

The Highland Council
Communities and Partnerships Committee
10 December 2015

Agenda Item	10
Report No	CP 07/15

Highland Area – Hate Crime and Hate Incidents

Report by the Highland Local Policing Commander – Chief Superintendent Julian Innes

Summary

To provide an update to Committee Members on the partnership approach to address Hate Crime and hate Incidents in Highland.

1 Introduction

- 1.1 *“Hate crime and prejudice, regardless of whether this is violent or expressed through verbal comments and passive behaviours, has a corrosive and damaging effect on individuals and communities. It undermines community cohesion, isolates and alienates individuals and generates fear and mistrust of those who appear to be different from ourselves”.*

Dr Duncan Morrow, Chair of the Scottish Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion (October 2015).

- 1.2 Since 2012, Members have been provided with an annual report on hate incidents and hate crimes by Police Scotland in conjunction with Safer Highland Partners. This report is prepared by the Hate Incident and Hate Crime Steering Group which reports to the Safer Highland Group. Data on gender based incidents recorded by Police Scotland are presented to committee in a separate Violence Against Women paper.
- 1.3 Hate crime involves any criminal offence motivated by malice and ill-will towards a social group. Hate crime can be motivated by disability, sexual orientation, transgender identity, race, religion or faithⁱⁱ. When an offence aggravated by prejudice has been committed a court must take account of the 'hate crime' when sentencing the offender.
- 1.4 A hate incident is distinguished as being any incident that is not a criminal offence, but which is perceived by the victim or any other person, as being motivated by hostility or prejudice based.
- 1.5 Relevant legislation includes:
- Crime and Disorder Act 1998
 - Criminal Justice (Scotland) Act 2009
 - Offences (Aggravation by Prejudice) (Scotland) Act 2009
 - Offensive behaviour at Football and Threatening Communications (Scotland) Act 2012
- 1.6 There is a range of evidence to support concerns that many victims do not report hate crimes. Tackling hate crime and encouraging the reporting of incidents through a corporate and consistent approach is a key equality and diversity priority for Police Scotland. In Highland, the local police division works with partner agencies and has made public commitments to tackling

hate crime and to encourage the reporting of hate incidents.

2 Public Sector Equality Duty and Hate Crime Equality Outcomes

- 2.1 Public sector agencies are covered by the duty in the Equality Act 2010, to give due regard in all their work to the need to:
- Eliminate unlawful discrimination, victimisation and harassment
 - Advance equality of opportunity, and
 - Promote good relations
- 2.2 Specific equality duties in Scotland require individual public bodies to publish a set of equality outcomes, and to report on progress. Police Scotland's equality outcomesⁱⁱⁱ include:
- People better recognise hate crimes and incidents and feel confident reporting them.
 - Individuals within and across protected groups feel safe and secure within their local communities.
 - People from and across protected groups are meaningfully engaged with us and their views contribute to service improvements.
- 2.3 Partners in Highland have agreed shared equality outcomes expressed in the Single Outcome Agreement (SOA), so that:
- People are, and feel, free to live their lives without harassment and discrimination, and can take part in community life;
 - People benefit from public services in a fairer way and are able to have their say about them.

3 Hate Crimes in Scotland and Highland

- 3.1 Across Scotland, the number of charges reported^{iv} to the Crown Office and Procurator Fiscal Service (COPFS) in all hate crime categories, with the exception of disability, fell in 2014-15 compared to the previous year. Racial crime remains the most commonly reported hate crime, followed by sexual orientation aggravated crime as the second most common type of hate crime. In 2014-15, and compared to 2013-14.
- Racial hate crime showed a decrease of 9%
 - Sexual orientation aggravated crime fell by 5%
 - Religiously aggravated offending is down by 4%
 - Disability aggravated offences are up by 20%. There is a broad consensus however that this type of crime continues to be under reported.
 - The number of charges with an aggravation of transgender identity remains low and is similar to previous years.

The general trend is reflected in Highland where we have also seen a decrease in the number of hate incidents and crimes being reported to the Police. Within Highland there were 117 hate crimes reported to the Police in 2014/15 compared to 146 the previous year.

Table 1 – Police Scotland – Highland Hate Incident/Crime Statistics 2010-15

	2010-11	2011-12	2012-13	2013-14	2014-15
Hate incidents	106	126	107	137	130
Hate Crimes	N/A*	N/A*	N/A*	146	117
Detection rate	75.4%	85.9%	94.3%	93.9%	89.4%

*The way this information is captured has changed and therefore figures are not comparative to previous years. The statistics in Table 2 provide comparable 'year to date' data from April 2015 with the previous year.

Table 2 - Police Scotland– Highland Hate Incident/crime Statistics as at 30/11/2015:

	14/15 FYTD	15/16 FYTD	Variation
All Incidents	111	96	- 15
Crime Incidents	90	81	- 9
Non Crime Incidents	21	16	- 5
Total Crimes / Offences	92	83	- 9
Detection Rate	93.5% (86)	94% (78)	0.5%- Increase in detection rate.

The statistics in both tables only include those crimes where the crime has been specifically recorded as a hate crime and does not include those incidents where the hate element is considered an aggravator to the 'primary' crime. Due to issues surrounding legacy IT systems and the change to a national performance management system (SCOMIS) it is currently not possible for the Division, without significant staff time, to segment the different types of hate crime. However, information is available on reports of racist incidents as noted below.

- 3.2 The Scottish Government publish an annual bulletin^v presenting statistics on racist incidents recorded by Police Scotland. Highland has a comparatively low level of racist incidents recorded in relation to other local authorities (3.4 incidents per 10 000 population in 2013-14 compared to the Scottish local authority average of 9.0 incidents per 10 000 population). Across Scotland, there was an increase of 3.9% of racist incidents recorded in 2013-14 compared to the previous year; this was the third lowest return since 2004 – 05. In Highland, the figure decreased in the same period from 100 recorded racist incidents in 2012-13 to 80 recorded racist incidents in 2013-14.
- 3.3 Police Scotland have reported on^{vi}, and condemned, a recent spike in the number of hate crimes reported to them in Scotland which were racially or religiously motivated in the period following the events in Paris, including online and offline abuse. None of these reports were linked to the Highland area, nor has there been a corresponding increase in reports locally.
- 3.4 Although the number of reported hate incidents and resultant crimes in Highland is relatively low, it is widely acknowledged that there is significant under-reporting of hate, or prejudice based, incidents and crimes. It is also recognised that it is a very personal form of crime and often the impact affects not only the victim but also their family, friends and wider community.
- 3.5 A number of reasons for the under-reporting of hate crimes are identified in reports from organisations such as Stonewall^{vii} and the EHRC^{viii}, and outcomes from national cases – such as the Pilkington Inquiry and the Simon San investigation - including the anticipation that reports will not be taken seriously,

concern over negative outcomes, or the belief that there is little that the police can do.

- 3.6 In Highland, this is borne out anecdotally through consultations and testimonies from local groups. Identified barriers to reporting include: lack of confidence in the police; low expectations of any positive outcomes; and lack of knowledge of how to report an incident or a crime.
- 3.7 During the period 2012-2014. Police Scotland undertook a stock-take of equality and diversity work and identified areas of priority which included hate crime activities. Procedures around the reporting of hate crimes, staff training and working with third party organisations have been revised and consolidated, including the introduction of a Scotland-wide online reporting option. During August 2015, Police Scotland ran a month-long nationwide [hate crime campaign](#) to inspire victims to come forward and encourage Scotland to stand up to hate crime supported by a toolkit and social media materials.
- 3.8 Tackling hate incidents and crimes requires a holistic approach from partner agencies, one that encourages reporting and recording of incidents but also builds confidence of community groups in the response from agencies.
- 3.9 While most reports continue to be made directly to the Police, in Highland partners have worked to encourage the reporting of hate incidents and crimes through a range of options since 2009. This included the early development of an online reporting form and branded materials www.hatefreehighland.org. Police Scotland have [an online reporting form](#) within their website. It is intended to retain the Highland branded campaign but to update the website and materials to direct those wishing to report an incident to the Police Scotland online form.
- 3.10 Third party reporting offers victims or witnesses of hate crime the opportunity to report incidents at a designated reporting centre out with a Police environment. The responsibility of a third party reporting centre is to ensure that details of incidents reported from members of the public are passed to the Police to allow accurate recording of hate crime and further enquiry, where appropriate. Highland third party reporting agencies are now incorporated within the [Police Scotland web pages](#).
- 3.11 The Protecting People Priority in the Highland Local Policing Plan continues to build on increasing levels of public confidence and encourage more people to report hate crime by working with our partners to ensure that the various methods of reporting are available and visible. Where relevant concerns are raised, partnership protocols are in place to ensure referrals are made and the effective sharing of information.
Long Term Outcomes set out a commitment to:
 - Decrease the number of people who are victims of hate crimes.
 - Ensure that people who report hate incidents feel satisfied with the response received from public agencies.
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- 3.12 From January 2015 a questionnaire has been sent to all persons reporting a Hate Crime within the Highland and Islands Division, a programme of consultation has taken place in relation to this and partners at a local and national level have inputted into the process.

- 3.13 Most recently, on 01 December 2015, lead officers of the Safer Highland group signed up their commitment to the Stonewall [‘No Bystanders’ campaign](#). During Anti-Bullying week, 16-20 November, Highland Council promoted the campaign on social media in relation to prejudice-based bullying in the workplace. Both the Council’s Chief Executive and the Council Leader, Council Davidson, signed the campaign pledge: *‘I will never be a bystander to bullying and teasing language. If I hear it, I will call it out and if I can, I will stop it. By adding my name I promise to stand up for fairness, kindness and never be a bystander.’*

4 Highland Single Outcome Agreement

- 4.1 The third SOA for the Highlands covers the period 2013/14 to 2018/19. The section on Safer and Stronger Communities details the Partners’ commitments to tackling hate crimes. In addition to the long term equality outcomes referred to in 2.3, partner agencies in Highland have also agreed shared interim outcomes in relation to hate incidents and crimes, so that:
- The population of Highland have an increased understanding of hate incidents and of their impact on individuals and communities.
 - People feel more confident in reporting hate incidents that they have experienced or witnessed.
 - People who report hate incidents feel satisfied with the response received from public agencies.
 - Individuals within protected groups feel safe and secure within their local community
- 4.2 These are supported by national and local activity to:
- Encourage reporting through marketing campaign in conjunction with partners
 - Produce baseline information for statistics
 - Raise awareness of staff and communities
 - Review guidance manual in consultation with COPFS
 - Vulnerable Persons Database to contain hate crime
 - Establish victim satisfaction levels
 - Increase number and capacity of third party reporting organisations
- 4.3 During 2015, the Safer Highland group formally included the partnership hate incident and hate crime steering in its activities and reporting structure.

5 Tackling prejudice-based bullying in schools

- 5.1 Actions to tackle prejudice-based bullying in schools is strongly linked to the hate incident and crime work undertaken by partners. The [recent report to the Education, Children and Adults Services Committee](#) on 11 November 2015 provided members with an update on the implementation of the Positive Relationships and Bullying Prevention Policy, Guidance and Toolkit. It had been agreed the previous year to introduce the policy to all Highland schools.
- 5.2 The Policy closely aligns bullying prevention with the Equality Act 2010 which provides protection from discrimination, harassment and victimisation based on the range of *‘protected characteristics’* in the Act. In addition to the protected characteristics covered by the Act, there is an expectation that other groups will be considered, for example: looked after children; young carers; children

and young people living in deprivation; body image issues.

- 5.3 The report noted new methods of recording and reporting incidents along with a summary of activities to tackle bullying including staff training and involvement in the Stonewall Education Champions Scheme.

6 Attitudes to hate incidents and crimes and feelings of safety among different groups in the community

- 6.1 The Highland Council's Annual Survey of Performance and Attitudes asks questions in relation to concerns about, and awareness of, hate incidents and crimes within the Community Safety section of the report. Figure 1 shows the percentage of respondents who expressed either a major or minor concern about either themselves or someone they know being the victim of a hate incident or hate crime.

6.2

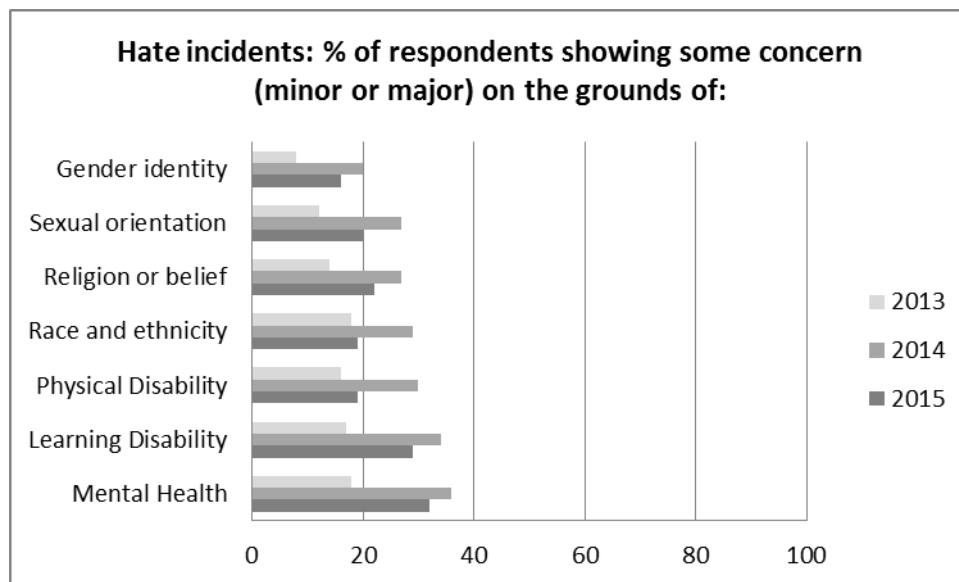


Figure1

- 6.3 While the issue of hate crime or incidents was not a concern for most respondents, there was a notable increase across all characteristics of levels of concern from 2013 - 2014. This dropped across all characteristics in the most recent survey, but particularly in relation to race/ethnicity and physical disability.

There are also differences in the types of hate incident or hate crime that people were concerned about.

- In 2015, the top three reasons were mental health, learning disability and religion/belief.
- In 2014, the top three reasons were mental health, learning disability and physical disability, but there were notable increases in concern about crimes/incidents with regard to sexual orientation and gender identity.
- In 2013, the top three reasons were race/ethnicity, mental health and learning disability.
- In 2012, the top three reasons were religion/belief, race/ethnicity and mental health.

- 6.4 In terms of awareness, there is an increasing percentage of respondents who answer that they are aware of the negative impact that hate incidents can have on people in Highland, increasing from 60% of respondents in 2013 to 73% in 2015 and shown in Figure 2.

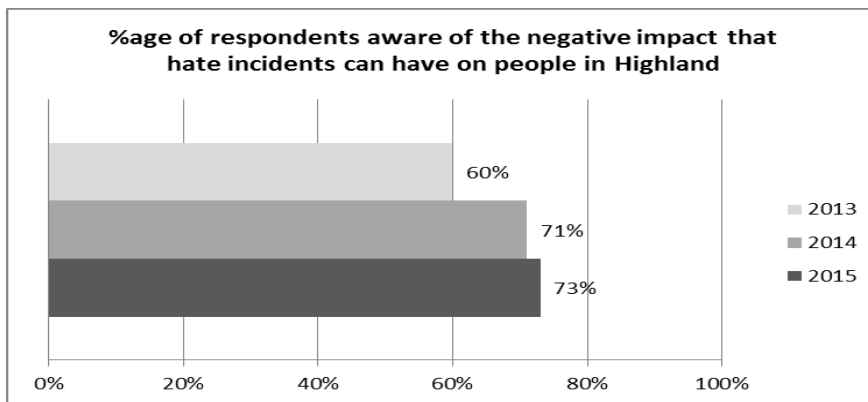


Figure 2

7 Next Steps

- 7.1 The Safer Highland partnership have noted trends towards a decrease in the reporting of both hate incidents and crimes, however we are mindful that there is likely under-reporting of both.
- 7.2 Much of this work benefits from a collaborative, partnership approach and partners have reaffirmed their commitment to tackle this work through the SOA and equality outcomes.
- 7.3 During the period while Police Scotland's undertook their stock-take of hate crime work and as a result of changing personnel, local partnership activities to encourage the reporting of hate incidents have been less visible than previously. However we have continued to share information as partners, to monitor trends in reported incidents and community attitudes and a number of actions are identified to carry forward. In particular, Police Scotland endeavours to provide a quick and appropriate response to people reporting hate incidents in Highland.
- 7.4 Police Scotland (Highland and Islands Division) has implemented a survey to ask for feedback from all victims of hate crimes and this may inform partnership activity. The partnership hate incident steering group is now linked into the Safer Highland group, and scrutiny is undertaken through an annual report to the Highland Council Partnerships and Communities Committee. Highland Council hosted a round-table event with a focus on homophobic hate crime run by Stonewall Scotland which included partner agencies and community groups.
- 7.5 Partners have identified key actions to take forward in the short-term during 2015-16:
- Partner agencies in Highland continue to meet to share information and to address any issues or concerns that arise.
 - A refreshed website to host the Hate Free Highland Campaign
 - Activities to support local third party reporting organisations
 - Continue to monitor trends in reported incidents and community attitudes

- Undertake a survey of all victims of hate crimes in the Highland and Islands Division
- Identify new opportunities to encourage reporting of hate incidents and crimes and raise awareness of their impact. This will include further working with partners such as Stonewall and with schools.

8 Implications

- 8.1 Resource implications: there are no new resource implications arising from this report.
- 8.2 Legal implications: there are no legal implications.
- 8.3 Equalities implications: This work will take place within the context of the duty on each partner agency give due regard to the need to:
- Eliminate unlawful discrimination;
 - Advance equality of opportunity; and
 - Foster good relations between different groups.
- Partners have identified hate incident and hate crime work as a key issue for equality outcomes, to be addressed through increasing confidence to report incidents and monitoring trends and issues.
- 8.4 Climate Change/Carbon Clever implications: none are identified.
- 8.5 Risk implications: Ensuring mechanisms and protocols are in place to tackle hate incidents/crimes will encourage community confidence to report concerns. This in turn is likely to reduce the risk of hate crimes and maintain good community relations.
- 8.6 Gaelic implications: there are no Gaelic implications arising from this report.
- 8.7 Rural implications: Research (Stonewall; P de Lima) has highlighted the potential for increased vulnerability to hate incidents in rural areas which may be compounded by from isolation from support networks.

<p><u>Recommendation:</u> It is recommended that:</p> <ol style="list-style-type: none"> 1. The Committee note the progress made by the Safer Highland Partnership to address and tackle hate incidents and hate crime in Highland. 2. Members consider signing up to the Stonewall 'No Bystanders' campaign.
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Date: 30 November 2015

Appendix 1: Hate Incidents Plan for delivery of outcomes – update November 2015

Long Term Equality Term Outcomes	Intermediate/Short Term Outcomes	Inputs/Resources Partners	Indicators & Baseline information	Improvement/ Targets	SHLG Owner
People are, and feel, free to live their lives without harassment and discrimination, and can take part in community life .	The population of Highland have an increased understanding of hate incidents and of their impact on individuals and communities.	Awareness raising – HC Performance Survey	<p><i>Base-line from HC survey of performance and attitudes 2013</i></p> <ul style="list-style-type: none"> - 2015, 73% of respondents aware of impact of hate incidents - 2014, 71% of respondents aware of impact of hate incidents - 2013, 60% of respondents aware of impact of hate incidents 	<p><i>Increase</i></p> <p>+</p> <p>+</p> <p>baseline</p>	Equalities and Diversity Group
	People feel more confident in reporting hate incidents that they have experienced or witnessed.	Encourage reporting	<ul style="list-style-type: none"> • <i>Hate Incidents-</i> <ul style="list-style-type: none"> ○ 2014/15- 130 ○ 2013/14- 137 ○ 2012/13- 107 ○ 2011/12- 126 ○ 2010/11- 106 • <i>Hate Crimes-</i> <ul style="list-style-type: none"> ○ 2014/15- 117 ○ 2013/14- 146 ○ 2012/13- N/A* <p>*Comparable data not available prior to 13/14 due to change to recording system</p>	<p><i>Increase reports</i></p> <p>-</p> <p>+</p> <p>-</p> <p>+</p> <p>Baseline</p> <p><i>Increase reports</i></p> <p>-</p> <p>Baseline</p>	

Long Term Equality Term Outcomes	Intermediate/Short Term Outcomes	Inputs/Resources Partners	Indicators & Baseline information	Improvement/ Targets	SHLG Owner
People benefit from public services in a fairer way and are able to have their say about them.	People who report hate incidents feel satisfied with the response received from public agencies.	Hate Free Highland website	New survey work to begin in late 2013 PS Highland Division survey design completed early 2015 and to be sent to all people reporting a hate crime.	✓	
	Individuals within protected groups feel safe and secure within their local community.	Increase number and capacity of third party reporting organisations	Work to be undertaken with TPROs 2015/16 <ul style="list-style-type: none"> • <i>Detection rate for 'racially aggravated' crimes-</i> <ul style="list-style-type: none"> ○ 2014/15- 89.4% ○ 2013/14- 93.9% ○ 2012/13- 94.3% ○ 2011/12- 85.9% ○ 2010/11- 75.4% 	<i>Increase</i> - - + + Baseline	
		Establish scrutiny panel in 2013.	Action no longer appropriate – to be removed.		
		Produce DVD for staff on awareness raising on adult protection issues (NHS lead)	To be carried forward		
		Highland Council Citizens' Panel surveys:	Fear of crime amongst disabled people compared to others		
			Disabled people worried about being a victim of crime compared to response of all panel members - 2014, 61% compared to 40% (21% gap) - 2013, 46% compared to 37% (9% gap)	<i>Reduce gap</i> + -	

Long Term Equality Term Outcomes	Intermediate/Short Term Outcomes	Inputs/Resources Partners	Indicators & Baseline information	Improvement/ Targets	SHLG Owner
			- 2012, 57% compared to 42%.(15% gap)	Baseline	
			Disabled people are worried about being attacked, assaulted or robbed in the street compared to those who are not disabled. - 2015, 40% compared to 30%(10% gap) - 2014, 51% compared to 36% (16% gap) - 2013, 48% compared to 31% (17%gap)	<i>Reduce gap</i> - - Baseline	
			The % of adults who feel there is sometimes good reason to be prejudiced. - 2015, 25% - 2014, 23% - 2013, 26% - 2012, 30% - 2011, 33%	<i>Reduce</i> + - - - Baseline	
	The % of adults who would prefer to live in an area with lots of different kinds of people. - 2015, 58% - 2014, 52% - 2013, 52% - 2012, 52% - 2011, 46%	<i>Increase</i> + = = = Baseline			

References:

- ⁱ Scottish Government (2015), New group to tackle hate crime
<http://news.scotland.gov.uk/News/New-group-to-tackle-hate-crime-1e54.aspx>
- ⁱⁱ Scottish Government (2015) [Action to tackle hate crime and sectarianism](#)
- ⁱⁱⁱ Police Scotland (2013) [Equality and Diversity in Police Scotland](#)
- ^{iv} 2015, COPFS, [Hate Crime in Scotland 2014-15 183.8 KB](#)
- ^v 2015, [The Scottish Government, Racist Incidents Recorded by the Police in Scotland, 2013-14](#)
- ^{vi} <http://www.scotland.police.uk/whats-happening/news/2015/november/dcc-livingstone-calls-for-public-to-remain-alert-not-alarmed>
- ^{vii} Stonewall Scotland (2013) [Homophobic Hate Crime: The Gay British Crime Survey 2013 Scotland Cornerstone Document](#)
- ^{viii} EHRC (2011) [Hidden in Plain Sight](#)