

# Recording non-crime hate incidents – have your say

Published on 28 March 2023

Public consultation on updated guidance to help police manage and record non-crime hate incidents reported by the public.

Consultation 2 mins read

We're seeking views about updated guidance on how the police should record non-crime hate incidents – where an incident is not an offence, but is reported to be motivated by hostility or prejudice. The updates aim to support police to manage complaints from the public about this type of incident.

## Background

Last year we introduced [interim authorised professional practice \(APP\) guidance on the recording of non-crime hate incidents](#). This followed a legal ruling that sought to strike a balance between freedom of speech and protecting vulnerable members of the public.

The Home Office is introducing a new Code of Practice on recording and retaining personal data for non-crime hate incidents. We are therefore updating our guidance to help frontline officers and staff to manage these types of complaints from the public.

## About the guidance

The APP on Recording and retention of non-crime hate incidents sets out the processes and decision-making that officers and staff need to consider when:

- responding to and recording non-crime hate incidents where the complainant perceives that the incident may be motivated by hostility
- applying the law
- protecting freedom of speech
- building intelligence about patterns of behaviour that may escalate into serious harm

We've also included examples of real-life scenarios and situations that officers and staff may face, to improve understanding in this complex area of policing.

Key changes to the existing guidance are as follows.

- A non-crime hate incident should not be recorded where it is trivial, irrational or malicious, or where there is no basis to conclude that an incident was motivated by hostility.
- Wherever possible, freedom of speech should be prioritised. Individuals who are commenting in legitimate debate – for example, on political or social issues – should not be stigmatised simply because someone is offended.
- If a record is made it must be done in the least intrusive way possible – for example, it may not be necessary to record the name of an individual or the location of an incident.
- Officers and staff should use common sense and judgement to determine if a non-crime hate incident meets the new threshold set out in the Code for recording personal data.
- If further contact with those involved in a non-crime hate incident is required, police should always consider what is proportionate and again least intrusive – for example, a phone call or letter, rather than a visit to a home or place of work.

## Why we're seeking your views

APP is the official source of professional practice for everyone within policing. We need your views to help ensure this guidance is clear and easy to use – particularly for officers and staff who may respond to or review a non-crime hate incident. For example:

- frontline officers working in response or neighbourhood policing teams
- police staff who work in call handler, front office, and crime and incident registrar roles

## Have your say

We'd like to hear from all ranks, grades and roles across policing, and from members of the public.

Complete the online consultation questionnaire by 11:59pm on Sunday 16 April to have your say.

## Consultation closed

Thank you to everyone who provided feedback.

## Consultation documents

- [Recording and retention of non-crime hate incidents APP – consultation \(pdf\) 323.35 KB](#)

## Tags

Consultations   Hate crime