendations of the review of mechanisms for tackling and responding to hate motivated violence and harassment related to gender, race, disability, sexuality, religion or age. Carrying out such a review was identified as an action in the Authority's Corporate Equality Plan and draft race and disability equality schemes.

2. Connection to Corporate Improvement Plan & other Corporate Priorities

2.1 The information set out in this report will help mitigate the risk of failure to meet the Authority's statutory duties in respect of equalities that was identified in the Corporate Improvement Plan 2006/09. This information will support all of the Authority's corporate priorities, especially supporting our disadvantaged communities.

3. Background

3.1 Recent legislation and national policies have called on local government and its partners to take steps to tackle harassment and hate crime across a range of equality "strands" and to promote good relations between various minority groups and the general population. This legislation includes:

- Sex Discrimination Act (1975);
- Race Relations Act (1976);
- Crime and Disorder Act (1998);
- Criminal Justice Act (2003);
- Employment Equality (Religion or Belief) Regulations (2003);
- Employment Equality (Sexual Orientation) Regulations (2003);
- Welsh Assembly Government Circular 23/2003 'Respecting Others (school bullying)' (2003);
- Disability Discrimination (Amendment) Act (2005);
- Welsh Assembly Government 'Tackling Domestic Abuse: The All Wales National Strategy' (2005);
- Employment Equality (Age) Regulations (2006);
- Crime and Disorder (Prescribed Information) Regulations 2007 (No. 1831).

3.2 Under current legislation some groups of people are expressly protected from harassment while others are not, and while everyone is protected in the workplace, different rules apply outside the workplace. In '*A Framework for Fairness: Proposals for*

a *Single Equality Bill for Great Britain*' the UK Government expresses the view that protecting people from this type of harm should be part of the basic decent values of our society. With this in mind the UK Government has set out proposals to extend the existing statutory protection from harassment to provide consistency, proportionality and legal certainty. The approach included proposals that would extend the statutory protection against harassment to cover grounds of disability, age, sexual orientation and religion or belief and cover the provision of goods, facilities and services, education in schools, management of premises and the exercise of public functions.

3.3 Under UK discrimination legislation a person subjects another to harassment where, on grounds of a protected characteristics (e.g. race, disability or sex), he or she engages in unwanted conduct that has the purpose or effect of:

- i) violating that other person's dignity, or
- ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her.

3.4 Furthermore the Association of Chief Police Officers (ACPO) defines hate crime as "*a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised*". A victim of hate crime does not have to be a member of a minority or someone who is generally considered to be "vulnerable". For example, the friends of a visible minority ethnic person, lesbian or refugee may be victimised because of their association with that person.

4. Current status and proposal

4.1 Findings of the review

This review included contacting key individual staff members from within the Authority and its partner organisations to gather information on current policies, procedures and practices, to identify potential scope for improvement.

4.2 Hate crime

The Safer Bridgend partnership has taken forward a number of initiatives to tackle incidents of hate crime in the local community. These include:

- A local Community Cohesion Group that brings together the Authority, South Wales Police and representatives from minority groups.
- South Wales Police undertake "outreach" activity, as and when it might be necessary. An information sharing protocol is in place with schools, and police officers visit schools to take lessons focusing on respect and hate crime.
- A number of Police Community Support Officers have received specific training on diversity and hate crime.
- Safer Bridgend holds information on the incidence of hate crime in Bridgend. There are about 5-6 incidents per month, mostly verbal abuse. Officers have identified about 12-15 repeat victims, including people who work at local take-aways or as taxi drivers, who often work in Bridgend but do not live here. Officers write to them to give more information on reporting and the support that is available, for example, a specific electronic contact address has been set up. In addition the Valleys Race Equality Council (VALREC) provides specialist support to victims and their families.

- Safer Bridgend and the Communities First team collaborated with VALREC to run a local event aimed at promoting good community relations.
- Safer Bridgend works with partner organisations through the Bridgend Equality Forum to raise awareness and share information.

The general view of officers and partner organisations was that the role of these groups should be enhanced to improve effective joint-working, particularly when dealing with issues such as raising awareness of hate crime reporting and hate graffiti in the county borough. The Authority is currently working with VALREC and other local authorities in South Wales to develop a mechanism for reporting and responding to hate crime incidents on a shared service basis.

4.4 Domestic Abuse/Violence

The Association of Chief Police Officers (ACPO) defines domestic violence as “any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or who have been intimate partners or family members, regardless of gender.” One in four women, and one in six men, will experience domestic abuse at some time in their lives. In families where there is domestic abuse 90% of children are in the same room or in a room next door to where the abuse is happening. In terms of pain, suffering and loss of employment, housing or health amounts to £17 billion in the UK each year.

The Safer Bridgend partnership has taken forward a number of initiatives to tackle domestic abuse in the local community. These include:

- The *Bridgend Domestic Abuse Strategy 2005-2008*.
- Support to Women’s Aid to provide support to victims in the county borough. Their services include provision of refuge spaces, outreach services, children’s service and empowerment courses. A programme is being developed for male potential perpetrators. In addition a second stage housing project will be opening shortly to enable women to move on to mainstream housing.
- A Specialist Domestic Violence Court was launched in Bridgend in February 2007 and funding has also been secured for an independent Domestic Abuse Adviser to support victims through the criminal justice process.
- A multi-agency risk assessment conference meets regularly to assess risk and put in place safety measures.
- The Domestic Abuse Co-ordinator and Women’s Aid deliver a multi-agency training programme to statutory and voluntary agencies across the county borough.
- Safer Bridgend has provided funding for a Victims Advice and Support Service which is based within the Women’s Aid building.

A great deal of positive work has been undertaken in the community to tackle domestic abuse, including preventive measures and support to victims. The majority of local authorities in South Wales have also developed an internal Domestic Abuse policy in line with the All Wales national strategy recommendations. Such a policy enables council’s as employers and service providers to demonstrate commitment on this important issue. The *Bridgend Domestic Abuse Strategy 2005-2008* includes an objective that the council should adopt such a policy in line with good practice examples.

4.5 Children and young people and bullying

Bridgend County Borough Council consulted on its draft new anti-bullying policy in 2007. This placed more emphasis on involving young people. A number of initiatives to tackle bullying have been taken forward in schools and across the county borough. These include:

- The Children and Young People's Partnership has set up an Anti-Bullying Task Group, which is multi-agency and multi-disciplinary providing a broad understanding of bullying issues throughout Bridgend County Borough. The Task Group has supported Anti-Bullying initiatives, provided information for parents, children and young people, supports the involvement of children and young people and works within WAG Guidelines (2003) *Respecting Others*;
- The Bridgend Youth Council and the Anti-Bullying Forum play a central role in setting anti-bullying policies. The transition between primary and secondary school has been highlighted as an important issue. The Anti-Bullying Forum aims to include two representatives from each secondary school and from local youth clubs.
- The Anti-Bullying Task Group is aiming to get more schools to use the *Viewpoint* package for monitoring bullying, although there may be constraints, particularly in smaller schools (especially primaries), related to the ICT capacity of the schools.
- The Anti-Bullying Task Group has highlighted the issue of cyber-bullying and aims to focus on it during the coming year and develop local initiatives.
- Schools can access a wide range of guidance and training. These include: model policies for tackling racial harassment; support and guidance from the Education, Leisure and Community Services Directorate; training on inclusion for school governors and support from the educational psychology service.
- A human resource policy on harassment and bullying has been devised and circulated to Governing Bodies for approval and Governing Bodies are responsible for adopting appropriate policies.

While the Local Education Authority does not play a role in monitoring whether bullying in schools might be linked to issues such as race, disability or sexuality, the Children and Young People's Partnership uses a *Viewpoint* package to collect information on bullying directly from pupils themselves, and also some statistical data is being shared. This package has the potential to pick up on issues of prejudice against minority groups. Finally, VALREC provides support to local schools where bullying incidents have been reported as having a discriminatory aspect.

4.6 Corporate policies on harassment and bullying in the workplace

The Authority's harassment at work policy and violence at work policy cover a wide variety of grounds and are supplemented by more specific arrangements in some Directorates, such as Personal Services and Education, Leisure and Community Services. Such policies are scheduled for review and consultation before March 2008 to ensure that the policies are in line with relevant legislation and are fit-for-purpose.

5. Effect on Policy Framework and Procedure Rules

- 5.1** The report has no direct effect upon the policy framework or procedure rules but is required to effectively implement the Authority's statutory duties in relation to equalities and human rights.

6. Legal implications

6.1 The proposal contained within this report will help to ensure the effective implementation of relevant equality and human rights legislation.

7. Financial implications

7.1 The proposal contained within this report will ensure the efficient use of corporate resources and budgets and help to mitigate any potential legal claims.

8. Recommendations

It is recommended that the Equalities Committee notes the contents of this report, and endorses the approach as outlined, including:

- That the Authority, through its representatives on the multi-agency Bridgend Equalities Forum, forges closer working relationships with its partners, including the voluntary sector, to analyse the incidence of hate crime and harassment locally, to promote and facilitate the reporting of hate crime and harassment, and to work together to ensure justice for victims.
- That the Authority takes a pro-active approach to raise awareness of harassment and hate crime issues, by seeking opportunities for publicity and media coverage, and by promoting websites and other opportunities for reporting hate crime
- That the Authority ensures effective joint-working with VALREC through the Service Level Agreement.
- That the Authority works closely with local partners, particularly through Safer Bridgend, to secure the removal of hate graffiti.
- That officers work with Safer Bridgend to formulate a Domestic Abuse policy for Bridgend County Borough Council.
- That targeted training for front-line staff on dealing with members of the public who have been victims of harassment and hate crime is considered.
- That the Authority supports efforts to share and analyse information on bullying, and works with schools and the Children and Young People's Partnership to facilitate this effort.
- That officers review employment policies on harassment and violence at work to ensure they are fit-for-purpose.

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Background papers:

- Bridgend Crime Reduction Strategy 2005-2008.
- Bridgend Domestic Abuse Strategy 2005-2008.