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Convener, Criminal Justice Committee
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Dear Convener
Hate Crime and Public Order(Scotland) Act 2021

With reference to the foregoing and your recent letter dated 15 March 2024 in relation to the Hate Crime and Public Order (Scotland) Act 2021 coming into force on 1 April 2024, as Deputy Chief Constable for Professionalism, Strategy & Engagement and with the strategic lead for matters relating to the implementation of the legislation the Chief Constable has asked me to respond on her behalf.

At the outset, I want to reassure you and the Committee that a great deal of care, thought and preparation has gone into preparing Police Scotland and our officers for the implementation of the Act commencing in the coming days. Consequently, I am confident that our officers and staff have available to them the necessary training and support to feel confident in enforcing the changes to the law implemented by the Act.

Preparatory work undertaken prior to commencement.

Our officers and staff on the frontline in local policing, communications centres and specialist casework teams as well as broader functions across Police Scotland are well versed in what a hate crime is, what is the appropriate policing response to any criminal act, rooted in prejudice, which is detected in our communities. It is worthy of note, that hate crime as defined under legislation will not change as a consequence of the Legislation going live on 01 April 2024, nor

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will practice and procedure relative to the detecting and reporting of hate crime. The only meaningful change will be that when those crimes are reported, they will be labelled slightly differently, using the provisions of the new Act.

As you would anticipate, Hate Crime is a strategic priority for Police Scotland and this will continue to be the case post the Act coming into force. Other than some minor changes to the way in which hate crimes detected are labelled, the policing approach will remain consistent and very much 'business as usual.'

Similarly, the offence of "stirring up hatred" is not a new crime, or an unfamiliar concept for officers, the offence of stirring up of racial hatred has been a criminal offence for many years, under the provisions of the Public Order Act 1986. The offences created under the new Act simply extend that offence to other listed characteristics.

I am keen to reassure the Committee and outline Police Scotland's plans on implementation, the suite of guidance and training materials devised and available to officers and staff, all of which was developed in consultation with stakeholders including our diverse staff associations as well as Scottish Government. An EQHRIA assessment and DPIA were both completed and supported by a communications strategy.

Furthermore, to oversee and provide internal assurance to our organisational response a Hate Crime Programme Board, chaired at a senior level was established with a dedicated tactical delivery review group in support. These were the governance arrangements which supported the creation, development and delivery of bespoke training packages, workshops, and associated guidance materials all to enable and equip our officers and staff.

To explain this further bespoke training has been developed and delivered within our C3 environment to Service Centre, Area Control Room and Resolution Teams, further supported by bespoke briefings, revised Cue Cards with a further 28 or more workshops delivered across Police Scotland. At the time of writing over 10,000 officers have undergone a moodle training package to aid their understanding and application.

The recent introduction of Core Operating Systems across the organisation will enhance our recording mechanisms ensuring thorough, consistent and accurate arrangements are in place. It would be my intention to publish disaggregated data on a regular basis.

The suite of training materials and support now available to staff and officers include, but are not limited to:

- dedicated workshops led by subject matter experts from the Equality Diversity and Inclusion team;
- Enhanced training, a series of briefings and cue cards, for use by Contact, Command and Control, when receiving complaints/reports of hate crime;
- an online learning package; and
- in person training for all new recruits at the Scottish Police College.

In addition, dedicated Hate Crime Advisors were identified and have now received enhanced training to enable them to support officers as required. This cadre includes officers from our Equality, Diversity, and Inclusion department, who have experience and expertise in this area. Specially trained hate crime champions and divisional points of contact will also be in place to provide local support.

So that we can be assured of consistent application of the provisions of the Act across Scotland, Crime Registrars and Crime Management have also been consulted and engaged with during the implementation and training process.

Crime recording & policy updates.

There are certain circumstances where an incident that does not meet the criminal threshold provided for by statute, will be recorded by the police as a non-crime hate incident. Such incidents will be recorded only where it is necessary and proportionate to do so, and where keeping a record of the circumstances of the incident meets a particular policing purpose. Police Scotland is committed to listening, engaging and collaborating with the communities we serve, taking action to continually improve our response to hate crime. We are dedicated to protecting people in all our communities and to delivering our values of integrity, fairness, respect and upholding human rights.

The recording of non-crime hate incidents is a practice that has been in place for many years, introduced as a result of the recommendations from the McPherson Report in 1999, this remains unchanged by the new legislation.

The College of Policing recently published its guidance relating to the recording of non-crime hate incidents, to coincide with the introduction (in England and Wales) of a Home Office Code of Practice for the recording of such incidents. Whilst the Code and associated guidance is not directly applicable in Scotland, it is currently being reviewed by Police Scotland ensuring that any elements of best practice are captured and imbedded within our guidance.

As outlined there is a diverse range of training materials tailored to assist officers and staff in the implementation of the Hate Crime and Public Order (Scotland) Act 2021. I acknowledge your request for sight of Police Scotland's training materials on hate crime, and as our primary training product is an online e learning module and to fully demonstrate the breadth and depth of that product I would welcome the opportunity to facilitate a briefing session with you and committee members.

Yours sincerely



Alan Speirs
Deputy Chief Constable