

# **STRATEGIC POLICE PRIORITIES FOR SCOTLAND**

## **CONSULTATION**

**Partial Equality Impact Assessment/Children's  
Rights and Wellbeing Impact Assessment**

**July 2019**

## **Title of policy**

Strategic Police Priorities for Scotland: Consultation

## **Summary of aims and desired outcomes of policy**

To review the Strategic Police Priorities (SPPs) which are provided for through section 33 of the Police and Fire Reform (Scotland) Act 2012 (the Act).

The accompanying consultation paper proposes revised priorities, which have been developed following an initial stage of engagement with key internal and external stakeholders from March to June 2019.

These revised priorities will set the high-level strategic direction for the policing of Scotland and the carrying out of the Scottish Police Authority's (SPA) functions going forward. They set out our shared aspirations and expectations for policing in Scotland and will be used by Scottish Ministers, the Scottish Police Authority and Police Scotland, to guide our approach over a proposed lifespan of six years.

**Directorate / Division / Team:** Safer Communities: Police Division: Strategy and Collaboration.

## **Executive Summary**

The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. It is a legislative requirement. Equality legislation covers the characteristics of: age, disability, gender reassignment, gender including pregnancy and maternity, race, religion and belief, and sexual orientation.

An equality impact assessment (EQIA) aims to consider how a policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways. This partial EQIA has been undertaken to consider the impacts on equality of the Strategic Police Priorities.

Scottish Ministers and public authorities are also subject to duties in relation to children rights and wellbeing under the Children and Young People (Scotland) Act 2014. Children's Rights and Wellbeing Impact Assessment (CRWIA) is a process to identify, research, analyse and record the anticipated impact of any proposed policy on the guiding principles and rights outlined in the UN Convention on the Rights of the Child (UNCRC).

Because of the close link between equality issues (specifically with regards to age) and children's rights and wellbeing, we have decided that this initial assessment will cover both perspectives to provide a more joined up assessment of the issues.

Policing is relevant to everyone in Scotland, but is particularly relevant for the most vulnerable people in our society. In drafting the revised priorities, we have considered the issues affecting various equality groups, reflecting our shared expectation that policing should have a positive impact on each and every individual and community across Scotland.

Rather than have a separate priority specifically focused on equality issues, we have framed the draft Strategic Police Priorities in a way which aims to embed equality issues, including community engagement, transparency and fairness, workforce diversity, and advancing equality and human rights. We expect these principles will follow through to planning at the SPA and Police Scotland, as they give effect to the Strategic Police Priorities through their range of functions and activities.

## **Background**

The Act allows Scottish Ministers to set Strategic Police Priorities which can relate to the policing of Scotland and the SPA's statutory functions.

In partnership with other services, policing supports the delivery of a number of the national outcomes set by the Scottish Government, notably that 'We live in communities that are inclusive, empowered, resilient and safe'. The Strategic Police Priorities set the overarching framework for policing in Scotland, reflecting the ambition within the national outcomes and the 'Justice in Scotland: Vision and Priorities' for a safe, just and resilient Scotland.

Scottish Ministers must consult with the SPA, the Chief Constable of Police Scotland, representatives from local authorities and anyone else they consider relevant before setting new priorities. Scottish Ministers must have regard for the policing principles, set out under section 32 of the Act, when setting new Strategic Police Priorities and a copy must be laid before the Scottish Parliament.

In September 2018, the Scottish Government set out its intention to work with members of the public, communities and elected representatives to review the Strategic Police Priorities during 2019.

## **The Scope of the EQIA**

An initial stage of engagement for the review of our SPPs was carried out between March and June 2019. Discussions took place with a number of key external and internal stakeholders including the Scottish Police Authority, Police Scotland, Her Majesty's Inspectorate of Constabulary Scotland, Police Investigations and Review Commissioner, Convention of Scottish Local Authorities (COSLA) officials and the unions which represent Officers.

The first stage of engagement was intended to prompt a general discussion about progress across policing following a period of significant change, and to

consider what aspects of policing they considered most important to improve the safety and well-being of persons, localities and communities in Scotland.

There has been internal engagement carried out with Scottish Government officials together with colleagues from Police Scotland and the SPA to specifically consider the equality issues arising from the proposed revision of Strategic Police Priorities. These discussions considered the key data and evidence from our initial stakeholder engagement.

In addition, an initial review of existing evidence has been carried out. This took account of the following data sources:

- Scottish Crime and Justice Survey<sup>1</sup>,
- Recorded Crime in Scotland<sup>2</sup>
- Scottish Household Survey<sup>3</sup>,
- Criminal Proceedings in Scotland 2017-18<sup>4</sup>
- Hate Crime in Scotland 2017-18 (COPFS)<sup>5</sup>
- Scottish Transgender Alliance, 'Transgender Experiences in Scotland'<sup>6</sup>
- Developing Information on Hate Crime Recorded by the Police in Scotland<sup>7</sup>
- EQIA for the Police and Fire Reform (Scotland) Act 2012<sup>8</sup>,
- Race Equality Framework for Scotland 2016-2030<sup>9</sup>.
- Equality and Human Rights Commission, 'Hidden in Plain Sight' (2011)<sup>10</sup>
- SPA Equality Outcomes 2017-21<sup>11</sup>
- Police Scotland Equality Outcomes 2017-21<sup>12</sup>
- Scottish Government, 'Religiously Aggravated Offending in Scotland 2017-18'<sup>13</sup>

This review explored what the evidence said about the experiences and views of different equality groups in relation to policing. Our revised set of priorities have been informed by all of this evidence, together with lessons that have

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<sup>1</sup> <https://www.gov.scot/publications/scottish-crime-justice-survey-2017-18-main-findings/>

<sup>2</sup> <https://www.gov.scot/publications/recorded-crime-scotland-2017-18/>

<sup>3</sup> <https://www.gov.scot/publications/scotlands-people-annual-report-results-2017-scottish-household-survey/>

<sup>4</sup> <https://www.gov.scot/publications/criminal-proceedings-scotland-2017-18/>

<sup>5</sup> <https://www.copfs.gov.uk/publications/equality-and-diversity>

<sup>6</sup> <https://www.scottishtrans.org/wp-content/uploads/2013/03/staexperiencesummary03082.pdf>

<sup>7</sup> <https://www.gov.scot/publications/developing-information-hate-crime-recorded-police-scotland/>

<sup>8</sup> <http://www.gov.scot/Publications/2013/02/2968/5>

<sup>9</sup> <http://www.gov.scot/Publications/2016/03/4084>

<sup>10</sup> [https://www.equalityhumanrights.com/sites/default/files/ehrc\\_hidden\\_in\\_plain\\_sight\\_3.pdf](https://www.equalityhumanrights.com/sites/default/files/ehrc_hidden_in_plain_sight_3.pdf)

<sup>11</sup> <http://www.spa.police.uk/assets/128635/397026/397031>

<sup>12</sup> <https://www.scotland.police.uk/assets/pdf/138327/243045/equality-outcomes-2017-2021?view=Standard>

<sup>13</sup> <https://www.gov.scot/publications/religiously-aggravated-offending-scotland-2017-18/pages/4/>

been learned over the first six years of operation of Police Scotland and the SPA, and anticipated future demands. The revised priorities focus on six themes:

**Crime and Security** – prioritises prevention, investigation, equality and human rights to support positive criminal justice outcomes, respond to current and emerging threats and maintain public order.

**Confidence** – continues to inspire public trust by being ethical, open and transparent, evidencing performance against outcomes, and building on a positive reputation at a local, national and international level.

**Partnerships** – works proactively with partners to maintain safe communities and support improved outcomes for individuals, increasing resilience and addressing vulnerability.

**Sustainability** – adapts to present and plans for future social and economic circumstances, considering the environmental impact of policing and its operations.

**People** – values, supports, engages and empowers a diverse workforce to lead and deliver high quality services.

**Evidence** – uses evidence to develop services and addresses current and emerging demands, ensuring that the right capacity and skills are in place to deliver high performing and innovative services.

This partial EQIA is not intended to be a definitive statement or assessment of impacts. Instead, it explores the equality issues that are related to policing and which may be very broadly affected by the revision of Strategic Police Priorities.

A final EQIA will be developed using this partial EQIA as the basis, and will take into account further information gathered, including views expressed through the formal consultation. We will also consider if there is additional evidence, or additional analysis of existing data, which can help to deepen our understanding of equality issues relating to the Strategic Police Priorities.

In order to ascertain stakeholder views on the impact of the priorities, we have included a specific question within the consultation paper that will be used to capture further views. The question is:

- Do you have any comments to make on our partial equalities impact assessment?

## **Key Findings**

The initial summary of findings from our work so far indicates no adverse impact across equality strands. Initial findings also indicated that the draft Strategic Police Priorities were viewed positively and the intention and purpose of the themes of the priorities were inclusive and supportive of

equality issues. In addition, the specific priorities focusing on People, Confidence and Partnerships all aim to strengthen the community focus of policing, ensuring that the needs of all individuals are reflected in policing decisions.

In line with the operational independence of the police service, the SPPs do not direct day-to-day operations. However, the Strategic Police Plan prepared by the SPA must have regard to the Strategic Police Priorities, and the Annual Police Plan prepared by the Chief Constable in turn sets out activity which will contribute to achieving the objectives set out in the Strategic Police Plan.

This ‘golden thread’ ensures there is consistency across police planning. We expect that further impact assessments will be carried out by the SPA and Police Scotland in the development of the Strategic Police Plan and the Annual Police Plan, where more specific objectives and actions will be laid out. The SPA<sup>14</sup> and Police Scotland<sup>15</sup> also both publish progress reports against their respective equality outcomes.

This EQIA and the draft Strategic Police Priorities take account of available information on policing and its impact in relation to each of the protected characteristics. In the table below we have summarised some of the key points of our research:

Equality issue	Policing and Crime – What do we know?
Age	<p>We know from the Scottish Crime and Justice Survey (SCJS) 2017/18 that the risk of being a victim of any crime decreases with age. Around 16% of 16 to 24 year olds experienced crime in 2017/18, compared with 5.3% for those 60 or over. We know that only around one-in-four incidents of violent crime involved any offenders over the age of 40, suggesting that perpetrators tend to be from younger cohorts.</p> <p>From the Recorded Crime in Scotland statistics we know that at least 40% of the sexual crimes recorded by the police in 2017-18 related to a victim under the age of 18. This proportion is similar to the previous year.</p>
Children’s Rights and Wellbeing Impact Assessment	<p>Clearly, policing plays a significant role in the realisation of all human rights, including children’s rights, and the police as an organisation play a key role in protecting and promoting those rights. Given the role of the Strategic Police Priorities in setting the strategic direction for policing in Scotland, there is scope for the revised</p>

<sup>14</sup> <http://www.spa.police.uk/assets/128635/397026/551770>

<sup>15</sup> <https://www.scotland.police.uk/assets/pdf/138327/243045/mainstreaming-report-2017-2019?view=Standard>

	<p>priorities to impact on a significant number of the articles contained within the UNCRC. Our initial consideration has identified a number of rights which are of particular relevance:</p> <ul style="list-style-type: none"> <li>• Article 2 – Non Discrimination</li> <li>• Article 3 – Best Interest of the Child</li> <li>• Article 4 – Protection of Rights</li> <li>• Article 6 – Life, Survival and Development</li> <li>• Article 12 – Respect for the Views of the Child</li> <li>• Article 23 – Children with Disabilities</li> <li>• Article 33 – Drug Abuse</li> <li>• Article 34 – Sexual Exploitation</li> <li>• Article 35 – Abduction, Sale and Trafficking</li> <li>• Article 36 – Other Forms of Exploitation</li> <li>• Article 37(a) – Inhumane Treatment and Detention</li> </ul> <p>The themes of fairness, equality, inclusion, protection, respect, participation and accountability feature strongly in the revised Strategic Police Priorities. We are therefore confident that the priorities provide a solid platform for the promotion of children’s rights through our approach to policing.</p> <p>Policing is also relevant to the eight wellbeing indicators – Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included (SHANARRI) – developed by the Scottish Government as part of the GIRFEC approach.</p> <p>As set out above, the revised Strategic Police Priorities have been drafted to be inclusive and to support the rights and wellbeing of all people and communities in Scotland including children and young people.</p>
Disability	<p>We know from the Scottish Crime and Justice Survey that in 2017/18 that disabled people were more likely to be victims of crime than non-disabled people (14.9% and 11.8% respectively).</p> <p>In 2018-19, 289 charges were reported with an aggravation of prejudice relating to disability, three more than in 2017-18 when 286 charges were reported (an increase of 1%).<sup>16</sup> This is the highest number of charges reported since the legislation creating this aggravation came into force in 2010. The number of charges reported</p>

<sup>16</sup> <https://www.copfs.gov.uk/images/Hate%20Crime%20in%20Scotland%202018-19%20PDF.pdf>

	<p>has increased year on year since the legislation was introduced, with the exception of a small fall in 2016-17.</p> <p>The Equality and Human Rights Commission 2011 Report 'Hidden in Plain Sight' gives some insight into issues relevant for disabled people in relation to policing and crime. It highlighted that some studies have indicated that disabled people may be more likely to be victims of antisocial behaviour, although it is recognised that more research is needed. It also said that fear of crime and its impact are greater for disabled people.</p> <p>In 2017-18, <i>Developing Information on Hate Crime Recorded by the Police in Scotland</i> notes that the police recorded 308 hate crimes which included a disability aggravator (including hate crimes with multiple aggravators).</p> <p>In preparing our final EQIA, we will explore evidence around attitudes to policing amongst disabled people which can be drawn from a further analysis of the SCJS.</p> <p>In relation to police workforce and disability, Police Scotland's Equality and Diversity Mainstreaming and Outcomes Progress Report 2017-19 states 3% of police officers and 7% of police staff had a recorded disability.<sup>17</sup> The Strategic Police Priority on 'People' sets the expectation that the diverse policing workforce will be supported, and the SPA and Police Scotland will consider how to take this forward through their own planning and work to implement their equality duties.</p>
<p>Gender (including pregnancy and maternity)</p>	<p>The Scottish Crime and Justice Survey 2017-18 showed that there is no significant difference in the proportions of men and women who experience crime (12.8% for men and 12.1% for women).</p> <p>The Scottish Crime and Justice Survey 2017-18 highlights that almost 4 out of 5 violent crimes (78%) were committed by male offenders. This has been a consistent finding over a number of years.</p> <p>Figures from Criminal Proceedings in Scotland 2017-18 also tell us that there are a higher number of males convicted of crimes and offences than females (68,179 and 14,535 respectively).</p>

<sup>17</sup> <https://www.scotland.police.uk/assets/pdf/138327/243045/mainstreaming-report-2017-2019?view=Standard>

	<p>In terms of feeling safe, the Scottish Crime and Justice Survey 2017-18 tells us that men are more likely than women to feel safe walking alone after dark in their local area (89% of men compared to 66% of women).</p> <p>The 2017-18 Scottish Crime and Justice Survey also found some variation in perceptions of the police by gender. Females were more likely than males to be confident in relation to four measures on the perceived effectiveness of the police, while males were more likely to think that police treat everyone fairly and were less likely to agree that community relations with the police were poor.</p>
<p>Gender identity/ Transgender people</p>	<p>The Crown Office and Procurator Fiscal Service (COPFS) Hate Crime 2017-18 published statistics highlights that 40 charges were reported with an aggravation of prejudice relating to transgender identity, 12 fewer than in 2017-18. The number of charges reported each year has been on a generally upwards trend since 2012-13 until the decrease in 2018-19. However, the total number of charges remains small and is thus likely to be subject to fluctuation from year to year.</p> <p><i>Developing Information on Hate Crime Recorded by the Police in Scotland</i> reports that in 2017-18 the police recorded 82 hate crimes which included a transgender identity aggravator (including hate crimes with multiple aggravators).</p> <p>Criminal Proceedings in Scotland provides Offence Aggravation data which indicates that in 2017-18, 12 people were convicted in Scottish Courts of an offence with an associated transgender aggravation. This compares with 14 people in 2016-17.</p> <p>The Scottish Transgender Alliance's 2008 report 'Transgender Experience in Scotland Report Summary' included a detailed survey of 71 respondents which showed;</p> <ul style="list-style-type: none"> <li>• 46% of respondents had previously experienced transphobic abuse in domestic relationships: mostly this took the form of verbal abuse but 17% experienced threatening behaviour, 11% experienced physical abuse and 6% experienced sexual abuse.</li> <li>• 62% of respondents stated that they had</li> </ul>

	<p>experienced transphobic harassment from strangers in public places who perceived them to be transgender: mostly this took the form of verbal abuse but 31% experienced threatening behaviour, 17% experienced physical assault and 4% experienced sexual assault.</p> <ul style="list-style-type: none"> <li>• Although 38% did not describe experiencing transphobic harassment from strangers, it must be taken into account that 23% of respondents stated they have never been perceived to be transgender by any strangers. Therefore, just 15% of respondents had been perceived as transgender by strangers on one or more occasion but never experienced any transphobic harassment.</li> <li>• Only 15% of respondents had ever reported any transphobic harassment to the police. Of those 11 respondents, only five stated they were satisfied with the response they received from the police.</li> </ul>
Sexual Orientation	<p>COPFS hate crime in Scotland figures report that in 2018-19, 1,176 charges were reported with an aggravation of prejudice relating to sexual orientation, 5% more than in 2017-18. The number of charges reported has increased consistently year on year since the legislation was introduced, with the exception of a fall in 2014-15.</p> <p>In 2017-18, the police recorded 1,224 hate crimes which included a sexual orientation aggravator (including hate crimes with multiple aggravators)<sup>18</sup>.</p> <p>The Scottish LGBTI Hate Crime Report from 2017<sup>19</sup> reports that overall, 41% of respondents were satisfied with the police response they received when reporting hate crime. The central age categories were more likely to be dissatisfied with the police response they received, compared to younger and older people, with 48% of 25-34 year olds reporting dissatisfaction, and 43% of 35-54 year olds. The report suggests that this may be in part because older respondents have experiences of police responses from longer ago. However, the report also suggests that there is evidence that police responses have improved in recent years, but does not provide further details of how they have improved.</p>

<sup>18</sup> <https://www.gov.scot/publications/developing-information-hate-crime-recorded-police-scotland/>

<sup>19</sup> [https://www.equality-network.org/wp-content/uploads/2017/10/en\\_hc17-full\\_final1alores.pdf](https://www.equality-network.org/wp-content/uploads/2017/10/en_hc17-full_final1alores.pdf)

Race/Ethnicity	<p>Racial Crime remains the most commonly reported hate crime. The Crown Office and Procurator Fiscal Service (COPFS) Hate Crime in Scotland published statistics reported 2,880 charges relating to race crime in 2018-19, a decrease of 12% compared to 2017-18. This is 37% lower than the peak in such charges in 2011-12, when 4,547 charges were reported. It is also the lowest annual figure since consistent figures became available in 2003-04, and the first time the figure has fallen below 3,000.</p> <p>Statistics from Criminal Proceedings Scotland provides offence aggravation data which show that in 2017-18, 650 people were convicted in Scottish Courts of an offence with an associated racial aggravation. This is down by 10% from the previous year, in line with the overall trend in convictions.</p> <p>In 2017-18, the police recorded 4,765 hate crimes which include a race aggravator (including hate crimes with multiple aggravators)<sup>20</sup>.</p> <p>In a written submission from the Coalition for Racial Equality and Rights to the Justice Committee for Post-Legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012, indicated that collaboration between Police Scotland and the BME Third Sector Organisations has weakened.</p>
Religion and Belief	<p>Criminal Proceedings in Scotland 2017-18 data, tells us that there were 249 convictions of an offence with an associated religious aggravation, which is a fall of 10% since 2016-17 (in line with overall trend in convictions).</p> <p>In 2017-18, Developing Information on Hate Crime Recorded by the Police in Scotland notes that the police recorded 711 hate crimes which included a religion aggravator (including hate crimes with multiple aggravators).</p> <p>COPFS figures from Hate Crime in Scotland 2018-19 report that there were 529 charges with a religious aggravation reported in 2018-19, which is 18% fewer than in 2017-18. This is the lowest number of such charges reported since 2004-05, shortly after the relevant legislation was introduced, when 479 were reported.</p>

<sup>20</sup> <https://www.gov.scot/publications/developing-information-hate-crime-recorded-police-scotland/>

This data above, and views collected, illustrate the wide range of issues and experiences of people relating to policing and crime. This includes how belonging to certain equality groups can affect the likelihood of experiencing crime, and people's views of the police service.

We have drafted the Strategic Police Priorities so that equality issues have informed, and feature within, the 6 priority areas set out.

The 'Crime and Security' priority, makes specific reference to prioritising equality and human rights in supporting criminal justice outcomes. This connects with ensuring the police service is informed through 'Evidence', including evidence which takes account of the protected characteristics.

The 'Confidence' priority aims to ensure that public trust in the police is maintained and improved, and work in this area should consider varying attitudes to policing across different equality groups.

On equality considerations relating to police officers and staff, the 'People' priority highlights the importance of engaging and empowering a diverse workforce.

The priority on 'Partnerships' notes that the policing system should work proactively with partners, helping to support our diverse communities, and 'Sustainability' will help to ensure that the police service is responsive to changing social and economic circumstances.

As they are set at a strategic level, the Strategic Police Priorities do not reference operational activity to help advance equalities. We would expect these issues to be considered in greater detail through the strategic planning processes which sit underneath the SPPs, including the SPA and Police Scotland carrying out their own equality duties.

## **Recommendations and Conclusions**

The proposed Strategic Police Priorities are intended to be inclusive and supportive of all communities in Scotland and make clear that, in improving the safety and wellbeing of people and communities across Scotland, police services need to be accessible, transparent, and responsive for people with all equality characteristics.

During the formal consultation period, we will seek further views to help develop our thinking, ensuring that the revised priorities are representative of all people in Scotland. We will look to engage with groups representing the equality strands, to augment the views we have heard elsewhere. This will include engaging directly with young people.

Within our consultation respondent information form, we have asked a specific question about this partial equality impact assessment and would welcome

your views and comments. Your feedback will be used to help develop the final impact assessment.