

Policy for Prosecuting Cases of Disability Hate Crime

Equality Impact Assessment Report (Initial Assessment)

1. BACKGROUND

- 1.1 The Policy for Prosecuting Cases of Disability Hate Crime was launched in February 2007 and took effect from 1st April 2007.
- 1.2 The policy outlines the CPS commitment in dealing with cases of disability hate crime and was developed to ensure that the CPS recognises disability hate crime as outlined in S146 of the Criminal Justice Act 2003, ensuring CPS compliance with the Disability Equality Duty (Disability Discrimination Act 2005) and supporting the CPS in achieving the Public Confidence Public Service Agreement target to reassure the public by reducing the fear of crime and anti-social behaviour and building confidence in the CJS without compromising fairness.
- 1.3 In recent years, the CPS has developed domestic violence, racially and religiously aggravated crime and homophobic crime prosecution policies (the latter are currently being reviewed to comply with legislative requirements). The policy for prosecuting crimes against the older person is currently being developed. The policy enables disability hate crime to be equally recognised in line with other offences that are aggravated by racial or religious hostility or hostility based on sexual orientation. The policy aims to secure the confidence of those affected by disability hate crime that the CPS understands the serious nature of this type of crime and is committed to dealing with cases effectively.
- 1.4 The scope of this impact assessment is limited to considerations which arose from the wider public consultation and seeks to initially identify any differential on equality target groups.

2. POLICY IMPLEMENTATION

- 2.1 The Policy Statement was issued with an accompanying guidance document which gives more detail about some of the key areas of the policy statement to assist prosecutors and caseworkers in developing a clear understanding of this type of crime.
- 2.2 An steering group has been established to oversee the implementation of the policy throughout 2007/8 – the commitments are contained within the Single Equality Scheme and include:
- Ensuring that monitoring of disability hate crime cases is undertaken on CMS and victims and witnesses by disability is flagged on WMS,

- Developing training on prosecuting cases of disability hate crime
- Delivering training and briefing sessions on prosecuting cases of disability hate crime
- Appointing Disability Hate Crime Coordinators in all CPS Areas
- Awareness raising of disability hate crime internally and externally.

3. CONSULTATION AND INVOLVEMENT

- 3.1 The Policy Statement was developed by a policy steering group which included representatives from disability organisations with expertise in the fields of disability, crime reduction and victim and witness support.
- 3.2 The initial policy was drafted by the steering group and went out for public consultation in October 2006. The consultation was not specific to determining positive or adverse equality impact of the policy, however, eighteen responses were received from both internal and external stakeholders which informed the development of the policy.

4. ASSESSMENT AND ANALYSIS

Positive Impact

- 4.1 The policy statement proactively promotes disability equality and ensures CPS compliance with the Disability Equality Duty (DDA 2005) to mainstream disability issues into prosecution policies and practices, as well as employment policies and practices. The policy positively impacts on furthering equality in the provision of services to disabled victims and witnesses and ensuring that the specific needs of disabled victims and witnesses are addressed by prosecutors.
- 4.2 In complying with the disability duty, the policy statement ensures that offences aggravated by hostility based on disability are brought in line with other offences that are aggravated by racial or religious hostility or hostility based on sexual orientation and ensures greater awareness of the hate crime agenda generally both internally and externally.
- 4.3 The definition of disability contained within the policy includes both physical and mental impairments ensuring equal treatment for disabled people with all types of impairment. The statement clearly outlines the support for disabled victims and witnesses addressing issues of accessibility and the support available through the Prosecutors Pledge, Code of Practice for Victims of Crime, Witness Care Units, Special Measures, Intermediaries and Witness Support, Preparation and Profiling initiatives.

Adverse Impact

- 4.4 The policy statement clearly promotes equality for disabled people and the consultation identified that the policy adequately addressed the issues that might be faced by disabled victims of domestic violence or disabled victims of elder abuse. However, specific consultation was not undertaken in relation to all equality target areas to fully determine the positive or adverse impact of the policy. The consultation identified a potential adverse impact of the policy in that it may inadequately address the issues that might be faced by disabled victims within other equality categories – without further consultation this cannot be evidenced. There is no reference to multiple discrimination and its

effects on disability hate crime within the policy statement but it is addressed at Section 4.4 of the supporting guidance.

- 4.5 Mitigation can be identified through the above reference where prosecutors are directed to refer to other CPS hate crime policies as appropriate to ensure that all aggravating features are taken into account. Prosecutors and caseworkers need to develop greater awareness of multiple discrimination/multiple aggravation and the further impact on victims needs. Reference to multiple discrimination/aggravation should be included in the other CPS hate crime policy statements and guidance and specifically addressed within the disability hate crime policy statement itself – and further addressed through the prosecutors training.
- 4.6 There is no further evidence of any adverse impact in relation to race, religion and belief, gender/gender identity, sexual orientation and age arising from the consultation, however, this should be fully explored through a full impact assessment and wider consultation with relevant stakeholders.

RECOMMENDATIONS

- 5.1 Recommendations to mitigate multiple discrimination/multiple aggravation have been identified at 4.5 and 4.6 above and will be considered by the Disability Policy Steering Group.
- 5.2 It is recommended that a full impact assessment is undertaken to determine the full impact of the policy on all equality target areas (Race, disability, gender, gender identify, religion and belief, sexual orientation and age). This should include a full assessment of the positive and adverse impact of the policy on disabled people who occupy a number of equality target groups as well as disabled people who are victims of multiple discrimination and the applicability of multiple aggravating features in hate crime cases - This should be undertaken following one year of the policy being implemented within the CPS in consultation with internal and external stakeholders.

**Equality and Diversity Unit
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