Written evidence submitted by the National LGB&T Partnership

This document provides feedback from the National LGB&T (lesbian, gay, bisexual and trans) Partnership, a member of the Department of Health, NHS England, and Public Health England’s Health and Care Voluntary Sector Strategic Partner Programme. The National LGB&T Partnership is an England-wide group of LGB&T voluntary and community service delivery organisations (see below for members of the Partnership) that are committed to reducing health inequalities and challenging homophobia, biphobia and transphobia within public services.

The National LGB&T Partnership members intend to positively influence the policy, practice and actions of Government and statutory bodies, in particular the Department of Health, for the benefit of all LGB&T people and communities across England. The member organisations of the National LGB&T Partnership are:

- LGBT Foundation
- East London Out Project (ELOP)
- Gay Advice Darlington and Durham (GADD)
- Gender Identity Research and Education Society (GIRES)
- Health Equality and Rights Organisation also known as GMFA
- Consortium of LGB&T Voluntary and Community Organisations
- London Friend
- Stonewall Housing
- Yorkshire MESMAC
- METRO
- Birmingham LGB&T
- BiUK

The National LGB&T Partnership will ensure that health inequalities experienced by LGB&T people are kept high on the Government’s agenda and that best use is made of the experience and expertise found within the LGB&T voluntary and community sector. The National LGB&T Partnership has also established a National LGB&T Stakeholder Group which is open to interested groups, organisations, service providers and individuals, giving a direct voice to the LGB&T sector. For more information, see http://nationallgbtpartnership.org.

Consultation Response

The National LGB&T Partnership is providing evidence in consideration of the following suggested discussion points:

- The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence
- The barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates
- The role of social media companies and other online platforms in helping to identify online sources of hate crime and to prevent online hate incidents from escalating
- The role of the voluntary sector, community representatives, and other frontline organisations in challenging attitudes that underpin hate crime
- Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved
- The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved

There is a high prevalence of hate crime based on perceived sexual orientation and/or trans status, with one in six lesbian, gay and bisexual (LGB) people having experienced a homophobic or biphobic hate crime or incident over the last three years (Stonewall, Homophobic Hate Crime, 2013). Recorded hate crime in England and Wales in 2014/2015 increased in total by 18%, with individual increases of 21% for those recorded as against sexual orientation and increases of 9% for those against trans status. The nature of these types of hate crimes are often longer-term and those experiencing crimes or incidents are often repeat victims; research shows a third of those who have been insulted, intimidated or harassed have experienced this on four or more occasions. The impact of long-term discrimination is extremely high: for instance, the National Transgender Discrimination Survey report (National Center for Transgender Equality, 2011), based on over 6,450 responses, found consistently high rates of suicide attempts from respondents aged 18-65, with trans men reporting as most impacted with 46% reporting an attempt in their lifetime.

However, as with other types of hate crime, sexual orientation and trans status hate crime are thought to be greatly underreported. For instance, Greater Manchester Police’s recent Transphobic Hate Crime report (2016) found that whilst 41.4% of respondents said they had been a victim of hate crime in the last 12 months, a further 67.2% responded yes to the question ‘have you been a victim of hate, regardless of whether or not you realised this may have been classed as a crime or not?’, showing a 26% increase in respondents suffering from hate in 2013.

Research has shown there are various specific issues around homophobic, biphobic and transphobic hate crimes. These are key areas of concern that the Home Affairs committee should be aware of, which includes (but is not limited to):
- lack of awareness in victims and communities of what constitutes as a hate crime or incident;
- fear of further discrimination when reporting a crime;
- belief that little or nothing will be done if a crime is reported;
- lack of trust/relationship between LGBT community and police

The above are barriers that result in many hate crimes against LGBT people going unreported.

The ‘I Exist’ survey of LGB people’s experience of hate crime in the UK (LGBT Foundation, 2012) found that whilst 43% of people had experienced a homophobic
or biphobic hate crime or incident, 64% didn’t report it. The most common reason for this was that the individual ‘didn’t think it was serious enough (45%), suggesting more work needs to be done with LGBT communities to raise awareness around what hate crimes and incidents are and what happens when a hate crime is reported. Hate crime can be a daily occurrence for many victims and is often accepted as background noise, or as inherent to being identifying as lesbian, gay, bisexual and/or trans. The next most common reason was that ‘I didn’t feel confident that any action would be taken’ (22%), which indicates that there may be additional challenges in building trust between some members of LGBT communities and the police.

There’s a clear need to create spaces where hate crimes can be reported as welcoming, open, respectful and inclusive. The study into Transphobic Hate Crime by Greater Manchester Police (2016) recommended that organisations identify early intervention and case management options at the first report of hate crime, especially when it is ‘low-level’ incidents, such as verbal abuse. Frontline staff should support victims reporting any hate crime or incident and consider their own use of language and terminology; an example provided was of sustained verbal abuse that led to physical abuse at a transport station that was dismissed as ‘low-level’ by an organisation. It is clear that organisations need to take these incidents more seriously to help make hate crime victims feel less vulnerable, and also need to run awareness raising campaigns that are inclusive.

Third-party reporting mechanisms are potentially favoured by some LGBT communities. The Transphobic Hate Crime report (2016) found that the majority (65.9%) of trans respondents answered that they would consider the use of a third-party reporting mechanism to report hate crime; whilst more work is needed to raise awareness of the services they can provide, this does indicate a relatively high knowledge of third-party reporting and a level of confidence in their use/worth.

There are some LGBT communities that are likely to be facing greater barriers and poorer treatment than others. Many trans people feel their community is regularly treated as poor in relation to other protected characteristic groups and often missed out of consultation exercises or publicity materials which has a major effect on the confidence levels within the trans community (Transphobic Hate Report, 2016). This is exacerbated by a lack of research generally into the experiences of the trans community in regards to not only hate crime but wider health & wellbeing, despite indicators that that there are severe inequalities.

Another area that could be improved is the experience of victims who perceive a hate crime as being dually motivated. Black, Asian and minority ethnic (BAME) lesbian, gay and bisexual (LGB) people are more than twice as likely as white LGB people to report feeling homophobic and biphobic attacks are a problem in their local area (Stonewall, Homophobic Hate Crime, 2013). Disabled LGB people are also
twice as likely to feel there’s a problem with homophobic and biphobic hate crime where they live than LGB people who aren’t disabled. Yet, there is very little targeted work to raise awareness of these hate crimes or to specifically support the individuals.

Anecdotally, organisations within the National LGB&T Partnership often work with victims who experience hate crimes in this dual way. For example, a female Asian victim might perceive an assault that occurred whilst with her female partner as being both racially motivated and motivated by her sexual orientation. From the very beginning of the reporting process it’s imperative that the individual’s experience of being victimised because of their race and sexual orientation is validated. Front line staff, such as a police officer who takes the report of the crime, should not make the victim decide whether the hate crime is singularly or primarily motivated by prejudice against her perceived race or sexual orientation.

Firstly, recording the crime as such means the victim is more likely to receive appropriate signposting to relevant organisation(s) with experience working with both lesbian, gay, bisexual and trans (LGBT) and black, Asian and minority ethnic (BAME) communities. The victim themselves can then decide which – if any – support to seek.

Secondly, as a notifiable crime the police must inform the Home Office who compile statistics; it is imperative that the crime is reported as being motivated as both hostility/prejudice against their race and sexual orientation. This will ensure that statistics truly reflect the nature of crimes and that if there is a specific area of the LGBT community disproportionately affected by hate crimes and incidents (such as those who are both BAME and LGBT) this trend is recognised and targeted support or prevention work can be commissioned.

It’s essential that classifications of hate crime explicitly state that hate crimes can occur against more than one characteristics (i.e. by stating that ‘a hate incident is any incident which is perceived by the victim – or any other person – to be motivated by a hostility or prejudice against a person’s race, religion, sexual orientation, disability AND/OR transgender identity’). Training for front-line staff (police offers, hate crime reporting staff etc) can support this process and provide practice skills to ensure the process is shaped to the needs of the victim and handled confidently.

The voluntary & community sector (VCS) have a role to deliver training to organisations such as police forces by sharing their expertise. This can ensure that front-line services are culturally competent and empowered to best support LGBT victims; such training often encompasses LGBT awareness training as well as best practice sharing in how to successfully monitor sexual orientation and trans status and how to best use the data. LGBT Foundation training for example, as previously delivered to police forces in Greater Manchester, has had particular focus on
ensuring that responses to a hate crime report validate the experience of multiple discrimination as this was frequently brought up as a concern by service users.

As a final note, we know that reports of hate crimes to police increased by 42% to more than 3,000 allegations of hate crime across Britain in the week before and the week after the 23rd June. The vast majority of hate crime (85%) seemed to be race related, and it's essential that programmes are in place to address this spike. Additional reported incidences must also be considered with any subsequent work, such as the effects on other minority groups (see reports of chants 'First we'll get the Poles out then the gays' - http://metro.co.uk/2016/06/29/first-well-get-the-poles-out-then-the-gays-chanted-in-covent-garden-5974863/).