

# Empowering people to tackle hate crime

Trans women and disabled  
people working together  
with victim services in  
North East England

Equality and Human Rights Commission  
Gay Advice Darlington and Durham  
Victim Support (North East Region)  
Vision Sense

# Empowering people to tackle hate crime

**Trans women and disabled people working together with  
victim services in North East England**

Susie Balderston and Emma Roebuck

Project delivered by Gay Advice Darlington and Durham,  
Victim Support (North East Region) and Vision Sense



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## **Acknowledgements**

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Our sincere thanks go to all the volunteers who have shared their time, experiences and ideas so generously to help improve hate crime support services for others in the future. They have asked to remain anonymous, but each one should know how much their contribution is valued.

In addition, the authors Susie Balderston of Vision Sense and Emma Roebuck of Gay Advice Darlington and Durham would like to thank the project team and supervisors who have responded quickly to the need to deliver this work and help with this report. They have all delivered above and beyond the project plan, and particular thanks are due to Karen Froggatt of Victim Support (North East Region), along with Lesley Mountain of Better Days, Helen Charnley of Durham University and Macius Kurowski of the Equality and Human Rights Commission.

We hope that the partners, services, participants and researchers whose work we have quoted are served well and accurately by their inclusion in this report.

## **A note about language used in this report**

### **Disablist hate crime**

Vision Sense is proud to be a user-led organisation of disabled people, which adopts the social model of disability and works to promote the human rights and independence of disabled people. The social model explains that we are disabled by barriers in society, lack of access and discriminatory attitudes, not by our impairments.

**As disabled people, we choose our own language and only we have the right to say which words people should use about us. We choose to use the term ‘disablist<sup>1</sup> hate crime’.**

Disablist hate crime describes abusive language, harassment, hostility, attacks, violence and abuse perpetrated on disabled people.

Widespread prejudice against people with impairments situates us as inferior, less than human and not valued by society enough to protect our fundamental human rights to safety and security that other people take for granted. This draws a parallel with racist hate crime and explains that the discrimination and harassment we experience comes absolutely from the perpetrators’ hostility and prejudice, not vulnerability because we have impairments.

Institutional disablism in mainstream criminal justice, community safety, health and support agencies ensures a lack of consistent action at every level that means these attacks are not prevented, investigated or prosecuted to the extent that is necessary to send a message that we, as a society, find attacks on disabled people unacceptable.

### **Trans women and trans men**

The Gender Trust and Press for Change both use the terms Trans Men and Trans Women, to refer to men and women who live as a gender which is not the one assigned to the person at birth.

Christine Burns, from Press for Change, states:

“Trans” is not only an expression of political consciousness on the part of a community escaping from 50 years of bullying and marginalisation. It also has vital semantic importance, removing the suffix “sexual” which has been responsible for the root of much of that discrimination.

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<sup>1</sup> Huber, J., Miller, P. (2006) Disablist Britain, DEMOS.  
<http://www.demos.co.uk/publications/disablistbritain>

‘Transsexual is a term coined by doctors. It is a particularly bad term too, because it misleads. The issue is about personal identity, not sex or an illness of some kind. Being a trans person is about struggling for identity as a result of the sex you were labelled at birth, and doing no more than to address that in ways you want people to see and understand.’

The discrimination faced by trans men and women are gender issues and public bodies have statutory responsibilities in the Gender Duties to tackle harassment and promote equality of trans men and trans women.

### **Deaf culture**

Deaf people choose to write Deaf with a capital letter ‘D’, to show that they are a minority group with their own vibrant culture and language (British Sign Language). Deaf people do not identify as disabled people, but do experience hate crime, attacks and barriers to justice because of prejudice against them.

### **Under-served or excluded groups**

The action learning set is uneasy about the persistent use of the term ‘hard to reach’ being used by statutory authorities about the people and groups we are part of. We prefer the term ‘under-served’ or excluded, which points to the lack of access, involvement, equal delivery and culturally competent services we receive.

Advocacy for victims of hate crime, delivered by people from our own communities of identity (for example, disabled, Deaf people or trans women or trans men) will increase the confidence of service users and the cultural competency of the organisation. User-led training and education about tackling and reporting hate crime is essential: for staff in urban shops, on transport networks and within organisations of disabled people.

## Executive summary

This action learning set aimed to explore how volunteers and people who experience hate crime can be empowered and work with mainstream agencies to ensure victims and potential victims play a greater role in improving responses to hate crime.

In 2008 the Equality and Human Rights Commission conducted a survey of local partnership approaches to tackling disability, homophobic, racist, religious and transphobic hate incidents throughout the North East. This survey highlighted both an apparent lack of activity to tackle disability and transphobic hate incidents, and very little specialist support or advocacy available to victims of hate incidents and hate crime within the region.

This pilot was commissioned in response to these findings and arose through joint working between Gay Advice Darlington, Victim Support, Vision Sense and the Equality and Human Rights Commission.

The particular focus of the action learning set was to work with people who experience transphobic and disablist hate crimes. These groups are currently underrepresented in mainstream policy and service hate crime responses, yet the effect of hate crime on these groups of people may be disproportionately severe and persistent.

Each partner in the action learning set had specific areas of expertise to share and particular barriers to overcome.

The pilot set functioned from February 2009 until May 2009, in order to:

- identify current good practice and prioritise areas for further work
- raise awareness of victims and witnesses about mainstream provision and services
- develop a pathway for service use to share with the North East Community Cohesion Learning Network
- identify barriers to access and cultural competency in mainstream services for disabled people and trans people who are victims or witnesses
- gather data to inform public sector equality impact assessments of their services
- benefit victims and witnesses from two communities of identity, and



- share confidence and knowledge with champions working in mainstream services.

The project took a human rights approach to promote the safety and security of disabled people and trans women. It aimed to promote good relations between groups and encourage joint working to tackle a shared problem. Learning and confidence from the set will also strengthen the voice of communities on Durham Local Criminal Justice Board (through Victim Support representation) and share knowledge between mainstream services and equality organisations in the voluntary and community sector.

This action learning set pilot has:

- mapped the victim's journey and pathway through services
- collected research and information to support our learning
- engaged with two volunteers from Witness Services and Victim Support, six trans women and four disabled people
- met four times as a set and held a three-day session for nine volunteers who work with victims, as well as trans women and disabled people who have experienced hate crime, to explore the gaps and barriers in the services
- undertaken supervision and captured our learning
- received offers from trans women and disabled volunteers who would like to volunteer with Victim Support to continue the work, and
- produced recommendations for statutory bodies.

The evidence from this project can be used to help influence policy and practice improvement, and to promote the human rights of trans people and disabled people with community safety and criminal justice system services.

### **Six key starting points for improved responses to disablist and transphobic hate crime**

The six key messages upon which work to tackle disablist and transphobic hate crime needs to be based are:

**1. Give us dignity and respect; public services are failing us**  
Bullying, disablist language and transphobic behaviour needs to be stamped out in police, community safety services, communities, schools and neighbourhoods. This unacceptable behaviour can turn into hate crime if it is not checked.

## **2. We want a strong voice**

There needs to be a 'victims against hate crime' group and awareness of hate crime issues needs to be raised through publicity, a conference and user-led training for services and volunteers. Without the involvement and empowerment of victims and potential victims, real change will not be delivered.

## **3. Extend services to tackle disablist and transphobic hate crime**

Disabled people, their peer and case advocates, Deaf people and trans people should be trained as intermediaries in court.

The reporting and prosecution of disablist crime should be improved. Police, councils, courts, housing associations and NHS trusts need to work together more closely to tackle hate crime. Voluntary sector advocates shouldn't have to spend valuable time coordinating statutory services on behalf of their service users or clients. Their efforts are more usefully directed elsewhere.

## **4. Victim Support must work to secure full access and diversity**

Victim Support has to develop a more diverse volunteer and staff base and become more culturally competent and accessible, to support all victims of hate crime.

Victim Support information needs to be in a range of formats, languages and media (such as radio advertisements for people with lower literacy levels or people who cannot access print).

Victim Support training, policies and supervision should be offered to user-led community and advocacy groups (even if it has to be paid for), so victims of hate crime can be supported in environments where people feel safe and understood. Victim Support and user-led organisation volunteers should shadow each other and work together to build stronger, linked-in and diverse services.

## **5. Victim personal statements have an important role in justice and sentencing hate crimes**

Every victim should be encouraged and supported to complete personal statements. This is valuable evidence that can help community safety and criminal justice agencies to better assess the impact of hate crime on people. The effects on a community (for example, trans women and disabled people) should also be included in community impact statements. These can provide valuable qualitative evidence of the impact of hate crime that can be used by crime and disorder reduction

partnerships to inform local annual strategic assessments of community safety. User-led groups should design guidance material about this that victims and support services can use to explain the effects to courts.

## **6. Tackle hate crime in future plans and resources**

Public bodies have duties to eliminate harassment and foster good relations. In 2010, all crime and disorder reduction partnerships in England and Wales will have to work with local people to produce hate crime action plans.

The refreshed disability and gender equality schemes that these public bodies must publish in 2009 and 2010 should include specific actions that outline how they will work towards eliminating the harassment of disabled and trans people and how this action will be resourced.

The forthcoming Equality Act will also extend good relations responsibilities across all protected grounds (in respect of age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation). Therefore public bodies should demonstrate how they are fostering good relations and taking action to tackle all types of hate crime.

Resources should be given to develop a joint approach across equality strands. Public bodies should report back to communities and volunteers from this project about what they are doing to tackle hate crime, with an emphasis on demonstrating they are dealing effectively with areas generally neglected up to now such as transphobic and disablist hate crime.

As well as making recommendations to community safety and criminal justice agencies, this report highlights the following:

- explanations of a lot of the jargon and difficult words used in the criminal justice system
- what we did to explore these issues and how we worked together to find solutions to the problems we face
- the lessons that we learned through the action learning set, and
- what we want to do to continue to tackle hate crime in our area.

We hope that this report can also enable other people, in different parts of Britain, to explore ways of empowering people to improve responses to hate crime.

It is not intended to be a blueprint to be followed line by line by others, but instead provides a source of ideas and inspiration. We hope that this can act as a starting point for people who have been victims of hate crime, as well as the voluntary and statutory agencies that work to support them, to give them the confidence to explore similar issues they face and empower the real experts on hate crime to find solutions to this problem in their area.

# 1. Background

## What is hate crime?

Everyone has a human right to live in safety with freedom from fear and harassment. However, some groups of people are disproportionately unable to enjoy this basic human right, due to hostility and discrimination.

The Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS) have agreed on the following definition of a hate incident:

Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on the following:

- a person's race, or perceived race
- a person's religion, or perceived religion
- a person's sexual orientation, or perceived sexual orientation
- a person's disability, or perceived disability
- against a person who is transgender, or perceived to be transgender

ACPO and CPS have agreed on the following definition of a hate crime:

Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on the following:

- a person's race, or perceived race
- a person's religion, or perceived religion
- a person's sexual orientation, or perceived sexual orientation
- a person's disability, or perceived disability
- against a person who is transgender, or perceived to be transgender

The Stephen Lawrence Inquiry<sup>2</sup> uncovered institutional racism in the handling of the murder of Stephen Lawrence and brought wider recognition in England and Wales to 'aggravated' offences (created in the Crime and Disorder Act 1998). These crimes are committed on the grounds of a person's or group's ethnicity or race. This report was

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<sup>2</sup> Macpherson, W. 1999. *The Report of the Stephen Lawrence Inquiry*

central to the move towards investigating alleged hate crime with the perception of the victim or witnesses as the starting point.

In 2001, legislative amendments extended protection against targeted hostility to religious groups. Then, in 2003, Section 146 of the Criminal Justice Act allowed courts to increase sentences related to hostility shown towards disability or sexual orientation.

Public bodies have race, gender and disability equality duties to promote equality and eliminate harassment. The Equality Bill will extend the duties to promote good relations between groups and eliminate harassment across all protected groups.. The tackling of hate crime is an important part of fulfilling these duties for all public bodies, not only those working in the criminal justice system.

### **What is the impact of hate crime?**

The construction of hate crime in society is important. Jenness and Grattet<sup>3</sup> stated that:

‘Hate crimes have two kinds of victims: individuals and communities ... Hate crime policies are ... designed to transmit the symbolic message to society that criminal acts based on hatred will not be tolerated.’

However, the individual impact on victims of hate crime can be disproportionate because of the targeted nature of crime, as Kate Higgins explains:

‘As a result of being a victim of hate crime, people reported feeling scared, humiliated, stressed, isolated and lacking in self-confidence: almost all in equal measure. Nearly half of victims avoided going to some places, others changed their usual routines and a quarter moved house, with 7% actually changing their job.’<sup>4</sup>

### **What is the impact of hate crime on trans men and trans women?**

Angela Clayton’s 2006 presentation<sup>5</sup> cites Press for Change reports that 48% of trans people have been victims of assault, 78% have been verbally abused by strangers and 43% report themselves as a victim of

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<sup>3</sup> Jenness, V. and Grattet, R. 2001. Making Hate a Crime. In *American Sociological Association*. 2nd Ed. New York: Russell Sage Foundation, p3

<sup>4</sup> Higgins, K. 2006. Some Victims Less Equal Than Others. In *SCOLAG Journal*. August 2006, pp162–3

<sup>5</sup> Clayton, A. 2006. *PCS – Trans People in the Workplace*

crime motivated because they are trans. Respondents to a Press for Change survey<sup>6</sup> were asked, 'How confident are you that you would be treated appropriately by members of the police service as your preferred/acquired gender?', and 33.5% replied that they were not confident. Of those who had interactions with the police, 18.5% (68/367) felt they were not treated appropriately. Their individual responses covered a wide range of issues, from inappropriate remarks to inappropriate arrest:

'They don't listen to me explaining over and over again my gender status; they just kept calling me what it says in my passport.'  
(Survey respondent)

'I was attacked in front of a police officer, who simply shrugged when she witnessed the assault (as if to say, "You brought it on yourself, the way you look"); then she turned around and walked off.'  
(Survey respondent)

The comparative research of Herek et al. (1999)<sup>7</sup> found that lesbians and gay men who had been victims of hate crime, on average had significantly higher measures of depression, trauma, stress and anger than lesbians and gay men who had experienced parallel crimes that were not targeted or motivated by hostility.

Victim Support's policy<sup>8</sup> states that:

As the experience of discrimination means LGBT [lesbian, gay, bisexual and trans] people are less likely to report crime or request our services, we have a responsibility to reach out to LGBT communities to encourage take-up of services and demonstrate with positive action our ability to meet their needs.

### **What is the impact of hate crime on disabled people?**

Research in Scotland<sup>9</sup> found that almost half of disabled people who took part in the survey had experienced verbal abuse, intimidation and or physical attacks because of their disability. These attacks had a major impact on the victims' lives: around a third had to avoid specific places

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<sup>6</sup> <http://www.pfc.org.uk/files/EngenderedPenalties.pdf> [Accessed 8 January 2010]

<sup>7</sup> Herek et al. 1999. Quoted in Iganski, P. 2008. *Hate Crime and the City*. Bristol: Policy Press

<sup>8</sup> Victim Support. 2006. Guidance on developing services for LGBT victims of crime

<sup>9</sup> DRC and Capability Scotland. 2004. *Hate Crime against Disabled People in Scotland*

and change their routine, and one in four had moved home as a result. Only 40% of the respondents had told the police about the attacks, which were 'part of their everyday lives' (p13); over one-fifth of attacks took place on public transport.

Research in 2000 concluded: 'Promoting good relations work between the communities that we serve can ensure that barriers are reduced in communities which do not prioritise independent living or equal access of disabled people from their communities, whilst reducing hate crime and promoting positive images across communities.'<sup>10</sup>

However, people experience hate crime because of multiple oppression. Mind's survey<sup>11</sup> found that 62% of 304 respondents reported verbal harassment and taunting about their mental health. Several respondents were also targeted, 'not just because of their mental health, but also for racist or homophobic abuse, or because they were transgender'.

The murders of Brent Martin (who was kicked to death for a £5 bet) in Sunderland and Christine Lakinski (who was urinated on as she lay dying) in Hartlepool increased awareness of hate crime against disabled people in the North East.

Vision Sense, one of the partners in this action learning set, conducted user-led research into hate crime and found that for every one crime reported, approximately 20 more went unreported; this is reminiscent of the exposure of race hate crime in the Stephen Lawrence inquiry.

### **Why was this project needed?**

In 2008 the Equality and Human Rights Commission conducted a survey of police forces, local authorities and crime and disorder reduction partnerships to examine what they were doing to tackle disability, homophobic, racist, religious and transphobic hate incidents throughout the North East. A report entitled *Tackling Hate Together* was produced that outlines the findings and makes recommendations to strengthen local partnership responses to hate crime.

Two of the key findings of the survey were an apparent lack of activity to tackle disability and transphobic hate incidents, and very little specialist

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<sup>10</sup> Pain, R. University of Northumbria. 2000. Place, Social Relations and the Fear of Crime: a review. In *Progress in Human Geography*, Vol. 24, No. 3, pp365–87.

<sup>11</sup> Mind. 2007. *Another Assault*, London, p7



support or advocacy available to victims of hate incidents and hate crime within the region.

This pilot was commissioned in response to these findings and arose through joint working between Gay Advice Darlington, Victim Support, Vision Sense and the Equality and Human Rights Commission.

To build on the work undertaken to produce *Tackling Hate Together*, the Equality and Human Rights Commission have established and facilitated a regional cross-sector group as a distinct group within North East Community Cohesion Learning Network. The aim of this group is to work regionally to support local improvements in the way that hate crime is tackled.

This project was designed to provide learning and recommendations that could be disseminated through the regional hate incident group to influence and encourage other work to empower victims of hate crime to improve local responses to hate crime in the North East.

### **Why action learning?**

A pilot project was needed to test ways of working and delivering real action quickly, due to the immediate and pressing barriers being faced by disabled and trans men and women in accessing justice and support services the region. The North East is currently behind some other areas in providing safe places to report disability hate crime and in securing statutory responses.

Action learning set was the chosen method as it allows experienced participants the chance to share learning where they have interests, strengths and weaknesses. It supports innovation in dealing with cultural change (particularly suited to building diversity) and builds strong relationships outside the work environment (which can develop social capital). Action learning also offers a proven method for people to deliver real change in a short period of time, with the learning captured for future use. It is not easy to do action learning successfully. However, Vision Sense had used action learning sets previously in health, learning and regeneration. All of the members of this set were equals and had the grant of authority to change things in their own organisation.

Though this method is still fairly innovative for working between criminal justice and support agencies, action learning lends itself well to equal partners working inter-professionally and in flexible ways. In addition, the

trust, sensitivity and support required to work closely with victims of hate crimes from communities of identity lends itself to carefully negotiated action learning sets. This set was not externally facilitated. This is not always recommended for groups new to action learning, but this set had a strong commitment to reflective practice, outcome focus, systematised provision of competent supervision, highly motivated participants and experience in the required areas to attempt this way of working.

This action and learning set centred work around the following questions, adapted from Lewin:<sup>12</sup>

- What is the seamless pathway of support and services that victims of hate incidents expect from us?  
(Reflection: what is the question we need to answer?)
- What are the gaps, barriers and attitudes faced by disabled people and trans women in access and outcomes in that pathway?  
(Active listening: reframing experiences)
- What do victim services and user-led organisations need to do to be accessible and culturally competent to work with dignity and respect for disabled people and trans women who are victims of hate crime?  
(Learning: sharing practical wisdom)
- How can these services engage disabled people and trans women who are victims of hate crime as advocates, volunteers and supporters to play a greater role in the future?  
(Learning: becoming diverse, accessible and culturally competent)
- What implications are there for policy changes and other criminal justice system responses from the action and learning set?  
(Action: moving forward with alternatives and sharing the learning)

The set places members in unfamiliar settings, in a safe way, to change thinking and challenge assumptions. Set members do not solve problems for each other, but support each other to find the answers for themselves.

This is 'Transformative Learning'<sup>13</sup>, where individuals and organisations can reshape their underlying assumptions. This improves performance and brings new, useful lessons into action.

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<sup>12</sup> Developed from Lewin's Force Field Analysis – Driving and Restraining Forces in Weisbord. 1987. Productive Workplaces, p77–9

<sup>13</sup> Dilworth, R. 1998. Action Learning in a Nutshell. In *Performance Improvement Quarterly*. Vol 11, no 1, pp28–43.

## **2. The project at work from start to finish**

The action and learning set held three initial informal scoping, funding and project meetings. After this project planning, the set began work in February 2009. Each partner hosted at least one of the sessions.

### **Tackling hate crime: action learning set learning session one**

#### **When?**

18 February 2009

#### **Where?**

The Gay Centre, Darlington

#### **Why?**

- to set ground rules for the action learning set
- to make sure the project is safe and confidential, and
- to talk about what we are doing and how we would each like to work.

Better Days took the lead in setting ground rules. Better Days is an advocacy group with expertise in teaching about treating people with learning disabilities with dignity and respect.

The ground rules agreed together for the project were:

- Speak one at a time and listen to others.
- Turn off your mobile phone.
- Tell us your access requirements.
- Keep things private outside the group.
- Don't use real names of people who have been attacked.
- No alcohol or smoking.
- Use easy words.
- Ask if you don't understand something.
- You can go to a quiet space if you need to.
- Tell someone if you need to talk about something.
- Come on time to meetings.
- Say what we need.

The facilitators of the action learning set (Emma, Karen and Susie) promised to:

- Make a list of hard words and what they mean.
- Ask people if they want to see what is written first.
- Check first if they want to record something.

- Give feedback on what has happened from your work.
- Not give your personal details to anyone else.
- Emma will support anyone who needs help.

At the first session it was decided that Karen and Emma would develop a pathway of services that people should expect.

Better Days made information about the Witness Service and Victim Support accessible in easy read format with pictures.

## **Tackling hate crime: action learning set learning session two**

### **When?**

11 March 2009

### **Where?**

Pioneering Care Centre, Newton Aycliffe

### **Why?**

- to introduce the project to the people we work with
- to learn what should happen when a victim reports a crime or seeks support
- to hear about people's real experiences of trying to access services and the criminal justice system, and
- to share information about what support is available.

'Those involved showed great strength and fortitude and were open enough to dig deep to the core of the issues and bring to the fore what needs to be done.' (Action learning set member)

Fourteen people attended the action learning day, including three disabled volunteers, volunteers from the Witness Service and Victim Support and five volunteers (including four trans women) from Gay Advice Durham and Darlington.

The volunteers told the group that the effects of hate crime and hate incidents on disabled people and trans women are disproportionate and more enduring than the effects of crime that is not targeted. The particular nature of this is worse for a person who is targeted because of who they are or how they look.

One woman said, 'Hate crime destroys self-respect.' This has a very negative and isolating impact on people and, without timely advocacy and support services, can substantially affect people's social life, work life and aspirations.

‘In their eagerness to catch a criminal the police skip over the worse effect of hate crime on the victim.’ (Action learning set member)

The group talked eloquently about how the reporting of the crime is handled from the outset has an important effect on a person’s ability to continue their life without fear.

Most victims who came to the day did not report hate crimes they experienced to the police. They thought they would not be seen as credible witnesses, either because of their impairment or trans status, or would not be believed by the police. Once a victim had a bad experience with the police, Crown Prosecution Service (CPS) or court service, so they said they would be highly unlikely to report a crime in the future, or encourage others to do so. One trans woman had her complaint upheld, having been told by the police control room not to ring so many times about harassment. Volunteers said they were rarely given a crime reference number. Another trans woman did have her case taken to court, but at the last moment it was downgraded to a Section 5 offence, leaving her without a sense of justice.

Not being believed by police, experiencing further transphobic attitudes from services and a lack of special measures to protect the victim in court regularly deepen the impact of the crime itself. One trans woman was pursued by a youth on a bike, who harassed her, asking if she was a man or a woman and threatening to cut her. Another experienced regular vandalism at home; she said the police were helpful but didn’t collect evidence at the scene and didn’t prosecute. One trans woman was told by a Victim Support volunteer to ‘get on with things’.

A trans woman who had been stopped and searched by police on spurious grounds felt this was an example of transphobia in the force where she lived. After this incident she was reluctant to report to the police verbal harassment and physical violence against her. Most victims thought the police description of ‘low-level’ public order offences (for example, persistent verbal harassment) to be offensive and demeaning compared to their lived experiences. Some victims had been told that it was not ‘in the public interest to prosecute their cases’, but the CPS took no account of the depression, attempted suicide and repeat victimisation that followed.

‘There isn’t a day goes by when I don’t think of the offence and what has happened.’ (Action learning set member)

Having an independent support service like Gay Advice Darlington and Durham available to support the witness or victim when the statement is taken by the police was important to the volunteers.

Being able to look around a court in advance was also important to victims being able to go through with giving evidence.

One victim, whose case saw a successful prosecution of the offender, said they were traumatised when the offender was due to be released some years later and was pleased to learn that they could contact Victim Support at any time, not just when they initially reported the crime.

One volunteer said that not all Victim Support offices are accessible to disabled people. When someone is distressed and in need of support, they are unable to ask for detailed access information in a coherent way. They did not know that Victim Support offer home visits or can book accessible meeting rooms.

One woman had CCTV installed, but was told there was insufficient evidence to prosecute the alleged perpetrator. He was never arrested or moved and continued to live nearby for years. This affected how often the woman could go out.

Disabled volunteers said their trust in people and services was often betrayed.

Harassment for both groups of volunteers, including disablist or transphobic language, is a regular (even daily) occurrence.

The cumulative effect of seemingly insignificant incidents can have a big effect, including lack of confidence and feeling unsafe in a person's own home. Disabled people and trans women all said that everyday tasks, such as catching a bus, can be traumatic. Disabled people have fought hard to live independently in their own flats or houses and are worried that they would lose their independence if they report incidents. When disabled people experience bullying and harassment from their own families, they do not know where to get help. Statutory services, such as police or social services, may be used against the disabled person by the perpetrator.

'Often, the police will know the name of the perpetrator in a case, but not know the name of the victim. That sends a powerful message that they don't care or understand the impact on the

victim or the dignity they need in the process.’ (Action learning set member)

## **Tackling hate crime: action learning set learning session three**

### **When?**

15 May 2009

### **Where?**

Vision Sense, TEDCO, Jarrow

### **Why?**

- to think about what we have achieved
- to make recommendations for organisations tackling hate crime
- to think about what people might want to do in the future
- for funders to meet the group and hear their recommendations, and
- to thank everyone for their hard work.

The group felt that the main barriers faced by victims of hate crime are:

- Most police officers don't understand the worst effects of hate crime on a victim.
- Victims of hate crime must be believed by the police and taken seriously as credible witnesses (especially true for trans women and disabled people).
- The police investigating the crime need to know the victim's name, not just the perpetrator's name.
- Community safety teams should understand that hate crime is not just racism.
- So-called 'low-level' incidents are regular persistent crimes that grind a person down. The police need to take repeat incidents more seriously after two or three reports in a specific area and be prepared to deal with problems before they escalate.
- CPS must understand that hate crime can't be tolerated and that it is always in the public interest to prosecute, so that as a society we don't tolerate hate crime. Their policy states this but it doesn't always happen.
- Victims often don't understand that what they experience is hate crime. Police need to record disablist or transphobic language used in attacks and investigate it as hate crime.
- We need to look around the courts before a case. It will help us be more confident and more likely to give evidence.

‘Harassment is part of our everyday lives, because of who we are and what we look like. The name-calling, spitting and isolation

grinds you down and spirals into physical attacks. That's why hate crime has a worse effect on you, because you know it can, and probably will, happen again and again.' (Action learning set member)



### **3. The questions asked to reflect on the action learning set**

The action learning set met the day after the learning day to evaluate the event, reflect on proceedings and capture our learning in a supportive environment. One volunteer joined the group at this stage. The set reflected on the following questions:

#### **Event evaluation**

- What worked well?
- What could have been improved? What would you do differently next time?
- What learning can be shared with whom?

#### **Event reflection**

- What did I find most interesting?
- What did I find least interesting?
- When was I most affirmed?
- What did I not understand?
- What was the single most important thing I learned today? Why?
- How will I use it in the future?

#### **Problem and process reflections**

- What does our policy say should happen?
- What should be happening?
- What is happening?
- What will be unfamiliar to our colleagues about supporting victims of transphobic or disablist hate crime?
- What is stopping our organisation from doing it?
- Why do I think that is?
- What can I do about that?
- What do we still need to learn to improve our organisation's performance?
- What supports change in our organisation?
- What prevents change in our organisation?
- Where is the trust, fear and authority that can make this happen?
- What do we need as individuals and teams to remove obstacles (for example, mental models, skills or resources)?
- Why do others think things are the way they are in my organisation?
- What can we do together about that?
- What have we learned from the day that can help us change that?

- What information do we have already to support this (from research, existing practice, etc)?
- What support can we give each other?

## 4. What action learning members thought

It is not appropriate for the action learning set partners to include their personal reflection and learning in this report, but the use of reflective practice was important and the material will be used to develop and improve services and practice in the future.

### **The best bits (from the volunteers and workers)**

‘Being part of this group has made me more determined to help other people and do more.’ (Action learning set member)

- Given me reassurance that I’m not on my own.
- Made me feel safe.
- Raised my awareness of what hate crime is.
- Shown me how to be effective in getting messages across.
- Given me new respect for other people; I’ve never worked with trans women before.
- People can make choice and decisions.
- We’ve come together as one.
- Promoted our groups and services.
- Talked about the issues.
- Knowing about the help and support you can get.
- Learning about other experiences.
- It’s a little family; so comfortable.
- I’m telling people all the time about it.
- Realising the problems victims have before they get to Witness Service.
- I always feel honoured when people share their experiences and I know how much it takes.
- I’m more determined to make Victim Support more accessible to every group in the community.
- Passion and determination can make this happen.
- There is life after hate crime.
- Feeling positive that things can change.
- Listening to each other.
- Similar experiences and barriers.
- Understand how people are feeling.

### **What has the project achieved?**

- Understanding of criminal justice system.

- Sharing our stories and gaining empathy first hand.
- People who have been through it being ambassadors and volunteers to help others.
- Acknowledged that multi-agency working has to happen.
- Working together to support each other.
- Getting more people involved.

### **What do we want to do now?**

- Meet again and carry on.
- Bring more people together: people who experience homophobic hate crime and racist hate crime.
- Joint training planned between Victim Support, Gay Advice Darlington and Durham, and Vision Sense.
- Share the learning from the project and barriers people face at diversity forums, networks and other agencies to improve services in the future.

‘The project highlighted for me the lack of knowledge by so many of those involved around the whole issue of LGBT and disabled issues and specifically the impact of hate-related crimes and incidents. The fact that the Criminal Justice System was still a “daunting scary monster” to many groups and victims was depressing. There is still a gap between people’s experiences and what policies say should happen on paper.’ (Action learning set member)

### **What would we recommend for people doing future projects?**

- More one-to-one interviews with specific users to get more detail.
- More group sessions for better exploration of the questions that arose in the project.
- Partners should continue to work together for longer and visit each others’ organisations at work: the project was too short.
- Effective communication is the key.
- Partners need to have passion, commitment and real dedication to tackle hate crime.
- A large group needs more time. If resources are restrained and you haven’t worked in this way before, you will need an independent facilitator and a small group.
- Issues need greater in-depth examination.
- Find out if lesbian, gay, bisexual, race and faith hate crime victims reflect what we found in this work.

- Work across communities breaks down our pigeonholes and barriers, promotes good relations and builds cohesion.

### **Why would we recommend others do more projects like this?**

- Projects like this build good relations between groups.
- There is an economic and social benefit to tackling hate crime. People will be more likely to go out, volunteer, train and work if they aren't living in fear or being harassed.
- People need to feel confident to tell their stories. A supportive group of friends and other people with the same experiences helps.
- Channels need to be opened up to talk to the police about how they deal with crime, but in our safe spaces, not theirs.

'There is a double impact on the community when the CPS say they will not prosecute a transphobic hate crime as the person and the community lose faith and trust in justice.' (Action learning set member)

'Working together across commonalities can bring diverse and isolated groups together in a positive and productive way.' (Action learning set member)

## 5. Recommendations

Our recommendations have been compiled and prioritised by the volunteers and workers in the action learning set pilot.

### **1. Give us dignity and respect; public services are failing us**

Police and support services need to treat people well and not continue in ignorance and using stereotypes. Officers, or people in control rooms who take calls from victims, who show disablist or transphobic behaviour or language, or who don't recognise hate crime, should be trained (on a rolling programme to include new staff) or disciplined. There is no place for these attitudes in public services.

Schools, youth clubs and people in neighbourhood communities all need to tackle bullying, harassment and prejudice. These are unacceptable and, if left unchecked, turn into hate crime.

The way that domestic violence is tackled in partnership is improving and a partnership working also needs to be applied to tackling hate crime.

### **2. We want a strong voice**

Without the involvement and empowerment of victims and potential victims, real change will not be delivered.

Find the resources for the volunteers to form and run a 'victims against hate crime' group. We want to work with people who, like us, experience hate crimes (and on the grounds of racism and homophobia too). We want to work together to run a campaign to raise awareness of disablist and transphobic hate crime issues and services, so that people know that hate crimes are taken seriously. We want to put posters into GPs' waiting rooms, have stalls about hate crime at community events, invite speakers and review public services.

One volunteer wants to go on *This Morning* to talk about her experience of disablist hate crime.

The volunteers want to organise a hate crime conference, and invite the police, support services, councils, housing departments and other partners to learn about their experiences and improve services.

Victims should deliver awareness sessions to criminal justice agencies (including court officials and the police), Victim Support (especially its

regional diversity development group) and the voluntary sector. This is so that people know how to access support and hear first-hand experiences. Victims need training, support, safety and respect to do this.

People from lesbian, gay, bisexual and transgender communities should be involved in the choice and recruitment of lesbian, gay, bisexual and transgender liaison officers within the police and other criminal justice and community safety agencies.

### **3. Extend services to tackle disability / transphobic hate crime**

Disabled people, their peer and case advocates, Deaf people and trans women should be trained as intermediaries in court.

Disablist hate crime should be reported and prosecuted as such. It isn't a 'safeguarding' or 'protection of vulnerable adults' issue.

Financial abuse and ongoing assaults of disabled people by personal assistants or family can be motivated by hostility and should be prosecuted as aggravated.

Police, councils, courts, housing associations and NHS trusts need to work together more closely to tackle hate crime. Voluntary sector advocates shouldn't have to spend valuable time coordinating statutory services on behalf of their service users or clients.

Schools, colleges, supermarkets and the NHS could do more to prevent and tackle hate crime where it happens. People might go to hospital or their GP with injuries or depression and staff could collect numbers or encourage people to report hate crime. Victim Support and community police officers should build links and do roadshow awareness raising in shops and GPs' surgeries. Mobile police units (where people could find out information about hate crime, report crime and learn how to stay safe) could be staffed on regular days by lesbian, gay, bisexual and transgender staff. Information could be sent out through community networks to prevent stigma and harassment of people visiting the unit.

Community mental health services, crisis assessment teams and children's mental health services need training about hate crimes to be able to support victims who have not had access to justice. We might internalise the problems if other services fail us and need mental health services for support.

When families abuse disabled people, the authorities should listen to the person in a private space without the family present and take the disabled person seriously.

Durham Sensitive Case Courts is an excellent initiative. These courts should include disability and transphobic hate crime in their remit to support victims and witnesses throughout the court process. The system should also be extended to other areas in the North East to support victims and witnesses in Northumbria and Cleveland.

#### **4. Victim Support must work to secure full access and diversity**

Victim Support has to become more diverse and culturally competent and accessible to support victims of hate crime. It needs to attract disabled people and trans women to work and volunteer for it and help it develop its volunteer strategy for the North East. It should advertise that it can make home visits or book accessible meeting rooms to support victims.

Victim Support leaflets, especially those delivered by the police after a crime, should be available in easy read format with pictures, Braille, large print, audio and different languages. Police officers should have a stock of each available to give to victims. Victims need to know they can contact Victim Support themselves and ask for help. Radio advertisements would be useful to reach people who don't have high literacy levels.

Support services (like Victim Support) need to understand that we want to go to people like us, in our own advocacy, advice or community groups for support, where we feel safe and understood. Training about supporting victims of hate crime should be open and offered to underrepresented groups, so that we can become volunteers (even if we have to pay for it).

Services must reflect the community they serve and be accessible and culturally competent. Where Victim Support does not deliver culturally accessible services, it should work jointly with user-led organisations to deliver advocacy and information to other people from their community of identity.

Victim Support could support these groups by sharing policies, training and supervision arrangements.



Victim Support and user-led organisation volunteers could shadow each other and work together to build stronger, linked-in and diverse services.

## **5. Victim personal statements have an important role in justice and sentencing hate crimes**

Every victim, and/or their bereaved family or friends, should be given the chance to make a victim personal statement where a charge is brought, or where there is bereavement by murder or death on the road. The victim personal statement should be taken by completing the MG11 form, available from criminal justice agencies such as the police.

This helps their views to be taken into account, say how the crime has affected them and allows them to receive information about the case or have support from Victim Support or other groups. The victim can update the statement later on or change it at any time until the perpetrator is sentenced. Courts take the statement into account when they are sentencing.

The Probation Service has a duty to consult victims about licence conditions that may protect them when the time comes for release of violent offenders who were sentenced to 12 months or more, or have a hospital order.

The victim personal statement can include concerns about giving evidence and can explain effects of victimisation due to crimes perpetrated against them because of their race, gender, sexual orientation, faith, background or disability. Support services should support every victim of a hate crime to complete one on an MG11 form.

Only one victim involved in this project had been given the chance to make a victim personal statement. All the volunteers thought they were an excellent tool. The group said that people should always be encouraged to complete one.

The particular effects of hate crime on a community of identity (for example trans women and disabled people) should be included in a victim personal statement. User-led groups should design standard material about this that victims and support services can use to explain the effects.

Community impact statements should not just be geographical, but should also relate to underserved communities of identity. Crime and disorder reduction partnerships (CDRPs) should support statutory

agencies to work with local people to produce these statements about disablist and transphobic hate crimes. These should always be distributed to all courts and considered as evidence in local community safety annual strategic assessments.

## **6. Tackle hate crime in future plans and resources**

To do all these things, user-led groups need resources (including further funding) to continue the project and develop it in other areas. The pilot has been successful and we would like to continue.

In 2010, all crime and disorder reduction partnerships in England and Wales will have to work with local people to produce actions plans that outline how hate crime will be tackled and how victims of hate crime will be supported.

All public bodies who are members of CDRPs have to demonstrate to local people how they are meeting their disability and gender equality duties to eliminate harassment of disabled people and trans people. The refreshed disability and gender equality schemes that these public bodies must publish in 2009 and 2010 should include specific actions that outline how this will be achieved and how this action will be resourced.

The forthcoming Equality Act will extend good relations and elimination of harassment responsibilities across all protected grounds (in respect of age, disability, gender, gender reassignment, race, religion or belief, and sexual orientation). Therefore public bodies will have to demonstrate how they are taking action to tackle all types of hate crime in order to foster good relations.

The inspectorates that work with community safety and criminal justice system agencies should monitor what these organisations are doing to ensure that disabled people and trans people are safe.

We would like the Community Cohesion Learning Network (through the Government Office for the North East) to send this report to all its members and ask them how they are going to improve services for people who experience transphobic or disablist hate crime. We would like these services to talk about it and feedback to our volunteers in six months' time about what they are doing to tackle it.

## 6. Now it's over to you

'The things I heard today made me want to work harder with the effect of hate crime on victims at the front of my mind. I will do everything I can to create a change in the system.'  
(Action learning set member)

The involvement of a small group of disabled people and trans women who have experienced targeted hate crime and hate incidents has provided the action learning set with real experiences to illuminate the gaps, barriers, actual and perceived performance, and recommendations for the current system.

Working in a supportive action learning set, with equal colleagues who have different perspectives and knowledge that is shared readily, is an important, productive and rewarding experience.

Despite a limited time of only four months and a limited budget for activity, this innovative pilot has helped us all learn; has generated clear action recommendations and has opened the way for work for real change. Now that a cohesive group of volunteers has been formed in our area, we intend to explore every way we can of continuing the project. We would encourage community safety partners and criminal justice agencies to work together in similar ways in other areas.

We hope that the recommendations and learning in this report can enable other people, in different parts of Britain, to explore ways of empowering people to improve responses to hate crime.

The report is not intended to be a blueprint to be followed line by line by others, but instead we hope it provides a source of ideas and inspiration. We hope that this can act as a starting point for people who have been victims of hate crime, as well as the voluntary and statutory agencies that work to support them, to give them the confidence to explore similar issues they face and empower the real experts on hate crime to find solutions to this problem in their area.

## Appendix 1: Who put this project together?

### **The project funder: the Equality and Human Rights Commission**

The Equality and Human Rights Commission was established on 1 October 2007. It aims to champion equality and human rights for all, to work to eliminate discrimination, reduce inequality, protect human rights, build good relations and ensure that everyone has a fair chance to participate in society. The Commission brings together the work of the three previous equality commissions: the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission. The remit of the Commission includes: race, disability, gender, age, sexual orientation, religion or belief, and human rights. Working across Britain, the Commission has national offices in Manchester, London, Cardiff, Glasgow and Edinburgh, as well as offices in the nine English regions and one in North Wales.

The North East regional office's address is: Equality and Human Rights Commission, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4WH.

*Tackling Hate Together* is a report that was produced by the North East team. This provides an overview of local partnership responses to hate crime in the North East of England and makes recommendations to improve these. This report is available from:  
[http://www.equalityhumanrights.com/uploaded\\_files/tacklinghatetogether.pdf](http://www.equalityhumanrights.com/uploaded_files/tacklinghatetogether.pdf)

Since November 2008, the North East team has facilitated a cross-sector regional hate incident group with the aim of supporting improvements in the way local partnerships tackle hate crime in the region. This group is one of five groups that form the North East Community Cohesion Learning Network that is coordinated by the Government Office for the North East.

The hate incident group in the North East has representation from:

- Equality and Human Rights Commission
- Government Office for the North East
- crime and disorder reduction partnerships or local authority officers with responsibility for community safety or hate incidents/crime
- representatives of the region's police forces with responsibility for hate incidents/crime
- representatives from police independent advisory groups

- representatives of third sector organisations that work with service users or communities affected by hate incidents/crime (including Gay Advice Darlington and Durham, Victim Support and Vision Sense)
- Northern Rock Foundation
- UK Border Agency
- Crown Prosecution Service – regional group, and
- representative from the National Offender Management Service and the Prison Service

**Action learning set facilitator: Gay Advice Darlington and Durham**

Gay Advice Darlington and Durham is committed to investing in gay people. The organisation works closely with all local organisations relevant to produce the finest quality service possible for the lesbian, gay, bisexual and transgender people of County Durham. Its members are committed to improving and promoting knowledge, awareness of the issues surrounding lesbians, gay people, bisexual people and transgender people in Darlington and County Durham.

Gay Advice Darlington and Durham's charitable objectives are:

- to relieve the mental and emotional crises suffered by persons who are homosexual, bisexual or in doubt about their sexuality; or by those who may be involved with such persons; who are living, working or socialising within the area of County Durham and Darlington, and
- to advance the education of the general public, and inform and increase the skills of statutory and other agencies and learned professions in assisting and dealing with such people.

Gay Advice Darlington and Durham supports lesbians, gay people, bisexual people and transgender people who live, work or socialise in County Durham and Darlington, including their families.

Action learning set contact: Emma Roebuck, criminal justice worker, Gay Advice Darlington and Durham, 9 Duke Street, Darlington, DL3 7RX. Email: [cjw@gayadvisedarlington.co.uk](mailto:cjw@gayadvisedarlington.co.uk)

**Action learning set facilitator: Victim Support (North East Region)**

Victim Support is the national charity for crime victims, witnesses, and their families and friends. It offers a range of services, whether or not a crime has been reported. These are delivered locally by personnel who are trained to help people cope with the effects of crime. As an independent voluntary organisation, Victim Support works alongside

the criminal justice system, the government, and other organisations nationally and in local communities to promote the rights of victims and witnesses.

Victim Support provides information, practical help, advocacy and emotional support to people who have experienced a crime, and to their families and friends, as well as for witnesses.

Action learning set contact: Karen Froggatt, regional manager, north-east Victim Support regional office, 71 Cockton Hill Road, Bishop Auckland, DL14 6HS. Email: karen.froggatt@victimsupport.org.uk

**Action learning set facilitator: Vision Sense**

Vision Sense is a user-led, social enterprise of disabled people, based in Jarrow. It delivers training, audit, involvement, research and evaluation in education, health, social care, housing, criminal justice and the community. It is currently mentoring the action and learning site Sunderland for the Department of Health. Vision Sense is an open college network centre.

Action learning set contact: Susie Balderston, policy and training director, Vision Sense, TEDCO Business Centre, Viking Industrial Park, Jarrow, South Tyneside, NE32 3DT. Email: susie@visionsense.co.uk

## **Appendix 2: Useful information**

### **Disablist hate crime**

The Equality and Human Rights Commission has published research on the safety and security of disabled people. This research is available from:

[http://www.equalityhumanrights.com/uploaded\\_files/research/disabled\\_people\\_s\\_experiences\\_of\\_targeted\\_violence\\_and\\_hostility.pdf](http://www.equalityhumanrights.com/uploaded_files/research/disabled_people_s_experiences_of_targeted_violence_and_hostility.pdf)

The findings of two research projects, delivered by organisations of disabled people and funded by the Equality and Human Rights Commission on disablist hate crime, are available from:

<http://www.visionsense.co.uk/cgi-bin/vs/download.pl?cid=33359598>

[http://www.breakthrough-](http://www.breakthrough-uk.com/documents/HateCrimeandDisabledPeoplens.pdf)

[uk.com/documents/HateCrimeandDisabledPeoplens.pdf](http://www.breakthrough-uk.com/documents/HateCrimeandDisabledPeoplens.pdf)

Better Days has produced a training pack for people with learning disabilities about reporting hate crime. You can download it from: [www.valuingpeople.gov.uk/dynamic/filedownload.jsp?action=dFile&key=1962](http://www.valuingpeople.gov.uk/dynamic/filedownload.jsp?action=dFile&key=1962)

Better Days also delivers training and can come to your group to help you tackle bullying and hate crime against disabled people. Visit the website at: <http://www.better-days.org.uk/>

Inspired Services is producing a legal dictionary in easy read format for the Legal Services Commission, which should be available later in 2009. You can contact the company on 01638 561753 or visit the website at: <http://www.inspiredservices.org.uk>

### **Transphobic hate crime**

Gay Advice Darlington and Durham's criminal justice worker Emma Roebuck supports people who experience homophobic and transphobic hate crime, and offers training mainstream services. For advice and support, you can contact GADD on 01325 355551 or visit the website: <http://www.gayadvisedarlington.co.uk/>

## Appendix 3: Jargon we used

The volunteers asked us to make a list of hard words that were used during the project. We hope this is useful to other people negotiating the Criminal Justice System. Thanks to Emma from Gay Advice Darlington and Durham for doing all the hard work to put this together.

### **Absolute discharge**

The court takes no further action against an offender, but the offender's discharge will appear on his or her criminal record.

### **Accused**

The person charged. The person who has allegedly committed the offence.

### **Acknowledgement of service**

Form of reply to, or confirmation of, service of process.

### **Acquittal**

Discharge of defendant following verdict or direction of not guilty.

### **Act**

Law, as an act of parliament.

### **Action learning set**

A group of people who work equally and together to try to solve a problem. The group share their skills and experience, and collect information about how they did things as they went along, so other people can learn from their experience too.

### **Adjourned generally**

Temporary suspension of the hearing of a case by order of the court (may be for a short period, for example to the next day, or without a date being given).

### **Adjudication**

Judgement or decision of a court or tribunal.

### **Advocate**

A barrister or solicitor representing a party in a hearing before a Court.

### **Affirmation**

Declaration by a witness who has no religious belief, or has religious beliefs that prevent him or her taking the oath that the evidence he or she is giving is the truth.

### **Ante**

Before: an indication within text to refer to an earlier passage.

### **Appeal**

Application to a higher court or authority for review of a decision of a lower court or authority.



**Appeal court**

The higher court to which cases are sent when either the defence or prosecution wish to challenge the result from a magistrates' court or a crown court.

**Appellant**

Person who appeals.

**Arrest**

Lawful detention by a police officer.

**Assisted person (legally)**

A party to legal proceedings who is receiving legal aid.

**Attachment of earnings**

An order that directs an employer of a debtor to deduct a regular amount, fixed by the court, from the debtor's earnings and pay that sum into court.

**Attorney general**

Government minister responsible for prosecutions and the Crown Prosecution Service.

**Bail**

Release of a defendant from custody until his or her next appearance in court, subject sometimes to security being given and/or compliance with certain conditions.

**Bar**

The collective term for barristers.

**Barrister** (see also counsel; silk)

A member of the bar: the branch of the legal profession that has rights of audience before all courts.

**Bench warrant**

A warrant issued by the magistrates or judge for an absent defendant to be arrested and brought before a court either on bail or in custody.

**Bind over**

An order issued by a crown court or (more usually) a magistrates' court, and signed by an officer of the court.

**Bind over for sentence**

An order that requires the defendant to return to court on an unspecified date for sentence. Failure to observe this order may result in a forfeit or penalty.

**Brief**

Written instructions to counsel to appear at a hearing on behalf of a party. They are prepared by the solicitor and set out the facts of the case and any case law relied upon.

**Case conference**

A meeting between a solicitor and/or barrister and their client.

**Case number**

A reference number allocated to each case by the court or other criminal justice organisation.

**Caution**

- Simple caution: non-statutory warning given to adults (aged 18+) by the police, following an admission of guilt, as an alternative to prosecution. Though not a conviction, it forms part of a person's criminal record.
- Conditional caution: warning under the Criminal Justice Act 2003 (with reparative and/or rehabilitative conditions attached), given by the police to adults (aged 18+) following an admission of guilt. It has conditions attached to it with which the offender must comply as an alternative to prosecution. Though not a conviction, it forms part of a person's criminal record.

**Certificate of legal aid costs**

A certificate of costs allowed following taxation by a judicial or taxing officer (previously referred to as an allocator).

**Chambers**

- Private room or court from which the public are excluded in which a district judge or judge may conduct certain types of hearings.
- Offices used by a barrister.

**Charge**

A formal accusation against a person.

**Circuit judge**

A judge who sits in the Crown Court.

**Civil**

Matters concerning private rights and not offences against the state.

**Commissioner of oaths**

Solicitors authorised by the lord chancellor to administer oaths and affirmations to a statement of evidence.

**Committal**

- Committal for trial: this is the procedure of directing a case to the Crown Court to be dealt with following examination by the magistrates of a case involving an offence.
- Committal for sentence: where the magistrates consider that the offence justifies a sentence greater than they can impose, they may commit the defendant to the Crown Court for sentence to be passed by a judge.
- Committal order: an order of the court committing someone to prison.
- Committal warrant: see 'warrant of committal'.

**Common law**

The law established by previous cases decided.

**Community penalties**

Alternatives to prison, community punishment, non-custodial options, community sentences and sentences of the court that deal with the offender in the community rather than in prison. These include community punishment, community rehabilitation orders and drug treatment, and testing orders.

**Community punishment and rehabilitation order**

Between 40 and 100 hours of unpaid work for the community, alongside a programme of work designed to deal with the offending behaviour and personal improvement supervised by the Probation Service.

**Community punishment order**

Community punishment (formerly a community service order) is a community sentence in which offenders work unpaid for up to 240 hours on local community projects under close supervision.

**Community rehabilitation order**

Community rehabilitation (formerly a probation order) is a community sentence that involves regular contact with the Probation Service. May also include attending an offending behaviour programme to tackle the reasons why the crime was committed.

**Compensation**

Sum of money to make up for or make amends for loss, breakage, hardship, inconvenience or personal injury caused by another.

**Compensation order**

A court order requiring the offender to pay compensation to the victim.

**Concurrent sentence**

A direction by a court that a number of sentences of imprisonment or community penalty should run at the same time.

**Conditional caution**

See 'caution'.

**Conditional discharge**

A discharge of a convicted defendant without sentence on condition that he or she does not reoffend within a specified period of time.

**Conduct money**

Money paid to a witness in advance of the hearing of a case as compensation for time spent attending court.

**Consecutive sentence**

An order for a subsequent sentence of imprisonment or community penalty to commence as soon as a previous sentence expires. Can apply to more than two sentences.

**Contempt of court**

An offence, punishable by imprisonment, of disobedience or wilful disregard to the judicial process.

**Conviction**

When an offender has pleaded or been found guilty of an offence in a court, he or she is said to have been convicted. The conviction then appears on the offender's criminal record.

**Corroboration**

Evidence by one person that confirms evidence already provided by another person or supports other evidence put forward in the case, for example forensic evidence (bloodstain, fibres, etc) in murder cases.

**Counsel**

A barrister.

**Count**

An individual offence set out in an indictment.

**Court**

Body with judicial powers (see also 'court room').

**Court of appeal**

Divided into civil and criminal divisions. Hears appeals; decision in the high court and county courts, and convictions or sentences passed by the Crown Court.

**Court room**

The room in which cases are heard.

**Criminal**

Person who has been found guilty of committing a crime.

**Criminal Cases Review Commission**

Public body responsible for investigating alleged miscarriages of justice.

**Crown Court**

The Crown Court deals with all crime committed or sent for trial by magistrates' courts. Cases for trial are heard before a judge and jury. The Crown Court also acts as an appeal court for cases heard and dealt with by the magistrates.

**Crown Prosecution Service (CPS)**

The Crown Prosecution Service (CPS) decides whether there is enough evidence to take a case to court, and whether it would be in the public interest. After the decision to prosecute has been taken, the CPS lawyer or solicitor represents the CPS in court.

**Curfew order**

A curfew order is similar to house arrest. People must stay indoors, usually at their home, for the curfew period. A tag, worn on the ankle or wrist, notifies monitoring services if the offender is absent during the curfew hours.

**Custodial sentences**

Sentences where the offender is locked up in a prison, young offender institution or secure training centre.

**De facto**

In fact; 'as a matter of fact'.

**Defendant**

Person sued; person standing trial or appearing for sentence.

**Department for Constitutional Affairs**

The department in the government responsible for upholding justice, rights and democracy.

**Discharge**

The offender is found guilty of the offence, and the conviction appears on his or her criminal record, but either no further action is taken at all (absolute discharge) or no further action is taken as long as the offender does not offend again in a certain period of time (conditional discharge).

**Discontinuance**

A decision by the Crown Prosecution Service not to continue with a case.

**District judge**

A legally qualified person who sits in place of, or with, magistrates. Previously known as a stipendiary magistrate.

**Divisional Court**

The Divisional Court of the Queen's Bench Division deals largely with certain appeals on points of law from many courts.

**Dock**

Enclosure in a criminal court for the defendant on trial.

**Drug treatment and testing order (DTTO)**

A sentence for drug users who receive treatment for their drug use and have to give regular urine tests to make sure they are not using drugs.

**Either-way offence** (See 'indictable offence'; 'summary offence')

An offence for which the accused may be tried by the magistrates or by committal to the Crown Court to be tried by jury.

**Electronic monitoring**

An offender or person on bail on a curfew order or home detention curfew at the end of a prison sentence has an electronic tag. The tag, worn on the ankle or wrist, notifies monitoring services if the offender is absent during the curfew hours.

**Exhibit**

Item or document used as evidence during a court trial or hearing.

**Expert witness**

Person employed to give evidence on a subject in which they are qualified or have expertise.

**Fine**

A sentence of the court that involves the offender paying money to the court as punishment for their crime.

### **Grievous bodily harm (GBH)**

This is a legal phrase that means serious, actual, physical or psychiatric injury or assault to someone, usually done on purpose, recklessly or maliciously.

### **High court**

A civil court that consists of three divisions:

- Queen's Bench (can be known as 'King's Bench Division' if a king is assuming the throne): civil disputes for recovery of money, including breach of contract, personal injuries, and libel or slander.
- Family: concerned with matrimonial matters and proceedings relating to children, for example wardship.
- Chancery: property matters including fraud and bankruptcy.

### **Her Majesty's Courts Service**

Her Majesty's Courts Service administers the civil, family and criminal courts in England and Wales. This covers Crown, county and magistrates' courts.

**High court judge** (See 'judge' and 'high court')

### **Home detention curfew (HDC)**

A prisoner serving a sentence of between eight months and four years can be released up to 90 days early under strict curfew arrangements and wearing an electronic tag.

### **Home Office**

Government department responsible for all national issues such as crime and immigration.

### **Indictable offence**

A criminal offence that can only be tried by the Crown Court. The different types of offence are classified one, two, three or four. Murder is a class one offence.

### **Indictment**

A written statement of the charges against a defendant sent for trial to the Crown Court, and signed by an officer of the court.

### **Intermediary**

Intermediaries work with witnesses who may experience communication difficulties if required to give evidence in court, for example people with autism, hearing impairments or learning difficulties. Intermediaries are professionals from a range of backgrounds such as speech and language therapy, psychology and social work who can help witnesses give evidence in court. They act as an independent go-between for the witness, helping them understand the questions they're being asked and assisting them in communicating their responses. Their role is to help communications without changing the substance of the evidence.

Intermediaries can work with witnesses from when they give their initial statement to the police through to giving their evidence in court. They

will assess the individual abilities and needs of the witness to determine how they communicate and their level of understanding, and advise Criminal Justice Service agencies on how to best question them and get their best evidence.

**Judge**

An officer appointed to administer the law and who has authority to hear and try cases in a court of law.

**Judgement**

Final decision of a court.

**Judicial**

Relating to the administration of justice or to the judgement of a court.

**Judiciary**

A judge or other officer empowered to act as a judge.

**Jurisdiction**

The area and matters over which a court has legal authority.

**Juror** (see 'jury')

A person who has been summoned by a court to be a member of a jury.

**Jury**

Body of 12 people sworn to try a case and reach a verdict according to the evidence in a court.

**Justice of the peace**

A lay magistrate: person appointed to administer judicial business in a magistrates' court. Also sits in the Crown Court with a judge or recorder to hear appeals and committals for sentence.

**Law**

The system of roles established by an act of parliament, custom or practice.

**Law lords**

Describes the judges of the House of Lords who are known as the Lords of Appeal in Ordinary.

**Lawyer**

General term used to describe barristers (who usually work in the Crown Court and an appeal court) and solicitors.

**Legal aid**

Facility for the fees and expenses of counsel, solicitors or other legal representatives retained by those of modest means to be paid from a fund administered by the Legal Aid Board.

**Listing questionnaire**

A form used to make sure that all issues are resolved and that the parties are ready for trial.

**Lord chancellor**

The cabinet minister who acts as speaker of the House of Lords and oversees the hearings of the law lords. Additional responsibilities include

supervising the procedure of courts other than magistrates' or coroners' courts and a selection of judges, magistrates, Queen's Counsel and members of tribunals. The lord chancellor is also the secretary of state for constitutional affairs.

**Lord chief justice**

Senior judge of the Court of Appeal (criminal division) who also heads the Queen's Bench Division of the High Court of Justice.

**Lord Justice of Appeal**

Title given to certain judges sitting in the Court of Appeal.

**Magistrate**

Someone who sits as part of a group of three and acts as a judge in the magistrates' court. Magistrates in England and Wales are trained volunteers.

**Magistrates' court**

A court where criminal proceedings are commenced before justices of the peace, or district judges, who examine the evidence and statements, and either deal with the case themselves or commit to the Crown Court for trial or sentence.

**MG11 form**

This is a standard single page form that is used by criminal justice agencies to ascertain the impact of a crime on the victim.

**Mitigation**

The explanation for the offence given on behalf of a guilty party to excuse or partly excuse the offence committed in an attempt to minimise the sentence.

**North East community cohesion learning network**

This is a group of people in the North East of England (such as the Government Office, councils, police, community groups and others). People in the group get together every three months to learn about making neighbourhoods stronger and safer places. They do this by showing each other good ways of working; thinking about how they can solve shared problems together and learning about new policy. The network has an action plan.

**Notary public**

Someone who is authorised to swear oaths and certify the execution of deeds.

**Notifiable offence**

Offence deemed serious enough to be recorded by the police. Includes most indictable offences and offences that can be tried either way.

**Oath** (see 'affirmation')

A verbal promise by a person with religious beliefs to tell the truth.

**Offender**

Someone who has been convicted of a crime.



**Offending behaviour programme (OBP)**

A programme of work undertaken with an offender which is designed to tackle the reasons or behaviour that leads to his or her offending.

Examples of offending behaviour programmes are: substance-related offending, drink impaired drivers, aggression replacement therapy, sex offender treatment programme and integrated domestic abuse programme.

**Order**

A direction by a court.

**Perpetrator**

A term commonly used by law enforcement officers to designate a person who actually commits a crime.

**Plea**

A defendant's reply to a charge put to him or her by a court; that is, 'guilty' or 'not guilty'.

**Post**

After: an indication to refer to something found later.

**Precedent**

The decision of a case that established principles of law that acts as an authority for future cases of a similar nature.

**Pre-trial review**

A preliminary appointment at which the magistrates or district judge consider the issues before the court and fixes the timetable for the trial.

**Prevention**

Putting in place methods or equipment that will stop or prevent someone or a property becoming a target for crime or criminal activity, for example an alarm.

**Probation Service**

The National Probation Service's work with offenders combines continuous assessment and management of risk and danger with the provision of expert supervision programmes designed to reduce reoffending.

**Prosecution**

The institution or conduct of criminal proceedings against a person.

**Prosecutor**

Person who prosecutes: usually the Crown Prosecution Service (see 'prosecution').

**Quasi**

Seemingly: any person exercising powers similar to those of a judge would be sitting in a quasi-judicial capacity.

**Queen's Counsel**

Both experienced solicitors and barristers may apply to become Queen's Counsel (QC). QCs undertake work of an important nature and are

referred to as 'silks', which is derived from the court's gown that is worn. They will be known as King's Counsel if a king assumes the throne.

**Reasonable doubt**

The standard of proof in criminal courts in the UK is that the case is proved 'beyond reasonable doubt'. The crown prosecutor must prove 'beyond reasonable doubt' that the defendant committed the offence.

**Recorder** (also 'assistant recorder')

Members of the legal profession (barristers or solicitors) who are appointed to act in a judicial capacity on a part-time basis. They may progress to become a full-time judge.

**Remand (in custody)**

The accused person (defendant) is kept in custody or placed on bail pending further court appearance(s).

**Reoffend**

When an offender commits a new crime after being convicted of a previous offence.

**Restorative justice**

This may involve a meeting between the offender and victim, with a mediator, where the victim can tell the offender how the offence has affected them, and the offender has the chance to make amends directly to the victim of the crime.

**Right of audience**

Entitlement to appear before a court in a legal capacity and prosecute or defend proceedings on behalf of a party to the proceedings.

**Scrutiny panel**

Group of people, normally from outside the Criminal Justice System, who have knowledge of a subject, for example hate crime, who examine cases that have passed through the Criminal Justice System to see if improvements can be made to the way cases are handled in future situations.

**Secure training centres (STCs)**

STCs are purpose-built centres for young offenders up to the age of 17. They are run by private operators contracted by the Home Office.

**Service**

Delivery by post or personal service of the case, or other court documents.

**Silk** (see 'Queen's Counsel')

Queen's Counsel, or QC: a senior barrister sometimes referred to as a leader or leading counsel.

**Simple caution** (see 'caution')

**Solicitor**

Member of the legal profession chiefly concerned with advising clients and preparing their cases and representing them in some courts. May also act as advocates before certain courts or tribunals.

**Special measures**

These are the means by which a witness or a victim can be protected in a court situation. For example if a person has been raped and is in fear of reprisal from the perpetrator a magistrate or judge can allow the use of video link or screens surrounding the victim on the witness stand. This will give some security to the victim or witness and their concerns. It is not guaranteed to be allowed but in certain cases they are more likely to be allowed, for example rape, hate crime and domestic abuse.

**Statement**

A written account by a witness of the facts of a matter.

**Statutory instrument**

A document issued by the delegated authority (usually a government minister or committee) named within an act of parliament that affects the workings of the original act.

**Stipendiary magistrate**

A legally qualified and salaried magistrate. Now called a 'district judge'.

**Sub judice**

In the course of trial: while a court case is under consideration.

Proceedings are sub judice and details cannot be disclosed.

**Summary offence** (see 'indictable', 'either-way offence')

A criminal offence which can only be tried by a magistrates' court.

**Summing-up**

A review of the evidence and directions as to the law by a judge immediately before a jury retires to consider its verdict.

**Summons**

Order to appear or to produce evidence to a court.

**Summons (jury)**

Order to attend for jury service.

**Summons (witness)**

Order to appear as a witness at a hearing.

**Surety**

A person's undertaking to be liable for another's non-attendance at court.

**Suspect**

A person being investigated in relation to a particular offence or offences.

**Suspended sentence**

A custodial sentence that will not take effect unless there is a subsequent offence within a specified period.

**Tagging**

An offender or person on bail who is on a curfew order or home detention curfew at the end of a prison sentence has an electronic tag. The tag, worn on the ankle or wrist, notifies monitoring services if the offender is absent during the curfew hours.

**Target hardening**

Refers to the strengthening of the security of an individual premises or a group of premises in close proximity, with a view to reducing or minimising the risk of attack.

**Taxation**

An examination of a solicitor's bill in civil proceedings by a court to make sure that all charges against the legal aid fund are fair and reasonable ( 'party and party costs' are also examined by a court).

**Trial window**

A period of time within which the case must be listed for trial.

**Ultra vires**

Beyond the power: an act that falls outside or beyond the jurisdiction of the court.

**Verdict**

The finding of guilty or not guilty by a jury.

**Victim's code**

This explains the services that people who have experienced crime against them (victims) can expect from criminal justice services. They have rights to information, and to be told about arrests, court cases and compensation. There is a family liaison police officer to help bereaved relatives. Victim Support services should be offered to everyone and people can have the level of service they want.

**Victim Support**

An independent charity that helps people cope with the effects of crime. The organisation provides free and confidential support and information to help people deal with what has happened to them and the case they are involved in as a victim or witness.

**Witness**

A person who gives evidence in court.

**Witness charter**

Tells witnesses about the service they should get from the Criminal Justice System. They should have information about the case and court, and the chance to visit the court before the trial. They can have support before, during and after the trial, and be protected from intimidation in court or the community.

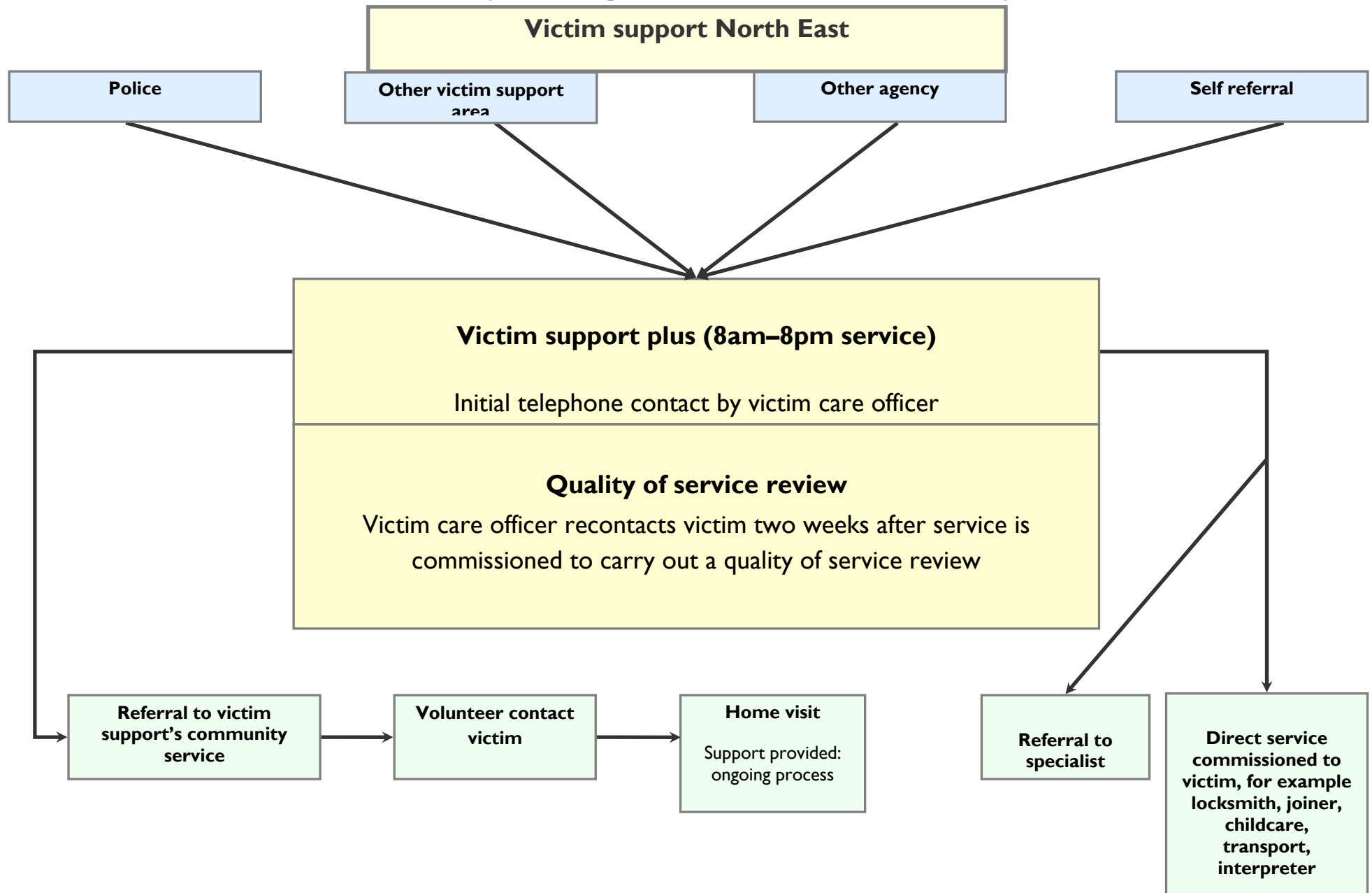
**Young offender institution**

A prison for young people between the ages of 15 (16 for girls) and 21. Young offenders have to be kept separately from adults, and juveniles (under 18s) have to be kept separately from people aged 18–21.

**Youth offending team (YOT)**

A YOT is made up of local representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse officers, and housing officers. The YOT identifies the needs of each young offender. It identifies the specific problems that make the young person offend as well as measuring the risk they pose to others. This allows the YOT to identify suitable programmes to address the needs of the young person with the intention of preventing further offending.

# Appendix 4: Support pathway through the Criminal Justice System



# Appendix 5: Easy words and pictures by Better Days

Better Days, Key House, Tankerville Place, Jesmond,  
Newcastle upon Tyne, NE2 3AT. Telephone: 0191 281 5541  
Email: better-days@lineone.net



## Victim Support North East

### 1. Who tells us if someone needs help?

The police.



Victim Support offices in other places.



Other organisations (like social services  
or housing offices).



The person who has been a victim.



### 2. Who do they get in touch with?

Victim Support Plus.

They are open from 8am in the morning until 8pm in  
the evening.

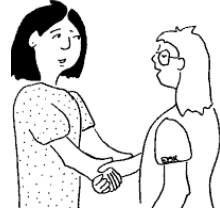


They find out about the person who needs help and what sort of help  
they might need. This is called an individual needs assessment.

### 3. What happens next?

#### Home visit

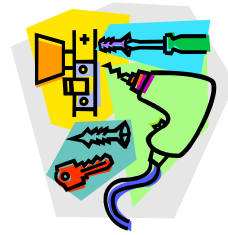
Sometimes the information about the victim is passed on to the **Community Service**.



They get in touch with a volunteer. The volunteer visits the victim at home. They talk to them and do what they can to help.

#### Practical help (to do things)

Sometimes the person just needs some help to put things right.



It might be to get a lock mended or a lift to sort things out. It might be an interpreter to help them with English, or someone to look after the children.

Victim Support can help with this.

#### Extra help

Sometimes someone might need to talk to someone who knows more about the sort of crime that happened to them. Or they might need some extra help from someone who knows more about what they need.



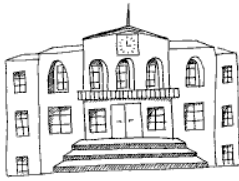
Victim Support can tell other organisations about the person and the help that they think that they need.

#### Follow-up

Two weeks after they first talked to the victim, Victim Support Plus will get in touch with them to check that they are happy with the help that they are getting.



## Witness Service



The Witness Service helps people who are going to court to tell their story about what happened to them or what they saw.

### How does the Witness Service know who needs support?



The **Crown Prosecution Service** can tell them. These are the people who decide which cases go to court.



The **Witness Care Unit** can tell them.

This unit is the first to talk to the witness about going to court. They ask if the witness needs any help and they keep them up to date with what is happening.



The **witness** can tell them that they need help.



**Other organisations** (like social services) can tell them that someone needs help.

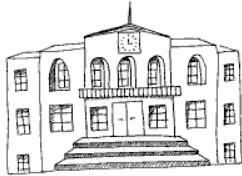
### What do the Witness Service do first?



They might go to visit the witness at home.



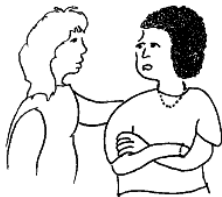
They might phone the witness up.



They might take the witness for a look around the court and show them what happens there.



If they find out that the witness needs any more help in court, they will ask the Witness Care Unit to sort it out.



If the witness needs to talk more about what happened or is upset, they might get in touch with Victim Support and arrange for them to support the witness too.

### What happens on the day of the trial?



This is the day that the witness will tell the court their story about what happened.

The witness can be on the side of the victim or on the side of the person who is on trial.



The Witness Service help witnesses on both sides of the case.

A volunteer will meet the witness and explain what is going to happen.

They will show them where everything is.



They will help the witness to read their statement if they need help.

The statement is what the police wrote down when the witness talked to them about what happened.



They will keep in touch after the trial to let the witness know what happened.




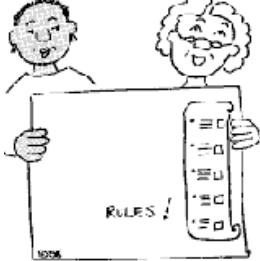

They will let Victim Support, or other agencies, know if the person still needs some help.







Images used are from  
Change picture bank:  
[www.changepeople.co.uk](http://www.changepeople.co.uk)

# Appendix 6: Learning day one with volunteers


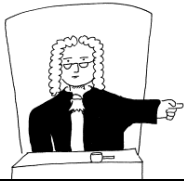



## Agenda

<b>Tackling transphobic and disability hate crime</b>	
<b>Learning day</b> Facilitated by Vision Sense 11 March 2009	
<b>Where?</b> Pioneering Care Centre, Newton Aycliffe. <b>When?</b> 11am–3pm	

When	What	Who	
11am	Welcome and introductions.	All	
11.15am	Ground rules for the day and people in the project.	Stuart and Lesley and all	
11.30am	<p>What do we want to make happen with this work?</p> <p>What is action learning?</p>	Susie	

12.00	Lunch and chat to each other.		
12.30pm	What should happen at different times when a victim of hate crime reports what has happened?	All	
12.45pm	What really happens?  Let's share our experiences.	All	
1.45pm	Break		
2.00pm	What are the gaps in services and things we want to improve?		
2.30pm	What do trans men and women and disabled people need from welcoming, accessible, equal services?	All	
3pm	Thank you.  Day ends.		

## What is the whole project?

February	Learning about services for when people experience transphobic and disablist hate crime.	All	
March	When a person has a hate crime happen to them, what services should there be?	Karen	
March	What really happens? What are the gaps? What are the barriers? What could be done better?	Volunteers and Emma	
March	A short report about what we have found so far.	All	
April	How could people who know what it is like support other people in the future? What can Victim Support do to get disabled and trans volunteers? What about advocates?	All	
May	A report at the end to tell people how to make services better.	Susie	

Images used are from  
Change picture bank:  
[www.changepeople.co.uk](http://www.changepeople.co.uk)  
and Photosymbols



# Contacts

## England

Equality and Human Rights Commission Helpline  
FREEPOST RRLG-GHUX-CTR  
Arndale House, Arndale Centre, Manchester M4 3AQ

Main number           0845 604 6610  
Textphone            0845 604 6620  
Fax                     0845 604 6630

## Scotland

Equality and Human Rights Commission Helpline  
FREEPOST RSAB-YJEJ-EXUJ  
The Optima Building, 58 Robertson Street, Glasgow G2 8DU

Main number           0845 604 5510  
Textphone            0845 604 5520  
Fax                     0845 604 5530

## Wales

Equality and Human Rights Commission Helpline  
FREEPOST RRLR-UEYB-UYZL  
3rd Floor, 3 Callaghan Square, Cardiff CF10 5BT

Main number           0845 604 8810  
Textphone            0845 604 8820  
Fax                     0845 604 8830

## Helpline opening times:

Monday to Friday: 8am - 6pm

Calls from BT landlines are charged at local rates, but calls from mobiles and other providers may vary.

Calls may be monitored for training and quality purposes.

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