

The Highland Council
Communities and Partnerships Committee
9 February 2017

Agenda Item	7
Report No	CP 05/17

Highland Local Police Area – Hate Crime and Hate Incidents

Report by the Highland Local Policing Commander – Chief Superintendent Philip MacRae

Summary

This report provides an update on the partnership approach to address Hate Crime in Highland. It includes information on the most recent Police Scotland statistics and an update on related partnership activities. Members are invited to consider the information on hate crime statistics and survey responses; and recent and proposed activities to address hate crime in Highland, including partnership activities.

1. Background

- 1.1 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. The report, found at **Appendix 1**, has been prepared by the Hate Incident and Hate Crime Steering Group which reports to the Safer Highland Group.

2. Tackling hate crime together in Highland

- 2.1 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 faith. When an offence aggravated by prejudice has been committed a court must take account of the 'hate crime' when sentencing the offender.
- 2.2 While reports of hate crime in Highland are relatively low, there continues to be concern that many incidents go unreported. A consistent approach to tackling hate crime and encouraging the reporting of incidents is a key equality and diversity priority for Police Scotland. In Highland, the local police division and partner agencies have committed to work together towards this aim.

3. Key points

- 3.1 Annual figures from Police Scotland show an increase in the number of reported incidents and in hate crimes during 2015-16. However, year-to-date figures for 2016-17 show a reduction in reports and an increase in levels of detection. A breakdown of Crown Office and Procurator Fiscal charges by type of

aggravated offence in Highland show an increase in the number of offences linked to sexual orientation in particular.

- 3.2 Last year's report to Committee identified key actions for partners during 2015-16 and progress against these is detailed in the attached report:
- Partner agencies continue to share information and to address issues.
 - 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
 - Identify new opportunities to encourage reporting raise awareness.

4 **Next steps**

- 4.1 Key actions identified for partners to take forward during 2017-18 and beyond include:
- Review and refresh local third party reporting arrangements
 - Investigate partners taking part in the 'Keep Safe' initiative
 - Continue to raise awareness and encourage reporting
 - Police Scotland to continue to survey experiences of hate crime victims
 - Review arrangements in light of the move to locality plans and the Local Outcome Improvement Plan
- 4.2 Local partners will also take account of any implications arising from the recently announced independent review of hate crime legislation in Scotland. The review begins shortly and will consider:
- Whether current laws are appropriate and consistent
 - If hate crime legislation needs simplified, rationalised or harmonised
 - If new categories of hate crime for characteristics not currently legislated for, such as age and gender, need to be created

5. **Implications**

- 5.1 **Resource implications:** there are no new resource implications arising from this report.
- 5.2 **Legal implications:** there are no legal implications arising from this report.
- 5.3 **Equalities implications:** This work will take place within the context of the Public Sector Equality Duty placed on each partner agency. Partners have identified hate work as a shared equality outcome, to be addressed through increasing confidence to report incidents and monitoring trends and issues.
- 5.4 **Climate Change/Carbon Clever implications:** none are identified.
- 5.5 **Risk implications:** Ensuring mechanisms and protocols are in place to tackle hate incidents/crimes will encourage community confidence to report concerns.

This may reduce the risk of hate crimes and maintain good community relations.

5.6 **Gaelic implications:** there are no Gaelic implications arising from this report.

5.7 **Rural implications:** Research highlights the potential for increased vulnerability to hate incidents in rural areas compounded by isolation from support networks.

Recommendations

Members are asked to consider and note:

- Information on hate crime statistics and survey responses,
- Activities undertaken over the last year to address hate crime in Highland, including partnership activities, and
- Proposed activities to address hate crime in Highland for the coming year.

Designation: CPP Hate Crime and Hate Incident Steering Group

Authors: Rosemary Mackinnon, Principal Policy Officer – Equality, Highland Council
T/Insp Judy Hill, Police Scotland-Highland & Islands Division

Date: 30 January 2017

Background Papers:

Appendix 1: Hate Crime and Hate Incidents Report 2015-16

Highland Local Police Area

Hate Crime and Hate Incidents Report 2015-16
A partnership approach

“There is absolutely no place for bigotry and prejudice in Scotland. Hate crime is traumatic, isolating and damaging to communities. Wherever it happens, whenever it happens and whoever it happens to – it needs to be tackled and it needs to stop.”

Angela Constance Oct 2016

February 2017

Introduction

There has been a renewed focus on the need to respond to all forms of hate crime in Scotland. A recent report to the Scottish Government from an independent inquiry into hate crime in Scotland has highlighted that many people face prejudice and fear as part of their everyday lives in Scotland and their experiences often remain hidden.

Scotland-wide statistics show that reports of racial hate crime continue to be the most common form of hate crime, but there are increases in the number of cases involving disabled people, LGBTI people and those directed towards Muslims.

While the justice services have a primary responsibility to tackle and respond to hate crime, in Highland there has been a longstanding commitment from community planning partners to work together to raise awareness of the impact of hate crime and prejudice and this approach has been clearly linked to community planning structures.

Definitions

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 faith. When an offence aggravated by prejudice has been committed a court must take account of the 'hate crime' when sentencing the offender.

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.

Legislation

The Scottish Parliament has passed legislation to tackle hate crime where criminal offences are aggravated if they are motivated by prejudice based on the victim's membership of the groups mentioned above. Relevant statutes include:

- Criminal law Consolidation (Scotland) Act 1995
- 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

Public Sector Equality Duty and Hate Crime Equality Outcomes

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

Specific equality duties in Scotland require individual public bodies to publish a set of equality outcomes, to report on progress and to review these by April 2017. Police Scotland's current equality outcomes 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.

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.

Hate Crime – the national context in Scotland

“Addressing prejudice and hate crime is therefore not only an issue for minorities or those who are targeted by must be a priority concern for the whole of society”.

Duncan Morrow September 2016

Despite a sharp increase (41%) in the number of racial or religiously aggravated offences recorded by the police in England during July 2016, Scotland has not seen a comparable escalation¹. However, there has been a renewed focus on hate crime in Scotland.

The report of an independent inquiry into hate crime in Scotland was published in September 2016 said that tackling hate crime should be "a priority concern for the whole of society" and needed agencies to work together². The recommendations of the report have been accepted by the Scottish Government. The launch of a campaign for 2017 has been announced to raise awareness of the impact of hate crime and the support that is available for those who experience hate crime or prejudice, or for those who fear it and a review into hate crime legislation in Scotland in 2017 has also been announced.

Chief Constable Phil Gormley also recently stated that tackling hate crime is a priority for Police Scotland but that the force could not tackle the issue alone. He said: *"We recognise that hate crime often goes unreported, and there are many reasons why people don't come forward and raise their concerns, but we must work together to ensure hate crime has no place in our communities."*

Police Scotland are working with community groups such as the 'I Am Me' charity to roll out the 'Keep Safe' initiative to provide support for disabled people and the Equality Network has trained 90 police officers to tackle LGBTI hate crime.

¹ Increases in figures (England) <http://www.bbc.co.uk/news/uk-politics-37640982> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559319/hate-crime-1516-hosb1116.pdf

² Sept 2016, Report of the Independent Advisory Group on hate Crime, Prejudice and Community Cohesion <http://www.gov.scot/Resource/0050/00506074.pdf>

The Advisory Group on hate crime in Scotland also reported that Education was consistently identified as a significant potential contributor to making progress in this area. The Respect Me national anti-bullying campaign is currently being refreshed to ensure that it includes prejudice-based bullying, whatever form it takes.

Hate Crime data in Scotland and Highland

The Crown Office and Procurator Fiscal Service (COPFS) report on hate crime in Scotland 2015-16 brings together figures on race crime, and on crime motivated by prejudice related to religion, disability, sexual orientation and transgender identity. It also includes figures for charges under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

The main findings are:

- Racial crime remains the most commonly reported hate crime, however the number of charges (3712) is 3% lower than in 2014-15, and the lowest number reported since 2003-04.
- Sexual orientation aggravated crime is the second most common type of hate crime. There were 1,020 charges reported in 2015-16, an increase of 20 percent.
- The number of religiously aggravated charges reported, at 581, is 3 percent higher than in 2014-15. Including charges that are now reported under the Offensive Behaviour at Football legislation, all religious related charges are also 3 percent higher than in 2014-15.
- There were 201 charges reported in 2015-16 with an aggravation of prejudice relating to disability, 14 percent more than in 2014-15.

A geographical breakdown is also provided. The table below gives summary details of charges by Procurator Fiscal offices in Highland: Fort William, Inverness, Portree, Tain, Wick by type of aggravated charge.

Table 1 Summary of COPFS charges by type of aggravated offence³:

	race	religion	Disability	Sexual orientation	trans	Football	total
2010-11	113	5	2	7			127
2011-12	137	9	1	5		2	154
2012-13	128	1	5	17		9	160
2013-14	93	9	4	17	3	4	130
2014-15	96	12	5	7		9	129

³ COPFS Hate Crime in Scotland 2015-16

http://www.crownoffice.gov.uk/images/Documents/Equality_Diversity/Hate%20Crime%20in%20Scotland%202015-16.pdf

2015-16	116	7	2	25		9	159
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The figures quoted in this publication relate to the number of charges reported rather than the number of individuals charged or the number of incidents that gave rise to such charges. Where a charge has more than one hate crime aggravation, it is included in the overall figures for each type of hate crime into which it falls. Information is taken from a live database so figures may vary slightly from those published earlier due to changes made during investigation and prosecution of a case.

In Highland, reports to Police Scotland

Table 2 – Police Scotland – Highland Hate incident/Crime Statistics 2010-2016

	2011-12	2012-13	2013-14	2014-15	2015-16
Hate Incidents	126	107	137	130	157
Hate Crimes	N/A*	N/A*	146	117	130
Detection Rate	85.9%	94.3%	93.9%	89.4%	82.8%

* 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 2016 with the previous year.

Table 3 – Police Scotland – Highland Hate Incident/Crime Statistics as at 22/01/2017

	15/16 FYTD	16/17 FYTD	Variation
All Incidents	117	86	-31
Crime Incidents	96	69	-27
Non-Crime Incidents	21	17	-4
Total Crimes/Offences	99	69	-30
Detection Rate	99% (98)	84% (58)	15%

Police Scotland equality and diversity outcomes continue to be at the heart of all we deliver. Hate crime is a high priority both at a national and local level. Within the Highland Local Policing Plan we have committed to long term outcomes to decrease the number of people who are victims of hate crimes and to ensure that people who report hate incidents feel satisfied with the response received from public agencies. These outcomes had aligned with the Single Outcome Agreement between the Highland Community Planning Partnership and will be reviewed in the light move towards the Local Outcome Improvement Plan.

Working with Partners: progress report

While the police have a primary responsibility to tackle hate crime, and COPFS is responsible for prosecuting those charged with related offence, partners in Highland have made a commitment to work together to raise awareness of the impact of hate crime and to encourage people to report incidents.

Last year's report to Committee identified key actions for partners during 2015-16:

- Partner agencies continue to share information and to address issues.
- 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
- Identify new opportunities to encourage reporting and raise awareness.

What we have done 2015-16:

- **Sharing information and addressing issues together:** Partnership activities are shared by the lead officers for equality and diversity in partner agencies and there is no dedicated resource to tackling hate crime in Highland. A small steering group meets regularly and is currently chaired by the Highland Council and there are good levels of commitment to inter agency working.

Under current Community Planning Partnership arrangements, this group reports to the strategic Safer Highland Group. An annual report is presented to the Highland Council's Communities and Partnerships committee.

Safer Highland group lead-officers sign up to the Stonewall 'No Bystander' campaign pledge in December 2015:

"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".



- **Hate Free Highland campaign, refresh of the website:**

The Hate Free Highland website has been revised and streamlined. The site no longer has a dedicated online reporting form but provides a direct link to the Police Scotland online reporting form.



• **Activities to support local third party reporting organisations (TPROs):**

Third party reporting offers victims or witnesses of hate crime the opportunity to report incidents at a designated reporting centre outwith a Police environment. Local TPRO's in Highland were originally recruited and trained by local partners during 2008 - 2010. Police Scotland now have a national remit and training plan for TPRO's and it is timely to refresh and review local involvement. Existing TPROs were invited



to an event on 31 October in Inverness along with local community groups. There is further work required to revise TPRO arrangements in Highland.

• **Monitoring trends and attitudes:**

The Council continues to ask questions of its Citizen's Panel about prejudice and awareness of hate crime for the annual survey of Performance and Attitudes.

Views on prejudice - There has been a welcome positive trend in response to a question about views on prejudice. In 2015 over 8 in 10 (72%) felt that 'Highland should do everything it can to get rid of all kinds of prejudice', rising from 67% in 2011. The proportion of people who felt that sometimes there was a good reason to be prejudiced fell from 33% in 2011 to 18% in 2016.

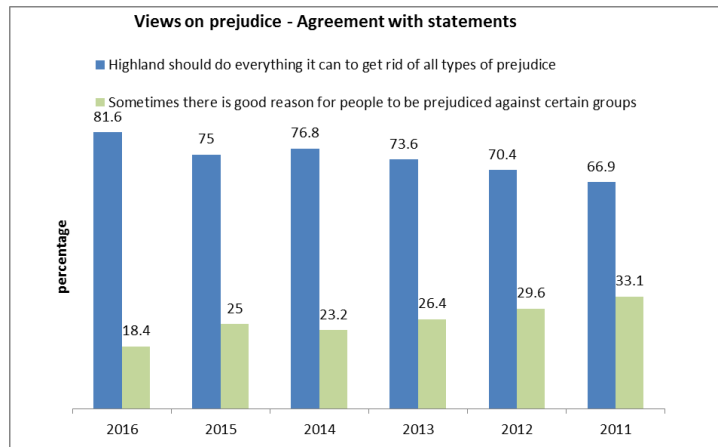


Fig 1 views on prejudice

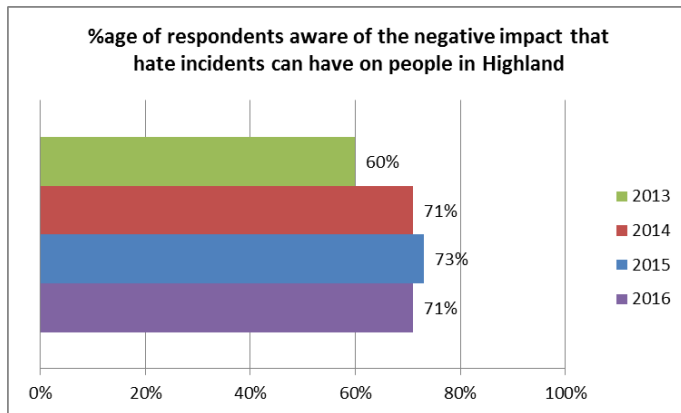


Fig 2 awareness of impact of hate incidents

Awareness of the impact of hate incidents/crimes - 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 71% in 2015 and shown in Figure 2.

Concern about different types of hate crime –

Figure 3 shows the percentage of respondents showing a concern about either themselves or someone they know being the victim of hatred. While hate crime is not an issue for most respondents, there is a notable increase of levels of concern between 2013 and 2016 across types of hate crime but particularly connected to forms of disability.

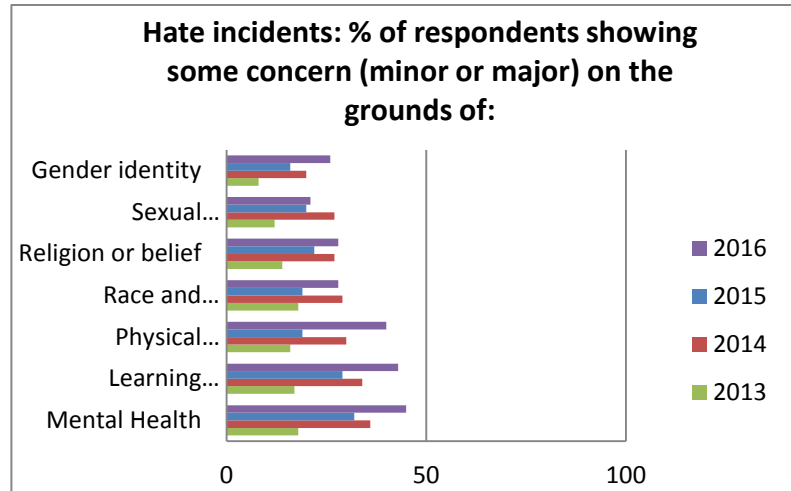
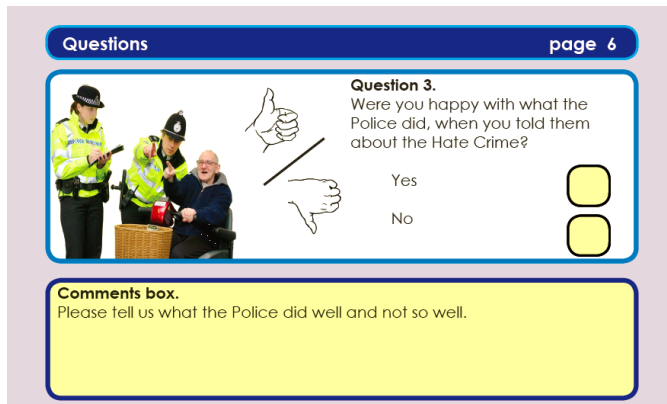


Fig 3 Concern about different types of hate crime

• **Undertake a survey of all victims of hate crimes**

Police Scotland Highlands & Islands Division have carried out a survey of victims of hate crime since 2015.



The survey is available as a word document and also in an 'easy read' version. The survey asks how people contacted the police, what type of hate crime was involved, and about their experiences of reporting. Respondents are also asked whether they used support services and to provide any additional comments.

Fig 4 Hate crime survey – example from easy read version

	Number of surveys sent out	Number returned	Percentage
2015	117	30	25.64%
2016	145	40	27.58%

- Most people continue to report to the Police by 'phone using 101, over 80% of respondents.
- Most reported hate crime relates to Race, 84.8% of respondents.
- Almost all respondents were satisfied with the Police response, nearly 90% of respondents.
- While most respondents had not previously been subject to hate crime (53.7%), a significant number had (46.3%).

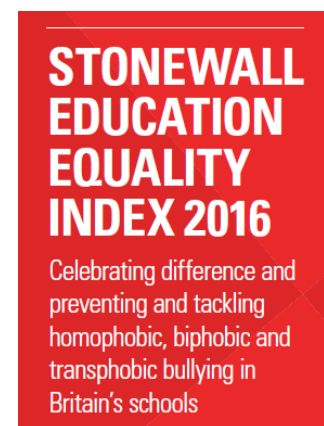
- Of these repeat victims, 66.7% had previously reported this to Police.
- Most people would feel confident to report something in the future (85.1%).
- Only a very small number of respondents indicated they used other support such as Victim Support or Social Services, however figures obtained from Victim Support show a greater uptake in their service. Work is ongoing to identify potential barriers to accessing services. It may be that at the time of Survey completion respondents do not intend seeking support, but do so at a later date.

Tackling prejudice based bullying in schools: Formal reports of prejudice bullying are fairly low in Highland schools. However, the bi-annual Highland Lifestyle survey reveals a higher perceived incidence of bullying in Highland schools amongst pupils. In academic year 2014 – 15, a total of 41 bullying incidents were reported in Highland schools; yet the 2015 Lifestyle survey shows that 36% of pupils felt they had experience bullying. In addition to the Highland Lifestyle Survey, schools have the option of carrying out a classroom survey specifically about bullying. To date 4 secondary and two primary schools have completed the survey. Early findings have shown that:

- Homophobic bullying is the most prevalent form of prejudiced based bullying in the classroom.
- The more diverse the school population, the more prejudices relating to race or ethnicity are being experienced. This includes Gypsy/Traveller pupils and those whose first language is not English,
- In one school, 5% of pupils had experienced bullying because of an Additional Support Need ASN. – This is of concern because in any one school the average proportion of ASN pupils is also 5%
- Other pupils experiencing prejudice or identity based bullying include young carers and Ministry of Defence children.

Tackling prejudice based bullying in schools is underpinned by a school Equality and diversity policy and Positive Relationships Bullying Prevention policy, both with associated guidance and training. It is also supported through a range of initiatives:

- Roots of empathy - an evidence-based classroom programme raising social/emotional competence and increasing empathy
- Participation in the Stonewall Education Champions. In 2015, Highland Council ranked 29th out of 50 Schools Nationally in UK, 2nd in Scotland behind West Lothian Council.
- Mentors in Violence Prevention - A creative bystander approach to prevent and challenge all forms of bullying and gender based violence.



Next steps

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.

Much of this work benefits from a collaborative, partnership approach and while most reports continue to be made directly to the Police, in Highland partners encourage the reporting of hate incidents and crimes through a range of options. Partner agencies are currently reviewing their equality outcomes and key partners intend to continue to include tackling hate crime in their revised outcomes.

Based on the national context and feedback from local equality groups, partnership activities intend to focus on:

- Reviewing the involvement of the current list of TPROs and the potential to recruit new ones. This will require training and support from Police Scotland.
- Continue to use opportunities to raise awareness at community and other events.
- Police Scotland to continue to survey the experiences of victims of hate crime
- Partners to consider participating in the national Keep Safe initiative
- Review of arrangements in the light of the move to locality plans and the Local Outcome Improvement Plan.