About this publication

What is the aim of this publication?

In 2011, following a two-year inquiry, the Equality and Human Rights Commission produced a series of recommendations on how public authorities and public transport operators could improve their performance in preventing and dealing with disability-related harassment. Four years after the publication of the last progress report in 2013, ‘Tackling disability-related harassment: Final progress report 2017’ formally concludes the Commission’s review into the actions and initiatives taken to implement those recommendations.

While recognising the positive steps taken by public authorities and the UK, Scottish and Welsh Governments in dealing with disability-related harassment, the Equality and Human Rights Commission is calling for a greater pace of change, particularly in areas of law and policy, data and evaluation and victim support.

Who is it for?

This report is intended for the UK, Scottish and Welsh Governments, policy makers and public authorities across Great Britain.

What is inside?

Chapter 1 provides a background to the Equality and Human Rights Commission’s inquiry into disability-related harassment

Chapter 2 sets out an overview of the outcomes reported to the Commission by UK, Scottish and Welsh Governments in tackling disability-related harassment

Chapter 3 details examples of actions from public authorities to increase recognition and reporting of disability-related hate crimes

Chapter 4 looks into the provisions, support services and reporting procedures that are in place for victims of disability-related harassment

Chapter 5 addresses the gaps in hate crime legislation that require attention and review by the UK Government

Chapter 6 highlights the increased focus on joint working and shared learning across key public authorities

Chapter 7 details the work being carried out by public authorities to improve hate crime prosecutions
Chapter 8 looks at the measures that public authorities have put in place to prevent disability-related harassment on public transport and in schools

Chapter 9 discusses the steps being taken to ensure statutory bodies proactively collect, monitor and share hate crime data

Chapter 10 sets out the Commission’s key recommendations to continue tackling, reducing and preventing disability-related harassment, hostility and hate crime.

Why has the Commission produced this?

The Equality and Human Rights Commission promotes and enforces the laws that protect our rights to fairness, dignity and respect. As part of its duties, the Commission conducts inquiries to explore systemic issues, gather evidence and develop possible solutions.
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Across Great Britain disabled people are being let down by a system that should be there to protect them.

For many disabled people, harassment is simply a part of everyday life. It can take many different forms, including bullying, cyber-bullying, physical violence, sexual harassment and assault, domestic violence, financial exploitation and institutional abuse. Some harassment can amount to hate crime, and it is estimated that 70,000 incidents of disability hate crime took place in England and Wales each year between 2012 and 2015.

Those subjected to harassment can come to accept it as inevitable, and focus on living with it as best they can. Too often, harassment can take place in full view of other people and the authorities without being recognised for what it is.

In 2011, following our two-year inquiry, we made a series of recommendations on how public authorities and public transport operators could improve their performance in preventing and dealing with disability-related harassment. We published two follow-up reports – in 2012 and 2013 – looking at the progress that has been made in implementing those recommendations.

This, our final report on the inquiry, outlines the actions and initiatives taken since 2013 by public authorities and public transport operators.

Evidence submitted to us shows that the actions and initiatives reported in ‘Manifesto for change: Progress report 2013’ are beginning to have a positive impact. But change is happening too slowly and too many disabled people continue to live with the daily reality of harassment, hostility and hatred.

Since 2015, we have embarked on two other major pieces of work to address the experiences of disabled people in Britain:
• a major report into disability, ‘Being Disabled in Britain’, as part of our ‘Is Britain Fairer?’ series of reviews on equality and human rights. This measured disabled people’s ability to enjoy the same access, opportunities and outcomes as non-disabled people across all areas of life

• as part of the UK Independent Mechanism, a report on the extent to which the UK and devolved governments have put the rights set out in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) into practice.

What we have learned from the inquiry about tackling disability-related harassment will continue to inform our CRPD monitoring role, our statutory duty to measure and report on progress on equality and human rights in Britain, and our new strategy to secure improvements in legal protection and responses to all forms of identity-based violence.

This report reflects the positive steps taken towards preventing and responding to disability hate crime – and also highlights areas for improvement. In doing so, it helps us define the task ahead of us: continuing to challenge intolerance of difference and creating strength out of diversity.

David Isaac, Chair of the Equality and Human Rights Commission
1. Introduction

Between 2009 and 2011, the Equality and Human Rights Commission ('the Commission') carried out a formal inquiry into disability-related harassment. The objective was to investigate the causes of this type of harassment and the action taken by public authorities and public transport operators across England, Scotland and Wales to prevent and eliminate it.


In 2012, we published a follow-up report, ‘Out in the open – Tackling disability-related harassment: A manifesto for change’ (known as ‘Manifesto for change’). This summarised responses from governments and a number of key agencies on what they were doing or had committed to do in response to the inquiry findings.

A further report, ‘Manifesto for change: Progress report 2013’, reviewed the progress made by public authorities in delivering the commitments they made in ‘Manifesto for change’.

This final report outlines what a sample of public authorities told us they have achieved since the publication of 2013. It relies on self-assessment and we have not verified their evidence or data. Where we believe further action is required this is set out in each section and will be progressed through the Commission’s new Hate Crime Strategy, which aims to secure improvements in legal protection and responses to all forms of identity-based violence.

Gathering evidence for this review

In gathering the evidence for this report in the summer of 2015, we asked public authorities to respond to the following:

- Tell us about the most significant achievements you have made in progressing your organisation’s commitments to the recommendations in the ‘Out in the open – Tackling disability-related harassment: A manifesto for change’ report (please include links to relevant website pages). In your response, please let us know what impact these actions have had and how you are involving and informing disabled people in this work.

- What are the most significant barriers you have faced progressing the recommendations (other than austerity measures)? What have you implemented to overcome these?

- Tell us about any areas of good practice that you have found to be particularly successful or useful to you in meeting the recommendations.

A full list of respondents can be found in the Appendix. While public bodies were under no obligation to respond, we are disappointed that so few did so when this is obviously a matter of significant public concern which has a major effect on individuals’ lives.
2. Progress by Governments

Below we set out an overview of the outcomes reported to us by the UK, Scottish and Welsh Governments as they continue to progress on their commitments to tackle disability harassment.

**England and Wales**

**Hate crime action plan 2016 to 2020**

In July 2016, the UK Government published ‘Action Against Hate’, its hate crime action plan for England and Wales.

This plan provides an update on progress since its previous action plan, and covers all five monitored hate crime strands (race, religion, sexual orientation, disability and gender identity).

Specific actions taken as a result of the Commission’s disability-related harassment inquiry include:

1. The publication, for the first time, of detailed findings from the Crime Survey for England and Wales on the extent of hate crime victimisation in England and Wales, including in respect of disability.

2. An improvement in the police recording of hate crime, developing the ability to better capture data on protected characteristics and publishing that data as official statistics.

3. The funding of a number of projects with voluntary sector organisations working with victims of disability hate crime under the Ministry of Justice’s (MoJ) victims and witnesses funding programme.

Over the next four years, the UK Government has committed to:

1. Achieving higher levels of prevention by challenging beliefs and attitudes in schools, including towards disability, and working with community partners to help young people challenge prejudice and discrimination against disabled people.

2. Responding to hate crime in communities to reduce the number of hate crime incidents. This includes focusing on settings that have emerged as high-risk hate crime environments, such as public transport, the night-time economy and the internet – some of the key situational factors identified in the inquiry.

3. Improving the reporting process; encouraging the use of third-party reporting; working with groups who may under-report; working to ensure that perpetrators are punished; and publicising successful prosecutions to help build people’s confidence in reporting – all key recommendations of the inquiry.
4. Improving support for the victims of hate crime, including disabled people. The new guidance on community impact statements for hate crime and joint review of the experiences of witnesses at court are in line with our inquiry recommendations.

Joint review of disability hate crime follow-up

In May 2015, the Chief Inspectors of the Criminal Justice Joint Inspectorates (CJJII) for England and Wales published ‘Joint review of disability hate crime follow-up’. The Commission agrees with the findings of the 2015 review, notably that despite a significant amount of work within key areas, there has been insufficient progress in:

1. Increasing understanding, reporting and information sharing.
2. Evaluating training for front-line staff.
3. Reviewing how information is received from the public.
5. Applying and recording of sentence uplift1 under section 146 of the Criminal Justice Act 2003.

We are encouraged to note that between publication of the CJJI 2015 review and the receipt of information to inform this report, the police, the CPS and probation trusts have initiated action to address these joint concerns. It is too early to make specific comment on the outcomes of this additional work.

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1. Section 146 imposes a duty on the court to increase the sentence for offences committed where the offender demonstrated hostility towards the victim based on the victim’s actual or presumed disability, or the offence was motivated by hostility towards disabled people.
Scottish Government

The Scottish Government’s ‘Speak Up Against Hate Crime’ campaign was launched in February 2014 to encourage reporting by those who experience or witness hate crime based on their actual or presumed race, religion, disability, sexual orientation or gender identity.

The ‘One Scotland’ online resource, supported by the Scottish Government, contains further information on national priorities for disability equality, with a focus on challenging and changing attitudes over the longer term.

In October 2016, the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion reported its recommendations for reducing hate crime in Scotland. The focus of the Group is high-level and strategic, and considers hate crime in general rather than disability hate crime in particular.

Crown Office and Procurator Fiscal Service criminal justice disability project

The Crown Office and Procurator Fiscal Service (COPFS) criminal justice disability project, set up in 2013, is now well established. Its work is overseen by a reference group of disabled people’s organisations. The project aims to ensure that all agencies in the criminal justice sector work together to ensure that ‘Manifesto for change’ recommendations are implemented.

Recorded crime

COPFS’ annual report on hate crime prosecutions shows that there were 201 charges reported in 2015-16 with an aggravation of prejudice relating to disability – 14 per cent more than in 2014-15. This is to be expected, given the historically low rate of reporting and the relatively new provisions in criminal law. We would expect numbers to keep rising in subsequent years, as police and prosecutors develop knowledge and expertise on hate crime, and victims’ confidence to report increases. The latest datasets indicate a further improvement. COPFS itself notes that under-reporting remains a significant issue, masking the scale of disability hate crime and its impact on people’s lives.
The Welsh Government launched ‘Tackling Hate Crimes and Incidents: A Framework for Action’ in May 2014, which identified actions across eight objectives. The framework is monitored by an independent advisory group made up of community and third sector organisations, including groups representing disabled people. The framework is supported each year by a delivery plan to ensure it remains relevant to emerging priorities.

Since the launch of the framework, a progress update has been published that included a pilot restorative justice initiative for victims of hate crime, informed by research from Cardiff University into perpetration.

In December 2015, the Welsh Government followed up the framework for action with an ‘Outcomes and Evidence Report 2014-15’. This sets out progress against the framework since its launch.

The Welsh Government consulted the framework’s independent advisory group on the specific outcomes achieved so far to tackle disability hate crime. The advisory group felt the publication of the framework had increased activity from public and third sector organisations and increased awareness of hate crime. However, the group also felt there were still a number of barriers, including:

- under-reporting: common reasons for not reporting include a feeling that nothing would be done, and a fear of repercussions
- welfare reform and the negative impact this has had on how disabled people are viewed.

A Hate Crime Criminal Justice Board has been convened by the Welsh Government to ensure a co-ordinated response to dealing with hate crime. It brings together representatives from the police, councils and other agencies, including the Commission.

The Welsh Government has also set up a hate crime reporting centre delivered by Victim Support. This aims to provide increased support to those who have experienced hate crime in Wales. A 19 per cent increase in the number of recorded hate crimes was observed between 2013-14 and 2014-15. This includes a 35 per cent increase in disability hate crimes.
3. Reporting, recording and recognition

There are many positive examples of actions from public authorities to increase reporting. Notably, Police and Crime Commissioners (PCCs) in England and Police Scotland, in partnership with disabled people’s organisations and others, have delivered an increase in the availability of third-party reporting centres, improvements in training for staff and new operational standards and guidance. We are also pleased to see some progress being made on recognising repeat victimisation, as this was a priority recommendation from the inquiry.

It is disappointing to note that the number of disability-related hate crimes recorded by the police in England and Wales, 3,629 in 2015/16, remains significantly lower than the estimated figure of 70,000 disability-motivated hate crimes per year from the Crime Survey for England and Wales between 2012 and 2015.

Removing barriers to reporting

The British Transport Police has created a Safeguarding Unit. This provides a single point of contact for all reports of hate crime. It has also developed a reporting form for hate incidents that enhances risk assessment and enables referrals to partner agencies.

In its hate crime action plan, ‘Action Against Hate’, the UK Government has committed to work with BTP to ensure that its text-messaging system for passengers to report crime on the railways is used to its full potential for hate crime reporting.

Increased reporting

A number of organisations have introduced measures to make it easier and quicker for hate crimes to be reported. These include a hotline for people with a learning disability in Merseyside and a ‘Keep Safe Card’ scheme for people in South Wales with a learning disability, mental health or communication need.

Incident and crime recording

Gwent Police has added questions to its victim risk assessment process to better identify disability motivation behind hate crimes.

The office of the Merseyside Police and Crime Commissioner has changed its approach to recording incidents of disability-related harassment to enable data to be categorised by impairment. This makes it easier to evaluate whether specific groups of disabled people are targets for hate crime, informs signposting to support services, and facilitates the early identification of support needs.
Training

The National Police Chiefs’ Council (NPCC) reported that Lancashire Police trained all front-line staff in recognising and reporting disability hate crime, and reported an increase in recording of hate crimes as a direct impact of the training.

The Police and Crime Commissioner for Cleveland has implemented hate crime champions training to help people recognise signs of hate crime and report it on behalf of victims. The reporting of incidents has more than doubled since the training was rolled out.

Many other respondents are developing or delivering face-to-face and online (e-learning) training and guidance for staff. For example, as part of its ‘Disability Hate Crime – CPS Action Plan’, the CPS has developed support packages for prosecutors to improve the prosecution of disability hate crime and the experience of disabled victims and witnesses. The packages include guidance and mandatory face-to-face training.

Similarly, a number of police forces report that they have taken on board recommendations from the CJJI report of March 2015, including ensuring that e-learning is supplemented by face-to-face training.

In ‘Action Against Hate’, the Home Office and Department for Transport committed to work with local transport providers to ensure that bus drivers across England and Wales are fully equipped to challenge hatred. This will include new guidance for drivers to support them when confronted with hate crime.

In Gwent Police, all first-point-of-contact staff have received training to identify threats, risks and harm and have received role-specific hate crime awareness training. This will allow for better recognition of repeat victimisation through escalation in behaviour rather than merely numbers of calls. Early identification of special measures is also a key element of training.

Police Scotland’s National Safer Communities department has developed a compulsory e-training pack for all staff to raise awareness of hate crimes, provide an insight into the impact of hate crimes and facilitate a professional approach to the investigation of hate crimes.

Identifying repeat victims

The NPCC reported that Humberside Police commissioned a problem profile into disability hate crimes and incidents. This included identifying repeat victims, suspects and hotspot areas to ensure that police responses and resources are directed correctly.
Areas where we will be pressing for action through our Hate Crime Strategy:

- We will continue to encourage police services across Great Britain to work in partnership with disabled people and their organisations to ensure accurate recognition, recording and reporting.
- We will work to ensure that relevant agencies review the provision of third-party reporting, to evaluate their impact and sustainability, highlight geographical and thematic gaps, and ensure they are consistent with police recording systems.
4. Ensuring adequate support and advocacy

We welcome the considerable and continuing investment in developing third-party reporting centres, and the inclusion of the right to the provision of independent advocacy in England and Wales in the Care Act 2014. However, we are concerned about the impact of public funding reductions on the providers of these services, many of whom are voluntary or not-for-profit organisations.

We welcome the CPS’ recent leaflet to support victims and witnesses of hate crime, which clearly lays out what to expect and who to contact for help, and is available in a range of accessible formats including easy read.

We welcome the work some regulators have undertaken to place a greater emphasis on equality and human rights. For example, the Care Quality Commission (CQC) has implemented a new registration process for residential premises that gathers information from service users and their families to help identify potential cases of disability-related harassment and, where appropriate, take action to protect the rights of disabled people.

However, we are concerned that relying on inspection timetables (with the frequency of inspections determined by the previous rating) will not provide sufficient protection to disabled people using residential services.

We also welcome the CQC’s ‘human rights approach’ to regulation and the linkages to human rights in the fundamental standards for health and social care providers.

Another positive step is the inclusion of how services should respond to identity-based harassment experienced by service users within services in CQC’s guidance for health and social care providers.

However, we are concerned that this guidance for providers does not explicitly refer to how they should respond to harassment that occurs in the community outside of service provision locations. We are also concerned that this could be resulting in insufficient attention to how service providers respond to identity-based harassment occurring outside of services, during CQC inspections of services.
Areas where we will be pressing for action through our Hate Crime Strategy:

- We will seek a commitment from CQC to consider what action is needed by service providers, to offer greater protection to their service users against hostility, hatred and harassment in the community outside of service provision locations.
- We will seek assurances from all criminal justice agencies involved in administering justice that measures put in place to support disabled people to give evidence (‘special measures’) are accessible across services and the process does not in itself inhibit or delay access to justice.
- We will take every opportunity available to us to call for adequate funding of support services.
5. Addressing gaps in legislation and policy

We are disappointed that, at the time of publication, the UK Government has not yet responded to ‘Hate crime: Should the current offences be extended?’, published by the Law Commission in May 2014. We have repeatedly called for a full-scale review of hate crime legislation in England and Wales without further delay, as recommended by the Law Commission.

Areas where we will be pressing for action through our Hate Crime Strategy:

• We will continue to press the UK Government to undertake a full-scale review of the law in respect of aggravated offences and sentencing provision in England and Wales. We will ask the Sentencing Council to monitor the use of the sentencing guidelines for hate crime in England and Wales to assess consistency of sentencing.

• We will call for a review of the relevant legislation by the UK Government to ensure offences effectively balance sanctions for hate speech with the right to freedom of expression throughout the entire legislative framework governing online hate speech, harassment and extremism and ensure that the law is up to date, including within private electronic communications.
6. Improved practice and shared learning

We found an increased focus on joint working and shared learning across key public authorities since our 2013 progress report.

Notable improvements included Adult Safeguarding Boards being given statutory status and being required to publish the outcome of their reviews. However, it is not clear from the information available that this requirement to publish has led to any improvements or had any impact.

Local agencies working in partnership

Dyfed-Powys Police have established a hate crime forum consisting of statutory authorities and third-party organisations. The aim is to co-ordinate activity throughout the police service and support partnership working. Initially established to help deliver a consistent message in Dyfed-Powys Police during Hate Crime Awareness Week, the initiative is continuing, with a focus on engagement with disabled people.

Renfrewshire Council told us about the ‘I Am Me’ campaign, working in partnership with local businesses to create safe places as part of the Keep Safe initiative. Keep Safe was developed by Police Scotland to help people with a disability feel safe within their communities by working with local businesses and community groups to provide safe spaces for someone who may feel threatened or vulnerable.

Actions in Renfrewshire included providing staff training to highlight the nature of disability hate crime and the importance of reporting incidents. Dumfries and Galloway, Scottish Borders, and City of Edinburgh and Inverclyde have also signed up to Keep Safe.

Joint working on standards

The Office of Rail and Road now requires all train and station operators to establish and comply with a disabled people’s protection policy which sets out how they will protect the interests of disabled users.

Systemic issues such as incompatible IT systems remain a challenge. For example, the MoJ reported that a project to track enhanced sentencing provisions across different IT systems had resulted in unreliable data. The MoJ is working with systems developers to ensure that the planned single platform IT system for the CPS and courts system addresses this issue.
Safeguarding Adults Boards and educational establishments

The Care Act 2014 required the establishment of Safeguarding Adults Boards, whose overarching purpose is to help and protect adults with care and support needs, to publish annual reports that include details of their response to any Safeguarding Adults Reviews (SARs).

As a result, Hampshire Safeguarding Adults Board has developed a ‘Learning from Experience Database’ database of SARs, searchable by theme. This is notable progress, but not sufficient to ensure lessons learned are shared effectively with other agencies.

Areas where we will be pressing for action through our Hate Crime Strategy:

- We will recommend that the UK Government require all local Safeguarding Adult Boards and directors of adult care services to publish all new serious case reviews.
7. Redress and accessing justice

We welcome the significant work undertaken by the MoJ, CPS and police to address the performance issues identified in the CJJI ‘Joint review of disability hate crime follow-up’ in May 2015.

Strong leadership is important in driving improvements. We have welcomed strong statements from the then Lord Advocate of Scotland, Frank Mullholland, that the Scottish Criminal Justice System was ‘failing disabled hate crime victims’, and his commitment to ensure that from now they would adopt a ‘zero tolerance approach to this type of behavior’, and from the UK Government’s Director of Public Prosecutions, Alison Saunders, that ‘no one should think that this sort of abuse, on or offline, will be dismissed or ignored’.

The perceived capacity of the victim

We welcome the amendments made by the CPS to strengthen its commitment to support victims and witnesses.

The CPS’s hate crime reports (2014–15 and 2015–16) provided a detailed update on progress to improve prosecutions and the experiences of disabled victims and witnesses, including in:

- in key aspects of the handling of cases included in the ‘Hate Crime Assurance Scheme’ (disability, homophobic and transphobic, as well as racially and religiously aggravated cases), notably in the accuracy of flagging cases, the analysis of evidence to support sentence uplift and the appropriateness of support to victims
- the handling and recording of sentence uplifts in all successful hate crime prosecution
- the number of convictions for disability hate crimes
- police referrals of disability hate crime cases for charging, which are up by 9.5 per cent.

The CPS noted that although there was a significant increase in the number of convictions for disability hate crime cases, and an increase in the proportion of successfully completed prosecutions with an announced and recorded sentence:

- there was little change in the percentage of ‘no conviction, victim issues’ cases
- the conviction rate for disability hate crime cases is relatively low compared with the overall hate crime conviction rate
- the proportion of successfully completed prosecutions with an announced and recorded sentence is considerably lower than that for other hate crime strands.
Protection of disabled people in the Criminal Justice System

The Code of Practice for Victims of Crime, published by the MoJ, was updated in 2015 to reflect the commitments of the EU Victims Directive. Changes to the Code include:

- amending the definition of victim
- introducing the right for victims who report a crime to the police or other competent authority to receive written information that explains what to expect from the Criminal Justice System, such as the ‘Information for victims of crime’ leaflet, or details of a website that contains such information.

Areas where we will be pressing for action through our Hate Crime Strategy:

Work with regulators and inspectorates to achieve improvements in:

- key aspects of case handling
- the handling and recording of sentence uplifts in all successful hate crime prosecution
- the number of convictions for hate crimes.
8. Prevention, deterrence and understanding motivation

The investment by the MoJ and Her Majesty’s Prison and Probation Service in research to better understand the motivations and situational factors behind disability-related harassment is very much welcomed. The Commission has been undertaking our own work into the links between attitudes and behaviours, and other agencies and academics have been looking into the growing use of social media for hate, hostility and harassment. We would like to see governments take a more active role in co-ordinating and driving forward research in this area.

Several public authorities told us that they had adopted a specific public sector equality duty (PSED) objective or outcome to reduce disability-related harassment. However, the extent to which the PSED has influenced the design and delivery of services, and the impact this has had on the experiences of disabled people, is not always clear from the information provided.

Public transport authorities reported progress towards protecting disabled passengers and reducing opportunities for hate crime, as well as improving reporting and recording, passenger information and data collection. Passenger safety is now built in to rail regulation and franchising structures.

The Paulley v FirstGroup PLC case, which went to the Supreme Court in 2016, resulted in a landmark ruling that bus companies must end ‘first come, first served’ policies and do more to cater for wheelchair users. This is a welcome judgment that should help alleviate potential for disputes between passengers on overcrowded provision.

Regrettably, reports of harassment on public transport remain all too common. Public transport is a renowned hot spot for all types of hate crime, and we would like to see continued action to make it a zero-tolerance zone.

Perpetrators of disability hate crime

The MoJ reported that the College of Policing has carried out analyses of the perpetrators of disability hate crime, working with academics to improve co-operation and to develop empirical research to inform policy decisions.

Her Majesty’s Prison and Probation Service (formerly the National Offender Management Service (NOMS)) provided an update on its work since 2013. It has been:

• analysing data to generate a profile of people with hate crime convictions
• evaluating the effectiveness of the ‘Thinking Skills Programme’\(^2\) in reducing hate crime re-offending

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2. The Thinking Skills Programme helps people in prison to understand the reasons for their behaviour, manage their emotions and develop positive relationships.
• developing resources for support staff working with hate crime, including an e-learning training pack supported by face-to-face delivery, and the Practice Guide, which incorporates guidance on effective interventions

• rolling out training and a case recording system (Delius) for the National Probation Service.

The CPS told us about its work with the National Scrutiny Panel on disability hostility to explore the nature of offending and the gender profile of offenders.

Promoting inclusion in schools

Ofsted has introduced a common inspection framework across all education settings. The evaluation includes assessing leadership and management in terms of its success in promoting equality and diversity, tackling bullying and discrimination, and narrowing any gaps in achievement between different groups of children and learners.

We welcome the UK Government’s commitment to fund projects to train school staff and provide support for pupils affected by homophobic, biphobic and transphobic bullying. We believe the evaluation of this work should inform the future progress for tackling identity-based bullying across all areas.

Moray Council in the North of Scotland undertook a regional survey of pupils to establish a baseline figure on the incidence of bullying and harassment in schools. The survey received 2,063 responses, representing 23 per cent of its pupils. The survey outcomes aim to establish the extent to which bullying and harassment in schools are linked to disability, and inform a consistent approach to the implementation of national standards for dealing with bullying behaviour and harassment.

Awareness-raising

In their hate crime action plan, ‘Action Against Hate’, the Home Office, MoJ and Department for Communities and Local Government stated that they will offer practical support to community-led advertising campaigns to raise awareness of hate crime.
Preventing hate crime

The MoJ reported that the ‘Hate Crime Programme’ has worked alongside charities and teaching bodies to produce a series of teaching packs to prevent hate crime and harassment in schools. As well as disability hate crime, other packs in the series focus on race/religion and sexual orientation/transgender identity. All three packs are available to download through the True Vision website, where they have been viewed over 22,000 times collectively.

As part of promoting a wider public message that hate crime is unacceptable, City of Edinburgh Council has taken forward the development of a public transport charter between public transport providers in Edinburgh and the public.

In February 2015, the Scottish Government launched a marketing campaign to raise awareness among Scottish people of the issue of adult harm in Scotland. This covered adults who are being harmed, neglected or taken advantage of, or appear to be at risk of it happening due to circumstances, illness, injury or another reason.

In October 2015, Glasgow Central station became the first railway station to be designated as a third-party reporting centre.

In Tayside, the Hate Incident Multi Agency Partnership (HIMAP) provided taxi companies and train drivers with information on keeping themselves safe, and also to raise awareness of hate crime. An accreditation scheme is being considered.

As part of this work, HIMAP has also worked with local bus companies to create a safe zone bus service, with a bus parked at a set location three times a week to provide a place for people who concerned for their safety to go.

Areas where we will be pressing for action through our Hate Crime Strategy:

- We will push governments to co-ordinate and share the findings of research more widely with organisations and individuals supporting victims of disability-related harassment.

- We will recommend that key decision-makers and leaders in local authorities, police and crime commissioners, and transport providers work together to identify and publish their priorities and actions they will take to prevent and address hate crimes on and around public transport infrastructures.
9. Transparency, accountability and involvement

There has been progress reported by a number of respondents.

Leadership of authorities

In Scotland, Catherine Dyer, the former chief executive of the Crown Office and Procurator Fiscal Service (COPFS) publicly committed COPFS to the ‘See Me’ initiative. In addition, the COPFS mental health ambassador has attended a number of ‘See Me’ events in support of this campaign.

Pro-active engagement with disabled people

The COPFS criminal justice disability project aims to ensure that all agencies in the criminal justice sector work together to implement the recommendations made in ‘Manifesto for change’. Its work is overseen by a reference group of disabled people’s organisations.

Transport Focus reported on positive steps taken by some bus operators who have worked with local and national disability groups to develop Safe Journey Cards. These help users explain their requirements to bus drivers and other transport staff.

In ‘Action Against Hate’, the UK Government reported that the NPCC will host a series of roundtable events with public transport providers and community groups. The aim is to ensure that criminal justice agencies understand the problem of hate crime on public transport, and that they devise solutions to address this and help make public transport safer for everyone.
Collecting and sharing data

The Home Office, in collaboration with the Office for National Statistics, has published hate crime data annually since April 2011. This has replaced national police data as the main source of information about the prevalence of disability hate crime. The latest publication can be viewed on the Home Office website.

The CPS also monitors hate crime prosecutions data, which is published on its website.

Data collection and sharing by regulators, inspectorates and ombudsmen

We have seen some improvements in data sharing among regulators, inspectorates and ombudsmen, but the risk still remains that data is lost or not shared effectively.

However, the CQC told us that it shares the results of joint inspections, for example of prison health services. If it discovers evidence that suggests another regulator, such as the Independent Safeguarding Authority, needs to take action it draws up formal memoranda of understanding and referral processes with this other regulator.

In its report ‘Crime-recording: Making the victim count’, Her Majesty’s Inspectorate of Constabulary (HMIC) reported that over 800,000 crimes (19 per cent of total crimes) reported to the police have gone unrecorded each year. The problem of unrecorded crimes was greatest for victims of violence against the person (33 per cent) and sexual offences (26 per cent). HMIC intends to begin further inspections of police services in September 2016, focusing on poor performers from the previous inspection.

Review of ‘no-criming’ where the victim is disabled

Police Scotland reported that the decision not to flag a hate element of a crime is only made by the crime manager or their deputy in each of the 14 Police Scotland divisions. This ensures the consistent application of the Scottish Crime Recording Standards (SCRS).

SCRS provide that a report should only be marked as ‘no crime’ where there is clear and robust evidence to disprove the criminality recorded. ‘No crimes’ are subject to auditing by the National Crime Registrar. The most recent audit highlights a SCRS compliance rate of almost 97 per cent.
Measuring performance

HMIC’s report ‘PEEL: Police effectiveness 2015 (vulnerability) – A national overview’ found that, in terms of people identified as vulnerable:

• the number of forces judged to be inadequate or to require improvement is high
• there is a lack of consistency as to how vulnerability is defined. This possibly means that someone identified as ‘at risk’ in one force may not be by a neighbouring force, and so receive a different level of service.

Habinteg Housing Association has amended the reporting criteria for its operations management team and Homes and Services Committee so that they report on hate crime incidents.

Police Scotland has set an official national target detection rate of 80 per cent for all hate crimes and offences, and the 14 territorial divisions have each been set their own official detection rates.

Areas where we will be pressing for action through our Hate Crime Strategy:

• We will ensure inspectorates, regulators and ombudsmen are holding statutory bodies to account, ensuring data is collected routinely and monitored to evidence where improvements are required.
10. Conclusion and next steps

This report draws our formal disability harassment inquiry to a conclusion. However, it is clear that there is still much work to be done and we will continue to play our part through:

- reporting to the United Nations on the state’s progress in relation to the Convention on the Rights of Persons with Disabilities
- our statutory duty to measure and report on progress on equality and human rights in Britain
- undertaking strategic legal enforcement where necessary
- our new Hate Crime Strategy which aims to secure improvements in legal protection and responses to all forms of identity-based violence.

This new Hate Crime Strategy will look at the systemic barriers within the whole Criminal Justice system, together with the inconsistent legal frameworks available for addressing different identity-based hate crimes (race, religion, disability, sexual orientation, gender identity).

We will tackle these issues by influencing others through our treaty monitoring function and through supporting a joined-up and co-ordinated approach by those who regulate and inspect the statutory agencies responsible for preventing and responding to hate crime. By working together, we believe agencies can provide responses which are more efficient and effective than they would if those agencies act alone.

The work to address disability-related harassment, hostility and hate crime is not the responsibility of the Criminal Justice System alone. As we have seen in the information submitted to us for this report, educational establishments, health and social care providers, transport and housing providers all have a pivotal role to play in preventing or responding to hate crimes.

Given reductions in public funding and the inter-connected nature of the causes and effects of hate crime, collaborative inter-agency work and pooling of resources may have a greater impact in achieving the prevention of and response to hate crime.

Our priority recommendations are collated in our 2016 submission to the Home Affairs Select Committee inquiry into hate crime and its violent consequences and cover three main areas, which are also reflected in this report:
Law and policy

- A full-scale review of the law in respect of aggravated offences and sentencing provision in England and Wales
- Monitor use of the sentencing guidelines for hate crime in England and Wales to assess consistency of sentencing
- Review relevant legislation to ensure offences effectively balance sanctions for hate speech with the right to freedom of expression in private electronic communications.

Data and evaluation

- Ensure consistent data is collected across England and Wales, the Criminal Justice System and within individual agencies to allow comparative and chronological analysis
- Support evaluation by the police and related agencies of their reporting and recording processes, in consultation with people from local communities, and steps taken to simplify them

Victim support

- Review reporting of hate crimes to third-party organisations
- Ensure police refer all victims of hate crimes and incidents to relevant support services, highlight geographical and thematic gaps, and ensure they are consistent with police recording systems
- Ensure that such services are adequately funded, and that all victims are told whether their case will be investigated and/or prosecuted, including regular updates on the progress of any investigation or prosecution
Appendix: Authorities that responded to this review

Great Britain and England

Association of School and College Leaders
Association of Train Operating Companies
British Transport Police
Chartered Institute of Housing
Crown Prosecution Service
Care Quality Commission
Department of Health and NHS
General Medical Council
Habinteg Housing Association
HM Crown Prosecution Service Inspectorate (and HM Inspectorate of Constabulary)
HM Inspectorate of Probation
Homes and Communities Agency
London TravelWatch
Ministry of Justice
Monitor
National Offender Management Service
National Police Chiefs Council (and College of Policing)
Office of the Police and Crime Commissioner for Cleveland
Office of the Police and Crime Commissioner for Merseyside
Royal College of General Practitioners
Traffic Commissioner London and the South East
Transport Focus
Scotland

Crown Office and Procurator Fiscal Service
The City of Edinburgh Council
The Moray Council
Police Scotland
Renfrewshire Council (including Renfrewshire Health and Social Care Partnership/I Am Me/Keep Safe initiative)
Scottish Courts and Tribunals Service
The Scottish Government
West Dunbartonshire Health and Social Care Partnership

Wales

Betsi Cadwaladr University Health Board
Dyfed-Powys Police
Gwent Police
North Wales Police and Office of the Police and Crime Commissioner North Wales
South Wales Police
Welsh Ambulance Services NHS Trust
Contacts

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