

New Code and guidance for non-crime hate incidents

Published on 3 June 2023

Updates support officers and staff responding to reports of non-crime hate incidents

News 3 mins read

A new [statutory Code of Practice](#) and corresponding authorised professional practice (APP) has come into force for officers and staff responding to reports of non-crime hate incidents.

The Code, issued by the Home Secretary, provides guidance to the police in England and Wales for recording non-crime hate incidents (NCHIs). It sets out the common-sense and proportionate approach that should be adopted by responders.

The College of Policing's [APP for recording NCHIs](#) has been updated to align with the content of the Code.

The Code introduces an additional threshold test. This clarifies that personal data should only be included in an NCHI record if the event presents a real risk of either:

- significant harm to individuals or groups with a particular characteristic or characteristics
- a future criminal offence being committed against individuals or groups with a particular characteristic or characteristics

For the purposes of the Code, a 'particular characteristic' means race, religion, sexual orientation, disability or transgender identity, as defined in hate crime legislation. This test will enable the police to intervene where necessary to safeguard vulnerable individuals and communities.

Updated APP is now in place for those who may respond to these incidents to operationalise the new Code. It will support decision making, including whether and how someone's personal data should be processed.

A new Code and guidance are now in place for officers when responding to non-crime hate incidents.

These incidents should not be recorded where they are trivial, irrational, or if there is no basis to conclude that an incident was motivated by hostility.

Chief Constable Andy Marsh, College of Policing CEO

Under the code, if an individual's personal data is processed as part of a NCHI record they should be promptly notified unless the notification presents a safeguarding risk to the complainant.

Catching dangerous criminals and bringing them to justice should be the police's primary focus and I have been clear that in recording non-crime hate incidents, officers must always have freedom of expression at the forefront of their minds.

I am pleased that the College of Policing has published updated operational guidance to ensure the Code of Practice approved by parliament is applied consistently.

Now the police will only record non-crime hate incidents when it is absolutely necessary and proportionate and not simply because someone is offended.

Suella Braverman, Home Secretary

NCHI recording stems from the murder of Stephen Lawrence in 1993. The 1999 Stephen Lawrence Inquiry Report called for Codes of Practice to create 'a comprehensive system of reporting and recording of all racist incidents and crimes'.

NCHI recording has since expanded to cover all the protected characteristics covered by hate crime laws in England and Wales – race, religion, disability, sexual orientation and transgender identity. This data is vital for helping the police to understand where they must target resources to prevent serious crimes that may later occur.

The code was legislated for through the Police, Crime, Sentencing and Courts Act 2022.

Support for officers and staff

For advice and further materials to support implementing the new Code, officers and staff should refer to:

- [Hate crime APP – Overview](#)
- [Hate crime APP – Responding to hate](#)

- [Hate crime APP – Responding to non-crime hate incidents](#)
- [College Learn e-learning – Recording non-crime hate incidents \(login required\)](#)

Tags

Hate crime