Welcome to the new Hate Crime newsletter.

We hope you will find interesting. Highlights include:

- Baljit Ubhey OBE, the Chief Crown Prosecutor for CPS Thames and Chiltern and the CPS Hate Crime Lead, welcomes readers to the third edition of the Hate Crime newsletter.

- Dale Simon, the Director of Equality and Diversity, on Disability History Month.

- Details of the Loneliness and Cruelty report published by Lemos and Crane.

- An update on the Navigator Workshops.

- An update following the first Transgender Subgroup meeting.

- Details of Racist and Religious Hate Crime Educational Pack and DVD produced by CPS North West, National Union of Teachers and the Anthony Walker Foundation.

If there is anything that you would like us to cover in future editions, including good practice in your Area, please contact us at the following email address:

Equality@cps.gsi.gov.uk

Articles from Areas are always appreciated.

To navigate the newsletter please use the contents panel on the right hand side which will hyperlink to various sections.
This has been a busy quarter in terms of hate crime prosecution with a particular focus on external relations.

In my role as Hate Crime Champion, I attended a conference organised by the ACPO portfolio lead on equality and human rights. The conference agenda was pretty full as you might expect but of particular interest was a workshop on disability hate crime.

Key examples of CPS commitment and activity included:

- Real commitment from the Director of Public Prosecutions and a named champion at Chief Crown Prosecutor level;
- Specialised prosecutors: Hate Crime Coordinators and leads;
- Detailed guidance on recognising disability hate crime;
- Community Engagement used to raise awareness amongst prosecutors as well as within communities;
- Schools packs developed as a preventative element;
- Service Level Agreements with police on hate crime including regular data checks;
- Navigators Workshop informing and influencing advice providers;
- Quality assurance measures to improve accuracy of recording; and
- Special Measures research recommendations being implemented.

As part of the briefings prepared for Police and Crime Commissioners, we have highlighted the significance of hate crime as a priority crime within each CPS Area. Each Area will now be developing relations with these key local players. A key aim will be to contribute to an improving picture in addressing hate crime overall and increasing the confidence in communities to report and support its prosecution in particular.
The issue of data accuracy and its value to the organisation has been the focus of much discussion recently from the Government’s own hate crime action plan, to the Equality and Human Rights Commission Inquiry into disability-related harassment and the related joint thematic inspection. Robust data can demonstrate that we are providing appropriate services, are responsive to needs and successful in prosecuting hate crime according to policy commitments.

Finally, I attended the recent meeting of Hate Crime Coordinators. This was an excellent day with positive contributions from all co-ordinators and from external speakers on special measures and transphobic hate crime.

The one thing that gave me pause for thought was the lack of clarity as to how we record sentence uplift on CMS. The guidance has been available for some time and we will need to be more attuned to what it says if we are to reach the goal of publishable uplift data by next year’s hate crime annual report. There is more on the meeting in this edition and a fuller report will be forthcoming shortly.

UK’s Disability History Month and Hate Crime
Dale Simon
Director, Equality and Diversity Unit

The UK’s Disability History Month (UKDHM) is a great opportunity to provide a focus on actions, attitudes, behaviours and expectations around disability. Where have we come from and of keener interest perhaps, where are we going?

From the criminal justice viewpoint, it is of interest to note that UKDHM highlights the message, “Challenging the ideas that lead to hate crime”, as part of its front page. This is because disability hate crime and the attitudes that sustain it are still very much an essential part of any agenda around disability.

Hostility on the basis of contempt, of ill-will, of distain very much exists in relation to disabled people. Escalation in offending suggests that offenders often believe that they can do these things with impunity.
In response, the Government’s hate crime action plan makes clear the need for concerted action across criminal justice agencies but also across society if we are to see a sea change in attitudes.

For our part, we are currently revising the draft Disability Hate Crime Action Plan that we published at the end of the Equality and Human Rights Inquiry into disability-related harassment to take account of the issues highlighted in the draft joint thematic inspection report which we have had early sight of, so that we can maintain the momentum to the work we have undertaken to date.

This week I will be addressing a conference organised by Lemos and Crane in connection with its report, Loneliness and cruelty: people with learning disabilities and their experience of harassment, abuse and related crime in the community.

I will be talking about our performance to date and what we need to do to see an improvement in this performance. I’ll also be talking about what we need our partners to do and what we are currently either doing or planning to make these partnering arrangements work more effectively.

I would urge all our prosecutors to look again this month at our policy and guidance on disability hate crime, our e-learning package in relation to vulnerable victims and witnesses which examines mental health issues, learning disabilities and autism in the context of prosecution and at the value that special measures can provide to victims and witnesses in effectively supporting a prosecution to its conclusion.

This month provides us all with a moment to take stock: to consider how we are contributing at the moment and how we will be contributing over the next 12 months to a very grand plan, a plan to make radical changes to the way in which we as a society view our friends, family, neighbours, colleagues and fellow citizens with disabilities.
Community Engagement Good Practice and Innovation
Jay Modhwadia
Equality Adviser, Equality and Diversity Unit

The Equality and Diversity Unit has produced examples of good practice and innovation in relation to community engagement. The purpose of the guide is to celebrate and acknowledge the good work in relation to community engagement and to disseminate it so that practice can be further improved through wider learning.

The guide includes examples from CPS Areas, CPS Direct and Casework Divisions from the submissions for assessment on Core Quality Standard (CQS) 12 which focuses specifically on community engagement. The guide can be accessed through the link below:

http://infonet.cps.gov.uk/infonet/equalitydiversity/communityengagement/community_engagement_publications/Pages/index.aspx

The examples of good practice and innovation are listed under each of the assessment criteria for CQS 12 so that the good practice and innovation can be easily related to each criteria. At the start of the guide there’s advice on how to use the examples and Annex A lists the key contacts should people want to contact an Area, CPS Direct or Casework Division to find out more information on any particular example.

Examples of early practice in relation to engagement regarding Police and Crime Commissioners are listed towards the end of the guide.

There are a wide range of examples including how community engagement can help improve the handling of hate crimes and Violence against Women and Girls cases and Local Scrutiny and Involvement Panels.
Disability Hate Crime

Loneliness and Cruelty
Carwyn Gravell
Lemos and Crane

The report Loneliness and Cruelty, based on in-depth interviews by frontline practitioners from housing, care and support providers, and police services across the country, shows that people with mild or moderate learning disabilities living independently in the community experience a disturbing range of abuse and harassment and related crime with alarming frequency. The perpetrators in the main are local people, neighbours, often young people and school children. Incidents happen when people are out and about, but also in and around their homes. These incidents - ranging from name calling and taunting to financial abuse, assault and attacks on property - above all else can be characterised by cruelty. The loneliness of some people with learning disabilities (one in four interviewed said they didn’t have any friends) puts them at particular risk, as it leads them to spend time in hostile public spaces and brings them to the attention of bullies, exploitative people and criminals.

Though much has been achieved by police services and the Crown Prosecution Service in acknowledging, describing and in beginning to tackle the specific issue of disability hate crime, there is clearly still more work to do. Findings from interviews strongly suggest there is a need to improve the experience of reporting, particularly in making people feel listened to and believed regardless of whether the incident reported is deemed a crime or not, and to improve communication with people about the progress of cases where action is being pursued.

However, in addressing the underlying social problem of loneliness and cruelty – and a broader range of experiences than is described by the term ‘hate crime’ – there are limits to what improvements in criminal justice practice can achieve in isolation. New approaches are needed that enhance social capital, in particular in helping people with learning disabilities to create relationships, ties and bonds within their communities, and in challenging and changing attitudes and behaviours especially those of young people. Practitioners working in housing, criminal justice, care and support, local authorities, schools and voluntary organisations have a key role in developing and delivering these community-based approaches,
while at the same time working together to ensure that crime against people with learning disabilities is properly and sensitively dealt with.

_Cruelty and Loneliness_ by Carwyn Gravell is published by Lemos and Crane working with the Foundation for People with Learning Disabilities and supported by Esmée Fairbairn Foundation.

Visit [www.lemosandcrane.co.uk](http://www.lemosandcrane.co.uk) to download for free OR email carwyng@lemosandcrane.co.uk to request a copy.

_Navigators Workshop Progress Report_

Mick Conboy
Equality Adviser, Equality and Diversity Unit

Many disabled people feel inhibited from coming forward to report disability-related harassment and when they do come forward their cases are not always recognised as disability-related either by the police or by the CPS or both.

The figures bear this out. The British Crime Survey 2012 supplement on hate crime identified some 65,000 crimes as being motivated by hostility on the grounds of disability. In 2011/12, the police made 643 referrals for a charging decision to the CPS and there were 621 completed prosecutions of disability hate crime.

Advice agencies and organisations with a client base can and do play a significant part in providing the right information and the right support to individuals who have faced or are facing disability-related harassment. In recognition of this, two Hate Crime Coordinators along with colleagues in Strategy and Policy Directorate and the Equality and Diversity Unit have piloted and now delivered a Navigator Workshop.

In addition to a detailed delegate pack which included pre-course reading, the advertised approach of the workshop was to use presentations, small group exercises, question and answer sessions and case studies to achieve the aims of the day. Amendments were made to the programme and the approach as a result of feedback from the pilot in March 2012.

One was recently delivered in Sheffield and a further three are planned for 2012/13. At the end of the schedule, workshop material will be collated and
disseminated to all CPS Areas who could then work with Scrutiny Panel members and relevant local agencies to improve awareness and the quality of advice and thereby improve the reporting of disability hate crime. A sort guide will also be developed for first points of contact.

The response to date has been very positive both in terms of the numbers replying and the evaluation responses. Approaches have been made to the National Policing Improvement Agency to see if a similar approach can be devised for police forces given the interest shown by individual forces from across the country.

**Tackling Disability Hate Crime in Wessex**  
Marie-Dominique Meunier  
Area Communications Manager, CPS Wessex

“I do not believe that there are so few Disability Hate Crime cases in our Area,” said Nick Hawkins, the Chief Crown Prosecutor for CPS Wessex, following the publication of the Hate Crime Report 2010/11. That year, CPS Wessex prosecuted 25 Disability Hate Crime (DHC) cases and the latest Hate Crime Report for 2011/12 shows that only 21 DHC cases were prosecuted.

Our panel members who work with disability groups said to us that some victims will not necessarily perceived that they were attacked because of their disability. Some victims still fear that they will not be considered as credible witnesses if they report to the police the crime to the police and fear for their safety if they report a crime.

Another panel member who supports victims with learning difficulties has told us that adjournments and delays that might arise during a court case are an additional stress and his job is to explain why those happened. Other disabled victims who may not have support like that our panel member provides may no longer feel able to support the prosecution case.

Once a crime is reported and we have decided to charge an individual and identified the case as a DHC case, we must ensure that we build strong cases to court. This starts by recording those cases accurately on our case management system, being pro-active in seeking such further information from the police to decide whether a case can properly be prosecuted as disability hate crime.
A deep analysis of our unsuccessful outcomes has revealed that some of our cases had not been recorded correctly. This does not mean that the case was not prosecuted appropriately but that the case was not accurately recorded on our case management system as a hate crime. This as a result has impacted on our performance data.

We have therefore implemented the following recommendations, monthly checks to make sure that cases are recorded accurately and continuing to work closely with our criminal justice partners as part of "Stop Delaying Justice" to ensure a speedy case progression of Hate Crime cases in order to avoid 'witness fatigue'.

"We know that we need to continue raising awareness to make sure that these crimes are reported, identified and that we and the police build strong cases to court. We cannot do this in isolation and the help of our CJS partners and our communities is crucial," said Nick Hawkins following the publication of the Hate Crime Report 2010-11.

Mr Hawkins also gave interviews to the local BBC to raise awareness on this issue and after discussing with panel members and engaging with different groups it was decided to hold a conference to discuss the issues and to understand the challenges around the prosecution of DHC. This conference will take place at Portsmouth University on 14 January 2013.
Homophobic and Transphobic Hate Crime

Transgender Equality
Leona Vaughan
Equality Adviser, Equality and Diversity Unit

The first meeting of the CPS and external partners to agree a terms of reference and work plan for the Transgender Equality Subgroup of the Community Accountability Forum took place in Manchester on 25th September 2012.

External membership of this group includes GADD (Gay Advice Darlington/Durham), Trans Wirral, Press for Change, GALOP, GIKES (Gender Identity Research & Education Society), TREC (Trans Resource & Empowerment Centre) and a member of CPS Humberside LSIP (Local Scrutiny & Involvement Panel).

The Subgroup will oversee issues relating to transgender equality in employment and prosecutions, including development of the National Scrutiny Panel pilot focussed on transphobic hate crime in 2013.

The next meeting is 20th November, International Transgender Day of Remembrance – this meeting will focus on reviewing the CPS Transgender Equality Management Guidance and discussing associated learning tools for staff.

Changes to the Law
Mick Conboy
Equality Adviser, Equality and Diversity Unit

Significant changes to the law as it impacts on hate crime come into effect on 3rd December 2012. An amendment to the Criminal Justice Act 2003 (CJA) will make transphobic hostility an aggravating factor when sentencing. The murder tariff will also now reflect offences motivated by transphobic hostility and hostility on the grounds of disability, putting these offences on the same footing as those motivated by hostility on the grounds of race, religion and sexual orientation.

Hostility on the grounds of transgender identity becomes a statutory aggravating factor this month. The Legal Aid and Punishment of Offenders
Act 2012 brought into effect an equalising measure with regard to transphobic hate crime. The Statutory Instrument introducing the amendment to the CJA was laid before Parliament in the week beginning 12th November 2012, coming into effect for offences committed on or after the 3rd December 2012.

This will of course be welcomed by communities and campaigners who have long argued for the change. What will implementation of the uplift bring? As with the other forms of statutory aggravation relating to hate crime offences, Parliament has decided that hate crime requires a formal recognition within sentencing of its particular impact on individuals and communities. An essential step for effective implementation begins with targeted community engagement to ensure that information is circulated to best effect. Aligned to this will be the need to consider how to improve confidence in reporting. From a CPS perspective, it is important that we are aware of and sensitive to the experience of transphobic hate crime, the particular relevance of special measures and awareness of the legal issues around the Gender Recognition Act.

This is a priority crime where each prosecution can assist all parts of the service. From the case review carried out in 2011, it was clear that the volume of cases handled in the period was low. By effectively sharing collective experience, we can enhance the experience of victims and witnesses as well, hopefully, as case outcomes.

Identifying case studies to date will form part of the remit of work currently being carried out. The Equality and Diversity Unit has established a sub-group of the Community Accountability Forum which is reported on elsewhere in this edition. One aim of the sub-group is to provide expertise and advice on how we support staff as managers or as prosecutors. Previous experience of handling cases, whether they involved successful outcomes or not, will all be considered as part of the case scenarios being brought together.

Final products will include a revised Managers’ Guide to Trans Equality covering employment and prosecution as well as support material. The policy and guidance on homophobic and transphobic hate crime will also be refreshed.
Racially and Religiously Aggravated Hate Crime

Racist and Religious Hate Crime Educational Pack and DVD
Anne Collins
Area Communication Manager, CPS North West

A hard-hitting DVD and educational resource pack developed with young people from the North West will be used in schools across the country to tackle racist and religious hate crime and bullying.

The Crown Prosecution Service (CPS), National Union of Teachers (NUT) and the Anthony Walker Foundation (AWF) worked together to produce the teachers’ toolkit that provides classroom activities designed to increase pupils’ understanding of hate crime and prejudice and how to challenge it.

Pupils from schools in Manchester and Lancashire including King David High School in Manchester and Accrington Academy and Bispham High School in Lancashire helped to devise and acted out the dramatised scenarios of racist and religious incidents in the DVD. They provide starting points for discussion and are based on real life experiences of the young people who took part in the project.

Nazir Afzal OBE, the Chief Crown Prosecutor for CPS North West, said:

“Racist and religious hate crimes hurt individuals, families and communities. They can take away a person’s sense of self worth, their sense of security and belonging and often cause lasting harm.

“We remain determined to tackle hate crimes by bringing those who commit these crimes before the courts, but education is the key to changing attitudes and preventing prejudice and racist abuse happening in the first place. Teachers have a vital role in challenging this sort of behaviour and guiding young people to a greater understanding of its impact and I hope this resource pack will support them in doing so.

“The young people from our local schools who worked on this project with us have been inspirational. Their ideas, enthusiasm and willingness to share their own experiences brought the stories in the video clips to life and produced a powerful and thought provoking DVD.”
Christine Blower, NUT General Secretary said:

“Racism either in schools or our communities needs to be eradicated. As multiculturalism is being attacked on a daily basis, we need to celebrate the diversity of modern Britain and work together to raise children who are proud of themselves and their communities.”

One scenario in the DVD shows a black teenager being racially abused by other players at football training. Another shows a Jewish boy being taunted in the street and later being physically assaulted. In others Chinese, Polish and Asian youngsters face racial harassment. A separate section of the DVD features young people talking about incidents of racist and religious bullying and prejudice that they have experienced and the impact it had on them. A variety of classroom activities guide discussion and about the scenes and encourage pupils to look at ways of challenging prejudiced behaviour.

The pack is designed for use with older pupils in primary schools and pupils in secondary schools. It is a free self contained resource for teachers and schools

Anti-Muslim Hatred Report
Mick Conboy
Equality Adviser, Equality and Diversity Unit

As reported in the last edition, EDU agreed, as a member of the Anti-Muslim Hatred Working Group chaired by the Department for Communities and Local Government, to undertake a review of religiously aggravated hate crimes. The report has now been finalised and details the results of a sampling exercise focused on religiously aggravated hate crime from 2010/11 and associated activity.

Some of the highlights of the reports findings include:

- The majority of cases sampled (62%) of religiously aggravated hate crime involved an element of anti-Muslim sentiment.
- Incidents frequently occur (34%) during the day and many occurred in or near the home, the mosque or the shop (normally not the family
business). The majority of offences took place in a range of everyday locations.

- The majority of cases involved verbal abuse (59%). Abuse targeting Muslims or Islam was always meant to be insulting and on occasion the language took on a political expression.

- The majority of cases were correctly flagged. In some instances, both racist and religiously motivated hostility were present and recorded as active elements within the offence.

- There were other cases where the offence involved people of Asian origin only and had no connection with religious hostility or where the focus might have more properly on ‘honour-based’ violence.

- Prosecutors focus on the evidence of hostility or prejudice on the part of the defendant, irrespective of the victim’s actual or presumed membership of any particular faith group or none.

- Community engagement can and does play a critical role in raising awareness, improving confidence and access to justice.

- Local Scrutiny and Involvement Panels contribute to CPS knowledge and understanding with regard to effective hate crime prosecution.

The report will now be presented to the Anti-Muslim Hatred Working Group’s next meeting in December. It will also be made available to CPS Areas for their consideration.

It is available on the EDU hate crime resources page: [http://infonet.cps.gov.uk/infonet/equalitydiversity/hate_crime/Pages/Hate-Crime.aspx](http://infonet.cps.gov.uk/infonet/equalitydiversity/hate_crime/Pages/Hate-Crime.aspx)

**National Roundtable Discussions**

Leona Vaughan
Equality Adviser, Equality and Diversity Unit

The Equality and Diversity Unit (EDU) convened the first CPS roundtable with community organisations working with victims of racial and religious crime in Manchester on the 18th October 2012, the day of the publication of
the CPS hate crime annual report, chaired by the Director of Public Prosecutions.


The day also coincided with the launch of a national school resource on racial and religious hate crime developed by the CPS North West in partnership with the Anthony Walker Foundation and the National Union of Teachers.

The purpose of the events:

- To update delegates and the community groups and organisations that they represented on the work of the CPS in relation to racial and religious hate crime since the Stephen Lawrence Inquiry Anniversary roundtable event in 2009; and
- To gain feedback from community partners on:
  - Existing CPS policy on racist and religious crime;
  - The CPS hate crime annual report 2011/12 findings; and
  - How the CPS can improve victim and witness experiences in the prosecution of racial and religious hate crimes.

It was the first of two scheduled national events, the second event will be held in London in the New Year. The events will be followed by a full report by EDU detailing the issues raised and recommendations to address them.

Some of the feedback:

“Thank you very much for a very interesting and informative event”

“It is reassuring to learn of the efforts that the CPS is putting into the safety of minorities in this country…. What you and your colleagues are doing is a template from which the rest of the world could learn.”