



DEBATE PACK

Number CDP 2016-0203, 4 November 2016

Crown Prosecution Service's approach to prosecuting disability hate crime

This Debate Pack has been prepared ahead of the debate on the Crown Prosecution Service's approach to prosecuting disability hate crime to be held in Westminster Hall on Tuesday 8 November 2016 at 9.30am. The Member in charge of this debate is Peter Dowd MP.

Sally Lipscombe
Grahame Allen
Daniel Rogers

Contents

1.	Background	2
1.1	Relevant legislation	2
1.2	The Law Commission	2
1.3	Crown Prosecution Service policy	4
1.4	Statistics on hate crime and CPS performance	5
	Hate crimes recorded by the police	5
	CPS performance	5
2.	Parliamentary business	10
2.1	PQs	10
2.2	Debates	15
3.	Press articles	16
4.	Press releases	17
5.	Further reading	23

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

A hate crime is “any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity”.¹

1.1 Relevant legislation

There is no single piece of legislation criminalising hate crime in England and Wales. Instead there are three different ways in which legislation deals with hate crime:

- offences under the [Public Order Act 1986](#) of stirring up hatred on the grounds of race, religion or sexual orientation;
- aggravated offences under the [Crime and Disorder Act 1998](#), where perpetrators of certain “basic” criminal offences (including assault, criminal damage, public order offences and harassment) can be charged with an aggravated form of the offence (carrying a longer maximum sentence) if they demonstrated or were motivated by hostility on the basis of race or religion; and
- provisions for enhanced sentencing under the [Criminal Justice Act 2003](#) where a crime is motivated by race, religion, sexual orientation, disability or transgender identity.

Disability hate crime is only covered by the last of these approaches, enhanced sentencing.²

The relevant legislation is [section 146 of the Criminal Justice Act 2003](#). This applies to sentencing in cases where the court is considering the seriousness of an offence where:

- the offender, either at the time of committing the offence or immediately before or after doing so, demonstrated hostility towards the victim based on the victim’s physical or mental disability (or presumed disability); or
- the offence was motivated by hostility towards persons who have a physical or mental disability or a particular physical or mental disability.

In such cases the court must treat the fact that the offence was committed in any of those circumstances as an aggravating factor, and must state this in open court. The amount by which the sentence will be increased will depend on the circumstances of the case and the seriousness of the aggravation.

1.2 The Law Commission

The Law Commission recently conducted a consultation on hate crime legislation, to examine whether the aggravated offences set out in the

¹ Home Office, [Action Against Hate: The UK Government’s Plan for Tackling Hate Crime](#), July 2016, para 11

² As is also the case for hate crime motivated by sexual orientation or transgender identity; the aggravated offences under the 1986 and 1998 Acts only apply to racial or religious hate crime.

1986 and 1998 Acts should be extended to cover disability, sexual orientation and transgender identity hate crime as well as race and religion. It also looked at the effectiveness of the enhanced sentencing regime, which covers all five types of hate crime.³

In its report,⁴ the Commission concluded that the “stirring up” offences under the 1986 Act should not be extended to cover disability or transgender identity. It considered that there was no practical need to do so as there was “no clear evidence of conduct or material intended or likely to stir up hatred on grounds of transgender identity or disability”. The Commission was also concerned that extending the offences “might also inhibit discussion of disability and transgender issues and of social attitudes relating to them”.⁵

Regarding the aggravated offences under the 1998 Act, the Commission considered that “in principle” these should apply equally to all five types of hate crime. However, a number of consultees had raised serious concerns about the current form of the aggravated offences – including “unnecessary complexities in their form and operation” – and the Commission therefore recommended that a full-scale review of these provisions should be conducted before any extension.

On enhanced sentencing, the Law Commission reached the following conclusions:

The enhanced sentencing system is a potentially powerful weapon in the fight against hate crime. Its communicative power lies in the requirement that the judge declares in open court that the offender’s sentence has been increased because the hate element has made the offence more serious. But it is being under-used and no adequate record is made of cases where it has been applied. If reformed, it could be an effective response to crimes involving hostility based on transgender identity, sexual orientation and disability. We recommend two reforms that we believe will help the system of enhanced sentencing achieve its full potential:

1. New guidance from the Sentencing Council on the sentencing approach in hate crime cases.
2. Every time enhanced sentencing is applied, this should be recorded on the offender’s criminal record in the Police National Computer (PNC) so that the record will show the offence was aggravated by hostility, just as it would show a conviction for an aggravated offence.

These reforms should be introduced whether or not aggravated offences are extended.⁶

There has not yet been a Government response to the Law Commission’s report, although the Home Office has said that it “continues to carefully

³ Law Commission Consultation Paper No 213, [Hate Crime: The case for extending the existing offences](#), 2013

⁴ Law Commission Report No 348, [Hate Crime: Should the current offences be extended?](#), May 2014

⁵ Law Commission website, [Hate Crime](#) [accessed 4 November 2016]

⁶ Ibid

consider the recommendations from the Law Commission review into hate crime legislation".⁷

1.3 Crown Prosecution Service policy

The Crown Prosecution Service (CPS) has issued detailed guidance to prosecutors involved in cases of disability hate crime: see [Prosecution Policy and Guidance: Guidance on Prosecuting Cases of Disability Hate Crime](#) [accessed 4 November 2016]. This opens with the following comments:

Not every crime committed against a disabled person is a disability hate crime for the purposes of section 146 of the Criminal Justice Act 2003. However, many more disability hate crimes are being committed than are currently being identified as such.

The extent and impact of disability hate crime is not necessarily fully understood and is not always recognised by the victims of such behaviour or by those with responsibility for dealing with it. Many disabled people do not appreciate that constant name calling, mimicking and bullying which often escalates to more serious forms of harassment and violence are criminal activities.

The CPS wants disabled victims and witnesses and their families and communities, as well as the general public, to be confident that the CPS understands the serious nature of this type of crime and know what they can expect from the Service.

It goes on to draw prosecutors' attention to their duty to ensure that evidence of hostility based on disability is identified and brought to the attention of the sentencing court, and to invite the court to apply the provisions of s146 of the *Criminal Justice Act 2003* so that the offence is "properly dealt with as a hate crime".

It also highlights that in many cases sufficient evidence will not be available to support a s146 application for an enhanced sentence. It advises prosecutors in such cases to "ensure that the sentencing judge has all relevant information to pass a sentence that reflects the seriousness of the offence, in terms of the culpability of the offender and /or the harm caused to the victim". Even in cases where s146 cannot be used, the vulnerability of a victim due to their disability can still be reflected in sentencing.

The policy also refers to practical measures that prosecutors should be aware of to assist disabled people in giving evidence, for example the use of an intermediary or help for people with speech or hearing impediments.

In 2014, the CPS issued a [Disability Hate Crime Action Plan](#), aimed at improving the prosecution of disability hate crime and the experience of disabled victims and witnesses. The Plan included actions such as monitoring victim experiences and improving data recording.

⁷ Home Office, [Action Against Hate: The UK Government's plan for tackling hate crime](#), July 2016, para 111

The CPS is currently consulting on its policy for prosecuting disability hate crime, and is seeking views on whether it address all of the key issues involved in such cases: see [Consultation on the CPS Policy on Prosecuting Crimes against Disabled People](#), 10 October 2016.

1.4 Statistics on hate crime and CPS performance

Hate crimes recorded by the police

Home Office statistics on and racist incidents in England and Wales recorded by the police are contained in the annual [hate crime statistics bulletin](#).

The latest version was published on 13 October 2016: [Hate crime, England and Wales, 2015 to 2016](#) and contains a section on *Hate crime and the EU Referendum* (Annex A: Page 17).

Table 2: Hate crimes recorded by the police by monitored strand, 2011/12 to 2015/16

Numbers and percentages	England and Wales, recorded crime					
	2011/12	2012/13	2013/14	2014/15	2015/16	% change 2014/15 to 2015/16
Hate crime strand						
Race	35,944	35,845	37,575	42,862	49,419	15
Religion	1,618	1,572	2,264	3,293	4,400	34
Sexual orientation	4,345	4,241	4,588	5,591	7,194	29
Disability	1,748	1,911	2,020	2,515	3,629	44
Transgender	313	364	559	607	858	41
Total number of motivating factors	43,968	43,933	47,006	54,868	65,500	19
Total number of offences	N/A	42,255	44,577	52,465	62,518	19

Source: Home Office, [Hate crime, England and Wales, 2015 to 2016](#), page 4, 13 October 2016

CPS performance

CPS performance statistics on prosecuting hate crime are contained in the annual [Hate Crime Report](#).

The latest publication for 2014/15 and 2015/16 is available on the CPS website: [Hate crime and crimes against older people report 2014-2015 and 2015-2016 - PDF](#)

The section on disability hate crime (from page 28) is reproduced below:

Data

Table 10 highlights key indicators in relation to disability hate crime over the reporting period.

Table 10: Key indicators in disability hate crime 2014/15 and 2015/16

Indicator	2014/15	2015/16
Police referrals for charging	849	930
Completed prosecutions	666	941
Conviction rate	75.5%	75.1%
Guilty pleas	66.1%	63.4%
No conviction, victim issues	27.6%	25.2%
Acquittal after trial	35.6%	31.2%
Sentence uplift	5.4%	11.9%

- The volume of cases referred to the CPS by the police for a charging decision increased from 849 in 2014/15 to 930 in 2015/16, an increase of 9.5%.
- Although the number of convictions increased over the reporting period from 503 in 2014/15 to 707 last year, an increase of 40.6%, the conviction rate remained broadly consistent over the period at 75.1%. Work will be done, via the Hate Crime Assurance Scheme and an assessment of unsuccessful cases, to identify reasons for this and to identify measures for improving performance.
- The proportion of successful outcomes arising from guilty pleas was 66.1% in 2014/15 and fell slightly to 63.4% in 2015/16.
- The proportion of cases failing due to victim issues increased in 2014/15 to 27.6% (45) from 17.3% (18) the previous year. In 2015/16, the proportion of unsuccessful cases affected by victim issues improved to 25.2%.
- In 2014/15, the proportion of unsuccessful cases due to acquittal after trial improved to 35.6% (58). In 2015/16, this improvement continued to 31.2% (73) of all unsuccessful cases.
- The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 5.4% in 2014/15, an increase from 0.6% the previous year. In 2015/16, that figure had increased again to 11.9%. Whilst this result is encouraging, the figure remains considerably lower than that for other hate crime strands and steps to sustain continuing improvement will be identified via the Hate Crime Assurance Scheme. Work will also be undertaken with the courts to ensure consistent application of sentence uplifts.

Table 11 below shows how, since 2010/11, the total number of completed prosecutions has been on an upward trend. Over the two reporting years, much has been done by the CPS and police, locally and nationally, to enhance awareness of disability hate crime in order to increase reporting as well as improving the identification of cases by proactive investigation based on common understandings and approaches. The CPS, the NPCC and the College of Policing will continue to work to this agenda, starting with new guidance for those affected by hate crime and their advisers as to what constitutes a hate crime and what to do about it.

Table 11: Completed prosecutions by outcome

	2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%	Vol	%
Convictions	579	79.8%	480	77.3%	494	77.2%	470	81.9%	503	75.5%	707	75.1%
Unsuccessful	147	20.2%	141	22.7%	146	22.8%	104	18.1%	163	24.5%	234	24.9%
Total	726		621		640		574		666		941	

- As illustrated in Table 11 above, the number of completed prosecutions increased in 2014/15 by 16.0%. This improvement was repeated in 2015/16 when the number of completed prosecutions increased by 41.3%. This relates in part to the increase in referrals from the police and also evidences the impact of the measures taken, by the CPS, to improve performance such as the provision of updated legal guidance, strand specific mandated training and the benefits brought by the Hate Crime Assurance Scheme.
- All 13 CPS Areas saw an increase in the number of completed disability hate crime prosecutions in 2015/16. Compared with 2014/15, the CPS Areas with the largest increases in disability hate crime prosecutions in 2015/16 were Yorkshire & Humberside (108.5%), Thames and Chiltern (94.1%) and Wessex (93.1%).

Table 12: Principal offence category for each hate crime strand

Principal Offence Category	Disability		Homophobic and Transphobic		Racially and Religiously Aggravated	
	2014/15	2015/16	2014/15	2015/16	2014/15	2015/16
Homicide	0.8%	0.6%	0.0%	0.0%	0.0%	0.1%
Offences against person	44.2%	48.0%	54.0%	59.2%	53.7%	76.4%
Sexual offences	4.9%	3.6%	1.3%	1.3%	0.3%	0.3%
Burglary	7.7%	8.7%	0.4%	0.3%	0.5%	0.3%
Robbery	9.6%	6.7%	1.9%	1.1%	0.7%	0.6%
Theft & handling	11.3%	12.1%	2.1%	1.7%	3.3%	1.7%
Fraud & forgery	6.1%	6.4%	0.1%	0.1%	0.1%	0.1%
Criminal damage	3.1%	2.9%	4.4%	3.9%	4.3%	3.3%
Drugs offences	0.9%	0.4%	1.7%	1.2%	1.1%	0.6%
Public order offences	8.5%	9.3%	30.3%	29.8%	31.4%	15.1%

- At the end of a prosecution, cases are allocated a principal offence category (see Table 12 above) to indicate the type and seriousness of the charges brought. Offences against the person remained the most common representing 44.2% of all disability hate crime prosecutions in 2014/15 and 48.0% in 2015/16. Overall, there was a more significant range of offence categories represented within disability hate crime prosecutions than for any other strand of hate crime - perhaps reflecting the exploitative nature of some disability hate crime. This aspect of disability hostility was explored with the assistance of the National Scrutiny Panel on disability hostility and forms an essential element of the crimes against disabled people public policy statement that is currently in development.
- In 2015/16, most defendants in disability hate crime cases were men (75.3%), but there were a significantly higher proportion of women (24.5%) compared to other strands of hate crime (17.1% in racially and religiously aggravated hate crime and 16.5% in homophobic and transphobic hate crime). Most defendants were White British (72.1%) and those aged 25-59 accounted for 64.5% and a further 19.6% were 18-24. Of interest is the fact that the proportion of both 10-13 year olds and 14-17 year olds involved as defendants has declined from 4.9% and 23.5% respectively in 2007/08 to 1.3% and 9.6% in 2015/16.

2. Parliamentary business

2.1 PQs

Hate Crime: Disability

Asked by: Tulip Siddiq

To ask the Secretary of State for the Home Department, how many hate crimes were committed against disabled people in each of the last five years.

Answered by: Sarah Newton | Department: Home Office

The Home Office has collected disability hate crime data from the police since 2011/12.

In 2011/12, the police recorded 1,748 disability hate crime offences, 1,911 in 2012/13, 2,006 in 2013/14 and 2,508 in 2014/15.

Further information on hate crime can be found in Hate Crimes, England and Wales,

2014/15, available here: <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2014-to-2015>

Data for 2015/16 are due to be published on 13 October 2016 and will be available here: <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2015-to-2016>

As stated by the Office for National Statistics, action taken by police forces to improve their compliance with the National Crime Recording Standard has led to improved recording of crime, especially for violence against the person offences. Together with a greater awareness of disability hate crime, and improved willingness of victims to come forward, this is likely to be a factor in the increase in disability hate crimes recorded by the police.

This Government is committed to tackling hate crime. The UK has one of the strongest legislative frameworks in the world to tackle hate crime. We are working across Government with police, (including National Community Tensions Team), the Crown Prosecution Service and community partners to send out a clear message that hate crime will not be tolerated and we will vigorously pursue and prosecute those who commit these crimes.

12 Oct 2016 | c 47598

Asked by: Tomlinson, Justin

To ask the Attorney General, what progress he has made on increasing the number of prosecutions for disability hate crime.

Answered by: Robert Buckland | Department: Attorney General

In 2015/16, the CPS completed 941 prosecutions for disability hate crime, an increase of 41.3% on the previous year when it completed 666 prosecutions.

The number of convictions rose from 503 in 2014/15 to 707 in 2015/16, an increase of 40.6%.

05 Sep 2016 | 43668

Oral questions on Disability Hate Crimes

26 May 2016 | 611 c667

Debbie Abrahams (Oldham East and Saddleworth) (Lab)

5. What assessment he has made of reasons for variations between police force areas in conviction rates for disability hate crimes. [905097]

The Solicitor General (Robert Buckland)

A number of factors are likely to have an impact on the variation in conviction rates for disability hate crimes. I am actively considering them, and I believe that the best practice to provide consistency of approach is the network of hate crime co-ordinators that the Crown Prosecution Service has established, which includes a focus on the important issue of disability hate crime.

Debbie Abrahams

I thank the Solicitor General for his response, but there were an estimated 62,000 disability hate crimes in 2013, only 574 of which resulted in prosecution. As he said, there was huge regional variation in the prosecution rate. Is he as concerned as I am about that, and will he be a bit more specific about how he will address it to ensure that convictions for disability hate crime do not depend on where people live?

The Solicitor General

I am extremely grateful to the hon. Lady, who will know that I have a long-standing interest in the issue. In fact, I travelled to her region, the north-west, some months ago and met a local advocacy group based in Preston that deals with third-party reporting. Naturally, a lot of people with disabilities do not have the confidence to go straight to the police. I believe that through third-party reporting mechanisms we can bridge the gap between the 62,000 cases she mentioned and the small number of prosecutions. We have to improve that rate.

Keith Vaz (Leicester East) (Lab)

These are terrible crimes. One of the problems is inconsistency between police areas. Does the Solicitor General agree that an important role for the College of Policing is to make sure standards are consistent throughout the country?

The Solicitor General

The right hon. Gentleman is correct in his assumption. There was an invaluable round table at the national College of Policing in September, which I attended and spoke at, involving regional leads from all parts of the country. It was designed precisely to deal with hate crime, and disability hate crime in particular. By sharing best practice, such as the third-party reporting mechanisms I mentioned in my answer to the

previous question, we can improve and raise the rates in relation not just to hate crime but to all crimes committed against people with disabilities.

Hate Crime: Disability

Asked by: Shannon, Jim

To ask the Attorney General, what progress his Department has made on providing disability hate crime training for all prosecutors; and what improvements this training will bring to conviction rates.

Answered by: Jeremy Wright | Department: Attorney General

Mandatory training relating to disability hate crime was delivered, across the Crown Prosecution Service, between September 2015 and January 2016.

Prosecutors will deploy the knowledge gained from the training in the course of prosecutions thereby improving performance.

The CPS are enhancing the support provided to prosecutors in dealing with crimes committed against disabled people. They are reviewing their policy and legal guidance on disability hate crime, which will provide assurance to the public of how the CPS intends to deal with such crimes.

26 Apr 2016 | 34335

Asked by: David Mowat

To ask the Attorney General, what steps the CPS is taking to improve the conviction rate for hate crimes involving disabled people.

Answered by: Robert Buckland | Department: Attorney General

The CPS treats all allegations of hate crime, including those involving disabled people, extremely seriously and continues to place priority on this work. Legal guidance on disability hate crime was refreshed in 2015 and a supporting training package was delivered to all CPS lawyers by January 2016. This equips prosecutors with up to date knowledge to inform their decision making and approach to building the strongest cases possible. In addition, a National Scrutiny Panel on disability is assisting with the development of further refinements to policy guidance on crimes against disabled people and the preparation of a joint CPS/Police/HMCTS statement concerning support to disabled victims of crime.

14 Apr 2016 | 904471

Asked by: Greg Mulholland

To ask the Secretary of State for the Home Department, what steps she is taking to tackle disability hate crime.

Answered by: Karen Bradley | Department: Home Office

The Government takes all forms of hate crime very seriously. Crime that is motivated by hostility or hatred towards the victim is particularly corrosive and can have devastating consequences for victims and their

families. We are committed to working with communities in order to keep them safe.

We have announced that we will publish a new hate crime action plan next year. This will include a number of actions aimed at reducing the number of hate crimes committed against disabled people, and also improving the response to these crimes when they occur.

I, and other ministers, attended a roundtable on disability hate crime in October. This gave me the opportunity to speak to a range of people, including representatives of the Equalities and Human Rights Commission, researchers and service users. A key part of our action plan will include understanding the issues behind hate crime, and this was an important first step towards this. Officials are taking forward actions from this meeting.

The Government is currently speaking to a number of organisations and individuals to inform the next steps in developing this action plan. This includes work with the Fulfilling Potential Forum, which is led by the Office for Disability Issues within DWP and is made up of around 40 disability charities, including disabled people's user led organisations.

02 Dec 2015 | 17797

Oral questions on Hate Crimes against Disabled People

26 Nov 2015 | 602 c1469

Henry Smith (Crawley) (Con): What steps the Crown Prosecution Service is taking to improve the conviction rate for hate crimes against disabled people. [902343]

The Solicitor General (Robert Buckland): The Crown Prosecution Service recently revised its disability hate crime legal guidance for prosecutors. As part of its ongoing commitment to achieving meaningful improvement in disability hate crime prosecutions, it has mandated that disability hate crime training for all prosecutors should be completed by the end of the year.

Henry Smith: What contacts have been made between disability interest groups and governmental agencies to foster a better approach to the addressing of hate crime?

The Solicitor General: I am happy to tell my hon. Friend that, along with my hon. Friend the Under-Secretary of State for Disabled People and the Minister for Preventing Abuse and Exploitation, I recently set up and took part in a ministerial round table with Government agencies and the third sector to deal with precisely that issue. We gave particular attention to issues such as victim support, the quality of reporting, and confidence among members of the disability community about the way in which the criminal justice system treats them.

Jim Shannon (Strangford) (DUP): In October, the Police Service of Northern Ireland launched an online campaign after 44 disability hate crimes were recorded over a six-month period. Two years ago, the PSNI contacted the charity Leonard Cheshire Disability—of which the Solicitor General will know—which has set up an advocacy scheme to help

disabled people to gain access to the criminal justice system. Does the Solicitor General feel that he should consider similar action?

The Solicitor General: I commend the work of Leonard Cheshire Disability. In 2012, 65,000 cases involving a disability hate element in England and Wales were recorded in the national crime survey, but there is a big gap between that figure and the number of prosecutions, and I want that to change.

Danny Kinahan (South Antrim) (UUP): I may be bending the supplementary matter a little, Mr Speaker, but what steps is the Crown Prosecution Service taking to ensure the reliability of evidence relating to crimes allegedly committed 30 to 40 years ago?

Mr Speaker: No, that is not a stretching of the question; it is a departure from it. Ingenious, but flawed on this occasion.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): The sad reality is that hate crime is a growing problem. A young Muslim woman, Ruhi Rehman, was racially abused when travelling on the metro in my home town of Newcastle on Saturday. Thankfully, her attacker was chased off by outraged passengers, but not everyone is fortunate enough to have "Geordie angels". More than 27% of prosecutions for hate crimes are currently failing because of victim issues, a significant rise since 2010. Do the Government share my concern that victims are being let down, and that serious crimes are going unpunished as a result?

The Solicitor General: I am grateful to the hon. Lady for raising that case. When I attended a hate crime training conference at the College of Policing a few weeks ago, not only disability hate crime but the type of hate crime to which she has referred was very much on the agenda. She will be glad to know that the CPS is enhancing training for all the leaders in their regions, which I think will result in a renewed emphasis on the need to make victims confident that the system will work for them rather than against them.

Asked by: Chris Ruane

To ask the Attorney General, how many people have been charged with disability hate crimes in each of the last 10 years.

Answered by: Mr Robert Buckland | Department: Attorney General

The Crown Prosecution Service (CPS) maintains a central record of the number of defendants charged and prosecuted in cases where the offences involved disability hate crime.

The CPS defines disability hate crime as any incident which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards a person because of their disability or perceived disability.

The CPS began identifying and monitoring disability hate crime cases from 1st April 2007 following the publication of the Hate Crime Public Policy and Prosecution Guidance in February 2007.

During each of the last seven years the numbers of defendants charged and prosecuted, in cases flagged as disability hate crime, is as follows:

	Total Prosecuted
2007 - 08	183
2008 - 09	393
2009 - 10	638
2010 - 11	726
2011 - 12	621
2012 - 13	640
2013 - 14	574

Data Source: CPS Management Information System

05 Jan 2015 | 219111

2.2 Debates

[Hate Crime \(People with Learning Difficulties and Learning Disabilities\)](#)

Motion for leave to bring in a Bill (Standing Order No. 23)

30 Oct 2013 | 569 cc940-2

[Westminster Hall debate on Disability Hate Crime](#)

23 Nov 2011 | 536 c89-91WH

3. Press articles

Independent

9 September 2016

[Surge in disability hate crime convictions](#)

Guardian

27 July 2016

[Opinion-Disabled lives matter. We need to toughen the law on disability hate crime](#)

Telegraph

13 July 2016

[Prosecutions for hate crimes against disabled people surge by more than 40 per cent in a year](#)

Guardian

29 June 2016

[Why are the police failing too many victims of disability hate crime?](#)

The Times

1 October 2015

[Securing justice for disabled people](#)

Independent

8 November 2015

[Hate crime against disabled people rises 41 per cent in one year](#)

Guardian

21 May 2015

[Victims of disability hate crime are still being let down, report claims](#)

Guardian

22 July 2015

Opinion- [To combat disability hate crime, we must understand why people commit it](#)

4. Press releases

Equality and Human Rights Commission

6 September 2016

Disabled children almost twice as likely to be the target of crime

Disabled children are almost twice as likely to be victims of crime as non-disabled children, according to [a new report from the Equality and Human Rights Commission](#).

The Commission's research found that 22% of disabled young people in England and Wales aged 10 to 15 had been the victim of crime in the previous 12 months, compared to 12% of non-disabled young people of the same age.

Equality and Human Rights Commission Chair David Isaac has called the findings 'a wake-up call', which brings into question our assumptions on the legacy of the London Paralympic Games.

David Isaac said:

"This report asks us to face some hard truths. After the huge success of the Paralympic Games, young disabled people were looking forward to a far brighter future than any previous generation. These findings are a wake-up call that there is still much more that needs to change. We cannot hope to create a more inclusive society for future generations while disabled children continue to live in a climate of fear of victimisation."

The report also found that people with mental health issues and social or behavioural impairments also experienced high levels of crime.

For people aged 16 and over with social or behavioural impairments, such as autism, attention deficit disorder or Asperger's syndrome, 35% had been the victim of a crime in the previous year, as had 30% of people with mental health conditions, such as depression.

David Isaac added:

"People with mental illnesses and social or behavioural impairments experience some of the greatest misunderstanding and mistrust in society. In spite of progress on perceptions towards people with 'visible' disabilities, hostility towards mental health issues remain widespread.

"What our research today confirms is that, in contrast to the commonly held prejudice linking criminality to poor mental health, people with mental illnesses are in fact more likely than average to be a victim of a crime."

Disabled people are also significantly more likely to worry about crime than non-disabled people, including those with so-called 'hidden' disabilities. Half of people with 'social or behavioural' impairments, impairments that affect 'memory' or relate to 'learning, understanding or concentrating' were found to worry about being the victim of crime.

Disabled adults in England and Wales experienced approximately 56,000 incidents of disability hate crime per year during the period 2011 to 2014. However, reporting of disability hate crime is higher than other criminal incidents. Half (52%) of disability hate crime incidents during the recorded period were reported to the police, compared to only 38% of incidents that were not hate crimes. Six in ten people who had contact with the police following a disability hate crime incident said they were satisfied with police handling of the matter.

Mind's Policy and Campaigns Manager, Geoff Heyes, said:

"People with mental health problems still face stigma and discrimination, even at the hands of those meant to support them. Not only does living with a mental health problem make you more likely to be a victim of crime, but research from Victim Support and Mind has also found that too often, victims with a history of mental health problems are dismissed, not believed, or even blamed.

"We welcome this important research, and are pleased to see that reporting of disability hate crimes has increased, perhaps because police, commissioners, healthcare staff, support agencies, local and national government are better working together to remove the barriers victims might face in coming forward to report a crime."

Ruth Owen, Whizz-Kidz Chief Executive, said:

"There are two reasons that this report is so alarming; first that disabled people are at a greater risk of crime at all, and second that young disabled people fear becoming victims of crime even more than their peers. That young disabled people's lives should be blighted by the fear – and reality – of criminal activity is alarming and distressing.

"This report shines a much-needed light on the reality for many disabled people; we hope that its damning findings lead to a better deal for disabled people who – just like everyone else – deserve a life free from becoming a victim of crime."

Notes to editors

Disability hate crime is defined as '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'.

HM Crown Prosecution Service (CPS)

Press release, 13 July 2016

More hate crimes prosecuted by the Crown Prosecution Service than ever before

The Crown Prosecution Service is prosecuting a record number of hate crimes, a report published today shows.

In the past year, the CPS has prosecuted 15,442 hate crimes - a 4.8 per cent rise on the previous year (2014/15), which also saw a 4.7 per cent increase from the year before that (2013/14).

The CPS's eighth Hate Crime Report details a 41 per cent increase in disability hate crime prosecutions, compared to 2014/15, alongside the highest conviction rate for homophobic and transphobic prosecutions.

In addition, there has been the highest proportion of sentence uplifts in racially and religiously aggravated crime cases, which comprise 84 per cent of all hate crime prosecutions.

Alison Saunders, Director of Public Prosecutions said, "My message is that a hate crime is exactly that - a crime - and will not be ignored. Hate crime creates fear and has a devastating impact on individuals and communities. Nobody should have to go about their day to day life in fear of being attacked.

"This report shows that more of these incidents are being recognised as hate crimes, so they are reported, investigated and prosecuted as such. It is important that this trend continues and no one should simply think that this abuse - on or offline - will be dismissed or ignored.

"More than four in five prosecuted hate crimes result in a conviction, which is good news for victims. Over 73 per cent are guilty pleas - this means that more defendants are pleading guilty due to the strength of the evidence and prosecution case, so victims do not have to go through the process of a trial.

"The CPS has undertaken considerable steps to improve our prosecution of hate crime and we will continue this improvement."

The CPS today also announced a commitment to consult publically in relation to revised policy statements on all strands of hate crime (racially and religiously motivated, homophobic and transphobic, and disability hate crime) which will reflect the CPS's approach to the prosecution of these crimes. Following this, CPS legal guidance for each strand will also be updated to reflect the developments.

In addition, further engagement will take place with community partners and stakeholders in the form of Local Scrutiny and Involvement Panels, and National Scrutiny Panels. The CPS will also liaise closely with the College of Policing and the National Police Chiefs' Council to ensure that these commitments are delivered.

Solicitor General Robert Buckland said, "Tackling hate crime has always been a priority for the Government. We have worked extensively to improve our collective response to this issue and in particular to improve recording of hate crime, so that we now have a fuller picture of the scale of the problem."

Hate crime overall

The conviction rate across all strands of hate crime was 83.2% in 2015/16 and 82.9% in 2014/15

The proportion of successfully completed prosecutions with an announced and recorded sentence uplift was 11.8% in 2014/15, an increase from 4.1% the previous year. In 2015/16, recorded sentence uplifts reached 33.8%

The number of hate crime cases referred, by the police to the CPS, for decision in 2014/15 was 14,376 which was an increase of 2.2% on the previous year's figure. In 2015/16 the number of referrals decreased by 9.6% to 12,997

In 2014/15, the number of completed prosecutions increased nationally by 4.7% on the previous year. Again, in 2015/16 the percentage increase was 4.8%.

Racially and religiously aggravated hate crime

In 2014/15, the conviction rate for racially and religiously aggravated hate crime was 83.5%. In 2015/16 the conviction rate was 83.8%

In 2015/16, the CPS prosecuted 13,032 racially and religiously aggravated hate crimes

Guilty pleas featured in 74.0% of successful outcomes of racially and religiously aggravated crime prosecutions in 2015/16

Homophobic and transphobic hate crime

In 2014/15, the conviction rate for homophobic and transphobic crime was 81.2%. In 2015/16, the rate increased to 83.0%

In 2014/15, the CPS prosecuted 1,277 homophobic and transphobic cases, and this increased to 1,439 in 2015/16

In 2014/15, the police referred 56 transphobic cases to the CPS for charging decision. This figure rose to 98 in 2015/16. There were 37 completed prosecutions under the transphobic crime flag on the CPS digital case management system in 2014/15 and 85 the following year

In relation to defendants in transphobic cases, in 2014/15, 26 (70.3%) were men and 11 (29.7%) were women: a disclosure rate of 100.0%. In 2015/16, 66 (77.6%) were men and 19 (22.4%) were women

In relation to victims in cases of transphobic hate crime, in 2014/15, 20 (57.1%) were women and 12 (34.3%) were men (with a disclosure rate of 91.4%). In 2015/16, these figures were 51 (52.0%) were women and 27 (27.6%) were men (with a disclosure rate of 79.6%)

Disability hate crime

The volume of cases referred to the CPS by the police for a charging decision increased from 849 in 2014/15 to 930 in 2015/16, an increase of 9.5%

The number of convictions increased over the two years from 503 in 2014/15 to 707 last year, an increase of 40.6%

The conviction rate remained broadly consistent over the two years at 75.1%

The proportion of successful outcomes arising from guilty pleas was 66.1% in 2014/15 and fell slightly to 63.4% in 2015/16

HM Crown Prosecution Service (CPS)

Press release, 21 May 2015

Joint review of Disability Hate Crime: Criminal Justice System continues to fail disabled victims

A follow up review into how the police, the Crown Prosecution Service and the probation service deal with disability hate crime reports that all three organisations have failed to comply and act on recommendations made in a previous report from March 2013.

That report, "Living in a different world: A joint review of Disability Hate Crime" made seven recommendations for police, CPS and probation trusts to implement within a specific timescale. These included the need for a single and clear definition of disability hate crime and the requirement for police to ensure every opportunity is taken to identify victims. Police, prosecutors and probation officers were also recommended to undertake training around disability hate crime to improve their investigative, tribunal and rehabilitation skills.

The recommendations were designed to improve performance and embed good working practices, acknowledging that disability hate crime should be treated the same as other hate crimes such as race, religion, sexual orientation or transgender.

Although this follow up report has identified some examples of good practice relating to awareness-raising at a national level, **neither the police nor the CPS has succeeded in significantly improving performance at an operational level.**

The National Offender Management Service (NOMS) has provided direction by issuing guidance to probation trusts, in July 2013, in the form of a framework to frontline staff. However today's report has found **that disability hate crime is not dealt with effectively overall by the probation service.**

HMCPST Chief Inspector Kevin McGinty said:

"The report's conclusions show that although the three criminal justice agencies have undertaken some initiatives to improve the way they deal with disability hate crime, the overall performance, acknowledged by all agencies, is still disappointing.

"The police, the Crown Prosecution Service and the probation service recognise that further work needs to be carried out to ensure disability hate crime victims are recognised and given the appropriate level of support and service by the criminal justice system."

HMIC Inspector Drusilla Sharpling said:

"There has been work nationally to drive up reporting levels of disability hate crime and improve standards of service to victims but progress continues to depend on how well this is implemented locally. We did find some good practice, but criminal justice agencies did not consistently recognise disability hate crime and respond effectively."

HMIP Chief Inspector Paul Wilson said:

“We were pleased to see that the quality of information supplied by the CPS to probation officers writing court reports was good. This means that the nature of the hate crime can be taken into account by sentencers.

“Despite this, work with the small numbers of perpetrators of disability hate crime had not improved since the original inspection.”

The full report and further information about HMCPSI and the other Criminal Justice Inspectorates can be found at www.justiceinspectorates.gov.uk/

Today’s publication is by HM Crown Prosecution Service Inspectorate (HMCPSI), HM Inspectorate of Constabulary (HMIC) and HM Inspectorate of Probation. This report was completed under the previous Chief Inspector of HMCPSI, Michael Fuller and the previous Chief Inspector of Probation, Paul McDowell. Publication was delayed due to the pre-election pending period.

5. Further reading

Crown Prosecution Service (CPS), [Guidance on Prosecuting Cases of Disability Hate Crime](#), undated

CPS, [Disability Hate Crime - CPS Action Plan](#), October 2014

CPS, [Consultation on the CPS Policy on Prosecuting Crimes against Disabled People](#), 10 October 2016

Home Office, [Action Against Hate: The UK Government's plan for tackling hate crime](#), July 2016

Metropolitan Police, [Disability Hate Crime awareness initiative launched](#), 31 March 2016

Equality and Human Rights Commission, [Crime and disabled people: Measures of disability-related harassment](#), 6 September 2016

HM Crown Prosecution Service Inspectorate, HM Inspectorate Constabulary, HM Inspectorate Probation, [Living in a Different World: Joint Review of Disability Hate Crime](#), March 2013

HM Crown Prosecution Service Inspectorate, HM Inspectorate Constabulary, HM Inspectorate Probation, [Joint Review of Disability Hate Crime Follow-Up](#), May 2015

Disability Rights UK, [Disability hate crime links](#)

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).