

Cheltenham Borough Council

Cabinet – 27th July 2010

Guidance Framework to Respond to Hate Incidents and Hate Crimes in Cheltenham

Report of the Cabinet Member Housing and Safety

1. Executive Summary and recommendation

1.1 The issue

1.1.1 To adopt a corporate policy and framework that will:

- provide a system for reporting, recording, investigating, monitoring and assessing all hate incidents and hate crime; and
- encourage us to work with other organisation in our responses to these incidents.

1.2 I therefore recommend that:

1.2.1 Cabinet formally adopts the guidance framework to respond to hate incidents and hate crimes in Cheltenham (Appendix A).

1.3 Summary of implications

1.3.1 Financial None arising from this report.

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1.3.2 Legal There are no legal implications as a direct result of this report.

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1.3.3 HR and Training The employees undertaking investigations will require some specialist training. Estimated impact is half day training session for 4 people. This is role specific and as such, funded from professional training budgets. There is a need to raise awareness in this issue to a wider audience, namely front-line employees and service managers. face-to-face session with the potential to develop an e-learning modules for 'refreshers'. These items will be incorporated into the corporate training programme and monitored via the cbc learning gateway.

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1.4 Implications on corporate and community plan priorities

CSP 10 B	We will have developed our equalities and community cohesion work to ensure that our communities are attractive to people of different ethnic and social backgrounds.
CBC 1 A	Reduce the level of crime, anti-social behaviour and the fear of crime in Cheltenham.
CBC 1 B	Deliver a programme of preventative work to build respect in our communities and reduce anti-social behaviour.

1.5 Statement on Risk

1.5.1 Risk matrix attached..

2. Introduction and Background

2.1 Cheltenham Borough Council's aim is to make it clear that hate crimes and harassment will not be tolerated and that full and comprehensive support will be offered to the victims of such behaviour. In conjunction with our partner agencies we will use, as necessary, all of the remedies provided by the law to deal with perpetrators. Our approach will be firm but it will also be fair. The overall aim of the policy is to ensure a victim-centred approach to dealing with hate incidents and crime.

2.2 The policy and framework adheres to the Race Relations Act 1976 and the Code of Guidance for Social Rented Landlords. It also takes account of the findings of the Stephen Lawrence Inquiry, the Race Relations (Amendment) Act 2000 and the Code of Guidance on Tackling Racial Harassment.

2.3 The purpose of this policy framework is to:

- provide all our employees with guidance on how to respond to hate incidents and hate crime; and

- make sure all incidents are reported and dealt with quickly, effectively and in the most suitable way.

This will also allow us to monitor all hate incidents and hate crime and to develop and review best practice within the organisation.

Responding to hate incidents is a corporate responsibility. However, in many cases we will need to work in partnership with other organisations.

Cheltenham Borough Council are members of the Cheltenham and Tewkesbury Hate Crime & Incidents Group (CTHCG) the principle aim of which is to tackle and reduce hate crime in the community and encourage the reporting of hate incidents by providing the public with the facility to report such incidents.

2.4 Partnership working is essential in combating hate crime within Cheltenham. Whilst potentially reaping substantial rewards in terms of improved service delivery from active participation in this type of partnership, the extension of partnership activity in communities and encouraging collaborative working beyond statutory limits has even greater potential. Therefore by adopting the guidance framework to respond to hate incidents and hate crimes in Cheltenham the council will be undertaking its responsibilities in fulfilling its role and supporting the work of the CTHHCG.

3. Consultation

3.1 The report has been circulated to Gay-Glos who are a county wide organisation and a member of the county equalities group, for them to provide appropriate comment and feed back, but to date no response has been received. Further efforts will be made to obtain appropriate views to enable a verbal update for Cabinet on the 27 July 2010.

Appendices

A Guidance framework for response to hate incidents and hate crimes in Cheltenham

Background Papers None

Contact Officers Trevor Gladding, Community Safety and Licensing Manager, 01242 264368, trevor.gladding@cheltenham.gov.uk

Accountability Councillor Bernard Fisher

Scrutiny Function S&C

**Guidance framework
to respond to hate incidents
and hate crimes in
Cheltenham**

crimes across Cheltenham

Contents

What is a Hate Incident and What is a Hate Crime?	3
Developing a New Approach	3
County wide	4
Working Together to Reduce Hate Crimes	5
Good Practice When Dealing with a Hate Incident	6
Training	6
Recording	6
Reporting	6
Appendix A - How to respond to hate incidents and hate crime	7
Appendix B - Policy and incident report form	8
Appendix C - External Support Agencies	14

What is a Hate Incident and What is a Hate Crime?

A hate **incident** is:

‘Any incident (which may or may not be a crime), which is felt by the victim or another person to be motivated by prejudice or hate’.

A hate incident is motivated by someone’s prejudice against or hatred of their victim. It may not be a crime as defined by law, but their actions are hostile and intended to cause offence or hurt.

A hate **crime** is:

‘Any Hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate’.

It is vitally important to understand that all hate crimes will also be hate incidents. However, some hate incidents may not constitute a criminal offence and therefore will not be recorded as a crime, but an incident.

All agencies must respond appropriately and professionally to reports of hate in order to provide a good quality service, taking into account the victims views and wishes. Hate incidents and hate crimes are always serious and can sometimes be life-threatening. They affect victims, families and the communities they live and work in..

It must be clearly understood that evidence of an offence is not a requirement for a hate incident to be recorded.

Public authorities have a legal duty to record all racist, religious, homophobic, transgender and disability hate incidents. All organisations, as good practice, should collect information on hate incidents involving disability, gender, sexuality (Lesbian, Gay, Bisexual, Transsexual), gender identity, religion or belief, race and age that fit in with the above.

Hate crime can take many forms. These could include physical attacks, such as assault, violence, murder, damage to property, offensive graffiti, neighbour disputes and arson. Threats such as offensive letters, abusive or obscene phone calls,

intimidation and malicious complaints and verbal abuse such as insults and bullying all constitute a hate crime and You must report all hate crimes to the police.

Developing a New Approach

The murder of Stephen Lawrence and subsequent Inquiry report has led to a philosophical change within most public services from 'treating everyone the same' to a necessary needs based approach.

To be truly effective and provide an appropriate level of service to the victims of hate crimes and incidents, it is vital to have a clear understanding of what constitutes hate incidents, hate crimes and indeed specific types of prejudice.

In March 2005, ACPO (Association of Chief Police Officers) provided a comprehensive guidance manual to Police Forces in order to revisit policy and tactical options for dealing with hate crime. Essentially, the guidance sought to secure benefits for the victims through a common standard of response, action and quality of service, whilst also providing clarity for partner agencies and community representatives whose involvement, support and commitment is crucial to success.

Our aim is to:

- make Cheltenham a safer place to live, work and visit; and
- encourage personal relationships and inclusive communities that promote mutual respect and celebrate diversity.

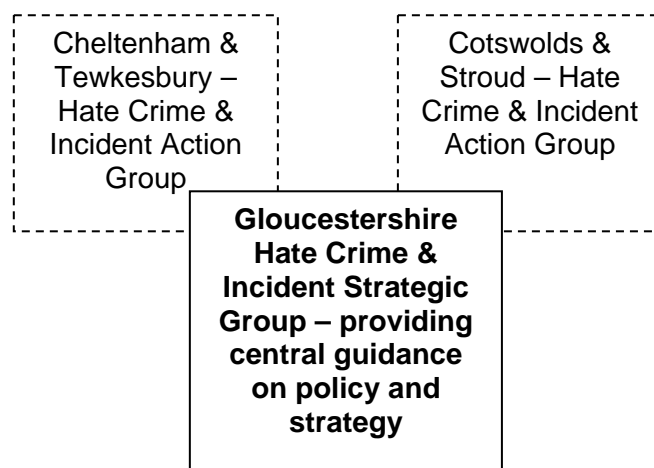
We have pledged not to tolerate hate incidents and hate crimes. And we will work together to reduce risk and improve services to victims.

County wide

The Gloucestershire Hate Crime and Incident Strategic Group has been formed with local partners to provide strategic direction over the prevention and resolution of hate crimes and incidents within Gloucestershire.

The operational arm of the partnership is maintained through the local Hate Crime & Incident Action Groups, namely:

- Cheltenham & Tewkesbury Hate Crime & Incident Action Group
- Cotswolds & Stroud Hate Crime & Incident Action Group
- Forest & Gloucester Hate Crime & Incident Action Group



Forest &
Gloucester –
Hate Crime &
Incident Action
Group

Working Together to Reduce Hate Crimes

Partnership working is essential in combating hate crime within the County. Whilst potentially reaping substantial rewards in terms of service delivery from active participation in this type of partnership, the extension of partnership activity into communities and encouraging collaborative working beyond statutory limits, has even greater potential.

The benefits of working both strategically and at a local level to tackle hate crime and incidents are clear, it will:

- facilitate the sharing of information and intelligence to quantify hate crime and incidents geographically or within a specific section of the community;
- prompt agencies with community safety responsibilities to develop and then deliver a co-ordinated safety package for actual and potential victims of hate crimes;
- prevent duplication of agency effort in terms of service delivery; and,
- provide a consolidated approach to accessing additional resources.

The outcomes we hope to achieve are to:

- co-ordinate the way service providers identify, respond to and tackle hate incidents and hate crimes across the county in general and within Cheltenham in particular in order to provide a consistent response and improve services
- through training and publicity make everyone aware of what a hate incident and hate crime is and how to deal with it
- make sure our response, policies and procedures take into account the needs of the victims of hate incidents and hate crimes
- build communities' trust and confidence that incidents will be dealt with swiftly, suitably and sensitively, and so to increase the number of incidents reported
- improve the support and services available to victims
- make sure those who commit hate crimes are dealt with effectively and to reduce the risks of repeat offending
- tackle social attitudes and behaviour which can lead to abuse and intolerance
- improve the quality of life for everyone in Cheltenham by improving community cohesion.

Good Practice When Dealing with a Hate Incident

It is important that the view of the victim, or any other witness, is the defining view in

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determining a hate incident. The apparent lack of motivation as the cause of an incident is not relevant, as it is 'perception' that counts.

The prejudice or hate felt may be based on any of a number of factors and as such, a victim of hate does not have to be a member of a minority group or someone who is generally considered to be vulnerable.

To provide consistency in the recording of hate incidents, the Gloucestershire Constabulary and Gloucestershire Hate Crime & Incident Strategic Group have adopted the following categories by which to group and record incidents:

- Age (including Young and Old)
- Disability (including Mental Health)
- Gender (including Transgendered)
- Race (including Ethnicity)
- Religion or Belief
- Sexual Orientation (including Lesbian, Gay and B i-sexual)
- Any other group identity

There is no evidential test as to what is or is not a hate incident - Perception by anyone that a hate incident has occurred is all that is required.

Training

As a measure of good practice, all organisations should provide employees with

training in dealing with hate incidents and hate crimes both within the organisation and when reported to them from victims or witnesses. All employees need to be aware of the definitions of a hate incident and hate crime. They must also be aware of the issues relating to hate incidents and hate crimes and the processes involved in recognising and dealing sensitively with everyone involved.

Training can be provided through workshops or as part of the induction process for new recruits.

Where a mentoring or incident investigation scheme is to be established specialist training will be required for volunteers.

Recording

To create a more reliable picture of hate incidents and hate crime in Cheltenham, all organisations should record their data in a standard, pre defined, format. This information should include where possible:

- an incident reference number, possibly using the Home Office UPRN format
- the date and time of the incident;
- details of where the incident took place – preferably a full address including
- postcode or six-figure grid references;
- motivation behind the incident – for example, race, religion, sexuality, all

Version 1.2

- disability, age or gender identity;
- the victim's details – for example, age, sex and ethnic origin; and
- the offender's details – for example, age, sex and ethnic origin.

Names should not be included.

Organisations should also develop a victim satisfaction monitoring system.

Reporting

Victims should be able to report incidents face to face, by phone, web, e-mail or in writing.

If an incident is reported which is not directly about Cheltenham Borough Council, an initial reporting form should still be completed, passed to Customer Relations for recording and then passed it on to the relevant organisation.

If there has been violence or threats of violence, the incident must be reported to the police immediately.

It is important to give the victim suitable support based on the circumstances. You should always check with the victim before taking further action, including contacting the police. The victim has a right, but is not obliged, to make a complaint against the alleged offender.

Appendix A contains a flowchart on how to respond to hate incidents and hate crime. Appendix B provides a model policy and incident report form.

Appendix A – How to respond to hate incidents and hate crime

If the complaint is received in writing and is not anonymous, notify the complainant in writing of the action taken. If anonymous contact the victim. This must be done within 5 working days of receipt of the complaint

perpetrator. If the incidents persist they may amount to harassment or other criminal offences. Consider referral to the Police in these cases

The appropriate form to record hate incidents on is (?). For auditing and transparency purposes a (?) should also be completed where a hate crime is referred to the Police. Record this fact on the (?)

In all cases consider the welfare needs of the complainant. These can include Victim Support, occupational health units and other support networks

Enquiries into an incident must be completed within **20 days** of receipt of the complaint.

Once the enquiries into the incident are complete a written response must be sent to the complainant advising them of the action taken. This may simply be to advise them a hate incident report has been submitted.

Aim

The aim of this policy is to:

- provide a system for reporting, recording, investigating, monitoring and assessing all hate incidents and hate crime; and
- encourage us to work with other organisation in our responses to these incidents.

Purpose

The purpose of this policy is to:

- provide all our employees with guidance on how to respond to hate incidents and hate crime; and
- make sure all incidents are reported and dealt with quickly, effectively and in the most suitable way.

The policy will allow us to monitor all hate incidents and hate crime and to develop and review best practice within the organisation.

Responding to hate incidents and hate crime is a corporate responsibility. However, in some cases we will need to work in partnership with other organisations.

Good practice suggests that every organisation should appoint a policy coordinator to make sure all necessary actions are taken in line with this policy. In smaller organisations, the co-ordinator may also be the manager.

Scope of the Policy

This policy applies to our service users, members of the public and everyone who is contracted to work for us.

If a complaint involves a criminal offence, you must report it to the police immediately for investigation.

The member of staff in charge of the investigation will then take responsibility for collecting any evidence. In all other cases, all employees have a responsibility to

Version 1.2

follow this policy and to report and record all hate incidents and hate crime.

Employee responsibilities

Policy co-ordinator

The policy co-ordinator must make sure the following actions are taken when a hate incident or hate crime is reported.

- Contact the person who has made the report to acknowledge their complaint.
- this must be done within five working days of receiving the complaint.
- Make sure all incidents that could be classed as criminal are referred to the police.
- Commission and direct guidance and support to the victim – for example, by making sure they are aware of any support services available.
- If necessary, refer the incident to other organisations.
- Provide reports on the incident for any relevant forums.
- Collect any evidence and make sure it is stored securely (see below).
- Share good practice with partner organisations.

Managers

We are committed to creating a harassment-free environment and have a legal and moral responsibility to protect and support employees who may be harassed by members of the public and colleagues.

As a provider of services, we must also protect and support our service users.

All employees have a duty to report and respond to hate incidents and hate crime.

However, managers have a specific responsibility to make sure everything is done to support employees and service users and to protect them from intimidation and harassment. This may be by:

- making it clear to members of the public that we will not tolerate harassment of our employees;
- threatening to withdraw our services to protect our employees;
- protecting, supporting and advising employees who experience hate incidents or hate crime from service users;
- supporting and advising members of the public who have experienced a hate incident or hate crime;
- making sure the details of any incident are recorded and seeking further guidance if necessary; and
- making sure all complaints of hate incidents or hate crime are taken seriously and investigated as quickly and as effectively as possible by the most suitable person.

As an employer we may be legally liable for our employees' welfare and behaviour. Employees and service users may have a strong case of unlawful discrimination against us if they can prove that we did not take suitable action following a reported

hate incident or hate crime. As a manager you must take all reasonable steps to prevent discrimination and to protect employees and service users from harassment.

Employees

Everyone who is contracted to work for us has a duty to report, record and respond to hate incidents and hate crime which they:

- witness (by seeing, hearing or reading);
- receive a report of from victims or witnesses; or
- suspect or discover evidence of.

In carrying out this duty you must take account of your own health and safety, particularly if you are working off site and alone.

Remember that victims may not always be willing to report incidents and offenders may be reluctant to give details of their behaviour. There are many reasons why a victim may not directly report an incident. However, incidents can take place in many circumstances and you should be alert to this.

Reporting and Recording Hate Crime

All hate incidents and hate crime must be recorded with customer relations at the council and responded to. As well as an initial reporting form, there should be a procedure for people to report incidents anonymously.

Reports may be made face to face, in writing, on the web, by e-mail or by phone. All employees should know how to record incidents, however they are reported.

If you receive a report by phone, you should fill in a reporting form and pass it on to your policy co-ordinator. They will make sure that: the person reporting the incident receives a letter within 5 working days setting out what action is to be taken, complete all the relevant paperwork and make any intervention as appropriate.

The investigation should be completed within 20 working days, including sending a written response to the person who made the complaint and carrying out all appropriate recommendations.

All outcomes must be appropriately recorded with a copy of the incident reporting form going to the relevant manager, customer relations and Gloucestershire Hate Crime and Incident Group central data collection point.

Reporting Procedure

If the incident does not relate to our organisation, fill in the initial reporting form and send it to customer relations. They will decide what action is to be taken.

In all other cases:

- fill in the initial reporting form immediately or as soon as possible;
- give a copy of the form to the person who has made the complaint, your policy co-ordinator and your line manager;
- if the complaint involves violence or threats of violence, report the incident to the police immediately;
- maintain contact with the person who has made the complaint until the process has been completed or the incidents stop; and
- forward all information to your Gloucestershire Hate Crime and Incident Group central data collection point where a case is found.

Collecting Evidence

If the victim has received abusive written material, this may provide vital evidence for a police investigation.

- If documents or letters are part of the incident, handle them with care (to protect forensic evidence) and give them to your policy co-ordinator to be stored safely as soon as the complaint is made. If in doubt, contact your local hate crime police officer for guidance
- Make sure the information you collect is as full and accurate as possible. This includes details of minor incidents. The case against an offender may be stronger if you have evidence from several witnesses.
- Taking a clear statement from someone in distress is not an easy task. Find a private but accessible place to carry out the interview. And make sure you allow plenty of time to help them feel more comfortable and gather all the information you need.

Supporting the Person who has Made the Complaint

The support you provide will depend on the circumstances of each case. In all cases it is vital to check with the person who has made the complaint before taking any action, including contacting the police. Remember at all times that the victim has a right to take action but does not have to do so. The following actions may be suitable, either immediately on receiving a complaint or at the follow-up meeting.

- Find a quiet and private space to discuss the incident with the person who has made the complaint.
- Offer an interpreter if you think this may be necessary.
- Provide a list of community and voluntary organisations that can give advice and practical help.

Incident Report Form
Cheltenham Borough Council
Hate Incident/Hate Crime Reporting Form

All the information requested below would be valuable to us. You do not have to give **all** the details requested. Please complete as much of the form as you can and tell us what action you would like us to take by ticking the appropriate box:

YES I would like Police involvement **NO** Police involvement

Date of Report: _____ **Time of Report:** _____

Organisation:

Completed by:

Telephone: Email:

Are you filling in this form on someone else's behalf? **Yes** **No**

If they are a child, what age are they?

Would you like someone to contact you about this report? Yes No

Yes No

No one will call you at your home without your prior consent.

Please state your chosen method of contact, for example telephone number, address or email

Contact details: _____

Language spoken or preferred:

Date of Incident: _____ **Time of Incident:** _____

Your Name _____ **Contact – address** _____

Tel. No. _____

Address/location of incident: _____

Landmarks: _____

Do you think it was related to: (You can mark more than one):

Age Gender Disability Faith Ethnicity Nationality

Sexual Orientation Gender Identity (transphobia)

Description of what happened (e.g. assault, verbal abuse, damage etc)

Other witnesses

Did anyone else see what happened? **Yes** **No**

Names and contact details: _____

Were you or the victim physically hurt? Yes **No**

Please include **any** injuries, no matter how minor you think they are (any kinds of bruises and scratches should be mentioned):

Was any medical attention given? **Yes** **No**

If yes, please give treatment/name of hospital:

**The Offender/s**

Is/Are the offender/s known to you?

Name/s and contact details: _____

How would you describe your ethnic background?

W1	White British	A1	Indian
W2	White Irish	A2	Pakistani
W3	White Other	A3	Bangladeshi
M1	White & Black Caribbean	A4	Asian Other
M2	White & Black African	B1	Caribbean
M3	White & Asian	B2	African
M4	Mixed Other	B3	Black Other
C	Chinese	O	Other (e.g. Traveller of Irish heritage or Gypsy/Roma)

If the aggrieved is happy for the police to get involved, send to:**If the aggrieved does NOT want police contact, send to:***Input details of the local police contact**Contact person in your organisations and details*

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Appendix C - External Support Agencies

Local

Cheltenham & Tewkesbury Local Hate Crime & Incident Action Group

The Cheltenham and Tewkesbury local Hate Crime & Incident Action Group tackle hate crime strategically across Cheltenham and Tewkesbury; raise greater awareness of the hate crime agenda and the public's understanding and awareness of hate crime; and, ensure that effective and meaningful community involvement and engagement is at the heart of the group's drive to tackle hate crime and promote cohesive communities in Cheltenham and Tewkesbury

Help Line: 0800 077 8460 (24 hours seven days a week)

Gloucestershire Race Equality Council

The Race Equality Council for Gloucestershire (GlosREC) aims to provide support, advice, information and representation to individual victims of racial discrimination and racial harassment within Gloucestershire. The service is confidential. GlosREC is also networking with relevant agencies to eliminate racial discrimination and promote equality of opportunity.

Open: Monday to Friday 9am to 5:30pm (5pm on Fridays)

15 Brunswick Road

Gloucester

GL1 1HG

Phone: 01452 301290

Email: enquiries@glosrec.org.uk

Web: www.glosrec.org.uk

GAY-GLOS

GAY-GLOS was founded as a Helpline in 1989 and offers a range of services for anyone concerned about their sexuality or gender. Gay-Glos support people who are: gay, lesbian, bisexual, transvestite, transsexual straight, or not sure, as well as anyone questioning or exploring their sexuality. Gay-Glos provide free and confidential services to people in Gloucestershire

helpline telephone 01452 306800 (Monday to Friday 7:30pm to 10:00pm)

Email: help@gay-glos.org

Victim Support - Gloucestershire Victim Care Unit

Victim Support and the Victim Care Unit (Gloucestershire) is an independent national charity which helps people cope with crime. They have a network of local branches across England, Wales and Northern Ireland, and their trained volunteers offer: someone to talk to in confidence; information on police and court procedures; help in dealing with other organisations; information about compensation and insurance; and links to other sources of help.

Anyone affected by crime can contact this helpline for help, Victim Support services are free and available to everyone, whether or not the crime has been reported and regardless of when it happened.

Phone: 01242 520835 or 01242 524397

Cheltenham, Tewkesbury and Cotswold Citizens Advice Bureau

To ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their needs effectively and to exercise a responsible influence on the development of social policies and services both locally and nationally

6 St. James Square

Cheltenham

Glos GL50 3PR

Open: Monday to Friday 9am to 5pm

Phone: 01242 522491

Email: advice@cheltenhamcab.org.uk

Web: www.cheltenhamcab.org.uk

Gloucestershire Domestic Violence Support and Advocacy Project (GDVSAP)

GDVSAP is an independent charity which exists to help men and women throughout Gloucestershire, who are affected by domestic abuse. They may be living with, considering leaving or continuing to have problems with an abusive partner. Domestic abuse affects people from all walks of life, all ethnic communities and people in same sex and heterosexual relationships. Disabled people are particularly vulnerable to abuse.

GDVSAP provide a free and confidential county-wide service working to end domestic abuse in Gloucestershire.

Website for full details: www.gdvsap.org.uk

Crisis Help Line service available 7 days a week : 01452 500115

National

Crimestoppers

Call Crimestoppers anonymously to report a crime.

Phone: 0800 555 111

Web: www.crimestoppers-uk.org

Immigration Advice Line

Open Mondays, Wednesdays and Fridays, 12pm to 4pm.

Phone: 0808 808 7398

SCOPE

A disability group in England and Wales which focuses on people with cerebral palsy.

6 Market Road

London

N7 9PW

Phone 0808 800 3333

Web: www.scope.org.uk

Polari

Working for better services for older lesbians, gay men and bisexuals.

Phone: 020 7255 4480

Stonewall

Working for equality and justice for lesbians, gay men and bisexuals.

Phone: 020 7881 9440

Victim Support

Provides free and confidential support to help victims of crime deal with their experience, whether or not they report it to the police.

Phone: 0845 303 0900

Email : supportline@victimsupport.org.uk

Web: www.victimsupport.org.uk

Hate crime divisional police contacts:

Hate Crime Investigation Unit

01242 276070

True Vision National website

This is a police funded web site designed to provide people with information about Hate Crime. It was launched in May 2004 and is aimed at improving the service the police provide to minority communities. 23 different police forces have joined together to provide people with a single self-reporting on-line facility, and information pack, that allows them to report hate crime directly to the police.

In addition True Vision Information packs are available in all police stations signed up to 'True Vision'; and these are also distributed to a variety of pubs, clubs libraries and health groups. These packs contain a variety of information that will support people, should they have been a victim or witness to a hate crime or should they be seeking information on behalf of someone else.

True Vision is an on-line reporting service which can be found at www.report-it.org.uk