Justice Committee

Police and Fire Reform (Scotland) Bill

Written submission from Stonewall Scotland

1. Introduction

1.1. Stonewall Scotland was established in 2000. Since then we have been campaigning for equality and justice for lesbian, gay, bisexual and transgender (LGBT) people living in Scotland. We work to improve LGBT people’s lives at home, at work, and at school.

1.2. We welcome the commitment to ensuring that front-line policing and fire and rescue services remain at a high level whilst acknowledging the severe financial pressures faced by the public sector in the current economic climate. A single police service and single fire and rescue service will have many benefits for Scottish society and for the services themselves, allowing the best practice from each current service to be retained within a more efficient and effective service.

1.3. We acknowledge that an Equality Impact Assessment has been developed for the Police and Fire Reform (Scotland) Bill and we welcome this commitment to ensuring that equality and diversity issues are not overlooked during the reform process. We are pleased that the concerns we expressed as part of our initial consultation response have been taken into consideration, and we present further evidence in this submission.

2. Hate crime reporting and recording

2.1. A hate crime is an incident committed against a person or property that is motivated by malice or ill will towards people because of their sexual orientation, transgender identity, disability, race or religion. When an incident is identified as a hate crime, the law treats it as an aggravated offence, meaning a judge will take the motivation behind the crime into consideration when deciding on the type or length of sentence given. This is a good way of monitoring the number of hate crimes that take place in Scotland, but there is currently a disparity in how each of the police forces records hate incidents and hate crimes reported to them.

2.2. In June 2011 Stonewall Scotland made a Freedom of Information request to each of the eight police forces, requesting details of reported hate crimes and hate incidents between March 2010 and March 2011. This was done to allow comparison with the Crown Office and Procurator Fiscal Service releasing figures on the number of homophobically aggravated charges in 2010-11 in May 2011. The difference in the level of detail provided by each force was significant.

2.3. One force could not supply separate figures for hate crimes and hate incidents. Three forces stated that their recording of hate incidents was too unreliable to give accurate figures, and one force did not allocate a specific code to homophobic incidents and issued Stonewall Scotland with a refusal notice.
2.4. Amalgamated police and fire and rescue services will make it easier to entrench best practice in hate crime reporting across Scotland, with central leadership providing clear guidance on how to support victims of offences inspired by actual or perceived sexual orientation or transgender identity. Reviewing the discrepancy in practices of Scotland’s current police forces will help in this process.

2.5. Consistent hate crime reporting standards and central collation of data will be a real asset to a single Scottish police service. However it will be important to be able to compare figures between areas, to identify local areas that are experiencing particularly high rates of hate crime. Senior officers responsible for local areas must promote the need for accurate hate crime reporting, to encourage officers and other police staff to be aware of hate crime issues and to encourage victims of homophobic and transphobic hate crime to report these incidents to the police.

2.6. There is still a long way to go when it comes to reporting and recording hate crime, and it is a process which will be further challenged by the anticipated increase in reporting of hate incidents as the confidence of LGBT people in the police improves. It is only with clear and consistent statistics on homophobic and other hate-related crimes that the police in Scotland can hope to combat local or regional ‘pockets’ of discrimination and hate crime and commit to the principles of the Equality Act 2010 and the accompanying public duty.

2.7. A single police service with a single, comprehensive system for collection and collation of hate crime and hate incident information would improve statistics & allow more useful comparison between different regions of Scotland, as well as ensuring that crimes of hatred are recorded more efficiently. Best practice in hate crime recording should be collated from each current system to ensure that the most useful standard is upheld. Stonewall Scotland are happy to advise on this.

3. **Workforce and community engagement**

3.1. The single police service and single fire and rescue service should be fully equipped to recognise the diversity of the people they work with and who work for them, including front-line staff and officers, ‘backroom’ staff, victims of crime, witnesses and perpetrators.

Stonewall Scotland has worked with all of the police and fire services across Scotland and enabled them to develop good practice in dealing with LGBT equality issues. The consolidation of services is a fantastic opportunity for this knowledge to be shared and best practice to become standard practice across Scotland. We would strongly recommend that the single police and fire services work closely with Stonewall Scotland through the Good Practice Programme and Diversity Champions programme, to ensure that both public service delivery and HR practices meet the needs of LGBT people in Scotland and the employees of the single services.

3.2. 10 of Scotland’s 16 police and fire services have worked with Stonewall Scotland’s Diversity Champions Scotland programme and Good Practice Programme. These services have set clear objectives to work towards improving LGBT equality and are aware of the benefits of inclusive policy and practice, which are advantageous for both LGBT staff and members of the public. Differing levels of
engagement with Stonewall Scotland and differing uptake of resources has led to inconsistencies between forces in the level of understanding and proactive work undertaken towards LGBT issues in community policing, tackling hate crime and inclusive workforces.

3.3. All emergency services received copies of Stonewall Scotland's groundbreaking community safety research, *How Safe Are You?* in 2010. This research report examined LGBT people’s experiences of community safety initiatives and their experiences of reporting hate crime. The research found that community safety messages, such as home fire safety checks and the existence of remote reporting and third-party reporting schemes, were not always getting through to LGBT people and many would not use these services due to perceptions and fears of discrimination from police officers and from firefighters. This indicates that there is still work to be done around raising awareness of community engagement offered by the emergency services and demonstrating real inclusive services. A consistent approach to this across the board would go towards making sure there is a real change, and continued engagement with national and local LGBT organisations will be necessary to ensure this is achieved.

3.4. Many emergency services attend Pride marches and festivals, with publicity stalls in community venues and officers marching in uniform. Services which operate in areas with established Pride events obviously have more opportunities for this kind of community engagement, but there needs to be a commitment to maintaining this kind of engagement with a single force. Police and fire officers with local area responsibilities must ensure that they engage with local and community partner organisations to make sure this engagement happens with the full support of local agencies, and that engagement is developed in areas that do not currently have strong networks.

3.5. Equality and diversity information and resources such as robust policies, diversity training and diversity monitoring will benefit from a single service with centralised development, collection and distribution of these resources, but the ability to use and promote this at a more local level will also be useful. This will require buy-in from the senior police and fire officers who are designated to each local authority area to promote LGBT equality in their own areas and be a role model for the staff they lead and manage. Stonewall Scotland works with public bodies to advise and guide on LGBT issues, how to meet the requirements of the public sector equality duty, and encourage best practice sharing between organisations in the same sectors or local areas in order to make LGBT inclusion more efficient and effective. We welcome the proposal to include multiple agencies in setting priorities and objectives in each local area, which will go towards strengthening local engagement and partnership working around equalities in the public sector. We would strongly recommend that specific equality and diversity targets should be set within each area’s local plan, taking into account the needs of each specific area and the networks available to support local equality targets.

4. **Staffing**

4.1. Stonewall Scotland anticipates that the consolidation of police and fire services could lead to a reduction in staff numbers, particularly in key office-based ‘backroom’ roles with an equalities remit. There is a danger that the reduction in staff numbers could lead to a loss of expertise, both in terms of equality issues and local knowledge, and the breakdown of relationships with vulnerable service users, especially in the LGBT community.

4.2. Diversity units are well established within the Scottish emergency services and the community work carried out by LGBT liaison officers has been valuable in developing the relationship between the police service and the LGBT community, which has historically been a difficult one. Equality and diversity units within the fire and rescue services have been equally valuable in developing relationships with the LGBT community, especially after negative publicity around firefighters’ refusal to attend Pride in 2006. One area where a lot of progress has been made is firefighters’ home safety checks. Inviting someone into your home takes courage and confidence in their behaviour, especially for LGBT people, many of whom have previously experienced discrimination in public services, and it is crucial to ensure that such progress is maintained and extended across Scotland. Whilst a move to a single service would ideally retain current best practice within LGBT liaison work and with equality and diversity in the service, there is a risk that the proposed new model will overlook this need.

Stonewall Scotland
6 March 2012