Introduction

The Coalition for Racial Equality and Rights (CRER) welcomes the opportunity to offer a written submission to Police Scotland regarding its Equality Outcomes Review following our meeting on 4th November.

In the development of the Scottish Government's Race Equality Framework for Scotland 2016-2030, CRER engaged directly with minority ethnic communities through our Community Ambassador's Programme.[1] We have also recently assisted the Scottish Government Justice Directorate in consulting with minority ethnic communities around Stop and Search and the Strategic Police Priorities. Issues around community safety and policing expressed during these consultation exercises are reflected in this response.

We have also incorporated some of the themes covered in our publication "Scottish Specific Equality Duties: Get Ready for 2017." More detailed information is available within this publication, a copy of which will be provided separately. We would request that you consider this publication as part of your evidence base for developing Equality Outcomes.

Overview of strengths and areas for improvement

Several key strengths can be identified in Police Scotland's previous Equality Outcomes. Within the 2015 Equality and Diversity Mainstreaming Progress Report, the following strengths can be identified in particular:
- Transparent information provided about the evidence base used
- Inclusion of measures for progress monitoring and reporting
- Plain English used throughout the publication
- Efforts made to ensure wording of outcomes relates to people, rather than processes
- Efforts made to link each outcome to the relevant needs of the general equality duty

There are also a number of areas where the Equality Outcomes could be improved:
- Increasing the focus on specific protected characteristic groups and the inequalities they face, with a proportionate approach to target the greatest disadvantage
- Moving some generic activity which is, for example, part of another legal obligation or a standard process (i.e. not specifically targeted work towards the outcome) into the

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[1] Coalition for Racial Equality and Rights. Community Ambassadors Programme Summary.

Mainstreaming section of the report. An example would be the commitments around legal obligations regarding equal pay within the 6th outcome

- Using a Red/Amber/Green system or other comprehensive progress monitoring tool to ensure an appropriate level of information can be included in future progress reporting
- Enhancing the measurements used with specific targets where relevant

It should be noted that although we have commented as fully as possible on the existing outcomes and our priorities for change, the lack of a comprehensive progress report means we lack the information needed to identify proposals effectively.

a) Whether Police Scotland should continue working towards some or all of our current Equality Outcomes

Overall, CRER is supportive of retaining the themes underlying the current Equality Outcomes. However, adjustments to enhance the focus on the particular needs and priorities of groups with specific protected characteristics would be required to considerably strengthen the approach.

The link to specific protected characteristics and the disadvantages which need to be addressed is key. The focus of each outcome should be on the groups most negatively affected, rather than "all" people or groups. We would encourage Police Scotland to focus each outcome and its key activities and measures on reducing disadvantage for specific protected characteristic groups, rather than for the general populace. Each outcome must be specific and measurable and make progress in advancing equality, eradicating discrimination, and/or fostering good relations. Being more specific in what the outcome will achieve for a specific group (or groups) will make it easier for Police Scotland's outcomes to meet this standard.

We note that the original outcomes did not have targets, as baseline data was being established to allow Police Scotland to monitor trends or specific patters of activity from which targets can be set. CRER would ask that baseline data and specific, measurable targets be included in the new Equality Outcomes. This is especially relevant in terms of improvements in the workforce profile.

It may also be useful for Police Scotland to reflect the goals set in the Scottish Government's Race Equality Framework for Scotland within its Equality Outcomes, namely:[2]
- There is greater cohesion between all communities in Scotland (Goal 6)
- Access to justice and safety for minority ethnic individuals is improved and the effectiveness of the justice process in dealing with racism is reviewed (Goal 7)
- Scotland's police workforce is better able to tackle racism and promote equality and community cohesion in the delivery of its police services (Goal 8)
- Police Scotland's workforce better reflects the diversity of its communities (Goal 9)

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[2] The Scottish Government. Race Equality Framework for Scotland 2016-2030.

It should be noted that most of these goals are not worded in the manner required by the duty to set Equality Outcomes, and so would not be suitable for direct transfer into Equality Outcomes (with the possible exception of Goal 7).

b) Whether Police Scotland should make any changes to our current Equality Outcomes

CRER suggest the following changes or additions to the current Equality Outcomes:

1. People better recognise hate crimes and incidents and feel confident reporting them.

CRER would recommend that this outcome be changed in order to focus more closely on addressing the weaknesses in the current system. The aims in the previous outcome would still be reflected, however other types of activity can also be incorporated which would have more impact on the ground.

Our suggested rewording for this outcome is:

"People who are at risk of experiencing hate crime (crimes aggravated by prejudice on the grounds of race, religion, sexual orientation, transgender identity or disability) are better supported by Police Scotland through effective local working practices."

Whilst this has more of a focus on process than we would usually recommend, the activity which can be incorporated would be of great benefit. Likewise, this outcome focusses on more protected characteristic groups simultaneously than we would usually recommend, but the legal aspects make a pragmatic approach advisable here. Activities will need to be appropriately tailored and targeted for each of the protected characteristic groups affected, to reduce the particular disadvantage they face and tackle specific barriers.

In our view, this is an outcome which would explicitly contribute to fostering good relations element of the general equality duty by building in actions which will contribute to work around community cohesion and hate crime prevention at local level. More detail on additional suggested activity in this area is provided later in the section.

Suggestions around activities will be provided in greater detail for this outcome, partly due to the suggested change in focus but also to provide an example of the type of approach we feel would make the new outcomes easy to understand and implement.

We would recommend some activities from the previous outcome be retained, where they have not already been accomplished. However, many of these can be simplified, grouped together and expressed in terms which link better to the outcome. Bullets can be used to identify discrete activities which need to be progress monitored.

The following examples incorporate both the previous activities and some suggestions for further work:

"Build the capacity of Police Scotland's workforce to recognise and effectively tackle hate crime by:
- Raising awareness in conjunction with staff associations
- Providing appropriate training opportunities
- Working with the Crown Office and Procurator Fiscal Service to review and refresh the national Hate Crime Guidance Manual"

The following example introduces a focus on confidence to report hate crimes. In our experience, this is the major barrier faced by minority ethnic individuals, rather than lack of awareness. Information on how to report is freely available, however for many reasons, people tend not to do this. This reluctance can be connected to a negative personal experience, accounts of experiences from other community members or doubt that it will be taken seriously. These barriers need to be addressed as a matter of urgency. Confidence in police is addressed in more detail in connection to the next outcome.

CRER also questions the utility and quality of third party reporting centres, and would not recommend relying on promoting these as a means of increasing reporting. Only 1.2% of hate crimes in 2013-2014 were reported through third party reporting. Increasing reliance on third party reporting could arguably also push people further away from direct reporting, which should be the best option; dealing with issues around this would be more impactful in terms of ensuring equal access to services. Further promotion of third party reporting may not be the best use of Police Scotland's time and an audit on its effectiveness and impact may be advisable.

We would also raise the importance of including online hate speech and hate crime throughout the focus on awareness raising. As part of this, making the process of reporting an online hate crime simpler and quantifiable (e.g. by allowing 'online' to be selected as a place where a hate crime occurred on forms) could allow Police Scotland to monitor the occurrence of these crimes and allocate resources appropriately.

"Raise public awareness and confidence to identify and report hate crime, through:
- Reviewing barriers faced by people with protected characteristics in directly reporting hate crimes to Police, and addressing these barriers at strategic and operational level
- Partnership working around direct and third party reporting
- Development of a national hate crime communication strategy
- Targeted work to improve relationships between Police Scotland and people with protected characteristics at local and national level"

The next suggested activity gathers several elements relating to data collection. We should note at this point a serious concern regarding police information recording systems. In the publication Racist Incidents Reported by the Police in Scotland, the data presented "victim" and "complainer" within the same category, which clouds the data and does not make clear which ethnic groups are most often the victims of racist incidents, as the ethnicity recorded

could either be the ethnicity of the victim or the bystander. This, we believe, compromises consistency and transparency and may further hinder recognition of and reporting of racist hate crimes. This could be addressed through the first part of the activity, which is taken from the previous set of outcomes.

"Improve Police Scotland's approach to collecting and analysing data, through:
- Ensuring there is consistency in how police information recording systems can disaggregate data by each protected characteristic
- Using data to establish relevant performance targets on hate crime within the national performance management system
- Making hate crime data available nationally on the Vulnerable Persons Database"

We would particularly recommend that Police Scotland increase the focus on "sharing data to ensure an appropriate victim focussed response." Specifically, we feel that this should be part of a broader improved approach to tackling hate crime at a local level.

Voluntary sector stakeholders have raised many issues regarding engagement with Police Scotland at local level since restructuring. Two particular issues directly linked to hate crime work in the Voluntary Sector which have been a recurring focus are:
- Inconsistent and often inadequate approaches to information sharing on hate crime 'hot spots' at local level
- Deterioration in previously good relationships with local Community Liaison Officers due to staffing changes and possibly priorities changes at local level

We also have reason to believe that more could be done to use intelligence on hate crime patterns locally to protect individuals and prevent further crimes occurring. This can be seen especially in relation to individual cases where people experience repeated hate crimes in the same area over time, and report that police interventions and responses have been insufficient, showing no awareness of previous incidents or a lack of understanding of the potential progression towards violent attacks. In some cases, victims have been arrested for trying to defend themselves after months of complaining to police.

Information shared with partners should ideally also have a focus on identifying patterns around who perpetrates hate crimes. There is very little preventative work around hate crime in most areas of Scotland, so providing solid evidence relating to this to show the need to target community cohesion work appropriately could be of great benefit.

We would therefore recommend the addition of an activity to:
"Improve our approach to tackling hate crime at local level by:
- Developing a protocol for routine sharing of information on hate crime and racist incident 'hot spots' with key partners in order to facilitate responsive and preventative approaches around tackling hate crime and promoting community cohesion
- Enhancing local approaches to analysing intelligence on hate crimes to identify patterns, and using this at operational level to better support individuals at risk of or experiencing hate crime"

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The first bullet point above is a main priority for CRER. We believe the benefit of improving approaches to information sharing at local level would be immeasurable. If desired, this area could be the subject of an outcome on good relations in its own right, to be included alongside the previously suggested outcome; we would be pleased to discuss this further if needed.

In terms of progress monitoring, it should be possible to attach targets or milestones in statistical terms to many of the measures used, for example increase in hate crimes reported, reports made to third parties, levels of satisfaction, number of intelligence entries, and detection rates. This will make measuring progress simpler and more transparent.

2. Individuals within and across protected groups feel safe and secure within their local communities

On balance, we feel that a separate outcome on this particular issue may not be the best way forward. It is not easy to measure, not precise in which groups need this the most, and not particularly easy for Police Scotland to control. Feeling safe and secure is something Police Scotland can impact to a degree, but mostly through ensuring people are confident to approach and engage with them, and through proactively tackling crime and supporting preventative work. We feel that all of these issues can be adequately incorporated into the previous and following outcomes.

3. Victims of gender based violence are safer and more confident that the police are responsive to their needs

The ethos behind this outcome is of vital importance, and CRER would like to see something similar for minority ethnic communities – whether by incorporating into this outcome, or setting a separate one.

In our experience, confidence is the major barrier preventing better engagement with Police Scotland. Although Scottish Government statistics seem to suggest minority ethnic groups have greater confidence in the police, we have disputed this finding because of the peculiar sample of minority ethnic communities who completed the survey. We do not believe the sample is robust and have particular concerns that the groups most affected by lack of confidence may not be as well represented as they should. Our concerns on this have been reported to Scottish Government analysts.

We know from engagement with minority ethnic communities that there are several barriers to communities having confidence and trust in the police. An outcome to address these barriers would be well within Police Scotland's power to deliver, and could be measured and evidenced in terms of the barriers to access and engagement being reduced.

During our Community Ambassadors Programme consultation for development of the Scottish Government's Race Equality Framework, we found that factors that make minority ethnic groups feel unsafe in their communities and distrust police are:

- Concerns about the policing of far right marches in communities with a high concentration of minority ethnic groups, and how communities and counter-protestors can be protected by better controlling the far right groups
- Poor responses to low-level racist incidents which make communities hesitant to report serious racist hate crimes
- A feeling of presumption of innocence for white individuals and a presumption of guilt for Black/minority ethnic individuals

Groups suggested an increase in visible community policing, increased police presence in community safety projects, preventative work within communities, and anti-racism training for the police would help to address their concerns.

As with the previous outcome on hate crime, targeted work to address perpetrators of racist harassment and violence as well as proactive anti-racist and community cohesion work may also be needed. Police involvement in or links to this type of work may help to reassure communities that Police Scotland is committed to tackling hate crime.

4. People from and across protected groups are meaningfully engaged with us and their views contribute to service improvements.

Further evidence regarding activity taken around this outcome (particularly around programmes of engagement, work with national groups, and work around data disaggregation) is needed to ascertain the effectiveness of this outcome. If there are specific issues with groups not being engaged, this outcome may be appropriate. If, on the other hand, the engagement is intended to contribute to reducing other forms of disadvantage, then these would be a better focus for the outcome. Again, more emphasis on which specific protected characteristic groups need to be better engaged and why within the outcome and associated activities would be welcome.

Transparency is needed, especially with the involvement of lay advisors and national equality groups at strategic level. Furthermore, it may be beneficial to introduce race liaison officers / champions, as there are for LGBTI issues.

In light of the feedback we have received from voluntary sector organisations and from community members through the Community Ambassadors Programme, programmes of engagement should target minority ethnic groups in particular and this engagement should be widely publicised and promoted. Transparency and monitoring surrounding this would also be useful in measuring progress.

It is also importance that activity builds in feedback mechanisms to ensure that people who have been involved are given information about the impact their involvement has had. Information on the impact of involvement will need to be collated in order to effectively measure progress towards this outcome, so providing this to those involved would also

provide an opportunity to record and save this information for progress monitoring purposes. It should be noted that simply reiterating what stakeholders said is not adequate feedback; the important part is the changes implemented as a result.

5. Everyone in Scotland is able to contact the police when they require our assistance and this experience is positive.

Further evidence surrounding Police Scotland's work with equality groups would be useful to properly evaluate this outcome. As it stands, there is no specific link to equality within the stated outcome. Although this can be inferred from the activities, specific explanation of the link to protected characteristic groups and the disadvantages being addressed would significantly strengthen this outcome. In our response to outcome seven, we make some suggestions around amalgamating aspects of these two outcomes to have a stronger focus on staff capacity building to benefit people who come into contact with Police Scotland.

However, returning to the current outcome, from our experience with minority ethnic communities we have found that while groups are able and know how to contact the police, there is a lack of trust and confidence. For minority ethnic groups in particular, community engagement may be necessary rather than the practical changes made for other groups (e.g. first contact arrangements for those with hearing impairments). Work is needed to change the perceptions and experiences of minority ethnic groups rather than simply making contact more accessible.

In particular, when taking action around this or a similar outcome, Police Scotland should be avoid assuming that language translation and assistance for newer residents who are unfamiliar with the system will be sufficient to cover 'race equality'. Only a small minority of people facing racial inequality experience difficulties in these areas, and if not properly addressed, the issue of confidence and trust may continue to impact these people even once their practical barriers have been addressed.

6. We have a workforce that is reflective of our communities to increase trust and confidence in the police.

CRER views this as the most important outcome for racial equality. In our view, more specific actions are needed and the baselines and targets must be clearly set out. The current wording lacks clarity on which groups need increased representation, and in our view, minority ethnic groups should be the key focus.

Many groups within the Community Ambassadors Programme consultation highlighted a need for an increase in minority ethnic representation in Police Scotland. Groups asked for a change in Police Scotland's organisational culture, recruitment practices, retention rates, promotion practices, and accountability measures.

As such, this is an outcome which could benefit from specific positive action measures around recruitment, promotion, and retention. Specific monitoring on the rates of retention, grievances, disciplinaries, and resignation from minority ethnic individuals may make it clearer where additional work is needed.

Very little information has been made available about the positive action measures taken as a result of the previous set of outcomes. In our opinion, positive action is a very underused power which could have a dramatic impact on the workforce profile and organisational culture of Police Scotland. Whilst more information would be needed to make specific recommendations at this stage, a collaborative approach to designing positive action measures alongside those with appropriate experience and expertise is recommended for the future, and CRER would be pleased to take part in this.

The inclusion of equal pay issues within this outcome is not necessarily appropriate, as the two issues are not clearly connected. The commitments made previously on equal pay are to fulfil existing legal obligations rather than achieve a specific equality outcome, and therefore would be better placed within the Mainstreaming report.

Occupational segregation is more closely aligned to workforce representation, as lack of access to work in an appropriate area or at an appropriate grade is more of a push / pull factor in the workforce (we are aware that legacy terms and conditions may have some impact on this presently). This may be an area Police Scotland wants to incorporate into this outcome in future.

7. We have a workplace where people feel valued and are encouraged to maximise their potential to ensure the most efficient and effective service is delivered.

The current wording of this outcome brings together two tenuously related concepts – valuing staff, which is clearly a beneficial equality outcome under Police Scotland's duties as an employer, and staff capacity building, which actually relates more to equality for those who come into contact with the police.

We would therefore recommend splitting this outcome. This would allow a clearer focus on each of these vital issues.

On staff capacity building, we would recommend aligning this to outcome five, as the issues are closely related. These could either be amalgamated, or activities could be spread between two outcomes. An example of how the outcome could be worded would be "People with protected characteristics, particularly *(state which according to evidence)* have their needs met when they come into contact with Police Scotland."

This suggested outcome deliberately avoids talking about positive experiences and broadens the focus out to include not only those who contact Police Scotland, but those who are contacted by Police Scotland. This would include people who are stopped, questioned or arrested by Police, a group which does not largely figure in the current set of outcomes and

may not be expected to always have a positive experience. Specific detail needs to be given within the activities about how the protected characteristic group(s) involved will be targeted and what needs will be met (insufficient information is available to make recommendations about this at present).

This outcome could benefit from the inclusion of specific intercultural competency training and the availability of professional development opportunities to build capacity around racial equality and racism. We would also stress the importance of including 'complaints against the police' as both a measure and an analytical opportunity – much information could be gathered this way to inform appropriate action.

In terms of an outcome around valuing staff, an example of wording would be: "People with protected characteristics, particularly *(state which according to evidence)*, in Police Scotland's workforce feel valued and respected, and have their needs met appropriately."

This suggested outcome builds in dignity and respect at work, which we would suggest should have a focus on zero tolerance around racist behaviour and bullying at work. It also mentions meeting needs, which would allow Police Scotland to look at the practical changes which could be made in terms of accessibility and flexibility for staff with protected characteristics. Again, specific detail needs to be given within the activities about how the protected characteristic group(s) involved will be targeted and what needs will be met (insufficient information is available to make recommendations about this at present).

c) Whether Police Scotland should set some completely new Equality Outcomes to help meet its future challenges

As none of the changes we have suggested are completely new, please see the comments in the previous section for our suggested changes.

We have recommended above a shift in focus to the first outcome, as well as inclusion of race within outcome three (or alternatively setting a new outcome on this theme) and a splitting of outcome seven. These are our primary recommendations in regard to altering outcomes. As mentioned previously, we believe the themes covered by the existing outcomes to be broadly reflective of the key equality issues Police Scotland should be targeting.

Conclusion

As will be evident from the feedback given above, CRER has a specific interest in some key areas relating to Police Scotland's work. We hope that these can be reflected in the new set of Equality Outcomes, whatever form they may take.

Particular priority areas for CRER include:

- Positive action to achieve proportional representation of minority ethnic people within Police Scotland's workforce, with measurable targets to show incremental progress
- Improving approaches to staff capacity building, training and development on race equality, anti-racism and intercultural competency, both at induction and through continuing professional development
- Improving public confidence in reporting racist incidents and hate crimes directly to Police Scotland
- Ensuring all people who report a racist incident or hate crime benefit from a supportive, professional, respectful and efficient Police Service which meets their needs
- Resolving issues with national level collation of ethnicity data within racist incident statistics, where bystander and victim are currently not disaggregated
- Transparency in how race equality engagement is carried out, and race equality expertise accessed, by Police Scotland
- Making better use of racist incident and hate crime 'hot spot' data, particularly in sharing this with partners at a local level in a consistent, effective way
- Using Police Scotland's knowledge, experience and evidence base to improve approaches to community cohesion and preventative activity, including in partnership with other organisations

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