1. Executive Summary

1.1 Dimensions’ written evidence is summarised as follows:

- Hate crime impacts the majority of people with learning disabilities and autism, often having severe and occasionally life-limiting consequences.
- Legislative changes are needed to create equality for disabled people within the law.
- Learning disability and autism hate crime is under-reported and under-prosecuted. Better support must be put in place to change this, including improved police training; autism and learning disability friendly facilities and improved investigation protocols.
- Sentencing uplifts must be used more rigorously.
- Schools are on the frontline of challenging the attitudes that underpin hate crime and materials should be made available to assist schools to do this.
- Learning disability and autism hate crime statistics should be recorded separately from other disability hate crime statistics, to improve the analysis of trends in hate crime and direct policy accordingly.
- Support and guidance is needed for family members, support workers and carers so that they can recognise and report hate crime.

2. Introduction

2.1 Dimensions is a not-for-profit charitable registered society that supports 3,500 people across England and Wales. Dimensions provides evidence-based, outcomes-focused support including sector leading positive behaviour support for people with learning disabilities, autism and complex needs.

2.2 Dimensions conducted a hate crime survey in 2016, receiving responses from over 320 members of the learning disability and autism community. The survey underlined the prevalence of hate crime perpetrated against people with learning disabilities.

2.3 The survey was conducted in the context of rising rates of disability hate crime. In 2014/15 there was a 41% increase in disability hate crime in England and Wales.¹

2.4 The evidence submitted draws on both the findings of Dimensions’ survey and other research around learning disability and autism hate crime to highlight current issues and make recommendations to the government to improve the reporting and prosecution of learning disability and autism hate crime.

2.5 Dimensions has drawn on the advice and expertise of sector partners to develop the evidence, including organisations engaged in hate crime prevention and organisations working with and led by the learning disability and autism community.

2.6 The evidence will be structured as follows:
3. Dimensions’ survey: key findings

3.1 Hate crime perpetrated against people with learning disabilities and autism is prevalent in our society, impacting the majority of members of that community, as well as their families and support workers.

- 73% of survey respondents had experienced hate crime.
- 53% of survey respondents had experienced hate crime in the past year.

3.2 The impact of hate crime is severe for many and life-limiting for some victims, who often find it hard to interact with the world and people around them as a consequence of hate crime. Following experiences of hate crime:

- 43% were scared of other people
- 44% had lower feelings of self-worth
- 45% were less comfortable leaving the house
- 56% had less confidence
- 62% were angry

3.3 Learning disability and autism hate crime takes many forms and is experienced at both a continuous low-level, such as offensive language and gesticulating; and as acts of severe abuse that include violent assault, sexual assault, damage to property, theft and fraud.

3.4 Learning disability and autism hate crime uniquely includes coercive behaviour, sometimes known as ‘mate crime’, where individuals are targeted by people pretending to be their friends. Victims might be led to give away money, commit crimes and perform inappropriate acts that they do not understand, in the belief that they can trust the person coercing them.

3.5 The survey findings have informed the #ImWithSam campaign, a sector-wide campaign led by Dimensions to tackle learning disability and autism hate crime. #ImWithSam sets out a blueprint for change to raise awareness and promote policy change that will end learning disability and autism hate crime.
4. The effectiveness of current legislation and law enforcement policies for preventing and prosecuting hate crime and its associated violence.

4.1 Learning disability and autism hate crime online

4.1.i At present there is a disparity in the legal provision between prosecuting hate crime perpetrated against people with disabilities and prosecuting that perpetrated against other characteristics protected under the Equality Act 2010.

4.1.ii Specific acts of hate aggravated by race, religion or sexual orientation have statutory definition and can be pursued by the prosecution when they are perpetrated online, but no equivalent provision exists for disability, making it harder to prosecute acts of hate committed online.

- Racially and religiously aggravated offences are provided for under Part II of the Crime and Disorder Act 1998\(^3\) and Part III of the Public Order Act 1986\(^4\).

- Stirring up hatred on the grounds of sexual orientation is provided for under Part III of the Public Order Act 1986.

4.1.iii This disparity is itself a form of discrimination against people with learning disabilities and autism, and those with disabilities more widely.

4.1.iv Government should enact specific legislation to criminalise acts of disability hate online.

4.2 Sentencing for learning disability and autism hate crime

4.2.i Currently, Section 146 of the Criminal Justice Act 2003 places a duty on the courts to uplift sentences where a crime is aggravated by ‘hostility’ towards disability or perceived disability\(^5\).

4.2.ii Dimensions has been unable to find an instance where Section 146 has been invoked in the case of a crime committed against a learning disabled person.

4.2.iii The rarity of sentence uplifting sends a worrying message to people with learning disabilities and autism, when what is needed is a clear zero tolerance message that is communicated to the learning disability and autism community; those who might perpetrate hate crimes; and the general public.

- 93% of Dimensions’ survey respondents say it is important or very important to have sentence uplifts where crime is motivated by hate.

5. The barriers that prevent individuals from reporting hate crime, and measures to improve reporting rates.
5.1 Individuals with learning disabilities and autism face multiple barriers in reporting experiences of hate crime, which precipitates underreporting for this area of crime.

- 48% of learning disabled victims in Dimensions’ survey had not reported the crime perpetrated against them.
- 97% of respondents say it’s important or very important to make it easier to report learning disability or autism hate crime.

5.2 These barriers arise from shortcomings in the support made available to victims by the services that manage cases of hate crime, namely the police and the Crown Prosecution Service.

5.3 Dimensions believes, alongside other authoritative bodies, that the true incidence of hate crime against people with learning disabilities and autism is far higher than that which is reported.

- The Home Office’s most recent figures cite 3,629 cases of disability hate crime in 2015/16, however the National Crime Survey for England and Wales estimated a true figure of around 70,000 in 2014/15.

5.4 Many learning disabled and autistic people are fearful of situations and surroundings that are unfamiliar, which impacts significantly on their propensity to report hate crime and the likelihood of them providing ‘best evidence’ for prosecution.

5.5 Communication

5.5.i Police officers are not adequately trained to communicate effectively and appropriately with victims who have learning disabilities and autism. This might include an inability to assist the victim in articulating their experience of the crime.

5.5.ii Police officers recognise and express frustration at the lack of training when handling cases involving a learning disabled or autistic victim.

5.5.iii Government should ensure that the following measures should be implemented to improve communication with victims of learning disability and autism hate crime:

- All police stations have access to trained personnel equipped to communicate with and support a learning disabled or autistic victim of hate crime. These personnel should have a good understanding of different communication needs such as Makaton or should know where to access such expertise.
- Self-advocates (individuals with learning disabilities and autism) are on hand to facilitate police staff and provide insight and expertise where there is a learning disabled or autistic victim.
5.6 Facilities

5.6.i Unfamiliar surroundings can be very intimidating to victims, particularly when they have been through an unsettling or traumatic experience of hate crime. Such settings might make it harder for the individual to engage in a police interview.

5.6.ii Government should ensure that better facilities are sourced and developed to conduct witness interviews.

- Third party locations that are more autism and learning disability friendly can be used, such as the local Citizens Advice Bureau.

- As with child witnesses, efforts should be made to conduct interviews in safe environments and it is particularly important that they are accompanied by a person familiar to them.

- A long term perspective might be taken by police forces to better familiarise themselves with members of the community, so they are more comfortable reporting crimes as and when they occur.

5.7 Credibility

5.7.i People with learning disabilities and autism have often been doubted by the police when reporting hate crime, due to questions around their capacity to recognise and communicate an experience of hate crime. This has led to a culture in which victims feel they will not be taken seriously by police.

5.7.ii The belief that they will not be taken seriously as a victim deters many people from reporting hate crime.

- For many, ridicule and condescension are parts of everyday life and they are fearful of receiving such a reaction from the authorities.

- These fears are often compounded by the very fact they have been a victim of hate crime and are therefore experiencing feelings of low self-worth and confidence.

5.7.iii A further problem arises where investigation protocol allows for delay in interviewing a victim, as the reliability of evidence is perceived to diminish in line with the amount of time left between the crime and it being reported.

5.7.iv Police and the prosecution service should, as a point of policy, refrain from making assumptions about a learning disabled or autistic victim’s reliability and credibility. Comment from friends and family should be sought as a matter of course.

- Dimensions welcomes the Crown Prosecution Service’s current policy position on the ‘social model’ of disability in this respect.
6. The role of schools in challenging attitudes that underpin hate crime.

6.1 Many adults with learning disabilities and autism highlight that they have been subject to bullying and teasing since childhood on account of their disability.

6.2 Primary and secondary schools play a vital role in challenging the attitudes that underpin hate crime, starting with the behaviour that is seen in schools.

6.3 Schools should underline the importance of diversity and emphasise positive messages around difference, so that students are able to appreciate and celebrate difference.

- 98% of Dimensions’ survey respondents say it is important to have a primary and secondary school curriculum that teaches people children about difference.

6.4 Government should ensure that materials be made available to primary and secondary schools that encourage positive messages around difference and help teachers constructively challenge intolerance when they see it in the classroom. Materials for schools might include:

- Stories that include learning disabled or autistic characters, in books, films, music etc.
- Discuss points about diversity and what it means.
- Role play exercises for students to think about what it means to be different.
- The inclusion of disability in discussions and lessons about bullying.
- Value statements for schools to adopt and build into school culture as part of their ethos

6.5 Schools should also work with self-advocacy groups to foster tolerance and acceptance. Those who have experienced learning disability and autism hate crime can give powerful testimony on its impact.

6.6 Dimensions recognises the liberty afforded to schools in delivering Personal, Social, Health and Economic Education (PSHE) and recommends teaching materials be used at the discretion of schools.

7. Statistical trends in hate crime and how the recording, measurement and analysis of hate crime can be improved.

7.1 The most significant barrier to monitoring the incidence of learning disability and autism hate crime is the lack of clear statistics. We believe, fundamentally, that hate crime perpetrated against people with learning disabilities and autism is significantly higher than that perpetrated against people with other disabilities.

7.2 Disability hate crime encompasses crimes committed against a diverse group of people with many different disabilities that must be recognised within recording protocol.
7.3 Current practice in recording disability hate crime statistics provides insufficient information, as it fails to distinguish different categories of disability from each other.

7.4 The Home Office should record instances of learning disability and autism hate crime separately from other disabilities to provide greater accuracy in statistical data.

7.5 Separating statistics would provide a clearer picture of trends in hate crime against learning disabled and autistic victims and, consequently, give better tools to analyse and tackle the problem.

8. The type, extent and effectiveness of the support that is available to victims and their families and how it might be improved.

8.1 Support for victims

8.1.i As presented in Section 5, support is needed to overcome the barriers presently confronted by victims of learning disability and autism hate crime.

8.1.ii Good support will be that which is entrenched in the protocol of police services, so that interacting with a learning disabled or autistic victim is something with which officers are familiar and comfortable.

- This includes better guidance and training for police officers; access to experts by experience to train police and guide procedural change; and access to appropriate facilities.

8.1.iii In particular, the support available to victims reporting hate crime must safeguard against the breakdown in communication that often occurs between victims and police, as a consequence of emotional stress and lack of understanding.

8.1.iv Work in the community to establish relationships with people who might experience learning disability or autism hate crime will, over time, provide a foundation of trust that will help victims report crime. This should include partnership between the police and local self-advocacy groups.

8.2 Support for families and support workers

8.2.i Hate crime perpetrated against people with learning disabilities and autism often impacts on families and support workers.

8.2.ii In some cases, victims may not recognise that they have been subject to a hate crime and it is the task of family and support workers to report hate crime.

- Many victims don't have the language to name and report a crime, particularly the signs and symbols to talk about sexual abuse.
Many victims have been the subject of taunting and bullying since childhood and do not recognise the gravity of behaviour when it is in fact a hate crime.

8.2.iii Clear guidance is needed for families and support workers to enable them to successfully spot instances of hate crime and report them to the police.

8.2.iv Government should develop guidance on hate crime for those who support individuals with learning disabilities and autism, which should include:

- Information on how hate crime against the learning disability and autism community typically manifests itself.
- Warning signs to spot when someone might have been the victim of abuse motivated by hate.
- Information on where and how to report hate crime.
- Information on how to initiate a conversation about hate crime with a potential victim.
- Information on how to safeguard the person they care for, through conversations about hate crime and staying safe.

8.2.v Dimensions recommends that this guidance be made freely available so that anyone can understand how to best support a victim of learning disability or autism hate crime.

8.2.vi Further to S7.5 this guidance will be more accurate and effective when clearer statistical data is available to monitor trends in learning disability and autism hate crime.

2 https://www.dimensions-uk.org/press-release/imwithsam/ - #ImWithSam Survey and Campaign Dossier
9 https://www.makaton.org/
Appendix: #ImWithSam – a blue print for change

#ImWithSam launched during Hate Crime Awareness Week 2016. #ImWithSam is a broad-based campaign with 8 objectives that brings together campaign partners representing the length and breadth of the learning disability and autism sectors. Together, as a movement, we demand changes that will give people with learning disabilities and autism a better life.

Tackling learning disability and autism hate crime will involve legislative changes; changes in services; and increased awareness of not just the prevalence of learning disability and autism hate crime, but also learning disability and autism more generally and the value this community brings to our society.

#ImWithSam campaign objectives:

1. Separate disability hate statistics into learning disability/autism, and other disabilities.

2. Change the law to make disability hate a crime online.

3. The Department for Education to adapt resources to better support all primary and secondary schools with positive messages around difference.

4. Manufacturers to incorporate greater learning disability sensitivity into toys, games and other children's entertainment.

5. The Department of Health to develop simple guidance to help families and support workers identify and manage cases of hate crime.

6. The Crown Prosecution Service to improve investigation protocols within the criminal justice system in situations where there is a learning disabled victim.

7. The Home Office to improve resources and training for police offices and other to help them when receiving a report of hate from a person with a learning disability or autism, including funding self-advocates to provide specialist victim support.

8. Together, we and our partners will evaluate the effectiveness of new coercive behaviour legislation on people with learning disabilities or autism, leading to specific change recommendations and/or a green paper recommendation on stronger legislation to protect vulnerable people from mate crime.

These objectives are driven by Dimensions’ survey findings and are demands that the people we support endorse as key to ending learning disability and autism hate crime.

They objectives also have endorsement from our campaign partners, which include: