



Tackling Prejudice and Building Connected Communities Action Plan

Overview of Implementation



December 2021



Scottish Government
Riaghaltas na h-Alba
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Ministerial Foreword



Scotland is a diverse, multicultural and multi-faith country, but that does not mean we are immune to hatred and prejudice. Whilst the COVID-19 pandemic has shone a light on acts that have strengthened community cohesion – where people from all walks of life have come together to support one another – we have also borne witness to deplorable moments of intolerance; moments where some of our minority communities have been harassed, abused and physically attacked just because of who they are, who they love, what they believe, or where they are from. This is not acceptable in a modern, 21st-century Scotland.

No one should have to live in fear or be made to feel like they don't belong.

The Scottish Government continues to make confronting hate crime and prejudice a key priority.

I am therefore pleased to be introducing this report, which is an overview of implementation of our 2017 Tackling Prejudice and Building Connected Communities Action Plan. This report shows encouraging progress has been made towards tackling hate crime in Scotland, with successful delivery of the vast majority of the commitments arising from the recommendations made in 2016 by Professor Duncan Morrow's Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion.

I would like to express my sincere thanks to all of the members of the Tackling Prejudice and Building Connected Communities Action Group that was established to take forward this programme of work. I would also like to give thanks to the many other organisations that took forward specific, key pieces of work in this space. The commitment, dedication and support these organisations have shown collectively to effect the greatest impact for Scotland's communities has been incredible.

However, we know that there is more to be done to tackle hate crime and prejudice as we emerge from the pandemic and rebuild towards a better future. That is why we will continue to work with equality representative bodies and public sector partners to begin co-creation of a new hate crime strategy. The new hate crime strategy – which will be published in 2022 – will support implementation of the Hate Crime and Public Order (Scotland) Act. It will also consider other, non-legislative measures to provide the necessary tools and protections to confront hatred where it arises, and to better reflect the needs of our diverse communities.

I am very much looking forward to continuing to work closely with communities across Scotland in order to achieve our shared vision of a society where there is simply no place for hatred and intolerance, where everyone feels connected, has a sense of belonging and is valued.

A handwritten signature in blue ink that reads "Shona Robison".

Cabinet Secretary for Social Justice, Housing and Local Government

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Tackling Prejudice and Building Connected Communities Action Group (2017-21)

Chair

Cabinet Secretary for Communities and Local Government

Members

BEMIS Scotland (Empowering Scotland's ethnic and cultural minority communities)

Convention of Scottish Local Authorities (COSLA)

Council of Ethnic Minority Voluntary Organisations (CEMVO)

Crown Office and Procurator Fiscal Service (COPFS)

Education Scotland

Equality and Human Rights Commission (EHRC)

Equality Network

Glasgow Disability Alliance

Interfaith Scotland

Police Scotland

respect*me*

YouthLink Scotland

1. Introduction

This report provides an overview of the implementation of the actions set out in the Tackling Prejudice and Building Connected Communities Action Plan¹, which was published by the Scottish Government in 2017 in response to recommendations made by the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion ('the 2016 Advisory Group')². Chaired by the then Cabinet Secretary for Communities and Local Government, the Tackling Prejudice and Building Connected Communities Action Group ("the Action Group")³ was established to take forward the programme of work and promote a strategic approach to tackling hate crime, eradicating prejudice and building community cohesion. The Scottish Government committed to publishing an update on progress in 2020; however, this was delayed as a result of the COVID-19 pandemic and the Scottish Government responding to the impacts of the virus.

This report groups the actions into six themes of

- **Strategic co-ordination and leadership;**
- **Justice;**
- **Terminology;**
- **Data collection and evidence;**
- **Reporting and increasing public awareness; and**
- **Education.**

The report provides the background to each action, informed by the recommendations made by the 2016 Advisory Group. It then shows the corresponding action committed to by the Scottish Government. It then goes on to outline what has been done to implement that action. A summary of all of the actions and their current status can be viewed at the 'Implementation at a glance' section.

Although the pandemic has impacted upon this programme of work, significant progress has been made in a number of key areas. Following Lord Bracadale's independent review of hate crime legislation published in 2018⁴, Parliament has since voted to pass the Hate Crime and Public Order (Scotland) Act 2021⁵ ('the Hate Crime Act'), which received Royal Assent in April 2021. Once in force the Act will modernise, consolidate and extend existing hate crime legislation.

We have also undertaken work to improve our hate crime data and evidence gathering and, in doing so, produced our research report, 'A Study into the Characteristics of Police Recorded Hate Crime in Scotland'⁶, which presents for the first time a high-quality measure of police recorded data on hate crime. Once commenced, the Hate Crime Act will provide for the publication of more detailed information on police recorded hate crime and convictions data on an annual basis.

1 <https://www.gov.scot/publications/tackling-prejudice-building-connected-communities-scottish-government-response-report-independent/pages/1/>

2 <https://www.gov.scot/publications/report-independent-advisory-group-hate-crime-prejudice-community-cohesion/>

3 <https://www.gov.scot/groups/tackling-prejudice-and-building-connected-communities-action-group/>

4 <https://www.gov.scot/publications/independent-review-hate-crime-legislation-scotland-final-report/>

5 <https://www.legislation.gov.uk/asp/2021/14/contents/enacted>

6 <https://www.gov.scot/publications/study-characteristics-police-recorded-hate-crime-scotland/>

1. Introduction

In a further effort to address hate crime and its detrimental impact, we have launched a number of successful campaigns in partnership with Police Scotland. The campaigns featured individuals who had experienced hate crime and conveyed strong messaging about how such pernicious behaviour can negatively impact someone's life, and contribute towards the fracturing of community cohesion.

It is also important to recognise the role Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) have played in advancing corporate equality and diversity. In doing so, they have worked with stakeholders and communities to raise awareness, develop teaching resources and train ambassadors for community cohesion and safety.

The continued support of the Action Group and wider stakeholders has been central to progressing this programme of work. We recognise, however, that more needs to be done to tackle hate crime in Scotland and we will build on the progress made as we begin development of a new hate crime strategy later this year.

Key to how to read this report:

 Background to action

 Action

 Implementation

2.

Strategic co-ordination and leadership

2. Strategic co-ordination and leadership

2.1 Establish a multi-agency delivery group



The 2016 Advisory Group recommended that the Scottish Government should encourage a greater multi-agency strategic and operational approach towards tackling hate crime, eradicating prejudice and building community cohesion that is clearly linked to community planning structures and underpinned by guidance for partners. In response, we committed to the following actions.

ACTION 1

Establish a national multi-agency delivery group with ministerial oversight to take forward the implementation of the Advisory Group's recommendations

IMPLEMENTATION


In June 2017, we established the ministerially-led Tackling Prejudice and Building Connected Communities Action Group. The key priorities identified by the Action Group were on victim support through raising awareness of hate crime and encouraging reporting, and the need to ensure better evidence and data around hate crime.



The Action Group comprised a range of strategic delivery partners and equalities organisations that embrace diversity, champion equality, inclusion and human rights, and stand united against hatred and prejudice. Each organisation has an area of expertise and, by working collectively, the Action Group has actively helped to build inclusive and cohesive communities that embrace diversity, meeting the Scottish Government's vision of building a 'One Scotland' where diversity is celebrated and everyone has the opportunity to flourish.

2. Strategic co-ordination and leadership

2.2 Community cohesion

 We recognise the importance of working closely with communities to effectively tackle hate crime and build community cohesion, and have linked our approach into the wider strategic agenda around promoting equality and tackling discrimination, including the Race Equality Framework, A Fairer Scotland for Disabled People Action Plan and the New Scots refugee integration strategy.

ACTION 2

Establish an Advisory Panel on community cohesion, to provide expert advice on how we can strengthen our approach to building cohesive communities and safeguarding people from harm

IMPLEMENTATION

We committed to establish an Advisory Panel on Community Cohesion to ensure our approach to building cohesive communities and safeguarding people from harm was informed by expert advice and opinion. In 2018 we initiated discussions with Dr Duncan Morrow, Dr Alison Strang and Sabir Zazai, CEO of the Scottish Refugee Council, to consider how we might best strengthen our approach to building cohesion within and across communities in Scotland. Emerging pressures (such as the development of the Hate Crime and Public Order (Scotland) Act) meant that, during this early phase, resources were diverted elsewhere and this work was paused. As we begin development of a new hate crime strategy, we will resume consideration of the most useful methods for receiving expert advice on how to strengthen our approach to building cohesive communities and safeguarding people from harm in the Scottish context. This will include strengthening existing links within and across the Scottish Government's Connected Communities Division as well as across the recently established Equality, Inclusion and Human Rights Directorate. We will also seek the views of stakeholders on how best to receive and enact expert advice as we begin co-creation of the new hate crime strategy.

ACTION 3

Review our approach to engaging with communities to ensure that we are aware of their issues and concerns

IMPLEMENTATION

We have linked in with the wider strategic agenda around promoting equality and tackling discrimination and have worked closely with communities to take forward our work to tackle hate crime, prejudice and to build community cohesion. There are a wide range of mechanisms in place in key areas of the Scottish Government to engage directly with diverse communities across Scotland and the organisations who work with them.

2. Strategic co-ordination and leadership

This includes regular engagement with the Action Group, equalities organisations, key faith and belief stakeholders and the Ethnic Minority National Resilience Network to ensure that we are aware of issues and concerns within communities. For example, issues were raised in regards to an increase in community tensions linked to the EU exit, and a rise in hate crime throughout the COVID-19 pandemic; we responded by launching a campaign in 2020 to increase awareness among the public and prompt positive action such as hate crime reporting. The evaluation of the campaign indicated that individuals would take action to report if they experienced or witnessed a hate crime. Campaign activity is discussed in fuller detail in respect of implementation of Action 17 (Chapter 6.1).

We also engaged with communities during the development and passage of the Hate Crime and Public Order (Scotland) Act (2021) ('the Hate Crime Act'), as well as on work to improve data and evidence and on third party reporting. We will continue to engage with a wide range of stakeholders as we begin development of a new hate crime strategy later this year.

ACTION 4

Work with disabled people's organisations to implement our action plan on disability 'A Fairer Scotland for Disabled People' to address the underreporting of disability hate crime

IMPLEMENTATION

We have worked with Disabled People's Organisations (DPOs) and Police Scotland to raise awareness of hate crime and encourage greater reporting of disability hate crimes. This has included hate crime campaigns in 2017, 2018 and 2020, and the launch of a Hate Crime Charter to encourage reporting of hate crime on the bus and rail network in March 2021. In addition, awareness campaigns are also being taken forward on the ferries network, working in collaboration with both operators. Further details regarding the Hate Crime Charter can be seen in respect of implementation of Action 19 (Chapter 6.3). Evaluations of the hate crime campaigns, designed to increase awareness and motivate action among the public, have been positive, and indicated that around half of those who have seen or heard the campaigns have taken action as a result or would report a hate crime if they saw one in the future⁷. An evaluation of the Hate Crime Charter will be published in due course.

We have also engaged closely with DPOs during the development of the Hate Crime Act (including through public consultation), on work to improve data and evidence and on third party reporting.

⁷ <https://www.gov.scot/publications/hate-crime-campaign-2017-evaluation/>

2. Strategic co-ordination and leadership

Furthermore, Police Scotland and I Am Me Scotland have developed a national Keep Safe initiative. The initiative works with a network of local business to establish Keep Safe places throughout the community for disabled, vulnerable and elderly people to go if they feel lost or confused, if they feel scared or intimidated, or if they have been the victim of a crime. The purpose of the Keep Safe initiative is to empower communities to make themselves safer places for all people, encourage social independence for disabled people and other diverse communities and to ensure disability hate crime and other forms of hate are identified and reported. There are currently 900 Keep Safe places across Scotland.

As part of the Keep Safe initiative, a targeted, annual national promotional campaign has been developed, which saw the first Keep Safe Awareness Day being held on 4 March 2021. This included social media messaging across national and local accounts as well as video messaging from ACC Ritchie, Police Scotland's Keep Safe champion, Police Scotland Youth Volunteers and I Am Me Scotland staff and volunteers.

Keep Safe highlights include:

- I Am Me film developed and used for hate crime training and education.
- Keep Safe awareness films (BSL and standard) developed.
- Keep Safe Scotland phone app developed to facilitate safe and independent travel across Scotland, which has links to Third Party hate crime reporting and the Herbert Protocol.
- Keep Safe online training.
- Online Keep Safe induction staff training developed.
- Keep Safe supporters' training designed for Police Scotland Youth Volunteers online.
- Keep Safe animations designed (easy read and standard).
- Educational Platform designed and developed which has P1-P7 online lessons, activities and teacher plans designed with children and young people, promoting early intervention and prevention.
- Over 1000 young people and disabled people have received Keep Safe Ambassador training, which is a full day co-delivered with Police Scotland and trains participants how to recognise and report hate crimes safely.

2. Strategic co-ordination and leadership

ACTION 5

Work through the Race Equality Framework to engage with minority ethnic communities in building community cohesion and safety, and improving the lives of Scotland's minority ethnic communities

IMPLEMENTATION

In our work to tackle hate crime and prejudice, we continue to engage with a number of race equality organisations, including those who represent minority ethnic communities. During the development of the Hate Crime Act we engaged closely with representatives from Scotland's minority ethnic communities, including through public consultation. These engagements helped to maintain the distinct legislative approach to tackling race-related hate crime in the new Hate Crime Act, which we recognise as being required due to the nature and prevalence of this type of offending. Ongoing work to tackle hate crime also forms part of our immediate priorities for race equality in Scotland.

We have also engaged with race equality organisations on the development of our marketing campaigns to increase awareness and motivate action among the public, to report hate crime. This included assisting on the design and providing feedback on the 'Dear Racists' creative to ensure it was relevant for their communities.

Race equality stakeholders have also assisted on work to improve data and evidence, drawing on the recommendations of the Committee of the United Nations Convention on the Elimination of Racial Discrimination (UNCERD) on disaggregation of data on the victims of racially aggravated hate crime to identify trends and patterns, identify victims and provide an appropriate response to tackling it. Further details in respect of improving data and evidence can be seen in implementation of Action 15 (Chapter 5.1).

In 2018 and 2019, BEMIS and Police Scotland co-hosted the 'Thematic Conference on Tackling Prejudice and Building Connected Communities' which provided an opportunity to engage stakeholders in discussion, and take a collaborative approach to develop policy and practice with particular focus on hate crime motivated by racial and religious prejudice. Keynote speakers discussed a number of themes, including restorative justice, legislation, the United Nations requirement for disaggregated data and evidence, and race equality educational resources. The Agenda also included 'Voices from Communities' to convey the lived experience and the impact of racial and religious hatred and prejudice on individuals and communities. The 2018 Conference generated eight learning outcomes⁸. The 2019 Conference returned to the key themes and included presentations and practical discussion opportunities. This enhanced the understanding by key stakeholders of how the key learning outcomes apply to the shared agenda of the Action Group. The discussions also generated an update on the learning outcomes and identified next steps⁹.

⁸ <https://bemis.org.uk/wp/wp-content/uploads/2019/07/hate-crime-conference-2018-learning-outcomes.pdf>

⁹ <https://bemis.org.uk/wp/wp-content/uploads/2020/02/2019-Hate-Crime-Conference-Report.pdf>

2. Strategic co-ordination and leadership



ACTION 6

In summer 2017, set out a range of initiatives supported through our Equality Budget that will contribute to tackling hate crime and prejudice, and building community cohesion

IMPLEMENTATION

We have provided funding to organisations who support and engage with equalities groups to help inform understanding of the issues experienced by communities through the Equality National and Intermediary funding¹⁰. We have also supported groups to tackle hate crime, prejudice and build community cohesion through the Promoting Equality and Cohesion Fund (PECF)¹¹, for example, YouthLink Scotland's Action on Prejudice project, Interfaith Scotland and Remembering Srebrenica (Scotland) for their Lessons from Srebrenica project.

¹⁰ <https://www.gov.scot/publications/equality-national-intermediary-bodies-funding-2017-2020/>

¹¹ <https://www.gov.scot/publications/equality-funding-pecf-2017-2020/>

2. Strategic co-ordination and leadership



Interfaith Scotland provide training courses on religion and belief diversity, as well as sessions on the full spectrum of diversity¹². The training courses tackle the stereotyping, scapegoating and misinformation around faith groups and other communities that so often serves to exacerbate societal divisions and hatred of minority groups.

The Scottish Government also works with the Holocaust Memorial Day Trust and Interfaith Scotland to support Scotland's national commemoration to honour the millions of people who lost their lives or were tortured during the Holocaust and subsequent genocides, to ensure lessons are learnt about what can happen if hatred and intolerance remain unchecked.

2.3 Public Sector Equality Duty

The 2016 Advisory Group recommended that the Scottish Government should develop clear plans for taking forward the public sector equality duty (PSED) to 'foster good relations', and encourage other public bodies to do likewise so that best practice in tackling hate crime can be identified to inform policy and practice. It was recommended that the Scottish Government work with the Scottish National Equality Improvement Programme (SNEIP), who are developing a collaborative hub, so that local examples of good practice in tackling hate crime are identified and shared across public service practitioners in a consistent way to inform policy and practice. In response, we committed to the following action.

¹² <https://interfaithscotland.org/get-involved/training>

2. Strategic co-ordination and leadership

ACTION 7

Work with the Scottish National Equality Improvement Programme to share best practice around fostering good relations in communities and consider what further guidance and support may be required to enable them to do this

IMPLEMENTATION

Prior to COVID-19, Scottish Ministers committed to review the effectiveness of the PSED regime in Scotland, but this work was disrupted as the focus moved towards embedding equality and human rights into our COVID-19 response, recovery and renewal work. However, an intensive period of stakeholder consultation coupled with work to mainstream equality in policy and practice during the COVID crisis has taught us much about how the PSED works. This has added to the body of evidence we already have from previous and ongoing stakeholder engagement and research.

Therefore a report bringing together that learning and experience drew together initial conclusions, as a first stage of the review process, which suggests areas of focus for the next stage, was published in March 2021¹³.

Stage two of the review, which commenced in summer 2021, has involved a programme of engagement with duty-bearers to progress the areas of focus identified in the stage one report. Analysis of responses will help to inform the development of the new strategy for embedding equality and human rights in the work of the government, as per the commitment made in September's Programme for Government.

This will ensure that PSED is considered alongside the overall equality and human rights framework, which is vital given the importance of PSED as a key legislative driver for change. The multi-agency membership of SNEIP will help to ensure that views on best practice and guidance around fostering good relations in communities and tackling hate crime can be developed on a collective basis and disseminated widely across public authorities.

2.4 Equality outcomes

In 2013, the Scottish Government published Equality Outcomes as a requirement of the PSED. The Outcomes recognised that a number of groups were concerned about hate crime but the 2016 Advisory Group's report indicated that this lacked clarity about what the outcome may look like and recommended that consideration should be given as to hate crime forming the basis of a future programme of work or include a specific equality outcome. In response, we committed to the following action.

¹³ <https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2021/03/equality-outcomes-mainstreaming-report-2021-mainstreaming-report/documents/review-operation-psed-scotland-stage-one-report/review-operation-psed-scotland-stage-one-report/govscot%3Adocument/review-operation-psed-scotland-stage-one-report.docx>

2. Strategic co-ordination and leadership

ACTION 8

Set a specific outcome within our Equality Outcomes on hate crime, and report on progress through our Mainstreaming and Equality Outcomes publication

IMPLEMENTATION

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, Regulation 4 requires that listed public authorities publish a set of equality outcomes which it considers will enable it to better perform the equality duty as set out in section 149(1) of the 2010 Act. Sets of outcomes must be published every four years, with reports on progress published two years after the outcomes have been set.

The Scottish Government's 2017 mainstreaming report¹⁴ included a new set of outcomes which included 'People feel increasingly confident in reporting hate crime when they experience it or witness it, and the prejudicial attitudes that drive hate behaviours are reduced'.

The Scottish Government reported on progress on the outcome above in their Equality Outcomes and Mainstreaming Report published on 30 April 2019¹⁵.

A final summary on progress against the outcome was published on 24 March 2021¹⁶ and included updates on pieces of work undertaken to help achieve this outcome, including hate crime legislation, campaign activity and the Hate Crime Security Fund.

A £500,000 fund will help places of worship to take security measures against hate crime



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Individual grants of up to £20,000 will be available for a maximum of three security measures to mitigate the risk for places of worship from hate crime. These can include, but are not limited to, CCTV, security doors, alarms, fencing, video intercoms and improved lighting.

¹⁴ <https://www.gov.scot/publications/equality-outcomes-mainstreaming-report-2017/>

¹⁵ <https://www.gov.scot/publications/equality-outcomes-mainstreaming-report-2019/>


¹⁶ <https://www.gov.scot/publications/equality-outcomes-mainstreaming-report-2021-mainstreaming-report/>

3.

Justice

3. Justice

3.1 Hate crime legislation

 The 2016 Advisory Group recommended that the Scottish Government should consider whether the existing criminal law provides sufficient protections for those who may be at risk of hate crime, for example based on gender, age or membership or other groups such as refugees and asylum seekers. In response, we committed to the following action.

ACTION 9

Consider the recommendations of Lord Bracadale’s independent review of hate crime legislation, and set out how we intend to implement these

IMPLEMENTATION

In 2017, the Scottish Government appointed one of Scotland’s most senior judges, Lord Bracadale, to carry out an independent review of hate crime legislation in Scotland. Lord Bracadale completed the review in 2018, with his report presenting the Scottish Government with a set of 22 recommendations aimed at future hate crime legislative reform¹⁷. The Scottish Government considered Lord Bracadale’s recommendations and engaged extensively on these recommendations with stakeholders and the wider public, including through the ‘One Scotland: hate has no home here’ consultation, engagement events and bilateral meetings¹⁸.

Between December 2018 and February 2019, as part of the consultation process, the Scottish Government ran 11 public awareness events throughout Scotland. Many of these were attended either by individuals with a general interest in hate crime legislation or as representatives from a variety of different stakeholder groups.

Subsequently the Scottish Government contracted independent external analysts who undertook the analysis of the consultation responses and produced a report, published in June 2019¹⁹.

The responses to the consultation and public awareness events yielded valuable information both from individual and organisational perspectives; helping to inform the development of new hate crime legislation.

Subsequently, the Hate Crime and Public Order (Scotland) Bill was introduced to the Scottish Parliament in April 2020. The Bill received Royal Assent on 23 April 2021 to become an Act of the Scottish Parliament.

¹⁷ <https://www.gov.scot/publications/independent-review-hate-crime-legislation-scotland-final-report>

¹⁸ <https://www.gov.scot/publications/one-scotland-hate-home-here-consultation-hate-crime-amending-current-scottish-hate-crime-legislation>

¹⁹ <https://www.gov.scot/publications/consultation-amending-scottish-hate-crime-legislation-analysis-responses>

3. Justice



Hate Crime and Public Order (Scotland) Act 2021

2021 asp 14

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 11th March 2021 and received Royal Assent on 23rd April 2021

An Act of the Scottish Parliament to make provision about the aggravation of offences by prejudice; to make provision about an offence of racially aggravated harassment; to make provision about offences relating to stirring up hatred against a group of persons; to abolish the common law offence of blasphemy; and for connected purposes.

In addition to consolidating existing hate crime laws, the Hate Crime Act modernises and extends hate crime legislation by creating new offences relating to stirring up of hatred that will apply in relation to the characteristics of age, disability, religion, sexual orientation, transgender identity and variations in sex characteristics. Stirring up of racial hatred has been an offence across the UK since 1986. Lord Bracadale advised that groups such as asylum seekers and refugees were already offered protection under current hate crime laws, which have been consolidated into the Hate Crime Act.

“The Hate Crime and Public Order (Scotland) Act is a significant accomplishment that modernises and extends hate crime legislation and we particularly welcome the creation of the new offences relating to stirring up hatred that will apply to protected characteristics, including disability. The consultation and public awareness events not only shaped the new legislation, they helped to raise awareness of the nature and prevalence of hate crime.”

Glasgow Disability Alliance

3. Justice

3.2 Online hatred and misogyny

The rise in use of technology has seen bullying behaviours, hatred and prejudice manifest itself in a much more visible way on social media, which has proven to be a difficult environment to manage. The 2016 Advisory Group recommended that the Scottish Government undertake work with key stakeholders to improve the monitoring of and response to online hate crime and prejudice. In response, we committed to the following action.

ACTION 10

Engage with key stakeholders to consider further steps to prevent and tackle online hatred and misogyny

IMPLEMENTATION

In his review of hate crime legislation, Lord Bracadale concluded that criminal activity on online platforms is covered by existing hate crime laws; laws that will be consolidated into the Hate Crime Act.

However, regulation of the internet, internet services and internet service providers is a reserved matter and falls to the UK Government. In March the UK Government published its draft Online Safety Bill.²⁰ The UK Government believes the Bill will help protect young people and clamp down on abuse online, while safeguarding freedom of expression.

The draft Online Safety Bill requires that social media and other digital platforms remove and limit harmful content, including online hate speech. The Bill will be supported by secondary legislation and Codes and Guidance from the appointed regulator, OFCOM. OFCOM have also been granted enforcement powers which include being able to impose business disruption measures as well as being able to impose large fines.

The draft Online Safety Bill also contains a number of important provisions which have the potential to help keep children in Scotland more secure while enjoying all the benefits the internet has to offer, principally tackling illegal activity taking place online and aiming to prevent children from being exposed to inappropriate material.

The Scottish Government continues to work with UK Government counterparts in the development and consideration of the proposals for the UK Government's Online Safety Bill for Scotland.

²⁰ <https://www.gov.uk/government/publications/draft-online-safety-bill>

3. Justice

The Scottish Government also welcomes the implementation of the Information Commissioner's Office new UK-wide Age Appropriate Design Code²¹ which came into force in September. This statutory code of practice for children's data, the first anywhere in the world, means that for the tech sector is required, by law, to consider children's privacy, safety and wellbeing in their products and services if they are likely to be accessed by children and young people. Changes already announced by tech companies, demonstrating that regulation can work in this way, include:

- Instagram will no longer allow unknown adults to direct message under-18s.
- TikTok users under the age of 16 will have the accounts set to private by default.
- Google will stop targeted advertising to under-18s, taking children out of the business model. They have also introduced safe search by default.
- YouTube will remove auto-play, to prevent children being fed endless videos.

The Scottish Government continues to work with third sector and operational partners to engage the public and raise awareness about the dangers of online abuse of children, including running successful communications campaigns earlier this year which reached hundreds of thousands of Scots. We sit on a number of national and UK wider groups where we work with partners to drive progress and tackle online harms and protect children, including as an Executive Board member of the UK Council for Internet Safety, and its subgroups, where we work with UK partners to help ensure Scotland's interests are appropriately represented in UK-wide discussions regarding internet regulation.

We have also established the independent Working Group on Misogyny and Criminal Justice in Scotland, led by Baroness Helena Kennedy QC²². The Working Group has been set up to independently consider how the Scottish criminal justice system deals with misogyny. This includes looking at whether there are gaps in the law that could be addressed by the creation of a separate specific criminal offence to tackle misogynistic conduct. Consideration will also be given to whether the characteristic of sex should be added to the hate crime framework. The Group comprises of experts with specialisms in Scots law, human rights, women's equality and perpetrator behaviours relating to gender-based violence and will publish a report on its findings and recommendations in February 2022.

21 <https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/age-appropriate-design-code/>

22 <https://www.gov.scot/groups/misogyny-and-criminal-justice-in-scotland-working-group/>

3. Justice

3.3 Restorative justice

Tackling prejudice and hate crime requires multi-agency working at a national and local level and practical implementation of interventions designed to achieve policy goals, one of which was developing general guidance on restorative justice in collaboration with restorative justice experts and those dealing with victims' issues.

The 2016 Advisory Group recommended that the Scottish Government and partners should explore the use of restorative justice methods with victims and perpetrators of hate crime which may help perpetrators see the contradictions between self-perception and the impact that their behaviours have on individuals and communities. In response, we committed to the following action.

ACTION 11

Publish guidance for delivery of restorative justice in Scotland which will ensure that where restorative justice processes are available, these will be delivered in a coherent, consistent, victim-focused manner across Scotland

IMPLEMENTATION

In October 2017, the Scottish Government published guidance to enhance the use of restorative justice across Scotland²³. In June 2019, the Scottish Government published a 'Restorative Justice Action Plan' (RJAP)²⁴, which was developed collaboratively with Community Justice Scotland with input from stakeholders across the sector. This supports a commitment to have restorative justice services widely available across Scotland by 2023.

The vision is for restorative justice to be available across Scotland to all those who wish to access it, and at a time that is appropriate to the people and case involved. Approaches taken must be consistent, evidence-led, trauma-informed and of a high standard. This seeks to ensure that the needs of persons harmed and their voices are central, and supports a reduction in harmful behaviour across our communities.

Successful delivery of the RJAP will require input from, and collaboration with, a wide range of organisations and people. To this end, the RJAP Stakeholder Group was set up at the beginning of 2020. Information on membership of the group, its remit and meeting papers are available on the Scottish Government website²⁵.

²³ <https://www.gov.scot/publications/guidance-delivery-restorative-justice-scotland/>

²⁴ <https://www.gov.scot/publications/restorative-justice-action-plan/pages/1/>

²⁵ <https://www.gov.scot/groups/restorative-justice-stakeholder-group/>

4.

Terminology

4. Terminology

In the review carried out by the 2016 Advisory Group, it was highlighted through stakeholder engagement and an academic literature review that there was a dissatisfaction with existing terminology and that discussions were required around certain terms, such as 'hate crime' and 'sectarianism'.

It was recommended that the Scottish Government should lead a discussion on the development of clearer terminology and definitions around hate crime, prejudice and community cohesion. In response, we committed to the following actions.

ACTION 12

Engage in dialogue around definitions and terminology, taking account of any conclusions that Lord Bracadale's review of hate crime legislation may offer in this regard

IMPLEMENTATION

In his independent review of hate crime legislation, Lord Bracadale concluded that the definitions and terminology of certain aspects of hate crime legislation should be updated and modernised.

Lord Bracadale recommended that the two thresholds for the statutory aggravations "should be retained but with updated language". Lord Bracadale also recommended that consideration should be given to "removing outdated terms such as 'transvestism' and 'transsexualism' from any definition of transgender identity (without restricting the scope of the definition)".

The Hate Crime Act therefore updates the language used to describe one of the thresholds for the application of a hate crime statutory aggravation, so that the test will be expressed by reference to demonstrating malice and ill-will (removing reference to the term 'evinces'). This change does not alter the threshold for the application of a statutory aggravation; instead, it serves a communicative function, making the thresholds for the application of hate crime statutory aggravations easier to understand. This change was made following consultation with stakeholders and after the Hate Crime Bill had been subject to Stage 1 scrutiny in the Scottish Parliament.

The Hate Crime Act also updates the definition of transgender identity. It has become clear that there are concerns with including 'intersexuality' as an aspect of transgender identity as they are now widely understood to be two separate and distinct characteristics (intersex being a physical variation, or range of variations, relating to biological characteristics, and transgender identity relating to a person's gender identity). The Act therefore removes 'intersexuality' from the definition of transgender identity in the hate crime legislative framework, given the clear differences between intersex and transgender identities. However, so as not to lose protection for this group of people, the Act includes 'variations in sex characteristics' as a separate characteristic within hate crime law. 'Variations in sex characteristics' has been used – as opposed to intersex – as this is the term being increasingly used by stakeholders.

4. Terminology

Furthermore, the terms ‘transsexualism’ and ‘transvestitism’ – widely understood to be outdated – have been removed from the definition of transgender identity used in the hate crime legislative framework, helping to ensure that the definition is up-to-date. Cross-dressing people are included in the Act’s definition of transgender identity, to ensure the protection provided by the word ‘transvestitism’ is not lost. The definition of ‘transgender identity’ therefore includes trans men, trans women, non-binary people and cross-dressing people.

In relation to race and racism, the Hate Crime Act has continued the incorporation of Article 1 of the International Convention on the Elimination of all forms of Racial Discrimination²⁶ into our domestic hate crime law. The provisions of racial protection in Scotland thus will continue to cover the racial provisions of ‘colour, nationality, ethnic or national origin’.

These broad provisions reflect the full scope of International Human Rights Law definitions that acknowledge that racism, often linked to racialisation, colonialism and imperialism, varies across different international jurisdictions.

In Scotland our latest data indicates this definition has been used to protect amongst others citizens of Pakistani ethnicity²⁷, Black people²⁸ and people of Irish nationality or national origins.

Lord Bracadale concluded that a new sectarian aggravation should not be included in new hate crime legislation. His view did not match that of the Legal Definition of Sectarianism Working Group who recommended a new aggravation be included along with a sectarian definition. Following consultation a sectarian aggravation was not included in the Hate Crime Act.

However, the Scottish Government accepted and continue to use the working definition of sectarianism that was included in the final report by the Independent Advisory Group on Tackling Sectarianism in Scotland (2015) – that sectarianism in Scotland is:

“a mixture of perceptions, attitudes, actions, and structures that involves overlooking, excluding, discriminating against or being abusive or violent towards others on the basis of their perceived Christian denominational background. This perception is always mixed with other factors such as, but not confined to, politics, football allegiance and national identity.”

In considering this action we recognise that the use of language is not static and that it may evolve over time. Therefore it is important that as part of our engagement with communities we allow them to guide us in relation to ensuring that terminology is appropriate and relevant. This applies equally across all communities and characteristics and we therefore see this as an ongoing action which will inform our use of terminology into the future.

26 <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

27 <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2021/02/study-characteristics-police-recorded-hate-crime-scotland/documents/study-characteristics-police-recorded-hate-crime-scotland/study-characteristics-police-recorded-hate-crime-scotland/govscot%3Adocument/study-characteristics-police-recorded-hate-crime-scotland.pdf>

28 Ibid

4. Terminology

ACTION 13

Adopt the international definition of antisemitism, and engage with stakeholders on how this translates into improved practice on the ground

IMPLEMENTATION

The Scottish Government formally adopted the International Holocaust Remembrance Alliance's (IHRA) definition of antisemitism in June 2017. Adoption of the IHRA definition demonstrates our determination to tackle antisemitism and to ensure people in Scotland feel valued and have a sense of belonging. It is our view that adopting the definition sends a strong message that we believe antisemitism to be entirely unacceptable in Scotland. The IHRA definition is:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

We also held a series of consultation events in September 2019 to seek advice and views from stakeholders in considering the UK's All-Party Parliamentary Group on British Muslims (APPG) definition of Islamophobia and whether it is suitable for the Scottish context. Unfortunately, due to COVID-19, this work was paused. Work on the definition will be considered with stakeholders as we begin co-creation of a new hate crime strategy later this year.

5.

Data collection and evidence

5. Data collection and evidence

5.1 Improving monitoring and data in respect of hate crime

The 2016 Advisory Group recommended that the Scottish Government work with partners to improve monitoring and data collection in relation to hate crime to understand the nature of – and effectively tackle – hate crime and prejudice, and to develop methods to include qualitative indices of improvement in community cohesion for minorities. In response, we committed to the following actions.

ACTION 14

Develop our approach to gathering evidence around hate crime, and bring forward a new hate crime publication later in 2017

IMPLEMENTATION

On 27 February 2019 the Scottish Government published the ‘Developing Information on Hate Crime Recorded by the Police in Scotland’ report²⁹. This report included information on the number of hate crimes recorded across the five hate strands of disability, race, religion, sexual orientation and transgender identity (protected under existing hate crime legislation). However, we recognised that the data and evidence on hate crime in Scotland need to show a greater level of disaggregation, including further details on victims and perpetrators.

Improving data and evidence was one of the key priorities identified by the Action Group. The Group therefore had a key role in developing the information that would best reflect the experiences of their communities.

On 23 February 2021, we published the research report ‘A Study into the Characteristics of Police Recorded Hate Crime in Scotland’³⁰. This is the first time such a high-quality measure of police recorded data on hate crime has been published. The report presents updated statistics on the number of hate crimes recorded by the police in Scotland over 2014-15 to 2019-20, and also includes findings from a study into the characteristics of these crimes including characteristics of both victims and perpetrators, based on the review of a random sample of these records from 2018-19. The second part of the report was produced to meet calls for a more detailed analysis of hate crime offences from equalities stakeholders in the Action Group to identify trends and patterns to provide a better understanding of the nature of offences and consider how best to respond in tackling hate crime and prejudice.

The police recorded 6,448 hate crimes in 2019-20. Since 2014-15, the number of hate crimes recorded has fluctuated between 6,300 and 7,000 crimes. In 2019-20, around three-fifths (62%) of hate crimes included a race aggravator with one in five (20%) including a sexual orientation aggravator. For race-aggravated hate crimes, where information was available on the ethnicity of victims, almost two-thirds (or 64%) had a victim from a visible minority ethnic (non-white) group. This compares to 4% of Scotland’s population at the time of the last census.

²⁹ <https://www.gov.scot/publications/developing-information-hate-crime-recorded-police-scotland/>

³⁰ <https://www.gov.scot/publications/study-characteristics-police-recorded-hate-crime-scotland/>

5. Data collection and evidence

“The publication of this research report was a significant milestone, providing stakeholders such as ourselves with data and insights into the characteristics of both the victims and the perpetrators of disability hate crime. The commitment to ensuring that we can access disaggregate data on a sustainable basis is vital to the development of a new hate crime strategy and proves a platform for measuring the impact of actions and interventions which arise from this strategy.”

Glasgow Disability Alliance

The report provided some valuable information to support our wider work on tackling hate crime and prejudice. This will help inform our engagement with stakeholders on the development of a new hate crime strategy later this year.

In addition, the Hate Crime Act makes provision requiring information about police recorded hate crime data and hate crime convictions data to be published annually, and with greater detail where known. We have committed to work with Police Scotland to ensure their IT systems will have the capability of capturing disaggregated data, where it is available, on a sustainable basis. Such data is essential in our collective endeavour to more effectively tackle hate crime in Scotland.

“We welcome the legal duty to publish data reflecting the provisions of racial protections (Colour, nationality, ethnic or national origin) outlined in the Article 1 of the International Convention on the Elimination of all forms of Racial Discrimination. The legal duty to publish data reflecting these provisions can be used to target specific types of racially motivated hate crime, inform non-judicial interventions and should be explicitly championed as an exemplar of international best practice.”

BEMIS Scotland

Until Police Scotland have systems in place to extract this data, we have committed to producing a further study into the characteristics of police recorded hate crime, to be published next year, to cover records from 2020-21, which includes the exceptional circumstances of the COVID-19 pandemic.

5. Data collection and evidence

ACTION 15

Work with the STUC and others to gather evidence of hate crime experienced within the workplace, with an initial focus on front line workers

IMPLEMENTATION

We have been unable to take this action forward with the STUC. However, the findings from our research study 'A Study into the Characteristics of Police Recorded Hate Crime in Scotland'³¹ have provided some valuable information to support our wider work on tackling hate crime and prejudice, including that experienced in the workplace, and which will help inform our engagement with stakeholders as we begin to develop a new hate crime strategy later this year.

5.2 Community cohesion

ACTION 16

To better measure progress in this area, strengthen National Outcome 11 of the National Performance Framework which focuses on our efforts to build strong, inclusive and supportive communities and ensure that the rights and wellbeing of Scotland's minority communities are central to our business

IMPLEMENTATION

The National Performance Framework (NPF)³² provides a vision for building a more successful and inclusive Scotland and the way in which progress towards it can be measured. The NPF is made up of 11 National Outcomes, including a 'Communities' outcome which states: 'We live in communities that are inclusive, empowered, resilient and safe' and a 'Human Rights' outcome which states 'We respect, protect and fulfil human rights and live free from discrimination'.

Progress towards the 11 National Outcomes is assessed through 81 National Indicators that tell us whether Scotland's performance is improving, worsening or maintaining for each indicator.

One such indicator is "Social Capital" where an index-base for social cohesion was developed which encompasses the four themes of social networks, community cohesion, social participation and community empowerment to monitor aggregate changes in levels of social capital³³. The theme of community cohesion considers how people feel about their neighbourhoods, their safety, trust and kindness and opportunities and infrastructure that enables meeting with others and people from different backgrounds.

In Scotland, focused weeks that celebrate Scotland's rich diversity form part of the tapestry encompassing the four themes and include weeks such as Scottish Refugee Week³⁴ and Scottish Interfaith Week³⁵.

31 <https://www.gov.scot/publications/study-characteristics-police-recorded-hate-crime-scotland/>

32 <https://nationalperformance.gov.scot/>

33 <https://www.gov.scot/publications/social-capital-scotland-measuring-understanding-scotlands-social-connections/>

34 Refugee Week Scotland | Refugee Week

35 Scottish Interfaith Week 2021, Sunday 31st October – Sunday 7th November 2021

Inclusive and supportive communities



Interfaith Scotland and the local Moray Interfaith group met with the President of the Mosque, Lansana Bangura

In 2019 the mosque in Elgin was vandalised with offensive graffiti. Immediately representatives of Interfaith Scotland and the local Moray Interfaith group visited the mosque and met with the President of the Mosque, Lansana Bangura. Such acts of solidarity are crucial and Mr. Bangura spoke compassionately about the need to 'sit around a table and talk' to help build good community relations.



The Scottish Religious Leaders Forum

The Scottish Religious Leaders Forum has met twice a year since 2002 and as well as building bonds of friendship they stand together in solidarity at moments of extreme tension. In 2019 the attacks on the Sri Lankan Christian community at Easter impacted on communities in Scotland and the Scottish Religious Leaders Forum met together to stand with the Christian community.

6.

Reporting and increasing public awareness

6. Reporting and increasing public awareness

6.1 Campaign activity

In their research, the 2016 Advisory Group found that perpetrators, or potential perpetrators, would not consider themselves as having committed a hate crime despite expressing prejudicial views and behaviours which would have a real impact on individuals and communities.

The 2016 Advisory Group therefore recommended that public education should be undertaken to improve understanding of the nature and extent of hate crime. In response, we committed to the following action.

ACTION 17

Develop a public awareness campaign around the impacts of hate crime in partnership with stakeholders, and run this later in 2017 to coincide with wider awareness-raising initiatives

IMPLEMENTATION

Since 2017, we have developed a number of hate crime campaigns in partnership with a wide range of stakeholders, including Police Scotland.

In October 2017, we launched the 'Hate Has No Home in Scotland' campaign in partnership with Police Scotland. The campaign aimed to increase awareness of what hate crime is, the impact it has on individuals and communities, and encourage victims and witnesses to report it. The evaluation³⁶ was positive and showed it was particularly successful among those who have had some experience of hate crime (whether as a victim or a witness).

Building on the success of this campaign, in September 2018 we launched the 'Letters from Scotland' campaign, in partnership with Police Scotland. The campaign was a series of letters addressed to perpetrators of hate crime which stated that 'your hate has no home here'. They were signed 'Yours, Scotland' in order to encourage those who read it to report hate crime if they witnessed it - therefore helping to create 'One Scotland' where hate crime and prejudice is not tolerated. The campaign evaluation³⁷ was positive and showed an increase in knowledge of hate crime and claimed action in response to the campaign compared to 2017. We relaunched this campaign in October 2020 following concerns raised by stakeholders that there had been an increase in hate crime across all strands, but in particular towards Chinese and Southeast Asian communities, both online and face-to-face throughout the pandemic. The campaign aimed to encourage victims and witnesses to report and increased awareness of how to do so during the COVID-19 pandemic. The 2020 campaign played an important role in keeping familiarity with hate crime high and encouraging action (now or in future), and resulted in almost 45,000 visitors to the onescotland.org³⁸ website during the campaign period.

36 <https://www.gov.scot/publications/hate-crime-campaign-2017-evaluation/>

37 <https://www.gov.scot/publications/hate-crime-campaign-2018-evaluation/>

38 <https://onescotland.org/>

6. Reporting and increasing public awareness

We will continue to engage with key stakeholders in developing future hate crime campaigns to increase awareness of hate crime as an issue among the public and prompt the desired positive action. We have also supported hate crime campaigns launched by Police Scotland.



fearless.org also launched a campaign which aimed to educate and inform young people about hate crime and encourage third parties to report hate crime anonymously through its online reporting service.



6. Reporting and increasing public awareness

6.2 Third party reporting

The 2016 Advisory Group identified that many people who experience hatred and prejudice face many potential barriers to reporting a hate crime, resulting in hate crime being underreported for all characteristics. They recommended that Police Scotland and its partners should review the effectiveness of the third party reporting (TPR) centre network and develop action steps to improve it, as well as address barriers to reporting. In response, we committed to the following action.

ACTION 18

Through the newly established multi-agency delivery group, consider how to break down barriers to reporting and inform this with Police Scotland's work on developing the third party reporting infrastructure

IMPLEMENTATION

The Action Group worked closely with Police Scotland to consider how the third party reporting system may be improved in order to better support victims of hate crime. An engagement session on improving the TPR infrastructure was held jointly by Police Scotland and the Scottish Government in December 2019. Unfortunately, due to the COVID-19 pandemic, progression of this piece of work was paused.

To ensure that victims continued to have accessible methods to report hate crime during the COVID-19 pandemic, Police Scotland carried out a review of TPR centres identifying those able to operate a remote service. The Police Scotland internet page was updated in this regard and communications were released advertising the service available. The updated site was shared with local policing divisions and relevant partners, raising awareness of additional means to access support. Our 2020 hate crime campaign that was launched in partnership with Police Scotland was also able to continue to promote the availability of the TPR network to support victims and witnesses to report.

Police Scotland also reviewed and refreshed the TPR centre training to ensure it was fit for purpose and up-to-date and have adapted to virtual training to ensure more centres are available to the public.

On 3 June 2021, Her Majesty's Inspectorate of Constabulary in Scotland published a report on the thematic inspection of hate crime³⁹. The report includes recommendations on reporting of hate crime, including third party reporting. We will consider these, in partnership with Police Scotland, as we begin to develop our new hate crime strategy with stakeholders later this year.

39 <https://www.hmics.scot/publications/hmics-thematic-inspection-hate-crime>

6. Reporting and increasing public awareness

6.3 Public transport

Individuals can be the target of hate crime on our public transport system, and transport providers need to be aware of this and provide an effective response to any incidents. The 2016 Advisory Group recommended that the Scottish Government work with all stakeholders (including transport providers and workers) to consider how better to protect those experiencing hate crime on public transport. In response, we committed to the following action.

ACTION 19

Agree a hate crime charter with public transport operators which provides clear, common standards and consistent processes for dealing with hate crime on public transport

IMPLEMENTATION

A Hate Crime Charter for bus and rail was launched on social media on 24 March 2021. This resource was developed with Disability Equality Scotland, Police Scotland, British Transport Police, People First Scotland and SEStran to create a nationally recognised system to encourage transport providers, members of the public and other services to support zero-tolerance to all forms of hate crime on public transport. The Charter encourages people to recognise and report hate crime on public transport. Information about how to report it is contained on the Accessible Travel Hub website where there is a dedicated page – www.accessibletravel.scot/hate-crime.

Don't Ignore It. Report it: www.accessibletravel.scot/hate-crime

Hate Crime Charter



Hate crime is when you are targeted because of who you are or who someone thinks you are. This could be because of your disability, race, religion, sexual orientation or transgender identity.



Targeting someone because of who they are is wrong. It could be a criminal offence.



Everyone has the right to travel safely.



Any aggressive, bullying or harassing behaviour will not be tolerated on our services.



If you become aware of any aggressive behaviour, we need you to report this. Learn how to report and recognise hate crime at: www.accessibletravel.scot/hate-crime



We will make sure all incidents you tell us about are recorded and where appropriate, reported to the Police. They will take you seriously.

DON'T IGNORE IT. REPORT IT



6. Reporting and increasing public awareness

The next steps will be to encourage up-take of the Charter with more transport providers. Training in disability awareness and hate crime will also be offered, for free, to transport providers. This will be delivered by Police Scotland and People First Scotland in formats that suit the needs of transport operators.

The success of the Charter will be monitored through baseline surveys with the three key operators (First Bus, Scotrail and Stagecoach) and followed up to gauge increased awareness and understanding of hate crime.


Additionally, Disability Equality Scotland received funding from the Ferries Accessibility fund to run a separate pilot with Caledonian MacBrayne and Northlink ferry operators; to design and implement policy and guidance which challenges hate crime on the ferry network, encouraging reporting and working with transport staff to increase knowledge and awareness of hate crime.

7.

Education

7. Education

Education has an important role in developing positive behaviour and ensuring children and young people have modern, outward-looking attitudes that embrace equality and diversity. Education also has a key role in shaping citizens of tomorrow who are able to recognise and challenge discrimination. This requires a number of interventions, including inspections which clearly focus on promoting equality and addressing discrimination, a willingness to discuss and tackle prejudice in all its forms, clearer guidance and training for education professionals at all levels and above all clear leadership and commitment from those in the education sector to promote equality throughout the system. In their research, the 2016 Advisory Group heard that whilst the Scottish Government and Education Scotland have an important role, it is also for local authorities and individual schools to recognise more needs to be done, in line with their public sector equality duties and responsibilities. They identified that there were anxieties around how some schools engage with questions of equality, particularly around LGBTI issues, and especially where this results in prejudice, isolation or discrimination.




The 2016 Advisory Group recommended that the Scottish Government should encourage all primary and secondary educational institutions to use Curriculum for Excellence to address issues of prejudice and hate crime. It also recommended that the Scottish Government and Education Scotland should utilise the schools inspection framework to better monitor how schools are tackling issues relating to prejudice and equality, including identifying models of best practice and supporting efforts to raise standards in all schools. In response, we committed to the following actions.

7.1 Relationships and behaviour policy

ACTION 20

Progress the implementation of the Scottish Government's relationships and behaviour policy, which supports local authorities and schools to further improve relationships and behaviour in their learning communities

IMPLEMENTATION



Following the publication of 'Behaviour in Scottish Schools Research 2016'⁴⁰, the Scottish Government, together with Education Scotland and the Scottish Advisory Group on Relationships and Behaviour in Schools (SAGRABIS) published their response to the findings in June 2018. 'Developing a Positive Whole School Ethos and Culture: Relationships, Learning and Behaviour'⁴¹ sets out the new policy guidance in response to the research. SAGRABIS have identified the next steps, outcomes and priority actions to support education authorities, schools, practitioners and partners to further improve ethos and culture. A positive school ethos and culture is essential to developing and promoting positive relationships and good behaviour in the classroom, playground and wider community which would result in less bullying and victimisation.

40 <https://www.gov.scot/publications/behaviour-scottish-schools-research-2016>

41 [Developing a positive whole school ethos and culture: relationships, learning and behaviour - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/developing-a-positive-whole-school-ethos-and-culture-relationships-learning-and-behaviour-2018/pages/1-1-introduction.aspx)

7. Education

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7.2 Anti-bullying

ACTION 21

Publish a refreshed approach to anti-bullying, including prejudice-based bullying

IMPLEMENTATION

In November 2017, the Scottish Government published updated anti-bullying guidance 'Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People'⁴⁴ which provides the overarching framework for all adults working with children and young people to address all types of bullying including prejudice-based bullying. The guidance is due to be reviewed again in 2022.

We introduced a consistent and uniform approach to recording and monitoring incidents of bullying in schools in 2018. The new approach allows schools to record bullying based on protected characteristics. Following an interim evaluation, we are confident that all local authorities have been using the new approach from August 2019.

Every child has the right to grow up fully included in their learning experience and to be treated with respect. We expect schools to deliver an inclusive and supportive learning environment for children and young people. *respectme*, Scotland's anti-bullying service, continues to work with local authorities, communities and other organisations working with children and young people, to build confidence and capacity to address bullying effectively. This includes supporting key stakeholders with policy development, a free programme of training and a range of publications and advice. *respectme* have also developed a new self-assessment toolkit to support organisations to review their anti-bullying practice, measure its impact and assess its outcomes for children and young people.

42 <https://www.gov.scot/publications/behaviour-scottish-schools-research-2016>

43 [Developing a positive whole school ethos and culture: relationships, learning and behaviour - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/developing-a-positive-whole-school-ethos-and-culture-relationships-learning-and-behaviour)

44 <https://www.gov.scot/publications/respect-national-approach-anti-bullying-scotlands-children-young-people/>

7. Education

The Coalition for Racial Equality and Rights and *respectme* have also developed the resource “Addressing Inclusion: Effectively Addressing Racism in Schools”⁴⁵. This resource provides information and guidance to school staff on addressing racist bullying in Scottish schools.

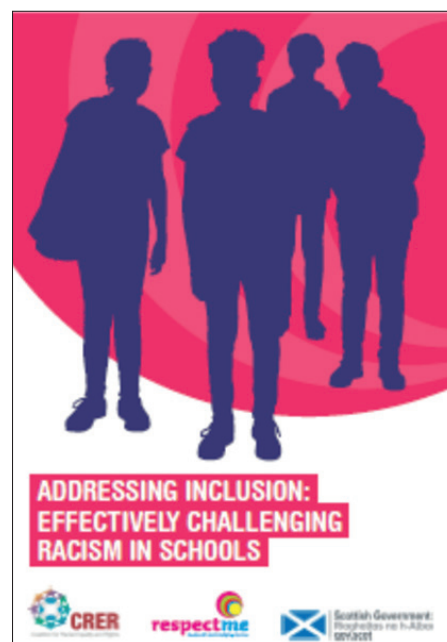
As part of the Mentors in Violence Prevention training programme, Education Scotland has produced a number of Wakelets (online platforms for content) for school staff one of which looks at combating prejudice and hate crime. The Wakelets include resources and signposting to help schools and empower young people to create inclusive and safe environments for minority ethnic young people.

Professional learning to support this resource and the embedding of anti-racist education in all schools began at the national Scottish Learning Festival 2021, which included a keynote address by the Rt Hon Stuart Lawrence, brother of Stephen Lawrence.

A new programme has also been established in response to issues raised in correspondence about Black Lives Matter and also in response to recommendations made by the Expert Reference Group on COVID-19 and Ethnicity. The Race Equality and Anti-Racism in Education Programme (REAREP) brings together a number of education workstreams, to help eradicate racial inequalities and racism within our education system. The programme consists of a small internal Programme Board and a large Stakeholder Network Group. The latter has representation from a broad range of race equality and education stakeholders, including, but not limited to: CRER, CEMVO, Intercultural Youth Scotland and Education Scotland, COSLA, the General Teaching Council for Scotland and the Association of Directors of Education in Scotland. It oversees four subgroups which are developing short-, medium- and longer-term actions in the following areas:

- School Leadership and Professional Learning
- Diversity in the Teaching Profession and Education Workforce
- Curriculum Reform
- Racism and Racist Bullying.

Significant progress has been made in delivering the recommendations of the LGBTI Inclusive Education Working Group. These recommendations, published in November 2018, are about inclusive education across the curriculum, not just LGBT specific lessons. A ground-breaking suite of teaching resources and a teacher training module were launched on a dedicated website in September 2021 and take us another step towards ensuring the Scottish curriculum is as diverse as the young people who learn from it. This adds to the recommendations delivered



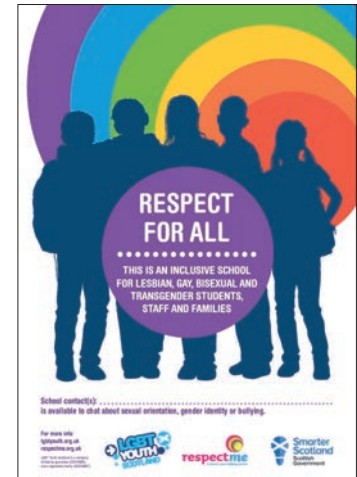
45 <http://respectme.org.uk/wp-content/uploads/2019/01/Addressing-Inclusion-Effectively-Challenging-Racism-in-Schools.pdf>

7. Education

such as establishing a national approach for schools to record and monitor all bullying incidents in public schools, including bullying motivated by homophobia, biphobia or transphobia; development of inspection prompt questions for Education Scotland inspectors to use during school inspections, to help inform LGBT inclusivity; and, integrating LGBT-inclusive education training within all Initial Teacher Education programmes in Scotland.

The website lgbteducation.scot⁴⁶ hosts resources, training and other relevant information on LGBT-inclusive education. It helps build a robust toolkit of LGBT-inclusive education teaching resources for use in all Scottish schools. These are available to all school staff and the wider public, including parents and carers as well as children and young people. Inclusive education needs to start early so all children and young people begin to learn and understand equality, respect, and tolerance. This resource will help support our children and young people to build healthy relationships and prevent prejudice occurring in any form.

The Scottish Government is also committed to providing opportunities for Scotland's children and young people to learn about the Holocaust. Holocaust education sits within international and citizenship education, at the heart of Curriculum for Excellence. We also support the Holocaust Educational Trust's Lessons from Auschwitz programme to promote further learning about and remembrance of the Holocaust and, since 2009, over 4,400 Scottish students have participated on the project as well as over 580 Scottish teachers.



46 <https://lgbteducation.scot/>

7. Education

7.3 Professional development

The 2016 Advisory Group recommended that key stakeholders that contribute to the professional development and continuing professional development of teachers (e.g. Education Scotland, university Schools of Education, local authorities, and the General Teaching Council of Scotland) should seek to develop the capacity of the teaching workforce to better understand issues of prejudice and equality in the context of their role as educational professionals. In response, we committed to the following action.

ACTION 22

Consider learning from evaluation of the education inspection indicator relating to inclusion, and work with Education Scotland to ensure that best practice is disseminated

IMPLEMENTATION

Following the review of the findings from the education inspector indicator relating to inclusion, resources to support best practice continue to be made available on the National Improvement Hub and are continuously promoted through networks and bulletins.

7.4 Colleges and universities

IMPLEMENTATION

The Equality and Human Rights Commission published their report, “Universities Challenged” in October 2019. With the support of Scottish Government and Universities Scotland, the Scottish Funding Council (SFC) held a joint seminar with the EHRC for the sector to discuss the actions required to address the findings of the report.

Thereafter, SFC worked with Advance HE and established and funded a steering group to take forward work to address racism on campus. The recommendations specific to institutions focused on taking action to address reporting of racism. The SFC steering group is a majority Black, Asian & Minority Ethnic-led group whose members bring relevant expertise of the work required by the group (communications, anti-racist teaching, change) as well as lived experience. This blend of experience and expertise has been invaluable in helping shape the resources to support institutions recognise and challenge racism on campus. The resources, launched on 16 March 2021, have been developed with involvement with staff and students from across Scottish colleges and universities^[1].

In addition, the Scottish Funding Council has funded an anti-racist curriculum project. This presents an opportunity to further capitalise on the current sector wide commitment to tackle racism in the Scottish HE and FE sector. This will build on the work of the Tackling Racism on Campus project and involves a strategic collaboration between Advance HE and the next Enhancement Themes programme of activity (managed on behalf of the sector by QAA Scotland).

Embedding consideration of race equality in university and college curricula is a core part of a ‘whole institution’ approach to race equality and addressing the Black Asian and Minority Ethnic degree awarding gap.

7. Education

The Scottish Government has also contributed to the Fearless Glasgow Collaboration, a grouping of further and higher education institutions (Glasgow Caledonian University, the University of Glasgow, the University of Strathclyde, the University of the West of Scotland, the Royal Conservatoire of Scotland, and Glasgow School of Art, Glasgow Clyde College, Ayrshire College, Glasgow Kelvin College, and the City of Glasgow College), led by Glasgow Caledonian University, for the purchase from Culture Shift of the Report and Support Tool, an online tool to enable students and staff in institutions across Fearless Glasgow to report anonymously gender-based violence and racial harassment issues.



7.5 Youth work

The 2016 Advisory Group recommended that Education Scotland should explore further the potential of youth work (as a model of peer-led intervention) to contribute to tackling hate crime and prejudice. It also recommended that youth work practice in the area of challenging prejudice and promoting inclusion and cohesion should be shared with relevant partners including police, schools and local government. In response, we committed to the following action.

ACTION 23

Explore further the potential of youth work (as a model of peer-led intervention) to contribute to tackling hate crime and prejudice

IMPLEMENTATION

We have worked with the youth work sector to build capacity and share best practice around hate crime and prejudice. We funded YouthLink Scotland to develop Action on Prejudice, a national interactive platform. This includes the creation of the 'Speak Up'⁴⁷ resource; a toolkit aimed at young people and youth work practitioners which encourages young people to become active bystanders, presenting different ways to safely intervene if they witness a situation that may be a hate crime or incident and information on the different ways to report it. The resource is complemented by activities for youth work practitioners to deliver, to encourage discussion with young people about how to recognise a hate crime, to risk-assess a situation and to look at their own prejudices and stereotypes. As at 5 August 2021, the Speak Up webpage has had 4,632 views, with 2,325 directly from promotion of the resource on social media channels. The resource has received positive feedback and youth work practitioners have indicated that they are keen to use it with young people to discuss options for intervening safely when witnessing a hate incident.

⁴⁷ <https://actiononprejudice.info/speak-up/>

7. Education



Interfaith Scotland have also published a manual which is designed to support youth workers engaging with young people who express hateful speech and/or behaviour in youth settings⁴⁸. It focuses on practice as youth workers: to become more aware of our communication and listening skills; to understand how we can create safer spaces in youth settings that support learning and change to happen; and to focus on working with those young people that spread hate – through their speech or behaviour – whether they are conscious of doing so or not. The manual provides tools to work towards transformative practice with young people with the aim of bringing about real change in attitudes and behaviours with young people.

YouthLink Scotland has also partnered with Sense Over Sectarianism to deliver CPD training to teachers and Community Learning and Development workers on anti-sectarianism resources, quality-assured by Education Scotland. The training has been offered to schools, youth work organisations and local authorities across Scotland and links directly to the tackling sectarianism education resource for teachers and youth workers across Scotland. Wider work in this area includes training for student sports coaches, undergraduate teachers, youth workers and peer education to deliver anti-sectarian and hate crime education in schools, communities and sports settings.

48 <https://interfaithscotland.org/wp-content/uploads/2019/04/Transforming-Hate-in-Youth-Settings-Practical-Manual.pdf>

8. Implementation at a glance

This table provides a simple overview of the progress made on each of the actions in the Tackling Prejudice and Building Connected Communities Action Plan. It indicates whether the policy:

- **has been completed***
- **is ongoing****
- **is at an early stage of development, or**
- **has been paused**

* Some of the actions will have their status marked as complete as they were required to be carried out within a specific timeframe and the action initially identified was completed; however, activity may be continued in the area and this will be reflected in the update.

**Actions may be marked as 'ongoing' for the same reason. Our work in respect of tackling hate crime, eradicating prejudice and building community cohesion is long-term and fluid in nature and will extend into the creation of a new hate crime strategy.

Actions	Action Status
1. Establish a national multi-agency delivery group with ministerial oversight to take forward the implementation of the 2016 Advisory Group's recommendations	Complete
2. Establish an Advisory Panel on Community Cohesion, to provide expert advice on how we can strengthen our approach to building cohesive communities and safeguarding people from harm	Paused
3. Review our approach to engaging with communities, to ensure that we are aware of their issues and concerns	Complete
4. Work with disabled people's organisations to implement our action plan on disability 'A Fairer Scotland for Disabled People' to address the underreporting of disability hate crime	Complete
5. Work through the Race Equality Framework to engage with minority ethnic communities in building community cohesion and safety, and improving the lives of Scotland's minority ethnic communities	Complete
6. In summer 2017, set out a range of initiatives supported through our Equality Budget that will contribute to tackling hate crime and prejudice, and building community cohesion	Complete
7. Work with the Scottish National Equality Improvement Programme to share best practice around fostering good relations in communities and consider what further guidance and support may be required to enable them to do this	Ongoing
8. Set a specific outcome within our Equality Outcomes on hate crime, and report on progress through our Mainstreaming and Equality Outcomes publication	Complete
9. Consider the recommendations of Lord Bracadale's independent review of hate crime legislation, and set out how we intend to implement these	Complete

8. Implementation at a glance

Actions	Action Status
10. Engage with key stakeholders to consider further steps to prevent and tackle online hatred and misogyny	Ongoing
11. Publish guidance for delivery of restorative justice in Scotland which will ensure that where restorative justice processes are available, these will be delivered in a coherent, consistent, victim-focused manner across Scotland	Complete
12. Engage in dialogue around definitions and terminology, taking account of any conclusions that Lord Bracadale's review of hate crime legislation may offer in this regard	Complete
13. Adopt the international definition of antisemitism, and engage with stakeholders on how this translates into improved practice on the ground.	Complete
14. Develop our approach to gathering evidence around hate crime, and bring forward a new hate crime publication later in 2017	Complete
15. Work with the STUC and others to gather evidence of hate crime experienced within the workplace, with an initial focus on front line workers	Not progressed
16. To better measure progress in this area, strengthen National Outcome 11 of the National Performance Framework which focuses on our efforts to build strong, inclusive and supportive communities and ensure that the rights and wellbeing of Scotland's minority communities are central to our business	Complete
17. Develop a public awareness campaign around the impacts of hate crime in partnership with stakeholders, and run this later in 2017 to coincide with wider awareness-raising initiatives	Complete
18. Through the newly established multi-agency delivery group, consider how to break down barriers to reporting and inform this with Police Scotland's work on developing the third party reporting infrastructure	Paused
19. Agree a hate crime charter with public transport operators which provides clear, common standards and consistent processes for dealing with hate crime on public transport	Complete (for bus and rail)
20. Progress the implementation of 'the Scottish Government's' relationships and behaviour policy, which supports local authorities and schools to further improve relationships and behaviour in their learning communities	Complete
21. Publish a refreshed approach to anti-bullying, including prejudice-based bullying	Complete
22. Consider learning from evaluation of the education inspection indicator relating to inclusion, and work with Education Scotland to ensure that best practice is disseminated	Complete
23. Explore further the potential of youth work (as a model of peer-led intervention) to contribute to tackling hate crime and prejudice	Complete



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