



Making it Stop

Tackling Hate Crime against Deaf and Disabled people in Merton

Stay Safe East on behalf of Merton Centre for Independent Living
August 2016

Making it Stop: Tackling hate crime against disabled people in Merton

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The research for this report was carried out by Ruth Bashall and by Christine O'Mahoney, an independent disability equality consultant. This report was written by Ruth Bashall, Director of Stay Safe East.

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Our thanks also to those who assisted us with gathering data (particularly Maria Gray at the Metropolitan Police) and to those who offered their expertise and comments, and in particular to those who attended the round table in early May 2016.

Thank you to London Borough of Merton who funded this work

We hope that this research marks the start of a positive partnership between disabled people, voluntary and statutory services on hate crime in Merton.

Ruth Bashall and Christine O'Mahoney

July 2016

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Foreword



I was very pleased to be asked to pen a foreword to this report. For far too long disability hate crime has not been recognised as a major issue by either the criminal justice or law enforcement agencies. This has led to disabled people having little faith in reporting incidents, even where they have the confidence and knowledge to do so.

At last thanks to funding from the London Borough of Merton and hard work by Stay Safe East, this research report can raise the profile of this important issue.

Moving forward, we intend to support disabled people to report disability hate crime and support them to deal with the affects of this crime. In this way the true scale of the problem in Merton can be assessed and responded to.

Roy Benjamin

A handwritten signature in black ink, appearing to read 'Roy Benjamin'.

**Chair
Merton CIL**

Executive Summary

Overview

This is the summary of a comprehensive piece of research on hate crime against disabled people which was carried out in 2016 by Stay Safe East on behalf of Merton Centre for Independent Living.

The research is about the impact of hate crime and harassment on disabled people from all communities and backgrounds, and what can be done to prevent these crimes and to support victims.

The report looks at the definition of hate crime, and the legal, national and London picture. The report then looks at the current situation in Merton, including levels of reported hate crime, where disabled people can report hate crime or harassment, how the Council, police and housing agencies deal with reports. The results of a survey of disabled people in Merton are set out in detail. The report makes a series of recommendations for the police, Merton Council, housing providers, the voluntary sector and Merton centre for Independent Living.

The full report can be found at

<http://www.mertoncil.org.uk/services/hate-crime/>

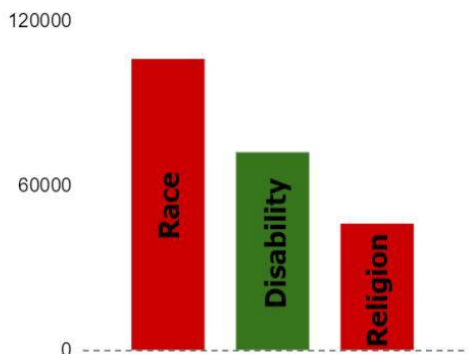
For this research we:

- conducted a literature review
- a desktop audit of local resources
- focus groups with local disabled people
- a survey with local disabled people
- interviews with regional and national organisations working to tackle hate crime

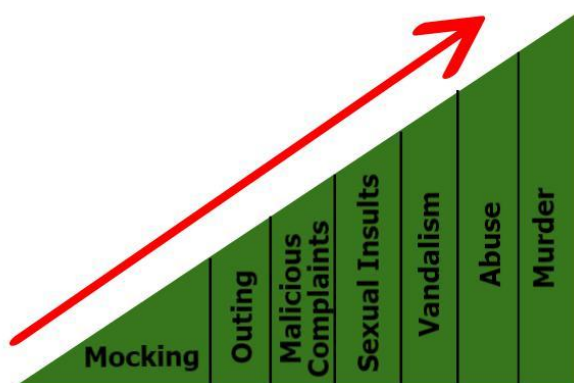
The executive summary consists of a summary of findings and a summary of recommendations. The full report follows this section, for readers who would like to read the detail behind these summaries

Disability Hate Crime

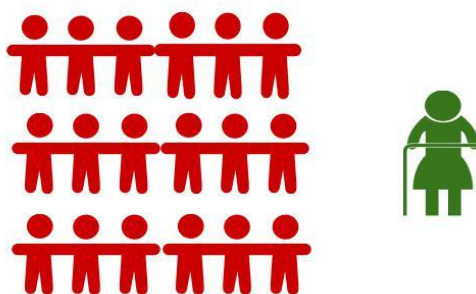
Key Points¹



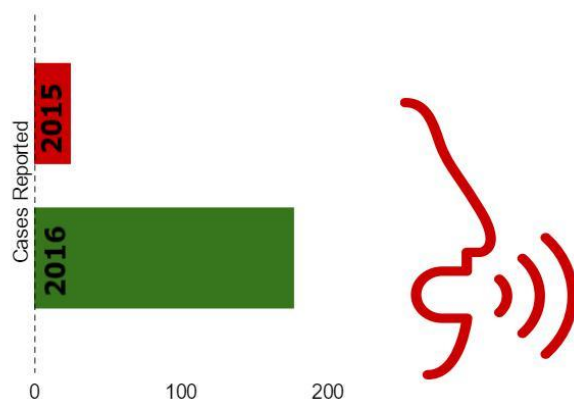
Disability is the second most common hate crime



Hate crime escalates from low level to more serious crime



A typical victim has already been marginalised



London wide reports are increasing 2015 - 2016



Only 3 in 100 survivors will report a hate crime

1. Based on research carried out by Stay Safe East for Merton CIL in 2016



Disability Hate Crime in Merton¹

500



Disabled people in Merton experience hate crime every year

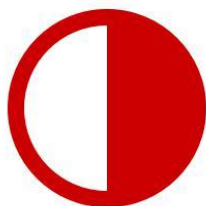


Only 12 reports of disability hate crime over 12 months in Merton



98%

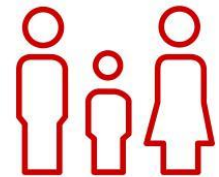
of disability hate crimes in Merton goes unreported or unrecognised



Half of those who responded to a questionnaire have been hurt or bullied in the last year



Nearly Half



of disability hate crime is carried out by people with a close relationship like family members, carers or PAs



3/4 of survivors of disability hate crime would tell the police if they had support

2 out of 3

survivors of hate crime feel negatively affected by the experience "terrified" "fearful" "isolated" "vulnerable" "let down" "scared" "angry" "unsafe"

1. Based on in depth desk research, round table, focus groups and a small scale questionnaire carried out in 2016 in Merton by Stay Safe East for Merton CIL

Summary of Findings

The context: crimes against disabled people

Disabled people are more likely to experience abuse or violent crime than non-disabled people. Violent crime generally is increasing for disabled people. A detailed analysis by Victim Support in 2016 of the Crime Survey for England and Wales shows that, although violent crime has fallen by almost half (48 per cent) for the non-disabled population over the past 10 years, over the same period the proportion of people with a limiting disability or illness who were victims of violence increased by 3.7 per cent.

Disabled people may be victims not only of disability hate crime but of other forms of hate crime such as racist or homophobic hate crime.

Disability is the second most common factor in hate crime, after race

Based on combined data from the 2012/13 to 2014/15 Crime Surveys there were an estimated 222,000 hate crimes on average per year for the five monitored strands. The most commonly reported motivating factor in these hate crime incidents was race, with an average of 106,000 incidents a year. The second most common motivating factor was disability (70,000 incidents per year), but carries the lowest conviction rate of all the hate strands.

A key feature of Disability Hate Crime is one of escalating violence

A hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic, specifically actual or perceived disability, gender identity, race, religion or faith and sexual orientation.

Disability hate crime is about targeting the individual because of who they are, it strikes at the victim's sense of self and therefore can have a greater impact than other types of crime.

Features of disability hate crime include:

- mocking aspects of someone's impairment, such as they way they walk or talk
- outing or threatening to out someone's impairment (or perceived impairment)
- verbal insults, often of a sexual nature
- damaging equipment or creating an obstruction which is particularly challenging for the disabled person
- malicious complaints
- Disability hate crime often looks different to racist and homophobic hate crime. Many perpetrators have a more intimate relationship with their victims, either as friends or carers.
- Incidents of disability hate crime often stem from low-level harassment; name- calling, intimidation and vandalism frequently escalate into more serious crimes, including murder

"I get a lot more creepy language used about me and my sexuality than my friends – much more sexually explicit, much more forceful, much more domineering. They expect me not to say 'no' ...there is a kind of fascination with what they see as vulnerability."

The typical victim profile is of someone who is already marginalised

Although any disabled person can experience hate crime, it is more likely to be experienced by a person who is:

- disabled
- poor
- socially isolated
- living in social housing
- a woman
- part of a minority group eg LGBT or BME

"I grew up hearing the N... word all the time and being spat on. It is a bit like terms about disabled people."

Typical perpetrators are motivated by contempt and hatred

[I was told] 'This is the problem with this country, but don't worry, we will soon get rid of you with this government'

Perpetrator profiles tend to reflect national crime profiles, ie they are most likely to be a white British male in their 20s. However, there are some differences:

- more likely to be close relatives or in an intimate relationship such as a partner, family member, or carer
- there are a higher than expected proportion of female perpetrators and disabled perpetrators
- group action is a feature of some disability hate crime

Protection against Disability Hate Crime is weaker than some other hate crimes

The law on hate crime is not equal, partly for historical reasons. The Crime and Disorder Act allows the police to charge someone with an 'aggravated offence' relating to for example a public order offence, common assault, GBH or ABH. This offence becomes an aggravated offence in its own right and will be tried in court as such, for example "racially aggravated assault". If the suspect is found guilty, the offence carries a heavier sentence. This provision only applies to racist or faith based hate crime. At present, the aggravated offences do not cover hostility based on sexual orientation, transgender identity or disability.

Section 146 of the Criminal Justice Act 2003 is the only statutory provision relating to disability hate crime. A suspect cannot be charged with an 'aggravated offence' as a crime in itself. However should the case go before a Court, the Court will be asked to consider increased sentencing on the grounds that the offence was motivated by disability (or other) hostility. This feature is underused.

A second set of hate crime offences are the offences of "stirring up

hatred". These are contained in the Public Order Act 1986. They tackle the problem of stirring up hatred on grounds of *race, religion* or *sexual orientation*. At present, the 'stirring up' offences do not cover hatred on grounds of transgender identity or disability.

At present, the aggravated offences do not cover hostility based on sexual orientation, transgender identity or disability.

There is significant under-reporting of Disability Hate Crime

The difference between CSEW figures and Police Recorded Crime figures shows that hate crimes continue to be significantly under-reported.¹ The Crime Survey estimates that 70,000 people per year experienced disability hate crime in the two years 2013-2015. This is an increase on previous estimates of 65,000.

By contrast, there were 2,508 reports of disability hate crime to Police forces of England and Wales in 2014/15. There is no information about how many disabled people reported other forms of hate crime.

Whilst it would be expected that some incidents would not be reported, because they were one-offs and did not involve a crime, this very large gap between actual and reported hate crime shows the scale of the problem faced by disabled people's organisations and their allies in tackling disability related hate crime.

Reporting is low due to systemic institutional discrimination

Disability hate crime is mostly unrecognised by the authorities, the media, and the general public

- Bullying of disabled children at school is widespread and frequently goes unchallenged. This lays the foundations for the harassment and disrespect that many disabled people experience in adult life.
- The language used to describe crimes against disabled people (e.g. 'abuse' instead of 'sexual assault', or 'bullying' instead of

¹ Action against Hate – the government's plan for tackling hate crime. Home Office 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540700/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf

'harassment') plays a big part in concealing the prevalence and impact of disability hate crime

- Hate crime is flagged by the police as 'vulnerable adult abuse' or hidden in reports of anti-social behaviour
- Repeat incidents are not linked and treated as a pattern of hate, so anti-social behaviour escalates into hate crime
- Adult protection policies and practices often prevent local statutory agencies taking appropriate action to stop disability hate crime and in some cases undermine disabled people's right to live independently in the community.
- Agencies do not communicate effectively with each other or take prompt and effective action
- Police officers are not trained to recognise hate crime against disabled people or to deal with disabled victims. Disabled people are routinely denied access to justice, either by not having the crimes committed against them recognised as hate crimes, or because they are dismissed as unreliable witnesses.
- Access, communication and information barriers prevent disabled people from reporting hate crime or from getting justice or resolution
- Preventing the harassment of disabled people requires more than organisational change. There is a need to transform the way disabled people are viewed, valued and included in society.

"When you are drunk and also paranoid you think 'I am alright' when you are clearly not alright. I would think 'Why am I in Springfield again?' I did not have any insight into my illness. I was clearly not alright and they saved me from being stabbed or raped.

"Some (of the police) were respectful, others were: 'Why are you wasting our time? You are a disgrace, why can't you pull yourself together? Just snap out of it.' A lot of people with mental health issues hear that but you are clinically depressed!"

Disabled people often see little point in reporting

Disabled people do not report harassment because they fear consequences; fear police and fear they will not be believed or taken seriously

- Disabled people don't have confidence that anything will happen
- Disabled people are worried about retaliation if they report hate crime
- Disabled victims don't necessarily want to report to the police, they may want to speak to an independent agency
- Reporting to the police is not always people's priority, they may want to put the incident behind them
- Many disabled people accept harassment as inevitable

Launch of Disability Hate Crime Matters means London-wide reporting has been increased

Disability Hate Crime matters is an initiative which came out of the Metropolitan Police Hate crime Diamond Group. This is a high level strategic working group which involves police and independent advisors, as well as key experts, including Inclusion London and Stay Safe East. In effect, it sets out a reminder of the process that should be used when dealing with disabled victims, and could in fact be used for any victim of hate crime.

DISABILITY HATE CRIME

- M** Must use Vulnerability Assessment Framework
- A** Ask the victim the right questions
- T** Think Disability Hate Crime & Flag VH (disability hate crime)
- T** Take Immediate Safeguarding Action
- E** Ensure corroborative evidence is obtained
- R** Record all DHC on CRIS Not Airspace
- S** Supervisor MUST be informed

In January and February 2015, there were 25 disability hate crimes reported to the Metropolitan Police. In January and February 2016, after the start of the Disability Hate Crime Matters training for officers, 177 disability hate crimes were reported. Between January 1st and 30th April

2016, 213 disability hate crimes had been reported to the Metropolitan Police – almost as many as in the whole of the previous year.

This substantial increase shows one of the reasons for the low number of reported disability hate crimes – the failure of the police to recognize and correctly 'flag' hate crimes where the victim is a disabled person.

The Equality Act Public Sector Duty² includes responsibility for tackling hate crime

The Equality Act 2010 places a specific duty on public bodies (the Public Sector Equality duty) and requires them to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it. This involves tackling prejudice and promoting understanding.

This duty would include and responsibility for tackling hate crime and targeted harassment against disabled people. It is especially relevant to Merton Council, the Police and Housing providers but would also apply to health and other public bodies.

Failure to act can result in deaths

A number of reports following the death of disabled victims of hate crime have been produced over the years³. All follow the same pattern: lack of communication between agencies, procedures which either failed or did not exist, a victim who has in most cases told people what was happening to them but no one listened or 'joined the dots', and a lack of access to support for disabled victims of hate crime.

² For further information, please see:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf

³ These include: Serious Case Review: the death of Steven Hoskin

http://www.cornwall.gov.uk/media/3630284/a_e_SCR_Executive_Summary1_Dec_2007_.pdf

Serious case review: the murder of Gemma Hayter

<http://apps.warwickshire.gov.uk/api/documents/WCCC-779-97>

Bijan Ebrahimi was an Iranian disabled man who had been the subject of continued harassment and hate by neighbours on his estate in Bristol.¹ He had repeatedly reported incidents to the police but was dismissed as a 'timewaster' by local officers. After taking pictures of the children and young people who were harassing him, he was accused of being a paedophile and was arrested. He returned to his home and was assaulted and beaten about the head and rendered unconscious. The perpetrators then dragged him outside, set fire to his body and burned it. In the 24 hours before his murder, Bijan had made 12 calls to the police.

Lee James was convicted of his murder and jailed for life. Subsequently three police officers were jailed for misconduct in public office and dismissed from the police for failing to assist Mr. Ebrahimi.

Disability in Merton is lower than the London average, but linked to deprivation

The wards with highest deprivation also have highest proportion of disabled people. Census data ⁴states that there are around 25,000 disabled people in Merton. Merton has a lower rate of long-term limiting illness than most London boroughs. Disabled people are from all communities, though there is a lower rate of impairment amongst Eastern European communities, who tend to be younger.

Disabled people are more likely to be worried about crime

The crime rate in Merton in 2013/14 was 5 per 1,000 people – the London average is 7.2 per 1,000. The main crimes were Anti-Social Behaviour and violence against the person.

The 2014 Merton residents' survey⁵ showed that 50% of Merton residents were worried about crime, 42% about anti-social behaviour. As also shown in national surveys, it is likely that disabled people are more worried than

⁴ <https://www.nomisweb.co.uk/census/2011/qs303ew>

⁵ http://www.merton.gov.uk/presentation_charts_merton_residents_2014_.pdf

non-disabled people about crime. Significantly, only 29% of respondents to the survey said they felt fairly or well informed about tackling anti-social behaviour. Disabled people are less likely than non-disabled people to have confidence in the Council.

There is no separate data for disabled people, but national police surveys have shown that disabled people are less likely than other members of the public to have confidence in the police.

There has been little increase in reporting in Merton in 2016

There were 12 recorded disability hate crimes in the 12 months to April 2016⁶. Unlike a number of other London boroughs, Merton has seen no significant increase in the first half of 2016, in spite of the rolling-out of the Disability Hate Crime Matters initiative.

There were a total of 12,594 crimes in Merton in the 12 months to January 2016, a rise of 500 crimes from the previous year.

- How many of these crimes were targeted at disabled people and were in fact hate crimes?

There were 106 rapes and 180 other sexual offences, and 1,429 domestic violence crimes

- How many of the victims of sexual and domestic violence were disabled people? How many of these crimes included an element of disability hate?

There were 312 reported hate crimes in the 12 months to January 2016 across racist and religious, homophobic, anti-Semitic, and Islamophobic hate crime.⁷

- How many of the victims of these hate crimes were disabled people? There were 405 reports of ASB to the police and 521 ASB incidents in 2015/16 reported to Circle Housing.
- How many of these ASB reports were in fact hate crimes, and how many were incidents which were part of a pattern of hate crime against disabled people?

⁶ source: Community Safety Unit, Merton Police

⁷ Source: MOPAC briefing on crime in Merton

There are an estimated 500 hate crimes against disabled people in Merton every year

"It's an everyday experience. Right now it's happening to someone."

Using data from the national crime survey, an estimated 500 hate crimes against disabled people should be recorded in Merton every year. This means that only 2% of incidents were reported to the Police in Merton.

Merton's disabled population is 25,000 people. Using the data from the Crime Survey for England and Wales, if 0.5% of disabled people in Merton have been victims of disability hate crime in the past year, this is around 125 people per year. This does not include disabled people who have been victims of other forms of hate crime.

Using the data from the government Life Opportunities survey, if 2% of disabled people in Merton have been victims of a hate crime in the past year, this is around 500 people per year.

It is likely that the true picture is around 500 people if other forms of hate crime are included. This means that only 2% of incidents were reported to the Merton MPS.

Disability Hate Crime has fallen off the agenda in Merton

The researchers had some difficulty piecing together the approach to hate crime in Merton, particularly from the Council's perspective. It is clear that there is an urgent need to develop a strategy for hate crime as there is currently no hate crime strategy in place.

Our research indicates that hate crime has slipped off the agenda in Merton, as in many other London boroughs, and that there are inadequate multi-agency processes for tackling anti-social behaviour, let alone hate crime. Nevertheless there is a commitment from the police, the Council, in housing and in the voluntary sector to make changes.

Merton is not unique in this regard; other London boroughs, in line with government and MOPAC priorities, shifted the focus from hate crime to anti-social behaviour and to the Prevent agenda focused on preventing extremist radicalization.

In Merton, the Anti-Social Behaviour Team hold case meetings about repeat and high risk cases, but there is no input from community partners or from other key departments. This poses a real risk to victims, particularly those who are disabled; the lack of multi-agency working was cited as the key failure in a number of cases involving the deaths or murders of disabled victims of hate crime, including Fiona Pilkington and her daughter Francessca.

Incidents involving disabled people who are 'adults at risk' are reported, usually by a third party, to the Council's Safeguarding Adults Team. These reports are seen by the police as they are recorded on a shared system known as MERLIN. The scrutiny process as part of the Disability Hate Crime Matters initiative showed that a substantial number of adult safeguarding reports involved hate crime.

There are some Merton-specific barriers to reporting

Anyone can report a crime at a Police station. Wimbledon is now the only police station that is open 24 hours a day. The front counter is accessible to wheelchair users. Mitcham is open Monday to Friday 9am to 5pm but is not accessible, and Tooting is accessible but is only open only 3 hours a week

For disabled people who prefer to report a crime or incident face to face, and particularly for those in the east of the borough, the distance from a police station may be a considerable deterrent to making a report.

There is currently no established network of third party reporting centres in Merton and no process for reports to be passed on via a secure e-mail. Third Party reporting sites are independent organisations which provide a safe and confidential space for people to report hate crimes. Most offer ongoing support. Third party reporting sites are a key part of gaining community confidence. To cater effectively for disabled people, they must offer a good standard of accessibility.

In discussions with the local police at a round table meeting about this research, representatives of the local Police Community Safety Unit welcomed the idea of developing local third party reporting sites.

There is a dearth of useful information produced by statutory partners in Merton that would be of use to a victim of recent hate crime. Googling "report hate crime in Merton" led us to the general information on the central Merton MPS website but gave us no explanation of what a hate crime is. The Merton police website does not include any information on hate crime- it would be simple to add some basic, easily understandable information and links to local independent reporting sites.

The Council website itself does appear to meet basic AAA accessibility standards but if a site visitor starts at the Council home page, information on disability hate crime is almost impossible to find. As with most local authority websites, there is no information in Easy Read or BSL. The language used is that of a local authority, not everyday language that people would understand easily. Many disabled people and people with English as a second language would find the information almost impossible to access online. For example, they use the term 'disphobic' and has a leaflet on ASB in 11 point print

No single local organisation provides information in easy read, large print or in BSL. Disabled people in particular tend to see their local area as their main point of reference. What information there is relies on people having Internet access and if they have it, being able to negotiate their way around quite complex websites. This is clearly contributing to the low reporting rates and lack of awareness, but could be easily remedied.

"People try to bully me, being disabled. I'm not overly susceptible to that – it tends to stop. They call me names, take the mickey. A lot of language that would annoy most people doesn't annoy me. The stuff based in hate is generally the name calling, the 'spastics', the 'weirdos', the swearing. It's not usually even a name, just a lot of swearing. I've never reported."

From our research, there appears to have been little engagement in recent years with disabled people and their organisations, or for that matter with other sections of the community, on either Community Safety nor

specifically on hate crime and harassment. If the Merton MPS, the Council and partners are to ensure that disabled people are able to report hate crime and to get a positive and proportionate response, engagement with disabled people is essential.

A start has now been made, which could develop into a constructive partnership, and both the Council and the Police are to be commended for their openness to starting a dialogue.

Local disabled people want more support to recognise and report hate crime

The researchers conducted focus groups and a small scale survey. Both the focus groups and the survey showed variable levels of awareness of hate crime amongst the disabled people who responded, and a reluctance to report incidents, particularly those involving 'only' verbal or on-line abuse. However, half of those who responded to the survey have experienced being bullied or hurt in the last year with a third of those reporting it happening three or more times.

Disabled people who took part in the focus groups said they wanted to talk more about their experiences and understand what to do about hate crime. Do you want to add that you are not doing this e.g. as a result of the research, Merton CIL has set up a discussion and awareness-raising group for disabled people on hate crime.

Campaigns to raise awareness of hate crime amongst disabled people and the wider community were felt to be useful, and awareness-raising groups were suggested, where disabled people could talk about their experiences and increase their knowledge of hate crime and what to do.

There was a singular lack of confidence amongst respondents in the Police, with several people quoting instances of poor practice - inappropriate responses, being ignored or dismissed when they reported crimes, or being sectioned under the Mental Health Act. 90% of people said when reported to the police they didn't get any help and most were not happy with the way the police behaved.

Repeat incidents appear to have been poorly dealt with and allowed to escalate. Only one participant, who was a victim of a serious assault, had a wholly positive response from the Police.

Participants stressed the importance of training for the police, provided by experienced disabled trainers, to address the lack of confidence and the poor responses by agencies to disabled victims of crime.

A number of respondents had been victims of other forms of hate crime – transphobic and racist hate crime were mentioned. Several disabled women who took part had experienced and were still experiencing misogynistic sexual harassment or threat of rape targeted at them because they were disabled women. Materials about hate crime need to recognise that disabled people experience other forms of hate crime as well as disability specific hate crime

Domestic violence, including 'carer' abuse were part of disabled women's and men's experience of abuse and hate crime. Yet there are no designated resources locally to specifically address domestic violence against disabled people.

There is clearly a need for a change in approach by partner agencies and a more positive response to disabled people who report harassment. There was positive support for setting up a Third Party reporting site at Merton CIL, as people felt that they must be able to speak to people who understood them, respected their experienced- and believed them. Over 60% of respondents said they would be more likely to report if they knew they could get help from a disabled people's organisation and if hate crime was taken more seriously.

Disabled people want the hate to stop and need ongoing support

Based on the responses from disabled people in Merton, evidence from the research quoted in Chapter 3, and the experiences of a range of organisations (including Stay Safe East) working with victims of hate crime, all victims of hate crime want one thing above all else – for the abuse to stop.

Whilst this may seem obvious, in 'real life' even intervention by police or a landlord does not mean that once reported, incidents stop – especially in housing situations. They also want

- To be safe
- To be listened to and believed
- To understand what their choices are
- To understand what will happen next
- To feel they are in control again
- To have support when they report a hate crime and in the follow up
- To get justice or resolution
- To be able to go about their daily life without fear

Reporting is only the first stage of supporting a victim of hate crime. On-going advocacy will help the client benefit from support at all stages of the process. Features of advocacy specifically for disabled victims of hate crime include:

- Giving victims time to speak out : Disabled people may need more than one meeting to disclose the details of what happened, and should always be seen by the advocate at least once on their own, without a family member or 'carer'/PA present (unless there are specific impairment reasons why this should not happen). Disabled people may minimise the extent of the hate incident or incidents because they don't want to upset family members, or because they are worried their independence may be restricted.

“If someone else told me what had happened I would be like 'Report it!'”

- Working with clients long-term: Hate crime advocacy usually involves working with a client for some period of time. The organisations interviewed for this research support the majority of their clients for a period of over a year, in some cases up to 4 years: investigations take time, getting victims re-housed is a slow process. This does not mean that the advocate will work intensively with the client throughout this period, but that they remain in contact with them until the client feels safe.
- Dealing with trauma: The long timeframe is also necessary because victims may be traumatised, not only by the incident they have reported but by a lifetime of abuse. Spending time listening to the person and helping them make sense of their experiences is a key part of a hate crime advocate's role, as is empowering them. Disabled people who have been victims of hate crime have been

targeted because of who they are, and may have very low self-esteem, depression or Post Traumatic Stress Disorder as a result and may need to be referred for counselling. Self-advocacy groups also help people feel positive about themselves as disabled people, as well as encouraging people to develop safety strategies.

Conclusion

The research showed that disabled people do experience hate crime, but rarely report. It also showed that hate crime against disabled people has slipped off the agenda of key agencies in Merton. There is clearly a need for a change in approach by partner agencies and a more positive response to disabled people who report harassment.

The report made a series of in-depth recommendations which are set out below.

SUMMARY OF RECOMMENDATIONS

Principle

Hate crime against disabled people can only be tackled by a partnership between disabled people, statutory and voluntary agencies working together. Disabled people and their organisations must be equal partners in this work.

Recommendations: all partners

1. Publish a joint “No Place for Hate in Merton” statement, with reference to recent hate crimes across the world including those against disabled people
2. Work together to develop an awareness campaign on hate crime and harassment, and obtain funding for materials to be developed in partnership with disabled people and other communities
3. Publicise all local agencies where hate crime or harassment can be reported
4. Police outreach and confidence building sessions, jointly with Merton CIL and other voluntary sector groups, to increase confidence in reporting hate crime and harassment against disabled people and other groups

Recommendations: Merton Council and partners

1. Revise information about hate crime generally, and hate crime against disabled people and other groups on the Merton Council and Merton Police websites, to include:
 - Plain English information about what hate crime is, how it affects people etc.
 - How to report hate crime
 - Links to local and other organisations supporting victims of hate crime, and to True Vision
 - A simple reporting form
 - An Easy-read version of the text with easy words and pictures

- Phone, SMS text and e-mail contacts
 - Information about agencies which support victims of domestic or sexual violence
2. Draw up a new Community Safety Strategy, including hate crime and harassment, in consultation with voluntary and statutory partners.
 3. Set up a Community MARAC to deal with high risk and repeat ASB and hate crimes cases and other cases involving adults at risk; the Community MARAC should involve key statutory partners (Police, Adult Safeguarding, Mental Health Services, Social Landlords etc.) and key voluntary sector partners including Merton CIL.
 4. Ensure that data about repeat and high risk cases is shared across statutory partners, and where relevant, voluntary sector partners – develop the necessary information sharing protocol
 5. Work with Merton CIL to review adult safeguarding cases over a fixed time frame (eg three months) to identify any hate crimes that may have been missed
 6. Provide training for front line call centre and other staff on how to recognise hate crime
 7. Review how domestic violence is dealt with where the victim is a disabled person, and of the accessibility of local support agencies, as well as police responses

Recommendations: Merton MPS

1. Initiate a Police-Disability Liaison Group involving disabled individuals, user-led organisations and selected organisations working with disabled people and other groups, to focus on key issues around policing and crime, including hate crime. The Liaison Group will need a budget for access and other costs.
2. Appoint a Hate Crime Liaison officer for Merton Police, in line with Metropolitan Police policy

3. Encourage more police officers or PCSOs to volunteer as Disability Liaison officers
4. Develop briefings for front line staff, including liaison officers, delivered jointly by MCIL and the police – either on hate crime against disabled people only, or on all/some hate crime strands
5. Invite applications from disabled people to join the Merton Police Independent Advisory Group
6. Develop a scrutiny process jointly with MCIL to review a sample of crime reports involving disabled people as well as cases already flagged as hate crime, to identify good practice and possible improvements
7. Develop a joint outreach programme between Police, MCIL and other community organisations concerned about hate crime, including the LGBT and BAME Forums and Victim Support
8. Train Safer Schools officers to work with young people in schools to inform them about hate crime

Recommendations: Social Housing providers

1. Update information on website to ensure that it is easy for tenants to find information about hate crime and how to report it
2. Include an article or information about hate crime and harassment against disabled people (and encouraging people to report incidents) in any newsletters sent to tenants and leaseholders – including contact for Merton CIL
3. Ensure that all reports of repeat anti-social behaviour against disabled people are scrutinised (where possible by a senior housing officer) in order to check if there is a disability hostility motivation.
4. Ensure repeat incidents are referred to the Community MARAC
5. Provide training for call centre staff, ASB officers and front line housing officers on identifying and understanding hate crime, and on supporting disabled victims

Recommendations: Merton Centre for Independent Living

1. Develop an accessible and safe third party reporting site for disabled people to report hate crime and harassment
2. Provide advocacy casework support to disabled victims of hate crime
3. Develop facilitated awareness raising groups or sessions for disabled people to talk about their experiences of hate crime and abuse.
4. Produce information leaflet and poster to promote the service and explain about hate crime
5. Develop a programme of engagement with disabled people in Merton
6. Develop support/awareness groups for victims and survivors
7. Hold workshops at events organised by other organisations
8. Raise the on-line profile of Merton CIL by intervening on local Facebook and Twitter sites, and challenging negative attitudes to disabled people
9. Develop briefings and training for Police officers and other agencies on Hate Crime and Disability, provided by experienced disabled trainers

Chapter 1: INTRODUCTION

This report on hate crime against disabled people in Merton is the result of a research project commissioned by Merton Centre for Independent Living (Merton CIL) and carried out by Stay Safe East.

This project has been a useful and positive collaboration between two local, London-based Deaf and Disabled People's organisations (DDPOs). As more DDPOs are beginning to take on focused work on hate crime, we hope that our collaboration will be a model for others. It has led to some very positive learning for both organisations, and has increased our understanding of hate crime across London.

The outcome of the research will be determined by the success of partnership working between Merton CIL and other local voluntary sector organisations, the Police, Merton Council, housing providers, all of whom have contributed to this research.



This research is about the impact of hate crime and harassment on disabled people from all communities and backgrounds, and what can be

done to prevent these crimes and to support victims. We know from research⁸ that hate crime does not only affect the victim – because it is about ‘who we are’ and about perpetrators questioning a person’s right to live in their home, work or study, travel on a bus or other public transport, or just be themselves in a community, a street, another public place. Hate crime impacts on the victim’s family, friends and community, it affects their sense of security and makes them feel unwelcome.

It is a crime that has a disproportionate impact, which authorities must recognise as significantly different from other crimes. Even so called ‘low-level’ crime can lead to more serious crimes, and ultimately to murder, as evidenced by the case of Fiona Pilkington in Leicester, who in 2007 killed herself and her daughter Francessca Hardwick after years of disability related hate crime⁹. Nine years on from those deaths, we still have a very long way to go before disabled people can feel confident that they will be heard if they report a hate crime, and that effective action will be taken by authorities to prevent recurrence or escalation.

ABOUT THE REPORT

This report looks first at the broader picture – research into hate crime, national and London data, and the legal background to dealing with hate crime.

The report then examines the current situation in Merton, including reported hate and related crimes, processes for tackling high risk and repeat cases, and current structures for engagement with the voluntary sector, disabled people and the wider community.

It then goes on to outline the results of focus groups with local disabled people, and of a small-scale questionnaire survey. Finally, the report looks at some models for supporting victims of hate crime and for partnership working that could be applied to the work of Merton CIL and to tackling hate crime against disabled people in Merton.

⁸ Hate crime and the City, Paul Iganski. *Policy Press* 2008

⁹ <https://www.ipcc.gov.uk/news/ipcc-publishes-fiona-pilkington-investigation-report>

ABOUT MERTON CENTRE FOR INDEPENDENT LIVING

www.mertoncil.org.uk

Merton CIL is a user-led organisation of disabled people, set up in 2010 to:

- Promote the independence and inclusion of Disabled and Deaf people in Merton
- Identify and challenge discrimination faced by Disabled and Deaf people
- Encourage Disabled and deaf people and supporters to achieve change locally



MCIL has been concerned about hate crime against disabled people for some time. In 2014, the organisation carried out in depth piece of work about what local disabled people's struggles and priorities were; addressing hate crime was one of the primary issues identified. Merton CIL then drew up a strategy for work around disability hate crime, which will focus on:

Prevention

- Engaging with disabled people's groups about their right to be safe (in partnership with the police where appropriate)
- 'Calling out' bad practice, negative local media coverage etc.
- Supporting police, safeguarding teams, housing, anti-social behaviour teams etc. through greater recognition and awareness
- Raising social policy issues and providing disability equality training and advice.

Reporting

- Providing a safe and accessible non-police reporting centre

Support

- Providing advocacy support specifically around working with the police, housing and council to address the issue
- Building resilience, which could include e.g., benefits review, confidence building, referral to Victim Support or other support or activity groups

Merton CIL's aim is that as a result of this work:

- disabled people in Merton will be more aware of hate crime and what to do if it happens to them
- disabled victims will feel more confident about reporting to Merton CIL and about engaging with the police or other agencies
- that the number of reported hate crimes will rise

This research provides evidence, tools and some recommendations for achieving these aims

ABOUT STAY SAFE EAST

www.staysafe-east.org.uk

Stay Safe East is an East London user-led organisation, which is unique in having a specialist remit to support Deaf and disabled victims and survivors not only hate of crime and harassment but of domestic and sexual violence, institutional abuse and other forms of human rights abuse. We work with Deaf and disabled people in Newham and Waltham Forest.



Stay Safe East has a London and national policy and change remit, working for the past 5 years with the Metropolitan Police and with the Mayor's Office on Policing (MOPAC) and Inclusion London to bring hate crime against disabled people back on the policy agenda, and to ensure that disabled people get justice and resolution. We are members of the Metropolitan Police Hate crime Diamond Group, and as members of the Disability Working Group have worked with the Metropolitan Police Service (MPS) to develop the Disability Hate Crime Matters initiative¹⁰, which has already seen a substantial increase in reported hate crime across London.

We have provided training on disability and LGBT hate crime to the local police and have contributed to the training for officers across London as part of the Disability Hate Crime Matters initiative.

¹⁰ <http://news.met.police.uk/news/disability-hate-crime-awareness-initiative-launched-158173>

Stay Safe East has also supported other disabled people's organisations to develop their work on hate crime.

For information about our consultancy and training work, please contact the Director director@staysafe-east.org.uk

SETTING THE CONTEXT: THE SOCIAL MODEL OF DISABILITY

Merton CIL's work and this research are grounded in the social model of disability. Developed by disabled people as a counter to a medical view of disability as a problem and of disabled people as flawed, marginal individuals, the social model focuses on barriers, not impairment as the primary reason for the situation of disabled people. Economic, legal and social barriers prevent disabled people from carrying out day to day activities.

Barriers include:

1. Attitudes: stereotypes, assumptions, prejudices, discriminatory attitudes, hostility and contempt
2. Physical barriers: built environment, transport
3. Communication and information barriers: lack of BSL or other interpretation, jargon and complex language, poorly presented information in small print, etc.
4. Legal barriers
5. Organisational barriers: systems, procedures and policies which prevent a disabled person from being treated fairly and equally and fail to take account of disability or impairment - this includes institutional solutions to supporting or educating disabled people, and institutional disablism

In this model, disability is the social consequence of having an impairment. We refer to disabled people, not people with disabilities, because people with an impairment are disabled by discrimination and exclusion.

The social model does not primarily focus on impairment or divide people into impairment groups, because people's needs are determined by who they are and their environment – impairment is only one factor, and

people with different impairments may for example have similar information or communication needs. In this report, we have talked about 'disabled people', but have referred to specific impairment groups where this is relevant.

The social model makes change possible. It places the onus on individuals and organisations to remove barriers to inclusion. The social model also argues that disabled people themselves must be the agents of change – the disabled people's movement refers to "Nothing about us without" as the cornerstone of its work.



Chapter 2: OVERVIEW: DEFINITION AND LEGAL BACKGROUND, DATA ANALYSIS

A. OVERVIEW: HATE CRIME

“Disability hate crime is a complex problem that does not lend itself to simple analysis. Indeed, the contemporary situation dogged by lack of identification of disability hate crime, the isolation of many victims and the seemingly inability of authorities to address this problem and inspire confidence in reporting, are all factors which also hamper research. Inroads need to be made to overcome problems inherent in uncovering disability hate crime¹¹.”

Definition of hate crime



Home Office

The Home Office definition is as follows:

A hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic, specifically actual or perceived disability, gender identity, race, religion or faith and sexual orientation.

A hate incident is defined as any non-crime incident which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic; specifically actual or perceived race, religion/faith, sexual orientation, disability and transgender identity.

¹¹ Peter Harper writing on National Disability Hate crime website <http://dhcn.info/dhcn/>

This definition was developed in the report by Lord MacPherson following the enquiry into the racist murder of Stephen Lawrence. It places the victim at the centre and is essential to understanding hate crime. The focus is on the victim's (or witness) perception – "I have been targeted because of who I am", rather than on a particular type of crime i.e. assault or a public order offence.

Notably the threshold for a hate crime is not to demonstrate a 'hate' motivation, rather, hostility or prejudice. The notion of 'perceived' disability or sexuality is also important as a non-disabled person can be a victim of disability hate crime because the perpetrator believes they are disabled, in the same way that for example someone who does not fit gender norms can be a victim of homophobic or transphobic hate but may not themselves define as lesbian, gay, bisexual or transgender.

Hate crime against disabled people or disability hate crime?

In this report, we refer both to **hate crime against disabled people** and to **disability hate crime**. Disabled people are victims of disability hate crime but they are also affected by other forms of hate crime: racist, homophobic or transphobic, anti-Semitic or faith-based hate crime, and face the same barriers to justice whatever form of hate crime they experience.

What does hate crime involve?

Hate crime is targeted against a person because of who they are. It goes beyond simply causing offence (though that may be part of it).

Hate crime may involve a range of behaviours:

- Verbal abuse, insults or harassment – taunting, name calling, abusive gestures, spitting- are common to all forms of hate crime, though the words used may vary – racist and homophobic insults are generally recognised, but it is important to understand that using

words like 'mong', 'retard', 'spaz', 'window licker', 'mutant'¹², muppet, etc. is a form of disability hate crime.

- Sexually abusive language or behaviour is a shared trait of some forms of hate crime – for example against Muslim women, LGBT and disabled people
- Face-to-face harassment can happen outside (and inside) people's homes, on the street, at college or on public transport.
- On-line harassment (offensive e-mails, Facebook or other on line harassment), offensive letters or phone calls are rarely reported. A recent survey of 13-18 year olds by the Safer Internet Centre¹³ into on-line bullying found that 24% had been targeted due to their gender, sexual orientation, race, religion, disability or transgender identity. One in 25 said they were singled out for abuse all or most of the time. Disabled and LGBT young people were those most likely to experience such abuse, and were least likely to report it.
- Physical assault, damage to property or arson are also common to all forms of hate crime but there is evidence to show that disabled people are more likely to experience assault or other violence.

Hate crime may also consist of incidents which have a specific impact because the victim is disabled, or which take a different form. Specific forms of disability hate crime include some of the following (this is not an exhaustive list):

- Demeaning someone because they are a disabled person is a common feature of hate crime: mocking the way they look, walk or talk, telling them they are stupid, fat, ugly etc. disability hate crime often involves a considerable level of contempt for the victim as 'less than human'.
- Dumping of rubbish outside homes or through letterboxes, obstructing access to someone's property (where this would have minimal impact on a non- disabled person but prevents a disabled person from leaving/entering their home); repeatedly obstructing Blue Badge parking;
- Deliberate damage to a disabled person's equipment or deliberate

¹² 'Window licker' refers to disabled people using institutional transport, who may travel long distances and have no options but to stare out of the bus window. 'Mutant' has been used as abuse against disabled people but also against transgender and queer people.

¹³ <http://www.theguardian.com/society/2015/sep/22/cyberbullying-teenagers-worse-than-drug-abuse-says-report>. See also <http://www.saferinternet.org.uk/research>

actions which will aggravate someone's impairment e.g. noise or light at a frequency which can set off a person's epilepsy or have a disproportionate impact on someone with autism or other conditions;

- Unfounded, malicious complaints or allegations e.g. that someone is a benefits cheat or a paedophile;

Bijan Ebrahimi was an Iranian disabled man who had been the subject of continued harassment and hate by neighbours on his estate in Bristol.¹ He had repeatedly reported incidents to the police but was dismissed as a 'timewaster' by local officers. After taking pictures of the children and young people who were harassing him, he was accused of being a paedophile and was arrested. He returned to his home and was assaulted and beaten about the head and rendered unconscious. The perpetrators then dragged him outside, set fire to his body and burned it. In the 24 hours before his murder, Bijan had made 12 calls to the police.

Lee James was convicted of his murder and jailed for life. Subsequently three police officers were jailed for misconduct in public office and dismissed from the police for failing to assist Mr. Ebrahimi.

- Threatening to 'out' someone about their impairment- for example if have an impairment that carries a particular stigma such as epilepsy, HIV, or mental health issues;
- Physical attacks such as assault: kicking someone's crutches or long cane away from them, attacking the person's assistance dog, hitting them, beating them up, and murder;
- Targeting a disabled person by for example taking over their home and using it to deal drugs, or taking control of their money, and threatening or harming them if they do not comply. Such crimes are often recorded as 'vulnerable adult abuse'. There has been a lot of debate as to whether these actions constitute a hate crime but evidence from several murder cases shows that such targeting was a precursor to violent hate crime and subsequent murder of a disabled person, often someone with learning disabilities.

Steven Hoskin died after falling from a railway viaduct in St Austell, Cornwall, on 6 July 2006. Steven had learning disabilities and had suffered months of abuse at the hands of a gang who had taken over his home and his life – and were dealing drugs from there.

Steven had told Cornwall Adult Services he no longer wanted the care support he had been getting and his case had been closed without a review. In his final hours, the 38-year-old was forced to swallow a lethal dose of paracetamol, was hauled around his bedsit by a dog lead and burned with cigarettes. Then he was frog-marched to the viaduct from where he fell more than 30 metres to his death after Bullock kicked him in the face and stood on his hands.

Darren Stewart, 29, and Sarah Bullock, 16 were convicted of his murder, and Martin Pollard, 21 of his manslaughter.

The serious case review into Steven's death¹ identified the key issues as a lack of information-sharing and cooperation between different agencies, and the failure to recognize Steven as an adult at risk who should have been subject to adult safeguarding procedures when he cancelled his care support. Steven's death eventually led to the setting up of Multi Agency Adult Safeguarding Hubs (MASH), which in London means police officers based in social services and daily sharing of information between a range of statutory agencies.

Hate crime may also be about more than one characteristic of the victim. Intersectionality plays a large part in hate crime, including that which is targeted at disabled people - racist assumptions, hostility towards refugees or asylum seekers, or assumptions about Muslim or Jewish people are linked to prejudices about disabled people:

An elderly man on a Tottenham bus in 2015¹ was told to "Go back to your country" and that "F***** free benefits and a walker. Well your walker's going to go flying when the bus stops mate." The perpetrator then threw the man's walking frame across the bus.

Hate crime can be a one-off incident, or a series of incidents. Often these start as 'anti-social behaviour' (ASB) and if unchecked, will escalate to targeted harassment and hate crime. This is what Paul Iganski¹⁴ describes as 'everyday hate crime'.

In 2007, Fiona Pilkington killed herself and her daughter Francessca Hardwick after years of continuous and repeated harassment by youths on her estate. She also had a disabled son. She kept a diary and reported the incidents to the police and to her housing provider, but the incidents were never linked and no action was taken. Details from the IPCC recommendations into Francessca and Fiona's deaths are in the Chapter 3.

Many perpetrators have a more intimate relationship with their victims, either as friends or carers.¹⁵ Hate crime is often part of domestic violence against disabled people.

Who are the victims?

Disabled people, along with their families, from all walks of life can be victims of hate crime. However, as with general crime, people who are poor, socially isolated and living in social housing more likely to be victims of hate crime.

It is likely that disabled women are more often victims of hate crime at home, whether from neighbours or from family members. Disabled women are 4 times more likely to experience domestic violence than non-disabled women, and in Stay Safe East's experience over 5 years of working with survivors, a majority of victims have experienced disability hatred and contempt as part of the abuse.

There is evidence to show that disabled people from BME communities and LGBT disabled people are more likely to be victims of hate crime. GALOP and other LGBT organisations report that over 25% of their clients are disabled people.

¹⁴ Hate crime and the City, Paul Iganski. *Policy Press 2008. Page 13.*

¹⁵ This is evidenced by the report "Getting Away with Murder" – see page 36 of this report. Hate crime from close friends, family or sexual partners is also a feature of homophobic and transphobic hate crime.

There has been considerable debate about whether people with learning disabilities or mental health issues are more likely to be victims of hate crime than people from other impairment groups. Several reports including by MENCAP in 2010¹⁶ produced by charities 'for' people with specific impairments argued the case for this. However the data on reporting and from the Crime Survey for England and Wales does not bear this out. Since many people have more than one impairment, it is difficult – and probably not particularly useful - to disaggregate data by impairment group. Disabled people with more obvious impairments maybe targeted because they are visible, but people with less apparent impairments may be targeted because they are seen as 'cheats' and scroungers. What is clear is that anyone who is different, or thought to be different, is seen by some people as a target, and that disabled people face a range of barriers to reporting.

Who are the perpetrators of crime against disabled people?

There is limited data on the perpetrators of disability hate crime – the EHRC report did not look at this issue in detail but found that perpetrators could be neighbours, children, teenagers and adults on public transport or in street, or fellow students at school or college.

Stay Safe East has also found that a substantial proportion of crimes of domestic violence against disabled people involve a strong element of disability hatred - contempt or hostility because of a person's impairment. So family members and partners may be perpetrators of hate crime against disabled people – primarily but no means always women.

We have also found that a substantial minority of perpetrators in housing related cases are themselves disabled people.

These are significant issues for Merton CIL to address when working with victims. In 2015 journalist Katherine Quarmby carried out a small-scale survey through the Disability Hate Crime Network website. She found that the perpetrators were more likely to be male, but that unlike other hate crimes, there is a high proportion of female perpetrators. Hate crime that is about 'who has the right to occupy this space?' is more likely to be carried out by a group, often mixed.

¹⁶ Don't stand by – Ending disability hate crime together. MENCAP 2010

MOPAC reports that:

Of those individuals where the MPS initiated proceedings for offences with a hate crime element in the past year, 80% were male, almost 30% were aged between 20 and 29, and 45% were White British. This corresponds with national hate crime offender profiles.

In a society which still views disabled people as 'other' and where the media and politicians slate disabled people as 'shirkers' and benefit cheats and a drain on public resources, hate crime is an extreme version of 'normalised' public behaviour and attitudes.

Vulnerable adults or victims of crimes?

For many years, disabled people's organisations have been arguing that the perception of disabled people as inherently vulnerable has impact on how agencies such as the police or local authorities respond to disabled people who experience hate crime. In the same way that women who experienced domestic violence previously identified as experiencing 'battered woman syndrome', disabled victims of hate crime are identified as 'vulnerable'. This approach sees the disabled person as 'the' issue – their inability to protect themselves needs the intervention of specialist professionals such as social workers. Rather than being dealt with as victims of crime in need of redress and justice, disabled victims are dealt with as in need of protection – sometimes to the detriment of their freedom of choice¹⁷. Such an approach has hampered progress on disability hate crime. Indeed, reviews by the Metropolitan Police working with disabled people at local and London level have found hate crimes 'hidden' in the reports of crimes against 'vulnerable adults'.

¹⁷ For a critique of the safeguarding approach by the author of this research report, see Chapter 6 in: *Disabled Women and Domestic Violence - Responding to the Experiences of Survivors*. Ravi K. Thiara, Gill Hague, Ruth Bashall, Brenda Ellis and Audrey Mullender. *Jessica Kingsley Publishers 2011*

There has been some shifting this approach in recent years, thanks to the intervention of disabled people. The term 'vulnerable adult' is now replaced by the term 'adult at risk'.

An adult at risk is defined as any person aged 18 years and over who is or may be:

- in need of care and support (whether or not the authority is meeting any of those needs),
- is experiencing, or is at risk of, abuse or neglect,
- and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The London Multi Agency Adult Safeguarding guidance¹⁸ now recognises that disabled people can be victims of hate crime, and identifies the police as the lead agency for dealing with hate crime (and domestic violence). The existence of Multi Agency Adult Safeguarding Hubs should enable police and adult social care to identify victims more promptly.

However the two parallel procedures mean that crimes against disabled people may still not be dealt with as such, and the view of disabled people as 'vulnerable' and unable to make their own decisions remains – not least in the Metropolitan Police flags' where VH is disability hate crime, and VA is a crime against a 'vulnerable adult'. Not all crimes against 'adults at risk' are hate crime, and only a proportion of hate crime victims are 'adults at risk'. 'Where an 'adult at risk' has been the victim of hate crime, it is essential that both adult safeguarding procedures and the criminal justice system focus on tackling the hate crime and keeping the victim safe, not on restricting their choices. It is also vital that agencies work together so that repeat incidents or repeat victims are identified and dealt with. This is addressed in the recommendations.

¹⁸ <http://londonadass.org.uk/wp-content/uploads/2015/02/LONDON-MULTI-AGENCY-ADULT-SAFEGUARDING-POLICY-AND-PROCEDURES.pdf>

B. OVERVIEW: LEGAL BACKGROUND

The legal situation regarding hate crime is confusing, and differs for the various strands of hate crime. This is in large part due to the history of public campaigns around hate crime and the pressure that has been applied. So victims of racist and faith based hate crime benefit from much stronger legislation and redress in law.

Hate crime legislation

First, it is important to understand that a suspect cannot be charged specifically with hate crime. They can only be charged with a criminal offence (e.g. public order, common assault, GBH, etc.) which, in some circumstances, can become an “aggravated” offence.

There are two sets of offences which suspects can be charged with under legislation relating to race or faith hate crime only.

The first set of hate crime offences are the “aggravated offences”. They are contained in the Crime and Disorder Act 1998. If a person commits one of a list of offences and, in doing so, demonstrates, or was motivated by, hostility on the grounds of *race or religion*, that offence becomes a separate “aggravated” offence, with a higher sentence available. **At present, the aggravated offences do not cover hostility based on sexual orientation, transgender identity or disability.**

The second set of hate crime offences are the offences of “stirring up hatred”. These are contained in the Public Order Act 1986. They tackle the problem of stirring up hatred on grounds of *race, religion or sexual orientation*. **At present, the ‘stirring up’ offences do not cover hatred on grounds of transgender identity or disability.**

Disability, gender identity and sexual orientation are therefore treated differently. Section 146 of the Criminal Justice Act 2003 is the statutory provision that allows the court to regard the defendant’s behaviour as an aggravating feature if:

- (a) the offender has demonstrated hostility based on a disability or
- (b) the offence was motivated by hostility towards persons who have a disability.

The National Disability Hate crime website gives a useful summary of the situation vis-a-vis disability hate crime:

- The police and CPS disability hate crime flags (markers) are applied

when someone, whether they are the victim, witness, police officer, prosecutor, or any other person, thinks that a crime is a disability hate crime.

- This ensures that the police and CPS apply correct policies and handle cases appropriately. However, in order for the court to accept that an offence is a hate crime, there must be *sufficient evidence* of hostility based on the above factors presented to it at the sentencing stage.
- Where there is sufficient evidence, section 146 of the Criminal Justice Act 2003 provide that where an offence is motivated by hostility based on disability or perceived disability, the court must state this as an aggravating factor at the sentencing stage.

This provision is under-used. Because there is no provision for charging a suspect with a disability aggravated crime, police officers have no compunction to gather evidence that may or may not be used for a possible enhanced sentence or penalty if the case goes to court and the perpetrator is convicted.

Disability and LGBT organisations have been calling for parity in law for many years. The government's own hate crime strategy recommended that "a review be conducted of sentences for offences motivated by hostility on the grounds of disability, sexual orientation and transgender to consider whether there is a need for new specific offences similar to racially and religiously aggravated offences". The review was carried out in 2013 by the Law Commission. In its findings in 2014, the Law Commission reported¹⁹ that:

"...new guidance from the Sentencing Council would increase the likelihood that hostility-related issues will be raised in appropriate cases and that judges would apply the system and sentence accordingly, thereby addressing concerns that section 146 of the CJA 2003 has not been "embedded" in the sentencing process. It would enhance consistency in sentencing for crimes involving hostility based on disability, transgender identity or sexual orientation. It would also provide an opportunity for much-needed clarification about the correct sentencing approach in all cases where hostility is an aggravating factor."

For **aggravated offences** the Law Commission recommended:

¹⁹ Hate Crime: should the current offences be extended? Law Commission 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316103/9781474104852_Print.pdf

- that prior to any extension of aggravated offences, there is a full-scale review of their operation. Such a review should examine all the available data to establish whether such offences - and the enhanced sentencing system - should be retained in their current form or amended.
- That if the above recommendation is not supported by Government, that the aggravated offences be extended to disability, sexual orientation and transgender identity.

We are not aware of any further progress on this matter.

This disparity in law in part explains the lack of progress on disability hate crime. Because a suspect cannot be charged with a “disability aggravated” offence, there is less incentive for the police to collate evidence of hate crime – the evidence would only be used *if* the perpetrator is convicted, to give them an enhanced penalty or sentence. This does not mean that such evidence should not be gathered, and the Metropolitan Police “Disability Hate Crime Matters” initiative is beginning to make a difference in this regard.

Incitement/stirring up hatred law²⁰

Race: The Public Order Act 1986 made it an offence to use threatening, abusive or insulting words or behaviour with intent to stir up racial hatred in the street or in a public speech.²¹ The law covers acts that are intended, *or are likely*, to stir up racial hatred.²²

Religion: The Racial and Religious Hatred Act 2006 created the offence of stirring up hatred against people on religious grounds. The Act made it an offence to use threatening words or behaviour to display, publish or distribute any written material with intent to stir up religious hatred.²³ Threatening is the operative word, not abusive or insulting. The offence can be committed in a public or private place, but not within a dwelling, unless the offending words and behaviour were heard outside the dwelling, and were intended to be heard.²⁴

Sexual orientation: The Criminal Justice and Immigration Act 2008 created the offence of stirring up hatred on the grounds of sexual orientation. The offence is committed if a person uses threatening words or behaviour, or displays any written material, which is threatening, if they

²⁰ Source: Inclusion London

²¹ <http://www.inbrief.co.uk/discrimination-law/inciting-hatred.htm>

²² http://www.cps.gov.uk/legal/p_to_r/racist_and_religious_crime/#a06

²³ <http://www.inbrief.co.uk/discrimination-law/inciting-hatred.htm>

²⁴ http://www.cps.gov.uk/legal/p_to_r/racist_and_religious_crime/#a06

intend to stir up hatred on the grounds of sexual orientation. Threatening is the vital word, not abusive or insulting.²⁵

Disability

Deaf and Disabled people have no protection under any laws on incitement or stirring up hatred laws.

For **stirring up offences** the Law Commission recommended that there be no extension to include new offences relating to disability and transgender.

Disabled people's organisations have documented evidence of public and on-line incitement/stirring up of hatred against disabled people, including by politicians and the media focusing on disabled people as shirkers and benefit fraudsters.

In May 2015 a former local Councillor, and UKIP candidate, in London Borough of Merton attacked a Councillor calling them a "Village Idiot" on Twitter. This was picked up by the local press²⁶ and reported as a spat between politicians, without any recognition of the insulting nature of the phrase towards disabled people. Merton CIL had recently run some Disability Equality Training where attendees had identified a range of words and phrases which they felt were unacceptable, and Village Idiot was one of those identified. Although Merton CIL wrote to the paper to complain, this was not taken further. This is just one small example of the normalisation of hateful language.

Protection from Harassment Act

Harassment is when someone behaves in a way which makes someone feel distressed, humiliated or threatened. It could be someone the person knows or it could be a stranger - for example, someone on the bus.

Examples of harassment include:

- unwanted phone calls, letters, emails or visits
- stalking
- verbal abuse and threats
- smashing windows or using dogs to frighten the person.

²⁵ http://www.cps.gov.uk/legal/s_to_u/sexual_orientation/

²⁶ http://www.wimbledonguardian.co.uk/news/12944386.UKIP_candidate_calls_Labour_councillor_village_idiot_over_anti_Tory_protest_tweets/

Such incidents may of course be part of a pattern of hate crime.

Harassment is both a criminal offence and a civil action under the **Protection from Harassment Act 1997**. This means that someone can be prosecuted in the criminal courts if they harass someone else. It also means the victim can take action against the person in the civil courts.

When is something harassment under the Act?

Generally speaking harassment is behaviour which causes the victim distress or alarm. The Act also says the victim must have experienced at least **two incidents** by the **same** person or group of people for it to be harassment.

The Police can take action under the Protection from Harassment Act. This is often the best course of action for a disabled person. The police can issue a First Instance Warning which in effect warns the perpetrator they must cease the harassment or criminal action will be taken against them. If the abuser does not stop, the police can take further action.

Equality Act Public Sector Duty²⁷

Although not part of criminal law, the Equality Act 2010 is included here because of its relevance to public bodies such as the police, local authorities and housing providers who may be dealing with hate crime and harassment. The Act places a specific duty on public bodies (the Public Sector Equality duty) and requires them to:

- **eliminate unlawful discrimination, harassment, victimisation** and any other conduct prohibited by the Act;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic and people who do not share it. This involves tackling prejudice and promoting understanding.

This duty would include and responsibility for tackling hate crime and targeted harassment against disabled people. It is especially relevant to Merton Council, the Police and Housing providers but would also apply to health and other public bodies.

²⁷ For further information, please see:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85041/equality-duty.pdf

C. OVERVIEW: HATE CRIME DATA

Government data

The two main sources of data are the Crime Survey for England and Wales, and the Home Office data collated from police forces across England and Wales, including the Metropolitan Police. Government collection of data on the prevalence of hate crime has improved considerably in recent years. The data on disability related hate crime has only been collected relatively recently.

In the following pages we outlined some details of the key documents which provide data about a crime.

(i) **Crime Survey for England and Wales**²⁸

The Crime Survey for England and Wales (CSEW) is a national survey used by the Government to evaluate and develop crime reduction policies. The survey measures crime by asking members of the public face-to-face about their experiences of crime over the last 12 months and records all types of crimes, including those that may not have been reported to the police.

It is worth noting that people in residential care are not included in the survey, and that there is likely to be a significant under-representation of some other groups of disabled people, including people with learning disabilities and Deaf community because of the way the questions are asked²⁹.

A detailed analysis by Victim Support in 2016 of the Crime Survey for England and Wales shows that, although violent crime has fallen by almost

²⁸ <http://www.crimesurvey.co.uk>

²⁹ Respondents were asked: "Do you think the incident (i.e. crime they have been victim of) was motivated by the offender's attitude towards any of these factors?"

- Your religion or religious beliefs
- Your sexuality or sexual orientation
- Your age
- Your sex
- Any disability you have
- Your gender identity (transgender)

half (48 per cent) for the non-disabled population over the past 10 years, over the same period the proportion of people with a limiting disability or illness who were victims of violence increased by 3.7 per cent.³⁰

The research also found that:

- Hate crime against disabled people is more likely to involve physical violence;
- LGBT disabled people are more likely to be victims of homophobic hate crime. This is backed up by evidence from GALOP who work with Lesbian, Gay, Bisexual and Transgender victims and survivors of hate crime in London.

Rates of hate crime against Deaf people, a small and distinct cultural minority, are not known.

Based on combined data from the 2012/13 to 2014/15 Crime Surveys there were an estimated 222,000 hate crimes on average per year for the five monitored strands. The most commonly reported motivating factor in these hate crime incidents was race, with an average of 106,000 incidents a year. **The second most common motivating factor was disability (70,000 incidents per year).**

Hate crime victims were less likely to be satisfied by the police handling of the incident, 52 per cent being very or fairly satisfied compared with 73 per cent for crime overall. Disabled people were less likely to be satisfied with how they have been dealt with as victims of crime. "Hate crime victims were also more likely to be very dissatisfied (35%) with the police handling of the matter than overall crime (14%). Victims of hate crime were also less likely to think the police had treated them fairly or with respect, compared with victims of CSEW crime overall. For example, in 59% of hate crime incidents the victims thought the police treated them fairly, compared with 81% of incidents of CSEW crime overall. Similarly, in 79% of incidents of hate crime, victims thought the police treated them with respect, compared with 89% of incidents of CSEW crime overall."³¹

(ii) The Life Opportunities Survey³²

This survey of disabled people in the UK, carried out over 4 years (2011-2015) by the Department of Work and Pensions, provides additional

³⁰ <https://www.victimsupport.org.uk/more-us/press/press-releases/disabled-people-increased-risk-violent-crime-victim-support-research>

³¹ Ibid. This analysis is an extract from the Action against Hate document.

³² <https://www.gov.uk/government/collections/life-opportunities-survey>

information on disability hate crime. Published in December 2011, the Life Opportunities Survey Wave One results 2009/2011 found that two per cent of all adults interviewed had been a victim of hate crime in the past 12 months. This is higher than the CSEW estimate of 0.4 per cent. This is in part because it includes other forms of hate crime- 37% of respondents identified impairment as the motivation for the crime, 11% sexual orientation – this may indicate that disabled people are more likely to be victims of other forms of hate crime as well as of disability hate crime.

(iii) Hate crimes recorded by police in England and Wales by monitored strand 2011/12 to 2014/15³³

Hate crime	2011/12	2012/13	2013/14	2014/15
Race	36,008	35,889	37,466	42,930
Religion	1,621	1,573	2,273	3,254
Sexual orientation	4,364	4,261	4,622	5,597
Disability	1,753	1,843	1,985	2,508
Transgender	310	361	555	605
Totals (factors)	44,056	43,927	46,919	
Total number of hate crimes	n/a	42,236	44,480	52,528

There were increases in all five of the centrally monitored strands between 2012/13 and 2013/14; between 2013/14 and 2014/15 there was an 18% increase in recorded hate crime.

In 2014/15, 12,130 racist hate crimes were prosecuted, in 2015/16, 12,295. The conviction rate was 83.8% averaged over the two years.³⁴ Faith based hate crimes had an 81.5% conviction rate, homophobic hate crime a 82.25 conviction rate. The small number of reported transphobic hate crime carried a 77.8% conviction rate. Disability hate crime carried the lowest conviction rate at 75.3%, there were 666 prosecutions in 2014/15 and 941 in 2015/16.

³³ Source: *Police recorded crime, Home Office*

³⁴ Source: action against Hate: the UK government’s plan for tackling hate crime. July 2016.

(iv) Matching reported crime against the survey data

All areas of hate crime are under-reported³⁵ but the data shows that victims of disability and transphobic hate crime are those least likely to report incidents to the police. There is currently no data of on-line hate crime except that recorded by organisations such as the Community Security Trust and Tell Mama.

The data shows there a mismatch between the crime survey data and disability related hate crime recorded by the police.

“There were an estimated 222,000 hate crimes on average each year from 2012/13 to 2014/15. This represents a decrease of 56,000 since the previous period covered by the survey. At the same time, the number of hate crimes recorded by the police rose from 44,471 in 2013/14 to 52,528 in 2014/15. This increase in recorded crime is welcome as it is likely to reflect improved police practice and victim confidence in coming forward to report crimes. Nevertheless, the difference between CSEW figures and Police Recorded Crime figures shows that hate crimes continue to be significantly under-reported.³⁶”

The Crime Survey estimates that 70,000 people per year experienced hate crime in the two years 2013-2015. This is an increase on previous estimates of 65,000.

There were 2,508 reports of disability hate crime to Police forces of England and Wales in 2014/15. There is no information about how many disabled people reported other forms of hate crime.

Whilst it would be expected that some incidents would not be reported, because they were one-offs and did not involve a crime, this very large gap between actual and reported hate crime shows the scale of the problem faced by disabled people’s organisations and their allies in tackling disability related hate crime.

³⁵ For full details, please see *ibid.* Chapter 3

³⁶ Action against Hate – the government’s plan for tackling hate crime. Home Office 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540700/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf

London data³⁷

(i) MPS data

Category	2012/13	2013/14	2014/15	Change 2013/14 to 2014/15
Racist/religious hate crime	9,453	9,766	12,278	+25.7%
Homophobic hate crime	1,105	1,170	1,550	+32.5%
Disability hate crime	108	113	226	+100%

The Metropolitan Police website has a section on hate crime which features data on other forms of hate crime, but not disability hate crime. Online figures for the 12 months to the end of December 2015 (i.e. the calendar year) are:

Racist and religious hate crime: 14,194

Homophobic hate crime: 1,821

Anti-Semitic hate crime: 461

Islamophobic hate: 1,068

No information is given on the website for disability hate crime. However, the development of the Disability Hate Crimes Matters initiative (see Chapter 4) has – at long last - led to an increase in reporting of disability hate crime in London.

In January and February 2015, there were 25 disability hate crimes reported to the Metropolitan Police.

In January and February 2016, after the start of the Disability Hate Crime Matters training for officers, 177 disability hate crimes were reported.

Between January 1st and 30th April 2016, 213 disability hate crimes had been reported to the Metropolitan Police – almost as many as in the whole of the previous year.

³⁷ Source: MOPAC

This substantial increase shows one of the reasons for the low number of reported disability hate crimes – the failure of the police to recognize and correctly 'flag' hate crimes where the victim is a disabled person. It is hoped that this increase can be sustained and will help demonstrate the scale of disability hate crime as well as bringing resolution and justice.

(ii) Matching research and London data

There are at least 1.4 million disabled people in London– 17% of London's population of 8.17 Million.

The Crime Survey for England and Wales estimated that 0.5% of disabled adults will be a victim of hate crime. **Using those figures, 7,000 disabled people in London are victims of hate crime each year.** The reported figure for 2014/15 is 226, so using the CSEW data, **only 3.2% of hate crimes against disabled people were reported in 2014/15.**

The Government's Office of Disability Issues 'Life Opportunities' survey found that 2% of disabled adults had been a victim of hate crime. **Using that figure, 28,000 disabled people in London have been a victim of disability hate crime.**

Using this data, only 0.8% of hate crimes against disabled people have been reported to the police.

Under-reporting and non-identification of hate crime is a London wide issue, but in Chapter 4 this report will consider how this can be tackled in Merton.

Chapter 3 THE EVIDENCE LITERATURE REVIEW AND POLICY CONTEXT

This chapter is an overview of key documentation relating to a crime and harassment against disabled people. There are many other reports in the last 10 years which reflect growing concerns that hate crime against disabled people has not been adequately addressed.

A. RESEARCH REPORTS

- (i) **Getting Away with Murder - disabled people's experiences of hate crime in the UK.** UKDPC, *Scope and Disability Now*. 2008.

http://www.stamp-it-out.co.uk/docs/_permdocs/gettingawaywithmurder.pdf

Written by journalist Katherine Quarmby in collaboration with disabled people and their organisations³⁸, this groundbreaking report was the first to look at how hate crime impacts on disabled people, and to call for parity in law for all hate crimes. It examined the response of the police, local authorities, the criminal justice system and other agencies to hate crimes which led to the murder of 10 disabled people across the UK, and identified systematic institutional discrimination against disabled people as the cause of the failure to tackle hate crime.

Key findings

- Hate crime against disabled people appears to be common and widespread. Disabled people are more likely to be victims of crime, and disabled women more likely to be victims of domestic violence, than non-disabled people. However, lack of national comprehensive data on

³⁸ Including the Director of Stay Safe East and the Chair of the MPS Hate Crime Diamond Group disability working group, both of whom were at the time co-chairs of the MPS Disability independent Advisory Group which put hate crime against disabled people on the MPS agenda for the first time.

the prevalence and the nature of disability hate crime means the true extent of the problem remains hidden.

- Casual and institutional disability is rife in our society. This creates an environment where disability hate crime can occur without being recognised or challenged. It also means mainstream services often fail to meet disabled people's access and information needs.
- Failure to recognise disability hate crime when it occurs is the biggest barrier to being able to tackle it. While the criminal justice system and disabled people themselves cannot recognise disability hate crimes they cannot be investigated, flagged or prosecuted.
- Disability hate crime often looks different to racist and homophobic hate crime. Many perpetrators have a more intimate relationship with their victims, either as friends or carers.
- Incidents of disability hate crime often stem from low-level harassment; name-calling, intimidation and vandalism frequently escalate into more serious crimes.
- Bullying of disabled children at school is widespread and frequently goes unchallenged. This lays the foundations for the harassment and disrespect that many disabled people experience in adult life.
- The language used to describe crimes against disabled people (e.g. 'abuse' instead of 'sexual assault', or 'bullying' instead of 'harassment') plays a big part in concealing the prevalence and impact of disability hate crime.
- Adult protection policies and practices often prevent local statutory agencies taking appropriate action to stop disability hate crime and in some cases undermine disabled people's right to live independently in the community.
- Disabled people are routinely denied access to justice, either by not having the crimes committed against them recognised as hate crimes, or because they are dismissed as unreliable witnesses.
- Successful responses to disability hate crime need to be co-produced with disabled people themselves in line with the principle of 'Nothing About Us, Without Us'. Disabled people and their organisations have led the way in developing innovative approaches to tackling and preventing disability hate crime. Government and statutory agencies need to build on this by supporting more disabled people and their organisations to co-produce effective interventions with statutory agencies.

The report asked agencies to pledge to do the following:

The report asked agencies to pledge to do the following:

To prevent and tackle disability hate crime we commit to do all in our power to:

- Tackle disablist attitudes and behaviours as soon as they start
- Eliminate casual and institutional disablism
- Ensure disabled people have equal access to justice
- Empower disabled people and their organisations to co-produce effective responses to hate crime with statutory agencies.
- Improve data collection and research into the prevalence of disability hate crime

Other reports by MIND³⁹ , MENCAP⁴⁰ and other agencies on the experiences of people with specific impairments e.g. mental health or learning disabilities added to the evidence about disability related hate crime. For example the research by Mencap showed that 9 out of 10 people with a learning disability are verbally harassed or exposed to violence.

(ii) Hidden in Plain Sight. Equality and Human Rights Commission – September 2011

<https://www.equalityhumanrights.com/en/inquiries-and-investigations/inquiry-disability-related-harassment/download-disability-related>

In this major report, the EHRC put forward a series of key recommendations for tackling what it called “targeted harassment” against disabled people. The report backed up and developed the recommendations of Getting Away with Murder.

It details examples from disabled people’s focus groups of the forms of harassment experienced, including:

- Damage to property
- Exploitation, theft and fraud

³⁹ Another Assault. Mind 2007

⁴⁰ Don't Stand By. MENCAP 2011

- Cyber-bullying and harassment
- Sexual violence and harassment
- Bullying
- Anti-social behaviour
- Domestic violence
- Physical violence
- Institutional abuse

The prevalence of disability hate crime and abuse and at the emotional impact on victims is examined, detailing the locations of abuse and harassment, including the family home and public transport, public venues and on the street, schools and colleges, etc.

Focus group members were asked why they would or would not report abuse or harassment to the police. Amidst negative responses there were also some good experiences of being taken seriously and treated well by the authorities. Recommendations for change are made for a wide range of public authorities, including housing, education and health care.

Key Findings include:

- Cases of disability related harassment which come to court and receive media attention are only the tip of the iceberg.
- Many disabled people accept harassment as inevitable.
- Disabled people do not report harassment because they fear consequences; fear police and fear they will not be believed or taken seriously.
- There is a systemic failure of public authorities to recognise extent and impact of harassment of disabled people; to prevent it; and to intervene effectively.
- Preventing the harassment of disabled people requires more than organisational change. There is a need to transform the way disabled people are viewed, valued and included in society.

The 230 page full report examines ten cases of disability hate crime which culminated in murder and looks at the police and other authority response to earlier reports of abuse and harassment. None of the cases were considered to be disability hate crimes by the courts although all the victims were disabled and all the crimes followed similar patterns of

harassment, followed by torture, followed by murder. It concludes that disability hate crime is mostly unrecognised by the authorities, the media, and the general public.

The report lists the legislative framework designed to protect disabled people from harassment and hate crime and makes detailed recommendations for change including:

- Training and guidance for professionals
- Changes in attitudes towards disabled people
- Investigation or serious case reviews whenever a disabled person dies as a result of harassment.
- Partnership working between agencies involved with vulnerable adults
- Enhanced sentencing for hate crimes against disabled people

The report details the wider issues faced by disabled people in society and suggests that these lead to disability hate crime going unreported and unprosecuted, including:

- Societal attitudes to disabled people
- A culture of disbelief that 'anyone could do that to a disabled person' or a misbelief that disabled people make 'unreliable witnesses' and that therefore prosecutions would not be successful.
- Pay gaps between disabled and non-disabled people.

The report conclusion lists seven core recommendations for change.

- Ownership of the issue in organisations dealing with harassment
- Data available which spells out the scale, severity and nature of the issue
- A more accessible and responsive criminal justice system for victims
- Better understanding of perpetrators and design of interventions
- A more positive societal attitude towards disabled people
- Evaluation of approaches to preventing and responding to harassment
- Effective training and guidance for frontline staff.

B. INVESTIGATIONS AND REVIEWS

A number of reports following the death of disabled victims of hate crime have been produced over the years⁴¹. All follow the same pattern: lack of communication between agencies, procedures which either failed or did not exist, a victim who has in most cases told people what was happening to them but no one listened or 'joined the dots', and a lack of access to support for disabled victims of hate crime.

(i) Independent police complaints commission investigation into contact between Fiona Pilkington and Leicestershire Constabulary 2004-2007. Published 2011.

www.ipcc.gov.uk/news/ipcc-publishes-fiona-pilkington-investigation-report

This report played a key part in galvanising police forces across England and Wales to begin to address hate crime against disabled people. In some ways this case was a similar catalyst for change as the murder of Stephen Lawrence. Fiona Pilkington killed herself and her daughter Francecca Hardwick after many years of protracted harassment at her home in Leicester. The police and local authority had failed to identify what was happening to the family as hate crime. The IPCC investigation identified a series of issues surrounding hate crime against people in their homes, where the incidents are not linked or are identified as low-level anti-social behaviour (ASB).

- Police officers had systems in place which, had they been used properly, could have shown the true level of harassment the family were subjected to over a number of years;
- Incidents were too often dealt with by police officers in isolation and with an unstructured approach;
- Bardon Road, where the family lived, was not considered by the force to be an anti-social behaviour 'hotspot', and was therefore not targeted for a more proactive response;

⁴¹ These include: Serious Case Review: the death of Steven Hoskin

[http://www.cornwall.gov.uk/media/3630284/attachment/SCR_Executive_Summary1_Dec_2007 .pdf](http://www.cornwall.gov.uk/media/3630284/attachment/SCR_Executive_Summary1_Dec_2007.pdf)

Serious case review: the murder of Gemma Hayter

<http://apps.warwickshire.gov.uk/api/documents/WCCC-779-97>

- Police officers should have picked up on Fiona's repeated assertion the situation was 'on-going' and that it was her family in particular being targeted;
- Officers did not identify a difference in the level of seriousness between general anti-social behaviour and specific harassment of the Pilkington family, and they failed to consider their treatment as hate crime;
- Aside from the family's vulnerability, Fiona was a member of a local community who was reporting incidents of crime and anti-social behaviour and simply asking police to carry out their responsibilities, which they failed to do.

It is worth quoting some of the comments in the report from IPCC Commissioner Amerdeep Somal, as they identify the root of the problems experienced by the family:

"... I was alarmed to learn that Fiona and her family had cause to contact Leicestershire Constabulary on so many occasions over a ten-year period. Fiona, her mother, her neighbours and MP had all contacted the police to inform them that she had repeated and justifiable concerns about her family's predicament. **Yet, no one person gripped these reports and took charge to strategically manage and oversee what should have been a targeted police response** (our emphasis). There was nothing in place to ensure the Pilkington family were considered by police as vulnerable or repeat victims, contrary to the force's own strategy. Systems were in place for officers to have linked the catalogue of incidents but these were not well utilised. Police missed several opportunities to take robust action, inadequately investigated criminal allegations on some occasions and failed to record information on their own intelligence system.

Ms Somal went on to add:

"I struggle to see what more Fiona could have done. She did all the right things. She informed the police and other agencies involved with her family of the on-going problems. She did as she was told and she even kept a diary and records of the incidents. She was not alone in drawing her family's plight to police attention. This was on top of raising her two children, each of whom had their specific difficulties which presented challenges for their mother. Her records portray a sense of resignation that nothing would be done and the youths would just carry on."

In spite of changes to policing, the concerns in this report remain a live issue for any disabled person experiencing ASB and hate crime from neighbours and others where they live. We will take particular account of this report in the recommendations of this research.

(ii) Living in a Different World: A joint review of disability hate crime

Criminal Justice Joint Inspection March 2013

<https://www.justiceinspectorates.gov.uk/hmic/publications/living-in-a-different-world-joint-review-of-disability-hate-crime/>

Easy Read version at: www.inspiredservices.org.uk

HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary and HM Inspectorate of Probation carried out a joint review of disability hate crime and considered how the police, Crown Prosecution Service (CPS) and probation trusts deal with the complex area known as disability hate crime. The review looked at the policies, procedures and actions of the three agencies, but also social attitudes and barriers that exist in relation to disabled people more generally.

The review states that:

Whilst disability hate crime is one of the five hate crime strands, (the others being race, religion, sexual orientation or transgender identity) there needs to be an acknowledgment that it has a unique position and requires additional status, simply to ensure that it is treated on an equal footing to the other strands. Disability is an area where social attitudes are still ill-informed.

Key findings

Identification and reporting of disability hate crime

Whilst definitions and guidance have been issued, this review reveals that there is a lack of clarity and understanding as to what constitutes a disability hate crime and confusion between policy definitions and the statutory sentencing provision contained within section 146 of the Criminal Justice Act 2003. This causes difficulties not only for practitioners in the identification and recording of disability hate crime but also for members of the public, including victims who are disabled. Improvements need to be made by the police and CPS in how they identify and record disability

hate crime. All police, CPS and probation staff need to be fully aware of the statutory provision in Section 146 and there needs to be a common policy definition that is universally recognised and applied at 'ground level', that is simple to interpret.

The report states that police officers have little idea of the nature or prevalence of disability hate crime (4.4, p.25) and therefore do not use questioning to discover motivation unless there has been specific disability-related name calling.

It recommends use of advocates and intermediaries to help disabled people report crimes. It also details the prosecution process and special measures that can be used for witnesses giving evidence but which are often not used.

The report states that:

The under reporting of disability hate crime remains a significant concern and needs to be addressed. Whilst a number of initiatives have been put in place, further steps need to be taken to improve the confidence of disabled people to report matters to the police. A variety of effective reporting mechanisms are required. Once reports are made to the police, practitioners need to ensure that any disabilities are identified (including hidden impairments). Victims must then be supported sufficiently, their evidence given in the most effective manner and kept fully informed of what is happening in their case.

Whilst community engagement projects are currently undertaken by the police and CPS, these need to be jointly coordinated, and have specific aims. The immediate priority should be increasing reporting of disability hate crime.

The report urges Police, CPS and probation services to agree a definition to explain disability hate crime that everyone can understand, agree how to deal with it better and make sure people report it, know how to train their staff to recognise it, collect the right information and support disabled people. They also make specific recommendations for individual services.

Summary of findings: research and reviews - Why are reported levels of hate crime against disabled people so low?

- Hate crime against disabled people is not identified by criminal justice partners, housing providers and other agencies
- Disabled people don't have confidence that anything will happen
- Disabled people are worried about retaliation if they report hate crime
- Disabled victims don't necessarily want to report to the police, they may want to speak to an independent agency
- Reporting to the police is not always people's priority, they may want to put the incident behind them
- Access, communication and information barriers prevent disabled people from reporting hate crime
- Verbal incidents across all forms of hate crime are least likely to be reported
- Hate crime is flagged by the police as 'vulnerable adult abuse' or hidden in reports of anti-social behaviour
- Repeat incidents are not linked and treated as a pattern of hate, so anti-social behaviour escalates into hate crime
- Agencies do not communicate effectively with each other or take prompt and effective action
- Police officers are not trained to recognise hate crime against disabled people or to deal with disabled victims.

C. GOVERNMENT STRATEGY

(i) Action Against Hate: The UK Government's plan for tackling hate crime

Home Office. July 2016

Action Against Hate sets out the UK Government's programme of actions to tackle hate crime until May 2020. It was produced in the wake of increased hate crime following the European Union Referendum. It is an update on a previous plan to tackle hate crime published in 2012⁴². The Action Plan will be reviewed in 2018 to ensure that the commitments within it are being delivered as expected.

"Hate crime has a particularly harmful effect on its victims, as it seeks to attack an intrinsic part of who they are or who they are perceived to be: their race, religion, sexual orientation, disability or transgender identity. The previous Government's plan to tackle hate crime (Challenge It, Report It, Stop It, 2012) delivered real improvements in the way in which hate crime can be reported as well as improving understanding within the Police Service of the impact that hate crime can have on communities. Specific changes following that plan include:

The plan sets out definitions of hate crime, data about the incidence of hate crime and the gap between the Crime Survey data and reported hate crime. It outlines the progress that has been made which includes:

- The publication, for the first time, of detailed findings from the Crime Survey for England and Wales on the extent of hate crime victimisation in England and Wales;
- An improvement in the police recording of hate crime – requiring police forces to capture data on recorded hate crimes under all five of the monitored strands, and publishing that data as Official Statistics;
- the funding of a number of projects with voluntary sector organisations working with victims of hate crime under the Ministry of Justice's Victim and Witness Fund;

⁴² Challenge it, Report it, Stop it – the Government's plan to tackle hate crime (March 2012 and progress report May 2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307624/HateCrimeActionPlanProgressReport.pdf

- amended legislation to provide for enhanced sentencing in a wider range of crimes, including for the first time a victim's transgender identity as an aggravating factor.

A plan for tackling hate crime

The Action Plan focuses on five areas for the next steps for Government and community partners to take to tackle hate crime:

- **Preventing hate crime** by dealing with the beliefs and attitudes that can lead to hate crime. The Government recognises the importance of preventing hate crime happening in the first place and is committed to challenging those attitudes that can lead to discrimination and divisions within our society.
- **Responding to hate crime in our communities** with the aim of reducing the number of hate crime incidents. The Government will focus on a number of settings that have emerged as high risk environments for hate crime, including public transport, the night-time economy and the internet.
- **Increasing the reporting of hate crime.** The Government will continue to work to make it easier for those affected to report incidents of hate crime including through third party reporting centres. To give victims the confidence that their complaints will be taken seriously, the Government will work with the police and Crown Prosecution Service to publicise successes in prosecuting hate crime.
- **Improving support for the victims of hate crime.** Research has shown that hate crimes cause victims greater distress than similar crimes without the same motivation. The Government will work to ensure victims are provided with timely and effective support both at the time of reporting their crime and through the criminal justice system.
- **Building our understanding of hate crime.** In order to tackle hate crime, we need to understand the scale and nature of the problem. The government will improve the data it collects on hate crime and work with academics and others to improve its analysis and understanding of the drivers of hate crime and how these can be addressed.

The document states that "the actions set out in this document have been developed through discussions with those communities most affected by hate crime. It is those communities and the organisations that represent them that often respond to hate crime at the local level, working to tackle

hate crime in their area and provide support to victims. This Action Plan represents a partnership between the Government, the criminal justice agencies (the Police Service, the CPS, the courts and the National Offender Management Service) and community groups representing those affected by hate crime. It has been developed with the support of the Independent Advisory Group on hate crime.”

The Home Office Hate Crime Advisory group include a representative of disabled people. However, key organisations of disabled people such as Inclusion London were not consulted on the document.

The actions are set out within the text of the plan. Some are general, a number refer to specific forms of hate crime. There appears to be no real recognition of intersectionality. Specific comments or actions on disability hate crime are quoted below. The highlighted sentences refer to actions. Numbers refer to the paragraphs in the document.

- (54) Despite good progress since the last Action Plan, hate crime against disabled people remains a particular challenge. **We will look at current best practice examples in tackling disability hate crime and work with partner organisations and the police to promote safety for disabled people.**
- (95) Some forces have undertaken Proactive Recording Pilots, where crimes against disabled people are automatically considered to be hate crime, unless evidence is found to the contrary. **The National Policing Lead will assess these pilots to see if there is anything to be learned that will increase the recording of disability hate crime.**
- (96) **The National Policing Lead on hate crime will review the location and number of specialist hate crime police officers across England and Wales to ensure that resources are deployed in the most effective way for the public.**
- (104) The multi-agency partnership CATCH (Community Alliance to Combat Hate), incorporating groups working across strands of hate crime, has established a hate crime advocacy pilot in London to help victims through the process of reporting hate crime and then following this through the criminal justice system. **Police and government will work with CATCH to establish a standardised hate crime advocacy role and ensure that victims are referred to the correct external statutory and voluntary agencies at the right time.**

- **(106) The CPS will further ensure that victims have their voices heard by improving the use of Victim Personal Statements.** Hate crime not only has an impact on individual victims, but can also lead to increased feelings of tension, isolation or fear within communities. To reflect this, **the CPS will produce guidance on community impact statements for hate crime**, to ensure that communities have their say on how hate crime has affected them.
- (107) The CPS will also work to improve the experience of witnesses at court. It will **conduct a joint review, with the police, of Witness Care Units, and will adopt new guidance for prosecutors – ‘Speaking to Witnesses at Court’.**
- (108) There can be specific challenges for disabled people who are trying to access the criminal justice system. To help address this, the CPS will **publish a policy statement covering crimes against disabled people**, and consider its implications for all relevant legal guidance. This will set out publicly the service standards that all disabled people who are victims or witnesses can expect when they seek a prosecution and attend court.
- (109) To enhance the support provided to prosecutors in identifying and prosecuting hate crime, the CPS will **refresh the policy and legal guidance on homophobic, biphobic and transphobic crime and racially and religiously aggravated crime**, providing more examples for use on the Crown Prosecution Service Knowledge Hub.
- (110) The Government continues to carefully consider the recommendations from the Law Commission review into hate crime legislation, *Hate Crime: Should the Current Offences be Extended?*. The principal recommendation was that a full-scale review be conducted into aggravated sentencing and offences. The Law Commission made recommendations concerning better working of aggravated sentencing, and that the ‘stirring up’ hatred offences should not be extended. Should there not be a full review, the Commission recommended extending aggravated offences to cover hostility based on disability, sexual orientation and transgender identity as well as hostility based on race and religion. The Women and Equalities Select Committee has also made recommendations on extending legislation; **the Government will consider these.**
- (115) As the understanding of hate crime increases, it becomes even more important that officials across government engage with those working in research to build the evidence base for policy interventions.

We will continue to develop the relationship between government, academics and community groups to identify and encourage opportunities for collaboration. This will include working with the International Network for Hate Studies which has already commenced valuable research in this area. Through this work, we will better understand the nature of disability hate crime, including factors such as social isolation, residential status, poverty, education and employment.

- (116) We have already offered expert support and insight to researchers investigating the causes of hate crime. **We will further support research into offender motivation, working with academics to build our understanding of perpetrators and their reasons for engaging in hate activity. We will support new research on the relationship between online hate and hate crimes in communities.**

Action Against Hate also promises some additional money for hate crime work.

Disabled people's organisations will be concerned at the lack of definite commitment to any changes to the law to equalise the different strands, as well as a distinct approach to disability and other forms of hate crime. As well as the stated aim to develop a 'standardised hate crime advocacy role'. There is a real risk that the innovative approaches developed by disability and other organisations will be made to fit into a one-size-fits all model – disabled people's organisations such as Merton CIL will need to input into the implementation of the action plan.

(ii) Challenge it, Report it, Stop it – the Government's plan to tackle hate crime (March 2012 and progress report May 2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307624/HateCrimeActionPlanProgressReport.pdf

This was the overall government strategy for addressing all forms of hate crime. We have included it here because it provides the backdrop for the more recent Action against Hate. The plan focuses on 3 areas:

- Preventing hate crime – by challenging the attitudes that underpin it, and early intervention to prevent it escalating;

- Increasing reporting and access to support – by building victim confidence and supporting local partnerships; and
- Improving the operational response to hate crimes – by better identifying and managing cases, and dealing effectively with offenders.

The progress report identifies disability hate crime as an “emerging challenge”. It is worth quoting the relevant actions as they form the backdrop to all work which look and authorities and police should be doing on hate crime. (Omitted actions are specific to other strands of hate crime)

Challenging attitudes

Action 1 Develop a better understanding of hate crime by improving our evidence base including by publishing analysis of data on hate crime victimisation from the British crime survey

Action 2 Through welfare reforms strengthen the integrity of the benefits system doing reduce the negative media portrayal of disability issues

Action 3 Working together with disabled people’s organisations and supporting organisations such as the press complaints commission to address negative media stereotypes of disabled people

Action 5 Work with voluntary sector partners to make available to schools resources to help them tackle all forms of bullying particularly worrying motivated by prejudice

Action 6 keep under review government and advice to schools which summarises the legal obligations on powers which schools have

Action 12 Develop a new cross government disability strategy with disabled people, one of the principles of which will be changing attitudes and behaviour

Early interventions

Action 17 Put Safeguarding Adults Boards on a statutory footing, to increase the awareness detection and prevention of abuse and exploitation of adults in vulnerable circumstances

Action 18 Publish a government response to reviews of the Winterbourne view case, which sets out measures to improve the protection of people with learning difficulties in care and ensure the system response quicker to possible abuse

Action 19 Develop a program of work to tackle hate crime on the Internet

Action 20 Develop a range of information resources for use by local partnership/professionals to encourage positive relationships with communities. Tribute these through the True Vision website,

Building victim confidence

Action 4 Engage with communities at risk of hate crime to raise awareness of the law on hate crime, and increased reporting

Action 5 Work with voluntary sector organisations to restart leash and disseminate good practice on alternative means of reporting disability hate crimes

Action 7 Support the work of True Vision to ensure that more people are aware of the online hate crime reporting mechanism [...] and to help provide the infrastructure for local and national voluntary sector groups to integrate into a national reporting system

Action 14 Work with police forces councils and housing providers to improve handling of public calls about anti-social behaviour to identify possible hate crime and victims at risk

Identification and case management

Action 1 Publish a new hate crime manual for police officers which offers guidance for all police organisations and partners on handling cases of hate crime

Action 2 Update training for all police roles involving tackling hate crime

Action 5 publish risk assessment tools that allow police and other call handlers to identify victims of hate crime earlier in the reporting process

Action 7 Develop and publish a disability hate crime action plan in response to the EHRC enquiry into disability harassment

Action 8 Review commitment to victims and witnesses to enhanced service for those in greatest need

Action 9 Amend the 2003 criminal Justice act so that murder is motivated by hatred or hostility towards disabled or transgender victims have a sentencing starting point of 30 years

Action 10 Conduct a review of sentences for offences motivated by hostility on the grounds of disability, sexual orientation and transgender

identity to consider whether is a need for new specific offences similar to racially and religiously aggravated offences

Action 12 develop mandated training for prosecutors on hate crime cases involving those big teams with mental health issues and learning disabilities

In 2014, the Government published a progress report update⁴³ on what has been achieved from the action plan. The report includes case studies of local work. There has been no update on the plan since then. In the light of the recent rises in hate crime and incidents across the world, the plan would benefit from some in depth updating, and input from organisations working with victims of hate crime.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307624/HateCrimeActionPlanProgressReport.pdf

D. STRATEGIES AND ACTION PLANS FOR LONDON

(i) Mayor of London Office for Policing and Crime (MOPAC) A Hate Crime Reduction Strategy for London - 2014-17

<https://www.london.gov.uk/sites/default/files/MOPAC%20Hate%20Crime%20Reduction%20Strategy%20.pdf>

This document, launched in December 2014, sets the framework for tackling crime across London. It looks at the prevalence and recording of hate crimes in London and suggests that disabled people are among the least likely victims to report incidents (alongside transgender people) and therefore that recorded incidents of Disability Hate Crime are extremely low. The strategy calls for a review of aggravated offences and extending the categories of recorded and monitored hate crimes but does not include disability as a category.

The London Hate Crime Panel was established to oversee the delivery of the strategy and is made up of statutory partners with responsibility for the actions. Also in attendance are community stakeholders who are from, or work with, communities affected by hate crime in London, to provide constructive challenge and support the delivery of the strategy. This includes Inclusion London, the second tier organisation supporting DDPOs. Beneath the London Hate Crime Panel sits a MOPAC-led Delivery Group. The Delivery Group consists of officers from the statutory partners and a number of community stakeholders. The Delivery Group is responsible for delivering, monitoring and advising on the actions and will provide a progress report to the London Hate Crime Panel.

The strategy contains three clear objectives. They are to

- **Boost confidence and increase the reporting of hate crime**
- **Prevent hate crime and reduce repeat victimisation, and**
- **Ensure swift and sure justice for hate crime victims**

The strategy envisages the achievement of these objectives through the delivery of 29 key actions assigned to, and agreed by, statutory partners including MOPAC, the MPS, CPS, Ministry of Justice, Probation Service, Local Authorities and housing providers. Below are the actions which are relevant to this research. They form a useful framework for local partnerships in Merton which we have used as a template for actions in our recommendations.

This strategy may be revised now that London has a new Mayor and in the light of a rise in hate crime following the Referendum on the European Community.

MOPAC HATE CRIME ACTION PLAN – The Main Actions

Action 1

MPS safer schools officers will be trained to provide specific advice and guidance on a crime in schools PHSE lessons.

Action 2

MOPAC will work with partners to develop a London wide hate crime awareness campaign leading up to hate crime awareness week

Action 3

MOPAC will develop a smart phone crime reporting app and pilot its use

Action 5

The MPS will work with third sector organisations to develop consistent processes for third-party reporting into the MPS

Action 9

MOPAC will ensure that repeat and persistently targeted victims of hate crime received an enhanced response, with early identification and detailed needs assessments, via the MOPAC commissioned referral service

Action 10

Criminal justice and housing providers will work together to establish a framework for partners to share crime and antisocial behaviour data to help protect victims

Action 11

The MPS will work with local Partners to develop local engagement plans that identify and provide support, advice and reassurance to those communities most likely to be affected by hate crime. This action includes tackling hate crime on public transport, addressing the needs of hate crime victims, and tackling hate crime hotspots and protecting high-risk victims

Action 13

MOPAC will work with local authorities to support the implementation of a Community Multi Agency Risk Assessment Conference (MARAC) or similar process to ensure the effective sharing of information and the protection of high-risk hate crime victims

Action 14

The MPS will develop a hate crime hotspot strategy to ensure all agencies to target resources at communities and individuals at most risk. MOPAC will challenge how police resources are allocated in these hotspots

Action 15

MOPAC will insure the MPS incorporates online hate crime into a wider strategy and approach to cybercrime

Action 16

The MPS will put in place trained hate crime liaison officers across all boroughs in London

Action 18

The MPS will work with the College of Policing to ensure frontline police officers are adequately trained and equipped to recognise a crime when it occurs and to ensure effective recording, charging and proceedings against hate crime perpetrators

Action 20

The CPS will develop its quality assurance and performance management systems to oversee the progress of a crime cases and ensure the best possible outcome for victims

Action 21

Criminal justice partners will ensure there is a consistent restorative

The criminal justice process indicators include:

- An increase in the number of reported hate crimes
- A decrease in the number of repeat victims

- An increase in the attrition rates of cases that go to and through court
- The number of convictions attracting enhanced sentencing
- An increase in hate crime victims confidence in the police and a reduction in the gap and confidence between victims of hate crime and victims of other crime types.

The strategy recommended that Metropolitan Police Service should initially flag all crimes against disabled people as a hate crime to ensure robust response. However further to the completion of two pilots in Greenwich and Croydon, this recommendation has been replaced by the Disability Hate Crime Matters initiative outlined further in this chapter.

(ii) Metropolitan Police Hate Crime Action Plan

The MPS has its own action plan. At present this is not a public document, but it mirrors the MOPAC plan and has led to the development of the Disability Hate Crime Matters initiative. A new Mayor of London was elected recently, it is not yet known if the above action plans will be reviewed or replaced.

(iii) Disability Hate Crime Matters

Disability Hate Crime matters is an initiative which came out of the Metropolitan Police Hate crime Diamond Group. This is a high level strategic working group which involves police and independent advisors, as well as key experts, including Inclusion London and Stay Safe East. The detailed work on DHC Matters was done by the Disability Working Group. This is part of a wider work programme to increase reporting of hate crime, get justice for victims and increase victim confidence in the police. DHC Matters is aimed at the Police so inevitably uses police terms. In effect, it sets out a reminder of the process that should be used when dealing with disabled victims, and could in fact be used for any victim of crime. It focuses specifically on disability hate crime.

DISABILITY HATE CRIME

- M** **Must use Vulnerability Assessment Framework**
- A** **Ask the victim the right questions**
- T** **Think Disability Hate Crime & Flag VH (disability hate crime)**
- T** **Take Immediate Safeguarding Action**
- E** **Ensure corroborative evidence is obtained**
- R** **Record all DHC on CRIS Not Airspace**
- S** **Supervisor MUST be informed**

A series of three-hour briefings were delivered to officers from all London boroughs as well as 999 and 101 civilian staff, with the expectation that they will cascade the knowledge down to colleagues. Progress is being reviewed by the Diamond Group Disability Working Group quarterly.

As outlined in the previous chapter, Disability Hate crime Matters has already led to a significant increase in reports of disability hate crime. Partnerships with disabled people's organisations at local level will help consolidate these initial positive results, as will a thorough approach to the identification and investigation by the Police of hate crime against disabled people.

Chapter 4: HATE CRIME AND HARASSMENT AGAINST DISABLED PEOPLE IN MERTON: THE CURRENT PICTURE



In this chapter, we look at the current picture in Merton, in terms of overall crime and reports of hate crime, and the local structures to tackle hate crime and related issues such as harassment and anti-social behaviour. We have focused primarily on Merton Council and the Police because they are the key players in any efforts to

tackle hate crime but we have also included references to Housing Associations and the voluntary sector. We then go on to look at how the various agencies can work together with disabled people and other community groups to tackle hate crime. In our recommendations, we have taken account the input from disabled people's responses from the focus groups and questionnaires, which are covered in the next chapter.

A. POPULATION

To understand crime, it is essential to understand local communities.

The estimated population in Merton in 2015 was 203,515. Merton is one of the least deprived boroughs in London but has pockets of deprivation⁴⁴.

Wards with the highest level of deprivation include:

- Ravensbury
- St Helier
- Cricket Hill

⁴⁴ Joint strategic needs assessment for Merton 2013-14 and 2011 census data.

www.merton.gov.uk/health-social-care/publichealth/jsna/merton-place-people/mpp-people.htm#population-breakdown-by-age-ethnicity-and-gender

- Cannon Hill
- Lower Morden

These are also the wards with the highest percentage of disabled people.

37.1% of residents are from a BME community (42.5% average across London). Main BME communities are South Asian (including Pakistani, Sri-Lankan Tamils), Black Caribbean and Black African, with a growing Eastern European community. 22% of borough residents have English as a second language but only a small percentage do not speak any English at all.

Census data ⁴⁵ states that there are around 25,000 disabled people in Merton. Merton has a lower rate of long-term limiting illness than most London boroughs. Disabled people are from all communities, though there is a lower rate of impairment amongst Eastern European communities, who tend to be younger.

B. CRIME IN MERTON

The crime rate in Merton in 2013/14 was 5 per 1,000 people – the London average is 7.2 per 1,000. Main crimes were Anti-Social Behaviour and violence against the person. There is no reliable data available to show how many of the victims of these crimes were disabled people. Current data available on the Metropolitan Police website shows 873 reported cases of harassment in Merton for the 9 months to December 2015.

Merton residents have higher rates of confidence in the police⁴⁶ than those in many London boroughs (59% against 39% London wide thought the police are doing an excellent, very good or good job). BME people are less likely to be satisfied with the response they received from the Police. There is no separate data for disabled people but national surveys have shown that disabled people are less likely than other members of the public to have confidence in the police. The 2014 Merton residents' survey⁴⁷ showed that 50% of Merton residents were worried about crime, 42% about anti-social behaviour. It is likely that disabled people are more worried than non-disabled people about crime. Significantly, only 29% of respondents to the survey said they felt fairly or well informed about

⁴⁵ <https://www.nomisweb.co.uk/census/2011/qs303ew>

⁴⁶ Source: MOPAC borough crime report for Merton. October 2015

⁴⁷ http://www.merton.gov.uk/presentation_charts_merton_residents_2014_.pdf

tackling anti-social behaviour. Disabled people are less likely than non-disabled people to have confidence in the Council.

35% of young people responding to the 2014 residents' survey mentioned crime as their top concern, with 25% mentioning bullying. It is not known how many of the respondents were disabled young people but nationally, disabled young people, specifically those who have been assessed as having Special Educational Needs, are more likely to report being bullied.

Merton crime figures to January 2016 ⁴⁸

There were a total of 12,594 crimes in Merton in the 12 months to January 2016, a rise of 500 crimes from the previous year.

This includes: 3 homicides, 3917 crimes of violence against the person, 229 robberies against the person and 896 residential burglaries.

How many of these crimes were targeted at disabled people and were in fact hate crimes?

There were:

106 rapes and 180 other sexual offences
1,429 domestic violence crimes

How many of the victims of sexual and domestic violence were disabled people? How many of these crimes included an element of disability hate?

⁴⁸ Source: Metropolitan Police service <http://www.met.police.uk/crimefigures/boroughs/>

C. HATE CRIME AND ASB DATA

(i) Hate crimes reported to the Metropolitan Police

Reported hate crimes in the 12 months to January 2016 were as follows⁴⁹:

Racist and religious hate crime: 262 (185 in previous year)

Homophobic hate crime: 23 (23 in previous year)

Anti-Semitic hate crime: 1 (2 in previous year)

Islamophobic hate crime: 26 (23 in previous year)

How many of the victims of these hate crimes were disabled people?

The published MPS data does not include disability hate crime but we have been able to obtain figures for disability hate crime from the local police.

There were 12 recorded disability hate crimes in the 12 months to April 2016⁵⁰. All were investigated. Please see next page for an outline of the cases.

Unlike a number of other London boroughs, Merton has seen no significant increase in four months January-April 2016, after the Disability Hate Crime Matters initiative was launched.

(ii) Anti-social behaviour (ASB) data

In the 12 months to October 2015, there were just under 20,000 recorded calls regarding ASB in the whole of the Metropolitan Police in October 2015. 405 of these were in Merton.

Circle Housing who manage the Council's former housing stock following a stock transfer report that they dealt with 521 ASB incidents in 2015/16. Of these 6 were identified as hate crimes. Information about how many of the callers were disabled people was not available at the time of completing this report.

⁴⁹ Source: MOPAC briefing on crime in Merton

⁵⁰ source: Community Safety Unit, Merton Police

We were unable to obtain more detailed data relating to repeat incidents of anti-social behaviour, which form the basis of much housing-based hate crime, or of incidents on public transport.

How many of these ASB reports were in fact hate crimes, and how many were incidents which were part of a pattern of hate crime against disabled people?

(iii) A more accurate picture of hate crime?

To put the above figures in context, if Merton's disabled population is 25,000 people – this being the lower end of estimates:

- Using the data from the Crime Survey for England and Wales, if 0.5% of disabled people in Merton have been victims of disability hate crime in the past year, this is around 125 people per year. This does not include disabled people who have been victims of other forms of hate crime.
- Using the data from the government Life Opportunities survey, if 2% of disabled people in Merton have been victims of a hate crime in the past year, this is around 500 people per year.

It is likely that the true picture is around 500 people if other forms of hate crime are included. This means that only 2.4% of incidents were reported to the MPS.

It is clear from this that there is more than substantial under-reporting of hate crime against disabled people in Merton.

From the experience of the MPS Disability Hate Crime matters pilots and Stay Safe East's work with the Waltham Forest borough police, it is likely that hate crime against disabled people are 'hidden' in ASB reports flagged on the Police specialist 'Airspace' database – though this links repeat

incidents of anti-social behaviour which are not in themselves crimes, it does not always accurately record whether the victim is a disabled person, or identify the motivation of the perpetrator. It is also likely that some of the incidents recorded under the "Vulnerable adult" Flag (VA) are also hate crimes. From January 2016, all of these incidents and crimes should be recorded on the Metropolitan Police CRIS system, so that they are effectively linked.

Some examples of crimes flagged as hate crime reported to Merton police 2014-15

In a question in January 2016 to the former Crime prevention and detention officer for Merton Police, we asked for details of recent hate crimes. These are the details we were given.

1. September 2014. A report from a 22 year-old male in a wheelchair that he was verbally abused by 3 females on a bus and had his spectacles removed and damaged. He did not know which bus number he was on or where the incident occurred and therefore, it could not be investigated further. The victim is a Bromley resident.
2. October 2014. A report of criminal damage by a 49 year-old female, which resulted in a charge for a racially aggravated crime. The crime report is flagged as homophobic, a disability crime and a race crime. There are no overt words or behaviour which show why this was flagged as a disability crime. The victim is recorded as having 'mobility issues' though.
3. January 2015. 11 year-old victim with learning disabilities being bullied by other children on the estate. 'X is gay' and 'I love you X' written on wall by his house with 'silly string'. A thorough investigation was conducted by police, but this resulted as 'no further action' following CPS advice.

4. April 2015. Landlord/tenant dispute where the pair met in a pub in Wimbledon. The victim is a 34 year-old deaf man who alleged that his landlord threatened him with aggressive gestures. One word against the other with no independent evidence and therefore, result of 'no further action'. The victim is a Richmond resident.

5. June 2015. 55 year-old male with learning disabilities reported that as he was crossing the road a fast car was approaching. He shouted at the car to slow down and the passenger shouted back, 'Slow down you spastic'. No car number or description to enable further meaningful investigation. The victim is a Wandsworth resident.

6. June 2015. 29 year-old victim suffered abuse on Facebook when she pulled out of a house exchange. Language used on Facebook included terms like 'fat, disabled c**t'. The victim withdrew the allegation.

7. July 2015. Same victim as at '5' above. States he was cycling down the road and was called a 'spastic' by an unknown male. No leads.

8. September 2015. A report of a public order offence following a neighbour dispute over a disabled parking space. The victim is a 35 year-old female who suffers chronic pain. The 'suspect' is a 74 year-old male who is also disabled. The matter was closed after both parties were advised.

The above cases show the difficulties for the police of getting action on hate crimes. Where the victim is not able to give enough detail, it also shows how important an urgent investigation is in obtaining critical evidence such as CCTV. In Stay Safe East's experience, disabled people

who are unable initially to recall details of incidents may be able to do so when given time and asked questions in a way they understand. With so few reported cases, it is difficult to establish any patterns to the reported hate crimes in Merton, except that not all hate crimes against disabled people are disability hate crimes, and verbal sexual insults are one of the elements of hate crime.

D. TACKLING ASB AND HATE CRIME IN MERTON: STRATEGIES AND PLANS

Our research and conversations with officers in the local authority and the Police indicate that hate crime has slipped off the agenda in Merton, as in many other London boroughs, and that there are inadequate multi-agency processes for tackling anti-social behaviour, let alone hate crime. Nevertheless there is a commitment from a small number of people in both organisations, in housing and in the voluntary sector to make changes.

(i) Safer Merton Partnership

Safer Merton is the Crime and Disorder Reduction Partnership for Merton, and involves the Council, the Police, London Fire brigade and other statutory agencies. Safer Merton is responsible for developing and implementing strategies to reduce crime, anti-social behaviour and substance misuse in Merton. Its remit includes hate crime.

The most recent strategic statement we could find was for 2014/15 and states that the priorities are:

- Supporting our communities
- Building confidence
- Supporting our victims
- Reducing the number of victims through management of offenders

The researchers had some difficulty piecing together the approach to hate crime in Merton, particularly from the Council's perspective. It is clear that there is an urgent need to develop a strategy for hate crime. Below are the documents we have been able to find.

(ii) Community safety

The local Community Plan for Merton (2013) sets out a vision for community safety as follows:

“We want everyone in Merton to feel safe in their community so we aim to prevent and reduce crime, anti-social behaviour and misuse of drugs and alcohol. To make our communities strong, we also want residents to play an active part in the life of the borough and to feel truly valued.”

(iii) Hate Crime Action Plan⁵¹

The Hate Crime Action Plan 2009-2011 is the most recent document we could find on hate crime and dates from 2009-10. It identified four objectives for the strategy:

- Preventing, educating and community cohesion
- Increasing methods and levels of reporting
- Supporting victims and witnesses
- Tackling hate crime incidents

The aims were to:

- Increase confidence in reporting
- Increase levels of direct reporting to the police
- Give people the ability to report remotely at locations other than police stations, and to do so 24 hours a day

The strategy includes a detailed Action Plan which lists plans for:

- Increasing awareness of hate crime by way of publicity, training, review of website information, etc.
- Training for key statutory, community and voluntary organisations
- Increasing methods and levels of reporting
- Supporting victims and witnesses by looking at where the gaps are and consulting with statutory and voluntary organisations.
- Tackling hate crime incidents by collecting data and using it to evidence level of reporting; assist in decision making about direction of resources; build confidence; publicise successes; create hate crime profiles of victims, perpetrators and locations, etc.
- Review current information on Merton’s website and update as

⁵¹ www.merton.gov.uk/hate_crime_strategy_and_action_plan_final_july_2010

necessary, ensuring there is sufficient information on what constitutes a hate crime, how to report it and where to go for advice and support. Ensure that all contact numbers and links are correct.

- Allow victims and witnesses to access advice and support and report Hate Crime 24 hours a day (Stop Hate UK)

The strategy identified the non-reporting of all forms of hate crime and the non-recording of disability hate crime as a significant issue and committed itself to recording disability hate crime. The strategy also made a commitment to progress work around hate crime, with a work programme that included publicity, mapping of incidents, community engagement and support for victims. There is no specific commitment to removing barriers to reporting for disabled people or to ensuring that all victims get justice or resolution.

Unfortunately this action plan has not been followed through and there is currently no hate crime strategy in place. Merton is not unique in this regard; other London boroughs, in line with government and MOPAC priorities, shifted the focus from hate crime to anti-social behaviour and to the Prevent agenda focused on preventing radicalization.

The report refers to the Hate Crime Project Management Board being centrally responsible for coordination and delivery of the strategy and action plan. This Board no longer exists.

(iv) Community Cohesion Plan 2012-2015

The plan seeks to address how communities can live and work together in Merton. It was developed in partnership with BME, faith, LGBT and other community groups. It is not clear if disabled people and their organisations were involved.

“Community cohesion is what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.”

The Plan makes reference to racism and to homophobic hate crime but does not identify disabled people as a group who are marginalized or discriminated against, except in employment. The action plan includes some opportunities for tackling for example bullying in schools through the Anti-bullying Plan for schools and out of school settings.

We could find no new Community Cohesion Plan for 2016 onwards.

E. REPORTING HATE CRIME, ASB AND HARASSMENT IN MERTON

Disabled people who experience ASB or hate crime have a number of options if they want to report an incident or crime. However, these are poorly publicised and not all methods are accessible. Most disabled people who took part in this research were aware they could report incidents to the police, but not that they could report to the council or housing association or a voluntary sector organisation.

(i) Reporting to the Council, police or housing providers

Merton Council

Victims of ASB can report incidents to **Merton Council's Anti-Social Behaviour Unit** 020 8274 4907 E-mail: asbunit@merton.gov.uk which deals with all instances of anti-social behaviour. The website gives a phone and e-mail number and a pdf incident diary. There is no textphone facility for people who do not use voice phone or e-mail.

Callers to the Council call centre who report ASB are asked:

- What type of antisocial behaviour has occurred? This includes hate related incidents
- Are you at immediate risk?
- Is it targeted at you?
- How frequent are the incidents
- Is the incident motivated by faith, disability etc.?

We understand that ASB staff hold case meetings about repeat and high risk cases, but there is no input from community partners. This poses a real risk to victims, particularly those who are disabled; the lack of multi-agency working was cited as the key failure in a number of cases involving the deaths or murders of disabled victims of hate crime, including Fiona Pilkington and her daughter Francessca.

Incidents involving disabled people who are 'adults at risk' are reported, usually by a third party, to the Council's Safeguarding Adults Team. These

reports are seen by the police as they are recorded on a shared system known as MERLIN. The scrutiny process as part of the MPS Disability Hate Crime Matters showed that a substantial number of adult safeguarding reports involved hate crime.

Police

Anyone can report a crime at a Police station. Wimbledon is now the only police station that is open 24 hours a day. The front counter is accessible to wheelchair users. Mitcham is open Monday to Friday 9am to 5pm but is not accessible, and Tooting is accessible but is only open only 3 hours a week. For disabled people who prefer to report a crime or incident face to face, and particularly for those in the east of the borough, the distance from a police station may be a considerable deterrent to making a report.

Victims can also report to the Police via 101. Reports are taken over the phone, The **Metropolitan Police** also offers people who are deaf or without speech a 101 textphone facility on 18001 101 or contact via Text Relay.

Victims of hate crime who wish to report hate crime would normally do so via 999 if the incident is current and they are at risk, or via 101. 18000 is the textphone 999 facility.

ASB is the responsibility of the Merton Police Safer Neighbourhood teams, the Safer Schools Team and the Safer Transport Teams.

The Merton Police Community Safety Unit (CSU) has the key responsibility for investigating any identified hate crimes. Urgent call-outs to hate crimes are dealt with by the Response Teams. ASB, harassment and hate incidents would initially be dealt with by the Safer Neighbourhood teams and eg Safer Schools or Transport teams.

Housing

Circle Housing Merton Priory are the main social housing providers in Merton, their remit includes managing the Council's housing stock. All calls initially come through the Contact Centre. The Contact Centre uses a triage system for people to report ASB and they ask trigger questions. The questions are victim centred, people are asked if they are disabled. If the person has a high score, a full risk assessment will be done. Other housing providers use a similar system. This is a national system set up as a result

of the Crime and Policing Act. The risk assessment includes questions about disability.

(ii) Third party reporting sites

There is currently no established network of third party reporting centres in Merton and no process for reports to be passed on via a secure e-mail. Third Party reporting sites are independent organisations which provide a safe and confidential space for people to report hate crimes. Most offer ongoing support. Anyone reporting to a party reporting site can choose to do so anonymously, giving the details to the organisation but asking for these not to be passed on to the police, or they can ask the organisation to support them to report or to make a report on their behalf. Third party reporting sites are a key part of gaining community confidence. To cater effectively for disabled people, they must offer a good standard of accessibility.

Currently, victims of hate crime in Merton can contact the following organisations:

F. LOCAL ORGANISATIONS

Merton Centre for Independent Living www.mertoncil.org.uk have recently started taking hate crime reports and will be developing their hate crime advocacy services. Disabled people can report a hate crime face-to-face, by e-mail, on the phone or by SMS.

Merton LGBT Forum www.mertonlgbtforum.org.uk provides a third party reporting facility for victims of LGBT hate crime although this is not explicitly stated on the website – people are encouraged to contact the police. Due to resource issues, contact is by e-mail only.

Victim Support provides support to victims of crime, mainly referred through the Police. They will take reports directly from individuals or via referrals from other agencies. They have good relationships with the Safer Neighbourhood Teams and are building links with other agencies. Contact is via the national contact centre by phone or e-mail. We could find no text phone facility but there is a BSL video explaining about different types of crime and how to report. The website www.victimsupport.org.uk is the

only one to provide a link to True Vision, the national online reporting site for hate crime.

Other local voluntary sector organisations such as Merton Voluntary Service Council www.mvsc.co.uk may take reports if people contacted them.

For disabled people, local organisations that they can get to know and trust are essential if they are to be encouraged to report hate crime. In discussions with the local police at a round table meeting about this research, representatives of the local Police Community Safety Unit welcomed the idea of developing local third party reporting sites.

London-wide and national third party reporting sites

All of these organisations have a helpline.

GALOP www.galop.org.uk for homophobic and transphobic hate crime

Tell Mama www.tellmamauk.org for Islamophobic hate crime

Community Security Trust www.cst.org.uk for Anti-Semitic hate crime

The Monitoring Group www.tmg-uk.org for racist hate crime. The organisation also provide a unique Trauma Therapy Service which provides emotional and psychological support to traumatised victims of race/religious-hate crime in the Greater London area.

There is no equivalent organisation for hate crime against disabled people, but all of the above organisations take calls or on-line reports from disabled people and some have a substantial percentage of disabled clients.

True Vision www.report-it.org.uk is the national reporting site for all forms of hate crime. People can report details on an on-line form which is then passed on to the relevant police force. The form involves drop down boxes and uses language which is not accessible. People can download a self-reporting form which they can take to their local police. An Easy Read version of this form is available, though when we checked in May 2016 the site was not allowing access to this.

We could find no information on any local websites about any of the above third-party reporting sites.

G. INFORMATION FOR THE PUBLIC ON HATE CRIME, HARASSMENT AND ASB

There is a dearth of useful information produced by statutory partners in Merton that would be of use to a victim of recent hate crime. Googling “report hate crime in Merton” led us to the general information on the central Merton MPS website but gave us no explanation of what a hate crime is. The Merton police website does not include any information on hate crime; it would be simple to add some basic, easily understandable information and links to local independent reporting sites.

The same question led us to a section of the Merton Council website which initially refers to the (now out of date) hate Crime Strategy but then followed with basic information about hate crime. This includes a short paragraph on disability hate crime, or as the website states “disphobic crime” (sic!)

Disphobic crime is when you become a victim of crime because of your disability or perceived disability. This includes people with physical or mobility impairments, sensory impairments, mental health problems and learning disabilities.

The term ‘disphobic’ is not one that is in common use, and the description given above could appear to blame the victim – hate crime is of course about the perpetrator’s hostility towards someone who is or is thought to be a disabled person.

The website also has a section on stalking and harassment, which includes some useful information about stalking, and describes harassment as having

“... a strong physical component and is usually linked to gender, race, disability or physical violence; bullying tends to be a large number of incidents (individually trivial) over a long period comprising constant unjustified and unsubstantiated criticism.”

This section of the site highlights faith based and racist harassment but not disability, transphobic or homophobic harassment, and does not link harassment to hate crime.

There is also a section on ASB, including a leaflet (in 11 point print!) which advises people to contact the ASB Unit at the Council. The leaflet encouraging people to report ASB refers to harassment, though not to hate crime. No large print or easy Read alternatives are available.

The Council website itself does appear to meet basic AAA accessibility standards but if a site visitor starts at the Council home page, information is almost impossible to find. As with most local authority websites, there is no information in Easy Read or BSL. The language used is that of a local authority, not everyday language that people would understand easily. Many disabled people and people with English as a second language would find the information almost impossible to access online.

There are no links on the Council or Police websites to local or London third party reporting sites, or to the True Vision hate crime site www.report-it.org.uk/

After several attempts, variations on the same Google question eventually led us to information about reporting hate crime on the Circle Housing website. <http://www.circle.org.uk/merton-priory/get-advice/neighbourhood-asb/harassment-and-hate-crime>, to the Merton LGBT Forum webpage <http://www.mertonlgbtforum.org.uk/community> and to the Merton CIL website. Information about Merton Victim Support was hard to come by on-line, with the main link being to the change of address 3 years ago.

Apart from Circle (see next page) we could find no other information available locally. No single local organisation provides information in easy read, large print or in BSL. Disabled people in particular tend to see their local area as their main point of reference. Information there relies on people having Internet access and if they have it, being able to negotiate their way around quite complex websites. This is clearly contributing to the low reporting rates and lack of awareness, but could be easily remedied.

There is a clear need for a collaborative effort by partners to update their websites, produce some plain language easy to understand leaflets, and to provide a consistent message across all agencies.

The most useful and up-to-date information we could find was on the Circle Housing website which states:

Anti-social behaviour (ASB) covers a wide range of activities that have a negative effect on the quality of individuals and the community. This can be anything from low-level nuisance to serious criminal behaviour such as:

- Noise nuisance, such as loud parties, loud TVs and radios
- Verbal abuse (shouting and swearing)
- Environmental issues, such as litter, dumping rubbish illegally, abandoned vehicles, misuse of communal areas and graffiti
- Selling drugs and alcohol related nuisance and annoyance
- Intimidation and harassment
- Violence
- 'Hate' behaviour, directed against members of particular groups because of differences (for example, race or religion)

If you or anyone else in your household is experiencing anti-social behaviour you should report it to your Neighbourhood Officer by calling our Contact Centre on **0300 500 3000** or by completing our online form.

See more at: <http://www.circle.org.uk/merton-priory/report-it/Anti-social-behaviour#sthash.w1AiIjs.dpuf>

H. HATE CRIME HELPLINE

In July 2010, Safer Merton commissioned Stop Hate UK to provide a phone service to take calls from victims of hate crime. Officers we have spoken to agree that since then, hate crime has slipped down the priority list, and the focus is on anti-social behaviour (ASB). The contract with Stop Hate UK was terminated in September 2015 due to low volume of calls. Other London boroughs have had similar experience; without a strong grassroots input, victims of hate crime and in particular disabled people, LGBT people, refugees and asylum seekers will not use a general phone line. Where these exist, they prefer to report to organisations such as GALOP or the

Community Security Trust and to use local services which have the trust of the community, locally or London wide.

I. PARTNERSHIP WORKING TO TACKLE HATE CRIME

Current partnerships with disabled people and their organisations appear to be in its initial stages. We have outlined below possible ways in which this could be developed using existing and new ways to ensure that the Police, the Council and other agencies benefit from the expert input of disabled people, engage with the wider disabled community and address the issues together.

(i) Community MARAC/ ASB Panel

ASB panels exist in many London boroughs; some are changing to being Community MARACs (Multi Agency Risk Assessment Conference), on the model used for domestic violence. These multi-agency panels deal with high risk and repeat victims who need a plan of action to ensure they are safe. All the panels deal with victims of (ASB) and hate crime; increasingly they will also look at cases involving people who are repeat callers to services and are vulnerable, people whose properties are taken over for drug misuse and those at risk of financial abuse/fraud.

At present there is no ASB panel in Merton. We understand that there are plans to develop a Community MARAC in the borough and that Merton CIL and other agencies will be asked to join. It is essential that this panel has a clear remit which includes hate crime.

Waltham Forest has an ASB Risk Assessment Conference (called ASBRAC) which is one of the few community MARACs to involve a disabled people's organisation. Stay Safe East has been a member of Waltham Forest ASBRAC since it was set up. Around 33% of the ASB cases referred involved disabled victims. The panel has looked at about 40 cases in the past year, many involving multiple victims of the same perpetrator(s) of ASB and in some cases hate crime. It has now begun to look at people who are vulnerable for reasons of mental health, drugs, alcohol or other issues and who are at high risk. The panel draws up action plans to tackle each case and calls partners to account. Thanks to multi-agency working, the ASBRAC has helped prevent some of the ASB incidents from escalating into hate crime.

(ii) Independent Advisory Group to Merton Police

Each London borough has an Independent Advisory Group (IAG) to the police made up of local people who advise the local Borough Commander on local issues. IAG members are expected to have a good knowledge of local communities and their concerns.

The MPS describes the role of independent advisors as being a "critical friend" – a group of non-police people who can:

- Provide advice and guidance to the police to help prevent critical incidents escalating (these may be external or internal incidents).
- Provide a sounding board for the police to understand the potential impact on communities of police practices and operations.

We could find no information about the Merton IAG but understand that it meets 'as and when required'. Several London boroughs now have disabled people on their IAGs, who are able to advise about the impact which, for example, a major public order incident, or a hate crime or series of hate crimes might have on disabled people, or how to improve access to police stations. Hate crime is a key part of the role of IAGs. Local IAGs have close (though sometimes critical) rapport with Borough Commanders which helps influence everyday policing and strategy. Input from a sufficiently expert disabled resident with strong local knowledge and links would be of great benefit to the local Police. The appointment of a new Merton Borough Commander provides an opportunity for involvement of expert disabled people at this level.

(iii) Liaison officers and Hate Crime Officers

In most London boroughs, the Police have officers who act as Liaison officers on particular equality strands; usually faith and LGBT. In most cases officers do this work on top of their day to-day responsibilities; in a few boroughs the liaison role is a distinct part-time (or in the case of Westminster's LGBT Liaison officer, full-time) role. In some boroughs there is a single LGBT Liaison or Faith Liaison officer, in others there are up to 8. These officers are there to liaise with the community, explain issues to their colleagues and facilitate dialogue. This helps increase community confidence, and in most cases, has an impact on reporting of hate crime.

There is potential for a similar role around disability, with a Disability Liaison Officer (or preferably officers) making contact with disabled people and working with disabled people's organisations to inform and support their colleagues dealing with disabled victims.

Some boroughs already have a Hate Crime Liaison Officer, who has a more strategic role in ensuring good practice. The Metropolitan Police has recently announced that it will be appointing Hate Crime Liaison officers in all London boroughs, to be based in the Community Safety Unit. These officers will play a key role in ensuring that hate crimes against disabled people are reported, identified, flagged appropriately, and dealt with effectively and that disabled victims get the resolution they want.

(iv) Council Boards and Scrutiny Panels

The Safer Neighbourhood Board regularly looks at patterns of ASB and receives reports on crime in Merton from MOPAC. Its aim is to enable the Mayor of London to obtain the views of local people about matters concerning the Metropolitan Police, and gain their co-operation with the police in preventing crime and anti-social behaviour in that area, and to obtain the views of victims of crime about matters concerning policing.⁵² Though the board has no powers, it can advise the Borough Commander and the Council on key issues. Merton Centre for Independent Living has a representative on the Safer Neighbourhood Board.

⁵² Section 96 of Police Act 2006 - as amended by Police Reform and Social Responsibility Act 2011 places a duty on the Mayor to engage with local people on policing.

The Council also has three Scrutiny Panels which hold services to account. The Overview and Scrutiny Commission has a specific Community Safety remit. Its Chair attended the round table meeting held as part of this research and expressed support for a report to be considered by the Commission later in the year. The Council has a Scrutiny Panel which examines in some detail key issues or areas of work, not only within its own services, but also within partner agencies – health, police, housing etc. This is a key tool for ensuring that hate crime against disabled people and other groups is tackled effectively and that the police are called to account. At the Round Table meeting in May 2016, it was suggested that the Scrutiny Panel look at hate crime against disabled people at a meeting in 2016.

(iv) Hate crime scrutiny

There is also a role for Deaf and Disabled People's organisations (DDPOs) such as Merton CIL in scrutinising hate crime cases jointly with the Police.

Stay Safe East has been involved in scrutinising hate crime at a more detailed level in Waltham Forest. After several years of working with the Police, the organisation has built up a level of trust and confidence which means that it is allowed access to crime reports (safeguards are in place to protect confidentiality). Stay Safe East has worked with the local police Disability Lead to scrutinise selected cases to see how they were dealt with. The Disability Lead identified over 500 crime reports involving disabled victims over a period of 6 months; he then worked with Stay Safe East to scrutinise a sample of these cases, identified the hate crimes that may have been missed, and in some cases 're-flagged' them. The Disability Lead was an Acting Inspector who had the seniority to be able to discuss these cases with the officers involved. This collaboration helped raised the number of reported crimes, but it was also a learning for the MPS officers.

Reports can if necessary be anonymised. In either event, any representative involved in this process will need to undergo vetting according to MPS procedures. This is arguably a role for a paid worker with Merton CIL. We would suggest this is piloted on hate crime against disabled people, and if it proves to be effective, extended to vetted representatives of other strands eg LGBT Forum, BAME Voice etc. who have an interest in hate crime.

A scrutiny of hate crimes and crimes against disabled people in Merton should look at whether the Disability Hate Crime Matters guidance has been followed, including:

- Have hate crimes been recorded on the Metropolitan Police CRIS crime system, not on ASB 'Airspace'?
- Were immediate measures taken to safeguard the victim?
- Were victims asked if they think they were targeted because who they are?
- Has evidence been gathered about the hate element of the crime?
- Has a supervisor has been informed?

(v) Joint training

There is considerable scope for partnership work on training and educating professionals about hate crime and harassment against disabled people. Even with limited resources, it is possible to reach a substantial number of people who deal with the public and who may need to recognise a disabled person as a victim of hate crime.

Metropolitan Police

MPS general training on disability equality includes brief information about the Equality Act, more in depth training on mental health (though mainly from the perspective of Section 136 of the Mental Act (ie sectioning people who need a place of safety) and on dealing with issues around 'vulnerable adults'. There is very little about disability from a social model perspective, how to meet the needs of victims and survivors of crime, or indeed about hate crime against disabled people. Many Police officers which Stay Safe East has dealt with over the years have told us they would welcome additional training, and contact with disabled professionals who help them increase their knowledge and confidence.

In early 2016, as part of the current Disability Hate Crime Matters initiative, 3-hour briefings were delivered centrally to representatives from key teams across London boroughs, from Safer Neighbourhood officers to Response Teams and Community Safety Teams. The training was delivered by MPS officers with input from Inclusion London and Stay Safe East. The expectation is that these briefings will be cascaded down to officers on the ground by the colleagues who attended them. We understand that Merton CSU were unable to send anyone to the training, but this can be addressed through contact with the officer who has been

leading the Disability Hate Crime matters project. A review of how this is implemented locally is essential. Two representatives from the CSU attended the round table in May 2016, and expressed a strong commitment to partnership working on hate crime. The Disability Hate Crime Matters project is ongoing and creates an opportunity for joint work with disabled people in Merton.

We understand that a Police Disability Liaison Officer appointed in 2014/15 in Merton has also provided some basic briefings for colleagues on hate crime against disabled people.

We would strongly recommend that training and briefings be delivered in partnership with disabled people – not using disabled people as ‘case studies’ but co-training between an officer and a disabled person with the skills to deliver training and sufficient knowledge of the community locally and of issues relating to hate crime.

As part of the local Police allocated training days, Stay Safe East has recently delivered 8 briefings to over 150 front line officers in Waltham Forest (in this instance on both disability and LGBT hate crime) jointly with the LGBT Liaison officer for Westminster. The 120 attendees included the Safer Neighbourhood and Schools Teams, Community Safety Unit Officers, Response Teams and some CID officers. Because of the pressure on officers, these were one-hour briefings slotted into monthly training days that are mandatory for all officers.

Key issues covered included:

- An overview of the social model of disability
- Language around disability and LGBT issues
- Identifying hate crime against disabled people
- Legal background
- Flagging hate crime
- Engaging with disabled victims and witnesses

A case study for discussion and details of support organisations were provided.

Delivering these briefings across two equality strands meant that intersectionality was built into the programme, so officers had to think “outside the box”: the case study involved a transgender woman with autism from an Asian background; this helped equip officers to deal with real situations faced by individuals they were likely to come across in the course of their work.

We would recommend that Merton adopt a similar approach, and begin by focusing on response teams and the Safer Neighbourhoods, Safer Schools and Transport Teams. If possible, two-hour slots enable more space for discussion and problem solving.

Training Police officers face-to-face means that officers and Merton CIL will be able to get to know each other, and officers will feel more confident about asking questions or referring victims of hate crime.

Council, housing officers and voluntary sector

We would recommend that as a second stage, a more in-depth programme, preferably as half or whole day Disability Equality and Community Safety training, for key officers in Merton council and in the main housing associations covering the borough. This would need to be funded as it involves considerable amount of staff time and expertise. There are two strands to this - increasing the knowledge of staff on all forms of hate crime, and ensuring that they are specifically able to respond appropriately to disabled victims of hate crime. A debate will need to be had amongst partners about the best approach to training.

(vi) Engaging with disabled people

From our research, there appears to have been little engagement in recent years with disabled people and their organisations, or for that matter with other sections of the community, on either Community Safety nor specifically on hate crime and harassment. If the MPS, the Council and partners are to ensure that disabled people are able to report hate crime and to get a positive and proportionate response, engagement with disabled people is essential.

A start has been made, at the initiative of Merton Centre for Independent Living. Merton CIL report that in April 2015, they formally requested that the issue of disability related hate crime be considered by the London Borough of Merton – this was done as part of discussions with officers regarding the future work programme for the Council’s Scrutiny Committee. Merton CIL approached Merton Police and a disability lead officer was appointed who has since then worked occasionally with Merton CIL. A member of the Merton CIL Board now sits on the Safer Neighbourhood Board.

This is an excellent start to what could develop into a constructive partnership, and both the Council and the Police are to be commended for their openness to starting a dialogue. We would suggest that this relationship is consolidated into a series of initiatives, to be introduced over the next year, to enable disabled people and their organisations to input into how services are delivered. In the light of the MOPAC hate crime strategy published in 2015, and the Metropolitan Police Disability Hate Crime Matters initiative launched in early 2016, this report makes some recommendations for progressing the work on hate crime.

SUMMARY OF RECOMMENDATIONS ⁵³

Recommendations: all partners

5. Publish a joint “No Place for Hate in Merton” statement, with reference to recent hate crimes across the world including those against disabled people
6. Work together to develop an awareness campaign on hate crime and harassment, and obtain funding for materials to be developed in partnership with disabled people and other communities
7. Publicise all local agencies where hate crime or harassment can be reported
8. Police outreach and confidence building sessions, jointly with Merton CIL and other voluntary sector groups, to increase confidence in reporting hate crime and harassment against disabled people and other groups

Recommendations: Merton Council and partners

8. Revise information about hate crime generally, and hate crime against disabled people and other groups on the Merton Council and Merton Police websites, to include:

⁵³ Several of the recommendations in the MOPAC Hate Crime Strategy have been adapted to local level and incorporated into these recommendations.

- Plain English information about what hate crime is, how it affects people etc.
 - How to report hate crime
 - Links to local and other organisations supporting victims of hate crime, and to True Vision
 - A simple reporting form
 - An Easy-read version of the text with easy words and pictures
 - Phone, SMS text and e-mail contacts
 - Information about agencies which support victims of domestic or sexual violence
9. Draw up a new Community Safety Strategy, including hate crime and harassment, in consultation with voluntary and statutory partners.
 10. Set up a Community MARAC to deal with high risk and repeat ASB and hate crimes cases and other cases involving adults at risk; the Community MARAC should involve key statutory partners (Police, Adult Safeguarding, Mental Health Services, Social Landlords etc.) and key voluntary sector partners including Merton CIL.
 11. Ensure that data about repeat and high risk cases is shared across statutory partners, and where relevant, voluntary sector partners – develop the necessary information sharing protocol
 12. Work with Merton CIL to review adult safeguarding cases over a fixed time frame (eg three months) to identify any hate crimes that may have been missed
 13. Provide training for front line call centre and other staff on how to recognise hate crime
 14. Review how domestic violence is dealt with where the victim is a disabled person, and of the accessibility of local support agencies, as well as police responses

Recommendations: Merton MPS

1. Initiate a Police-Disability Liaison Group involving disabled individuals, user-led organisations and selected organisations working with disabled people and other groups, to focus on key

- issues around policing and crime, including hate crime. The Liaison Group will need a budget for access and other costs.
2. Appoint a Hate Crime Liaison officer for Merton Police, in line with Metropolitan Police policy
 3. Encourage more police officers or PCSOs to volunteer as Disability Liaison officers
 4. Develop briefings for front line staff, including liaison officers, delivered jointly by MCIL and the police – either on hate crime against disabled people only, or on all/some hate crime strands
 5. Invite applications from disabled people to join the Merton Police Independent Advisory Group
 6. Develop a scrutiny process jointly with MCIL to review a sample of crime reports involving disabled people as well as cases already flagged as hate crime, to identify good practice and possible improvements
 7. Develop a joint outreach programme between Police, MCIL and other community organisations concerned about hate crime, including the LGBT and BAME Forums and Victim Support
 8. Train Safer Schools officers to work with young people in schools to inform them about hate crime

Chapter 5: DISABLED PEOPLES VIEWS OF HATE CRIME AND HARRASMENT

"It's an everyday experience. Right now it's happening to someone."

A. REPORT FROM FOCUS GROUPS – FEBRUARY 2016

Merton Centre for Independent Living held two focus groups in February 2016 to discuss Disability Hate Crime with local disabled people. We looked at people's experiences of crime, getting help from the police, and their thoughts on how society and the justice system deals with disability hate crime generally.

Fourteen people attended the sessions coming from a range of ethnic backgrounds, impairments and ages. The ages ranged from 27 to 66. Three people had learning difficulties, at least two were mental health system survivors, one had a speech impairment, one had post stroke syndrome, one was visually impaired, two had unspecified physical impairments, including mobility issues, one had cerebral palsy, one had post-stroke syndrome and had 'lost his words', one had survived cancer but had been left with long term impairments as a result. Some had more than one impairment, including stress caused by day-to-day life experiences. Some preferred not to discuss their specific impairments. One person was a support worker for the people from a day centre and one person was the mother/carer of a participant.

Names are pseudonyms chosen by the participants.

(i) What experiences of bullying, harassment and hate crime have you/ people you know had?

Samantha

Samantha is a young white woman with cerebral palsy. She regularly experiences sexual harassment and assault which she attributes to being disabled.

“When I’m standing, I don’t have any sticks or anything, people assume I’m drunk – you get the kind of catcalls you get when you are drunk and people assume a lot of things about you to do with your sexuality. When I am in my wheelchair, people touch me like this [stroking her arm]. Other times people treat you like a nuisance – you get in the way.

“I’ve not had a lot of physical abuse. I got stalked once, that was not a lot of fun. I reported that to the police. I believe he targeted me because of my vulnerability. He saw me fall over – he followed me and followed me and told me: ‘I never forget a beautiful face’.

“(In clubs) I think people tend to try to pin me down more than they do other people... Like a man will try to use his body weight to stop me from moving, or to grab hold of me... I am very vulnerable on the stairs. If a guy comes up and grabs me on the stairs, I can’t defend myself and that’s the only time I get scared. They put their hands where I don’t want them. I’m very physically strong with the upper body – if a hand ends up where I don’t want it to be, the next place it will be is behind your back or your wrist will get serious pain. What I don’t like about that is that it is my physicality or my attitude that has to save me. I don’t want it to happen in the first place. You wonder how many other disabled girls that has happened to.

"I get a lot more creepy language used about me and my sexuality than my friends – much more sexually explicit, much more forceful, much more domineering. They expect me not to say 'no' ...there is a kind of fascination with what they see as vulnerability.

"I think that the sexual version of hate crime is the only crime I have ever felt affected by. It's now very difficult for me to trust people when it comes to sexual experiences... That sort of thing has had a long-term effect on me, those are the things I tend to report to the police. They take it all down, they are pretty good about it, but I usually have friends with me. I'm very articulate. I've never had any problems with the police, but I truly believe that's down to my education and to being very articulate."

Geraldine

Geraldine is a middle-aged white woman with learning difficulties. She has reported several incidents of bullying and harassment over the years, most commonly experienced on public transport.

Recently:

"Kids push me, push me, hit me – school kids. On a bus – swear at me. 'Go away. Get lost.'"

What did you do?

"Go away"

Did anyone help you or say anything?

'One man push stop. Bus driver didn't help "

Did you tell anyone about it?

"Spoke to police officer – one of the ones on the street and a hat on – a lady."

Do you think this happened because you are disabled?

"Yes – it makes me feel sad."

Geraldine went to the police station with her carer. She wasn't sure if the incident was ever followed up by the police – she heard no more about it.

Michael

Michael has physical impairments and learning difficulties. He talked about people

"...taking the Mickey out of my arm – they just laugh. It makes me feel stressed and I get chest pains because of it. I end up swearing at them. I have been in the Wimbledon Police Station to tell them about it. They don't do anything. They just told me not to swear at them and to completely ignore it."

Michael said that he saw support police travelling on buses when the children come out of school but it doesn't seem to make any difference to their behaviour.

"They all gather around Wimbledon Station after school – I think it is all the screaming, it makes me panic"

As a result of these experiences Michael is now frightened to travel on public transport or walk along the road alone.

“I have been getting taxis to the day centre – it is chewing up all my money”

Mohammed – a visually impaired man who said he had not been a direct victim of hate crime but nevertheless felt he had increased vulnerability especially in crowded places, where people would not give him enough space to use his white stick or manoeuvre effectively. He lives in fear of being pick-pocketed or pushed around.

Sandra

Sandra – a Black mental health system survivor commented that it is sometimes difficult to decide where hate crime is coming from, eg

“When my mental health started to deteriorate, I ...would be in the street, staggering along and people would be making fun of me and I would not know if it was because I was drunk or whether because I was Black or whether it was because I have a mental health issue. Sometime you are not sure what the motives of the people are towards you. They are not going to say: ‘I am doing this to you because you are disabled.’

“I would be involved in punch ups, and people would hit me and I would have my bag stolen. Sometimes the police can seem not very supportive of disabled people. I would be in a situation where I was quite clearly at risk and I think they have Section 13 where they can take to you to a place of safety – it used to be a police cell but then they started taking me to Springfield Hospital on a short Section. ”

How did you feel about it?

“When you are drunk and also paranoid you think ‘I am alright’ when you are clearly not alright. I would think ‘Why am I in Springfield again?’ I did not have any insight into my illness. I was clearly not alright and they saved me from being stabbed or raped.

“Some (of the police) were respectful, others were: ‘Why are you wasting our time? You are a disgrace, why can’t you pull yourself together? Just snap out of it.’ A lot of people with mental health issues hear that but you are clinically depressed!”

Adele

One of Adele’s friends was walking to the doctor’s using walking sticks. Someone approached her and said:

‘This is the problem with this country, but don’t worry, we will soon get rid of you with this government’

Adele asked the victim why she didn’t report it and was told, what’s the point?

“We have to break those barriers – many of them are told to just go away.”

Her friends had experienced verbal abuse in a variety of ways. One person was told she shouldn’t show her face – another was told she was selfish having a daughter because then the State has to take care of her.

(ii) Disability Hate Crime or Racist Hate Crime?

Malcolm, a Black older mental health system survivor said:

“They used to call me black bastard and N... and I used to retaliate. And when I retaliated they never liked it, so now they say there is some wrong with me because I retaliate. So I am supposed to sit there while I get all this abuse and do nothing about it? ... People who started it were out there laughing – but why was I getting that treatment? ... Because I opened my mouth.”

One younger Black man said:

“I am lucky, the times I have grown up in, the 90s it is not as bad as what the other people have experienced.” However, he noted that he always travels with a Carer and so perhaps had been more sheltered than others.

Sandra:

“I grew up hearing the N... word all the time and being spat on. It is a bit like terms about disabled people.”

Malcolm:

“Black boys used to have to run home from school. The National Front would be out on the street...”

There was a discussion about the rights of people to choose the language used about them, including using the ‘N’ words amongst Black people and the word ‘Crip’ between wheelchair users. The group was of the view that it is not OK for people outside an oppressed group to use terms like these

but it is OK for people in the group to reclaim them and use them amongst themselves.

Sandra pointed out that there is a national tendency towards hate – she said that when John Lennon married Yoko Ono people hated her for being Japanese and when Paul McCartney married Heather Mills, people hated her for being disabled.

“So it is national hate crime – not just the people you meet in the street – it is all over the place.”

(iii) When is hate a crime?

Participants found it difficult to recognise the links between name-calling and physical abuse.

Do you think verbal abuse is a hate crime?

Malcolm:

“No – the only thing would offend me now if somebody put their hands up to hit me...you can call me as much as you want to call me. It might be a hate crime – to me it is someone just being obnoxious... If you think I am a black bastard then let me know so I don't have to get involved with you.”

Sandra:

“I am not sure I think of verbal abuse using race or disability as a hate crime – I see it as a portal to hate crime... Start off by abusing them and then burn the houses down... burning down the house is the hate crime and stabbing is a hate crime... People can call me what they like ... mad, stupid, this and that. I am at the stage I would walk away... Yeah, you are abusing me – that is hateful. When you start burning down my house that is hate crime. I am a bit nervous about speech being censored because I want to know who my enemy is”

Adele said:

“It depends on the whole circumstance ... is it a drunk guy saying it or another person with learning difficulties? You know, we're not innocent, we can be just as ugly...I think if it is one person, that same person, name calling every time you are out, then definitely...I think it should do down the route of other hate crimes.”

When they were reminded of the Pilkington case and how the mother endured years of verbal and physical abuse before killing herself and her daughter, most focus group members wanted to distance themselves from such incidents, saying she took the only way out. They claimed they would be able to stand up for themselves and nip it in the bud.

Samantha:

“People try to bully me, being disabled. I’m not overly susceptible to that – it tends to stop. They call me names, take the mickey. A lot of language that would annoy most people doesn’t annoy me. The stuff based in hate is generally the name calling, the ‘spastic’s, the ‘weirdo’s, the swearing. It’s not usually even a name, just a lot of swearing. I’ve never reported.”

However, they agreed that if it was happening to someone else in the group, they would see it as hate crime.

Samantha’s response was typical of the feeling in the group:

“If someone else told me what had happened I would be like ‘Report it!’”

(iv) What happens when you tell the police?

Adele

Adele is a white middle-aged woman who uses a mobility scooter. She has attended (MOPAC) consultation meetings but feels disabled people are not listened to.

“...There was quite a lot of us (disabled people) from all over London, talking about disability hate crime and it’s just like over their [the Met’s] head – they just didn’t get it that we need a disabled organisation – who knows about disability and is disabled – to deal with disability crime. It has to be local. They [the police] were talking about having a phone line out of London that everyone could use... What good is an app when you have learning difficulties or no mobile phone or you are not literate in technology?”

Adrian talked about experiences of calling the police over a long running dispute with a neighbour and not being believed.

“The police come and the most aggressive neighbour says: ‘Don’t take any notice of him – he is crazy or mad, or been in hospital, he

doesn't know what he is saying.' And the police tend to accept that and walk away from it."

Samantha said she had never had any problems with the police but believes it is because she is educated and articulate.

"At university when I had somebody stalked me, they did a few checks afterwards. He didn't actually reach my house, he only reached the campus so he didn't know where I lived, but they did some checks anyway and they called me the next day and wrote up the report."

Other people (particularly those with learning difficulties and mental health service users), felt ignored and side-lined by police officers. There was a general feeling that there was no point contacting the police because they didn't understand, would tell you just to ignore it and wouldn't do anything about it.

Adele talked about a local incident where a blind couple had called the police about noisy neighbours. They were interviewed but were told the case would not be taken any further because their blindness meant they would not be able to identify the culprits. She is adamant that the police need further training and also said that they are eager for it because they know that they just do not understand the issues currently.

Sandra had several incidents involving police whilst having psychotic episodes. She reported that some recognised that she was vulnerable and needed to be sectioned whilst others told her to pull herself together and stop behaving badly. She felt they needed more training, particularly around recognition of mental health issues.

(v) What would you like to happen to stop Disability Hate Crime?

There was a strong feeling that talking about the issue with other disabled people was very positive and that consciousness raising support groups would help to focus disabled and non-disabled people's attention on the issue.

Georgia, who has physical impairments and learning difficulties remarked how helpful it was to talk with other disabled people about bullying, harassment and hate crime. Incidents “get written down at a meeting once a month and an advocate takes them to a meeting at the Civic Centre and you get support. Members of People First were telling me they had been attacked out on the streets.”

Adele wants local disabled people’s organisations to be a first point of call for disability hate crime and for police to receive more and better training on disability equality and hate crime generally. She said that the police should ask about disability when they attend an incident.

“The first thing they should say: ‘Does anyone here recognise themselves as being disabled?’...For serious crimes they should be taken to court and they should be prosecuted because people think they can just say what they want and get away with it. Hard core hate crime can result, as we know, in death. It depends on the circumstances and on who is saying it and if it comes with violence. I mean in this (a mobility scooter) I can’t defend myself... a lot of my friends who are in wheelchairs they can’t defend themselves if someone comes to attack them. It should be a crime. We are more vulnerable... We’re on a lower height as well so these people are towering over you, if you have a great big guy, it’s a bit frightening”

Geoffrey’s impairment is not immediately apparent. He talked about difficulties this poses when people assume that he is not entitled to use facilities for disabled people. He is not able to deal with confrontation and steps aside when someone orders him out of seats for elderly people, etc. even though he has a need for it. He wants the police to be aware that there may be impairment involved and not just assume that everything is fine because it looks that way.

Conclusions from the Focus Groups

Awareness Raising Support Groups run by and for disabled people would help disabled people to identify and recognise disability hate crime.

Disabled people who experience bullying, harassment and hate crime are unwilling and unlikely to recognise it as such when it applies to themselves, but are clearer about it when they see it happening to others. Discussing incidents with others would jog memories and help them to identify incidents as being related to them as disabled people. The support worker who came to the focus group with four people from a day centre reported that they were very happy the following day. She said that they wanted to come to the group again and attend regularly. It was clear that they had more to say and discuss but one session was not enough to really uncover their stories as they are unused to being asked what they think and unused to being believed when they report incidents.

More and better training for police officers is a priority, delivered by disabled trainers who can offer a perspective not commonly shared by non-disabled people. Almost every person at the Focus Groups felt this was a priority. Generally, it was felt that the police were not negatively disposed towards disabled people but that they were ignorant of the issues and shared society's views of disabled people as somehow 'less' than others, less believable, and sometimes presenting as a 'nuisance' rather than a victim of crime. There was an understanding that public spending cuts are having a big impact on the services police can offer, leading to people feeling that there was no point in reporting incidents to them.

Reporting/support centres in Disabled People's Organisations: Participants were clear that national phone lines and apps are not the answer when it comes to reporting disability hate crime. They want to be able to talk to other disabled people in a supportive environment where they will be believed and helped to decide whether to take incidents further or not. They felt that only Disabled People's Organisations run by and for disabled people would be qualified to listen and advocate on their behalf of them.

Local and National Campaigns against Disability Hate Crime led by disabled people and supported by the justice system. This would help to raise consciousness generally and reassure disabled people that crimes against them will be taken seriously.

Materials about hate crime need to recognise that disabled people experience other forms of hate crime as well as disability specific hate crime

The Police need to gain the confidence of disabled people from all communities – and show they understand their experiences. This should be integrated into any training.

B. RESPONSES TO QUESTIONNAIRES

Merton CIL sent out a link to a Survey Monkey questionnaire to a wide range of voluntary sector organisation in Merton and to its own membership. 22 people responded, of whom 20 were disabled people living in Merton. Though this is not a large number, the responses highlight some interesting patterns.

Respondents to the on-line survey were more likely to have reported incidents. However the response they had received had affected their perceptions of the police and made them cynical about whether it was worth reporting.

Over 2/3 of respondents had experienced being hurt, bullied, called names or insulted. Of these, nearly a quarter had been stolen from. Over a third had been attacked – in 1/4 cases, someone had attacked the person's home or property.

Half of those questioned believed that this was because they are disabled. Other reasons given included "because I am transgender too" and "because I am female, honest and caring".

Nearly 2/3 of respondents said they were affected by the hate incident. In response to the question "how did it make you feel?" people used the words: unsafe, terrified, fearful, hurt, isolated, vulnerable, let down, angry, scared

Disabled people also felt: threatened, like I had to constantly protect myself, devastated, undermined, undervalued and somewhat angry
Frightened, vulnerable and scared to go out alone for a long time afterwards. Even now, 6 years later, I avoid the road where I was assaulted. My disability [mobility related] was evident to my attacker, which I feel made me an easy target for him. My attacker has not been caught, so I still feel wary and hyper vigilant when out alone and always carry a personal alarm with me.

Bi-polar so I react differently emotionally to problems which may not phase others. I have felt sad, belittled, frustrated, as if people are closed minded and cruel.

I just laughed it off. I didn't move to a new house because people in the neighbourhood yelled at me. It felt horrible and I feel unsafe

The majority of the perpetrators were adults over 20 (56%), nearly 40% were young people aged between 13-20. Only one person reported an attack carried out by someone over 50 years old.

One respondent was able to reflect on who the perpetrators are and challenge assumptions about young people:

People have told me I am too young to actually be disabled and it makes me not want to use public transport. Some people take advantage and are ignorant and lack understanding. This leads to prejudice when you have a hidden disability. I have found children to be fairly open minded and good with disability, it's the older people and adults who cause me most problems.

When asked how many times they had been bullied or hurt in the past year, two thirds of respondents said it had happened three or more times, a quarter said once or twice.

60% said the perpetrator had been a stranger, 40% have been hurt or bullied by a member of their family. Over a quarter have experienced bullying by a neighbour and just over 1/10 say it was their carer or PA. Numbers reflect the fact that more than half of respondents had experienced harassment from more than one person and more than once.

When asked what happened, respondents had a range of experiences of hate crime and harassment, ranging from verbal abuse, to threats and serious physical violence. We have quoted the responses in full⁵⁴.

Verbal abuse is common:

School kids on the bus

It was on a few occasions. Rudeness, making fun of me, swearing. And stealing my purse

Young boys threw some apples at me.

People used to push me around at college

Their aggression/hate/negativity is a constant presence

It's not just visibly disabled people that get abused.

Two people had experienced hostility because they use a Blue Badge – this is a common source of hate crime, as illustrated in the second example:

People making remarks when I use my blue badge because I am maybe not what they view has been disabled

Parked car in my disabled parking bay and when I politely asked them to move as it was the only place I could get myself out, the [driver] got aggressive and abusive and promised to carry on parking there. They then did this more and fought with a neighbour who also asked them to respect the spot I needed. The housing association ignored the aggression and abuse and actually made the situation worse by not getting involved.

Hostility and physical attacks in public places were quoted by two respondents:

I was on a bike and a lorry driver drove straight at me, stopped in front of me and blocked the road. He told me to cycle on the pavement. I decided to take a photo of his lorry and number plate, and as I did so he accelerated towards me and hooted. Obvious threatening behaviour -using a vehicle as a weapon

⁵⁴ Some responses to the final question *'is there anything else you would like to add?'* have been incorporated into the next two pages of responses.

I have been attacked on the street by a group of teenagers. They chased me and pulled my hair. I have also been attacked on another occasion in the street

Threats were reported by several respondents:

Stalking, harassment, death and rape threats, against me and my daughter... Gossiping –still!

Very threatening phone calls. I reported it and the police did not take it serious, I felt as though they were laughing at me

They posted racial and disability remarks on Facebook.

One person reported abuse by a professional:

My CPN, who was on the home treatment team at the time, grabbed the phone off me when I was unwell and rang for an ambulance. She told the ambulance staff she could not force me off her. She was the one who forced herself on the phone.

Another reported abuse by a personal assistant – arguably this is domestic violence, given the close nature of the relationship between a disabled person and their PA:

A PA was pressuring me to tell her something that I didn't want to. Another PA asked me to do things I did not want to like have her friend over to stay

Significantly, only one respondent mentioned any abuse by family members, yet 40% of respondents said they had been abused by a family member – domestic violence against disabled people is not talked about and rarely addressed:

Other than this attack, I have been assaulted and bullied by a member of my family because of my other disability, mental health problems. I choose not to see my sibling because of this, as it's safer for me.

The experience of a lifetime of abuse as a disabled person was poignantly – and angrily- described by one respondent:

When I was younger it happened on a fairly regular basis. Sometimes my impairment makes it so I am unfit and cannot fight back. I had to take the beatings and learn how to take it. I always envisaged that I would not cry or show weakness. My speech makes it so people just assume I am stupid. At best this means I am

ignored, disregarded and not believed. I learned to go into my shell as a defence and I still do this now I am older. This leads to abusive comments but it also makes it so I get angry. At these times and when fit, I can fight back.

Half of those who responded have experienced being bullied or hurt in the last year with a third of those reporting it happening three or more times.

People are most likely to tell a friend or the police (30% and 25% respectively), one person told their care worker or PA, one their social worker, OT and advocate. This appears to be the only person who reported to the local authority – no one had reported these incidents to the Anti-Social Behaviour Unit at Merton Council. One told the police and Merton CIL, another said “there was no Merton CIL when this happened”.

Of those who told the police, there was one positive comment from a victim of a serious attack:

“They were excellent, very supportive and assigned a police liaison officer regularly keep in touch with me regarding their investigation, but also to support me through the aftermath of the attack. The Police took a statement from me and conducted house-to-house enquiries People living in the area where I was attacked. I was immediately taken to hospital for treatment and DNA was taken from my clothes and for my person, the attacker had left his DNA on me when he attacked. His DNA is now on the national database. The police also featured my case on Crimewatch. Although my attacker has been caught my case remains open.”

One respondent was more neutral:

[The police] commiserated and we all agreed that there was no point in taking it any further since it would be my word against someone else's.

Others were less complimentary and felt that they had been let down, but clearly saw that the responsibility lies with the police to ‘do something about it’.

[I reported] some of it. The police have let me down before by not providing me with protection.

Safer neighbourhoods were involved but they could do much so it just went away.

The police negated me, and did not care.

The police visited me and make me feel to blame.

Think any of it was reported as a crime. They know they are class A and other drug dealers, they don't care.

Police don't do anything about it. There is a lack of communication.

There has been more than one occasion when I have been bullied.

Last year in July I was assaulted by a drunk woman. The police advised me to take action against her, but they dropped the charges. It was a pointless exercise.

Called police for protection on one occasion and I was threatened with possible arrest. On another occasion I contacted the police when my front door was being kicked in, in the middle of the night. A policeman came and took me in Springfield [psychiatric hospital]

This last comment is particularly concerning – and not atypical of the experience of people with mental health issues.

90% of people said when reported to the police they didn't get any help and most were not happy with the way the police behaved.

In over 80% of reported cases the perpetrators were not arrested. There were two arrests. None of the cases went to court.

Justice systems are not proactive, and deter individuals including borough commanders, from pressing for behaviour changing measures

Respondent were asked what happened next. Several said 'nothing'. One said that the repeat episodes were continuing.

Reporting incidents

Asked "what would make you more likely to report", and given options, 71% of respondents said that they would be more likely to report future incidents if they knew they would get support to take the case to the police or to court.

One person added: If I was safe, if I had support.

Not everyone is confident they would report. One person said "I probably wouldn't because that's the way I am."

Most worryingly, one person said: Too scared, no point! The same respondents added ' Help!' at the end of the questionnaire but Merton CIL has no means of tracing them.

[I would like to speak to] someone who would understand - either someone who is disabled or works for disability organisation. I would feel more comfortable if action took place.

Half of the people said they thought that someone who hurts disabled people should get extra punishment in court.

Suggestions for improvements?

Some respondents were despondent about the possibility of change:

The police often have a habit of not stepping back and looking at the whole picture. They see it as a something to report and this is their habit.

The police are losing manpower

I don't know. What can you do to prove the truth if no one listens or cares?

Others saw the need for a change in their own expectations

I need to change my own mind-set. I need to stop just accepting these things as a way of the world.

Abuse becomes internalised and acceptable. It shouldn't but it takes a lot to change

Some mentioned issues which needed to change:

There is no vulnerability scheme, you just call 999 and are taken to the switchboard

More LGBT officers, and community support back in place

That disabled people realise that they have the right to report hate crime and not feel that it's pointless.

Finally, one respondent could see the possibility of change, and the responsibility of disabled people to address diversity:

It's not a perfect world but we have to try and make it better. We have to give diversity to receive it.

Conclusions

Both the focus groups and the survey showed variable levels of awareness of hate crime amongst the disabled people questioned, and a reluctance to report incidents, particularly those involving 'only' verbal or on-line abuse. This reflects national surveys of victims of all forms of hate crime.

More locally, there is a singular lack of confidence amongst respondents in the Police, with several people quoting instances of poor practice - inappropriate responses, being ignored or dismissed when they reported crimes, or being sectioned under the Mental Health Act. Repeat incidents appear to have been poorly dealt with and allowed to escalate. Only one participant, who was a victim of a serious assault, had a wholly positive response from the Police.

Only one respondent mentioned their landlord, a housing association- disabled people were not aware that they could report hate crime or ASB to social housing providers or to Merton Council's ASB team.

A number of respondents had been victims of other forms of hate crime – transphobic and racist hate crime were mentioned. Several disabled women who took part had experienced and were still experiencing misogynistic sexual harassment or threat of rape targeted at them because they were disabled women. Domestic violence, including 'carer' abuse were part of disabled women's and men's experience of abuse and hate crime. Yet there are no designated resources locally to specifically address domestic violence against disabled people.

Participants stressed the importance of training for the police, provided by experienced disabled trainers, to address the lack of confidence and the poor responses by agencies to disabled victims of crime.

Campaigns to raise awareness of hate crime amongst disabled people and the wider community were felt to be useful.

There is clearly a need for a change in approach by partner agencies and a more positive response to disabled people who report harassment. There was positive support for setting up a Third Party reporting site at Merton CIL, as people felt that they must be able to speak to people who understood them, respected their experiences- and believed them.

Finally, awareness-raising groups were suggested, where disabled people could talk about their experiences and increase their knowledge of hate crime and what to do.

Recommendations from disabled people in Merton: tackling hate crime

1. Training for Police officers and other agencies on Hate Crime and Disability, provided by experienced disabled trainers
2. An awareness campaign to inform disabled people of their rights and how to report, and to publicise all local agencies where hate crime or harassment can be reported
3. Police outreach and confidence building sessions, jointly with Merton CIL and other voluntary sector groups, to increase confidence in reporting hate crime and harassment against disabled people and other groups
4. Merton CIL to develop a third party reporting site, along with other local agencies, and to provide advocacy to disabled victims of hate crime
5. Merton CIL to develop facilitated awareness raising groups or sessions for disabled people to talk about their experiences of hate crime and abuse.
6. A review of how domestic violence is dealt with where the victim is a disabled person, and of the accessibility of local support agencies, as well as police responses
7. Information about agencies which support victims of domestic or sexual violence to be publicised, including in accessible formats

Chapter 6: SURVEY OF HATE CRIME THIRD PARTY AND ADVOCACY ORGANISATIONS

This survey examines the models of service delivery used by a sample of seven organisations providing advocacy and support to victims of hate crime. Six of the organisations are local/sub-regional, one serves the whole of London.

A. GALOP www.galop.org.uk



www.galop.org.uk

“To be a successful advocacy service, it is essential to have a thorough understanding of the communities the organisation serves, to have credibility within those communities, and to have good links with service”.

Nick Antjoule. GALOP Hate Crime Service Manager

GALOP is a pan-London LGBT anti-violence service. It is independent and provides advice, support and advocacy to people who have experienced biphobia, homophobia, transphobia (hate crime), sexual violence or domestic abuse. It offers a holistic service based on helping clients see they have choices and developing a safety plan with the client and on empowering them to move on from the abuse. The service is open to anyone who has experienced homophobic or transphobic abuse, whatever their sexual orientation or gender identity.

GALOP also supports lesbian, gay, bisexual, trans and queer people who have had problems with the police. Victims can contact GALOP anonymously if they choose. GALOP is now also hosting the national domestic violence helpline for the LGBT community, previously provided by Broken Rainbow.

GALOP has 2 full time hate crime workers and a hate crime manager covering the whole of London. They also have a domestic violence advocate, a sexual violence advocate, an advocate who works with the trans community and one who works with young people. Clients who contact GALOP about hate crime can also be supported around domestic or sexual violence. Victims can contact GALOP anonymously if they choose.

Around 1/3 of GALOP clients are disabled people. This includes LGBT disabled victims of hate crime. A small number of GALOP clients are older or disabled people living in residential care who have experienced homophobic or transphobic hate crime by staff or other residents. Most hate crime clients who approach GALOP have either been victims of a pattern of repeat harassment or one-off violence. Many have already tried to report or get action, but have got nowhere. GALOP mostly works with people for up to 6 months, but for a small number of clients they maintain (often weekly) contact much longer for example if the client is due to go to court or continues to be at risk. GALOP do not make home visits but they meet clients in their own borough.

GALOP provide a one to one peer mentoring service, matching survivors of hate crime to recovering or current victims.

Support for victims of hate crime includes:

- Help to take action against perpetrators including help to go to court
- Helping the victim feel safer in their home or community and on cruising grounds
- Help with re-housing options, including checking safety information about the new location
- Advice on the best way to deal with online abuse, such as harassment via text or social media.

- Help with police complaints
- Specialist support to transgender people whose right to privacy about their gender has been breached.
- Challenging inappropriate policing
- Advice about small grants and donations to help with the cost of
- Moving to escape abuse
- Help to apply for compensation through the Criminal Injuries Compensation Scheme - most local Victim Support schemes also provide this service, but GALOP feel that a specialist LGBT service is appropriate.

B. Rainbow Hamlets



<http://www.rainbowhamlets.org/>

Rainbow Hamlets is a small LGBT organisation working in Tower Hamlets but with some clients in East London. It was founded in 2009 and has been providing a casework service since 2014. It operates both a social network and as a casework service for LGBT victims of hate crime, domestic and sexual violence.

Casework is based on a holistic model – supporting LGBT victims of hate crime or domestic violence (and in many cases both) not only with reporting the crime or with being safe, but assisting with accessing services and most importantly helping them to develop a positive sense of themselves as LGBT people. Rainbow Hamlets works with LGBT people who are excluded from and have been abused by their community or family because of their sexuality or gender identity.

This includes refugees and a high percentage of people who are neuro-diverse, or have physical or mental health impairments who have not accessed services. Helping people develop their own social networks is key to the work of the organisation. Rainbow Hamlets also encourages clients to volunteer with the organisation as part of their recovery.

It offers the following services to LGBT victims of hate crime:

- Third party reporting service
- Advocacy/casework support – emotional and practical support for victims
- Support to report to the police- talking the person through what to expect, support when reporting, support to go to court
- Support for victims who need complex advocacy relating to mental health and housing
- Support to address trauma and long term recovery

Rainbow Hamlets is closely involved in the local Crime and Disorder partnership and the Tower Hamlets Hate Crime Incident Panel, as well as “No Place for Hate” forum which deals with community relations, tension monitoring and wider strategic issues. As a local agency grounded in the community, Rainbow Hamlets is able to monitor and map patterns of incidents and ensure that action is taken:

“We would like you to tell us about every single occurrence, even a one-off occasion of verbal abuse. That way we can monitor where there incidents are taking place, identify incidents involving potentially related perpetrators (eg gangs) and work with the council and the police to deal with them.”

Rainbow Hamlets participates every year in Pride – this enables people who have previously been socially isolated and not ‘out’ an opportunity to participate in the LGBT community’s largest social event.

C. OutWest



OutWest is a small LGBT organisation serving four West London boroughs. It provides a social network as well as doing work on hate crime, domestic violence and a range of other issues – for example supporting some Transgender prisoners. They have a paid hate crime worker but their current funding is due to come to an end. OutWest takes a holistic approach to advocacy, focusing on what the client needs and on self-empowerment. About 20% of their clients are disabled people. OutWest is one of four organisations working in partnership on hate crime in the four boroughs, covering the different hate crime strands; this includes a disabled people’s organisation.

OutWest has a positive relationship with the Police in all four boroughs. They are members of one community MARAC, but much of their relationship with the Police is informal, focusing on getting resolution for clients. The staff member is also a member of a local Independent Advisory Group.

OutWest say it is sometimes difficult to get people to report, the LGBT community is dispersed, there is only one local social venue. OutWest has good working relationships with key local organisations such as the Citizens’ Advice Bureau and Victim Support, who refer clients to them. They also get referrals directly from the Police. OutWest is also providing training to the Police on LGBT matters.

D. Lambeth DASL



disability advice service lambeth <http://www.disabilitylambeth.org.uk/>

Lambeth DASL are the borough wide disabled people's organisation for Lambeth, they provide an extensive range of services, from advocacy and information to support around Direct Payments, a Sports group and support to smaller groups. They are based in a large building in Brixton which also houses a range of local and London-wide organisations of disabled people, as well as acting as a hub for several churches, giving DASL direct access to a large community of disabled people.

DASL are founder members of the Lambeth hate crime network and have recently obtained funding from Trust for London for a hate crime advocacy and outreach worker. She started work in March 2016.

We did not ask DASL to complete a questionnaire as their hate crime project had only just started at the time of writing.

E. Choice in Hackney



<http://www.choiceinhackney.org/>

Choice in Hackney is a user-led organisation of disabled people which provides Advocacy and Independent Living Services to disabled people in London.

"We support disabled people from all communities to obtain the services they need to live independently, with dignity and to make choices about their lifestyles. We are committed to empowering disabled people by working to the social model of disability".

Choice's definition of advocacy is "the support and encouragement given by a professional advocate to a disabled user, to enable him/her to obtain services needed to live an independent and dignified lifestyle in the community. The advocate works in partnership with the disabled user. This means that the advocate does not take control of the user's life, but researches the options so that the user can make informed choices and take decisions, which the advocate will assist them to fulfil."

Choice in Hackney has recently received a small amount of funding for hate crime work as part of the CATCH pilot in Westminster and Hackney funded by MOPAC. One of the existing staff is doing one day a week on hate crime casework and outreach.

F. Redbridge Race Equality Council (RREC)



<http://www.redbrideequalities.org.uk/>

in Redbridge. Its remit is to promote racial equality and support BME communities. They have been running a hate crime project for over 20 years, often with minimal funding and have developed some innovative ways of supporting victims of hate crime. They focus mainly on racist and faith hate crime but have gradually found themselves dealing with cases of disability hate crime. They also deal with eg cases of misogynistic abuse. Just under half their clients are disabled people, including people with mental health issues or learning disabilities who have come to the RREC because they were not being believed by the Police.

They have a part-time worker and 6 volunteers who assist with the hate crime work. RREC provides advocacy on hate crime but also has an outreach worker who does some general advocacy work. Otherwise they refer people on to local agencies, with whom they have a good working relationship. They get referrals from a range of local organisations, including the Faith Forum, the Citizens Advice Bureau and Redbridge Concern for Mental Health but rarely from the Police.

RREC previously ran volunteer support scheme so there was a mutual support group in areas where there was a hate crime 'hot spot' but this

has been discontinued due to lack of staff resources. They also had a volunteer witness scheme, where volunteer would go to people's homes when they were being harassed, and take notes, record or video incidents – this meant there was an independent witness to corroborate what the victim said if the case went to court.

G. Stay Safe East



<http://staysafe-east.org.uk/>

Stay Safe East is a user-led organisation of disabled people which has been providing support to Deaf and disabled people in Newham and Waltham Forest for the past 6 years. Stay Safe East works with Deaf and disabled victims and survivors of hate crime, harassment, ASB, domestic and sexual violence, institutional and other forms of abuse.

Stay Safe East has worked with over 250 Deaf and disabled people in the past 6 years and provides:

- An accessible and safe place to report all forms of targeted harassment and violence – and the facility to report by phone, SMS text, face-to-face or by e-mail
- A holistic advocacy and support service which aims to empower survivors, help them keep safe and gain a positive sense of themselves as disabled people
- Help with getting action from the police, housing, the local authority and other agencies
- Support if the case goes to court
- Working with solicitors to get clients their rights
- Ongoing help with practical issues e.g. benefits, housing, social care, education, health, etc.
- Signposting to other services such as counselling
- Information about hate crime and domestic violence in a range of formats
- Peer support for disabled women through a monthly women's group
- Training and consultancy on disability equality and crime matters, and support to other deaf and disabled people's organisations who want to work on these issues

The hate crime advocate works with victims of hate crime but also of anti-social behaviour, with the aim of working to prevent this escalating into hate crime.

Advocates work in partnership with the disabled person. Because victims of hate crime and domestic violence often find it difficult to work with more than one organisation, clients are supported with a wide range of issues, from benefit reviews to accessing education or training, rather than being referred to other agencies. Stay Safe East supports clients to address the trauma of what has often been a lifetime of abuse.

The advocates work to the social model of disability, and focus on addressing barriers for clients, rather than on impairment, and on rights rather than on 'vulnerability'. They spend a lot of time fighting for their clients' access and communication needs to be met, and for their human rights to be respected, and to ensure that other agencies understand the emotional, practical and cultural needs of Deaf and disabled survivors of hate crime and other abuse.

Stay Safe East has four paid staff- the Director, a part-time Hate crime and Harassment Advocate, a full-time Independent Domestic Violence Advocate (IDVA) and a part-time trainee domestic violence advocate – as well as three volunteers.

Stay Safe East has been successfully engaging with local Community Safety partnerships for many years. It is the only independent local organisation that is a member of the Waltham Forest Anti-Social Behaviour Risk Assessment Conference which deals with high risk and repeats cases of ASB, including hate crime, and is an active member of domestic violence forums in Waltham Forest and Newham. Stay Safe East has worked with the Metropolitan Police and MOPAC on developing strategies and action plans to tackle hate crime, and is a member of the MPS Hate Crime Diamond Group disability working party.

Stay Safe East is developing good practice guidance on working with victims and survivors of hate crime and domestic violence, which will shortly be available on its website.

Summary

We found many commonalities about how to support victims, but organisations also had their own specific ways of providing support.

- All the organisations surveyed work to a model that includes third party reporting and advocacy, because they recognise that victims of hate crime need help to follow up the report.
- Organisations offered a range of reporting methods - on-line, phone, on Facebook; 2 have SMS text reporting for people without speech or are Deaf
- 4 of the organisations provide a holistic package of support to victims and survivors not only of hate crime but domestic and sexual violence. Three are LGBT organisations, one is a disabled people's organisation (DDPO).
- Two of the 3 DDPOs are long-term providers of general advocacy and advice, and have recently been funded to provide hate crime advocacy.
- All of the organisations provide support to clients to report hate crime as well as following up reports to ensure that the case is dealt with appropriately; most offer some support around housing, some provide a comprehensive advocacy and information service on benefits, social care, mental health and other issues. Several stressed the importance of continuity for traumatised victims, who may not be able to cope with working with different agencies.
- All the organisations do safety planning with clients to help minimise risk
- Social contact via a support or women's group, or attendance at community events (Pride, social gatherings etc.) is a key part of support provided by three organisations, reduces social isolation and helps survivors develop a positive identity.

- The local organisations are all engaged to some degree with the Police and see this as a key part of being an effective advocacy service; in the boroughs where there is a Hate Crime Panel or a Community MARAC, organisations found this very useful in raising cases and in receiving referrals. They rely on having a positive relationship of trust with the local police.
- All the local organisations do a considerable amount of outreach but still struggle to get large number of referrals. Only two get any referrals direct from the Police.
- Non-DDPOs are working with a high proportion of disabled clients—between 20% and 50% of their client base.
- All the organisations rely on committed volunteers to back up paid staff and do outreach, help with form filling, organise events or befriending. Several encourage clients to volunteer as part of their recovery.
- Redbridge REC developed a model for supporting victims using volunteer witnesses which may be a helpful model for Merton CIL.

Below is a summary of key services, caseload and time worked with client.

Summary issues and caseload										
Name of organisation	Issues covered ⁵⁵					Number of staff/ volunteers	Caseload per FT advocate	Average time work with each client	Comments	
	HC	AS B	DV	SV	IA					
GALOP	✓	✓	✓	✓	✓	7 inc 2 FT HC advocate and HC manager	30	3-6 months	Some longer term clients	
Rainbow Hamlets	✓	-	✓	✓		1 FT at present prev 2 FT and 3 vols	15	1 year+		
Choice in Hackney	✓	✓	*	-	✓	3 paid advocates, inc 1 day on hate crime 3 volunteers	40 for general advocacy	n/a new project	* initial work with DV clients, then refer to local agency	
DASL	✓	✓	✓	-	-	1 part-time				
OutWest	✓	✓	-	-	-	1 PT caseworker	15	1 year +		
Redbridge REC	✓	✓	-	-	-	1 PT caseworker 1 PT outreach/gen eral advocate	20 30 cases per year	2 years	Harassment as part of HC work only	
Stay Safe East	✓	✓	✓	✓	✓	1 PT HC advocate 2 FTE DV advocates	HC: 20 DV: 25	HC: 1-2 years DV: 1 to 4 years		

⁵⁵ Abbreviations: HC= hate crime H= harassment ASB= anti-social behaviour DV= domestic violence SV = sexual violence IA= institutional abuse

Type of support offered/participation in Community MARACs or Hate Crime Forums								
Name	Reporting and follow up	Court	Emotional support	Help re Care support, MH, benefits	Help re Housing	Support group	Helpline	Community MARAC or HC forum
GALOP	✓	✓	✓	-✓	✓	1 to 1 peer mentoring	✓	n/a
Rainbow Hamlets	✓	✓	✓	Yes Close link to benefits adviser	Yes also access legal advice on housing	Social hub for LGBT people	Out of hours cover	✓ HC forum, Scrutiny panel
Choice in Hackney	✓	✓	✓	✓	✓	No	No	Not yet
DASL	✓	✓	✓	✓	✓	No	No	HC forum
Out West	✓	✓	✓	Refer on to other agencies	✓	Social network	No	HC forum Ealing
Redbridge REC	✓	✓		✓	✓	Not at present	✓	HC panel closed
Stay Safe East	Yes	Yes	Yes	Yes	Yes	Women's group	No	Waltham Forest ASBR AC

Chapter 7: SUPPORTING DEAF AND DISABLED VICTIMS OF HATE CRIME: MERTON CENTRE FOR INDEPENDENT LIVING

This Chapter looks at how Merton CIL can support Deaf and disabled victims of hate crime, in partnership with other agencies in Merton.

A. What do victims and survivors want?

Based on the responses from disabled people in Merton, evidence from the research quoted in Chapter 3, and the experiences of a range of organisations (including Stay Safe East) working with victims of hate crime, all victims of hate crime want one thing above all else – for the abuse to stop. Whilst this may seem obvious, in ‘real life’ even intervention by police or a landlord does not mean that once reported, incidents stop – especially in housing situations.

What do hate crime victims want?

- For the abuse to stop
- To be safe
- To be listened to and believed
- To understand what their choices are
- To understand what will happen next
- To feel they are in control again
- To have support when they report a hate crime and in the follow up
- To get justice or resolution
- To be able to go about their daily life without fear

Our research with users showed widespread support for Merton CIL to provide a third party reporting site and other support for disabled victims of hate crime. People would feel more comfortable and safer speaking to other disabled people than to the Police or other statutory services. It was also made clear that disabled people want support not only over disability hate crime but all forms of hate crime. Respondents did not necessarily realise that reporting a hate crime is not a one-off process, and that they might need ongoing advocacy support.

As reported in the previous chapter, disabled people would like to talk about harassment, hate crime and safety with each other.

B. What should Merton CIL do to address hate crime against disabled people?

The research has shown the need for Merton CIL to provide comprehensive support to disabled people who have experienced hate crime. The organisation now has a year's funding to develop its support service.

It is clear that the main components need to include:

- An accessible, easy to use third party reporting site
- Casework support to victims
- Engagement with disabled communities
- Support/awareness groups for victims and survivors
- Partnership working with key voluntary and statutory agencies, and a challenge role for Merton CIL to ensure that progress is made
- Developing briefings and training for partners

The last three issues have been address in the two previous chapters. In this chapter we look at the service that Merton CIL could provide to Deaf and disabled victims and survivors of hate crime.

C. Merton CIL as Third party reporting site

Third party reporting enables a victim of hate to go to a designated local agency and report the crime in confidence. Third party (non-police) reporting sites arose out of the findings of the McPherson investigation into the racist murder of Stephen Lawrence, to address the Black community's lack of confidence in the police. The third party reporting system however relies on a partnership between police and the third party site (or sites).

Making third party hate crime reports is an important function for agencies seeking to support victims of hate. Across London, a number of disabled people's organisations and other agencies⁵⁶ working with disabled people have become Third Party reporting sites. In order to encourage disabled people in Merton to report hate crime, Merton CIL is in the process of becoming a third party reporting site.

A third party reporting site should be:

- Independent of the police but work closely with them
- Confidential but honest about the limits of confidentiality
- Victim-focused, enabling people to feel safer, make choices and supporting them to deal with the practical and emotional impact of the incident or crime
- Accessible to all and working to equal opportunities principles
- Empowering

The site takes full details of the crime/incident, and having ensured the immediate safety of the victim, usually passes the report to the Police and where relevant, other agencies. If the victim does not wish to be identified, an anonymous report can be sent which will enable the Police to increase Safer neighbourhood patrols in the area, and identify any 'hotspots' where there are multiple incidents of harassment or hate crime.

There was support at the Round Table meeting among statutory and voluntary sector partners for a small network of third party reporting sites in Merton. There are resource issues which the Council will need to consider jointly with the partner agencies. These will need to be promoted

⁵⁶ for a list of disabled people's organisations and others providing reporting sites on hate crime, please go to www.inclusionlondon.org.uk

regularly and actively in order to encourage people to approach these agencies.

We suggest the following for Merton:

- Merton CIL as a reporting site for disabled people to report hate crime
- Disabled people are able to report by phone, SMS text, on the website, on Facebook or face to face either at the Merton CIL office, at home (where safe) or at another venue of the client's choice.
- Joint work takes place on developing a small network of sites e.g. housing providers, LGBT Forum and any other organisations who are willing to take reports – and have or will obtain the resources to do so

Taking reports

- That a simple shared form for reporting hate crime is developed in Merton, but in the meantime, Merton CIL develop its own form
- Reports to be taken by the organisation and Police contacted on 101 (or 999 if there is serious current risk to the victim)
- That a written copy of the report is sent to a secure Police (pnn) e-mail address for the Community Safety Unit at Merton Borough Police
- High risk and repeat cases to be forwarded to the Community MARAC
- Follow up is done by the advocate
- Reports are discussed and monitored quarterly with the Police and Merton Council ASB unit.

D. Hate crime advocacy

Reporting is only the first stage of supporting a victim of hate crime. Advocacy will help the client benefit from support at all stages of the process.

Merton CIL has obtained one year's funding for a part-time hate crime advocacy (and outreach) worker. The decision about how to develop the support for victims will depend on the outcome of this pilot, and what 'works' for people. We have set out below some guidance for hate crime advocacy.

(i) Models of advocacy

There are a number of different types of advocacy which are relevant to advocating for victims of hate crime and harassment.

Self-advocacy

Self-advocacy is about disabled people being able to communicate what we want to say, knowing our rights and taking control of our lives.

Over the years, disabled people (and in particular organisations of people with learning disabilities like People First) have set up self-advocacy groups, where people not only speak out for themselves but support each other and speak out as a group. This may allow them to work together to influence services. Self-advocacy is a useful model for hate crime victims as it can be very empowering. However care should be taken that victims/survivors who are traumatised have access to more formalized advocacy as well and are not expected to support others too soon.

Disabled people interviewed for this research put forward the idea of an "awareness-raising" group or meetings which would enable them to discuss and understand hate crime. If participants are willing, this format could be used to develop the discussion groups into a self-advocacy group of disabled people (across all impairment groups).

Peer advocacy

Peer advocacy involves disabled people supporting disabled people – the advocate has been trained and is a volunteer or paid worker, who shares some common experience with the person being advocated for.

Professional advocacy

The advocate is a paid or volunteer professional who supports and encourages the disabled person to make choices, make their voice heard and express their views when decisions are being made about their lives, and ensure that the person's rights are safeguarded. Advocates provide information and coordinate the various services from different agencies. Many organisations working with disabled people employ professional advocates, and most focus on training and employing disabled people or using disabled volunteers as advocates.

Most disabled people's advocacy services are a mix of professional advocacy and peer advocacy.

Because the advocates are disabled people with experience of barriers and discrimination, there is usually a more equal relationship. Disability advocates of course also support their clients to advocate for themselves.

Hate crime advocacy

Hate crime advocacy is based on the same principle as general advocacy, but has very specific aspects. A generic advocate may deal with benefits, housing, accessing social care or mental health services; safety may only be an incidental part of their role. The hate crime advocate is dealing with people who are victims of crime (or at least of incidents which may lead to crime), and who are therefore at risk. The advocate has a duty to do their best to help keep their client safe, whilst also enabling them to take back control.

Working with victims of hate crime and harassment is a specialist skill. It is essential that paid and volunteer advocates are properly trained, including to deal with risk to clients and to themselves, and to understand criminal justice procedures and the law.

Key elements of the role include:

- Taking full details of the hate crime or incident
- Gaining the victim's trust and confidence
- Setting out the options for the client as to what can be done
- Carrying out a risk assessment and drawing up a safety plan
- Obtaining measures to keep the client as safe as possible (eg extra security to their home, panic alarm, extra warden or police patrols, CCTV, etc.)
- Supporting the client to report the hate incident or crime, or reporting it on their behalf
- Being with the client when the police interview them
- Following up the report with the police, liaising with the Officer in the Case (IOC), so that the investigation happens promptly, ensuring it is recorded as a hate crime, ensuring the victim's access needs are met
- Assisting the client to prepare a victim impact statement
- In some instances, speaking to witnesses (see notes below)
- Support for the client on other practical issues which may help them feel safer and more in control eg Dial-a-Ride or Taxicard membership, TfL travel buddy scheme, or over other issues which they may need help with eg benefits, care support package etc. this

can either be done by the Hate Crime worker or another member of staff.

- Referrals for counselling or other mental health support
- Support to be rehoused if necessary – including putting together evidence for a housing case
- Emotional support for the client
- If the case goes to court, explaining what will happen, liaising with the Witness Care Unit to ensure that the client's access or communication needs are met and a pre-trial visit to the court is arranged, and being with the client when they go to court

(ii) Issues for hate crime advocates

Giving victims time to speak out

- Reporting to the police or to the local authority is only one part of the process of supporting victims of hate crime. Victims may be reluctant to speak out, usually for fear of escalation, but they will trust a confidential third party reporting site, and specifically one run by disabled people. Being able to talk about what happened is a first step to dealing with the incident. Disabled people may also need more than one meeting to disclose the details of what happened, especially if they are survivors of other forms of abuse. A new client may eventually choose to speak to the Police or their landlord, once they have understood that their advocate can support them when they do report.
- Victims should always be seen by the advocate at least once on their own, without a family member or 'carer'/PA present (unless there are specific impairment reasons why this should not happen). Disabled people may minimise the extent of the hate incident or incidents because they don't want to upset family members, or because they are worried their independence may be restricted. This is especially but not exclusively an issue for younger disabled people. Meeting clients on their own also provides the advocate with an opportunity to ask – or the client to raise themselves – any issues of domestic violence or other abuse.

Working with clients long-term

- Hate crime advocacy usually involves working with a client for some period of time. The organisations interviewed for this research support

the majority of their clients for a period of over a year, in some cases up to 4 years: investigations take time, getting victims re-housed is a slow process. This does not mean that the advocate will work intensively with the client throughout this period, but that they remain in contact with them until the client feels safe.

Dealing with trauma

- The long timeframe is also necessary because victims may be traumatised, not only by the incident they have reported but by a lifetime of abuse. Spending time listening to the person and helping them make sense of their experiences is a key part of a hate crime advocate's role, as is empowering them. Disabled people who have been victims of hate crime have been targeted because of who they are, and may have very low self-esteem, depression or Post Traumatic Stress Disorder as a result and may need to be referred for counselling. Self-advocacy groups also help people feel positive about themselves as disabled people, as well as encouraging people to develop safety strategies.
- Where the client has disclosed other forms of abuse – domestic violence, institutional or sexual abuse in the past etc., the advocate will need either to support them or to refer them on. One difficulty is that there are very few organisations in London offering tailored support to disabled survivors of abuse other than hate crime. One option is for the client to work jointly with, for example, an Independent Domestic Violence Advocate (IDVA) and their hate crime advocate. It is worth bearing in mind however that a victim of abuse may find it difficult to trust people, so may want to work only with once advocate.

Safeguarding and confidentiality

A hate crime advocate has a dual role- supporting victims to be safe, and assisting them to get justice and resolution, on their own terms. At times these two roles can conflict. Advocates need to be clear about the limits of confidentiality and understand adult and child safeguarding protocols. In most cases, there is no issue - the victim wants to report to a disabled people's organisation because they want support to deal with the issue and to report it – or not. However if the victim is not fully aware of the

risks involved, the advocate sometimes needs to act in the victim's best interest. This is best illustrated by giving an example:

Matt reports being harassed in his home and in the street by three youths – two boys aged 15 and a young woman aged 16. He tells you that the youths have called him names and pushed him around, and taken his cigarettes. He says he wants them to stop doing this but he still wants to be friends with them. When the advocate talks further with him, Matt says the youths spent most of the day at his house and sometimes stay overnight, that they are smoking 'weed' and sometimes they give it to other people. Matt says he is scared to tell them to go as they have threatened.

In this instance the advocate has no option but to report what is happening to the police and to Adult Safeguarding. Matt is at risk from the youths, and is also allowing his home to be used to deal drugs.

Speaking to witnesses

In some cases, usually those involving long-term harassment of someone in their own home, it may be useful for the advocate to speak to other witnesses who might be reluctant to speak to the Police or the landlord. Care should of course be taken not to compromise any evidence or to do the job of the police, but a statement by a neighbour may help ensure that the disabled person is believed and may help build a case against a perpetrator. Speaking to other victims may also show the scale of the harassment. They should of course be encouraged to come forwards and make a formal statement.

Safety on home visits

Dealing with victims of hate crime will not, in most instances, put the advocate at any risk, as many do not involve violence or threats. Merton CIL have a policy of making home visits to clients. In the case of hate crime perpetrated by neighbours or others where the person lives, a home visit is essential. It enables the advocate to see where the person lives, assess their safety at home and understand for example how close the neighbour who is harassing them lives, or that there is a place for a group

of youths to hide on the landing outside their flat. However, if the harassment is ongoing, the advocate could be at risk.

Merton CIL will need to develop a risk assessment process which reflects the particular risks associated with working with victims of hate crime.

Assessing and managing risk: key points

- A risk assessment should always be carried out before a home visit, and for the first meeting, agreed with the advocate's line manager
- If there is any doubt, or insufficient information about risk, the advocate should meet the client in the office or in another venue near their home
- if the perpetrator lives with the client, never make a home visit at this will put the advocate and the client at risk
- A first home visit should not be made by the advocate alone
- The advocate should inform the office when they arrive and when they leave the person's home
- Whilst clients usually maintain confidentiality about working with an advocate, this cannot be guaranteed; advocates should be aware of this when making home visits.

Prevention: dealing with harassment and ASB cases

The research quoted in chapter 3 shows that repeat anti-social behaviour is often the 'building block' of hate crime. In Stay Safe East's experience, this means that taking on disabled people as clients who have experienced months, sometimes years of ASB or harassment (usually at home, but sometimes on public transport), helps to prevent incidents escalating into hate crime. Whilst this may not add to reported hate crime figures for Merton, it makes a real difference to the lives of disabled people, by pushing for action to be taken against nuisance neighbours or groups of young people causing a disturbance. Of course it may also be that these incidents are part of a pattern of hate which has not been recognised, and the advocate will be key to putting together the evidence that this is a hate crime targeted at a disabled person.

Taking a hate crime report

The following is a list of questions and required information for a crime report:

- Contact, name, address, phone and email of the agency submitting the report
- Victim's full name (including title), address, phone numbers (landline & mobile/SMS text), date of birth,
- Ms/Mr/Miss/Mrs/other
- Gender, race/ethnicity, sexuality, faith
- Impairment 'group': physical, sensory, Deaf BSL user, learning disability, mental health, long-term condition, neuro-diverse (this is for monitoring purposes)
- Access, communication and support needs – wheelchair or level access, SMS text/BSL etc., Easy words, large print, independent adult to be with the victim, other needs arising from the person's impairment i.e. low lighting, home visit etc.
- Contact arrangements for the victim– phone, email, text phone or home visit.
- Date and time of the incident – both are important.
- Location of incident – the address, including post code if known
- An account of what happened – try and make it a step-by-step account quoting anything said or abuse shouted. You will have to take care in writing down verbal abuse with foul language as the police systems bar swearing and obscene words – you will need to use stars e.g. f***, w****r etc.
- Identify everybody involved, including witnesses and outline locations and what happened and where.
- Having an accurate account from the start is a positive support should criminal prosecution take place. It also assists police officers when they take statements.

- If there is a history of aggression or other harassment say so and if possible provide dates, locations and who was involved. Ensure that you are thorough and detail car numbers, makes, colour etc. when vehicles are involved.
- State clearly who was the alleged perpetrator(s) and if they are known to the victim, name them and if available their address & contact details.
- Carefully record descriptions of alleged perpetrators, gender, age, height, build, hair style/colour, presumed ethnicity – include descriptions of clothing and anything that strikes the victim about the person they are accusing.
- If this person(s) has done it before record it and again detail any incident(s) in as much detail possible.
- Record details of any witnesses – names, addresses if known and detail of how the person was a witness and any connection to the victim or alleged perpetrator.
- If the Police have been called to previous incidents, state this with dates or approximate dates and any police CAD or CRIS reference numbers if the client has them.
- Detail any other professionals (e.g. housing officers, social workers, ambulance etc.) involved with dealing with this or previous incidents.
- State clearly what action the victim wants the Police or others to take – if they initially just want to talk with a police officer without any approach to an alleged perpetrator make this very clear (in bold or underlined). The victim may not want any action taken, but feels the Police should be aware of what has happened to assist them in the future – make this very clear and mark as for information only, no action wanted or contact from police officers.
- Take care not to divulge anything that a victim or witness has told you in confidence and not to be disclosed to police officers or other professionals.
- For example the fact that they have been a victim of sexual abuse in the past is only relevant if it currently affects their safety.

However, anything disclosed that has implications for the safety of a child or a vulnerable adult must be acted upon and you will have to tell the victim/witness that this will be reported.

- Third party crime reports may not be receive immediate attention by the Police – **if there is any chance of a serious risk of a repeat incident or violence immediately dial 999 for urgent police action.** The crime report should then be sent to the Police confirming the 999 action.
- Whenever possible the signed consent of the victim to the crime report must be obtained and provided to the Police. The victim should be provided with a copy of the report.
- Ensure that you request the Police to acknowledge receipt of the hate crime report and provide a crime reference (CRIS) number. Remember that all hate crimes must be recorded on CRIS by the Metropolitan police

E. Engaging with disabled people in Merton

Engagement with disabled people will need to be developed by Merton CIL over a period of time. There is no one method that works with everyone. People are different individuals but also have different accessing communication, and interests. They are part of different committees and can be reached through those communities.

Outreach does not necessarily engender casework referrals, particularly at first – the experience of other hate crime agencies shows these are more likely to come through the Community MARAC or through organisations such as the CAB or Victim Support, housing providers or the police. Outreach however does help inform disabled people about their rights, and put hate crime on the agenda. In the longer term, ongoing contact with disabled people may encourage them to report to Merton CIL. The fact that Merton CIL already has a solid membership is also a positive factor.

Below we have set out some pointers for possible outreach and engagement which will, over time, reach disabled people, help inform them about hate crime and encourage them to speak out about their experiences.

Information materials

Apart from materials to be developed jointly with partners, Merton CIL would benefit from producing its own leaflets and posters advertising the Third Party Reporting Site and the advocacy service, and explaining what hate crime is. A simple leaflet in bold colours, using easy language, is a

useful tool at events and to distribute to libraries, GP surgeries, housing offices and community groups.

Awareness/Speaking out groups or events

As outlined in previous chapters, disabled people said they would welcome meeting together to discuss their experiences of harassment and abuse. This would help them identify and recognise what is happening to them and to others, and to educate others about hate crime. Options include:

- Small awareness groups (10 to 12 people maximum), with possibly 3 to 4 sessions for each group to meet over 4 to 6 months
- One-off workshops, for example at Merton CIL annual meeting, or as part of other organisations' community events, or at day centres or other local venues
- A secure and moderated online discussion group

Outreach

Merton CIL is best placed to develop a programme of outreach to key local groups and services. Key places to reach include:

- Mental health day services
- Day centres for people with learning disabilities or physical impairments
- Faith groups
- Merton Citizens Advice Bureau
- BAME Voice
- Merton LGBT Forum who are running a series of hate crime events over the summer
- Involve Network via Merton Council for Voluntary Service
- Community centres in the areas with the highest percentage of disabled residents
- Community festivals, including this summer's Merton Carnival

We would suggest focusing not only on disabled people but on professionals who work with them, and in particular social care and health professionals. So for example community nurses, physiotherapists or OTs are a useful means of reaching disabled people.

On-line

Social media is a key part of reaching disabled people, however for an organisation working at local level, this presents some difficulties, as people using Facebook or Twitter do not necessarily 'stick' to borough

boundaries, and of the adjoining South London boroughs, only Lambeth has a casework advocacy project that people could be referred to.

We would suggest the following options:

- A secure and moderated discussion group about hate crime on the Merton CIL website
- A secure and moderated Facebook group for people to report hate crime and discuss issues
- Interventions on local Facebook or twitter pages, including that of the local paper, to challenge disablist attitudes
- Blogs on the websites of other local organisations

Priorities will depend on resources – it is essential that any on-line groups where people might disclose hate crime or other abuse are carefully monitored, as victims could be put at risk. Disabled people should be asked to advise on further steps to reach disabled people, and in particular young disabled people, through social media.

Recommendations: Merton Centre for Independent Living

Third party reporting site

- Phone, SMS text access
- Face to Face reporting at Merton CIL
- Explore options for holding surgeries at other sites e.g. day centres, libraries etc.
- Simple on-line reporting form on website
- Reporting through Facebook page

All information and forms should be in simple language, with a text only and Easy Read version on the website.

Advocacy casework support to victims

- A victim focused, holistic approach to supporting victims that enables them to work with Merton CIL, not only on the hate crime issues, but on any other support they might need
- Clear protocols for confidentiality, safeguarding, staff and volunteer safety

Engagement with disabled communities

- Produce information leaflet and poster to promote the service and explain about hate crime
- Develop a programme of engagement with disabled people in Merton
- Set up a Facebook page for Merton CIL, with a safe page for reporting hate crime and abuse and a moderated and secure discussion group
- Develop support/awareness groups for victims and survivors
- Hold workshops at events organised by other organisations
- Raise the on-line profile of Merton CIL by intervening on local Facebook and Twitter sites, and challenging negative attitudes to disabled people

Appendices

Appendix 1: Survey leaflet and questionnaires





A. Leaflet



Merton Centre for Independent Living

Bullying and hate crime against disabled people in Merton – help us get action!

<p>Are you a disabled person who lives or works in Merton? Have you been bullied or been a victim of bullying or hate crime?</p>	
<p>Did someone call you names on a bus, or have a go when you asked to use the wheelchair space?</p>	
<p>Have you been harassed at home, or been bullied at school, a day centre, college or at work?</p>	
<p>If you have been picked on because you are disabled or Deaf person, or because of your race, religion, sexuality or gender identity, you may have been a victim of Hate Crime.</p>	
<p>Merton Centre for Independent Living is an organisation run by disabled people. We help disabled people in Merton to get their rights.</p>	
<p>We want to do something about hate crime against disabled people in Merton. We think disabled people have the right to be safe.</p>	
<p>We also want Merton Police and the Council to take action on hate crime against disabled people.</p>	
<p>We have asked two disabled researchers, Chris and Ruth, to find out what is happening about hate crime and bullying in Merton.</p>	

<p>Chris and Ruth would like to speak to disabled people about their experiences of bullying and hate crime. We want to know what support people would like. Please tell us what you think needs to be done about hate crime and bullying in Merton!</p>	
<p>You can fill in a short questionnaire. Please e-mail us at info@mertoncil.org.uk and we will send you a copy.</p>	
<p>Or you can talk to us on the phone Our SMS text is 0744 936 2233</p>	
<p>Or you can come to a meeting about bullying and hate crime. 4th February 2016 from 1.00 to 3.30pm At South Mitcham Community Centre Haslemere Road, Mitcham CR4 3PR Accessible venue. Palantypist/notetaker.</p>	

Contact us:
Merton Centre for Independent Living
 Phone: 0203 397 3119 SMS text: 0744 936 2233
 e-mail: info@mertoncil.org.uk
 Wandle Valley Resource Centre
 Church Road, Mitcham CR4 3BE



If you are in danger now, please ring the police – ring 999.

To register for the 999 text service for Deaf people, text 'register' to 999 and you will get a text back to tell you what to do next

To report hate crime or bullying that has already happened, **please ring 101**

SMS text users can text 18001 101.


B. Survey questionnaire



Bullying and hate crime against disabled people in Merton Questionnaire






Merton Centre for Independent Living is an organisation run by disabled people. We help disabled people in Merton to get their rights. We provide information, advice and advocacy.



<p>If you have been picked on because you are disabled or Deaf person, or because of your race, religion, sexuality or gender identity, you may have been a victim of Hate Crime.</p>	
<p>We want to stop hate crime against disabled people in Merton. We think disabled people have the right to be safe.</p>	
<p>We will work with Merton Police, the Council and disabled people to make sure disabled people in Merton get the support they need if they are victims of hate crime.</p>	
<p>We are asking disabled people to tell us about hate crime and bullying in Merton and what you think should be done about it.</p>	




<p>You can tell us about any bullying and hate crime that happened to you if you fill in this questionnaire.</p>	
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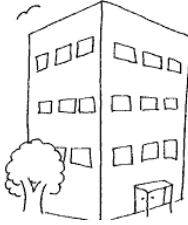
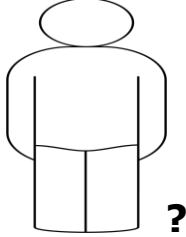
Questionnaire for disabled people









Please get someone to help if you to fill it in if you want


Questions	Yes	No	
1. Are you a disabled person who lives or works in Merton?			
2. Has someone hurt you or bullied you?			
3. Has someone called you names or insulted you?			
4. Has anyone stolen things from you, like money or things from your home?			
5. Has anyone attacked you?			

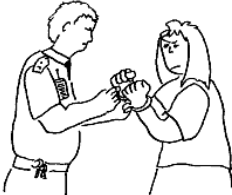



<p>6. Has anyone attacked your home, property or equipment?</p>			
<p>7. If you said yes to any of the questions above, do you think it could be because you are a disabled person?</p>			
<p>8. Or for some other reason? – please explain</p>			
<p>9. How did it make you feel? Please tell us in your own words:</p>			
<p>10. How many times has someone bullied or hurt you in the last year? <i>(tick next to answer below)</i></p>			
<p>Never</p>			
<p>Once</p>			
<p>Twice</p>			
<p>Three times or more (please say how many times)</p>			





About the person or people who bullied or hurt you or damaged your property			
11. How old were the people who did this? (tick as many options as you want)			
Children under 12			
Teenagers 13 – 19			
Adults 20 – 50			
Older people 50 +			
12. Were they:	Male		Female
13. Was the person: <i>(Please tick as many as you want and add any details)</i>			
Someone in your family			
Your carer, support worker or personal assistant			
Someone you know			

A stranger		
A neighbour		
Someone else? Who was it?		
<p>14. What happened? <i>Tell us in your own words</i></p>		
<p>15. Where did these things happen? <i>For example: at home, in the street, in a day centre, on a bus or tram etc)</i></p>		

16. Who did you tell? <i>Please tick as many as you want</i>		
		
No-one		
A friend		
Merton Centre for Independent Living		
A family member		
Care worker or personal assistant		
Social worker or OT		
Police		

<p>Someone else? Who did you tell?</p>		
<p>17. Did they believe you? <i>Tell us in your own words</i></p>		
<p>18. What did they do? <i>Tell us in your own words</i></p>		
<p>19. If you told the police, did you get help?</p>	<p>Yes</p>	<p>No</p>
<p>20. Who helped you? <i>Tell us in your own words</i></p>		
<p>21. Were you happy with the way the police behaved?</p>	<p>Yes</p>	<p>No</p>
<p>22. What happened next? <i>Tell us in your own words</i></p>		

<p>Please tick yes or no for the following questions</p>			
<p>23. Did the person or people get arrested?</p>		<p>Yes</p>	<p>No</p>
<p>24. Did the case go to court?</p>		<p>Yes</p>	<p>No</p>
<p>25. Did someone stay with you and support you at court?</p>		<p>Yes</p>	<p>No</p>
<p>26. Was the person found guilty?</p>		<p>Yes</p>	<p>No</p>

27. Did the person get a fine?		Yes	No
28. Did the person get a community service order?		Yes	No
29. Did the person go to jail?		Yes	No
30. Were you happy with way the court behaved?		Yes	No

Please add any comments about what happened in court?

If something happened in the future, do you think you would be more likely to report if:
You can tick as many as you like

31. You knew you could get help from a disabled people's	Yes	No
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organisation		
32. You knew hate crime would be taken more seriously	Yes	No
33. You knew that you would get support to take the case to the police or to court	Yes	No
34. You thought that someone who hurts disabled people would get extra punishment in court	Yes	No
35. Anything else that would make <u>you more likely</u> to report? <i>Tell us in your own words.</i>		

36. What would make it easier for you to report bullying, harassment or hate crime? *Tell us in your own words:*

37. Is there anything else you would like to say about hate crimes against disabled people? *Tell us in your own words*

Please return this questionnaire to us by May 20th 2016

e-mail it to us at: info@mertoncil.org.uk

or

post it to:

Colin, Merton CIL, Room 22
Wandle Valley Resource Centre,
Church Road, Mitcham CR4 3BE

or

phone:

Charlet: 020 3397 3119

SMS text :0744 936 2233

Hate crime is wrong

You don't have to put up with it!



If you are in danger now ring the police – 999

If you want to talk to the police about bullying and harassment that has already happened, ring **101**

SMS text users: text **18001 101**

To register for 999 text service for Deaf people, text 'register' to 999 and you will get a text back to tell you what to do.

Or you can talk to Merton Centre for Independent Living about what has happened. We can help you decide what you want to do, and if you want to report a hate crime, we will support you.

e-mail: info@mertoncil.org.uk

phone: 020 3397 3119

SMS text

C. Organisational Survey

Merton hate crime against disabled people research Questionnaire for advocacy organisations

Name of organisation

Contact person:

phone:

e-mail:

1. As part of your advocacy work, do you provide support to victims of any of the following:

- a. Hate crime
- b. Harassment
- c. Anti-social behaviour
- d. Domestic violence
- e. Other (please state)

2. Is this a dedicated service for victims of hate and other crimes, or as part of general advocacy?

3. How many advocates do you have – please state if staff or volunteers

4. What is the average caseload per advocate?

5. What proportion of your clients are disabled people?

6. Please explain what support you provide:

- help to report a crime
- help to deal with the police
- safety measures
- support in court
- appropriate adult service
- advocacy with housing
- general advocacy re benefits, care support, mental health etc.
- emotional support to victims
- self-empowerment
- survivors support group (please give details)
- helpline
- other support - please give details

7. What is your approach to advocacy?

8. How long on average do you work with each client?

Less than 3 months

3-6 months

6months to a year

more than a year

9. What is your experience of reporting hate crime to the police?

10. Does your organisation engage with the local crime prevention partnership(s)? Do you find this useful?

11. Do you have any comments on the gap between reported hate crime and actual levels of hate crime

12. Any other useful information that would help us design a hate crime/harassment advocacy service?

Appendix 2: Contacts

A. Merton

Merton Council Anti-Social Behaviour Unit

<http://www.merton.gov.uk>

Phone: 020 82744907

Email: asbunit@merton.gov.uk

Circle Housing Merton Priory

Phone: 0300 500 3000

<http://www.circle.org.uk/merton-priory>

Merton Voluntary Service Council

<http://www.mvsc.co.uk>

Phone: 020 8685 1771

Email: info@mvsc.co.uk

Support for the voluntary sector in Merton. The website includes a directory of local organisations. MVSC also coordinate the Involve community engagement network for Merton.

Merton Centre for Independent Living

<http://www.mertoncil.org.uk>

Phone: 020 3397 311

Mob: 0744 936 2233

Email: info@mertoncil.org.uk

Merton LGBT+ Forum

<http://www.mertonlgbtforum.org.uk>

Phone: 07437 780173

Email: info@mertonlgbtforum.org.uk

BAME Voice

<http://www.aecho.org.uk/>

Phone: 020 8648 5405

email: info@aecho.org.uk

B. Third Party Reporting Sites - London Wide and National

True Vision

<http://www.report-it.org.uk>

Email: enquiries@report-it.org.uk

Tell Mama

<http://www.tellmamauk.org>

Phone: 0800 456 1226

Email: info@tellmamauk.org

Community Security Trust

<http://www.cst.org.uk>

Phone: 020 8457 9999

Email: enquiries@cst.org.uk

GALOP

<http://www.galop.org.uk>

Phone: 020 7704 2040

Email: info@galop.org.uk

Stop Hate UK

<http://www.stophateuk.org>

Phone: 0113 293 5100

Email: info@stophateuk.org

c. Disabled People's Organisations – London and national

Inclusion London

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

Phone: 020 7237 3181

Email: info@inclusionlondon.org.uk

Disability hate crime Facebook Group London

A closed group for deaf and disabled people's organisations interested in hate crime. Register via the Inclusion London website

Disability Hate Crime Network

<http://dhcn.info/dhcn/>

www.inclusionlondon.org.uk

Disability Rights UK

<http://www.disabilityrightsuk.org>

Phone: 020 7250 8181

Email: enquiries@disabilityrightsuk.org

D. London Deaf and disabled people's organisations working on hate crime

This is not an exhaustive list. For further updates, see Inclusion London website

Inclusion Barnet

Raises awareness of reporting of disability hate crime to service users.

<http://www.barnetcil.org.uk/>

Bromley Experts by Experience

Bromley X by X are involved in the Bromley Community Links MOPAC / DHC group that meet regularly and are putting together a work plan in Bromley.

<http://www.xbyxbromley.com>

Camden People First

Third party reporting site. Advocacy for people with learning disabilities who have been victims of hate crime. Peer support. Training.

<http://camdenpeoplefirst.org.uk/>

Enfield Disability Action

<http://e-d-a.org.uk/home/>

Part of a network of organisations working with disabled people providing third party reporting sites in Enfield, coordinated by One-to-One Enfield

<http://www.one-to-one-enfield.co.uk>

Greenwich Association of Disabled People

Third party reporting site and advocacy. Consultancy.

<http://www.gad.org.uk/Services/Hate-crime/>

Choice in Hackney

Third party reporting site and advocacy. Part of the Community Alliance to Combat Hate Crime (CATCH)

<http://www.choiceinhackney.org>

Hammersmith and Fulham - Safety Net People First

A self-advocacy network of people with learning disabilities

<http://www.peoplefirstinfo.org.uk/staying-safe.aspx>

Speak Out in Hounslow

A self-advocacy network of people with learning disabilities

<http://www.speakoutinhounslow.org>

Disability Advice Service in Lambeth (DASL)

Reporting site. Advocacy service. DASL coordinate the Lambeth Disability Hate Crime Partnership.

<http://www.disabilitylambeth.org.uk/dasl/involvement/b-disability-hate-crime/>

Lewisham Disability Coalition

Third party reporting site for all forms of hate crime including disability

<http://ldcadvice.co.uk/>

Redbridge Concern for Mental Health

Third party reporting centre. Safe, confidential environment for anybody who has experienced crime, harassment or abuse because of their race; religion; sexuality; disability; age; gender identity or mental health condition.

<http://www.rcmh.org.uk/>

Tower Hamlets - REAL

Third party reporting centre, advocacy casework support for victims.

Involvement in hate crime related partnerships or forums

<http://www.real.org.uk/>

Waltham Forest and Newham - Stay Safe East

Reporting site, advocacy and support to disabled victims and survivors of hate crime, ASB, harassment, domestic and sexual violence and other forms of abuse. Consultancy including casework and policy advice.

Training and workshops, speakers for events.

www.staysafe-east.org.uk

People First Advocacy

London wide - Advocacy, Signposting and Advice telephone service for people with learning difficulties and their carers/supporters. Support to report a hate crime, get victim support, give them information about services or support them to get an advocate to go through the justice system.

<http://peoplefirstltd.com/about-us/what-we-do/>

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Another Assault: MIND's Campaign for Equal Access to Justice for People with Mental Health Problems, MIND, 2007

Don't Stand By – Ending Disability Hate Crime Together. MENCAP, 2010

http://www.hatecrimescotland.org/?attachment_id=422

Living in Fear – better outcomes for people with learning disabilities and autism

http://www.mcch.org.uk/pages/multimedia/db_document.document?id=8009

Crime Surveys

Crime Survey for England and Wales, Office for National Statistics

<http://www.crimesurvey.co.uk>

Victim Support analysis of the Crime Survey relating to crimes against disabled people

<https://www.victimsupport.org.uk/more-us/press/press-releases/disabled-people-increased-risk-violent-crime-victim-support-research>

Life Opportunities Survey, Office for Disability Issues, Office for National Statistics & Department for Work & Pensions, Published August 2013, Last Updated Sept 2015.

<https://www.gov.uk/government/collections/life-opportunities-survey>

C. Investigation Reports and Serious Case Reviews

IPCC writing on the publishing of the Fiona Pilkington

Investigation Report, 2011 - <https://www.ipcc.gov.uk/news/ipcc-publishes-fiona-pilkington-investigation-report>

The Murder of Steven Hoskin – A Serious Case Review, Margaret C. Flynn, Cornwall Adult Protection Committee, Dec 2007

[http://www.cornwall.gov.uk/media/3630284/ae_SCR_Executive_Summary1_Dec_2007 .pdf](http://www.cornwall.gov.uk/media/3630284/ae_SCR_Executive_Summary1_Dec_2007.pdf)

The Murder of Gemma Hayter

<http://apps.warwickshire.gov.uk/api/documents/WCCC-779-97>

D. Guidance on Hate Crime and on Safeguarding

CPS guidance on prosecuting disability hate crime

[http://www.cps.gov.uk/legal/d to g/disability hate crime/](http://www.cps.gov.uk/legal/d%20to%20g/disability%20hate%20crime/)

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[http://www.cps.gov.uk/legal/p to r/racist and religious crime/#a06](http://www.cps.gov.uk/legal/p%20to%20r/racist%20and%20religious%20crime/#a06)

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[http://www.cps.gov.uk/legal/s to u/sexual orientation /](http://www.cps.gov.uk/legal/s%20to%20u/sexual%20orientation/)

The Incitement of Hate, the Reasons: Race, Religion or Sexual Orientation

<http://www.inbrief.co.uk/discrimination-law/inciting-hatred.htm>

College of Policing Hate Crime Operational Guidance

<http://library.college.police.uk/docs/college-of-policing/Hate-Crime-Operational-Guidance.pdf>

Lets Stop Disability Hate crime – Disability Rights UK

[http://www.disabilityrightsuk.org/sites/default/files/pdf/LSDHC A guide for disabled people final 2002121.pdf](http://www.disabilityrightsuk.org/sites/default/files/pdf/LSDHC_A_guide_for_disabled_people_final_2002121.pdf)

A series of guides for disabled people, including Easy Read on hate crime. Includes a guide to setting up a third party reporting site

Good practice guidance for working with Deaf and Disabled victims and survivors of hate crime (forthcoming)

www.staysafe-east.org.uk

London Multi-Agency Adult Safeguarding Policies and Procedures, Dignity, Capacity & Safety Group Meeting, December 2015

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Government Equalities Office, June 2011

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Man Throws Passenger's Zimmer Frame Off Bus After Hate Filled Islamophobic Rant, Kara O'Neill, Mirror Online, October 2015

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Appendix 4: Abbreviations

ABH	Actual Bodily Harm
ASB	Anti Social Behaviour
BAME	Black, Asian, and minority ethnic
BSL	British Sign Language
CCTV	Closed Circuit Television
CID	Criminal Investigation Department
CPS	Crown Prosecution Service
CRIS	Crime Report Information System
CSEW	Crime Survey England and Wales
CSU	Community Safety Unit
DDPO	Deaf and Disabled People's Organisation
DHC	Disability Hate Crime
GBH	Grievous Bodily Harm
IDVA	Independent Domestic Violence Advocate
LBM	London Borough of Merton
LGBT	Lesbian, Gay, Bisexual, Transgender
MARAC	Multi Agency Risk Assessment Committee
MASH	Multi Agency Adult Safeguarding Hubs
MCIL	Merton Centre for Independent Living
MOPAC	Mayor's Office for Policing and Crime
MPS	Metropolitan Police Service
TfL	Transport for London
PA	Personal Assistant
PCSO	Police Community Support Officer
UKIP	United Kingdom Independence Party

