

Cross Party Group in the Scottish Parliament on Disability – Minutes 6 March 2013

Present:

Michael McMahon – MSP
Siobhan McMahon - MSP
Patrick Harvie – MSP
Annabelle Ewing – MSP

Helen Hunter- Quarriers
Iain Cuthbertson- Quarriers
Florence McQuilter- Quarriers
Caroline Grey - Quarriers
John Ballantine - SATA
Mike Harrison - SATA
Stan Flett - SATA
Terry Robinson - SATA
Emma Whitelock - Lead Scotland
Mr Paul Matheson - Lothian & Borders
Police
Supt Gavin Philip - Lothian & Borders
Police
Ruth McQuaid - Procurator Fiscal
Office
Sergeant Laura Gibson - Lothian &
Borders Police
Ch Supt Manders - Strathclyde Police
PF Karen Kennedy Equality Unit -
Crown Office

Prof. Nick Watson - University of
Glasgow
Euan Page - Equality & Human Rights
Commission Scotland
Vincent Finney - SIAA
Alan MacKay - STUC Disabled Worker
Committee
Ian Hood - IDA Scotland
Winnie Lwanda - Cornerstone
Jennifer Scot - Cornerstone
Christine Quigg - Stroke Association
Suzi Murray - Stroke Association
Idem Murray – People 1st Scotland
Rona Neill - People 1st Scotland
Ivan Cohn - People 1st Scotland
Keith Lynch - People 1st Scotland
Paulette Mirra - People 1st Scotland
Sylvia Crick - Progress Scotland
David Tawse - Progress Scotland
Dr. Pauline Nolan - Inclusion Scotland
Sue Kelly - Inclusion Scotland
Jo Kirby - The Action Group
Fiona McKenzie - The Action Group
Delia Henry - RNID

Apologies:

Kate Sanford - Quarriers
Stefan Stoyanov – Scotland’s Commissioner for Children & Young People
Robert Allan DG Voice
John Stirling – Disabilities Fife
Amanda Burt – SATA
Debbie Hunter – Thistle Foundation

1. Welcome and introductions

Michael McMahon welcomed everyone to meeting including members of the Learning Disability CPG.

2. Minutes of the last meeting and matters arising

Minutes approved by Pauline and Michael McMahon seconded.
Inclusion Scotland producing a document re of health and social care and she will distribute when it’s ready to the wider group.

Cross Party Group in the Scottish Parliament on Disability – Minutes 6 March 2013

3. Disability Hate Crime and Negative Perceptions of Disability Presentations:

Ruth MCQuade – Procurator Fiscal – North of Scotland

Covers from Perth – Shetland. Introduced Karen Aitken and Karen Kennedy who are part of the Victims and Equality Team. Offences (Aggravation by Prejudice) (Scotland) Act 2009 – Act created aggravation attached to any crime – relates to prejudice, relates to disability, sexuality etc. Sheriff must take information into account.

Proof – about the motive of accused – not identity of victim. Question is has the accused shown malice of ill will based on victims disability. In terms of disability – definition is wider than in Equalities Act – disability refers to a physical or mental impairment of any kind any medical condition which has a long term effect of is progressive in nature takes into account eg HIV, Aids, MS. Rate of no action higher for disability hate crime cases than other hate crimes e.g. race sexual orientation etc.

Relates to corroborations. Difficulties when victim can't relate what's happened – source of evidence lost. Communication an issue. Need evidence to show motivation of the crime was malice towards the disabled person. Differences between motivation in terms of hatred and opportunism. A variety of factors can contribute to motivation.

There is a low reporting rate – could be lack of confidence in criminal justice system or the adversarial nature of the criminal justice system or other factors. Attacks could be made on the credibility of the witness. PF office has detailed policy. Victim Information & Advice service in place since 2002. Vulnerable Witness Scotland Act, 2004 – introduced special measures. This is being reconsidered in respect of Victims & Witnesses Bill. Application needs to be before court in respect of adult witnesses re their vulnerability. Trying to streamline processes.

Education a big issue – looking at prevention – educate young people re victims of hate crimes. Working on hate crime film.

Chief Inspector Grant Manders – Strathclyde Police

Main issue – keeping people safe and looking after victims. Hate Crime is a criminal action and is recorded and pursued. If it doesn't meet the threshold of a crime it is treated as a hate incident and is recorded. Police record both incidents and crimes. There is a low level of reporting. This may be because victim feels its not important enough to report or may not be confidence in Criminal Justice System etc., People's level of acceptance of such a crime should be low. Only a tiny proportion of incidents captured. This sort of crime has a significant impact on victims and also affects the wider community. If incidents are recorded and a pattern is highlighted police can do something.

Third Party Reporting – all authorities should develop, implement and review awareness raising campaigns to encourage victims & witnesses of disability related harassment to come forward. Community centres and other agencies can identify themselves as third party agents. Police have a new 3rd party training pack. There are around 100 3rd party centres in Strathclyde.

Cross Party Group in the Scottish Parliament on Disability – Minutes 6 March 2013

Crimes reported to Strathclyde Police in 2011/12 = 5 increased in 2012/13 to 67. Police need help to raise the profile of disability hate crime and increase confidence of victims.

Euan Page – Equality Human Rights

Need to concentrate on range of behaviours which have an impact on disabled people. Behaviour and actions often fall below criminal thresholds. People will behave towards disabled people in a way they will never behave to non-disabled people. There is a culture of disbelief around this issue. There is an institutional reluctance to recognise what is happening is targeted behaviours – singling people out for reasons of difference. Vulnerability is a tricky concept and is not inherent to an individual. There is a need to foster more positive attitudes in the community towards disabled people.

In Scotland we have an approach based more on human rights – Scotland own separate equality duties – we have a balance between being prescriptive but not over prescriptive. Equalities Commission is working with Inclusion Scotland on a toolkit for agencies. Adult Protection Committees are capturing incidents – need to gather information and distribute. Victims & Witnesses Bill looking at wider special measures. We must monitor progress in Scotland against the UNCR of Persons with Disabilities especially Articles 12.13.14.15.16. Can monitor progress against an international framework.

Professor Nic Watson – University of Glasgow (working with Kirsten Stalker) I

Ideological change is key – having disabled people as a category says something important – notion of hatred is a key issue. Hate sets hurdle high. Many people with Learning Disability prefer term offences against disabled people. Some evidence that disabled people easy targets. Is a poorly researched area especially disability. Need to try and find out why. We know disabled people cast as scapegoats especially in hard economic times. Bad news for disabled people – compared media articles in 2004/5 and 2010/11 – both similar times re welfare cuts. Massive increase in numbers of articles on disability in 2010/11 compared to 2004/5. Decrease in number of articles talking about disabled people in a sympathetic way. Reduction in articles re tragedy and about implications living with impairment. Increase in articles referring to disabled people as a burden and increase in use of pejorative terms to describe disabled people. George Osborne said people on disability allowances is a lifestyle choice. Also articles in variety of newspapers relating disability to 'doing nothing'. One article blamed disabled people for world economic crisis. Recent press reporting Cornish Councillor expressing a view that disabled people a burden.

Disabled adults one and half times more likely to be victims of violent crime particularly people with associated mental health problems. Risk of violence to disabled children higher than non disabled children. 31% of English adolescents with a mild Learning Disability reported weekly bullying. 34% of English adults with intellectual disability report people being rude or nasty in last 12 months.

Reporting of disability hate crime low. Why do disabled people not report. Becomes part of everyday lives and feels normal. Fear of police, especially people with mental health problems. Fear of reprisals from perpetrators.

Scarcity of research on follow through of individual cases reported. What crimes do disabled people report/not report. Also need to ask how disabled people think police responded. How do police make decisions about whether or not to pursue. How are

Cross Party Group in the Scottish Parliament on Disability – Minutes 6 March 2013

decisions taken about referral to PF. How does PF make decision about whether to take to court. How do cases proceed through course.

Michael McMahon thanked those who presented to the meeting.

Discussion

Ian Hood – LDAS – He hears stories everyday from people with disability. Many people also being referred to Adult Protection Committees who have suffered abuse. People with LD trying to do their bit but numbers of reported crimes don't stack up.

Sue Kelly Inclusion Scotland – lot of young PC's – great opportunity for awareness raising in basic training. How much is done from start to make sure young PC's respond in right way.

Annabelle Ewing – 3rd party reporting - would like to publicise this to other MSP/s. Could complaints be pursued to Press Complaints Commission re castigation of people who rely on assistance.

Questions

Is there a backlog of people let down by the system

What happens when victim becomes perpetrator

People also exploited/abused through social networking sites

Issues re training for organisations – APC's at the moment considering why people who are classified as abused - not being translated into hate crimes

PF – over 60 cases reported and only 10 NFA – 7 insufficient evidence to take to court. Have to work within the law. Clear steer from Lord Advocate to take a robust approach. Strong presumption PF will prosecute. Victim may prefer action taken outwith court. PFs have diversity training. Booklet being produced re disability awareness. Staff need to fully understand issues. Need simple actions. Police visibility may solve some problems. What can we do to change things. Some organisations said awareness raising in primary schools re hate crime great success.

People with LD live in a society and face hatred on a daily basis. Need to focus on this as it has a major impact on life expectancy of people with LD.

4. Subject of next meeting

Please contact Marie Redden with suggestion for topics –
marie.redden@quarriers.org.uk

5. AOB

Some people unhappy their presentation not included.