
Association of Chief Police Officers in Scotland (ACPOS)

Equality Impact Assessment Screening Template

Please use the following template to help determine whether an equality impact assessment (EIA) is required.

Name of the policy: ACPOS Hate Crime Guidance Manual
--

Author: Martin White

Name: Martin White	Job title/Rank: Police Sergeant	Date: 10/08/2010	Signature:
-----------------------	------------------------------------	---------------------	------------

Does the policy require an equality impact assessment (EIA)?

Please answer the following questions.
--

1. What are the main aims, purpose and outcomes of the function, strategy, project or policy and how do these fit in with the wider aims of the Scottish police service?

The ACPOS Hate Crime Guidance Manual addresses hate crime – crime that is motivated by malice and ill-will towards people simply because of who they are: their race, religion, disability, sexual orientation or transgender identity. Scots law currently includes ‘statutory aggravations’ for race and religion.

The manual also reflects the changes in Scots law with the implementation of The Offences (Aggravation by Prejudice) (Scotland) Bill 2010. The bill extends the Scots law beyond statutory aggravations for race and religion, to cover offences motivated by malice and ill-will on grounds of disability, sexual orientation and transgender identity. In other words, to cover disability-related, homophobic and transphobic hate crime.

The ACPOS manual will influence the recording and investigation of hate crime in Scotland. The document has been developed by the Scottish police forces with the aim of identifying and sharing best practice in dealing with hate crime in

NOT PROTECTIVELY MARKED

order to maximise the police and Crown Office and Procurator Fiscal Service (COPFS) effectiveness in dealing with and responding to hate crime.

NOT PROTECTIVELY MARKED

2. How will these aims affect our duty to:

1. Promote equality of opportunity?
2. Eliminate discrimination?
3. Eliminate harassment?
4. Promote good community relations?
5. Promote positive attitudes towards disabled people?
6. Encourage participation of disabled people?
7. Consider more favourable treatment of disabled people?
8. Protect and promote human rights?

The manual provides best practice and procedural guidance for Scottish Forces in formulating responses and policy in relation to hate crime and encouraging a partnership approach to problem solving and encouraging good community relations.

The manual specifically highlights hate crime aggravation offences in relation to disability and through discussing engagement approaches, encourages participation of and access to justice for people with disabilities.

The protection and promotion of human rights is a core principle of the document and as such, the text seeks to explain, explore and address the issues surrounding hate crime and how the Scottish police forces can deal with it as effectively as possible.

To effectively ensure that all perspectives are taken into account, consultation has been integral to the development of the manual.

3. Are there any aspects of the policy, including how it is delivered, or accessed, that could contribute to inequality?

The aim of the document is to provide guidance and best practice advice to Scottish Forces on defining and investigating hate crime as well as developing hate crime policy. The intention is to raise awareness of all aspects of hate crime and therefore negate any inequality in the way hate crime victims are treated in relation to those affected by other non biased crime.

The manual will be distributed to individual Forces and will also be available in PDF form on the ACPOS website.

Hard copies will also be available from ACPOS on request and consideration will be given for the manual to be produced in alternative languages and formats.

4. Will the policy have an impact (positive or negative) upon the lives of people, including members of particular communities and groups? What evidence do you have for this?

The intention is that the manual will have a positive effect on the victims of hate crime and Scottish society as a whole.

The manual will inform procedure and guidance in relation to hate crime within all Scottish Forces. In turn this will lead to a more linear and comprehensive service being delivered on a national level, ensuring that hate crime victims are treated in a way which is appropriate to each individuals needs.

5. Are particular communities or groups likely to have different needs, experiences and attitudes in relation to the policy?

Yes

Research shows that there is a very significant level of crime targeted at people because of their race, religion, disability or sexual orientation/transgender identity. A study in 2002 of lesbian, gay, bisexual and transgender (LGBT) people across Scotland found that one in four had been physically assaulted because they are LGBT. Studies in Glasgow and Edinburgh have shown even greater rates. Many victims do not report the offences to the police because they fear they will not be taken seriously, or think “it’s just something that happens to someone like me”.

Anyone can be a victim of a hate crime, regardless of their identity. For example, a person may be assaulted outside a gay bar because they are assumed to be gay. Or they may be out with LGBT friends, and caught in an attack for that reason. The statutory aggravation in the new legislation is based on the motivation of the offender; it is not based on the identity of the victim. It would apply to an offence against anyone where the offence is motivated by disability-related or homophobic or transphobic malice, regardless of whether the victim is actually disabled or LGBT.

Since the introduction of the statutory aggravation for racist crime in 1998, and for crime motivated by religious prejudice in 2003, the police, prosecutors and courts have been able to deal much more consistently and appropriately with those hate crimes. The new legislation introduces the same consistent handling for the other

identified prevalent hate crimes.

The new legislation will enable proper recording of disability and sexual orientation / transgender identity related hate crimes, across the justice system. Exact statistics are now available for racist and religious-prejudice crimes, including statistics for reports to procurators fiscal, proceedings in court, and conviction rates. No such figures are available for disability-related, or homophobic and transphobic crimes. Without a statutory aggravation and the recording that goes with it, we have no idea of the numbers of prosecutions or conviction rates for such offences. Clear recording of convictions as prejudice-aggravated will also enable repeat hate crime offenders to be identified.

The new legislation will send hugely important messages. To victims, that they should report the crime and it will be dealt with appropriately. To offenders, that crimes motivated by hate will be recognised as such and sentenced appropriately. And to society as a whole, that Scotland is a country that in the 21st century says no to prejudice and intolerance, especially when these result in criminal offences.

The legislation will not introduce any new offence, nor will it introduce any new sentencing arrangement. It will simply bring consistency to the handling and sentencing of hate crimes of the types that research shows are high prevalence. It brings the handling of homophobic, transphobic and disability-related offences into line with racist and religious / sectarian offences.

Experience with the race and religion statutory aggravations in Scotland has shown these to be effective. There are more than 4000 reports to procurators fiscal of racially aggravated offences, and around 700 of religious prejudice aggravated offences, per year. Most are proceeded against in court, and conviction rates are high. Similar legislation to the bill was passed for England and Wales in 2003, with all-party support in the Westminster Parliament. It came into effect in 2005 and has been effective for handling homophobic and disability-related hate crime.

The legislation is closely modelled on the existing Scottish legislation for the race and religion statutory aggravations². The definition of sexual orientation is the one already used in anti-discrimination law. We fully support the definition the bill uses for transgender identity, which was developed by the Scottish Government following consultation with transgender and LGBT groups.

Information from the Equality Network Scotland

Is an EIA required?			
<p>If your answer to question 2 has identified potential effects and you have answered yes to any of the questions 3, 4, or 5, then you should carry out a full EIA.</p> <p>If the policy is not relevant to any aspect of the Scottish police service's equality duties, there is no need to conduct an EIA. If an EIA is not required, please sign the declaration below.</p> <p>The policy was compiled following significant consultation with minority groups and will have a positive impact upon equality issues and therefore does not require any further work by way of an EIA beyond that which has already been conducted and is set out below.</p>			
Author of policy and EIA			
Name:	Job title/Rank:	Date:	Signature:
Martin White	Police Sergeant	27/08/2010	
Quality check: screening document has been checked by:			
Name:	Date:	Signature:	
ACPOS level (sign-off)			
Name:	Job title/Rank:	Date:	Signature:
M.J.McCormick	ACC	15 September 2010	<i>M.J.McCormick</i>

Step 1– scoping the equality impact assessment (EIA)

Building on the material included at the screening stage, you should begin the EIA by determining its scope. The EIA should consider the impact or likely impact of the policy in relation to all areas of equality and should include consideration of human rights. The EIA should be proportionate to the significance and coverage of the policy.

Name of the policy
ACPOS Hate Crime Guidance Manual
What are the main aims, purpose and outcomes of the policy and how does it fit in with the wider aims of the organisation?
To provide national guidance and best practice advice on identifying and investigating hate crime and in formulating hate crime policy and response.
List the main activities relating to the policy and identify who is likely to benefit from it
The manual is a guidance and best practice manual to inform the Scottish police forces in formulating their own hate crime policies. Ultimately, whole communities and persons who may be victims of hate crime will benefit from it.
What do you already know about the relevance of the policy? What are the main issues you need to consider?
<p>This is a national strategic national document which is relevant to all aspects of identifying, investigating and recording/recording hate crime. The main issues to be considered through the consultation process are:</p> <p>Addressing all the relevant issues particular to persons who may be victims of hate crime</p> <p>Defining national best practice and guidance in relation to hate crime identification, investigation and procedure and conveying this information in a way which is appropriate</p>

Accuracy of legislative, procedural and reference information

Maintaining an appropriate level of information conveyance whilst keeping the document as accessible and brief as possible

What data, research and other evidence or information is available which will be relevant to this EIA?

There is a great deal of data, evidence and information within Scotland, UK and beyond which was accessed whilst researching the manual, some undertaken by the EIA author, some by the members of the project writing team. The referenced material within the manual is referenced within the actual content.

With relevance to this EIA, the collected comments and suggestions made from all three major consultations are stored with this document along with a list of actions and decisions taken as to whether the comments or suggestions should be incorporated into further versions of the manual.

A consultation engagement event co-ordinated by Capability Scotland was held at the Scottish Police College on 3rd August 2010. Feedback from this event have also been incorporated into the ACPOS Hate Crime Manual.

What further data or information do you need to carry out the assessment?

.

Step 2 – involvement and consultation

When considering how you will involve and consult other people in developing the policy, you need to think about internal and external audiences.

Please use the table directly below to outline any involvement or consultation which is relevant to this policy.

<p>Equality target group</p>	<p>Briefly describe what you did, with whom, when and where. Please provide a brief summary of the responses gained and links to relevant documents, as well as any actions.</p> <p>On completion of the first draft of the manual, an internal police consultation was held in November 2009 and various comments and suggestions made which were incorporated into the second version of the document. The list of comments and suggestions as well as the list of decisions and actions in relation to their inclusion is stored with this document.</p> <p>A similar internal police consultation process then took place for the second draft of the document – the list of comments and suggestions made in the March 2010 consultation are listed and stored with this document.</p> <p>Following the incorporation of comments made in the second consultation, the third draft was disseminated for a general police/external bodies and partners consultation in May 2010. The list of comments and suggestions as well as the decisions, actions and rationale relevant to this consultation are also stored with this document</p> <p>A specific consultation event with a nationally representative group of people with disabilities was also held, co-ordinated by Capability Scotland, at the Scottish Police College on 3rd August 2010. Although a detailed transcription was taken to record the session, this has not been stored with the EIA due to reasons of confidentiality. Some minor amendments were made to the manual due to suggestions or comments made by the participants of this event.</p>
-------------------------------------	--

NOT PROTECTIVELY MARKED

Age	See above
Disability	See above
Gender	See above
Gender reassignment	See above
Race	See above
Religion or belief	See above
Sexual orientation	See above
Human rights	See above

NOT PROTECTIVELY MARKED

What do consultations show about the potential take-up of any resulting activities or services?

The comments and suggestions made throughout the consultation process were extremely valuable and were incorporated into the final publication to a full or limited extent.

Step 3 – data collection and evidence

What evidence or information do you already have about how this policy might affect equality or human rights, and what does this tell you?

Please cite any quantitative (for example, statistical or research) and qualitative evidence (for example, monitoring data, complaints, surveys, focus groups, questionnaires, meetings, interviews) relating to groups having different needs, experiences or attitudes in relation to this project. Describe briefly what evidence you have used.

The needs, experiences and responses of the eight Scottish Forces are reflected within the comments with the suggestions they have made throughout the consultation process. This information is included within the documentation gathered during the production of the manual and EIA.

Within the material collected from the external consultation, the opinions, needs and attitudes of potential victims and other bodies are reflected within the same gathered information.

What does available data tell you about the potential take-up of any resulting activities or services?

This ACPOS manual was produced by a project team representing all Forces, and working in partnership with a range of partner organisations. It is anticipated that the manual will form a valuable reference for operational and policy guidance throughout the Scottish Police Service.

What additional research or data is required to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?

Not at this time.

Step 4 –assessing impact and strengthening the policy

What evidence do you have about how the policy will affect different groups and communities in relation to equality and human rights?

How does/will the policy and resulting activities affect different communities and groups?

Some things to consider:

- Is there any potential for, or known, adverse or positive impacts of the policy?
- You should consider how the policy might affect communities with small populations; people affected by discrimination in multiple areas of equality (age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation); specific interest groups such as small businesses, voluntary sector agencies and other service providers.
- Are there examples of good practice that can be built on?
- You may wish to consider how the policy will be delivered or communicated.

It is not anticipated that there will be any adverse impact of the policy. As the manual seeks to impart best practice information and advice to inform police investigation and policy review, it is anticipated that the effect of this document will be positive.

What measures does, or could, the policy include to help promote equality of opportunity?

- For example, positive measures designed to address disadvantage and reach different communities or groups?

It is anticipated that the existence of this manual will be a major factor in addressing the disadvantages faced by persons who are victims of hate crime.

What measures does, or could, the policy include to address existing patterns of discrimination, harassment or disproportionality?

The key driver is to inform police identification, investigation and policy in relation to hate crime so that such patterns are addressed.

What impact will the policy have on promoting good relations and wider community cohesion?

It is anticipated that through guiding the Scottish Police Service through the information and advice in this manual, a more corporate approach will be adopted by police in relation to identifying, investigating and making policy in respect of hate crime. Through this, a more appropriate, individual based service will be delivered to victims of hate crime; this will have a beneficial effect on good relations within communities by improving the cohesion of the communities the victims may belong to.

If the policy is likely to have a negative effect ('adverse impact'), what are the reasons for this?

Including direct or indirect discrimination.

It is not anticipated that this document will have any adverse effect upon communities.

What practical changes will help reduce any adverse impact on particular groups?

For example:

Changes in communication methods, providing language support, collecting data, revising programmes or involvement activities.

- Have you considered our legal responsibilities under the Disability Discrimination Act, including treating disabled people more favourably where necessary?

Particular group's needs including language and interpretation provision are addressed within the manual.

Adverse impact on particular groups within the context of hate crime is discussed at length in the manual and has been widely researched and consulted on.

What evidence is there that actions to address any negative effects on one area of equality may affect other areas of equality or human rights?

There is no evidence to show this in respect of this manual.

What will be done to improve access to, and take-up of, services or

understanding of the policy?

Some things to consider:

- Increasing awareness of the policy among staff.
- Reviewing your staffing profile to make sure you reach all parts of local communities.
- Encouraging wider public involvement in our work or communications activities.
- Encourage different groups, including disabled people, to get involved in what we do.

The manual will be subject to a nationally publicised launch on 29th September 2010 where the emphasis will be on increasing awareness of hate crime amongst staff, the general public, potential victims, support groups and any other interested bodies.

Following the launch, the manual will be distributed in printed form in limited numbers, but will be made available to all forces in PDF form which can be easily reproduced on forces' own intranet systems. In addition to this, the document will be publicly available on ACPOS' own website, and it will be emphasised within the document that provision in alternative languages and formats will be considered.

The manual will also be available to partner organisations and the public.

Thereafter, each individual force will be able to incorporate the manual into their Force communications, engagement and involvement strategies.

Please note that you may need to revisit this section once you have completed the policy development process.

Step 5 – procurement and partnerships

Consideration of external contractor obligations and partnership working

Is this project due to be carried out wholly or partly by contractors? If yes, have you done any work to include equality and human rights considerations into the contract already?

If you have, please set out what steps you will take to build into all stages of the procurement process the requirement to consider the general equality duties and equality more broadly.

Specifically you should set out how you will make sure that any partner you work with complies with equality and human rights legislation. You will need to think about:

- tendering and specifications
- awards processes
- contract clauses
- performance measures, and
- monitoring and performance measures.

This work will not be carried out by contractors or have any procurement issues attached.

Step 6 – making a decision

Summarise your findings and give an overview of whether the policy will meet the service's responsibilities in relation to equality and human rights

The prime intention of the ACPOS Hate Crime Guidance Manual is to provide best practice and guidance to the Scottish Police Service in relation to identifying, investigating and making policy in respect of hate crime, so the diversity, equality and human rights aspects are intrinsic.

The manual has been extensively researched and written in the first instance by a team of police officers and police staff from several of the Scottish Forces and in the latter stages has been extensively consulted on through three processes, one being a public consultation with external partners and bodies.

Throughout these consultations a great deal of suggestion and advice has been incorporated into the manual which effectively reflects the issues particular to hate crime investigation and policy processes within the police.

The ACPOS Hate Crime Guidance Manual has been produced as a result of a lengthy collaborative process between the 8 Scottish Police Forces, the Crown Office and Procurator Fiscal Service, other partner agencies from the public and voluntary and charity groups. Victims of hate crime have also informed the development of this work.

What practical actions do you recommend to reduce, justify or remove any adverse/negative impact?

No adverse effects are anticipated.

Please note that these should be reflected in the action plan (see Step 8).

Step 7 – monitoring, evaluating and reviewing

How will the recommendations of this assessment be built into wider planning and review processes?

- This may include policy reviews, annual plans and use of performance management systems.

As this manual will be used to inform operational activity and policy guidance, it is anticipated that it will provide a reference for all Scottish Forces in forming and reviewing existing hate crime procedure and policy.

As the scope of the document is multi-faceted, it is anticipated that it will become a central point of reference and consultation for all aspects of hate crime policy on a national level.

The impact of the manual will be reviewed and monitored on an ACPOS and Force basis.

How will you monitor the impact and effectiveness of the new policy?

- This could include adaptations or extensions to current monitoring systems, relevant timeframes and a commitment to carry out an EIA review once the policy has been in place for one year.

Give details of how the results of the impact assessment will be published

It is intended that the ACPOS Hate Crime Guidance Manual be a living document and the responsibility for maintenance and review of the document in respect of this will fall to the Race and faith ACPOS Reference Group following publication of the manual.

The manual should be reviewed on an annual basis, however this should not preclude any amendments or additions being made to the manual if further or appropriate examples of best practice are identified or submitted for inclusion.

Step 8 – action plan

	Actions	Target date	Responsible post holder
Involvement and consultation			
Data collection and evidence			
Assessment and analysis			
Procurement and partnerships			
Monitoring, evaluating and reviewing			ACPOS Race and Asylum business Area.

Step 9 – sign-off

The final stage of the EIA is to formally sign off the document as being a complete, rigorous and robust assessment

Author of policy and EIA

Name:	Job title/Rank:	Date:	Signature:

Quality check: screening document has been checked by:

Name:	Date:	Signature:

ACPOS level (sign-off)

Name:	Job title:	Date:	Signature: