Equality Impact Assessment – Results

Strategic Police Priorities for Scotland

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Scottish Government
Riaghaltas na h-Alba
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EQUALITY IMPACT ASSESSMENT - RESULTS

Title of policy	Strategic Police Priorities for Scotland
Summary of aims and desired outcomes of policy	To set revised Strategic Police Priorities which are provided for through section 33 of the Police and Fire Reform (Scotland) Act 2012. 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.
Directorate: Division: Team	Safer Communities Directorate: 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, as 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 EQIA has been undertaken to consider the impacts on equality of the revised Strategic Police Priorities (SPPs).

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). Given the link between equality issues (specifically with regards to age) and children's rights and wellbeing, this assessment covers both 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 key evidence on the issues affecting the equality groups set out above. The priorities reflect an expectation that policing should have a positive impact on each and every individual and community across Scotland, and should seek to address discrimination where it exists.

Rather than have a separate priority specifically focused on equality issues, we have framed the Strategic Police Priorities in a way which aims to embed an inclusiveness within policing, including community engagement, an ethical and transparent approach to service delivery, workforce diversity, and advancing equality and human rights. We expect these principles to 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 Police and Fire Reform (Scotland) Act 2012[1] enables Scottish Ministers to set the Strategic Police Priorities, providing high-level direction for the Scottish Police Authority and Police Scotland. They connect with the Act's statutory policing principles that 'the main purpose of policing is to improve the safety and wellbeing of persons, localities and communities in 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.

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.

The Strategic Police Priorities were last set in October 2016. We committed within the 2018-19 Programme for Government[2] to review the Strategic Police Priorities (SPPs) this year, in order to reflect ongoing developments in the policing system and the changing needs of individuals and our communities.

These revised Strategic Police Priorities have been developed following a formal public consultation on a draft set of SPPs, and an associated programme of engagement with partners across Scotland.

The SPA and Police Scotland will use these revised SPPs to inform both their Strategic and Annual Police Plans, which will include putting in place objectives for the police service, and the activities which will deliver them.

We expect that these priorities will remain in place for a period of 6 years, with a plan to consult the SPA, Police Scotland and local authorities at the mid-point of 3 years. This will help us to consider whether the SPPs still remain relevant and appropriate.

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[1] http://www.legislation.gov.uk/asp/2012/8/contents/enacted
[2] https://www.gov.scot/publications/delivering-today-investing-tomorrow-governments-programme-scotland-2018-19/

The Scope of the EQIA and Engagement

Stage One

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 associations which represent police officers. This first stage of engagement was intended to discuss progress across policing in Scotland following a period of significant change, and to consider how the priorities for the police service had evolved.

During this initial phase, Scottish Government officials held a session with colleagues from Police Scotland and the SPA to specifically consider the equality issues arising from the proposed revision of Strategic Police Priorities. This discussion considered the key data and evidence from early stakeholder engagement.

In addition to this early engagement, a review of the existing evidence was carried out, taking account of the following data sources:

- Scottish Crime and Justice Survey[3],
- Recorded Crime in Scotland[4]
- Scottish Household Survey[5],
- Criminal Proceedings in Scotland 2017-18[6]
- Hate Crime in Scotland 2018-19 (COPFS)[7]
- Scottish Transgender Alliance, 'Transgender Experiences in Scotland March 2008'[8]
- Developing Information on Hate Crime Recorded by the Police in Scotland[9]
- EQIA for the Police and Fire Reform (Scotland) Act 2012[10],
- Race Equality Framework for Scotland 2016-2030[11]
- Equality and Human Rights Commission, 'Hidden in Plain Sight' (2011)[12]
- SPA Equality Outcomes 20170-21[13]

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[3] https://www.gov.scot/publications/scottish-crime-justice-survey-2017-18-main-findings/
[4] https://www.gov.scot/publications/recorded-crime-scotland-2018-19/
[5] https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/
[6] https://www.gov.scot/publications/criminal-proceedings-scotland-2017-18/
[7] https://www.copfs.gov.uk/publications/equality-and-diversity
[8] https://www.scottishtrans.org/wp-content/uploads/2013/03/staexperiencessummary03082.pdf
[9] https://www.gov.scot/publications/developing-information-hate-crime-recorded-police-scotland/
[10] http://www.gov.scot/Publications/2013/02/2968/5
[11] http://www.gov.scot/Publications/2016/03/4084
[12] https://www.equalityhumanrights.com/sites/default/files/ehrc_hidden_in_plain_sight_3.pdf
[13] http://www.spa.police.uk/assets/128635/397026/397031

- Police Scotland Equality Outcomes 2017-21[14]
- Police Scotland Equality & Diversity Mainstreaming & Outcomes Progress Report[15]
- Scottish Government, 'Religiously Aggravated Offending in Scotland 2017-18'[16]
- Scottish Government Evaluation of Police and Fire Reform 2015-2019[17]

We undertook this review of the data to explore what the evidence said about the experiences and views of different equality groups in relation to policing.

Stage two

The second stage of engagement was a formal public consultation on a draft set of Strategic Police Priorities through the Citizen Space platform, and stakeholder meetings were attended by officials with a range of organisations including local scrutiny committees. To accompany the consultation paper, a partial Equality Impact Assessment and Children's Rights and Wellbeing Assessment was published, with the following question being posed to consultation respondents:

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

24 of the 59 written responses to the consultation commented on the partial EQIA, and there was also some mention of issues relating to equalities and human rights through the stakeholder meetings. The responses on the partial EQIA were mixed, with some welcoming its content while others suggested areas for improvement. Positive comments included the view the assessment reflected and recognised the diverse needs of the communities which the police serve, and also that it was helpful to see that drafting of the Strategic Police Priorities had taken into account a wide range of equality issues.

In terms of improvement, the external analysis of consultation responses noted that a key theme was the potential for provision of further data on equality issues, such as breakdowns of the crime statistics e.g. by gender, ethnicity, age. Other issues raised once or twice on the EQIA through the consultation included ensuring equal access to police services for people with different needs, and strengthening the EQIA's focus on the impact of the revised SPPs on each of the protected characteristics. One respondent suggested separating out the Equality Impact Assessment and the Children's

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[14] https://www.scotland.police.uk/assets/pdf/138327/243045/equality-outcomes-2017-2021?view=Standard

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

[16] https://www.gov.scot/publications/religiously-aggravated-offending-scotland-2017-18/pages/4/

[17] Research products from the Evaluation of Police and Fire Reform commissioned by the Scottish Government between 2015-2019 and undertaken by the Scottish Institute for Policing research, ScotCen Social Research and What Works Scotland are available at: http://www.sipr.ac.uk/publications/police-and-fire-reform-evaluation

Rights and Wellbeing Assessment. However, we have chosen to continue to address these two issues together, as the relevant data presented here on children and young people and policing helps to inform both processes, and helps to provide a joined up consideration of the relevant issues across all age groups.

Key Findings

In response to the comments received through the consultation on further developing the data within the partial EQIA/CRWIA, we have added additional analysis of quantitative and qualitative data. An updated version of the data table we published as part of the partial EQIA/CRWIA is attached as an **Annex**. We have also incorporated evidence received through the consultation exercise, where appropriate.

It is important to recognise that these Strategic Police Priorities provide a high-level, strategic focus for the police service in Scotland. As such, they intentionally do not set specific objectives for the delivery of the service, including in relation to addressing equality issues, or the associated operational activities which will help to achieve these. This impact of the SPPs will be achieved through a 'golden thread' from the priorities through to the other planning products in the system – including the Strategic Police Plan, refreshed every 3 years, and Annual Police Plans. Therefore, the data explores equality issues that are related to policing, and which may be very broadly affected by the revisions of the SPPs. The SPPs do not seek to direct police operations, for example, those relating to specific types of crimes which may have more impact on certain equality groups.

The final Strategic Police Priorities are as follows:

Crime and Security – prioritises prevention, detection, investigation, equality and human rights to support positive criminal justice outcomes; responds to threats, and maintains public order, both locally and nationally.

Confidence – continues to inspire public trust by being ethical, open and transparent; maintains relationships and engages with local communities, to build a positive reputation at a local, national and international level.

Partnerships – works collaboratively to keep communities safe, sharing a collective responsibility to deliver preventative services that improve outcomes for individuals, increase resilience and address vulnerability.

Sustainability – adapts resources and plans for both current and future social, economic and financial 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, with a focus on workforce development and overall wellbeing.

Evidence – uses evidence to innovate and develop services which address the current and emerging needs of individuals and local communities, and

ensure that resources, capacity and skills are in the right place to deliver outcomes.

How we have incorporated the findings

Overall, the evidence shows that people with different equality characteristics can experience policing and crime differently. Different equality groups and communities can also have different needs and expectations from the police service. In order to be responsive and effective, the service will need to engage and collaborate with our diverse communities through their own planning and activities. A focus on flexibility within policing to adapt approaches to local communities, and on working together with partners and communities, were key themes to emerge from the consultation.

The SPPs have therefore been strengthened to reflect these points, in particular with addition of 'maintains relationships and engages with local communities' under the 'Confidence' priority. The 'Confidence' priority aims to ensure that public trust in the police is maintained and improved, and the varying needs and attitudes towards policing across the different equality groups will be important to consider in meeting this aim.

Under 'Crime and Security' we have retained the focus on equality and human rights in supporting criminal justice outcomes, while also making a revision to highlight that work to address crime should continue to have a local focus, alongside national approaches. The varying experiences of the different equality groups in relation to being victims, or perpetrators of crime, show that the policing system needs to maintain a focus on equality when preventing and tackling crime, and also when engaging with victims and offenders.

The remaining SPPs are intended to be broadly inclusive and supportive of equality issues, with the priorities focusing on 'Partnerships', 'People', and 'Evidence' being particularly relevant.

'Partnerships', highlights the importance of preventative approaches in delivering policing, working with partners collaboratively to support our diverse communities and address vulnerability. Findings from year 3 of the Evaluation of Police and Fire Reform thematic case study on Partnership, Innovation and Prevention highlighted that Police Scotland now have a focus on prevention and collaborative working, which provides opportunities to address issues relating to vulnerability in communities, and to work with partners to ensure vulnerable people and communities are supported. The 'Partnerships' priority links in with Police Scotland's Local Approaches to Policing programme, which recognises the increasing diversity of communities and that activities must reflect the needs and demands of all communities.

For 'Evidence', the design and delivery of the police service should be informed by the needs of individuals and communities, and make use of the evidence on the experiences of those from protected groups. Police Scotland's new performance framework should assist with this going forward,

providing operational and corporate data on organisational performance as a whole.

On equality considerations relating to police officers and staff, the 'People' priority highlights the importance of engaging and empowering a diverse workforce. This connects with Police Scotland's People Strategy, which aims to develop a sustainable, diverse, multi-skilled and experienced workforce, while also strengthening the diversity of the whole workforce and changing the workforce mix to address the evolving needs and complexities of our diverse communities. We have also revised this 'People' priority to include a reference to workforce wellbeing, to help ensure appropriate and effective support is offered to police officers and staff.

We fully expect further impact assessments to be carried out by the SPA and Police Scotland in the development of their Strategic Police Plan, due to be revised next year, and their Annual Police Plan. The range of programmes and activities within *Serving a Changing Scotland*, Police Scotland's current 10 year plan, are all subject to a comprehensive Equality and Human Rights based impact assessment. Police Scotland also have governance structures in place on equality issues, including an Equality, Diversity and Human Rights Strategy Group and two tactical groups (one focusing on staff inclusion and employment, and the other on service delivery).The SPA[18] and Police Scotland[19] both publish progress reports against their respective equality outcomes.

Recommendations and Conclusions

We have used the views expressed through our consultation, alongside the data presented, to help us further develop the focus of the Strategic Police Priorities, including in relation to equality issues. The SPPs have retained a direct reference to equality and human rights, and revisions have been made to ensure there is a stronger focus within the priorities on understanding and responding to the needs of local communities. We have also maintained a focus on collaboration, including ensuring effective partnerships are in place to enable the service to help address vulnerability.

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

As emphasised above, the implementation and delivery of the Strategic Police Priorities rests with the SPA and Police Scotland, who will give effect to them through their planning and operational activities. Further impact assessments on equalities will therefore be carried out by Police Scotland and the SPA to support the development of their Strategic Police Plan and Annual Police Plan.

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[18] http://www.spa.police.uk/assets/128635/397026/551770
[19] https://www.scotland.police.uk/assets/pdf/138327/243045/mainstreaming-report-2017-2019?view=Standard

Data Table

In the table below we have summarised some of the key evidence from the review of the available data, and from the formal consultation exercise. This incorporates information broadly relevant to the Strategic Police Priorities, including experiences of the crime and justice system, alongside information on the police workforce.

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

Where possible, some data around intersectionality of the protected characteristics has been provided.

It is important to note that results presented from some of the sources, such as the SCJS on victimisation rates, do not prove that equality characteristics are necessarily (or solely) driving differences identified between groups. Further analysis would be required to unpack the relative impact of different characteristics on experiences, whilst other contextual factors such as lifestyle and location may also be important. Further work is currently being progressed separately by Scottish Government's Justice Analytical Services to examine the factors associated with victimisation more closely.

Data from the SCJS on perceptions of the police look at the highest level measure of confidence in the local police in the survey, which looks at the proportion of adults who think the police in their local area are doing an excellent or good job. There is a range of other information on views on the police available from the SCJS report and further analysis of the data, which is important to examine when considering how different groups may view the police, and how to monitor and/or improve matters.

Equality issue	Policing and Crime – What do we know?
Age	From the evidence we know that younger age groups are more likely to be both the victims and perpetrators of crime, and more likely to become the victims of certain types of crime.
	We know from the 2017/18 Scottish Crime and Justice Survey (SCJS) that although not all crime will be brought to the attention of the police, the likelihood of being a victim of crime was lowest for those aged 60 and over, with no difference in the victimisation rate between adults in different younger categories (i.e. those aged 59 and under). For example, 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-five incidents of crime (where victims

	could say something about the offender) involved any offenders over the age of 40 in 2017/18, suggesting that perpetrators tend to be from younger cohorts.

From the most recent Recorded Crime in Scotland statistics we know that at least 39% of the 13,547 sexual crimes recorded by the police in 2018-19 related to a victim under the age of 18. This proportion is similar to the previous year.

Looking at views on the police, the Scottish Crime and Justice Survey found little difference in the proportion of people in different age groups who said the local police were doing a good or excellent job in 2017/18. That said, those aged 16-24 were more likely to describe the police in this way than people aged 45-59 (62% compared to 54%).

On police workforce, Police Scotland's Equality and Diversity Mainstreaming and Outcome progress report 2017-19[20] highlights that the 35-44 age group is the most common age group for police officers, and 45-54 the most common age group for police staff. |
| Children's Rights and Wellbeing Impact Assessment | 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 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:

• Article 2 – Non Discrimination
• Article 3 – Best Interest of the Child
• Article 4 – Protection of Rights
• Article 6 – Life, Survival and Development
• Article 12 – Respect for the Views of the Child
• Article 23 – Children with Disabilities
• Article 33 – Drug Abuse
• Article 34 – Sexual Exploitation
• Article 35 – Abduction, Sale and Trafficking
• Article 36 – Other Forms of Exploitation |

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[20] https://www.scotland.police.uk/assets/pdf/138327/243045/mainstreaming-report-2017-2019?view=Standard

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	• Article 37(a) – Inhumane Treatment and Detention The themes of fairness, equality, inclusion, protection, 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. 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. During the consultation, Young Scot facilitated a discussion with 17 young people, aged 13-25 to explore whether the Strategic Police Priorities met their needs. It was reported that, overall, the young people were very positive about the draft SPPs, with many reporting that overall these are what they would expect the police service to be delivering. It was also noted that young people had high expectations that the police service would work on reducing their environmental impact, and be responsive to changing social and economic pressures to protect young peoples' safety. There is some evidence to indicate the vulnerabilities which children and young people may face, which may result in contact with the police service. Children in the Growing Up in Scotland Survey were asked about the extent to which they had participated in a range of 'risky behaviours'. These included health-related behaviours - such as smoking cigarettes and e-cigarettes and drinking alcohol – and anti-social behaviour such as vandalism or shoplifting. Available evidence from the most recent Survey Life at Age 12[21] shows that 30% of children reported being involved in at least one of the antisocial behaviour activities listed in the questionnaire, with boys more likely than girls to have done so (40% compared with 21%). Children who lived in the most deprived 20% of areas were more likely than those living in the least deprived areas of Scotland to have been involved in some form of anti-social behaviour (36% compared with 25%).

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[21] https://www.gov.scot/publications/life-age-12-initial-findings-growing-up-scotland-study/pages/6/

	Most children stated that they knew a great deal about protecting themselves online and about protecting their personal information online (70% and 72% respectively). Of the remainder, most said they knew quite a lot about protecting themselves and their personal information online (27% and 26% respectively). Almost no children (1%) said they knew nothing at all about these issues. There were no significant differences between boys' and girls' views on protecting themselves and their personal information online.

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. |
| Disability | There is some evidence to suggest that disabled people are more likely to be the victims of crime, and also some difference in attitudes towards the police compared to non-disabled people.

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).

In 2017-18, *Developing Information on Hate Crime Recorded by the Police in Scotland* notes that the police recorded 308 hate crimes which included a disability aggravator (including hate crimes with multiple aggravators).

In the following year and drawing on the most recent statistics published by COPFS (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%).[22] This is the highest number of charges reported since the legislation creating this aggravation came into force in 2010. The number of charges reported has increased year on year since the legislation was introduced, with the exception of a small fall in 2016-17.

Statistics on criminal proceedings in Scotland[23] provide a summary of offences dealt with by courts, and include information on disability, race, religion, sexual |

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[22] https://www.copfs.gov.uk/images/Hate%20Crime%20in%20Scotland%202018-19%20PDF.pdf
[23] https://www.gov.scot/publications/criminal-proceedings-scotland-2017-18/

	orientation and transgender. After the domestic abuse aggravator, the next most common types of aggravators recorded in 2017-18 were race (650 convictions); sexual orientation (354 convictions); and religious (249 convictions). Convictions with aggravators relating to disability increased by nine per cent (from 53 to 58). In contrast, convictions with racial and religious aggravators have fallen by 10% since 2016-17, which mirrors the overall trend in convictions.
	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.
	The 2017/18 Scottish Crime and Justice Survey found that whilst most disabled people said the local police were doing an excellent or good job (53%), this was lower than the proportion of non-disabled adults holding this view (58%).
	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.[24] The proportion of those in a promoted post (Sergeant or above) with a recorded disability has increased from 2% to 3% from 2017 to 2018 and is reflective of the overall police officer disability profile.
Gender (including pregnancy and maternity)	There is evidence to suggest that people can have different experiences of crime, depending on their gender. The data also indicates that men are more likely to be the perpetrators of crime. In terms of perceptions on the police, females are slightly more likely to feel that the police in their area are effective.
	The latest Scottish Crime and Justice Survey showed that there was no significant difference in the proportions of men and women who experienced SCJS crime overall in 2017/18 (12.8% for men and 12.1% for women). However, it is important to note that men and women may experience crime differently. Indeed, we

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[24] https://www.scotland.police.uk/assets/pdf/138327/243045/mainstreaming-report-2017-2019?view=Standard

| | know that victims of partner abuse will often not report such experiences through the face-to-face element of the SCJS, and a separate self-completion section of the survey completed by the respondent shows that women were more likely to have experienced partner abuse than men in the year prior to interview and since the age of 16.

The Scottish Crime and Justice Survey 2017-18 highlights that 3 out of 4 crimes (where the victim could say something about the offender) (74%) were committed by male offenders only. A further 10% of incidents in 2017/18 involved both male and female perpetrators.

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).

The 2017-18 Scottish Crime and Justice Survey also found some variation in perceptions of the police by gender. For example, 60% of females said the police in their local area were doing an excellent or good job, compared to 54% of males.

There is a gender imbalance within the police workforce – 70% of officers were male at March 2018. The situation for police staff, however, is different with 63% female. The gender pay gap for police officer base pay (excluding allowances and overtime) was 3.9% at March 2018. The gender pay gap for SPA/Police Staff base pay (excluding allowances and overtime) is 11.5%. On vertical segregation, the ratio of female police officers in promoted posts (rank of sergeant and above) has increased from 23% to 24% when compared to the figures published in 2017. |
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| Gender identity/ Transgender people | The data which we have around victimisation within the Scottish Crime and Justice Survey in relation to this protected characteristic is limited. However, the Survey's most recent findings found that 14% of adults reported that they had been insulted, pestered or intimidated in any way by someone out with their household - unchanged from 2008/09 and 2016/17. One-in-ten victims of harassment (10%) thought their gender, gender identity or perception of this was a possible motivating factor. 63% of harassment victims in 2017/18 did not think any of their characteristics were an influencing factor in their most recent experience. |

Developing Information on Hate Crime Recorded by the Police in Scotland reports that in 2017-18 the police recorded 82 hate crimes which included a transgender identity aggravator (including hate crimes with multiple aggravators).

The Crown Office and Procurator Fiscal Service (COPFS) Hate Crime statistics published for the following year 2018-19 recorded that there were 40 charges reported in 2018-19 with an aggravation of transgender identity, compared to 52 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.

Criminal Proceedings in Scotland provides offence aggravation data which indicate 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.

The Scottish Transgender Alliance's 2008 report 'Transgender Experience in Scotland Report Summary' included a detailed survey of 71 respondents which showed;

- 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.
- 62% of respondents stated that they had 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.
- 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.

	• 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. On police workforce, less than 1% of police officers, police staff, and special constables identified as transgender. 7% chose not to disclose, and 1% were not recorded.
Sexual Orientation	There is evidence to indicate that those identifying as gay, lesbian or bisexual are more vulnerable to being the victims of crime. Attitudes towards the effectiveness of the police are broadly similar to those identifying as heterosexual. The Scottish Crime and Justice Survey shows that adults who identify as gay, lesbian, bisexual or 'other' were more likely to be victims of crime over the period 2016/17-2017/18[25] than heterosexual people (22.3% experiencing crime compared to 12.8% respectively). In 2018, 8% of adults in Scotland reported that they had experienced discrimination and 6% had experienced harassment at some point over the past 12 months (Scottish Household Survey 2018). Some equality groups were more likely than others to report having experienced discrimination or harassment including: those who are gay/lesbian/bisexual - 25% reported experiencing discrimination and 23% reported experiencing harassment, people from minority ethnic groups or belonging to a religion other than Christianity. Small base sizes for some groups – such as 'gay/lesbian/bisexual' - means that estimates can have relatively large degrees of uncertainty around them and should therefore be interpreted with caution. In 2017-18, the police recorded 1,224 hate crimes which included a sexual orientation aggravator (including hate crimes with multiple aggravators)[26]. COPFS hate crime in Scotland figures report that in 2018-19, 1,176 charges with an aggravation of prejudice relating to sexual orientation, 5% more than in 2017-18. The number of charges reported has increased

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[25] Results for this breakdown come from 2016/17 and 2017/18 data combined in order to provide larger sample sizes for analysis.
[26] https://www.gov.scot/publications/developing-information-hate-crime-recorded-police-scotland/

consistently year on year since the legislation was introduced, with the exception of a fall in 2014-15.

Statistics on criminal proceedings in Scotland[27] provide a summary of offences dealt with by courts, and include information on disability, race, religion, sexual orientation and transgender. After the domestic abuse aggravator, the next most common types of aggravators recorded in 2017-18 were:

- Race (650 convictions);
- Sexual orientation (354 convictions); and
- Religious (249 convictions).

Convictions with aggravators relating to sexual orientation fell by one per cent (from 356 to 354) and with aggravators relating to disability increased by nine per cent (from 53 to 58). In contrast, convictions with racial and religious aggravators have fallen by 10% since 2016-17, which mirrors the overall trend in convictions.

The Scottish Crime and Justice Survey shows that those identifying as gay, lesbian, bisexual or 'other' were just as likely as heterosexual people to think the local police were doing an excellent or good job over the period 2016/17-2017/18[28] (54% compared to 58% - the apparent difference is not statistically significant),

The Scottish LGBTI Hate Crime Report from 2017[29] 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.

3% of police officers identified at Lesbian/Gay/Bisexual at March 2018. 14% chose not to disclose their sexuality, and 1% were not recorded.

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[27] https://www.gov.scot/publications/criminal-proceedings-scotland-2017-18/
[28] Results for this breakdown come from 2016/17 and 2017/18 data combined in order to provide larger sample sizes for analysis.
[29] https://www.equality-network.org/wp-content/uploads/2017/10/en_hc17-full_final1alores.pdf

| Race/Ethnicity | From the evidence outlined, it appears that there is some difference in experiences of crime in relation to race and ethnicity, however, racial crime remains the most commonly reported hate crime.

The Scottish Crime and Justice Survey finds that 13.2% of 'White Scottish' adults were victims of crime over the period 2016/17-2017/18[30], which was not significantly different from the victimisation rate for 'White other British' adults (11.4%), 'White other' adults (11.4%) or those from other 'minority ethnic' backgrounds (17.1%). The difference between the 'White other British' and 'minority ethnic' groups was statistically significant.

In 2018, 8% of adults reported they had experienced discrimination and 6% had experienced harassment in Scotland at some point over the last 12 months (Scottish Household Survey 2018)[31]. Some equality groups were more likely than others to report experiencing discrimination or harassment, including people from minority ethnic groups. Small base sizes for some groups means that estimates can have relatively large degrees of uncertainty around them and should therefore be interpreted with caution. 17% of people from minority ethnic groups reported experiencing discrimination and 11% reported experiencing harassment. The most common reason cited as a motivating factor was the respondent's nationality.

The most recent findings from the Scottish Crime and Justice Survey found that in 2017/18 14% of adults reported they had been insulted, pestered or intimidated in any way by someone outwith their household - unchanged from 2008/09 and 2016/17. One-in-ten victims of harassment (9%) thought their ethnic origin or race was a possible motivating factor. 63% of harassment victims in 2017/18 did not think any of their characteristics were an influencing factor in their most recent experience.

In the same year (2017-18), the police recorded 4,765 hate crimes which included a race aggravator (including hate crimes with multiple aggravators)[32]. |
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[30] Results for this breakdown come from 2016/17 and 2017/18 data combined in order to provide larger sample sizes for analysis.
[31] Scotland's People Annual Report 2018: https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/pages/4/
[32] https://www.gov.scot/publications/developing-information-hate-crime-recorded-police-scotland/

	Racial Crime remains the most commonly reported hate crime. The Crown Office and Procurator Fiscal Service (COPFS) published Hate Crime in Scotland statistics which 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. 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. Results from the Scottish Crime and Justice Survey over the period 2016/17-2017/18[33] show that 'White Scottish' adults (56%) were less likely to say the police in their local area were doing an excellent or good job than respondents who were 'Other White British' (61%), 'White Other' (67%) or from a 'Minority Ethnic' background (66%). 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. In relation to the police workforce, 1% of the police workforce identified as BME, and Mixed or Multiple Ethnic Group was the most common ethnic origin for police officers, followed by Pakistani. The proportion of those in a promoted post who have identified as BME is reflective of the overall Police Officer Ethnic Origin Profile of 1%.
Religion and Belief	There is some evidence to suggest that reports of religious hate crime appear to be reducing, and individuals who practice certain religions or hold particular beliefs may be more likely to experience crime than others (although as outlined on page 9, intersectionality of characteristics may also be important here).

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[33] Results for this breakdown come from 2016/17 and 2017/18 data combined in order to provide larger sample sizes for analysis.

The most recent findings from the Scottish Household Survey in 2018 found that 8% of adults reported that they had experienced discrimination and 6% had experienced harassment in Scotland at some point over the last 12 months[34]. Some equality groups were more likely than others to report having experienced discrimination or harassment including, including those belonging to a religion other than Christianity. Small base sizes for some groups means that estimates can have relatively large degrees of uncertainty around them and should therefore be interpreted with caution. 17% of people who reported belonging to a religion other than Christianity reported experiencing discrimination and 15% had experienced of harassment. The most common reason cited as a motivating factor was the respondent's nationality.

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).

The most recent statistics published by COPFS on 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.

An analysis of charges reported to the Crown Office and Procurator Fiscal Service of Scotland (COPFS) with a religious aggravation under section 74 of the Criminal Justice (Scotland) Act in the previous year, 2017-18[35], reported that Roman Catholicism is the religion that was most often the subject of offending. In 2017/18, the proportion of charges where Roman Catholicism was the subject of offending was 50% (319 charges) followed by Protestantism (27%, 174 charges), Islam (18%, 115 charges) and Judaism (3%, 21 charges). Police officers were the most common target for religiously aggravated abuse. In 2017-18 there were 277 charges (43%) where the police was the victim, a similar proportion to 2016-17 (44%), but there were

[34] Scotland's People Annual Report 2018: https://www.gov.scot/publications/scotlands-people-annual-report-results-2018-scottish-household-survey/pages/4/
[35] https://www.gov.scot/publications/religiously-aggravated-offending-scotland-2017-18/

fewer charges in 2017-18 where police were the victim (293 charges in 2016-17).

Criminal Proceedings in Scotland 2017-18 data tell 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).

Scottish Crime and Justice Survey results from the period 2016/17-2017/18[36] show that adults with no religion (57%) or who identified their faith as Church of Scotland (56%) were less likely to say the local police were doing an excellent or good job than people following 'another Christian' (Except Catholic) (62%) or non-Christian religion (66%). 60% of Roman Catholics described the police in this way, no different from any of the other groups.

Through their mainstreaming outcomes report, Police Scotland publish information on the religion or belief of their workforce. Due to some religion or belief categories having very small numbers they have been categorised as All Other Religions, which includes those who have self-classified as Buddhist, Hindu, Jewish, Muslim and Sikh – this category accounts for 1% of police officers and 1% of police staff as at March 2018. 1% of police officers and police staff belonged to the 'Other' category, where no option provided on the Equality and Diversity Equality Monitoring Form, which describes an individual's religion or belief. 16% of police officers and 12% of police staff chose not to disclose their religion.

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[36] Results for this breakdown come from 2016/17 and 2017/18 data combined in order to provide larger sample sizes for analysis.

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