

**ABERDEEN CITY COUNCIL**

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<b>COMMITTEE</b>	Communities, Housing & Public Protection
<b>DATE</b>	21 November 2024
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Thematic Report - Hate Crime and Public Order (Scotland) Act 2021
<b>REPORT NUMBER</b>	POL/24/351
<b>DIRECTOR</b>	
<b>CHIEF OFFICER</b>	
<b>REPORT AUTHOR</b>	Chief Inspector Andy Barclay, Partnerships, North East Division
<b>TERMS OF REFERENCE</b>	2.21

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**1. PURPOSE OF REPORT**

- 1.1 To provide the Committee with an overview of the Police Scotland response to the implementation of the Hate Crime and Public Order (Scotland) Act 2021.

**2. RECOMMENDATION(S)**

That the Committee: -

- 2.1 Discuss, comment on, and endorse the report.

**3. CURRENT SITUATION**

- 3.1 Hate Crime is a term used to describe behaviour which is both criminal and rooted in prejudice. This means that the law has been broken, and the offender's actions have been driven by hatred towards a particular group. Hate crime has a hugely damaging and corrosive impact on victims, their families and communities.
- 3.2 The recording of Non-Crime Hate Incidents (NCHIs) dates back to recommendations in the 1999 Stephen Lawrence Inquiry report and began in Scotland in 2004 and in England and Wales in 2005. The collection of data is an important tool in understanding the experiences of hate crime and shaping interventions.

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- 3.3 On 1 April 2024, the Hate Crime and Public Order (Scotland) Act 2021 (the Act) came into force. The aim of the Act is to provide greater protection for victims, communities and to tackle the harm caused by hostility and prejudice.
- 3.4 The Act maintains and consolidates protections in law against offences aggravated by prejudice and introduces new offences of ‘stirring up hatred’ which criminalises threatening or abusive behaviour and the communication of threatening or abusive material which is intended to stir up hatred against a group of people by reason of their particular characteristics. The right to freedom of expression is specifically built into the Act.
- 3.5 Police Scotland developed and delivered a programme of training to support our implementation of the new legislation.
- 3.6 On implementation of the Act, Nationally, Police Scotland experienced a surge of reporting, the vast majority of which were reported online, anonymously and did not meet the threshold to be classified as either Hate Crimes or Non-Crime Hate Incidents.
- 3.7 Within North East Division there were 311 Hate Crimes reported between 1 April and 30 September 2024. This compares to 290 for the same period in 2023. Using the same date ranges, Aberdeen City has seen 200 Hate Crimes reported in 2024 and 191 in 2023. This increase may be due to increased trust and confidence. Reported Hate Crime since the implementation of the legislation follows trends of previous years with race, sexual orientation and disability being most affected.
- 3.8 Between 1 April and 30 September 2024 there have been 64 Non-Crime Hate Incidents recorded within North East Division compared to 169 during the same period in 2023. The reason for this significant decrease is due to different recording rules.

### **Key Changes Introduced by Hate Crime and Public Order (Scotland) Act 2021**

- 3.9 The definition of a hate crime has not changed as a consequence of the Act. The notable change is that when those crimes are reported, they are labelled slightly differently, using the provisions of the new Act. The offence of “stirring up hatred” is not a new crime, 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 extend the offence of “stirring up hatred” to other characteristics protected within the legislation.
- 3.10 **Expansion of Protected Characteristics:** The Act extends hate crime protections to include age and variations in sex characteristics, bringing the total number of protected characteristics to seven.
- 3.11 **Consolidation of Hate Aggravation Laws:** The legislation consolidates various previous Acts into a single provision for hate aggravation, allowing for increased penalties when offences are motivated by hatred or prejudice.

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- 3.12 **Broadening the Scope of Stirring up Hatred:** The Act criminalises the behaviour of stirring up hatred on the basis of all protected characteristics in both public and private settings, expanding the scope beyond the previously covered characteristic of race only:
- Section 4(1) offence of stirring up racial hatred – a person commits an offence if (a) the person behaves in a manner that a reasonable person would consider to be threatening, abusive or insulting, replacing Sections 18- 21 Public Order Act 1986.
  - Section 4(2), a person commits an offence if (a) the person behaves in a manner that a reasonable person would consider to be threatening or abusive, offence of stirring up hatred against a group of persons defined by race; age; disability; religion; sexual orientation; transgender identity and variations in sex characteristics.
- 3.13 **Safeguards for Freedom of Expression:** Provisions have been included to protect freedom of expression, under section 9 – which only refers to section 4(2), ensuring that legitimate discourse and artistic expression are not unduly restricted, specifically for stirring up of hatred offences.
- 3.14 **Abolition of Blasphemy Laws:** The Act repeals Scotland’s blasphemy laws, thereby aligning legislation with contemporary values surrounding freedom of speech.
- 3.15 **Enhanced Data Collection on Hate Crimes:** The legislation promotes improved data collection practices to monitor trends in hate crimes more effectively and allocate resources accordingly.

### Training, Prevention and Community Wellbeing

- 3.16 Police Scotland developed and delivered a programme of training to support our implementation of the new legislation. This includes an e-learning module, which has been completed by more than 90% of Officers, as well as a series of in-person and online workshops across Local Policing Divisions.
- 3.17 There are 3 specialised Hate Crime advisors in place within North East Division to support colleagues while Contact, Command and Control (C3), Officers and staff also received tailored training.
- 3.18 A dedicated micro-site was created with full guidance, scenarios, FAQs and video instructions on how to raise and record hate crimes.
- 3.19 Police Scotland has provided guidance for Officers and staff on responding to and recording Hate Crimes and Non-Crime Hate Incidents (NCHIs).
- 3.20 The North East Equality Diversity & Inclusion Team have continued to support victims of hate crime, both internally and externally, by directing them to relevant support agencies if appropriate, along with raising awareness of hate crime and how to report these types of crimes.

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- 3.21 Working in partnership with our local communities, a Hate Crime Awareness Week campaign was organised between 12 and 20 October 2024 which highlighted the impact hate crime has on our communities, how to report it and the invaluable support provided to our communities through the Third Party Reporting Centre Network.
- 3.22 The Third Party Reporting Centre Network has continued to develop over the past year, with refresher training provided in October 2024, highlighting the changes in legislation and support options. During the training, inputs were also provided by COPFS about the court process and inputs from Victim Support Scotland, Four Pillars and Grampian Regional Equality Council about the support available from them.
- 3.23 The Hate Crime Improvement Group has recently been reestablished by GREC and partners, which our EDI team are key stakeholders in and which links directly to the Aberdeen City Council LOIP strategies. A key aim of this group is to reduce barriers to reporting, increase confidence in reporting Hate Crime, including the number of Hate Crimes reported to Third Party Reporting Centres and improve the quality of reporting experiences.

### **Non-Crime Hate Incidents (NCHIs)**

- 3.24 Recognising that NCHIs are not crimes, recording allows police to identify people who may be vulnerable in society, including repeat victims. It enables police to monitor for escalation and community tensions and to help inform policing approaches and styles and drive community engagement. It is important to note that not all incidents perceived by the reporter as being motivated by hostility or prejudice will meet the threshold for recording a Non-Crime Hate Incident.
- 3.25 When an incident is perceived by the reporter to be motivated by hostility or prejudice, then both of the following two principles must apply for the incident to be recorded as a Non-Crime Hate Incident:
- Would a reasonable person consider the report to be motivated by hostility or prejudice towards one or more characteristics protected within the legislation
  - Does it have a policing purpose: (a) protecting vulnerable people (b) protecting the rights of others (c) preventing crime
- 3.26 All incidents assessed as meeting the principles detailed above will be recorded as a NCHI on iVPD, any vulnerabilities identified should be clearly articulated within the description of events to ensure the appropriate support can be provided.
- 3.27 Applying a proportionate approach, along with assessing the right to freedom of expression will support decision making and judgment.

## **4. CONCLUSION**

- 4.1 North East Division Community Policing Teams, with support from Equality Diversity & Inclusion Officers play a crucial role in safeguarding individuals

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and supporting them should they be the victim of Hate Crimes. By focusing on prevention, investigation, prosecution, and collaboration, Police Scotland aims to keep pace with the threat of Hate Crimes and ensure the safety and security of the public.

**5. FINANCIAL IMPLICATIONS**

5.1 There are no direct financial implications arising from the recommendations of this report.

**6. LEGAL IMPLICATIONS**

6.1 There are no direct legal implications arising from the recommendations of this report.

**7. ENVIRONMENTAL IMPLICATIONS**

7.1 There are no direct environmental implications arising from the recommendations of this report.

**8. RISK**

<b>Category</b>	<b>Risks</b>	<b>Primary Controls/Control Actions to achieve Target Risk Level</b>	<b>*Target Risk Level (L, M or H)</b>  <b>*taking into account controls/control actions</b>	<b>*Does Target Risk Level Match Appetite Set?</b>
<b>Strategic Risk</b>	No significant risks			
<b>Compliance</b>	No significant risks			
<b>Operational</b>	No significant risks			
<b>Financial</b>	No significant risks			

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<b>Reputational</b>	No significant risks			
<b>Environment / Climate</b>	No significant risks			

**9. OUTCOMES**

<u><b>Aberdeen City Local Outcome Improvement Plan</b></u>	
Prosperous People Stretch Outcomes	Police Scotland are key partners within Community Planning Aberdeen and help contribute to the shared vision for 2026 that ' <i>Aberdeen is a place where all people can prosper</i> ' and towards the achievement of the LOIP theme which aims to make people more resilient and protect them from harm; where every child, irrespective of their circumstances, is supported to grow, develop and reach their full potential; and where all people in Aberdeen are entitled to live within our community in a manner in which they feel safe and protected from harm, supported when necessary and fully included in the life of the city.
Prosperous Place Stretch Outcomes	Police Scotland are key partners within Community Planning Aberdeen and help contribute to the shared vision for 2026 that ' <i>Aberdeen is a place where all people can prosper</i> ' and towards the achievement of the LOIP theme which aims to support individuals and communities to live in healthy, sustainable ways.

**10. IMPACT ASSESSMENTS**

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	It has been confirmed that no Integrated Impact Assessment is required.

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<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	None

**11. BACKGROUND PAPERS**

11.1 Not applicable

**12. APPENDICES**

12.1 Not applicable

**13. REPORT AUTHOR CONTACT DETAILS**

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