

**Equality and Human Rights Impact Assessment (EqHRIA)**

# Summary of Results

## Policy/Practice Name:

Responding to Hate Standard Operating Procedure (SOP)

## Owning Department:

Policing Together

## Date EqHRIA Completed:

01/08/2024

## Purpose of Policy/Practice:

## The purpose of the Responding to Hate Standard Operating Procedure (SOP) is to provide structured direction on recognising, recording, and investigating hate crimes and non-crime hate incidents (NCHI). It has been developed due to the impact incidents of hate have on individuals and wider communities who have prejudice and hate directed towards them and the corrosive effect this can have on community cohesion.

The SOP aims to ensure that Police Scotland provides an accessible service to tackle hate incidents, a service which is empathetic, professional, and consistent with a collaborative approach with formalised procedures across Scotland. The direction it provides applies to all Police Scotland police officers and police authority / police staff, including the Scottish Police Authority (SPA), Special Constables and temporary or Agency Staff.

## Summary of Analysis / Decisions:

Equality Impact Assessment – A dedicated and experienced team of police officers, supported by a Hate Crime Working Group, coordinated and consolidated a large evidence base (inclusive of Hate Crime and Public Order (Scotland) Act 2021 and Lord Bracadale Independent review of Hate Crime etc) including research, learning and consultation feedback in creating a fit-for-purpose SOP which is relevant, achievable and justified. Part of the consultation included focus groups which were held with internal and external stakeholders to allow views, opinions, and concerns to be shared. Conducting this analysis has allowed the team to consider which protected characteristics this SOP will likely impact including two new characteristics namely “age” and “variations in sex characteristics”, and the addition of “stirring up hatred” against a group of persons, defined by reference to age, disability, religion, sexual orientation, transgender identity, and variations in sex characteristics. It has further allowed the team to develop the SOP with the focus on drivers of public confidence including visibility, accessibility, engagement, values, and behaviours. Where an individual or community is the subject of an incident involving hostility or prejudice (malice and ill will), the EqHRIA has found that all the protected characteristics will be impacted by this SOP.

Human Rights Impact Assessment – The team considered which rights / freedoms are likely to be protected or infringed when developing the SOP and identified impact to several articles. Hate crime and non-crime hate incidents have led to loss of life and serious harm with investigation into hate incidents leading to the deprivation of an individual’s liberty as prescribed by law. Throughout the development of the SOP, consultation identified that people felt that freedom of expression and freedom of assembly and association, may be impinged by unfair application of police assessment and the legislation. The team also looked at how the SOP may impact prohibition of discrimination.

### What the assessment found, and actions already taken.

## Equality Impact Assessment –The assessment found that the SOP likely impact in general relevance to all protected characteristic groups will be positive high. The SOP provides clarity on the response expected to hate crimes and NCHIs which should provide consistency required to be transparent with all communities. Any failure to provide a consistent, empathetic, and professional response could lead to negative impact. The following findings have informed the SOP for all communities as follows:

* Inclusion of clear direction on how to assess a hate crime or NCHI.
* Clear assessment process for NCHI.
* Inclusion of section on Freedom of Expression.
* Inclusion of community engagement section in SOP to build trust and confidence will provide clarity on what is hate and encourage reporting.
* Inclusion of perception based recording and secondary victimisation section to inform police officers and authority / police staff of the importance of ensuring reporter perception is respected.

Human Rights Impact Assessment – The SOP supports Police Scotland’s commitment to our communities, police officers and authority / police staff in relation to dealing with hate. The delivery of consistent police services directed by the SOP should enhance and protect the Right to Life and Prohibition of Torture. It will be necessary to infringe the right to liberty when following the commitments of the SOP however only in accordance with procedure prescribed by law. The SOP is committed to balancing human rights and protecting people from harm. In application of the law, the SOP in conjunction with the policy will both infringe and protect the right of Freedom of Assembly and Association and Prohibition of Discrimination by balancing these human rights with protecting people and communities from harm and discrimination. The SOP provides instruction, signposts and provides links to further tools and resources available to assist, enhancing protection of the articles.

## Summary of Mitigation Actions:

Divisional, National and Risk and Concern Departments will check and identify if a NCHI has been recorded unnecessarily and when a NCHI is not recorded appropriately, justify the reasons for this. The Policing Together EDI Unit will support this action.

To mitigate any issue surrounding gender identity and self-identification direction, we await direction from the Data Standards Council on organisational position on self-identification. At present, the SOP does not include any direction on gender identity recording other than that specific to assessing a report of hate.

### What the assessment found, and actions already taken.

The SOP will be reviewed every 3 months for the first 12 months post publication. Thereafter it will be reviewed every 6 months for next 2 years (Year 2 and 3). From Year 4 onwards, the SOP will be reviewed every 12 months. This schedule will be kept by Policing Together Divisional Commanders office and the Policing Together EDI Unit.

The practice and implementation of the SOP is part of the national governance process and will be part of regular, daily / weekly monitoring, including dip sampling for quality assurance. Responsibility for this is with the Policing Together Division, ownership of the EDI Unit.