

JOINT REVIEW OF DISABILITY HATE CRIME FOLLOW-UP

MAY 2015

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OF DISABILITY
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Joint review of disability hate crime follow-up

CHIEF INSPECTORS' FOREWORD

In March 2013 the Chief Inspectors of the criminal justice inspectorates published *Living in a different world: Joint review of disability hate crime*, their first joint review of how the police, CPS and probation trusts dealt with disability hate crime. This called for a new impetus from the three agencies and seven recommendations were made to improve performance. Whilst acknowledging the complexities involved, it was hoped that the opportunity would be taken to adapt and change the criminal justice system to provide an improved service.

This follow-up review has undertaken an assessment of the progress that has been made against the seven recommendations and concludes that performance has not improved sufficiently. The number of reports of disability hate crimes to the police remains disappointingly low and there has been a failure to universally embed good working practices relating to disability hate crime by the police, CPS and probation service providers.

The key message of the 2013 review, that there was a need for leaders of the 43 police forces, the CPS and probation service providers to understand disability hate crime's unique features and ensure additional focus and attention is given to this important area at an operational level, has yet to gain sufficient traction. Real change across the criminal justice agencies has not yet fully materialised, although the CPS Chief Executive has now assumed personal responsibility for driving improvement.

The agencies must ensure that despite the difficult and complex competing demands they currently face, they set an agenda to ensure that performance in relation to disability hate crime is improved. This is a necessity and not an option as the criminal justice agencies have an obligation to tackle the underlying prejudice and ignorance that drives all hate crime.

The title for the original review came from an interview with a member of the public (who had been involved in a road traffic collision which had resulted in permanent disabilities) who stated "*I am now living in a different world*". The recommendations sought to improve performance and contribute to improving social attitudes so that all members of society are treated equally and those with disabilities do not 'live in a different world'. This has yet to be achieved.

In the absence of the improvement in handling of disability hate crime by the three agencies, disability hate crime will remain a high priority within the work of Criminal Justice Joint Inspection.



Kevin McGinty
HM Chief Inspector of the CPS



Drusilla Sharpling CBE
HM Inspector of Constabulary



Paul Wilson
HM Chief Inspector of Probation

1 EXECUTIVE SUMMARY

- 1.1 This joint follow-up review considered how the police, Crown Prosecution Service (CPS) and probation service providers (National Probation Service (NPS)/Community Rehabilitation Companies (CRCs))¹ have responded to the seven recommendations contained in the Criminal Justice Joint Inspection (CJJI) March 2013 review of disability hate crime.²

Key findings

Awareness of disability hate crime

- 1.2 The 2013 review highlighted the need for the three agencies to quickly (within three months) take the appropriate steps to ensure that the public and those who work in the criminal justice system (CJS) understood disability hate crime. This is a fundamental step in ensuring (a) that the level of under reporting is reduced and (b) once recognised by the CJS, that the appropriate level of service is provided to victims of disability hate crime. The casework examination undertaken as part of this review reveals continuing difficulties by the police, CPS and probation staff in identifying disability hate crime.
- 1.3 There are examples of good practice relating to awareness raising at national level, such as the guidance to police forces contained within the Framework for Implementation of the Equality and Human Rights Commission (EHRC) recommendations published jointly by the Association of Chief Police Officers (ACPO) and the College of Policing in 2013, and the subsequent publication by the College of Policing of the National Policing Hate Crime Strategy in 2014.³ At the local level awareness-raising events have taken place in different parts of England and Wales. However, neither the police nor the CPS have succeeded in significantly improving performance at operational level. Recognising this, the CPS Chief Executive has now assumed personal responsibility for driving improvement by the Service and a CPS national action plan was launched in November 2014.⁴
- 1.4 Similarly, although the National Offender Management Service (NOMS) has provided direction and some probation trusts have worked with local partners to improve awareness of disability hate crime, it is still seen as a very small part of their work and is not dealt with effectively.

1 From June 2014, under the Government's transforming rehabilitation programme, probation trusts were replaced by Community Rehabilitation Companies, which supervise the majority of offenders in the community, and the National Probation Service which supervises those offenders who pose the highest risk of harm to the public.

2 *Living in a different world: Joint review of disability hate crime*; CJJI; March 2013. www.justiceinspectorates.gov.uk/cjji/inspections/joint-inspection-of-disability-hate-crime/

3 *National Policing Hate Crime Strategy*; College of Policing; May 2014. <http://library.college.police.uk/docs/college-of-policing/National-Policing-Hate-Crime-strategy.pdf>

4 *Disability Hate Crime - CPS Action Plan*; CPS; November 2014. www.cps.gov.uk/publications/docs/disability_hate_crime_action_plan_2014.pdf

Increased reporting of disability hate crime to the police

- 1.5 The number of reports of disability hate crimes to the police recorded by the Home Office remains low, at only 1,985 in 2013-14⁵ and the gap between this and the Crime Survey for England and Wales (CSEW) estimated figure of 62,000 disability motivated hate crimes⁶ remains significant. It is particularly concerning that in the Home Office reporting figures for disability hate crime for 2013-14, nine police force areas had less than ten reports.
- 1.6 Disappointingly, inspectors found that the police forces visited had not conducted a formal review of the different methods by which information is received from the public to ensure that every opportunity is being taken to identify victims of disability hate crime. This represents a lost opportunity.

Embedding disability hate crime processes within the working practices of the police, CPS and probation staff

- 1.7 Unfortunately, the approach to delivering effective training by the agencies has been inconsistent and slow. Without the required impetus it is not surprising that performance has not improved significantly.
- 1.8 The 2013 review highlighted errors in the recording of data relating to disability hate crime by the police and CPS. This follow-up reveals that whilst there have been some improvements, further progress is required. Highlights include:
- Case file examination undertaken as part of this review reveals an improvement in the number of files accurately identified to the CPS as disability hate crimes by the police (when they seek charging advice from the CPS) to 20%⁷ (compared to 7% in the 2013 review). However, further improvement is required.
 - In around a third of recorded disability hate crimes the crime reports lacked information to show they complied with the agreed definition of disability hate crime, usually because it was not made explicit who had perceived the crime to be motivated by hostility or prejudice against the victim's disability or perceived disability.
 - Of the 107 CPS files examined inspectors were of the view that 76 (71%) were correctly identified as disability hate crime in accordance with the CPS policy (compared to 69% in 2013), 19 files (18%) involved a disabled victim but the case did not fall within the CPS definition of flagging as a disability hate crime (compared to 12%) and 12 files (11%) were flagged incorrectly as administrative or other error (previously 19%).
- 1.9 Whilst the CPS has reduced the number of files flagged as administrative/other errors, there is a continuing need for improvement, as the data reveals only a small improvement in the accuracy of recording disability hate crime files.

5 1,985 reports in 2013-14 according to Home Office data. www.gov.uk/government/statistics/hate-crimes-england-and-wales-2013-to-2014

6 *An Overview of Hate Crime in England and Wales*; Home Office, Office for National Statistics and Ministry of Justice; December 2013. www.gov.uk/government/statistics/an-overview-of-hate-crime-in-england-and-wales

7 Percentage calculated without not applicable files.

- 1.10 The CPS case management system has the capacity to record those disability hate crimes where the court uplifted the sentence for the aggravated element (section 146 Criminal Justice Act 2003) and the number of recorded ‘uplifts’ is unacceptably low.
- 1.11 This review also examined 21 pre-sentence reports and there was little or no evidence that disability hate crime had been awarded a higher priority within the work of those agencies delivering probation services than in 2013. There was little evidence that disability hate crime forms all but a very small part of the work of NPS/CRCs. In part this is due to the lack of reporting of these cases. However, even in those cases where there was clear evidence that they met the disability hate crime definition, in the majority there was no recognition by those providing probation services that these were disability hate crimes.

Conclusion

- 1.12 The 2013 review highlighted that disability hate crime is a complex area with a number of unique features. It called for a new impetus that focussed on (a) improving awareness of disability hate crime, (b) increasing the reporting of disability hate crime and (c) embedding disability hate crime processes within the routine working practices of police, CPS and probation staff. The seven recommendations, if implemented effectively, would have made a substantial contribution to achieving these overarching aims.
- 1.13 This follow-up reveals that there has been insufficient progress made against the recommendations. An opportunity to achieve improvements in the criminal justice system for all members of society has not yet been taken.

Good practice

- 1 Third party reporting centres were found in five of the six forces inspected (their role was, in most instances, to forward to the police any reports of hate crime including disability hate crime). One hundred and nine third party reporting centres have been established in the Northumbria Police area; these are primarily locations in the community where people with disabilities are likely to visit and therefore staff in these centres are better placed to receive information from victims of hate crime. Inspectors were informed that attempts were made to ensure that they provided an effective service to the public, including ‘mystery shopper’ exercises. An evaluation carried out by a representative from the Police and Crime Commissioner’s office revealed that because many of these centres had a high level of staff turn-over there was a need to refresh training and awareness. The effectiveness of any reporting mechanism has to be kept under continual review so as to ensure the efficient use of resources (paragraph 4.20).
-
- 2 In Lancashire, a bespoke five and a half hour training package on hate crime has been developed by the police and delivered to all front-line staff including police response and neighbourhood team officers, Police Community Support Officers (PCSOs) and (more recently) control room staff. The training was part of a centrally co-ordinated awareness campaign and encompassed half a day on disability hate crime, as it had been recognised that disability was a unique characteristic of hate crime (paragraph 4.38).
-
- 3 The Area Hate Crime Co-ordinator at CPS North East undertook monthly checks of all live files flagged as disability hate crimes and inserted a review onto the CPS case management system and, when appropriate, provided direct feedback to staff. We understand this process has now been adopted by all CPS Areas (paragraph 4.51).
-

2 BACKGROUND TO THE FOLLOW-UP REVIEW

2.1 In March 2013 CJI published the inspection report *Living in a different world: Joint review of disability hate crime* (the 2013 review) setting out how the police, CPS and probation trusts dealt with disability hate crime and made seven recommendations to improve performance. The 2013 review was set against a background of concern about how the criminal justice system dealt with disability hate crime. Whilst progress had been made in relation to certain hate crimes, there was a lack of confidence that society's attitudes towards those with disabilities had progressed at the same pace. These concerns were highlighted in a number of reports:

- In September 2011 the EHRC published its report *Hidden in plain sight: Inquiry into disability-related harassment* (the EHRC report).⁸ This highlighted a number of incidents that were of serious concern and criticism was levelled at the CPS, police and other agencies.
- The EHRC subsequently published in October 2012 its follow-up report, *Out in the open: tackling disability related harassment: A manifesto for change*.⁹ This identified the positive and encouraging responses that the EHRC had received in relation to the initial report but also highlighted the need for further work.

Both EHRC reports reaffirmed a key proposition that disability hate crime existed and it needed to be handled well.

- The Government had also highlighted its commitment to reduce hate crime and protect victims in its publication of *Challenge it, Report it, Stop it: The Government's Plan to Tackle Hate Crime* (March 2012),¹⁰ which highlighted the importance of hate crime and acknowledged that whilst attitudes and behaviours have changed over time, progress should not be mistaken for a problem having been solved.

2.2 At the core of the 2013 review was a call for the three agencies to acknowledge that disability hate crime has a unique position and required additional status, simply to ensure that it is treated on an equal footing to the other hate crime strands (race, religion, sexual orientation or transgender identity). There needed to be a focus on (a) improving awareness of what disability hate crime is, (b) increasing the reporting of disability hate crime and (c) embedding disability hate crime processes within the routine working practices of the police, CPS and probation staff.

8 *Hidden in plain sight: Inquiry into disability-related harassment*; EHRC; September 2011. www.equalityhumanrights.com/publication/hidden-plain-sight-inquiry-disability-related-harassment

9 *Out in the open: tackling disability related harassment: A manifesto for change*; EHRC; October 2012. www.equalityhumanrights.com/publication/out-open-tackling-disability-related-harassment-manifesto-change

10 *Challenge it, Report it, Stop it: The Government's Plan to Tackle Hate Crime*; Home Office, Department for Communities and Local Government, and Department for Work and Pensions; March 2012. www.gov.uk/government/publications/challenge-it-report-it-stop-it See also *Fulfilling Potential* - cross-Government disability strategy. <http://odi.dwp.gov.uk/fulfilling-potential/index.php>

Key findings of the March 2013 review

Identification and reporting of disability hate crime

2.3 The 2013 review revealed that there was 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 (s.146 CJA 2003). This provision 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. This caused 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.

2.4 A need to increase reporting of disability hate crime was highlighted as a priority.

The police investigation and prosecution process

2.5 There were a number of examples of poor understanding of different types of disabilities by officers and in addition there was frequently a failure to examine the offender's motivation for committing offences. As a consequence, insufficient evidence is obtained to support the requirement set out for the court to regard the defendant's actions as an aggravating feature under s.146 CJA 2003.

2.6 There were failures by the police to identify disability hate crimes to the CPS when seeking charging advice and a lack of provision of appropriate information to the CPS by police.

2.7 The CPS needed to (a) ensure that disability hate crime cases were correctly identified on its case management system and (b) improve its performance in relation to the quality of case preparation to ensure that disability hate crimes were effectively prosecuted.

At court and post-conviction

2.8 S.146 CJA 2003 had not been embedded within the sentencing process.

2.9 The quality of CPS and police information supplied to probation trusts was limited and insufficient for the preparation of a pre-sentence report. There was also an over reliance on information provided by the offender, who minimised the seriousness of the offence. This lack of provision of key information also impacted on probation trust offender managers carrying out the role effectively and resulted in a culture of accepting the offender's account, rather than placing the focus on the victim.

Training and leadership

2.10 Whilst progress had been made in relation to disability hate crime, the leaders of the police, CPS and probation trusts needed to regard it as a priority. It was important that the relatively low numbers of disability hate crimes recorded should not be allowed to be used to devalue the importance of these types of crimes. Given the demands on staff, without determination on the part of the leadership to achieve real change (and effective training), there was unlikely to be any significant progress.

Recommendations

2.11 Against the general findings of the review, seven specific recommendations were made:

Joint

The following is a priority and should be achieved within three months of publication of this review:

-
- 1 The police, CPS and probation trusts should adopt and publish a single, clear and uncomplicated definition of a disability hate crime that is communicated effectively to the public and staff (paragraph 2.7).
-

The following should be considered within six months of publication of this review:

-
- 2 The police, CPS and probation trusts, when developing their strategic aims, should consider disability hate crime and the need for its reporting to be increased (paragraph 3.7).
 - 3 The police, CPS and probation trusts should consider how their front-line staff participate in effective disability hate crime training to improve (as appropriate) investigative, prosecution and rehabilitation skills (paragraph 8.8).
-

Police

The following should be considered within six months of publication of this review:

-
- 4 It is in the interest of each police force to review the different methods by which information is received from the public to ensure that every opportunity is being taken to identify victims of disability hate crime (paragraph 2.17).
-

CPS

The following should be considered within three months of publication of this review:

-
- 5 Regular checks should be put in place to ensure the accuracy of all CPS data relating to disability hate crime (paragraph 2.31).
 - 6 Advocates should refer to section 146 of the Criminal Justice Act 2003 as part of the sentencing process (where appropriate) and the application/outcome should be recorded (paragraph 2.31).
-

Probation trusts

The following should be considered within six months of publication of this review:

-
- 7 Disability hate crime must have a higher priority within the work of probation trusts. They should put in place procedures to ensure that offender managers preparing pre-sentence reports have all necessary CPS case papers available to them and ensure that plans, where relevant, always contain (a) objectives to address victim safety/victim awareness and (b) manage the risk posed by the offender to the victim or other potential victims (paragraph 7.6).
-

2.12 At the time of publication of the 2013 review, a commitment was made to hold a follow-up inspection.

Developments since publication of the March 2013 review

2.13 Disability hate crime has remained an area of public interest and national developments include:

- The EHRC has published two further papers relating to disability hate crime *Crime and disabled people: Baseline statistical analysis of measures from the formal legal inquiry into disability-related harassment* (autumn 2013)¹¹ which provides an analysis of data relating to disability hate crime and *Manifesto for Change: Progress Report 2013* (December 2013),¹² which details the responses received, including from criminal justice agencies, by the Commission in relation to the July 2013 invitation to respond to the consultation on the manifesto for change.
- In November 2013 HM Government published *Government's progress on the recommendations from the Equality and Human Rights Commission Inquiry into disability related harassment*.¹³
- In October 2013 a new *Code of Practice for Victims of Crime* (the Victims' Code)¹⁴ was published, which provides for victims of hate crime to receive an enhanced service.
- In May 2014 the Law Commission published its response to a consultation in relation to extending the aggravated offences in the Crime and Disorder Act 1998 to include where hostility is demonstrated towards people on the grounds of disability, sexual orientation or gender identity.¹⁵ The Commission recommended that prior to any extension of the offences a full scale review should be undertaken; however, if that recommendation for a wider review was not supported by Government, then the aggravated offences should be extended.

11 *Crime and disabled people: Baseline statistical analysis of measures from the formal legal inquiry into disability-related harassment*; EHRC; autumn 2013. www.equalityhumanrights.com/sites/default/files/publication_pdf/rr90_pdf_final.pdf

12 *Manifesto for Change: Progress Report 2013*; EHRC; December 2013. www.equalityhumanrights.com/sites/default/files/documents/publications/manifesto_for_change_progress_report_2013_final.pdf

13 *Government's progress on the recommendations from the Equality and Human Rights Commission Inquiry into disability related harassment*; HM Government; November 2013. www.gov.uk/government/uploads/system/uploads/attachment_data/file/258945/HM_Government_Progress_on_EHRC_Recommendations_Nov_2013.pdf

14 *Code of Practice for Victims of Crime*; Ministry of Justice; October 2013. www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime

15 *Hate Crime: should the current offences be extended?*; Law Commission; May 2014. http://lawcommission.justice.gov.uk/areas/hate_crime.htm

- In November 2014 the CPS produced a revised national action plan designed to improve casework handling performance in disability hate crime cases. In addition a joint CPS and ACPO action plan has been agreed on the tracking of these case types.
- In July 2013 NOMS published Offender Management in Hate Crime Cases.
- The press have continued to highlight concerns as to how the CJS continues to deal with disability hate crimes in a number of high profile cases.

The follow-up review

Aim and objectives

- 2.14 Set against the background of the 2013 review and subsequent national developments, this follow-up review's aim was to assess progress made by the three agencies in relation to the seven recommendations. The questions for the review were:
- a) What progress has been made by each agency in relation to the seven recommendations contained within the CJJI report?
 - b) Where applicable what, if any, are the barriers that have prevented the implementation of these recommendations?

Methodology

- 2.15 Six police force areas were visited during this inspection: Suffolk Constabulary, Northumbria Police, Lancashire Constabulary, Gwent Police, Lincolnshire Police, and Avon and Somerset Constabulary.
- 2.16 The inspection team also interviewed the CPS Hate Crime Co-ordinators and Equality, Diversity and Communications Managers in all 13 CPS Areas and the Hate Crime Co-ordinator from CPS Direct.
- 2.17 Details of 21 OASys related cases identified on the CPS case management system as disability hate crime files were passed to HMI Probation for review.
- 2.18 The full methodology is set out in Annex A.

Acknowledgments

- 2.19 The team is grateful for the time and input of those who contributed to this review in interviews and the completion of surveys.

3 CASEWORK EXAMINATION

Introduction

- 3.1 In order to assess current performance levels of the police, CPS and NPS/CRCs a casework examination was undertaken.
- 3.2 Inspectors reviewed 77 crime reports of disability hate crimes in the six police forces inspected; 107 CPS files flagged as disability hate crimes on its case management system (64 finalised and 43 live files); and 21 NPS and CRC files.¹⁶

Police casework examination

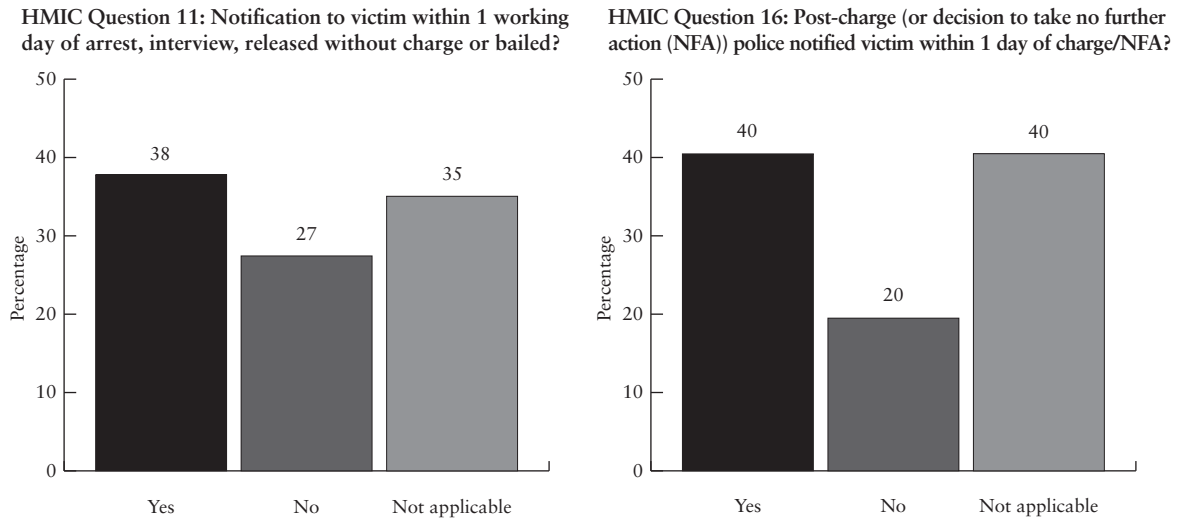
Identification of disability hate crimes

- 3.3 The file examination revealed that of the 77 police investigations for offences which had been flagged as disability hate crimes, in 26 there was no identified reason for the flag. Inspectors concluded that a disability hate crime had been flagged simply because there was a disabled victim with no evidence (or record) that anyone believed that the crime was motivated by any hostility or prejudice toward a disability or perceived disability.
- 3.4 In January 2014, an audit of disability hate crime was conducted jointly by the CPS and ACPO and an action plan was developed to address the findings. The audit showed that police officers were most likely to be the source of the belief that the crime was motivated by hostility or prejudice toward a perceived disability. However, in 15% of the cases it was not known who held that belief. This resonates with the findings in this report.

Victim contact

- 3.5 Under the Victims' Code, which sets out what victims of crime are entitled to from CJS agencies, updates are required to be given to disability hate crime victims within one working day where a suspect is arrested, interviewed, charged, bailed or released without charge.
- 3.6 Generally, the level of contact with victims was regarded as a quite good by inspectors; however there were exceptions to this. The one day timescale imposed by the Victims' Code proved problematic (often due to shifts worked by police officers dealing with cases) and the file examination revealed that where a suspect had been identified, there was contact within the required one day identified in only 29 of 50 crime reports.
- 3.7 Many officers spoken to during the focus groups did not realise that disability hate crime was one of the offences that entitled the victim to an enhanced service. Police crime recording systems had, in the main, not been adapted to take account of the Victims' Code and therefore did not prompt officers to provide an enhanced service to the victim.

16 NPS/CRC files were inspected remotely.



See Annex C for the full question set referred to in the diagrams

Lack of consistency of investigation even where there is a named suspect

3.8 The casework examination revealed an inconsistent quality of investigation across the disability hate crime cases reviewed. Whilst there were examples of good, thorough and diligent investigations leading to the identification of the perpetrator and robust action taken to ensure that victim safety was paramount, there were an equal number of cases where the investigation was not sufficiently thorough or had not progressed as quickly as it should.

Case studies: A male with learning disabilities, who was regularly being threatened at knifepoint and robbed of his disability allowance, had reported the matter to the police. The case had been passed backwards and forwards between two police departments, with neither taking any action to safeguard the victim or apprehend the offender.

In another case, officers had reacted quickly to identify and apprehend a care worker in a residential home for people with severe learning disabilities, who had allegedly assaulted a resident. Although there had been swift action to prioritise the arrest of the offender, inspectors found that none of the other residents in the home had been approached to check whether they had also been victims of the same care worker.

Achieving Best Evidence (ABE videos)

3.9 The case file examination revealed a total of 54 cases where an Achieving Best Evidence (ABE)¹⁷ interview ought to have been considered, however, in only 19 of these cases had the appropriate consideration been given.

17 The latest revised guidance *Achieving Best Evidence in Criminal Proceedings* was published in March 2011 (www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf). It is intended to assist those responsible for conducting video recorded interviews with vulnerable, intimidated and significant witnesses as well as those tasked with preparing and supporting witnesses during the criminal justice process. One practice introduced to assist witnesses giving evidence is the visually recorded interview which can be used as evidence-in-chief, the ‘ABE’ interview. See also *Achieving best evidence in child sexual abuse cases*; CJI; December 2014. www.justiceinspectorates.gov.uk/cji/inspections/achieving-best-evidence-in-child-sexual-abuse-cases/

Use of intermediaries

- 3.10 Whilst not all interviews with disability hate crime victims require an intermediary, it is critical that officers dealing with cases understand their role and the potential benefits they bring.
- 3.11 Inspectors found very little evidence of the use of intermediaries¹⁸ with only two cases, both in the same police force area. This represents potential lost opportunities to effectively communicate with victims and obtain the best possible evidence.

Linking disability hate crime incidents

- 3.12 In order to identify and properly record incidents as disability hate crime, it is necessary for the police to link information about previous incidents and crimes. It is this ability to access repeat caller information that can alert call-takers about the vulnerability of the victim.

Case study: In one force, a disability hate crime was recorded when a brick was thrown through the window of a house belonging to a woman with mental health issues whilst she was in a psychiatric hospital. The neighbour reporting this incident stated she felt the woman was being targeted by a group of local youths because of her disability. When the same thing happened two weeks later, this was not recorded as a disability hate crime and no apparent link made to the previous incident.

- 3.13 The file examination revealed a number of cases where linked incidents were not used to inform the decision on whether it was disability hate crime. This failure to link repeat offences is a serious gap. Processes are required, or need reinforcing, in all forces to identify repeat victims of disability hate crime. In certain cases, it is the repetitive targeting of a disabled person that will highlight the ‘hostility’ element of a disability hate crime and it is vital that this information is available to practitioners.

Variable level of referral to support agencies

- 3.14 The file examination revealed very variable levels of referral to support agencies. For example, in Northumbria an officer dealing with a severely disabled female victim ensured that other agencies were called in to assist immediately; the housing association were called in to improve the lock system on her front door, he chased up her request to the local authority to be re-housed, referred her to the Public Protection Unit, contacted her social worker and made frequent visits to the area to reassure her and make her feel safer. This was not the standard found in every case. In another force, inspectors were told that all vulnerable victims were referred to the Safeguarding Team to consider any measures that needed taking; however, out of 15 cases reviewed from that area, only two victims had been referred.

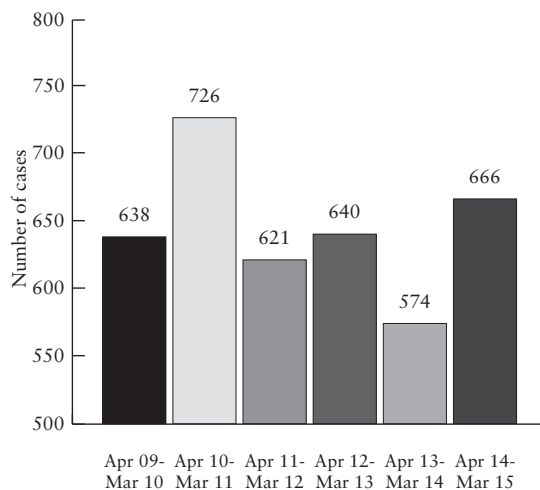
18 The Youth Justice and Criminal Evidence Act 1999 recognises that certain witnesses are ‘vulnerable’ and makes them “eligible for assistance on grounds of age or incapacity” (section 16 of the Act). One form of assistance is the intermediary whose function is to communicate to the vulnerable witness, “questions put to the witness, and to any persons asking such questions, the answers given by the witness in reply to them, and to explain such questions or answers so far as necessary to enable them to be understood by the witness or person in question” (section 29 (2)). Legislation assists vulnerable witnesses for the prosecution and defence, but not the accused. The accused is specifically excluded (section 16 (1)). A witness is eligible for the assistance of an intermediary if they satisfy the test in section 16 of the Act.

CPS casework examination

CMS data

3.15 The number of disability hate crime files flagged on the case management system (CMS) nationally decreased to 574 in 2013-14 from 640 in the previous year,¹⁹ but has subsequently increased to 666 in 2014-15.

CPS disability hate crime caseload (all 13 Areas)
over a 6 year period



File examination data: Accuracy of identification of disability hate crimes and recording of section 146 Criminal Justice Act 2003 on the CPS case management system

CPS charging - police information

3.16 Of the 76 files accurately identified as disability hate crimes on the CPS case management system, only 14 (20%)²⁰ had been adequately highlighted as disability hate crimes to the CPS by the police (compared to 7% in 2013).

3.17 Whilst there has been an improvement in the number of cases being highlighted by police to the CPS as disability hate crimes, the percentage remains low and there is a need for continued improvement.

3.18 Of the 76 files examined, 55 (81%)²¹ were graded as poor for the quality of the initial information provided by police in relation to the disability hate crime (compared to 69% in 2013). This indicates a continuing lack of understanding of disability hate crime issues by the police.

¹⁹ Data is the caseload of disability hate crimes (per financial year) taken from the CPS management information system on 8 May 2015. These figures have used the current up to date database. Certain data within the March 2013 review was derived from an older CPS database which accounts for any differences.

²⁰ Percentage calculated without not applicable files.

²¹ As above.

Proactive charging

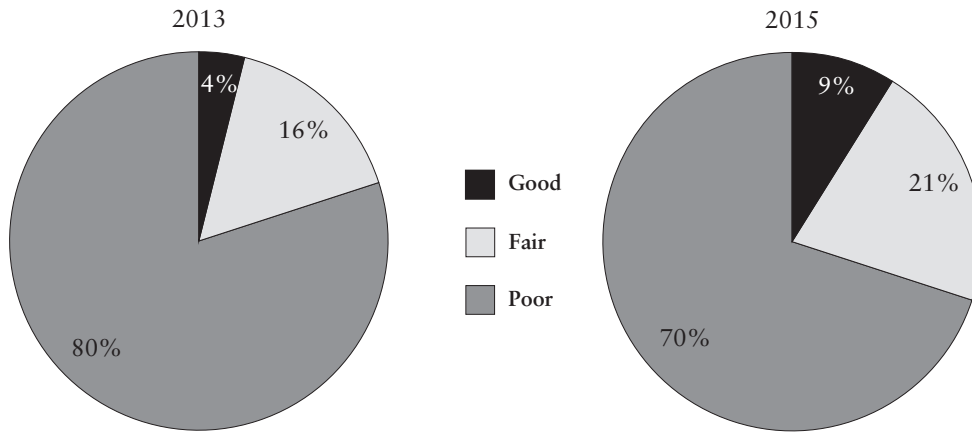
- 3.19 Having regard to the quality of material supplied by the police it is especially important that charging lawyers are proactive and request further information to gain evidence to support the ‘demonstration’ or ‘motivation’ limbs of s.146 CJA 2003.
- 3.20 The casework examination revealed that in 95% of files where inspectors considered it to be relevant, there was a failure by the CPS to seek the necessary further information from police. Lawyers must adopt a proactive approach at the charging stage to ensure that the police have gathered all of the potential evidence relating to the disability hate crime. If this approach is not taken at this stage, it is exceedingly unlikely to be obtained at a later stage in the prosecution process. The lawyers must be well trained and managers must ensure that this takes place.
- 3.21 This lack of a proactive approach was also highlighted in the case file sample, as the MG3s (record of charging decision) reviewed continued to fail to sufficiently demonstrate an appreciation of the need to ensure that the full background details (for example, linking previous disability hate crimes or incidents together or evidence that police had contacted neighbours or established a link to anti-social behaviour) should be obtained, or requested of the police.
- 3.22 There has been a decline in the ‘proactive approach’ adopted by prosecutors at charging and this needs to be reversed. In only eight (13%)²² of the relevant files did the MG3 demonstrate the prosecutor’s knowledge of the need to adequately consider the background details of the case (compared to 24%²³ in 2013).

Consideration of CPS disability hate crime policy/section 146 Criminal Justice Act 2003

- 3.23 Charging lawyers need to ensure that the MG3s: (1) demonstrate a consideration of the CPS disability hate crime policy, (2) subsequently identify if s.146 CJA 2003 is applicable and (3) include a full legal analysis.
- 3.24 In those cases where there was an analysis of s.146 CJA 2003 on the MG3s, there was some improvement in the quality of reviews. Of the relevant files, six (9%)²⁴ were graded as good (compared to 4%²⁵ in 2013), 14 (21%)²⁶ were graded as fair (compared to 16%²⁷ in 2013) and 47 (70%)²⁸ as poor (80%²⁹ in 2013).

22 Percentage calculated without not applicable files.
 23 As above.
 24 As above.
 25 As above.
 26 As above.
 27 As above.
 28 As above.
 29 As above.

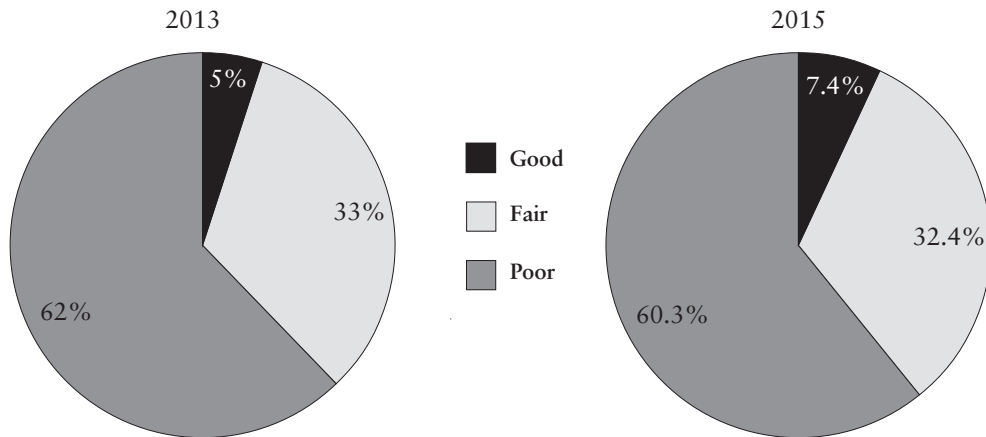
HMCPSP Question 11: What was the quality of the legal analysis on the law/facts as it relates to the disability hate crime issue under s.146?



Overall quality of the MG3 in relation to the disability hate crime issue

3.25 There has been a slight improvement in performance with the number of MG3s graded as good improving to 7.4%³⁰ (from 5% in 2013), and the number graded as poor reducing to 60.3%³¹ (compared to 62% in 2013).

HMCPSP Question 16: The quality of the MG3 specifically in relation to the disability hate crime issue was?



Probation casework examination

Identification as a hate crime

3.26 In almost all cases reviewed there was evidence that the offender manager, when preparing a report for court, had sufficient information regarding the nature of the offence to recognise this was a hate crime and that the victim was disabled. This is a significant improvement from the situation inspectors found at the time of the initial review, when the vast majority of writers of pre-sentence reports stated that they had little or no information that the victim was disabled or that there was a hate crime element to the offence.

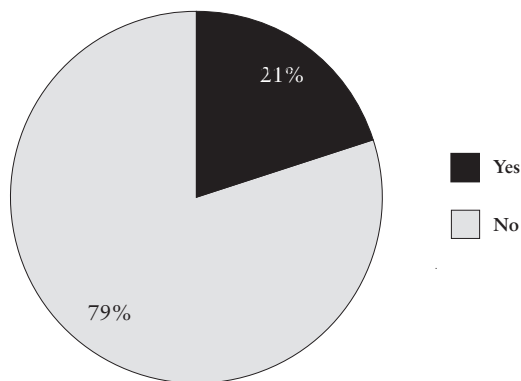
³⁰ Percentage calculated without not applicable files.

³¹ As above.

Identification as a disability hate crime (where section 146 Criminal Justice Act 2003 was not relevant)

3.27 In the March 2013 review inspectors highlighted that there was no mechanism for probation trusts to be informed of those other cases where the CPS had flagged the case as a disability hate crime, but where there was no intention of raising s.146 CJS 2003 at court. Unfortunately, the case file examination carried out as part of this review revealed that despite an improvement in sharing information between the CPS and probation, there was no improvement in the identification of these types of cases.

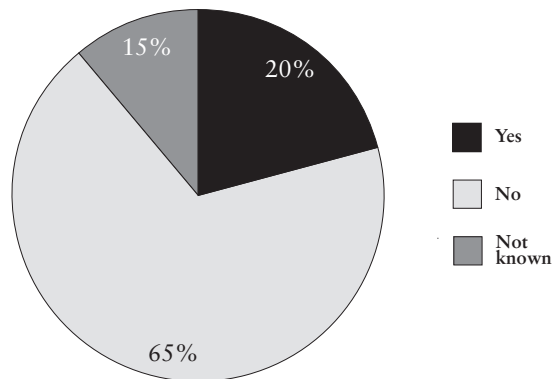
HMI Probation Question 3: Did the report recognise that it was a disability hate crime?



Pre-sentence reports

- 3.28 In 19 of the 21 (90.5%) cases inspected which were identified as disability hate crimes by inspectors, a pre-sentence report was ordered by the court. In a further case a breach report (relating to a failure to comply with a previous order) was produced rather than a pre-sentence report.
- 3.29 Almost half of the pre-sentence reports examined as part of this review were of the wrong type and therefore insufficient. Those regarded as the wrong type were either oral reports or produced at court on the day of sentence. In these cases the report writer often did not have the required information about the offender or offences. Because of the complexity of disability hate crime in terms of the impact on the victim and motivation of the offender, it is crucial that a full and thorough assessment is made. The 2013 review found that just under a quarter of the reports were the wrong type for the case.
- 3.30 Inspectors were of the view that there was greater availability of CPS documents to the pre-sentence report writer compared to the findings of the 2013 review. However, in only four reports was there recognition that it was a disability hate crime. In only five cases was there any information about the victim or their views. This is a slight deterioration on our previous findings. Given the improvement of information available to report writers, there can be no excuse for not providing detailed information about the victim.
- 3.31 Reports also failed, in the majority of cases, to make an analysis of the offence or risk of harm posed by the offender to the victim or potential victims. Only three reports contained a proposed sentence plan objective to address the hate crime nature of the offence.

HMI Probation Question 13: Does the Initial Sentence Plan (ISP) include an objective to address the offender's hate crime conviction?



Post-conviction

Analysis and planning

3.32 Inspectors identified that gaps in the analysis and planning at the pre-sentence report stage were repeated during the sentence (this was also the case in 2013). In only four cases was there evidence that the offender manager, supervising the offender, had taken account of the hate crime when assessing the offending and risk of harm related factors that needed to be addressed during the sentence.

3.33 Based on the evidence of the plans there had been no improvement since 2013 in the planning of interventions to address the disability hate crime element of the offence. Although underlying factors were included in Initial Sentence Plans (ISPs) these were not directly linked to the offending and were unlikely to challenge discriminatory attitudes towards the victim or disabled people in general (see HMI Probation Question 13 chart, above).

Interventions

3.34 Not surprisingly, given the lack of planning, inspectors found only one case where specific intervention was delivered to address disability hate crime (similar to 2013).

3.35 The NOMS framework (published in July 2013) contains an intervention section which refers to the programmes and interventions that target hate crime (or aspects of hate crime) that probation providers have developed. However, we found little evidence that interventions were available to address hate crimes and no evidence that there were specific interventions to address disability hate crimes in any of the NPS or CRCs where cases were inspected.

Investigative approach

3.36 The March 2013 review highlighted that in the majority of cases examined inspectors found a lack of an investigative approach by offender managers, with probation staff resigned to not receiving sufficient information and being too ready to accept the offender's account of the offence. Although we did not interview probation staff for this follow-up review the case file sample continued to suggest a lack of an investigative approach.

4 PROGRESS AGAINST RECOMMENDATIONS

2013 Report - Recommendation 1 (Joint)

The following is a priority and should be achieved within three months of publication of this review:

The police, CPS and probation trusts should adopt and publish a single, clear and uncomplicated definition of a disability hate crime that is communicated effectively to the public and staff (paragraph 2.7).

- 4.1 The March 2013 report highlighted a lack of clarity amongst the public and front-line criminal justice system (CJS) staff as to what a disability hate crime is and called for a definition that was easily understood and which was communicated effectively to the public and staff. Without an understanding of what disability hate crime is, the public are unlikely to report appropriate matters to the police and those working in the CJS will fail to provide the appropriate service level to the public.

The definition

- 4.2 In April 2013 representatives of ACPO, the CPS and NOMS agreed that the joint ACPO/CPS definition which was in place at that time (*“any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person’s disability or perceived disability”*), was fit for purpose and would be retained. NOMS agreed that it would also adopt that definition. The agencies also undertook to review their published material to ensure that there were no variations from the agreed definition in use that could cause confusion.
- 4.3 To assess progress against this recommendation inspectors considered (in addition to the case file examination results) a variety of sources of information to which CJS staff might make reference in relation to disability hate crime.
- 4.4 Inspectors still found a lack of clarity of approach for front-line staff. For example, of the six police forces inspected only four used the agreed definition of hate crime in their force policies (the remaining two used the word *“hate”* within the definition instead of *“hostility”*). Clear and simple messages need to be communicated to staff and the public
- 4.5 As highlighted in Chapter 3, inspectors’ casework examination revealed continuing difficulties in front-line criminal justice staff identifying what a disability hate crime is (with reference to the ACPO/CPS/NOMS definition).

Case study: The victim (who uses a wheelchair) was allegedly assaulted by the defendant, her former partner, in front of her children. The alleged assault followed numerous texts and previous comments by the defendant referring to the victim as “Wheelie”. The defendant made a comment to the victim a few days after the initial incident, “I’m going to destroy you, rip your dead legs off. Ram the saggy ends down your throat...”. Police made no reference to a potential disability hate crime when they referred the matter to the CPS. The CPS lawyer did not record on the charging documents any consideration of the incidents being potentially disability hate crimes. They did not seek further information from the police about the motivation for the incidents and decided to proceed with one charge of assault (they did flag the case as a disability hate crime on the CPS case management system). The local CPS office subsequently reviewed the file and made no further reference to a potential disability hate crime. The victim subsequently did not support the prosecution and the defendant was acquitted.

Effective communication to the public and staff

- 4.6 This recommendation required not only an easily understood definition be adopted but also that it be communicated effectively to CJS staff and the public quickly. Whilst clear policy definitions are essential, on their own they will not improve performance; clear messages need to be understood by front-line staff.
- 4.7 To assess progress against this recommendation, inspectors reviewed various police and CPS training initiatives aimed at explaining what disability hate crime is and looked for evidence of an effective communication strategy to staff and the public.

Police

- 4.8 Further details of disability hate crime training initiatives are provided in our comments on recommendation 3; however, inspectors found there was a significant variation in the training offered to staff amongst the forces visited. This inconsistency of approach is unhelpful in setting consistent standards of recording and investigation.
- 4.9 Inspectors were provided with examples of police community engagement events aimed at improving understanding of what disability hate crime is amongst the public. These are important and, together with other initiatives (such as the provision of clear information on their websites about hate crime), contribute to increasing understanding. However, there was only limited evidence, in the forces visited, of senior managers devising and implementing a communication strategy aimed at ensuring that the public are aware of what disability hate crime is. Ad hoc events are unlikely to achieve the required outcome.

Case study: In 2010-11 a project known as Talk About It was launched involving Torfaen People First, a local disability advocacy group. This encompassed the introduction of 31 third party reporting centres; they introduced an agreed definition of disability hate crime across the Gwent region (developed by service users themselves) and provided training for reporting centre staff, service users and police officers on disability hate crime. They use the following definition: “*a disability hate crime is when someone hurts another person because they don’t like their disability*”. In October 2014 Gwent Police and Torfaen People First arranged a one day conference to share understanding and best practice to tackle disability hate crime.

CPS

- 4.10 Whilst the CPS has undertaken steps since the 2013 review to ensure that its staff understood what disability hate crime is, there has been a failure to implement a national initiative that has ‘impact’ within the required time frame. For example, (a) the CPS provides written guidance to its lawyers on how to deal with disability hate crime, however, the updated document (containing the correct definition) was not made officially available to its staff until March 2014, a year on from the review and (b) specific disability hate crime training was not provided for its lawyers who give charging advice to the police until a year after publication of the March 2013 review (see below). In November/December 2014 the CPS launched a number of initiatives aimed at improving disability hate crime performance. These were delayed to ensure they aligned with the revised requirements of the Victims’ Code.
- 4.11 In all of the CPS Areas visited by inspectors there was evidence of the CPS undertaking community engagement events. However, there was no evidence of a national communication strategy aimed at increasing understanding of disability hate crime. There needs to be an increased focus on the effective use of resources to improve the understanding of what disability hate crime is for CJS staff and the public.

Probation

- 4.12 NOMS issued guidance to probation trusts in July 2013 in the form of a framework to front-line staff which included the CPS/ACPO definition of disability hate crimes. This framework was adopted by probation trusts and disseminated to relevant staff. However, it is difficult to find evidence that the framework was fully embedded in all local delivery units (LDUs). There is also no evidence that NOMS followed up their guidance to ensure that the framework had been fully disseminated.
- 4.13 The casework examination revealed that there was little or no evidence that offender managers were able to recognise cases that fitted the disability hate crime definition.

Summary of progress

- 4.14 Whilst acknowledging that the agencies have taken steps to increase the understanding of what disability hate crime is, there has been a failure to respond in the appropriate time frame and with sufficient consistency or impact.

2013 Report - Recommendation 2 (Joint)

The following should be considered within six months of publication of this review:

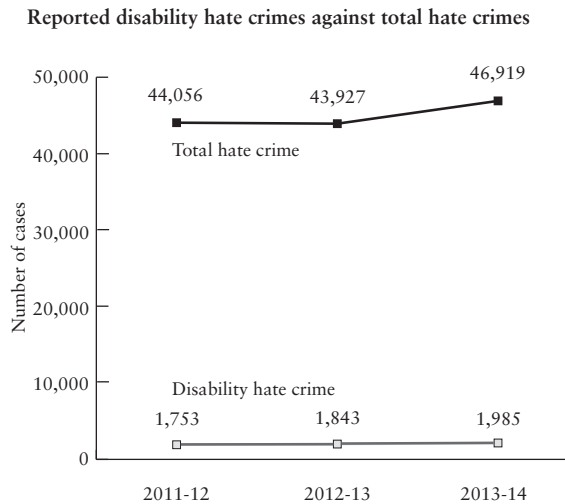
The police, CPS and probation trusts, when developing their strategic aims, should consider disability hate crime and the need for its reporting to be increased (paragraph 3.7).

- 4.15 The 2013 review acknowledged that disability hate crime is a complex area and that if the police, CPS and probation trusts were to move forward in the handling of this type of crime, senior leaders at a national and local level must understand its unique features and provide additional focus and attention. Disability hate crime would have to be treated as a priority (with specific reference to increasing reporting), otherwise there was unlikely to be any significant progress.

Police

- 4.16 To assess progress against this recommendation, inspectors (a) examined the Police and Crime Plans (the document produced by Police and Crime Commissioners which sets out his or her objectives for policing, what resources will be provided to the Chief Constable and how performance will be measured)³² in the six areas visited (b) looked at forces' policies on disability hate crime and (c) considered the number of reported disability hate crimes to assess whether the agencies' actions had improved reporting.
- 4.17 It is worth noting that the ACPO and College of Policing Framework for Implementation recommended that disability hate crime should be included in briefing packs for incoming Police and Crime Commissioners. In the forces we inspected, five of the six Police and Crime Plans mentioned hate crime in some capacity and one included a specific aim to increase reporting and provide an enhanced investigation of hate crimes. There was no specific mention of disability hate crime or any acknowledgement of its unique status. Of the six force hate crime policies examined, two were significantly out of date.
- 4.18 Full details on the national police reporting figures are produced in Annex B; however the total number of reports per year (Home Office data) are:

³² Police and Crime Plans are a core planning tool for Police and Crime Commissioners and were introduced as a statutory requirement for all police force areas as part of the Police Reform and Social Responsibility Act 2011.



Source: Police recorded crime, Home Office

1. Hate crimes are taken to mean any crime where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised. For the agreed definition of hate crime see: www.report-it.org.uk
2. Data was collected from 44 police forces in England and Wales and covered notifiable offences only (see the User Guide for more information).

4.19 The number of disability hate crime reports remains very low (nine police force areas have less than ten disability hate crime reports per year for 2013-14: Cleveland, Durham, North Yorkshire, Warwickshire, Bedfordshire, Cambridgeshire, City of London, Gloucestershire, and Dyfed Powys - see Annex B) and whilst initiatives have been implemented to increase reporting, without the required leadership by senior managers (for example, raising awareness, making disability hate crime a priority and then considering ways to ensure adherence to standards) performance remains poor.

4.20 Although only a ‘snap shot’ of recording performance by the police, if the error rate identified in the case file examination carried out for this review (see Chapter 3), was reflected in the national figures then the number of disability hate crime reports would be even lower than reflected in the Home Office data.

GOOD PRACTICE

Third party reporting centres were found in five of the six forces inspected (their role was, in most instances, to forward to the police any reports of hate crime including disability hate crime).

One hundred and nine third party reporting centres had been established in the Northumbria Police area (following publication of *Hidden in plain sight* by the Equality and Human Rights Commission in September 2011). Inspectors were informed that attempts were made to ensure that they provided an effective service to the public, including ‘mystery shopper’ exercises. This evaluation revealed that because many of these centres had a high level of staff turn-over there was a need to refresh training and awareness.

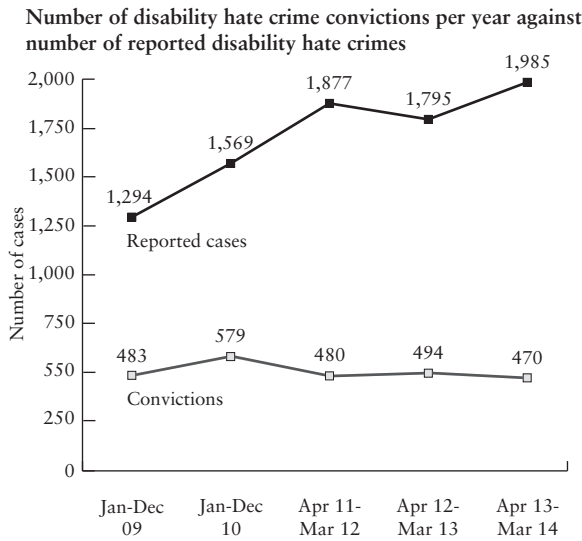
- 4.21 True Vision is a national website³³ that provides an online reporting facility and information about hate crime, including support, data and personal safety tips. Four of the six police forces inspected had direct links to the True Vision website.
- 4.22 As an alternative approach to recording hate crimes in accordance with the agreed definition, Lancashire Constabulary informed inspectors that as an interim measure they have instructed staff that, from a service provision perspective, all crimes against a disabled person should be recorded initially as a potential hate crime incident (without regard to the official definition). They should then keep the matter under review and remove the ‘identification label’ if appropriate. This approach has been endorsed by the national policing lead for disability and mental health.³⁴ However, it is a further example of front-line staff receiving conflicting messages (see paragraph 4.4) about the definition/recording of disability hate crime. There is also a risk with this approach that they may be an adverse impact on the accurate recording of disability hate crime reporting statistics.

CPS

- 4.23 Whilst steps have been taken to improve performance by the CPS following the 2013 review, these were largely self-driven by particular CPS Area Hate Crime Co-ordinators rather than driven by senior management. Disappointingly, there was also a delay in adopting an effective national quality assurance regime relating to disability hate crime. This resulted in a lack of an early ‘drive’ to achieve change and no accountability for poor performance. We acknowledge that during this time the CPS was reviewing its national approach to overall casework assurance, as a consequence of which a Hate Crime Assurance scheme was initiated in early 2015.
- 4.24 The Hate Crime Assurance scheme was developed following a national meeting of CPS Hate Crime Co-ordinators, following which a Hate Crime Assurance working group was formed. Additional thematic work on charging quality was also carried out by CPS Direct. This, together with other actions, was aimed at improving the quality of charging decisions.
- 4.25 During this follow-up review the CPS Chief Executive acknowledged that they had not sufficiently prioritised the changes that were required to improve performance. As a consequence, there has been a failure to ensure that front-line CPS practices changed across the country, although work was carried out to improve staff awareness of how and when a disability hate crime might be reported. The Chief Executive has now set himself a priority of delivering improved performance.
- 4.26 The CPS has recently published an action plan (November 2014) aimed at improving performance and also intends to introduce a quality assurance process. These steps are welcomed, but senior leaders must ensure that performance improves as an opportunity has been missed.

33 www.report-it.org.uk/home

34 *The Police Chiefs' Blog*, National Police Chiefs' Council. www.npcc.police.uk/ThePoliceChiefsBlog/SimonColePoliceseekmorereportsofdisabilityhatecrim.aspx



The data for 2009 and 2010 is based on calendar years and 2011-12, 2012-13 and 2013-14 on financial year reported numbers
www.gov.uk/government/statistics/hate-crimes-england-and-wales-2013-to-2014
www.gov.uk/government/statistics/hate-crimes-england-and-wales-2011-to-2012--2
www.report-it.org.uk/hate_crime_data1

4.27 Examination of the CPS conviction rate data for disability hate crimes fails to identify if the court granted the uplift under s.146 CJA 2003; it only confirms that a conviction has been obtained for the ‘basic offence’. However, the table above illustrates that the conviction rate remains relatively constant, despite an increase in reports to the police over a five year period.

Probation

4.28 There was no evidence, from cases examined, that either the NPS or CRCs had improved their involvement with local community groups to improve the reporting of hate crimes. It is vital under the new probation structure that, in particular, the CRCs form those links and that the NPS, who are responsible for writing pre-sentence reports, make staff more aware of the need to identify and report on the impact hate crimes have on people with a disability.

Summary of progress

4.29 Neither the police, CPS or NPS/CRCs have regarded disability hate crime as a sufficient priority.

2013 Report - Recommendation 3 (Joint)

The following should be considered within six months of publication of this review:

The police, CPS and probation trusts should consider how their front-line staff participate in effective disability hate crime training to improve (as appropriate) investigative, prosecution and rehabilitation skills (paragraph 8.8).

- 4.30 The 2013 review revealed weaknesses throughout the criminal justice system and a clear training need.

Police

- 4.31 At national level efforts have been made to raise the profile of disability hate crime. As noted earlier, in 2013 ACPO and the College of Policing published a Framework for Implementation of the EHRC recommendations. The framework includes:

- the recommendations from both EHRC reports, the ACPO responses and the proposed actions for the police service;
- processes for measuring and reporting progress against the action plan;
- a best practice checklist for hate crime and hate incidents, to help forces identify key steps that will improve service delivery for victims of hate crimes;
- recommendations from other relevant reports and research, which forces can cross-reference with their current work; and
- a list of other guidance, good practice and advice documents that forces may want to take note of when developing strategy and plans in relation to all strands of hate crime.

- 4.32 At a stock-take event in late 2013, forces were asked to assess their own performance against the framework. The national policing lead for disability championed the framework and highlighted the need for forces to do more to increase reporting at ACPO Cabinet and Chief Constables' Council.

- 4.33 In May 2014 the College of Policing published the National Policing Hate Crime Strategy, aimed at improving police performance on hate crimes, including disability hate crimes, and enhancing training provision.

- 4.34 Despite these national developments, training and awareness of disability hate crime in the six police forces we inspected was variable. Two forces had delivered full-day or half-day hate crime training to front-line staff while two others had delivered the *Hidden in plain sight* National Centre for Applied Learning Technologies (NCALT) e-learning package on disability hate crime. The remaining two forces had delivered the NCALT package plus a short supplementary briefing to some of their staff.

- 4.35 The 2013 review highlighted that e-learning is only one part of a staff development strategy and needs to be complemented by other developmental tools. Most officers we spoke to were sceptical about how effective the NCALT training had been, with some telling inspectors that time had not been set aside for training so they had rushed through as quickly as possible and learnt very little. Given the complex nature of disability hate crime and the need to change officers' attitudes and behaviour this approach has limitations.
- 4.36 Of the four forces that had delivered some face-to-face training or briefing, three had co-ordinated force-wide programmes. In one force the operational lead on disability hate crime had recognised a gap and designed and delivered bespoke training. In another force, the senior officer leading on disability hate crime had attended a series of sergeants' briefings across the force area to deliver the key messages to staff and encourage them to disseminate the messages to their teams. Officers who had received some face-to-face training told inspectors that they were more confident in dealing with disability hate crime.
- 4.37 Inspectors noted that while there is a link to Tackling Hate Crime guidance³⁵ on the College of Policing website, the Authorised Professional Practice (APP) section on hate crime is still under development and due for publication in 2015. It is significant that training managers from all six of the forces we inspected told us they would welcome training and awareness raising materials that complemented the NCALT provision.
- 4.38 Whilst hate crime is already integral to the public protection training programme, the College of Policing have accepted a commission, from the national policing lead, to conduct a comprehensive learning needs analysis for hate crime. This will be done with an aim of embedding hate crime as a thread throughout all relevant training packages.

GOOD PRACTICE

In Lancashire, a bespoke five and a half hour training package on hate crime had been developed and delivered to all front-line staff including police response and neighbourhood team officers, Police Community Support Officers (PCSOs) and (more recently) control room staff. The training was part of a centrally co-ordinated awareness campaign and encompassed half a day on disability hate crime with course objectives including:

- recognise and identify the special nature of disability hate crimes and explore the difference between hostility and prejudice;
- recognise the common factors/erroneous assumptions associated with disability hate crimes/incidents;
- specify a range of special measures for vulnerable victims;
- describe what autism is and recognise some of the behavioural characteristics and coping strategies; and
- describe how people with autism can become victims and offenders.

85% of the force's front-line staff had received this training, which was monitored and a number of 'mop up' sessions held.

35 *Authorised Professional Practice*, College of Policing. www.app.college.police.uk/app-content/major-investigation-and-public-protection/hate-crime/

- 4.39 Since publication of the March 2013 review the new *Code of Practice for Victims of Crime* (the Victims' Code) has been published (October 2013) and this sets out enhanced entitlements for victims of disability hate crime, yet few officers were aware of the prescribed service levels (see Chapter 3).
- 4.40 All force training managers spoken to had knowledge of the NCALT e-briefing on the Victims' Code, but there was a variation in how well publicised these packages were to front-line officers and in how well the up-take is monitored. In one force, there were five NCALT packages currently being rolled out to staff and thus there was perceived to be a backlog.
- 4.41 Although there were good examples of police officers and staff being trained, the approach to training and development was inconsistent across the six forces inspected.

CPS

- 4.42 The CPS provides training to its staff either (a) nationally via its Leadership and Development team (who are also responsible for national e-learning programmes) or (b) local initiatives organised by the individual CPS Areas.
- 4.43 At a national level there was no evidence of a drive to ensure staff received prompt effective detailed training in disability hate crime within the specified time frame. Work was delayed by the national training team to await the provision of CPS refreshed national guidance to its staff on disability hate crimes and victims and witnesses (which was not published until a year after the 2013 review - see above).
- 4.44 Whilst it is acknowledged that the existing e-learning package on hate crime (which includes an element on disability issues) was legally updated, there was a failure to appreciate the need for enhanced training, to deal with the issues identified in the 2013 review.
- 4.45 It is of concern, given the key role played by CPS Direct (CPSD)³⁶ in providing charging advice and acting as 'gatekeeper' for cases coming from the police, that no specific disability hate crime training was provided to CPSD lawyers within the time period set out in the report (CPSD held a training session a year after its publication).
- 4.46 At a local level, the majority of CPS Areas have run training sessions on disability hate crime since publication of the 2013 review. In most cases this occurred very late (well beyond the timescale set in the report), it was unclear how many prosecutors had attended and, save for one Area, no attempt at any evaluation of the effectiveness of the training had been made. Having regard to the results of our casework examination (see Chapter 3) there is still a clear need for effective training that improves the quality of the prosecution of disability hate crime.

Summary of progress

- 4.47 The approach to delivering effective training by the agencies has been inconsistent and slow. The results of the casework examination do not reveal any significant improvement in the quality of work of the police and CPS. The two issues are connected. Until disability hate crime is afforded an appropriate level of service, and effective training provided to practitioners, performance is unlikely to improve.

36 CPSD provides charging advice to the police 24 hours a day, 7 days per week.

2013 Report - Recommendation 4 (Police only)

The following should be considered within six months of publication of this review:

It is in the interest of each police force to review the different methods by which information is received from the public to ensure that every opportunity is being taken to identify victims of disability hate crime (paragraph 2.17).

4.48 Inspectors found no evidence of any police force having conducted a formal review of this type and none of the six forces inspected routinely scrutinised the means by which victims of disability hate crime chose to report crimes. Whilst there were examples of local initiatives, without undertaking such a review, police forces are unable to evaluate the effectiveness of their performance or share/adopt best practice from across the country.

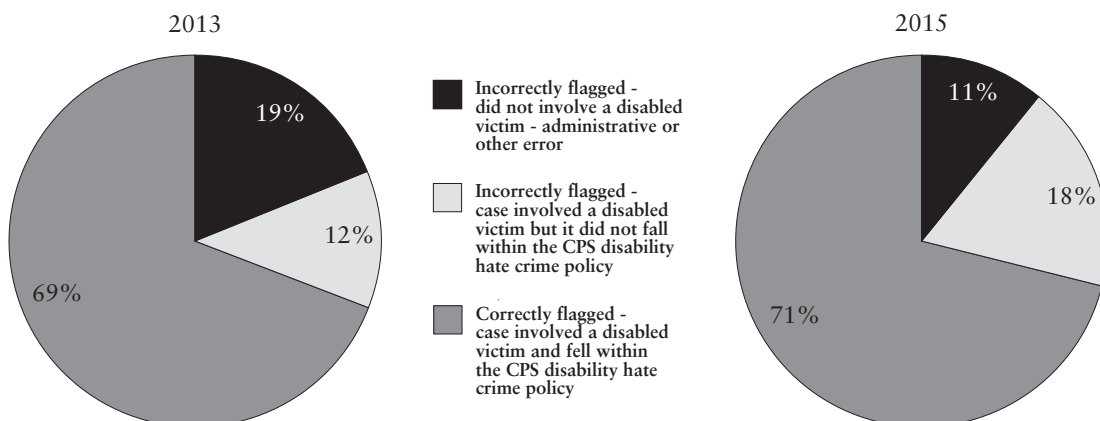
2013 Report - Recommendation 5 (CPS only)

The following should be considered within three months of publication of this review:

Regular checks should be put in place to ensure the accuracy of all CPS data relating to disability hate crime (paragraph 2.31).

4.49 The casework examination revealed little substantive progress in the accuracy of flagging disability hate crime cases on the CPS case management system (CMS). Of the files examined 71% (compared to 69% in the 2013 review) were flagged correctly, 18% (compared to 12% in 2013) of the cases examined involved a disabled victim, but did not meet the criteria for flagging and 11% (compared to 19%) had been flagged as an administrative or some other error.

Accuracy of disability hate crime flagging



- 4.50 The case file examination reveals only a very small improvement in the accuracy of recording disability hate crime files. Whilst the CPS has reduced the number of files flagged as administrative/ other errors, there is a continuing need for improvement.
- 4.51 The CPS has acknowledged during this review that progress still needs to be made in relation to this recommendation and that the recording of the sentencing uplifts on the CPS case management system is ‘woeful’.

GOOD PRACTICE

The Area Hate Crime Co-ordinator at CPS North East undertook monthly checks of all live files flagged as disability hate crimes and inserted a review onto the CPS case management system and, when appropriate, provided direct feedback to staff.

2013 Report - Recommendation 6 (CPS only)

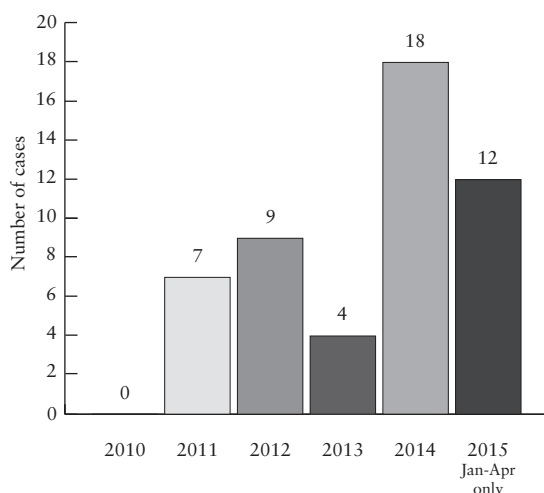
The following should be considered within three months of publication of this review:

Advocates should refer to section 146 of the Criminal Justice Act 2003 as part of the sentencing process (where appropriate) and the application/outcome should be recorded (paragraph 2.31).

Recording of the section 146 Criminal Justice Act 2003 uplift

- 4.52 CMS has the capacity to record those disability hate crimes where the court uplifted the sentence for the aggravated element (s.146 CJA 2003). Until 2014 the number of uplifts recorded per year was less than ten.

Number of disability hate crime cases recorded on CMS with a sentence uplift



The above represents calendar years Jan to Dec (except 2015 where the data was taken up to 1 May)

- 4.53 Whilst the CPS has issued a general instruction to all of its advocates to refer to s.146 CJA 2003 as part of the sentencing process (where appropriate), the file examination still revealed examples of cases where there was no record made of specifically highlighting the section to the court on the hearing record sheet. In these circumstances, inspectors are unaware if the reference was made to s.146 or not at court.
- 4.54 The very limited comments that were received from the judiciary as part of this follow-up review did not identify any improvement in the frequency of CPS advocates highlighting s.146 CJA 2003.
- 4.55 As noted above (recommendation 5) there has been little improvement in recording of the s.146 uplift on the CPS case management system.

2013 Report - Recommendation 7 (Probation service providers)

The following should be considered within six months of publication of this review:

Disability hate crime must have a higher priority within the work of probation trusts. They should put in place procedures to ensure that offender managers preparing pre-sentence reports have all necessary CPS case papers available to them and ensure that plans, where relevant, always contain (a) objectives to address victim safety/victim awareness and (b) manage the risk posed by the offender to the victim or other potential victims (paragraph 7.6).

- 4.56 There was little or no evidence that disability hate crime had been awarded a higher priority within the work of those agencies delivering probation services since the 2013 review. Disability hate crimes form a very small part of the work of NPS/CRCs. In part this is due to the lack of reporting and prosecution of these cases. However, there was clear evidence in the case file examination that although cases met the disability hate crime definition, there was a failure to recognise this.
- 4.57 Although it was clear that work had been done to improve the sharing of information between the CPS and probation pre-sentence report writers, only in a small minority of cases were objectives to address victim safety/victim awareness included in reports and was work done to manage the risk posed by the offender to the victim (or other potential victims).

5 CONCLUSION

- 5.1 Whilst the March 2013 review acknowledged that disability hate crime is a complex area, it called for a new impetus that focused on (a) improving awareness of what disability hate crime is, (b) increasing reporting and (c) embedding disability hate crime processes within the working practices of the police, CPS and probation staff. By progressing with the seven recommendations these overarching aims would be taken forward.

Awareness of disability hate crime

- 5.2 The police, CPS and NPS/CRCs have much more to do to sufficiently increase awareness of what disability hate crime is amongst their staff and the public.

Increasing reporting

- 5.3 The numbers of disability hate crimes reported remains low (exceptionally low in a number of police force areas) and the criminal justice agencies must take further urgent steps to ensure that victims of disability hate crimes are encouraged to report (by whatever method) matters to the police.

Embedding disability hate crime processes within the working practices of the police, CPS and probation staff

- 5.4 The police, CPS and NPS/CRCs need to undertake further work to ensure that victims receive the appropriate level of service.

Summary

- 5.5 The 2013 review highlighted that a significant improvement in performance in relation to disability hate crime would not be brought about by any one criminal justice agency in isolation and that there was the need for a new impetus from leaders in the criminal justice system.
- 5.6 Whilst acknowledging that the three criminal justice agencies have undertaken various initiatives aimed at improving how they deal with disability hate crime since March 2013, performance remains disappointing. The opportunity to provide a new impetus has not been taken and as a consequence insufficient progress has been made in relation to the seven recommendations.
- 5.7 The leaders of the criminal justice agencies must prioritise this area and provide an improved experience for all members of society.
- 5.8 In the absence of the improvement in handling of disability hate crime by the three agencies, disability hate crime will remain a high priority within the work of the criminal justice inspectorates.

ANNEX A - METHODOLOGY

On-site inspections

Six police force areas were visited during this inspection: Suffolk Constabulary, Northumbria Police, Lancashire Constabulary, Gwent Police, Lincolnshire Police, and Avon and Somerset Constabulary. A selection of staff involved in both the investigation and the operational or strategic management of disability hate crimes were interviewed.

The inspection team interviewed the CPS Hate Crime Co-ordinators and Equality, Diversity and Communications Managers in all 13 CPS Areas and the Hate Crime Co-ordinator from CPS Direct.

A number of members of the judiciary were interviewed.

Case file examinations

In each of the above police force areas all cases of disability hate crime from 1 January 2014 were identified to inspectors, from which 15 reports were randomly selected. Where forces had less than 15 relevant cases, all those from 1 January 2014 up until the day of the inspection were reviewed, giving a total of 77 cases. The primary objective of the file examination was to assess how effectively the Victims' Code had been applied to the investigation of these offences.

The CPS case management system (CMS) was used to identify disability hate crime files from all of the CPS Areas. A total of 107 files were examined, 76 of which were considered by inspectors to be relevant, consisting of 45 finalised and 31 live files.

The details of 21 OASys related cases identified on CMS as disability hate crime files were passed to HMI Probation for review.

National interviews

Interviews were held with national representatives from ACPO and the CPS.

Survey

Members of the judiciary and other stakeholders were invited to contribute to the review and take part in a survey, which included their views on progress against the recommendations and asked for examples of good practice.

Equality analysis

As part of the evaluation of this review we undertook an analysis of the available data in relation to gender, ethnicity and age. However due to the small sample size and limited numbers of non-white British defendants, it was not possible to draw any conclusions in respect of the impact of gender, ethnicity or age.

Attempts were made to distinguish between physical and mental disabilities when analysing the case file sample, however as there was limited information in the files about the exact nature of the disability, inspectors were of the view that the information available to them was unreliable.

ANNEX B - HOME OFFICE DATA: REPORTS OF DISABILITY HATE CRIME PER POLICE FORCE AREA

	2011-12	2012-13	2013-14
Cleveland	15	9	7
Durham	13	24	3
Northumbria	22	38	33
Total North East	50	71	43
Cheshire	7	27	40
Cumbria	17	20	30
Greater Manchester	73	66	67
Lancashire	40	65	118
Merseyside	134	110	99
Total North West	271	288	354
Humberside	14	35	33
North Yorkshire	9	3	7
South Yorkshire	9	7	23
West Yorkshire	137	121	101
Total Yorkshire and the Humber	169	166	164
Derbyshire	12	45	10
Leicestershire	97	49	29
Lincolnshire	5	14	10
Northamptonshire	50	37	39
Nottinghamshire	42	23	40
Total East Midlands	206	168	128
Staffordshire	53	60	46
Warwickshire	8	11	6
West Mercia	36	54	24
West Midlands	46	33	100
Total West Midlands	143	158	176
Bedfordshire	9	3	5
Cambridgeshire	6	3	4
Essex	36	64	64
Hertfordshire	15	20	11
Norfolk	120	77	72
Suffolk	130	123	92
Total East of England	316	290	248
London, City of	2	0	0
Metropolitan Police	120	108	124
Total London	122	108	124

	2011-12	2012-13	2013-14
Hampshire	40	52	43
Kent	34	32	58
Surrey	40	40	45
Sussex	23	48	78
Thames Valley	32	48	46
Total South East	169	220	270
Avon and Somerset	113	75	101
Devon and Cornwall	7	73	80
Dorset	9	7	26
Gloucestershire	5	4	6
Wiltshire	17	31	13
Total South West	151	190	226
Dyfed-Powys	8	8	6
Gwent	7	11	11
North Wales	31	32	33
South Wales	76	84	100
Total Wales	122	135	150
Total British Transport Police	25	47	102
Total England and Wales	1,744	1,841	1,985

www.gov.uk/government/statistics/hate-crimes-england-and-wales-2013-to-2014

www.gov.uk/government/statistics/hate-crimes-england-and-wales-2011-to-2012--2

ANNEX C - DATA EXAMINATION

HMIC data

Question	Yes	No	Not applicable
1 Needs assessment carried out?	35	41	1
2 Special measures explained? If applicable	1	6	70
3 Needs assessment and special measures recorded on file?	3	23	51
4 Victims of Crime leaflet provided/referred to website?	1	75	1
5 Info given to victim about Victims' Code?	0	75	2
6 Explained that details will be passed to victim services unless victim opts out?	9	63	5
7 Automatic referral of victim to victim services within 2 days?	7	62	8
8 Informed victim of right to self-refer to victim services at a later date and info about victim services provided inc. contact details?	5	63	9
9 Explained that giving of statement may result in victim having to give evidence in court at a later time?	5	47	25
10 Informed victim of availability of pre-trial therapy if required?	0	16	61
11 Notification to victim within 1 working day of arrest, interview, released without charge or bailed?	29	21	27
12 ABE evidence considered?	19	35	23
13 Opportunity for victim to make victim personal statement (VPS)?	6	49	22
14 Explanation of VPS provision given to victim?	4	38	35
15 VPS forwarded to CPS with detail on whether victim wants it read out or played in court?	1	9	67
16 Post-charge (or decision to NFA) - police notified victim within one day of charge/NFA?	31	15	31
17 If CPS determine NFA, police informed victim of reason, and fact they can access further information from the CPS and how to seek a review of the decision?	1	2	74
18 Police informed victim of the 1st court hearing?	6	1	70

HMCPSP data

Question	Yes	No	NK	NA		
1 The case involved a disabled victim and the inspector is of the view that it was appropriately flagged as disability hate crime (DHC) as there was sufficient evidence for the CPS DHC policy and/or the s.146 definition to apply?	76	0	0	0		
2 If not flagged on CMS at charge, in the inspector's opinion the file was flagged (on CMS) at the first reasonable opportunity?	5	2	0	69		
3 Had the case been highlighted on the MG3/5 or other charging documents as DHC by the police?	14	55	0	7		
4 Was the decision to charge authorised by the CPS as required by the 5th edition of the Director's Guidance on Charging?	68	7	0	1		
	Excellent	Good	Fair	Poor	NK	NA
5 What was the quality of the initial information supplied by the police in relation to the DHC issue?	0	2	11	55	0	8
	Yes	No	NK	NA		
6 Did the police make reference in the MG3/5 to any adjustments the disabled person may need to support an effective prosecution - eg intermediaries or physical adaptations?	8	39	0	29		
7 Did the prosecutor seek further information from the police in relation to the DHC issue?	7	59	0	10		
8 If the answer to Q7 is no, should the prosecutor have requested further details of the DHC issue?	56	3	0	17		
9 Does the MG3 (where appropriate) demonstrate the prosecutor's knowledge of the need to consider the background details - eg link previous DHC crimes or incidents together/contact neighbours/refer to anti-social behaviour patterns etc, so as to highlight on the MG3 a case strategy to deal with the DHC issue?	8	55	0	13		
10 Did the charging lawyer demonstrate on the MG3 an appropriate legal analysis on the law/facts as it relates to the DHC issue under s.146?	16	51	0	9		
	Excellent	Good	Fair	Poor	NK	NA
11 What was the quality of the legal analysis on the law/facts as it relates to the DHC issue under s.146?	0	6	14	47	0	9
12 The quality of the Instructions to the Prosecutor section relating to the s.146 application is rated as?	0	0	13	52	0	11
	Yes	No	NK	NA		
13 Does the MG3 refer to ancillary applications as appropriate - eg restraining orders and Criminal Related Anti-Social Behaviour Orders (CRASBOs) specifically relating to the DHC issue?	23	30	0	23		
14 Was the full Code for Crown Prosecutors (Code) test applied correctly at the pre-charge decision (PCD) stage, including the initial review stage in non-PCD cases?	75	1	0	0		
15 Would the inspector have made the same charging decision on the full Code test?	73	3	0	0		

NA Not applicable

NK Not known

Question	Excellent	Good	Fair	Poor	NK	NA
16 The quality of the MG3 specifically in relation to the DHC issue was?	0	5	22	41	0	8
			Yes	No	NK	NA
17 Was the full Code test applied correctly at any post-charge review?			69	1	0	6
18 Was there a full file review either in writing or on CMS?			52	7	0	17
	Excellent	Good	Fair	Poor	NK	NA
19 What was the quality of the written full file review in relation to the DHC issue?	0	3	8	37	0	28
			Yes	No	NK	NA
20 Was a detailed MG2 requesting special measures supplied to the CPS in relation to the victim (where appropriate/necessary)?			7	15	0	54
21 Should the CPS have requested further information from the police relating to special measures needs?			18	5	0	53
22 Were special measures granted?			12	1	3	60
	Excellent	Good	Fair	Poor	NK	NA
23 What was the quality of the written special measures application?	0	0	8	5	0	63
			Yes	No	NK	NA
24 Where an application for special measures has been made, was an offer to meet the prosecutor made to the victim?			1	14	0	61
25 Were reasonable adjustments applied for (these are not special measures)?			4	3	0	69
26 Were all evidential applications used to support an effective disability hate crime prosecution?			6	13	0	57
27 Does the file contain an endorsement that an application was made under s.146?			13	20	4	39
28 Does the file contain an endorsement detailing any decisions by the court regarding s.146?			10	24	3	39
29 Where an application was made (and the result recorded), did the court grant an uplift?			7	4	6	59
30 Was a charge discontinued in accordance with the Code?			6	1	0	69
31 Was the Direct Communication with Victims (DCV) letter sent out within the appropriate timescale (1 day if vulnerable or intimidated witness)?			1	6	0	69
32 Was there an offer to meet the victim to explain the DCV letter?			0	4	0	72
33 Was the form of communication appropriate for the victim?			3	1	0	72
	Excellent	Good	Fair	Poor	NK	NA
34 What was the quality of the DCV letter?	0	0	1	3	0	72

NA Not applicable

NK Not known

HMI PROBATION data

Question	Yes	No	NA	NK
1 Was a report ordered by the court?	19	2	0	0
2 Was a report produced?	19	0	2	0
Of the 19 files which included a report:				
3 Did the report recognise that it was a disability hate crime?	4	15	0	0
4 Did the report contain the views of the victim?	5	14	0	0
5 Did the report contain an analysis of the offence?	6	13	0	0
6 Did the report contain a detailed analysis of the Risk of Harm posed by the offender?	8	11	0	0
7 Did the report contain a detailed sentence plan?	7	12	0	0
8 Did the plan contain an intervention to address the hate crime?	3	4	12	0
9 Did the proposed intervention appear to be the appropriate type?	3	0	16	0
10 Did the initial risk of reoffending assessment in OASys reflect the hate crime element of the offence?	4	15	2	0
11 Did the full Risk of Serious Harm assessment in OASys sufficiently reflect the hate crime factors of the offence?	5	15	0	1
12 Does the risk management plan include details of how to sufficiently manage the hate crime harm factors?	4	13	4	0
13 Does the Initial Sentence Plan (ISP) include an objective to address the offender's hate crime conviction?	4	13	1	3
14 Does the ISP objective include a hate crime related intervention?	4	0	14	3
15 Was the intervention delivered?	1	3	14	3

NA Not applicable

NK Not known

ANNEX D - GLOSSARY

Aggravating or mitigating factors

An aggravating factor is something that makes a crime more serious. A mitigating factor is something that makes a crime less serious.

Ancillary orders

Orders made by the court that relate to the defendant once the case has been concluded.

Charging

The formal commencement of a prosecution.

Code for Crown Prosecutors

The Code for Crown Prosecutors (the Code) is a public document issued by the Director of Public Prosecutions that sets out the general principles Crown Prosecutors should follow when they make decisions on cases.

Community engagement

Ranges from basic information giving through to more active consultation on existing policies or practices. Engagement in its most developed form involves communities working as partners with the agencies to improve the way they work, eg community groups being invited to contribute to staff training.

Community Rehabilitation Companies (CRCs)

Twenty one such companies were set up in June 2014 under the Government's transforming rehabilitation programme. They manage the majority of offenders in the community who present a low or medium risk of serious harm. In February 2015 these companies were sold to seven private companies who now deliver offender services for the Ministry of Justice. *See also the National Probation Service*

Control room staff

Each police force has a facility from where operational staff are directed and supported. Staff may take telephone calls from members of the public, especially 999 calls.

CPS Equality and Diversity Managers

Provide their Area with equality, diversity and community engagement advice. They also undertake specific pieces of work and projects to ensure alignment between the Area and national agendas on equality, diversity and community engagement.

CPS Hate Crime Co-ordinators

CPS lawyers who are responsible for the leadership of hate crime prosecutions within their Area and provide information to the local senior management team.

CPS lawyer

A solicitor or barrister employed by the CPS.

Full needs assessment

A process that is undertaken by Witness Care Unit officers who obtain full details of the victims/witnesses' potential needs that may impact on them attending court and giving evidence (such as difficulties over childcare or transport provision, medical problems or disabilities, language difficulties, or concerns over intimidation).

Hate crime

Hate crime is any criminal offence committed against a person or property that is motivated by hostility towards someone based on their disability, race, religion, gender identity or sexual orientation.

Intermediaries

Registered Intermediaries assist witnesses with a variety of disabilities communicate during an investigation and at any subsequent trial.

MG3

A charging report form initially completed by the police to request a charging decision, then completed by the CPS prosecutor to record the decision or other investigate advice.

MG5

A document completed by the police which sets out (a) a summary of the key evidence in a case, (b) details of the defendant's interview, and other information relevant to the case.

National Probation Service (NPS)

A single national service which came into being in June 2014 under the Government's transforming rehabilitation programme. Its role is to deliver services to courts and the parole board; and to manage specific groups of offenders, those

- presenting a high or very high risk of serious harm;
- managed under MAPPA arrangements;
- with an RSR score over 6.89%;
- eligible for deportation;
- subject to a deferred sentence;
- where there is a public interest in the case.

See also Community Rehabilitation Companies

National Offender Management Service (NOMS)

An executive agency of the Ministry of Justice, bringing together the headquarters of the Probation Service and HM Prison Service. Prison and probation services ensure the sentences of courts are properly carried out and work with offenders to tackle the causes of their offending behaviour.

OASys

The abbreviated term for the Offender Assessment System, used in England and Wales by HM Prison Service and probation trusts to measure the risks and needs of criminal offenders under their supervision.

Offender managers

National Probation Service and Community Rehabilitation Company offender managers (now called responsible officers) take responsibility for managing an offender through the period of time they are serving their sentence in the community. In custody they are called offender supervisors. Offenders are managed differently depending on their risk of harm and what constructive and restrictive interventions are required. Individual intervention programmes are designed and supported by the wider 'offender management team or network', which can be made up of the offender manager/responsible officer, offender supervisor, key workers and case administrators.

Pre-sentence report

A pre-sentence report is prepared by the National Probation Service with a view to assisting the court in determining the most suitable method of dealing with an offender. The report should include an assessment of the nature and seriousness of the offence and its impact on the victim.

Racially/religiously aggravated offences

Parliament has passed legislation (Crime and Disorder Act 1998) aimed at outlawing crime where the offender is motivated by hostility towards the victim's race or religious beliefs (actual or perceived).

Sentencing

Once a defendant is convicted of a criminal offence the event that follows is called sentencing. A sentence is the penalty ordered by the court and is performed by a judge or magistrate.

Special measures

Measures that assist victims and witnesses in giving evidence at trial.

Third party reporting centres

Locations, other than police stations, through which crimes can be reported.

Vulnerable or intimidated witness

Definitions of witnesses who may be vulnerable or intimidated for the purposes of special measures assistance are contained in the Youth Justice and Criminal Evidence Act 1999 and include all child witnesses (under 18) and any witness whose quality of evidence is likely to be diminished because they are suffering from a mental disorder (as defined by the Mental Health Act 1983) or have a significant impairment of intelligence and social functioning, or have a physical disability or are suffering from a physical disorder.

Witness Service

The Witness Service is part of Victim Support and it helps victims, witnesses, their families and friends when attending any criminal courts in England and Wales. This includes facilitating pre-trial visits and support on the day of the court hearing.

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