

## **Tackling Hate Crime Roundtable**

**Monday 3<sup>rd</sup> July, 2017**

**Cloisters Chambers**

This event was organised by the LGiU in partnership with Cloisters Chambers. It was a half-day roundtable event, including two presentations and an open discussion covering all aspects of the local authority role in tackling hate crime.

**Presentation:** Declan O’Dempsey, Barrister, Cloisters Chambers

Declan O’Dempsey gave a presentation on the legal context in which hate crime occurs (the contents of which can be found in more detail in his paper, distributed to participants). Some of his key points were as follows:

- Local authorities have a number of legal tools they can use to tackle hate crime. The first among these are the Public Sector Equality Duty and the Prevent Duty (which should be viewed in the light of the PSED). They should also bear in mind the impact of their role as employers on behaviour in the authority area.
- The meaning of hate crime is violent action or threat of it to a section of the community, such as a group under a protected characteristic for example.
- In the context of Prevent, fundamental British values include tolerance as a key value.
- There are a variety of views on the importance or otherwise of equality. Even where the concept does not have philosophical support, a business case can be made around the risk of vicarious liability. There are sound (defensive) legal reasons for taking action to promote greater equality in a workforce.
- The referendum result was felt to have flicked a switch and provided permission for people to express negative views on race in particular. The tone of the political debate did not help.
- In combatting this, councils should bring the attention of staff to existing policies, holding them to a high standard outside of the office as well as at work (particularly in the social media sphere). Training needs to be given and repeated.
- Councils also have a set of responsibilities around contractors. It is acceptable as part of the vetting process to look into their behaviour to staff and to exclude companies from the selection process if they do not have a good track record on discrimination. The EHRC Code of Practice can be used here – it has gone through the parliamentary process and been thoroughly scrutinised by Equality and Human Rights Commission lawyers and parliamentary lawyers. Asking contractors about their adherence to the Code is a legitimate question.
- Local authorities can be liable for harassment committed by employees. There is a decision to be made around to what extent you give permission for people to transmit various sort of information.

- In the cybersphere certain types of communication may automatically constitute an Act of Gross Misconduct – or may even be criminal.
- There is a legal distinction between hate speech, and reporting someone else’s hate speech but there is no such thing as an unfettered right to free speech. Pluralism in democracy is a basic value as set out in common law. If speech is used to undermine pluralism, that is not a lawful use of free speech as it is an abuse of human rights freedoms.
- The law also protects against hate speech used by a politician – if a politician made a case of racial superiority his or her platform for election for example, that would be explicitly rejected under EU law. It is always legitimate to correct factual inaccuracies by objective information, and the authority may be required to do this by the PSED if the information is used to inspire discrimination.
- However, there is a continuum of legitimate expression, leading into hate crimes. In terms of its legality, you have to look at the use to which it is being put.
- Councils can dismiss employees on the grounds of reputational risk to the employer. For example, if an employee was using racially abusive language in a private email to another person in a private context, and this came to light, it could constitute grounds for fair dismissal. Whether or not a person brings an organisation into disrepute is not intrinsic to the person expressing themselves. There is a balance to be struck between the right to free expression and reputational risk. Authorities should not avoid striking that balance through fear.
- The Public Sector Equality Duty sits with the decision makers (councillors) and is non-delegable. Officers must be rigorous in enquiring and reporting to the councillors who are making a decision, but the decision itself cannot be delegated.
- Because of social media, there is now a dynamic flow of information within minutes of a situation occurring. Tweets can inflame an already difficult situation very quickly. In this context it is ever more important that a council can put out authoritative information as soon as possible to spike false information.

## **Discussion**

### *Post Truth*

It was noted that people seem willing to put aside evidence in favour of the emotional resonance of an argument. With this in mind, can you beat ‘post truth’ with ‘better truth’, or do you have to communicate facts in a way that also has emotional resonance?

Declan commented that the counter to this is that the role of the local authority is to remain objective. They must put objective information out into the public sphere so that the sort of people advocating for a more rational line will have material they can use. Councils can counter political debate by publishing the facts. This is not political and can be defended legally. Councils should not offer interpretation and should allow advocates to create the narrative using the facts.

One participant said that they have a jointly funded post and have received significant levels of communications training, but when they are approached to speak, the council communications team says no – the risk is perceived as too high.

Some people in the community will reject statistics and facts, even when presented directly with the truth. There is a lot of misinformation about and your truths will be lost. Trust between the council and the community is the most important thing.

### *Council Structures*

One participant from a large metropolitan council commented that local authorities were still very siloed when it came to this issue. An authority could have a Prevent team, an anti-extremism team, and an action against hate crime team. Everyone focuses on their own element of the picture.

Another attendee from a district council noted that this was very dependent on the type of authority. In a more rural area you don't necessarily have teams to deal with this challenge. In some ways this is a strength, as work is more coordinated and relationships are strong between the relevant people working in this area, but in others it is a problem as there is a lack of resource.

A county council representative commented that the changing structure of local government has an impact on their ability to deal with problems. The increasing academisation of schools in particular.

Another said that the problem around joining up is particularly relevant when it comes to working with schools. They have had situations where the Prevent Team and Hate Crime teams are going in separately to schools to speak to children and not coordinating messages.

In Metropolitan areas there is no real problem with shortage of resources; the biggest issue is coordinating them. The role of the Cabinet Member with responsibility for this area is key in providing leadership. Different councils have different structures in place for allowing joined-up working.

One representative from a London borough noted how in their authority other agendas were being shaped by a commitment to tackling hate crime, including grant-making and arts and culture. In this authority, roles around tension monitoring, hate crime, Prevent and counter-extremism work had been brought together in a single team. Another commented that they have established a Hate Crime Board, with ownership at the highest level of council decision making. Much depends on the consistency of the members of the team however, as so much is built on personal working relationships.

Declan said that the best way of undermining the Public Sector Equality Duty was to mainstream it across an organisation. If everyone is responsible for it, no one is. It needs to remain a specific agenda item, with a specific team leading on equalities and pressing for their inclusion in other parts of council work.

### *Trust and personal relationships*

It was noted that there is a new form of bigotry aimed at people working in this sector – if you are working to counter hate, some will label you an Islamophobe or a racist, in order to undermine your work. There is a lot of competition for the allegiance of community groups and it difficult to deal with people’s nervousness around the issue. How do you build trust?

Rebuttal of false information is one piece of the puzzle, but fostering good relations with the community is most important. It is easier to issue a rebuttal in a situation where relations are good. So the local authority must be active with information to build good relations not just passively responsive when “problems” arise.

Personal contact and confounding expectations were regarded as the best way of building trust.

There was a discussion around the role of faith leaders. It was agreed that faith leaders should not be over-emphasised as the only route to gaining trust in a community (as there are many other community or residents groups) but they do play an important role. They can provide leadership at a high level in engaging with other communities. Many councils around the table stressed the positive relationships that were in place and how this had eased tensions in the community.

**Presentation:** Menara Ahmed, VAWG, Domestic Abuse & Hate Crime Manager, London Borough of Tower Hamlets

Menara Ahmed gave a presentation on the work the London Borough of Tower Hamlets is doing to tackle hate crime. Some of the key points were as follows (full presentation also available).

- Tower Hamlets has one of the largest youth populations in Europe and has the second highest levels of hate incidents reported in London. There have been three terrorist incidents in the borough. They also have a fairly large LGBT community who have also been targeted for hate crimes.
- She commented how easily the national media, particularly in the aftermath of a terrorist incident, can undo the good work that is being done locally and undermine trust between the authorities and community groups.
- The council has a strong structural framework for dealing with hate crime and the Prevent duty. They are in the Community Plan, and there is a Community Safety Partnership Board, under which sit various panels, including the hate incidence panel and the tensions monitoring group. The Prevent Group deals with higher level incidents.
- Tackling hate is everyone’s responsibility and this is communicated clearly in the council.
- There is a Hate Crime Board (No Place for Hate Forum), chaired by the Reverend Alan Green and governed by the Community Safety Board. The council was one of the first to have a Board of this kind.
- They have scrapped third party reporting centres as they were not perceived to be effective.
- Their work is judged on various metrics, but a key one is the annual residents’ survey, in which people are asked ‘how well do you think people get on together locally?’ At the present time it is 78% positive.

- Previously they held campaigns focused on different characteristics or themes: ‘no place for....’ Now they just have a single campaign called ‘One Tower Hamlets’. This prevents resources from being too thinly spread. Other events, such as Black History Month and Eid sit underneath One Tower Hamlets.
- They used to work closely with schools on hate crime. Now the WRAP (Workshop to Raise Awareness around Prevent) training has taken that slot, but hate crime slides will feature within the WRAP training
- The ‘No Place for Hate’ Forum has won an award for its campaigns. They are now recruiting people to be local champions (including the deputy mayor). Champions can be a good way of sharing messages and responding to incidents as they are not bound by the same rules as council officers.
- It is important that the police work closely with the local authority. There have been incidents where cases against criminals have been dropped due to high prosecution thresholds, leading to difficult relationships with one part of the community.
- They have an organisational ‘pledge against hate’ that organisations in the borough can sign up to promote awareness of issues around hate crime and to offer a structure for those seeking to challenge it. Signature of the pledge has been used by venues to provide a reason for not hosting the EDL for example.
- Data on hate crime is generally quite poor. Data is different from different sources. As a result, it is hard to say with any degree of certainty what the actual picture is.
- Some specific actions that have been taken, besides general community outreach include the drip of positive news stories to counteract the negative, arranging meetings between leaders from very different communities and a DVD of various faith leaders from across the borough highlighting their similarities. They have also, in the past, worked with schools to embed these positive messages in the curriculum, in GCSE artwork or English literature for example.
- The VAWG Strategy Manager, Schools Officer and Prevent Manager all work closely together on these issues.
- The pledge is on the website and there is always a spike in interest when a celebrity signs up. Organisations or individuals can sign and there are now around 1900 individual pledges and all key organisations have signed up, approximately 140.

## **Discussion**

Another attendee commented that sometimes it was difficult holding the ring between different community groups who come into conflict over control of a particular community event or celebration. There are great rivalries between different groups within the same community. In Tower Hamlets, the champions and campaigns play an important role in mitigating this.

One attendee from a London authority noted that in the past there had been tension locally between Muslim and Jewish communities. However, after years of working together the faith communities are on good terms and even share each other’s venues. This took time and effort on the part of the interfaith forum, the council and community leaders.

## *Reporting*

There was a discussion about third party reporting centres. One attendee from a northern metropolitan council commented that they have been sign-posting organisational reporting centres (within mosques and other places of worship for example). Initially there were over 40 centres, but the numbers were not coming in, so they relaunched with around a quarter of that number. Another attendee commented that they had run a mystery shopper exercise with the third party reporting centres and received appalling results, so have now stopped the local authority involvement in these centres. They can still take reports, but are not endorsed or led by the council.

It was noted that the Care Act introduced a new concept of hate crime in care. Notice of this must now be incorporated into commissioning documents, making it more likely that third party providers will pick up on the issue in both a formal and informal manner.

One attendee commented that prior to 2011, they had had no reports of hate crime from schools. Since 2014 they have had an online reporting form and the numbers have increased dramatically to over 1300. This has made it much easier to speak to parents and children to deal with these issues and to invest in restorative communications. There has also been an increase in enforcement action.

There was an expectation in the room that the volume of reported hate crime should increase. The real problem is perceived to be when hate crime is occurring, but it is not being reported and action is not taken. There was agreement that in the current climate it would be unexpected and perhaps concerning if the number of reported hate crime incidents was reducing, as it might imply that people are too scared to come forward.

### *Enforcement*

Enforcement was perceived as a challenge for some of the authorities in the room. There was a discussion about how conflict between the CPS and the Police can lead to a blame game between the two, while serious incidents are identified as 'non-crime' or 'intelligence' due to a lack of evidence. If an incident is defined as 'non-crime', then it is handed over to the Safer Neighbourhoods Team.

Declan noted that 'hate crime' refers to a specific level of offence, but to what extent do our mechanisms capture the continuum of hate incidents, and if it is not specifically qualified as 'hate crime', how is the information being used? A London borough representative noted that they use 'hate incidents' so as to capture the wider picture including anti-social behaviour.

### *Cross-London working*

There is a pan-London hate crime group which shares best practice and has shared protocol. There will be 45 community coordinators in the end who will meet quarterly to discuss issues across London.

There is a significant difference between different boroughs' approaches to hate crime. Some have two officers and some don't. Some have a councillor leading on the issue and

some don't. There is a wide variety of response. Enforcement across borough boundaries can lead to a dilution of local knowledge (on gangs for example). It is important that work is both joined up, and locally distinct.

There was some concern about the Home Office and its relationship with local authorities, which is not always positive. It needs to be clear that we're all working on the same issues together.

A representative from a rural authority commented that the situation is very different outside urban conurbations. There is usually no team and very few resources. They are sometimes in receipt of pots of central government funding, but when the funding stream changes, the money disappears. This is very disruptive and does not help in building community trust.

### *Conversations*

One participant noted that conversations about Prevent do not always engage people successfully. They have been holding coffee mornings to discuss the programme and gather community information. Establishing positive community advocates is also crucial and they are identifying them all the time. This is more important than direct messaging coming from the council.

Using positive news stories to build confidence and better relationships between communities is also important.

Another participant commented that clearly community engagement is an essential part of this work, but it is important not to forget that there is a top-down element to what the teams do. Sometimes there may be groups that are fundamentally politically opposed to what we are doing and cannot be engaged with in the same way. It may not be possible to work with these groups, and it may come down to calling them out when they spread untruths and trying to prevent communities from aligning themselves with these groups.

The role of the local authority is important in building trust. Often, cases are reported to the police, but there is very little evidence to go on so the case is closed from a police perspective. Here, the local authority has a role in providing victim support and where appropriate, taking enforcement action. If there is no response, it breaks the trust between the victim and the authorities. Support is needed for the victim, even when the case is being prosecuted.

It was noted that online hate crime is the biggest challenge as the council cannot monitor it easily and is not equipped to do so.

Creating space for proactive engagement programmes and awareness-raising platforms was seen as important (as well as trying to encourage more reporting). Online support, schools sessions and campaigns like One Tower Hamlets are positive community building exercises.