

# Disability hate crime: a guide for carers and supporters



Photo credit: Dimensions

# Who is this guide for?

This guide is for people who provide support to a person who has been or is at risk of being a victim of disability hate crime.

This includes:

- parents or family members,
- partners,
- people who support someone at home, in their leisure activities or their employment or volunteering work,
- health professionals,
- social workers,
- someone who cares about a person who is at risk and who wants advice about how to support that person if it happens.

***If you are an employed support worker or professional, make sure you understand and are able to fulfil your specific duties to keep people safe, for example, under relevant safeguarding policies and procedures.***

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# What is this guide about?

This guide aims to help you:

- spot disability hate crime,
- support the person at risk to tell you what happened,
- take the right action to keep the person safe,
- constructively challenge agencies including the police, social services and other services to take action.

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# Introduction

'If you think that someone targeted you or a person that you support because of a hostility against disabled people, the police **must** take it seriously. The incident must be recorded as a hate crime or hate incident, depending on whether what happened was a criminal offence.

We are training our police colleagues to ensure they understand how important this is but I would want to stress to victims and supporters that this is not a gift we offer but a basic right we all have: to live our lives protected from hate crime.'

Mark Hamilton, Deputy Chief Constable, National Police Chiefs' Council Lead on Hate Crime

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Disabled people face prejudice, discrimination and hostility. 'Low level' incidents such as 'antisocial behaviour', discrimination by private businesses and public services, and harassment can characterise many people's daily lives. This experience can be exhausting, disabling and excluding. It interferes with people's rights to be themselves and to live their lives without fear.

Disability hate crime is a core police and safeguarding concern. Seemingly minor incidents can rapidly escalate, leading to serious harm. Some crimes against disabled people have even included prolonged torture and murder. Supporting someone through an experience of disability hate crime can be very challenging and difficult, particularly when they are repeatedly targeted by someone they know.

There are many processes, laws and procedures that impact on victims and their carers and supporters. The authorities may not always appreciate the serious nature of abuse and may not be taking appropriate action.

This guide aims to equip you with the most important information, so that you can support the person you care about to the best of your ability and ensure their safety.

# What is disability hate crime and who is affected?

Disability hate crime is any **crime** where the offender's **hostility** against disabled people is a factor in the offence.

The Crime Survey for England and Wales estimates that there were 52,000 disability hate crimes committed in 2017-2018 <sup>1</sup>.

There is severe under-reporting of disability hate crime. For example, only 8,256 disability hate crimes were recorded by the police in 2018-2019. While this is an increase of 14% compared to the previous year, suggesting increased confidence and awareness and improvements in police recording, there is still a long way to go. Comparing this data to the Crime Survey suggests that only one in six crimes are recorded.

Disability hate crimes can include incidents where:

- the offender mistakenly perceives that a victim(s) is disabled,
- the offender targets someone because they are associated or affiliated with a disabled person. For example, a carer, partner, friend, personal assistant or support worker.

Disability hate crime can involve:

- **public order offences**, such as being shouted at on the street,
- **harassment** at bus stops, on the bus or on other public transport,
- **physical assaults** such as being hit or punched, being tipped out of a wheelchair, damaging disability equipment (including a long cane, car, wheelchair),
- **attacks against property** such as people's homes or day centres,
- **physical and sexual assaults** and neglect in the home, including residential services and sheltered accommodation,
- regularly **blocking access** – for example deliberately parking in a Blue Badge space, or putting bins in front of access to people's homes,
- **threats**, including to family members, partners, personal assistants and support workers.

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***You don't have to prove that an incident is a disability hate crime.***

***If you believe an incident involves hostility towards disability, when you report an incident, the police must record it as such. Clearly if the offender is to have their sentence enhanced as a hate crime in court, prosecutors must provide admissible evidence, but that is not required for police recording purposes.***

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<sup>1</sup>There are no crime survey figures for 2019

The police must record an incident as a disability hate crime if:

1. the incident is a crime, and
2. you or any other person believe that hostility towards disability was a factor in the incident.

## The Code of Practice for Victims of Crime

The Code of Practice for Victims of Crime sets out what you are entitled to if you are a victim of crime in England and Wales.

Visit: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

The Code is long and covers the entire criminal justice process, from reporting a crime to investigation, prosecution and the court process. In addition to the basic rights outlined in the Code, victims of disability hate crime are entitled to an 'enhanced service', which includes an individual needs assessment, particular support to give a statement to the police and evidence in court (also called 'special measures'), and access to support services.

This makes sure that the police follow their own recording and investigation rules. It also makes sure that the person you support receives an 'enhanced service' under the Code of Practice for Victims of Crime. It is up to the police to gather evidence to establish if a crime has been committed and if it is a disability hate crime.

The Crown Prosecution Service has produced a useful guide with further information:

A guide to support for disabled victims and witnesses:

<https://www.cps.gov.uk/sites/default/files/documents/publications/guide-to-support-for-disabled-victims-and-witnesses-of-crime.pdf>

Easy read version - <https://www.cps.gov.uk/sites/default/files/documents/publications/Hate-Crime-what-it-is-and-how-to-support-victims-and-witnesses-2016-easy-read.pdf>

## Case example

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A man with learning disabilities takes a private bus to his day centre. He comes home with bruises on his arm and it is clear that he doesn't want to attend the centre or get on the bus. He uses Makaton to communicate, but it is unclear to his family exactly what happened. It later transpires that the woman who was employed to accompany the passengers is regularly using disablist language while pulling people roughly by their arms and clothes.

This is an example of a series of physical assaults accompanied by hostility towards disability. They are disability hate crimes.

# What are disability hate incidents and who is affected?

Disability non-crime hate incidents are any incidents that fall below the level of a criminal offence where a victim(s) is targeted because of hostility against disabled people.

Again, the offender might mistakenly perceive a victim(s) as disabled, or they might target someone because they are associated with a disabled person, for example, a carer.

The criminal law is very complex and you should not worry whether something is a crime or a non-crime hate incident, the police must listen to the circumstances and apply their guidance. Remember if something feels wrong or causes harm then it can be reported.

## **The police must record all disability hate incidents.**

It is vital to remember:

- the impact of hate incidents can be very damaging, whether or not they are criminal,
- hate incidents can escalate in seriousness.

Examples of hate incidents can include:

- **hostile staring,**
- **name calling** – depending on the circumstances, these incidents can fall below the threshold of a criminal offence.

***Remember that it is far better to respond to low-level hate incidents than to wait for matters to escalate to more serious harm.***

Although hate incidents do not reach the level of a crime, they might break discrimination law, such as the Equality Act 2010.

For example:

- refusing to serve someone at a restaurant, pub, hairdressers or any other business,
- refusing to allow a wheelchair user onto a bus when pushchairs are occupying the space reserved for wheelchair users,
- intentionally turning off devices that allow doors to open automatically,
- removing lights from a disabled toilet, or locking the door with the intention of stopping people using the toilet,
- asking someone to leave a public place for a reason related to their impairment.

Case examples	What may happen?
<p>A man with autism went to a play to see his father perform. During the performance, the man makes appreciative noises. A woman in front of him repeatedly turns around and signals for the man to be quiet. The woman then tells the man's support worker that they should leave. The support worker is very upset and leaves with the man. When the performance is over, the father comes out to find that his son isn't there. He is very upset that his son missed his performance. The son hadn't realised what was happening and appears to not be negatively affected by the experience.</p> <p>While this incident is not a criminal offence, and may not break disability discrimination law, it is very upsetting for the man's father and support worker. It is a hate incident.</p>	<p>The police will not have any power to arrest but will be able to offer advice and refer to trained support. They may also engage with the theatre owner to try and prevent similar incidents in the future.</p> <p>In this instance the father, or the support worker, may choose to take up the matter directly with the theatre management for a swifter response.</p>
<p>A woman who uses a wheelchair goes bowling with her partner. When they go to the disabled toilet, they discover that the lightbulb has been removed, and the toilet has no natural light. The manager explains that this is because the business doesn't want people 'like her' using the toilets.</p> <p>Again, this incident is not a criminal offence. However, the business is likely to have broken equality law<sup>2</sup>. It is a hate incident.</p>	<p>The police may not have powers to force the owner to act but they can direct you to legal advisors, act as mediators or refer the matter to the local authorities who issue licences to such premises.</p> <p>The victim here would also have the choice of direct approach to the licencing authority or taking legal advice on a civil law claim for damages.</p>
<p>A boy with Down's Syndrome and his sister walk to the bus stop to go home after shopping for birthday presents. A group of young people are at the bus stop. They stare at the boy and whisper and giggle to each other. The bus takes 10 minutes to arrive. The boy and his sister get on the bus and sit away from the young people. The boy and his sister are upset and quiet on the way home.</p> <p>This incident is unlikely to reach the threshold of a criminal offence, however it is excluding, bullying and upsetting and it can have a high impact. It is a hate incident.</p>	<p>The police cannot arrest but they may choose to speak to the young people to help them understand the harm caused by bullying and engage with educators to take on activity to reduce such hostility through educational programmes that are available on True Vision (<a href="http://www.report-it.org.uk">www.report-it.org.uk</a>).</p>

<sup>2</sup> Businesses must provide equal access to toilets for disabled customers/visitors and employees, to the same standard as non-disabled people.

You can find out more about businesses' duties to provide accessible toilets here: <https://accessible-toilet-project.blog/2015/11/03/equality-of-toilet-provision-the-equality-act-2010>

# Online hate

People can be directly targeted by online hate or be affected by viewing hateful material online. Some targeting can reach the level of a criminal offence.

## Case example

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A mother takes her 6 year old child, whose condition causes facial disfigurement, onto a TV programme to highlight the need for more medical investment into the condition. Afterwards, a number of people set up Facebook pages to ridicule the girl, for example, calling her an 'Alien'. Many others respond by passing similar offensive comments. Much of the material was posted outside the UK and was therefore outside the reach of UK laws.

The girl who is targeted by this abuse is not going to see this material as Facebook users have to be 13 years old and she does not have access. However, the posts and shares cause huge offence to many people not directly targeted. It is a hate incident.

## What may happen?

The police have a specialist Online Hate Crime Hub that responds to hate crimes and incidents online and reports can be made direct to the unit through True Vision ([www.report-it.org.uk](http://www.report-it.org.uk)). In this instance they could ask Facebook to consider whether the material contravenes their terms of use and community standards. The Hub team can directly communicate with the page hosts and ask them to remove the material and can refer to a charity partner with trained volunteers who challenge such harmful material by supporting victims and providing counter narratives.

You can also find out more about what the police have committed to do here: [https://www.report-it.org.uk/strategy\\_and\\_guidance](https://www.report-it.org.uk/strategy_and_guidance)

and what the CPS have committed to do here: <https://www.cps.gov.uk/sites/default/files/documents/publications/Hate-Crime-what-it-is-and-how-to-support-victims-and-witnesses.pdf>

## **What the law says:**

- **The Human Rights Act 1998** says that the police and other public authorities must take steps to protect people and to investigate if there is evidence that their safety and security is at risk. Failure to do so could mean that they are in breach of Articles 2 and 3 of the European Convention on Human Rights.
- It is against the **Equality Act 2010** for any business or public body to discriminate on the grounds of disability.
- **The Care Act 2014** says that Local Authorities must take specific steps to protect any person who has care and support needs, is experiencing or at risk of, abuse or neglect, and, as a result of their needs, cannot protect themselves<sup>3</sup>.
- **The Criminal Justice Act 2003** says that where it is proven that
  1. an offender was motivated by hostility towards disability or
  2. an offender demonstrated hostility towards (perceived) disability at the time, immediately before or after the offence, the court must treat this as an aggravating factor at sentencing and must state this in open court.

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<sup>3</sup> See <https://www.scie.org.uk/care-act-2014/safeguarding-adults/> for further resources. Where relevant also see the relevant service providers Safeguarding Policy.

# Disability hate crime and safeguarding

## Case example - Steven Hoskin

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A man with learning disabilities, Steven Hoskin, lived in a small bedsit in St Austell, Cornwall. Soon after he moved in, people claiming to be his friends came to live with him. His small bedsit became a place for people to do drugs, drink and play loud music. Steven was increasingly abused by one man in particular, Darren Stewart, and his girlfriend, Sarah Bullock. Steven attended hospital many times as a result of his injuries and repeatedly contacted the police with his concerns. On 6 July 2007, Steven's body was found at the base of the St Austell railway viaduct. In addition to the catastrophic injuries associated with falling 30 metres, a post-mortem examination found that Steven's body bore evidence of torture. Darren Stewart and Sarah Bullock were found guilty of his murder and Martin Pollard was found guilty of manslaughter. Before he was tortured to death he was 'found guilty' of being a 'paedophile'.

Link to serious case review: <http://www.hampshiresab.org.uk/wp-content/uploads/2007-December-Serious-Case-Review-regarding-Steven-Hoskin-Cornwall.pdf>

## What should happen?

These tragic circumstances are often complex and will usually need a multi-agency response that should identify and reduce risk. It is sometimes very difficult for professionals to know that abuse is escalating, particularly where the victim does not engage with authorities or chooses to protect their abusers, believing their 'friendship' is important or fearing that things will get worse if they disclose the abuse.

Even where the risk is identified some victims have used their free choice to defy advice and return to the company of the perpetrators. **This is why it is vital that professionals family and true friends should be able to spot the signs of abuse and have the confidence and knowledge to share their concerns with authorities.**

An incident might also need to be referred to adult safeguarding procedures if the person is covered by the Care Act 2014. This is any person who has care and support needs, is experiencing, or at risk of, abuse or neglect, and, as a result of their needs, cannot protect themselves<sup>4</sup>.

As set out in the reporting flowchart on p13, this can mean that parallel reporting procedures to both the police and safeguarding processes might need to take place. It is important to note that this is not a selection decision between Safeguarding referral or crime reporting and both referrals could be appropriate at the same time.

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<sup>4</sup> See for example, Dimensions Safeguarding Policy, version 8.1 available at <https://www.dimensions-uk.org/wp-content/uploads/Safeguarding-policy-version-8.1.pdf>

## Identifying risk factors that indicate the need for swift action

It is important that those with a legal or moral duty to protect can recognise the symptoms of such abuse and are willing to act on them, whether that is reporting a concern or seeking more information.

The following 'signs and symptoms' can indicate that someone is at risk of serious harm:

- escalation of 'anti-social' behaviour, or 'people being mean' carried out by known individuals,
- being called a paedophile or a 'grass' by people in the neighbourhood or people they know,
- new people (possibly also known to services) moving into their home,
- repeated attempts to remove people they initially told you were friends but now the person you support wants to end the friendship,
- increased drinking or taking drugs, losing weight,
- abnormal anxiety, aggressiveness or becoming unusually withdrawn,
- cancelling support services and appointments,
- unexplained injuries,
- refusing medical treatment for injuries,
- signs of fear, not wanting to go home,
- having no money/ losing money/ buying expensive presents, cigarettes, play stations, etc. for 'friends',
- increased, unexplained hospital attendance.

These factors indicate that the person might be at heightened risk. It is recommended that you inform the police and other services about these risk factors, telling them that they indicate increased risk and that action should be taken.

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## Key points:

***Where a criminal offence is involved, the police should be contacted as a priority. If the incident is also a safeguarding issue then service safeguarding procedures should be followed in parallel. Safeguarding adult procedures should be easy to access on your local authority website.***

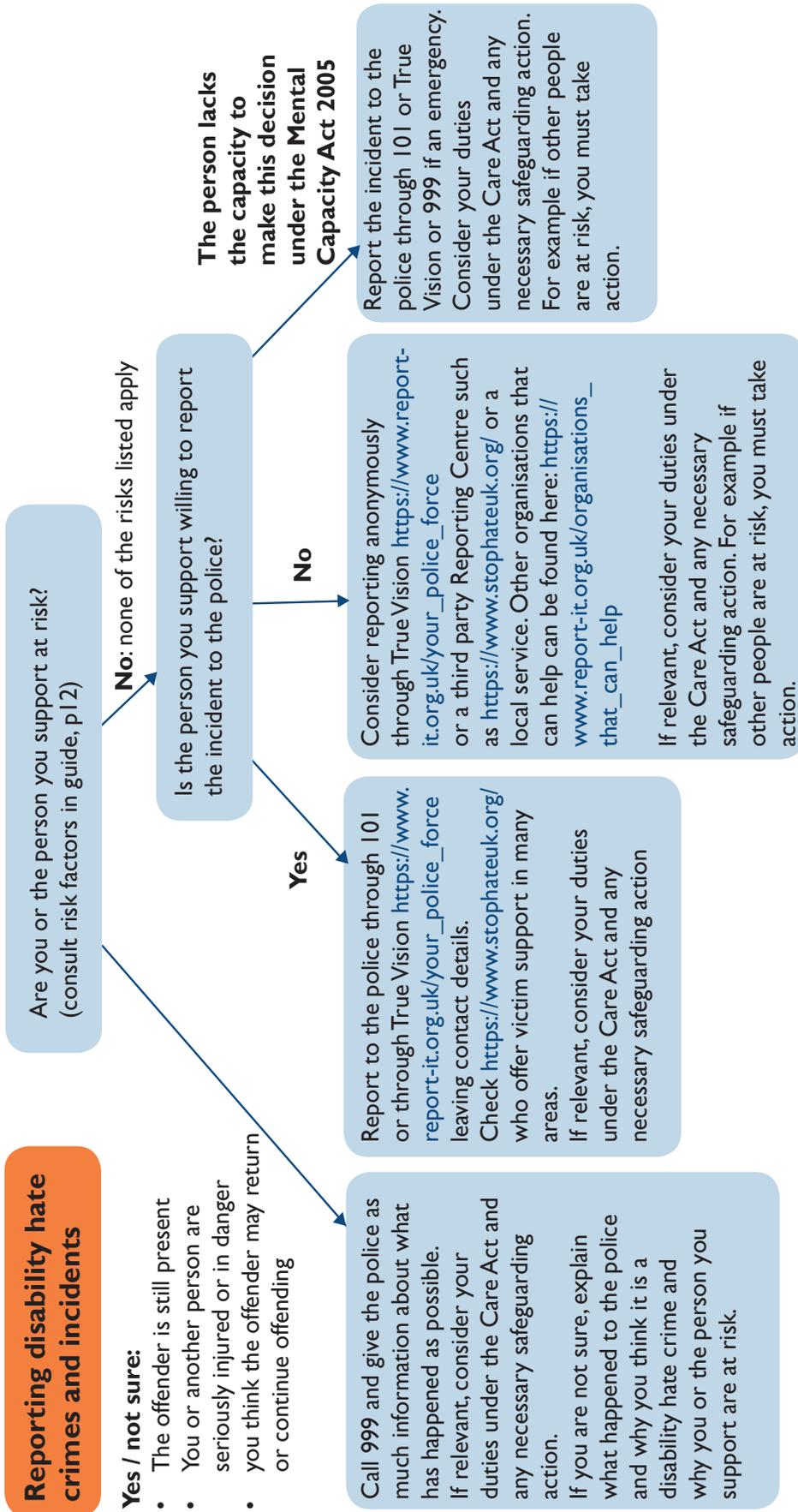
***Where there is an ongoing risk, the police, safeguarding authorities and other public bodies have a duty to take reasonable and appropriate steps to safeguard individuals from abuse, crime and harm.***

***Where multiple agencies are involved, action must be taken to 'join the dots', for example, through multi-agency reviews. This can mean that the amount of potential information and action for carers can be overwhelming but intervention can be vital. Remember that professionals have a duty to act where a person is in danger.***

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# Reporting disability hate crime

This chart gives a step by step guide on how to report disability hate crimes and incidents.



**Remember:**

- The police must record an incident as a disability hate crime if it is a crime and you or anyone else perceives prejudice against disabled people to be a factor. The police must record a sub-criminal incident as a hate incident if you or anyone else perceives prejudice against disabled people to be a factor.
- The police and all statutory bodies have duties to protect individuals from harm, prevent crime and take steps to eliminate harassment of disabled people.
- It is against the Equality Act. 2010 for any business or public body to discriminate against the person you support on the grounds of disability. See p7 for guidance.
- If you are unsure, it doesn't mean that you are wrong. Talk through why you think prejudice against disability is a factor in this incident.
- Provide as much information as possible** see section 'Key indicators of hostility or prejudice in disability hate crimes'. No detail is too small and no question is unnecessary!
- Ask for a referral to a specialist service.
- Ask for support and identify support needs: this will help ensure obligations under the Victims Code are met. The CPS need this information if the case goes to court

If the police decide to refer the case to the Crown Prosecution Service, then further evidence might be required. The list below includes questions that prosecutors might ask when they consider whether an incident is a disability hate crime. You might have already provided this information when you first reported the incident.

### Key indicators of hostility or prejudice in 'disability hate crimes':

- was there any focus on the disability itself or disability aids? For example, language, gestures, gratuitous damage to hearing aid, crutches, wheelchair, scooter etc, blindfolding a profoundly deaf victim?
- Have there been any previous incidents involving the same perpetrator(s), including targeted anti-social behaviour?
- Have the incidents escalated in severity and frequency?
- What is the status of the offender - "friend", paid or informal/family carer, acquaintance, relative, stranger?
- Were there multiple perpetrators condoning and encouraging, taking photos/videos?
- Are there false accusations of the victim being a paedophile or a "grass"?
- Was it a sustained attack?
- Did it involve excessive violence?
- Was cruelty, humiliation or degradation involved?
- What evidence is there to suggest this is not a disability hate crime?

## What happens if the police don't respond appropriately?

The police consider hate crimes to be a priority crime type as they know that they cause greater harm to victims. They are also more likely to repeatedly target the same victim and can escalate in seriousness.

As with any service, there will be individual officers who fail to live up to the standards set by their chief officers. Examples can include:

- failing to record an incident as a hate crime in line with police policy,
- ineffectively supporting the person who has been targeted to explain what happened to them, for example by not listening to them when they report an incident,
- inaccurately recording information or not following up with news of an investigation in line with Victims' Code of Practice obligations.

When such failures occur, it is important that victims or their carers take detailed notes that describe the problem. It is also important that they know how to challenge poor service. On occasion

this can be achieved by sharing those concerns with the responding officers, but where this is not appropriate or successful, victims or carers have the right to ask for supervisory intervention including:

1. looking at the list of organisations that may be able to offer advocacy on the True Vision website – [https://www.report-it.org.uk/organisations\\_that\\_can\\_help](https://www.report-it.org.uk/organisations_that_can_help)
2. contacting the local police to ask to speak to a supervisor to explain concerns and to ask for a review of the investigation,
3. writing to the local Chief Constable (or Commissioner in London) to raise concerns,
4. making a formal complaint to the local police,
5. complaining to the Independent Office for Police Conduct – <https://www.policeconduct.gov.uk>.

NB:Annex one includes a template letter that can be used to write to chief officers, to ensure that a reported crime has been correctly recorded.

# What happens if a case is charged by the Crown Prosecution Service?

If the CPS decide to move forward with a prosecution, the prosecutor must record the case as a disability hate crime, using the same definition as the police. In other words, if the victim or any other person perceives that prejudice or hostility towards disability is a factor in the offence, it must be recorded by the CPS as a disability hate crime. This allows the prosecution service to apply their disability hate crime policy and aim to:

- build the strongest case,
- ensure that the right support is in place for the victim if they are going to give evidence.

Whether or not the case is sentenced as a hate crime depends on whether there is enough evidence. The CPS should keep the victim informed of their decision-making about this. If there is enough evidence and someone is found guilty of the offence, then the CPS have a duty to apply for a sentence uplift under Section 146 of the Criminal Justice Act 2003. If the evidence is there, the court must state in open court that this was a disability hate crime and treat this fact as an aggravating factor when considering the sentence.

## Going further

The Crown Prosecution Service has produced information about what to expect if you are involved in a disability hate crime prosecution

A public statement on disability hate crime - <https://www.cps.gov.uk/sites/default/files/documents/publications/disability-hate-crime-public%2520statement-2017.pdf>

easy read version - <https://www.cps.gov.uk/sites/default/files/documents/publications/hate-crime-what-it-is-and-what-to-do-about-it-2016-easy-read.pdf>

A guide to support for disabled victims and witnesses:  
<https://www.cps.gov.uk/sites/default/files/documents/publications/guide-to-support-for-disabled-victims-and-witnesses-of-crime.pdf>

Easy read version - <https://www.cps.gov.uk/sites/default/files/documents/publications/Hate-Crime-what-it-is-and-how-to-support-victims-and-witnesses-2016-easy-read.pdf>

## How can I best support the person I care about?

Although you might be closest to the person who is affected, they might not want to tell you everything that has happened. They might need professional support to talk through what happened and how it has affected them. They are entitled to support under the Victims Code of Practice. The final section of this guide has a list of support organisations that you can contact.

Here are some ideas about how best to support the person to tell you what happened and to keep the lines of communication open. These ideas come from disabled people themselves and from carers with experience in this area. There are more ideas about how to support people on page 18.

The Do's	The Don'ts
<ul style="list-style-type: none"> <li>• <b>Do Listen.</b> Support the person to explain what happened, in their own words.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Don't disengage,</b> even if the person doesn't want to tell you everything. They might come back to it or agree to talk to another person.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>If you and the person you care about agree to take action, keep the person informed about what is happening.</b> Encourage services to share information directly with the person. If this isn't possible, try to make sure that you let them know of any new developments as soon as they happen.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Don't discount or ignore the signs and symptoms of disability hate crime because you don't understand what the person is trying to tell you.</b> Perhaps you can find someone to help you understand what is being said and what is actually happening?</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Encourage the person to talk to a friend.</b> If they don't have any peer support, encourage them to contact and form a relationship with a self-advocacy group or a friendship group.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Don't forget that the person should be supported as far as possible to make decisions about what happens to address their situation,</b> even though you may think that they are not the best decisions.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Do bear in mind that some people will be intimidated by the offender</b> and will not have the confidence to speak out particularly where the offender is a 'carer', a partner, or someone they physically or financially rely on.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Don't just accept a denial that there is a problem.</b> Understand that some victims will try to hide their abuse or defend their aggressor out of a misplaced loyalty, especially if they consider their abuser to be a friend.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Do understand that some people in abusive situations know that they are at risk and they will have a sense of what might increase this risk.</b> Support them in the steps they are taking to stay safe. Encourage them to seek help from the police and other services.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Don't change the subject.</b> This can make people feel that they are saying something wrong and it might stop them from speaking. Sometimes people wait years before telling anybody and they have been bottling up the experience and emotions for a long time.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Do seek support from a communication specialist.</b> Explain to the person that you support that you want to understand what they are trying to tell you. Acknowledge that what they are trying to tell you might be very difficult and painful for them and that you are getting some help to find out what they want to say.</li> </ul>	

## Longer term action

People who have been victims of serious physical or sexual abuse or assault can benefit from therapy. For example people have reported that along with more traditional forms of counselling, art and music therapy can be very helpful. However it can be very difficult to access in some areas. GPs and local authorities should be able to organise a referral to an appropriate service.

There are groups around the country that support people to share their stories and get help. People said that peer support is really important. If there isn't a regular group for people to go to, perhaps you are in a position to help set one up? Having regular support and friendship from other people who face similar situations can be really helpful.

For example, if you know of a local peer support group for people with learning disabilities, consider inviting experts on disability hate crime to come and give a talk about disability hate crime. This could be your local police service, or other experts.

People with a range of impairments report that it would help to have 'keeping safe' advice as they go out and about in the community by themselves.

Finally, recognise your own needs for support. It can be very stressful, time consuming and uncertain as you support someone through this process.

### Good practice example

Dr Mark Brookes MBE, Advocacy Lead and disability hate crime expert at Dimensions regularly visits groups to talk about disability hate crime and to hear people's stories.

Dimensions website:

<https://www.dimensions-uk.org/get-involved/campaigns/say-no-autism-learning-disability-hate-crime-imwithsam/i-parent-carer/>



# What can I do?

Disabled people and carers have expressed an interest in sharing ideas and experiences about what else can be done in specific situations that disabled people commonly experience.

## Harassment in the community: what can I do?

Harassment can take place on the street, at bus stops, on buses and other public transport, in shops and in other public places.

If you are with the person when it is happening, they might not want you to take action while the harassment is actually taking place. For example, they might not want the attention. You both might be worried that the situation will escalate. Use your judgement in the moment and, if you can, check what they would like you to do.

At the same time, it is also important that you don't ignore what is happening. Acknowledge what happened. Give the clear message that it was not okay and that it wasn't the person's fault. Hate crime is about the offender's hostility, prejudice and disability. It is not about the victim's impairment. Disabled people should be free to be themselves and to live their lives without fear. Discuss what action they would like to take, including reporting the incident to the police or completing a report on True Vision by following this link: [http://www.report-it.org.uk/disability\\_hate\\_crime](http://www.report-it.org.uk/disability_hate_crime)

If this is something that happens regularly, it can help to talk about it when you are alone, perhaps at home in a safe place. Take this time to agree what to do about street harassment when/if it happens. For example, perhaps the person decides that they will move away from the incident if they can. This might involve moving away from the bus stop, moving to another seat or having the option of getting a taxi. Perhaps they decide that they want to challenge the behaviour if they can. Agree and perhaps suggest that the person practices what they might say if it happened and they decide to speak out about it at the time.

In accordance with the reporting guidance above, if possible note the following information:

- time of day and location,
- description of the people who are harassing (how many? Approximate age and gender? School they attend?),
- if the incident is taking place on the bus, the bus number and driver's name,
- for ongoing incidents including 'antisocial behaviour' it is important to keep a diary of incidents including who was involved, what happened, when and where.

You might want to record what is happening on your phone, however this action might also escalate the situation, so you should use your judgement.

If the incident escalates and you are worried that the person you support is at risk of immediate harm, suggest that they call 999 or offer to do it on their behalf. If there is no risk of immediate harm and they and/or you believe that a crime or reportable incident has taken place, contact the police on 101 or complete a report on True Vision by following this link: [https://www.report-it.org.uk/your\\_police\\_force](https://www.report-it.org.uk/your_police_force)

## Other ideas

It is against the law for any transport service whether public or private to discriminate against disabled people. Find out what the bus company's policy on harassment is and what you can expect from the driver or other employees. For example, if there is a specific situation relating to pushchairs taking the wheelchair users' spot, you might want to speak to the bus driver and point out that this breaches discrimination law. See below for other tips on what to do if you think that discrimination is involved.

Consider recording conversations about any incident orally or in writing as soon as possible after the incident. This can help the person you support to recall events in their own words. It can be particularly useful for people with communication challenges if they are asked to give a statement to the police or other agencies.

## False friendships

This type of offending can also be called ‘mate crime’. It covers a range of situations where people are befriended and groomed by one or more individuals. For example, people who the person you support might report on ‘friends’ moving into their house or stealing from them. Behaviour might escalate into forcing them to do things against their will, psychologically abusing and physically or sexually assaulting them, often over prolonged periods of time, calling the person a ‘paedophile’ or ‘grass’ and devising ‘punishments’ that cause serious harm.

These situations can be very difficult to support someone through. At the same time, they can be very high risk situations leading to serious harm and death. They can be similar to situations of ‘coercive control’, which is commonly experienced by victims of domestic violence. Many different offences can be involved such as harassment, theft, repeated and escalating physical and sexual assaults. Potential victims are more likely to live alone, with limited support. They might live far from friends or family. It might be difficult to piece together what is happening.

If you are worried, follow the reporting chart and take action, reporting to the police where needed.

If you have reported these types of incident(s) to the police or other statutory service, check the following:

- What is the status of any investigation?
- Are there safeguarding policies in place with clear roles and responsibilities?
- Are there any issues relating to mental capacity? For example, does the person have the capacity to make the decisions about the potentially abusive relationship(s) that they are involved in?
- Are there any signs of coercive control?<sup>5</sup>
- Stay in touch with the person and keep communication open. Try to avoid judgment and respect their right to privacy. Support them to make safer choices.
- Identify others who might also be a source of support. For example, there might be a local organisation such as a Disabled People’s Organisation (DPO) or People First Group that has experience in supporting people in these situations.
- If one of the perpetrators is also the person’s partner, consider contacting a service for victims of domestic violence.

Bear in mind that people might downplay risk because of psychological, emotional or physical dependency on the perpetrator(s). What support is available to help this person make safer decisions and remove themselves?

## Violence, abuse or neglect in the home

Physical and sexual assaults, psychological abuse and neglect are crimes no matter where they take place. Anyone can commit a hate crime, including carers, support workers, family members, acquaintances, professionals or friends.

Again, follow the reporting flowchart and refer to the Safeguarding Guidance on p11. If you think that the person you support is at immediate risk of harm, you should call the police.

<sup>5</sup> See <https://www.cps.gov.uk/legal-guidance/disability-hate-crime-and-other-crimes-against-disabled-people-prosecution-guidance>, ‘Where perpetrators are partners, or live with the disabled person and are either members of the same family or have previously been partners, the offence of Controlling or coercive behaviour may apply: see legal guidance on Coercive Control’

## Online hate

While the internet and social media can be huge sources of support and information for disabled people, they can also be a source of harm, hostility and risk. Some harmful content or, what is also known as 'online hate' is illegal and should be reported to the police. However, a lot of harmful content such as the example earlier in this guide on p9, is not.

There are several useful sources of support and information about how to take steps to remove harmful content and to get help for the person you support.

'**True Vision**' is the police's hate crime website. It has lots of information about online hate and it includes an option for victims to report hateful content to the police online. Reports can even be made anonymously if the victim does not want to give their details.

The police have a specialist team of officers to deal with most online hate reports and if the victim leaves details they will keep them updated on investigations or arrange for support where appropriate.

[https://www.report-it.org.uk/reporting\\_internet\\_hate\\_crime](https://www.report-it.org.uk/reporting_internet_hate_crime)

**Stop Hate UK** explains more about what online hate is, how to report it and where to get support

<https://www.stophateuk.org/onlinehate/>

The **UK Safer Internet Centre** also have useful information about reporting harmful content

<https://www.saferinternet.org.uk/helpline/report-harmful-content>

## Unfair treatment by businesses

Denial of services or discriminatory treatment is against the law and can be very damaging to people's confidence and sense of belonging. As explained earlier in this guide, such behaviours are not criminal and can be quite subtle. They can include:

- 'shadowing' or following someone around a shop,
- refusing to allow people access to services or erecting barriers to accessing services (see section above on hate incidents),
- refusing to employ someone because they are disabled,
- refusing to pay someone because they are disabled.

Similarly to incidents of on-street harassment above, if you are with a person when it is happening and you know that they do not want to take action in the moment, use your judgment and try to agree the actions that you would take in the situation beforehand in a safe space, such as at home.

If you decide to take action, the person who is engaging in discriminatory behaviour should be informed that their behaviour is unacceptable and harmful and that they are at risk of breaking discrimination law. You can speak to the manager request and ask them to rectify the situation. If you are not satisfied, you can ask for a copy of their complaints procedure.

# Annex one: Recording a complaint as a disability hate crime, template letter

It is important that the police record hate crimes accurately, as it helps managers to understand the nature of the problem. Recording also helps ensure that enquiries are thorough and effective and that victims' needs are met. The below is similar to text that has been used by advocates to write to chief officers, to ensure that a reported crime has been correctly recorded, and it could be edited to assist you in similar circumstances.

Dear Chief Constable

I am a carer for [Joe Smith] who reported a crime to your colleague at [Stanford Police Station] on [Tuesday 14th July 2020]. [Joe] has a learning disability and reported that [he was threatened and had some property damaged].

I perceive that the crime was motivated wholly or partially by a hostility towards [Joe] based on his learning disability as [the perpetrator used derogatory language to him]

As you know the police have a shared definition disability hate crime which is;

“Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s disability or perceived disability.”

As I care for [Joe] I am included in the College of Policing’s guidance as to who should be considered as ‘any other person’ so since I perceive this crime to be a disability hate crime I would be grateful if you could confirm to me that this matter has been recorded as a hate crime. Please also confirm that you have assessed and recorded his needs in line with your obligations under the Code of Practice for Victims of Crime.

I would be willing to assist you in your ongoing support for [Joe] as your enquiries continue.

# Going further - Resources

## National Services that offer specialist support

### **Beyond Words**

Beyond Words is a charity that provides books and training to support people who find pictures easier to understand than words - including 'Mugged' a book that supports discussions about being a victim of crime.

<https://booksbeyondwords.co.uk/>

### **The Challenging Behaviour Foundation**

The CBF works to improve understanding of challenging behaviour, empower families with information and support, and help others to provide better services and more opportunities.

<https://www.challengingbehaviour.org.uk/>

### **Disability Rights UK**

DR UK offers advice on a range of issues including discrimination, independent living and disability hate crime.

<https://www.disabilityrightsuk.org/how-we-can-help>

### **Dimensions**

Dimensions is a national not-for-profit organisation that runs a variety of services for people with learning disabilities and their families. It campaigns about disability hate crime and has created a range of resources that explain what it is about and what can be done.

Dimensions' #ImWithSam campaign:

<https://www.dimensions-uk.org/get-involved/campaigns/say-no-autism-learning-disability-hate-crime-imwithsam/>

Dimensions Safeguarding Policy, version 8.1:

<https://www.dimensions-uk.org/wp-content/uploads/Safeguarding-policy-version-8.1.pdf>

### **Equality Advisory Support Service (EASS)**

The EASS Helpline is for people who feel they have been discriminated against under the Equality Act. It can also advise people about reasonable adjustments.

Phone: 0808 800 0082

Textphone: 0808 800 0084

There is a webcam portal for BSL users.

Website: [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

### **Mencap**

Mencap is a national charity that runs services and campaigns about issues affecting people with learning disabilities. Mencap runs the Learning Disability Helpline which is a free helpline service offering advice and support for people with a learning disability, and their families and carers

<https://www.mencap.org.uk/advice-and-support/our-services/learning-disability-helpline>

### **Respond**

Respond is a national charity providing therapeutic and support services to people with learning disabilities, autism or both who have experienced abuse, violence or trauma.

<https://respond.org.uk/contact-us/>

## **Stop Hate UK**

Stop Hate UK is one of the leading national organisations working to challenge all forms of Hate Crime and discrimination, based on any aspect of an individual's identity. Stop Hate UK provides independent, confidential and accessible reporting and support for victims, witnesses and third parties. They help victims in areas where authorities subscribe to their services and you can find if yours area is included at <https://www.stophateuk.org/stop-hate-areas/>

## **True Vision**

'True Vision' is the police's hate crime website. It has lots of information about hate crime and it includes an option for victims to report hateful content to the police online. Reports can even be made anonymously if the victim does not want to give their details.

True Vision also contains links and copies to all relevant police guidance and information. It also signposts information and resources from other agencies and organisations relating to hate crime.

## **Further government and public authority guidance**

**The Code of Practice for Victims of Crime - sets out what you are entitled to if you are a victim of crime in England and Wales.**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

**Businesses' duties to provide accessible toilets:**

<https://accessible-toilet-project.blog/2015/11/03/equality-of-toilet-provision-the-equality-act-2010>

**Care Act 2014:**

The Care Act 2014 sets out the legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect.

<https://www.scie.org.uk/care-act-2014/safeguarding-adults/>

## **Crown Prosecution Service**

In addition to the resources signposted in the guide, the CPS has produced the following guides and documents.

A guide to support for disabled victims and witnesses:

<https://www.cps.gov.uk/sites/default/files/documents/publications/guide-to-support-for-disabled-victims-and-witnesses-of-crime.pdf>

Easy read version: <https://www.cps.gov.uk/sites/default/files/documents/publications/Hate-Crime-what-it-is-and-how-to-support-victims-and-witnesses-2016-easy-read.pdf>

What the CPS have committed to do about online hate:

<https://www.cps.gov.uk/sites/default/files/documents/publications/Hate-Crime-what-it-is-and-how-to-support-victims-and-witnesses.pdf>

A public statement on disability hate crime:

<https://www.cps.gov.uk/sites/default/files/documents/publications/disability-hate-crime-public%2520statement-2017.pdf>

Easy read version: <https://www.cps.gov.uk/sites/default/files/documents/publications/hate-crime-what-it-is-and-what-to-do-about-it-2016-easy-read.pdf>

A guide to support for disabled victims and witnesses:

<https://www.cps.gov.uk/sites/default/files/documents/publications/guide-to-support-for-disabled-victims-and-witnesses-of-crime.pdf>

Easy read version: <https://www.cps.gov.uk/sites/default/files/documents/publications/Hate-Crime-what-it-is-and-how-to-support-victims-and-witnesses-2016-easy-read.pdf>

Coercive control:

<https://www.cps.gov.uk/legal-guidance/disability-hate-crime-and-other-crimes-against-disabled-people-prosecution-guidance>

### **Other useful resources**

**The Foundation for People with Learning Disabilities** has produced useful resources about disability hate crime based on their recent research on the types of responses to disability hate crime that work best for people with learning disabilities.

<https://www.mentalhealth.org.uk/learning-disabilities/our-work/rights-equality/addressing-disability-hate-crime>

### **The Equality and Human Rights Commission**

Has many resources about disability discrimination: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

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**This document was prepared for the National Police Chiefs' Council together with some of our key partners, including Dimensions.**

**We hope it has been helpful and most importantly that it helps protect people from disability hate crime in the future.**

**If you have comments or questions, or you want copies of this report to share with other carers then please contact us at [enquiries@report-it.org.uk](mailto:enquiries@report-it.org.uk)**

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