

# Response to Equality and Human Rights Commission Call for Evidence

September 2010

**Equality, Diversity and  
Human Rights Business Area**





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# ACPO Strategic Response

# EHRC Inquiry into Disability Related Harassment – Written Evidence

## Section 1: Your contact details

It will really help us if you can provide your name and contact details in case we need more information. Naturally we will treat this information as confidential (please read our confidentiality statement at the end of this document).

If you wish to remain anonymous, please leave this section blank.

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Are you responding on behalf of an organisation or as an individual? On behalf of an organisation		
If responding on behalf of an organisation, what is the name of your organisation: Association of Chief Police Officers (ACPO)		
Does your organisation provide services to specific group/s? If so which group/s? ACPO leads and coordinates the direction and development of the police service in England, Wales & Northern Ireland. Please see paragraphs 1.1.1. - 1.1.3 for further information.		

## Section 2: Your evidence

We are particularly interested in receiving evidence in relation to the questions set out below. You do not have to respond to all the questions.

### 1 Please provide a summary of your response

- 1.1 This submission is focussed around the five questions set out in the Commission's call for evidence from organisations and interested parties:
- effective approaches to preventing and eliminating disability related harassment;
  - addressing the causes of disability related harassment including

- prejudice and negative attitudes;
- c. involving disabled people in the preventions and elimination of disability related harassment and addressing its causes;
- d. enabling disabled people to effectively report disability related harassment;
- e. the diverse experiences and needs of disabled people related to their impairment type, age, gender, gender identity, race or ethnicity, religion or belief and sexual orientation.

The response focuses on the role of ACPO in providing leadership, direction, policy and guidance to support the police service to deliver effective services that meet the needs of all communities. In developing this response ACPO has asked Forces to provide information about their experience of the issues and the work that they are doing to prevent and eliminate disability related harassment. The information provided has been used to support the development of this strategic response and to provide some practical examples of how national policy and guidance is translated into activity and outcomes in communities.

The response includes references to a number of relevant police, guidance and strategy documents which provide further information and evidence of the materials available to support the police service to prevent and eliminate disability related harassment. Hyperlinks have been inserted to enable the reader to access the documents electronically. A list of the documents and their electronic web addresses is included at Annex A. We also attach a glossary at Annex B.

## 1.2 *Introduction & Context*

1.2.1 The Association of Chief Police Officers (ACPO) is an independent, professionally-led strategic body. It leads and co-ordinates the direction and development of the police service in England, Wales and Northern Ireland, working in partnership with Government and the Association of Police Authorities. ACPO is an association of chief officers bringing together their experience and expertise to help the police service deliver effective policing on behalf of the public. It does this through the work of its 'Business Areas', each of which is responsible for setting overall direction and developing national strategy and policy for specific policing functions or particular areas of business.

1.2.2 ACPO is supported in carrying out its strategic role by the National Policing Improvement Agency (NPIA). NPIA was established in 2007 with a remit to improve public safety by building capability across the police service, providing professional expertise to police forces and authorities and providing critical national services. NPIA works in partnership with ACPO and its business areas and can be commissioned to deliver programmes and projects to improve capability and support front line delivery.

NPIA has worked with ACPO in developing this response to the call for

evidence and the response incorporates work that NPIA has developed and delivered on behalf of the police service.

- 1.2.3 In 1990 ACPO set out the Police Service statement of common purpose and values which states:

*“The purpose of the Police Service is to uphold the law fairly and firmly; to prevent crime; to pursue and bring to justice those who break the law; and to keep the Queen's Peace; to protect, help and reassure the community; and to be seen to do all this with integrity, common sense and sound judgement ..... We must strive to reduce the fears of the public and, so far as we can, to reflect their priorities in the action we take”.*

This response will focus particularly on the work of the police service in carrying out the core functions of preventing and investigating crime, and reducing the fear of crime.

- 1.2.4 A key challenge for the police service is the use of language and the different interpretation and definitions of particular terms. Police activity is frequently shaped by legal definitions and terms. An example of this is the use of the word ‘harassment’. Police officers base their understanding of harassment on the definition set out in criminal law whereas the definition adopted by the Inquiry is the civil law definition.

- 1.2.5 ACPO recognises that the police service has a clear responsibility to protect disabled people from crime and to work with other public services to prevent harm and ensure the safety of individuals who may be vulnerable or at risk. In undertaking this work the police have to be able to work with individuals from across the whole of society - of all ages, backgrounds, nationalities, and communities. Training for front line staff focuses on enabling them to carry out their roles and communicate effectively when dealing with a wide range of different people and situations. The police service has recognised the importance of equipping our workforce to deal with the needs and experience of different communities and introduced the [Police Race & Diversity Learning & Development Programme](#) to meet this need.

- 1.2.6 ACPO recognises that people with mental ill health and learning disability experience an increased risk of being victims of crime. Police officers and staff are often the gateway to appropriate care and other services and therefore must be able to recognise and provide appropriate support to people with mental health difficulties. ACPO has therefore produced guidance for the service on [Responding to People with Mental Ill Health & Learning Difficulties](#) . A comprehensive and innovative e-learning package has been developed by NPIA and is being rolled out to Forces.

1.2.7 As other public services have reduced out of hours access to service provision the police can often find themselves under pressure to fill the gap, providing a service to vulnerable people that would be better delivered by others more qualified to do so. The police service is working with government to improve the coordination and integration of services for people with mental ill health or learning disabilities in the criminal justice system through the delivery of the national delivery plan of the health and criminal justice program board – [‘Improving Health, Supporting Justice’](#). Success relies on all partner agencies being able to commit the right level of resource to deal with this challenge.

1.2.8 The Police cannot and are not expected to deal with vulnerable groups on their own. It is clear that effective responses to preventing and eliminating disability related harassment and promoting the safety of disabled people are reliant on effective partnership working. ACPO’s role is to work in partnership with government and other stakeholders to develop and promote improved multi-agency working and the effective integration of services. Real improvement, however, can only be delivered through effective partnerships at the local level – where services are delivered by each Force working in partnership with other public authorities.

1.2.9 It is not yet clear what impact the economic climate and the focus on deficit reduction will have on partnership working. There is a real risk that partnership activity will be undermined as public authorities refocus their budgets and activities on core functions in response to the requirement to make significant cuts.

1.2.10 The ACPO Equality, Diversity and Human Rights Business (EDHR) Area provides national direction and leadership for the police service on equality issues. This has included:

- Guidance on Equality Impact Assessment
- Guidance and support on the public sector equality duties
- Establishment of a national network for equality practitioners
- Publication of a national [Equality, Diversity and Human Rights Strategy for the Police Service](#)
- Development and implementation of the [Equality Standard for the Police Service](#)

The EDHR strategy provides the service with clear direction and identifies the priorities for improvement. The equality standard provides a framework to support police forces to build equality activity into all aspects of their business. Both the strategy and standard adopt an integrated outcome focussed approach to delivering improvement for equality groups.

### 1.3 *Responding to the Inquiry*

1.3.1 ACPO recognises that disabled people are at greater risk of experiencing violence than non-disabled people. Nationally ACPO has highlighted the concerns raised by the EHRC and is using a critical incident management approach to co-ordinate the response of the police service to the Inquiry. This enables us to work across the service making the links with other relevant ACPO business areas. It will also ensure that the service is able to identify areas for improvement as they emerge and respond appropriately. Our aim is *'to improve the trust and confidence that disabled people have in the service that they receive from the police'*.

1.3.2 ACPO has provided advice to Forces regarding the range of information which they may want to include in a response to the call for evidence. In August 2010 NPIA hosted an ACPO led national workshop aimed at supporting forces to respond to the EHRC call for evidence. The purpose is to ensure that the police service uses the opportunity that this Inquiry offers to identify and address areas for improvement and to evaluate initiatives and activity and share good practice enabling the service to more effectively prevent and eliminate disability related harassment and improve services for disabled people.

The approach that ACPO has adopted will enable us to develop an overview of practice across the country. We will be working with NPIA to address any issues of capability, and to identify and share good practice.

1.3.3 ACPO has also agreed arrangements with the EHRC legal directorate for referrals from the disability harassment inquiry into a single point of contact. This will ensure that issues reported to the Inquiry that may need action by the police can, with the consent of the individuals concerned, be reported and investigated. In addition any concerns regarding police response to, and management of, incidents can be addressed.

## **2 Please tell us what you think are effective approaches to preventing and eliminating disability-related harassment**

2.1.1 ACPO recognises the critical importance of involving and consulting with disabled people when developing approaches to tackling and preventing disability harassment. Section 4 will set out in more detail how ACPO involves disabled people in the prevention and elimination of disability related harassment.

2.1.2 ACPO believes that there are a number of factors that will impact on the capacity of the police service to develop effective approaches to eliminating disability related harassment. These include:

- Knowledge and understanding of the experience of disabled people and of the impact of disability related harassment on their lives.

- Community awareness – knowledge of rights and recognition of what constitutes disability related harassment
- Common definitions and accurate data recording – providing better information about the extent and nature of disability related harassment and a sound evidence base.
- Effective risk assessment mechanisms including partnership arrangements and information sharing protocols
- Appropriate and accessible support and services for disabled victims and witnesses.
- Effective investigation and prosecutions

Our response to this section sets out relevant activity under each of the relevant areas.

## 2.2 *Understanding the experience of disabled people and the impact of disability related harassment*

2.2.1 ACPO is committed to ensuring that policing is delivered with the consent and cooperation of communities. In order to be able to do this effectively it is essential that the police service and our workforce understand the experiences of different communities and the impact that crime and the delivery of policing services has on their lives. The police service has developed a citizen focussed approach which requires major cultural and operational change at every level. NPIA has been commissioned to support this change through the delivery of the Citizen Focus and Neighbourhood Policing Programme. Further information can be found on the web pages of NPIA's [Criminal Justice and Local Policing Unit](#).

2.2.2 One of the key functions of local neighbourhood teams is to engage with and listen to communities in order to understand how crime and anti-social behaviour is affecting them and to ensure that their concerns influence local policing priorities. ACPO recognises that communities are not just defined by geography and has highlighted the need to ensure that neighbourhood policing engages with and addresses the needs of diverse communities. These requirements have been integrated into the Citizen Focus Hallmarks and the [Equality Standard for the Police Service](#).

2.2.3 It is vital that the Police Service provides a nationally consistent, fair and effective response to disabled people. This includes recognising their needs, providing them with support and referring them to other agencies where appropriate. In order to be able to do this it is essential that the police service involves and consults with disabled people and disabled people's organisations.

ACPO & the NPIA have a range of mechanisms to ensure that service users, community members and organisational stakeholders are involved in the development of policy and guidance. This includes the use of

Independent Advisory Groups (IAGs), the involvement of the statutory Staff Associations, Unions and Diversity Staff Support Associations, as well as engagement with community, voluntary, and user led organisations. This is done directly at a national level and by working with Forces to engage local groups and organisations.

Further information about how ACPO involves disabled people in the prevention and elimination of disability related harassment is set out at section 4.

- 2.2.4 Forces use a wide variety of different approaches to ensure that the experiences and concerns of disabled people are understood and addressed. This includes attendance at the meetings of local community groups, provision of surgeries, development of specific involvement and consultation events and partnership work with disabled people's organisations.

### **Practice Examples**

- Partners and Communities Together (PACT) is a mechanism which enables communities to identify and prioritise their concerns and discuss with the police and other agencies how these issues will be addressed. Lancashire Police are currently developing the facility for on-line PACT meetings. These will enable those people who are unable to access their local neighbourhood PACT meetings to raise their concerns.
- In May 2009 Devon and Cornwall Constabulary commissioned Living Options Devon – a user led disabled people's organisation – to carry out research into the issues affecting disabled and Deaf victims of crime and their carers. The [report](#) was published in July 2009 and makes clear recommendations for improvement and highlights awareness and public confidence as key causes of under-reporting of disability hate crime in Devon.

## **2.3 *Community awareness – knowledge of rights and recognition of disability hate crime***

- 2.3.1 The Government has set out its vision is of a 'free, fair and responsible' society. At the heart of that vision is a radical shift in power and control away from government back to local people and communities. Local people are to be given greater control to determine public service priorities. In this environment it is important that all communities understand their rights and are able to effectively articulate their concerns and ensure the public services understand and meet their needs.

- 2.3.2 ACPO recognises that individuals are not always aware of their rights, or the services that exist to support and protect them and is committed to raising awareness of disability hate crime across the police service and with our partners and communities. ACPO works in partnership with

government and other agencies to implement the priorities set out in the cross government hate crime strategy. A key initiative has been the development of a range of materials under the '*True Vision*' brand which provide information about keeping safe, hate crime, and encouraging reporting when it occurs.

- 2.3.3 There is a wide range of work going on in Forces to increase understanding of the existence and impact of disability related hate crime amongst staff and communities and to increase disabled people's awareness of their rights and the services available to them. This includes a wide range of learning and development opportunities including community placements for student officers with disabled people's organisations, hate crime conferences as well as the development of accessible information packs and DVDs, community awareness events and Safe Place schemes.

#### **Practice Examples**

- Student Officers at Staffordshire Police spend two weeks in the community with a focus on disability. This includes spending time at mental health inpatient facilities, and inputs on disability, mental health and learning disability.
- North Yorkshire Police are working with York People First to raise awareness of disability hate crime. They have produced a DVD which uses drama to show how taunts and harassment impact on disabled people.
- Devon & Cornwall Police hold annual 'Blue Light' events for the learning disabled community. Approximately 200 community members attend these events which are organised in partnership with, People First Cornwall, Cornwall County Council, Cornwall Fire Service and the South-Western Ambulance Service (NHS) Trust. Participants have the chance to meet and talk with local Police, Fire and Ambulance personnel in an informal environment and to attend workshops on personal safety, reporting hate crime, and other relevant issues.
- In September 2009 Kent Police, in partnership with Kent County Council, organised a conference on tackling disability hate crime and incidents. Conference delegates raised a wide range of issues of concern and made recommendations for improvements in service delivery many of which have been incorporated into Kent's Disability Action Plan.

#### **2.4 Common definitions & accurate data recording**

- 2.4.1. The [National Intelligence Model](#) (NIM) is the core business model for policing. It became ACPO Policy in 2000 and under the Police Reform Act (2002) it provides a statutory basis for the introduction of minimum standards and basic principles. NIM takes an intelligence led, problem solving approach to crime and disorder and provides a clear framework of

analysis of information and intelligence and is used in operational and strategic planning and decision making. Its effectiveness as a tool is clearly dependent on accurate, robust and consistent information.

Accurate and consistent data recording is a priority for the police service and ACPO has worked with NPIA to develop clear guidance and standards including the [National Standard for Incident Recording](#) and the [National Contact Management Principles and Guidance](#).

- 2.4.2 The report of the Stephen Lawrence Inquiry has had a major influence on the development of legislation and policy to tackle hate crime in the UK. The UK now has one of the strongest legislative frameworks and leads internationally on criminal justice responses to hate crime. In 2006 the cross government Hate Crime Strategy Board was established with a remit to drive and monitor work to improve the criminal justice service to all victims of hate crime. ACPO is actively involved in the work of this Board. A key priority for the Board has been to improve the quality and range of information.

For many years the focus of police activity in this area has been on race related hate crime. Prior to 2008 the police service was only required to record details of race hate crime as part of the Home Office annual data requirement. In 2007 ACPO agreed the common definition of hate crime (attached at Annex C for reference) and since April 2008 police forces have recorded hate crime on the five strands – disability, race, religion, sexual orientation, and transgender. ACPO has now agreed, subject to the approval of the national statistician, to publish this data on a regular basis. The annual data for 2009 will be published shortly and ACPO will make the information available to the EHRC Inquiry panel as soon as it has been finalised.

These are important steps as they will help to provide a more accurate picture of the extent of disability related hate crime and of the progress that the service is making to increase reporting and to build confidence in the police service's commitment to tackle hate crime. An inherent part of the leadership role of ACPO is to look across the country and identify where there are inconsistencies or low levels of reporting and provide support and advice to Forces. The publication of hate crime data will support ACPO to do this and will inform future policy decisions and the work of the ACPO hate crime portfolio.

- 2.4.3 ACPO recognises that the level of recorded hate crime only provides a partial picture of the extent of disability related hate crime. It is clear from the evidence available from other sources – Scope, Mind, the UK Disabled People's Council, and the EHRC – that there is substantial under reporting of disability related hate crime. To some extent this is not surprising; the broadening out of the Race for Justice Programme to all forms of hate crime is comparatively recent.

Research into other crime types (for example domestic abuse, race related

hate crime) indicates that targeted violence against vulnerable individuals is frequently under-reported. ACPO recognises that there are lessons to be learned from the work done to increase reporting in other areas of our business such as domestic abuse and race related hate crime.

- 2.4.4 ACPO is also aware that it is likely that the police service does not always recognise and identify crime reported by disabled people as disability related hate crime. This issue has been raised as a concern by disabled people's organisations and is highlighted by the fact that in a number of high profile serious cases of disability related harassment the crimes had not been recorded as disability related hate crimes.

The hate crime diagnostic tool kit, developed by the Hate Crime Strategy Board, will support Forces to evaluate their performance in dealing with hate crime including their processes for recording and designating hate crimes and incidents.

- 2.4.5 The inquest into the deaths of Fiona Pilkington and Francecca Hardwick focused public attention on the impact that anti-social behaviour (ASB) has on the lives of victims and families. In March 2010 Her Majesty's Inspectorate of Constabulary (HMIC) published a [National Overview of Police Performance](#) which identified weaknesses in the quality and scrutiny of data relating to 'less serious offences'. HMIC made a further [statement on antisocial behaviour](#) acknowledging the extent of public concern about the issue. HMIC identified a number of areas for improvement including the lack of an agreed operating framework, inadequacies in police information about ASB and inconsistencies and weaknesses in the ability of police systems to identify vulnerability and repeat victimisation. HMIC's findings highlight the major impact of repeated ASB on victims' quality of life. Importantly, HMIC identified that disability was a significant issue and found that 1 in 5 of repeat victims identified themselves as disabled. HMIC have identified this as an issue that requires further work.

ACPO responded to these concerns and continues to support the police service to improve the standards of service to victims of anti social behaviour. ACPO has a role in ensuring that learning from reviews and inspections is used to improve services and awaits the findings of the report of HMIC's further inspection of police handling of ASB particularly with regard to the recognition and appropriate recording of disability related hate incidents and crimes.

- 2.4.6 HMIC identified that in 2008 / 2009 there were 3.6 million incidents of ASB whilst during the same period the police service recorded only 1476 disability related hate crimes. ACPO is working with Forces to ensure that the police service fully recognises and addresses the impact of ASB on disabled people and records it as disability related hate incidents or crime in line with the common definition.

## 2.5 *Risk Assessment*

- 2.5.1 ACPO recognises the central importance of effective risk assessment in ensuring that the police service is able to identify and protect individuals and communities. The inquest into the deaths of Fiona Pilkington and Francecca Hardwick highlighted the critical importance of recognising the impact of persistent and repeated lower level incidents on the lives of victims and their families. It also demonstrated the importance of effective partnership working and information sharing protocols. Other high profile cases have highlighted the risk of escalation and importance of effective risk assessment and early intervention.

In April 2010 ACPO produced a risk assessment matrix (attached as Annex D) to assist neighbourhood officers to identify vulnerable victims and witnesses. This template will be launched at an event for ASB practitioners in October 2010.

- 2.5.2 ACPO supports the development of multi agency responses to these concerns but does so with the recognition that the current fiscal situation and potential impact of budget reduction within the public sector is likely to have major implications for itself and its partners on their capacity and capability to deliver improvements to these services.

- 2.5.3 ACPO is involved in supporting the police service to develop effective risk assessment mechanisms in a number of areas of policing activity that impact on public protection. ACPO provides guidance to forces on effective risk assessment including a range of templates to assist forces in developing local protocols and procedures. ACPO supports the use of the Department of Health guidance '[No Secrets](#)' and is currently working in partnership with the Home Office and the Department of Health to develop guidance on financial crime against vulnerable adults. The draft guidance identifies a lack of connectivity between organisations and the safeguarding process when dealing with financial crime as opposed to physical abuse. The new guidance will support Forces to more effectively address the financial abuse of vulnerable adults who may be targeted because of physical or sensory impairment, mental ill health or learning disability.

In making assessments of risk and vulnerability police officers need to take account of a wide range of factors including health and disability as disability related harassment cuts across a wide range of crime types. Advice on risk assessment is incorporated into a range of guidance documents including: [Guidance on investigating child abuse and safeguarding children](#), [Guidance on investigating domestic abuse](#) and [Guidance on the Management, Investigation and Recording of Missing Persons](#).

2.5.4 In May 2010 ACPO launched its Mental Health Strategy (Annex E) together with the national '[Guidance on Responding to People with Mental Ill Health or Learning Disabilities](#)'. The guidance provides information and advice to help officers and staff recognise the signs of mental ill health or learning disability and to respond appropriately and effectively. Section 3.7 of guidance deals with risk management.

2.5.5 Many Forces are actively engaged in work to develop and improve internal and partnership arrangements in relation to public protection, safeguarding adults and early intervention. In addition ACPO will be looking to the HMIC Inspection into ASB to identify areas for improvement and will work with NPIA to provide any necessary capability support.

### **Practice Examples**

- West Yorkshire Police have developed an enhanced risk assessment process to identify vulnerability. The enhanced process is supported by a system that enables repeat callers to be identified. Cases are assessed in line with ASB service standards to ensure that the most appropriate response is provided.
- In April 2010 Leicestershire Police established the Adult Referral & Coordination (ARC) Team with a remit to provide a cohesive and comprehensive police approach to safeguarding adults at risk of harm. The team provide a single point of contact for the early identification of adults at risk of harm. It also provides investigative advice, and detailed investigation plans where a victim witness or suspect has been identified as being at risk from harm. Further information is attached at Annex F.

## **2.6 Services for Victims & Witnesses**

2.6.1 ACPO recognises that appropriate and accessible support and services for disabled victims and witnesses must be in place if the police service is to be effective in preventing and tackling crime against disabled people. Nationally ACPO is responsible, with NPIA, for providing the policy framework, guidance and training to support the police service to do this. ACPO also has a role in working with the APA and Home Office and other national stakeholders to identify new and emerging issues and support the police service to develop appropriate responses to these needs and drive improvement across the service. Examples of this include:

- [The Impact Programme](#) - which is improving the ability of the police service to manage and share information to prevent and detect crime and make communities safer.
- [Development of a National Emergency SMS Service](#)
- [Practical Guidance on improving services for victims and witnesses](#)
- True Vision Third Party Reporting Packs and the development of a new online reporting facility

- The [Witness Intermediary Scheme](#)
- Various guidance documents including [Hate Crime Guidance](#) , Guidance on Responding to People with Mental Ill Health or Learning Disabilities
- The Equality Standard for the Police Service

2.6.2 ACPO acknowledges national policy and guidance is only able to have a limited impact on service outcomes. Real change and improvement is delivered through the work that takes place in Forces and the activity of individual officers and staff. As part of the work to prepare its response to the Inquiry, ACPO asked Forces for information about the work going on to tackle disability related harassment. It is clear from the responses that there is a vast range of activity ranging from Force wide initiatives to the actions of an individual who is determined to make a difference. ACPO is examining how, with NPIA, and in partnership with disabled people and disabled people's organisations it can best evaluate the effectiveness of these initiatives and share the learning across the police service.

#### **Practice Examples**

- Following consultation with their local Deaf community, Northumbria Police have developed a range of initiatives to improve access to services. These included the appointment of a liaison officer as a single point of contact, attendance at clubs for deaf people, the development of an information leaflet in partnership with Deaf people, marketing of an SMS text contact number for use by Deaf people. Deaf awareness training for frontline staff was developed and delivered by a Deaf tutor from the local community.
- Gloucestershire Police have established an SMS text facility in their contact management department. The facility has produced significant results including reports of theft, criminal damage, ASB and disability hate crime as well as requests for medical assistance, vehicle recovery and appointments with local officers. Further information including specific case examples is attached at Annex G.
- Hertfordshire Police have been working in partnership with People First, MENCAP, and Hertfordshire Adult Care Services to develop and deliver a range of initiatives to address disability related harassment through the People in Partnership Project (PIP). Further information about the PIP project is attached at Annex H.

## **2.7 *Effective Investigation & Prosecution***

2.7.1 ACPO has a role in setting standards and providing professional practice advice and guidance to support Forces in carrying out their investigative and law enforcement functions. ACPO also works with NPIA to provide national learning programmes to support the professional development of officers and staff in relation to detecting and investigating crime. Examples

of this include:

- [Professionalising Investigation Programme](#) which is designed to improve the professional competence of all police officers and staff who are tasked with conducting investigations.
- [National Occupational Standards](#) for the supervision and management of investigations
- Hate Crime Guidance – ACPO is currently updating and revising the national hate crime guidance. It intends to make this available as a web based tool as a means of enabling officers and staff to identify relevant information easily and quickly.
- Specialist learning models for investigators – NPIA provides a range of learning modules to support specialist investigators including the specially trained officer programme, the specialist child abuse investigator programme, training for family liaison officers and training on investigative interviewing.

2.7.2 ACPO is invited to comment and contribute to the development of government policy and legislation. In doing this ACPO draws on the professional expertise and experience of its members to comment on the impact the proposed changes in policy and legislation may have on the safety and security of all communities. Recently ACPO highlighted concerns regarding proposals to amend section 5 of the Public Order Act 1986 and remove the word “insulting”. ACPO expressed the view that the proposed amendment would undermine the ability of the police and the CJS to support minority groups who are often subjected to continuous insulting behaviour which has a significant impact on their quality of life.

2.7.3 The Stephen Lawrence Inquiry highlighted the devastating and lasting impact that inadequate investigation has on the lives of victims, families and communities and the confidence that they have in the police. The police service has worked effectively to professionalise investigation processes and to improve the service that we provide to victims, witnesses and communities. Responses from forces indicated the strong commitment that the police service has to ensuring high standards of investigation and achieving positive outcomes for victims. There is a strong commitment to [‘achieving best evidence’](#) through our investigations and to the appropriate use of special measures where victims and witnesses have communications difficulties or are severely disabled.

### **Practice Examples**

- Greater Manchester Police have established Specialist Adult Protection teams in every division who deal with incidents of adult protection and mental health. These teams have developed a valuable role in achieving best evidence from vulnerable victims of crime in order that positive action can be taken against the perpetrators and bring them to justice. In one case a 50 year old man who had cerebral palsy was

subjected to repeated incidents of verbal abuse outside his property. His property was broken into, items were stolen and he was threatened with being stabbed and being locked in his loft. The Adult Protection Team ensured that the victim was video interviewed, taking into consideration the communication difficulties due to the victim's disability. Subsequently suspects were arrested and charges brought against 2 females. In another case a comprehensive investigation was conducted into concerns raised by health and social care professionals relating to the suspected neglect, domestic and sexual abuse of a woman with Downs Syndrome. The team used a specialist adviser and an intermediary to achieve best evidence. The suspect was charged and pleaded guilty to the offences.

- Sussex Police made use of 'achieving best evidence' techniques to secure a guilty verdict and enhanced sentencing powers in the case of a young female victim subjected to a serious sexual assault by a male nursing assistant at a local mental health facility. The original referral came from the hospital and the investigators worked for a period of four months to gain the confidence of the victim and obtain the necessary evidence and testimony. The victim who has learning difficulties had been sexually abused as a child and had been severely emotionally damaged by these experiences. Following the verdict, the victim was elated and felt she had been validated, because she had been believed by the investigators and by the jury.
- Devon & Cornwall Police used 'achieving best evidence' techniques and special measures to secure a conviction in the case of R v Watts. This investigation sets a national landmark in criminal investigations with victims suffering from very severe disabilities which made the giving of evidence extremely difficult. The uniqueness of this case underpins why the conviction was challenged at the highest level in this country. The Lord Chief Justice of England and Wales remarked that it had taken eleven years to get such a landmark case through since the implementation of the legislation designed to give such victims a voice. In upholding the safety of the convictions he endorsed the reliability and admissibility of such disadvantaged complainants. This case will have a direct impact upon the amendment of the guidance around 'achieving best evidence' and support the use of Section 28 which allows for the cross examination of vulnerable victims and witnesses away from the court room. Further Information is attached at Annex J.

### **3. Please tell us what you know about addressing the causes of disability-related harassment including prejudice and negative attitudes**

- 3.1 ACPO recognises that widespread negative and discriminatory attitudes towards people with disabilities and mental ill health exist in our society. A recent example of this is the large number of contributions criticising disabled people's rights and entitlements on the government's 'Spending Challenge' web site including a number of comments which were insulting

and offensive. ACPO is aware that the Metropolitan Police are currently investigating a complaint regarding comments posted on this website.

3.2 ACPO is committed to addressing the prejudice and negative attitudes that underpin disability related harassment and it does this in the following ways:

- Providing clear leadership and direction on equality and diversity;
- Working with the Police Advisory Board to develop clear Standards of Professional Behaviour;
- Setting the national policy on equality and diversity training for police officers and staff (see paragraph 1.1. for more information);
- Challenging the negative stereotypes, myths and ignorance that underpin negative attitudes towards disability, mental ill health and learning disabilities through its policy and guidance and through the work of police forces.

3.3 ACPO recognises that the causes of disability related harassment may differ depending on the disability and circumstances of the victim. Analysis of crime data suggests that people with physical and sensory impairments are more likely to experience crimes that are opportunistic or spontaneous whilst people with mental ill health and learning disabilities often experience repeated and persistent harassment which may escalate into sustained and severe violence.

3.4 The ACPO Mental Health Strategy sets out the police services' strategic priorities for improving services for people with mental ill health or learning disabilities. ACPO believes that progress in these key areas will help to reduce the negative media attention and reporting which can reinforce public prejudice to mental ill health and learning disability. Reducing the use of police custody for s.136 Mental Health Act detention has not only improved the quality of care but it may also undo the public perception of mental ill health as a form of criminality; challenging the myth that people with mental ill health present a risk to others.

3.5 One of the ways in which the police service challenges prejudice and negative attitudes in society is through its work with schools. Much of this has a broader remit of addressing bullying in general as opposed to focusing specifically on disability related bullying and harassment.

#### **Practice Examples**

- Devon & Cornwall Police are working on a two year project with Magic Carpet - a registered Charity with 25 years experience of working with disabled and disadvantaged people. The 'Say No to Bullying' project is designed to educate young people (aged 11 -17) about the effects of

bullying on others. The project is a response to the targeted bullying of learning disabled people by school children and uses drama, developed and performed by people with learning disabilities, to explore the impact of bullying.

- West Yorkshire Police are working in partnership with schools and public transport officers to tackle bullying of disabled students attending a Bradford based specialist school. Many of the students had become too scared to get on the school bus. A special disability hate crime event has been organised in the next door mainstream high school and this will be supported by high visibility patrols on the school buses and a program of awareness events throughout the year.

#### **4 Please tell us your experience about involving disabled people in the prevention and elimination of disability-related harassment, addressing its causes and improving responses where it does occur**

- 4.1 ACPO recognises that the involvement of disabled people is essential if we are to develop effective solutions to the challenges we face in preventing and addressing disability related harassment and is committed to doing this. ACPO tries to ensure that service users, community members and relevant community and voluntary sectors are involved in advising ACPO on the development of policies, guidance and other initiatives and does this in a number of ways.

Many of ACPO's working groups have established advisory groups which include community members and service users as well as relevant professionals. For example the cross government Hate Crime Strategy Board and ACPO's work on hate crime are both supported by a standing advisory group, which includes disabled people's organisations. In matters that specifically affect disabled people the Board involves and consults with disabled people and disabled peoples organisations as part of the decision making process.

Another approach is to utilise the networks that Forces have established with local groups and communities. NPIA will identify Forces that are developing work on a particular issue and bring them together to share their expertise and support the development of a new initiative. Forces may be asked to involve their Independent Advisory Group members in this work asking them to participate in workshops and consulting them on draft documents.

ACPO's work with the Department of Health, third sector mental health organisations and service users to develop an improved police response to people with mental ill health and learning disabilities, demonstrates how effective engagement can make a major impact in an area of community contact that is a particularly critical and complex area of policing. Further information about how this was done is attached at Annex K.

- 4.2 Independent Advisory Groups (IAGs) were first introduced in 1999 following the Stephen Lawrence Inquiry and the recommendations of the

subsequent report. They are now recognised throughout the police service as an effective means of working with members of the community to solve problems, deal effectively with critical incidents and improve service delivery. ACPO provides national guidance to support Forces in developing and working with IAGs. The guidance is currently being revised and updated. There is no single approach to IAGs: most forces work with IAGs – some will have one strategic force wide group whilst others have district or strand based groups or a mix of different approaches.

### **Practice Example**

- Nottingham Police developed their Pegasus PIN database from an idea suggested by a member of their Disability Advisory Group. The Pegasus database stores voluntarily provided personal information including relevant details of the person's impairment and any communication or support needs. By simply stating their Pegasus number, the caller can be quickly identified by the call handler and this allows the caller to focus on the reason for their call.
- Cheshire police used their IAG to provide advice in the investigation of the murder of a 4 year old girl with mild cerebral palsy. At the start of the investigation it was difficult to determine the impact cerebral palsy may have had in creating the situation in which the suspect was alleged to have killed the child. Advice from the IAG was invaluable in bringing the case to a successful conclusion. The suspect was convicted of murder and sentenced to life imprisonment.

4.3 Neighbourhood policing is another way in which the police service involves local people and communities in developing solutions to the problems that affect their lives. Most of the initiatives in forces to improve access to service, raise awareness of disability harassment, or increase reporting are being developed by neighbourhood policing staff in partnership with disabled people and other local agencies.

4.4 The involvement of disabled people in training takes many forms. ACPO's formal commitment is set out in detail within the Police Race & Diversity Learning & Development Programme, (PRDLDP). The Police Diversity E-learning package is a mandatory part of the Initial Police Learning & Development Programme (IPLDP). These sessions are regularly brought to life within force training structures and programmes by the involvement of disabled people who are able to talk frankly and openly with officers allowing them to learn and better understand the true nature of the individual's experiences. Annex L provides further detail of the EDHR content of the NPIA IPLDP and Core Leadership development programmes

## **5 Please tell us what works in enabling disabled people to effectively report disability-related harassment**

5.1 The UK has one of the strongest legislative frameworks to protect

communities from hostility, violence and bigotry. ACPO recognises that, despite this, a large proportion of people who are victims of hate crime and incidents do not feel able to report it. Anecdotal evidence and feedback from disabled people and IAG members suggests that this is due, in part at least, to mistrust of the authorities or a lack of confidence that they would be taken seriously and/or treated fairly by them.

ACPO believes that all victims of hate crime are entitled to expect to be treated with respect and to receive a consistently high standard of service. ACPO recognises that there is significant under reporting of disability hate crime and is determined to increase reporting by:

- Improving the confidence of victims and their families to encourage reporting;
- Improving communication options to allow more opportunity for victims to make reports;
- Improving training and awareness of disability hate crime amongst our colleagues;
- Working with partner agencies to improve our risk identification and achieve a reduction in harm.

5.2 ACPO is working with the Home Office and the Ministry of Justice to redevelop the *True Vision* brand and its associated materials. We are developing a range of information packs addressing each of the five strands of monitored hate crime. *True Vision* disability hate crime packs have already been completed and distributed to all forces in England & Wales. This includes an easy read version of the pack which was developed in consultation with People in Partnership, an advocacy partnership based in Hertfordshire.

ACPO is also redeveloping the public facing *True Vision* website which will provide copies of the new information packs and on-line reporting facilities for the public. This will allow people to report hate crimes via an on-line form which will be routed directly to the relevant police force for investigation. The website will also provide the opportunity for anonymous reporting and these reports will be collated for recording and intelligence purposes.

5.3 The police service has invested heavily in the development of a wide range of third party and community reporting initiatives which provide alternative means of reporting to the Police. Much of this work is carried out in partnership with local community groups and disabled people's organisations and has the added benefit of increasing community awareness of the existence and impact of hate crime and how to report it. Many forces make use of the *True Vision* Brand to support these initiatives.

**6 Please tell us what you know of the diverse experiences and needs of disabled people experiencing harassment related to their impairment type, age, gender, gender identity, race or ethnicity, religion or belief and sexual orientation**

6.1 The department of health as part of their “Count me in” census have identified that BME groups are disproportionately represented as users of mental health services. This may be due to many and varied reasons, including cultural and demographic issues. Black Mental Health UK argue that the health service needs to do more to respond to such issues.

Furthermore as the average age of the population increases, illnesses such as dementia become more prevalent. Many people with such conditions can suffer abuse and harassment from carers. It is extremely hard for victims to report incidents of harassment because of their high level of dependence on another individual. The police work closely with health and social care agencies as defined in the “No Secrets” policy to manage adult vulnerability.

6.2 ACPO’s domestic abuse work stream is currently specifically focusing on disability issues in relation to stalking and harassment. ACPO is also undertaking work specifically addressing the abuse of children with special needs. Research repeatedly shows that children with learning disabilities are 3 - 4 times more likely to be abused than those without a disability. This is due to increased vulnerability and dependence and exposure to increased physical adult contact within the caring arena.

6.3 The murder of Stephen Hoskins highlighted the issue of the exploitation and harassment of people with learning difficulties by perpetrators who take advantage of their vulnerability by ‘befriending’ them and then abusing the relationship and the trust that the disabled person places in them. This type of crime is sometimes referred to as ‘Mate Crime’.

The Safety Net pilot is part of a three year project run by the Association for Real Change (ARC). The project has two pilot schemes – one in Devon and one in Yorkshire – and has been set up to address mate crime by working with victims, carers, professionals and the wider community to raise awareness and develop mechanisms to help identify, prevent and tackle this type of abuse.

**7 Please provide any further information or evidence here**

Please see attached Annexes

# Annex A - **Links**

## Relevant Documents & Links

Document	Web Address
<b>Achieving Best Evidence in Criminal Proceedings</b>	<a href="http://www.cps.gov.uk/publications/docs/achieving_best_evidence_final.pdf">http://www.cps.gov.uk/publications/docs/achieving_best_evidence_final.pdf</a>
<b>ACPO Children &amp; Young People Strategy</b>	<a href="http://www.acpo.police.uk/asp/policies/Data/ACPO_CYP_National_Strategy_2010-2013_1_3.pdf">http://www.acpo.police.uk/asp/policies/Data/ACPO_CYP_National_Strategy_2010-2013_1_3.pdf</a>
<b>Criminal Justice and Local Policing Unit</b>	<a href="http://cfnp.npia.police.uk/">http://cfnp.npia.police.uk/</a>
<b>Defining and measuring anti-social behaviour</b>	<a href="http://rds.homeoffice.gov.uk/rds/pdfs04/dpr26.pdf">http://rds.homeoffice.gov.uk/rds/pdfs04/dpr26.pdf</a>
<b>Devon Disability Policing Project Report</b>	<a href="http://www.devon-cornwall.police.uk/SupportAdvice/EqualityDiversity/Documents/DevonDisabilityPolicingProject.pdf">http://www.devon-cornwall.police.uk/SupportAdvice/EqualityDiversity/Documents/DevonDisabilityPolicingProject.pdf</a>
<b>999 Emergency SMS Service</b>	<a href="http://cfnp.npia.police.uk/files/cm_esms_bulletin.pdf">http://cfnp.npia.police.uk/files/cm_esms_bulletin.pdf</a>
<b>Equality, Diversity and Human Rights Strategy for the Police Service</b>	<a href="http://www.npia.police.uk/en/14333.htm">http://www.npia.police.uk/en/14333.htm</a>
<b>Equality Standard for the Police Service</b>	<a href="http://www.npia.police.uk/en/14628.htm">http://www.npia.police.uk/en/14628.htm</a>
<b>Guidance on the Management, Investigation and Recording of Missing Persons</b>	<a href="http://www.npia.police.uk/en/docs/Missing_Persons_Guidance_2010_Consultation_draft.pdf">http://www.npia.police.uk/en/docs/Missing_Persons_Guidance_2010_Consultation_draft.pdf</a>
<b>Guidance on investigating child abuse and safeguarding children</b>	<a href="http://www.npia.police.uk/en/14532.htm">http://www.npia.police.uk/en/14532.htm</a>
<b>Guidance on Responding to People with Mental Ill health and Learning Disabilities</b>	<a href="http://www.npia.police.uk/en/15863.htm">http://www.npia.police.uk/en/15863.htm</a>
<b>Guidance on investigating domestic abuse</b>	<a href="http://www.acpo.police.uk/asp/policies/Data/Domestic_Abuse_2008.pdf">http://www.acpo.police.uk/asp/policies/Data/Domestic_Abuse_2008.pdf</a>
<b>HMIC statement on Anti-social behaviour</b>	<a href="http://www.hmic.gov.uk/SiteCollectionDocuments/PRC/PRC_ASB_20100311.pdf">http://www.hmic.gov.uk/SiteCollectionDocuments/PRC/PRC_ASB_20100311.pdf</a>
<b>Impact Programme</b>	<a href="http://www.npia.police.uk/en/15087.htm">http://www.npia.police.uk/en/15087.htm</a>

<b>Improving Health, Supporting Justice</b>	<a href="http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_108606">http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_108606</a>
<b>National Contact Management Strategy</b>	<a href="http://www.npiadocuments.co.uk/NationalContactManagementStrategy.pdf">http://www.npiadocuments.co.uk/NationalContactManagementStrategy.pdf</a>
<b>National Contact Management Principles and Guidance</b>	<a href="http://www.npiadocuments.co.uk/PrinciplesAndGuidance.pdf">http://www.npiadocuments.co.uk/PrinciplesAndGuidance.pdf</a>
<b>National Intelligence Model</b>	<a href="http://www.npia.police.uk/en/11943.htm">http://www.npia.police.uk/en/11943.htm</a>
<b>National Occupational Standards</b>	<a href="http://www.npia.police.uk/en/11188.htm">http://www.npia.police.uk/en/11188.htm</a>
<b>National Standard for Incident Recording</b>	<a href="http://www.neighbourhoodpolicing.co.uk/files/cm_nsir_2010_11.pdf">http://www.neighbourhoodpolicing.co.uk/files/cm_nsir_2010_11.pdf</a>
<b>No Secrets</b>	<a href="http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008486">http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008486</a>
<b>Police Performance in England &amp; Wales – National Overview by Denis O'Connor HMCIC</b>	<a href="http://www.hmic.gov.uk/SiteCollectionDocuments/PRC/PRC_NOV_20100311.pdf">http://www.hmic.gov.uk/SiteCollectionDocuments/PRC/PRC_NOV_20100311.pdf</a>
<b>Police Race and Diversity Learning and Development Programme</b>	<a href="http://www.npia.police.uk/en/10304.htm">http://www.npia.police.uk/en/10304.htm</a>
<b>Practical guidance on improving services for victims and witnesses</b>	<a href="http://cfnp.npia.police.uk/files/cf_victimsandwitnesses.pdf">http://cfnp.npia.police.uk/files/cf_victimsandwitnesses.pdf</a>
<b>Professionalising Investigation Programme</b>	<a href="http://www.npia.police.uk/en/10093.htm">http://www.npia.police.uk/en/10093.htm</a>
<b>Witness Intermediary Scheme</b>	<a href="http://www.npia.police.uk/en/docs/SOC_WIT_1.pdf">http://www.npia.police.uk/en/docs/SOC_WIT_1.pdf</a>

# Annex B - **Glossary**

## GLOSSARY

<b>ABE</b>	Achieving Best Evidence
<b>ACPO</b>	Association of Chief Police Officers
<b>APA</b>	Association of Police Authorities
<b>ARC</b>	Adult Referral & Co-ordination team
<b>ASB</b>	Anti Social Behaviour
<b>CJS</b>	Criminal Justice System
<b>DCC</b>	Deputy Chief Constable
<b>EDHR</b>	Equality Diversity & Human Rights
<b>FCO</b>	Foreign & Commonwealth Office
<b>HMIC</b>	Her Majesty's Inspectorate of Constabulary
<b>IAG</b>	Independent Advisory Group
<b>IPCC</b>	Independent Police Complaints Commission
<b>IPLDP</b>	Initial Police Learning and Development Programme
<b>LBS</b>	Location Based Service
<b>LGBT</b>	Lesbian Gay Bi-sexual Transgender
<b>MAPPA</b>	Multi-Agency Public Protection Arrangements
<b>MPS</b>	Metropolitan Police
<b>NPIA</b>	National Policing Improvement Agency
<b>PACT</b>	Partners and Communities Together
<b>PCT</b>	Primary Care Trust
<b>PPU</b>	Public Protection Unit
<b>PRDLDP</b>	Police Race and Diversity Learning and Development Programme
<b>ROTA</b>	Race On the Agenda
<b>SMS</b>	Short Message Service
<b>VCD</b>	Violent Crime Directorate

# Annex C - **Definitions of Monitored Hate Crime**

**CJS Definition of Monitored Hate Crime**

TITLE	DEFINITION	INCLUDED SUBJECTS
<b>Hate Motivation</b>	'Hate crimes and incidents are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised'.	<p>This is a broad and inclusive definition.</p> <p>A victim does not have to be a member of the group. In fact, anyone could be a victim of a hate crime.</p>
<b>Hate Incident</b>	<p>"Any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>race</b> or perceived race",</p> <p>or</p> <p>"Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>religion</b> or perceived religion"</p> <p>or</p> <p>"Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>sexual orientation</b> or perceived sexual orientation"</p> <p>or</p> <p>"Any non-crime incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>disability</b> or perceived disability"</p> <p>or</p> <p>"Any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice against a person who is <b>transgender</b> or perceived to be transgender"</p>	<p>Any racial group or ethnic background including countries within the United Kingdom and 'Gypsy &amp; Traveller groups'.</p> <p>Any religious group including those who have no faith.</p> <p>Any persons sexual orientation</p> <p>Any disability including physical disability, learning disability and mental health</p> <p>Including people who are Transsexual, transgender, transvestite and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004.</p>

<b>Hate Crimes<sup>1</sup></b>	<p>A Hate Crime is any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>race</b> or perceived race"</p> <p><i>or</i></p> <p>"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>religion</b> or perceived religion"</p> <p><i>or</i></p> <p>"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>sexual orientation</b> or perceived sexual orientation"</p> <p><i>or</i></p> <p>"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's <b>disability</b> or perceived disability"</p> <p><i>or</i></p> <p>"Any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is <b>transgender</b> or perceived to be transgender"</p>	<p>As Hate Incident above</p>
<b>Hate Crime Prosecution</b>	<p>"A hate crime prosecution is any hate crime which has been charged in the aggravated form or where the prosecutor has assessed that there is sufficient evidence of the hostility element to be put before the court when the offender is sentenced"</p>	<p>As Hate Incident above</p>

<sup>1</sup> Crimes refer to all those recorded by the police in accordance with the Home Office Crime Recording Standards

# Annex D - **Risk Assessment Matrix**

<b>Name:</b>	<b>Address:</b>	
<b>Incident No:</b>		

This scorecard is designed to help you identify vulnerable victims, witnesses, and complainants. It should be used as a guide, and in combination with your own judgement (and that of your neighbourhood partnership) to help ascertain what support and protection is required in any given situation. All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

History	1. Other than this occasion - how often do you have problems?	5 3 2 1 0	Daily Most days Most weeks Most months Only occasionally
	2. Do you think the current incident is linked to previous incidents? If so why?	2 0	Yes No
	3. Do you think that incidents are happening more often and/or are getting worse?	2 0	Yes No
	4. Do you know the offender/ s?	2 1 0	They know each other well They are 'known' to each other They do not know each other
	5. Does the perpetrator (or their associates) have a history of or reputation for intimidation or harassment?	6 4 2 0	Perpetrator or their associates are currently harassing the complainant Perpetrator or their associates have harassed the complainant in the past Perpetrator or their associates have not harassed the complainant, but have a history or reputation for harassment or violent behaviour Perpetrator or their associates have no history or reputation for harassment or intimidation
	6. Have you informed any other agencies about what has happened? If yes, are you happy for us to discuss this problem with them? Details:	0 1	Yes No
Vulnerability	7. Which of the following do you think that this incident deliberately targeted Specify	4 3 1 0	You Your family Your community None
	8. Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability? Details:	3 0	Yes No
	9. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (e.g. because of personal circumstances)? Details:	3 0	Yes No
	10. How affected do you feel by what has happened? Details:	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected
Support	11. Has yours or anyone's health been affected as a result of this and any previous incidents? Details:	3 3	Physical health Mental health
	12. Do you have a social worker, health visitor or any other type of professional support? Can we speak to them about this? Details:	0 1	No Yes
	13. Do you have any friends and family to support you?	3 3 1 0	Complainant lives alone and is isolated The complainant is isolated from people who can offer support The complainant has a few people to draw on for support The complainant has a close network of people to draw on for support
	14. Apart from any effect on you, do you think anyone else has been affected by what has happened? Details:	1 3	Your family Local community Other
	<b>TOTAL SCORE:</b>		

Based on these factors and your own judgement, adjust the scoring accordingly

Low	0	4	8	12	16	20	22	24	26	28	30	High
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Medium

The agencies are there as a guide, and should be used in combination with other local resources, and your own judgement of what support and protection are required in any given situation. All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

<div>34</div> <div>32 HIGH</div> <div>28</div> <div>26</div> <div>24 MEDIUM</div> <div>22</div> <div>20</div> <div>18</div> <div>16</div> <div>8 LOW</div> <div>4</div> <div>0</div>	<p><b>POLICE</b></p> <p><b>HOUSING TEAM / ASB TEAM</b></p> <p><b>NEIGHBOURHOOD WARDENS</b></p> <p><b>VICTIM SUPPORT / VICTIM WITNESS CHAMPION / OTHER SUPPORT SERVICES</b></p>
	<p><b>POLICE</b></p> <p><b>HOUSING TEAM / ASB TEAM</b></p> <p><b>NEIGHBOURHOOD WARDENS</b></p> <p><b>VICTIM SUPPORT / VICTIM WITNESS CHAMPION / OTHER SUPPORT SERVICES</b></p>
	<p><b>POLICE</b></p> <p><b>HOUSING TEAM / ASB TEAM</b></p> <p><b>NEIGHBOURHOOD WARDENS</b></p> <p><b>VICTIM SUPPORT / VICTIM WITNESS CHAMPION / OTHER SUPPORT SERVICES</b></p>

#### CONSENT TO INFORMATION SHARING

I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family.

If there are child protection concerns, information will be shared regardless of whether this form is signed.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

# Annex E - **ACPO Mental Health Strategy**

# ACPO MENTAL HEALTH STRATEGY

FOR THE POLICE SERVICE OF ENGLAND AND WALES



February 2010

## PURPOSE

This strategy has been developed as a means of demonstrating the commitment of the Association of Chief Police Officers (ACPO) to improving the service provided by the police to people experiencing mental ill health or who have learning disabilities.

The drivers for this work include:

- **Her Majesty's Inspectorate of Constabulary (2006)** *Protecting Vulnerable People.*
- **Bradley (2009)** *The Bradley Report: Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system.*
- **Department of Health (2009)** *Improving Health, Supporting Justice: National Delivery Plan of the Health and Criminal Justice Programme Board.*
- Forthcoming inquiry by the **Equality and Human Rights Commission** into the harassment of disabled people.

## INTRODUCTION

People with mental ill health or learning disabilities live in every community and every police force works with them. Many have a number of other problem areas in their lives such as drug or alcohol problems, difficulty in forming and sustaining relationships, poor housing or homelessness, poor physical health, family breakdown, early experiences of abuse or childhood trauma, a history of institutionalisation and social exclusion.

The types of contact that police have with people experiencing mental ill health or who have learning disabilities arise in two main ways:

- In a **criminal justice** capacity – where the person is a victim of crime, a witness to crime or suspected of or known to have committed a crime;
- In a **healthcare** capacity – where the police may be
  - acting in support of healthcare agencies dealing with someone experiencing a mental health crisis (for example, by using police powers)
  - supporting a person experiencing mental ill health until healthcare professionals are involved
  - responding to families and carers of people with mental ill health or learning disabilities who have concerns about them
  - responding to members of the public seeking a service from the police in relation to suspected mental ill health or learning disabilities on the part of an individual.

Given that police officers and staff are often the gateway to appropriate care, it is essential that mental ill health or learning disabilities are recognised and responded to appropriately by officers from the very first point of contact. The Police Service recognises, however, that the police cannot and indeed are not expected to deal with vulnerable groups on their own. When responding to people with mental ill health or learning disabilities the police will often have to work with a variety of statutory social and healthcare agencies as well as the voluntary sector. These relationships are critical to ensuring an appropriate response in what can be challenging circumstances.

The HMIC thematic inspection on *Protecting Vulnerable People (2006)* and *The Bradley Report (2009)* both found a very real need to improve the coordination of services and responses locally across the spectrum of vulnerability. This has been reiterated in the National Delivery Plan of the Health and Criminal Justice Programme Board *Improving Health, Supporting Justice (2009)*. Obtaining full benefits from this multi-agency approach requires better liaison and greater clarity between the police and other agencies as to each other's respective roles and responsibilities so that the needs of those with apparent mental health issues can be addressed effectively.

## STRATEGIC INTENT

The aim of the Mental Health Strategy is that:

**‘The Police Service will provide an ethical, compassionate and professional service to people experiencing mental ill health or who have learning disabilities’.**

In achieving this intention, the Mental Health Strategy will help the Police Service to:

- Reduce crime and victimisation involving people with mental ill health or learning disabilities;
- Reduce the use of police custody suites for s.136 Mental Health Act detentions - in accordance with MHA Codes of Practice;
- Increase the use of diversion and liaison schemes for people with mental ill health or learning disabilities so as to reduce offending, manage health needs and avoid future problems;
- Make people experiencing mental ill health or learning disabilities feel more confident in reporting offences to the police and giving evidence;
- Support and inform the development of force policies and procedures and bespoke Service Level Agreements;
- Achieve better partnership working through improved relationships with statutory and voluntary social and healthcare agencies and a better understanding of each other’s skills, knowledge and responsibilities;
- Reduce the ‘costs’ arising from poor responses by the police service to people with mental ill health or learning disabilities – including the number of public enquiries, IPCC investigations and Coroners Inquests, and financial costs, negative media attention and the loss of public trust and confidence.

## SPECIFIC STRATEGIC IMPROVEMENTS

The Mental Health Strategy, together with accompanying guidance and other support products, seeks to deliver the following improvements in the service to people experiencing mental ill health or who have learning disabilities.

- *Improved health-related response to people with mental ill health or learning disabilities*

ACPO does not expect officers to be able to identify the specific nature of mental ill health or learning disability but it is important that they are able to recognise warning signs that may lead them to realise an individual may require particular care and support, including referral to medical professionals as appropriate.

- *Improved criminal justice response to people with mental ill health or learning disabilities*

ACPO will seek to achieve improved operational responses to victims, witnesses, suspects and offenders with mental ill health or learning disabilities, thereby leading to better criminal justice outcomes including a reduction of repeat victimisation and repeat offending.

- *More efficient use of police resources*

ACPO will work to free up police resources and improve operational effectiveness through better implementation of the provisions of the Mental Health Act 1983, especially sections 135 and 136 MHA. For example, a reduction in the incidence of people with mental ill health being detained in police custody rather than in health facilities will allow patrol officers to return more promptly to dealing with other police priorities.

- *Improved partnership working*

ACPO will work to improve the development, re-negotiation and maintenance of effective protocols and service level agreements with healthcare and social care providers (both statutory and voluntary) at national, regional and local level so that people with mental ill health or learning disabilities receive the most appropriate service.

- *Improved Information Sharing*

ACPO will work to ensure that information with healthcare colleagues and others is appropriately collated, managed and exchanged. This work will be supported nationally by the Department of Health, to ensure improved engagement with Primary Care Trusts and other service providers.

- *Effective response to The Bradley Report (2009) and the national delivery plan of the Health and Criminal Justice Programme Board 'Improving Health, Supporting Justice' (2009)*

ACPO will encourage forces to examine their existing liaison and diversion schemes to ensure they are determined by local needs and priorities and operate effectively.

## **STRATEGY OWNER**

On behalf of ACPO, the owner of this strategy is: Phil Gormley, Deputy Chief Constable, West Midlands Police, ACPO Lead for Mental Health and Disability.

## **CONTACTS**

Further advice in regard to the mental health strategy can be obtained from:

- T Supt Andy Hunt, ACPO Mental Health and Disability Programme Manager: [a.hunt@west-midlands.pnn.police.uk](mailto:a.hunt@west-midlands.pnn.police.uk)
- The Specialist Operations Centre: [soc@npia.pnn.police.uk](mailto:soc@npia.pnn.police.uk)
- NPIA Assisted Implementation Team via Implementation Manager  
Bill Mandeville: [bill.mandeville@npia.pnn.police.uk](mailto:bill.mandeville@npia.pnn.police.uk)
- NPIA Learning and Development Team via Rachel Cragg: [rachel.cragg@npia.pnn.police.uk](mailto:rachel.cragg@npia.pnn.police.uk)

## **STATUS UNDER THE FREEDOM OF INFORMATION ACT**

This document is a public record. It can be published on any website that the public have access to and should be made available as required.

# Annex F - **Leicestershire Case Study**

## Leicestershire Case Study - The Adult Referral & Co-ordination Team

The Adult Referral & Co-ordination (ARC) Team was established by Leicestershire Constabulary in April 2010, its remit to provide a cohesive and comprehensive police approach to safeguarding adults at risk of harm.

Forming part of safeguarding services within the Crime Support Department, the team consists of an Inspector, a Detective Sergeant, three constables and two members of police support staff whose role is to:

**Review** information provided by police officers and partner agencies.

**Assess** risk to vulnerable people.

**Refer** to partner agencies for consideration of intervention and service provision.

**Record** information provided by officers, discussions with agency partners and actions taken to make a person safe.

**Advise** officers on approaches to safeguarding, including guidance on “No Secrets” multi-agency adult safeguarding procedures.

The ARC Team provides a single point of contact where police officers and partner agencies can raise early alerts to adults who are at risk of harm or in need of community care services. This includes people with physical and learning disabilities.

Since 2008 the Constabulary has improved the way we identify and record non-crime incidents involving adults at risk. In the course of their daily duties, police officers encounter many different types of incident where a person might be termed “vulnerable” or in need of safeguarding. Prior to 2008 these would have only been recorded in an unsearchable and un-auditable format if they amounted to a criminal offence. Now any incident where a “vulnerable adult” is identified is recorded using the Constabulary’s Crime & Intelligence system.

Each of these incidents is reviewed and assessed by the ARC Team with a view to provision of support services through liaison with partner agencies – the principal aim being to keep the person who is the subject of that report safe.

The team provides investigative advice and detailed investigation plans for criminal enquiries where a victim, witness or suspect has been identified as being at risk or vulnerable.

This has led to improved practice in gathering evidence from victims or witnesses whose disabilities may diminish their ability to give evidence. It is an aim of the team to ensure people with disabilities have an equal right of access to the Criminal Justice System and enjoy the same level of service as any other person.

The ARC Team therefore advises individual investigating officers about special measures available to improve the quality of evidence under “Achieving Best Evidence” guidelines, including the use of video-recorded interview facilities and intermediaries to aid communication. This process also forms part of countywide multi-agency safeguarding training delivered by the ARC Team Detective Sergeant to police supervisors and partner agencies.

In the majority of safeguarding cases, the team receives alerts directly from partner agencies rather than them being passed through the police control room. Therefore the first police point of contact in these cases is an officer or member of police staff with specialist knowledge of adult vulnerability and safeguarding. This ensures an initial strategy discussion is held and results in a more comprehensive and appropriate police response to incidents of abuse, harassment or concern for people with disabilities.

This has included devising early and specialist investigative strategies for incidents of physical, sexual and financial abuse of disabled people in residential and domestic care settings.

We have also developed effective referral pathways and working relationships with safeguarding specialists in other agencies, e.g. Victim Support, Mental Health Crisis Team, Learning Disabilities Teams within Social Services, Adult Access Teams, Community Drug and Alcohol Services, housing services and voluntary agencies. This ensures information is shared quickly and efficiently between agencies where a safeguarding need is identified.

In the first three months of operation, the team reviewed more than 1,200 incidents or crimes where a victim or perpetrator was identified as being “at risk” due to their situation or circumstances. This led to earlier interventions to safeguard those most at risk.

Of those interventions, 14.8 per cent related to safeguarding people with physical or learning disabilities (learning disability with the third most common factor for a person being identified at risk, behind mental health and age).

The rate of referrals to the ARC Team has risen steadily to a current level of 500 per month from both police officers and partner agencies, including adult social care and health services.

Examples of how the ARC Team has provided early intervention to safeguard people with disabilities:

*CS is an adult with a learning disability who had been harassed and bullied by a group of local youths. They filmed the harassment and posted this on the “YouTube” website. The ARC Team responded to his mother’s call to the police control room by reviewing the incident, discussing the referral as a “safeguarding” issue with his Social Worker and ensuring that the incident was investigated thoroughly and robustly by the local Neighbourhood Policing Team in association with Social Services. Those responsible for were promptly identified and visited by police.*

*GG is a young adult female with a learning disability. She disclosed to a tutor at college that she had been sexually assaulted by her brother, who lived at the same address. Social*

*Services referred this directly to the ARC team - an initial strategy was discussed and within 30 minutes a police officer was deployed to attend the college and make arrangements to obtain best evidence from GG. Measures were put in place to safeguard GG by preventing any contact with the brother, who was subsequently arrested.*

*MH is an elderly female with severe learning disabilities living in a private residential care home. The police control room was notified of an alleged assault on her by a carer, witnessed by another employee at the home. The ARC Team identified shortfalls in the home's adherence to safeguarding procedures, and initiated multi-agency strategy discussions under the "No Secrets" guidance. This ensured a multi-agency strategy meeting was convened quickly and a joint-agency investigation commenced immediately between police and Social Services.*

*MG is an adult female with severe physical disabilities who was the victim of a burglary by a male targeting elderly and vulnerable people. Through liaison with the investigating officers and Social Services, the ARC team was able to co-ordinate support services to provide reassurance and reduce the risk of further victimisation. The suspect was promptly identified and arrested for this and a series of other offences in the same area.*

*CH is an adult male with a degenerative physical disability which has led to him becoming a wheelchair user. He reported to that his partner – also his main carer – had attempted to smother him with a pillow. The ARC Team co-ordinated a joint agency safeguarding response, ensuring a multi-agency strategy meeting was convened to share information about the investigation for the benefit of the investigation team and health and social services, and to address his ongoing needs following the arrest of the partner. The partner was charged with attempted murder and remanded to prison custody.*

# Annex G - **Gloucestershire Case Study**

## Gloucestershire Case Study - SMS text facilities

In one call an adult female missing person was reported by family (3-days after she had gone missing). This female had associated mental health issues, and was on medication. Numerous enquiries and searches took place with no success. The control room sent an SMS text message to the missing person's mobile telephone. The morning after this text was sent the lady walked into a Kent Police Station saying, "I've had a text from the police, can you tell them and my family that I am at the following address and ready to talk to them".

Just after the July 2007 floods and mains supply water crisis in Gloucestershire a deaf / blind lady and her deaf daughter began to have problems with neighbours after a dispute about bottled water distribution. This escalated with the neighbours leaving large items around pathways intended for the blind lady to trip-over. The vulnerable victims were registered users of the SMS text system and reported this incident. The Force Control Room (FCR) was able to have a 2-way text conversation with the victim to obtain sufficient detail to create and resource the incident and advise the responding officers of the specific needs of the caller. This enabled quick identification that the nature of the complaint did fall within the hate crime category - it was a complex complaint and the victim was more able to report it quickly because the SMS text service provided simple and instant access to a police operator.

A deaf lady (with some additional issues) was able to report via the SMS system that she had been raped. Her first language was Russian but there were no communication difficulties via SMS text. The call-taker was able to have 2-way text conversation, obtain details, and provide reassurance and valuable forensic advice, and appropriately brief attending SOTI/CID and, over next few days SMS was used to arrange interviews, attendance of interpreter etc. After the incident contact was made with the victims support-worker who indicated that the lady would have left it some considerable time before reporting the rape (because she would have had to tell third parties) if the SMS 24/7 reporting service with was not in place.

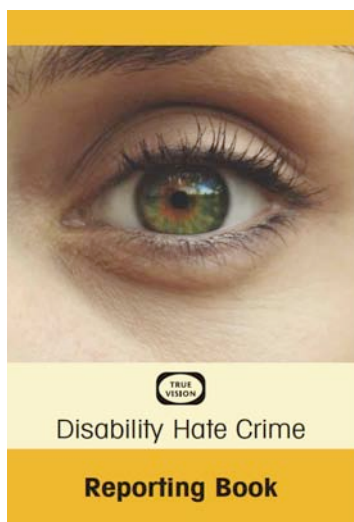
Future enhancements planned to the system include updates to all registered users for crime prevention advice, road traffic updated and other Force messages. The Force is preparing some sample type messages which will be presented to large groups at the Gloucester Deaf Association during September, for their feedback and approval. The Force is also examining the use of Location Based Services (LBS) (phone cell site location). By vulnerable users pre-registering their written consent for the system to be used in emergency situations when they may find themselves in need of assistance e.g. a person sends police an emergency text, but does not have time to provide accurate location details, LBS would allow the Force to pinpoint the mobile phone on mapping.

# Annex H - **Hertfordshire Case Study**

## Case Study - Hertfordshire

### People in Partnership (PiP)

The People in Partnership (PiP) project was formed in Hertfordshire in 1996 when local police officers listened to the appalling experiences of disabled people when leaving their day centre. This project has evolved over time with most of the project focus on describing what (disability) hate crime is and how to report to the police.



The original PiP Bullying and Harassment form has recently been updated and the Home Office has printed 44,000 of these easy read disability hate crime forms, distributing them to all police forces in England and Wales. (*Home Office financial support was also obtained for the spread of a Keep Safe scheme – see below*)

Whilst on a PiP project course disabled people practice reporting allegations of bullying and harassment (hate crime) to police staff working in the police station front desks. This training also benefits the police who learn what victims of such crimes and incidents want when they make these reports.

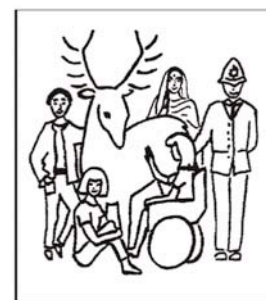
These forms can be completed by the victim or with help from another.

In brief terms the PiP project (also known as the PiP pack project) is a series of planned training sessions for people with Learning Difficulties where they are taken through a bright orange A4 guidance folder entitled 'Pathways to the Police and other services'. At the end of the pack is an easy read 'Bullying and Harassment' reporting form, as described above.

The main partners in this project are Hertfordshire Adult Care Services and Hertfordshire Constabulary. The initial print run of PiP packs cost £30,000, with the number of packs printed such that everyone who has a learning disability in Hertfordshire would be given a free pack. This joint support continues, with ACS providing financial support for the training, and the police providing officers and staff to help with the training.

At an early stage the PiP project team agreed, that although there had been a significant investment to produce the guidance packs, anyone wishing to use the material could do so at no charge provided acknowledgement of the origins of the work was made clear. This has meant that other organisations have taken on similar work, including South Hams Community Partnership, Devon & Cornwall - [http://www.keeping-safe.org.uk/safe\\_place\\_info\\_sheet.htm](http://www.keeping-safe.org.uk/safe_place_info_sheet.htm) )

people  
in partnership



Pathways to the Police  
and other services

## Outcomes

PiP training has been conducted for the last five years. In the twelve months from September 2008 to July 2009 PiP Pack and Keep Safe training was provided to 288 people with learning difficulties. Thirty-one (31) PiP Pack and Keep Safe training workshops were provided. These ranged from a stand alone 1.5 hour session to a seventeen (17) week course of three hour sessions, totalling fifty-one (51) learning hours for each learner. These PiP Pack training sessions also benefited from the ongoing involvement of the Hate Crime Officer, the neighbourhood team police officers and police community support officers, and the Crime Prevention Officer.



## Awards

In November 2006 the PiP project was Highly Commended in the national Criminal Justice awards category 'Outstanding Commitment to Diversity', with the award presented by Baroness Scotland.

As well as winning the Hertfordshire Criminal Justice Board Award (same category as above), at the annual High

Sheriff's awards a special category was created to recognise the unique contribution that the PiP project makes to supporting people with learning difficulties.

Aside from official recognition the power of the PiP project is evidenced by the comments from both those attending the courses and their carers. A frequently made comment is that an attendee (with learning difficulties) has the confidence following the course to lead an independent life, with some moving out from their parents house for the first time. They understand that the behaviour that they are subject to when out and about is wrong, and that's why they feel bad about it. Encouraging people to make reports of hate crime is still difficult, even though the course has been asked by attendees to concentrate on this very subject.

Most of the PiP project courses include a visit to Hertfordshire Constabulary headquarters with a visit to the county control room. Apart from meeting the staff who answer the emergency and non-emergency telephone calls the course attendees get to practice making these calls to the trained staff on equipment bought especially for this purpose.

What is made clear from all the attendees is that they have all been victims of hate crime, and they want it to stop.



## Keep Safe Scheme

### Keep Safe Card

The PiP pack project introduced a Keep Safe card for distribution to people with Learning Difficulties. The card allows the recording of personal and contact details for use in times of need.

Using the pictures the carrier can hopefully easily explain what they have experienced. The Hertfordshire Constabulary control room staff have been trained on the Keep Safe card. So when talking on the phone to someone who appears to have Learning Difficulties they can ask if that person has a Keep Safe card. This has proven to be a more sensitive way of trying to establish if someone has a Learning Difficulty.

People with Learning Difficulties are encouraged to carry a completed Keep Safe Card at all times. This has helped people get 'free' train travel to get home when they've got lost. It's also been used as designed for dealing with someone who's been a victim of crime, and too upset to talk. Asking for a Keep Safe card by the front desk staff started a dialogue, ending with the learning disabled victim going home safely, with the crime resolved.

<h3>Keep Safe</h3> <p>My name is: .....</p>		 <b>Tell or Phone Someone</b>
		Friend.....  ..... Family .....  ..... Tutor .....  ..... Keyworker.....  .....
		 <b>Call the Police</b>
		 <b>To help me, contact</b>
		 <b>To help me, contact</b>
		I am known to Adult Care Services in Hertfordshire call: <b>01438 737400</b> My IRIS ID number: .....

### Keep Safe Sticker



This part of the PiP project has now been extended to premises who are willing to display a Keep Safe sticker to indicate that they will help people who carry a Keep Safe card. These premises, such as shops and libraries are identified by Police Community Support Officers (PCSO) working with (local) Learning Disabled people to identify where they would feel comfortable going into if they felt unsafe and wanted help. The premises are then approached to see if they would be willing to take part in this scheme. Normally everyone approached agrees to join.

When the keep safe sticker is displayed in a premises window people with learning difficulties will know the premises is a place they can ask to make a telephone call, to the police or other emergency service or to a parent, carer or support worker if needed.

The premises who agree to join the Keep Safe scheme are then supplied with advice sheets on how the scheme operates and what is expected from them should someone with a Keep Safe card request help.

### Keeping Everyone Safe

Tell the person you are helping that you will need to pass anything they say to you on to the person you call – this may be their Parent, Carer, Support Worker or the Police.

Try to make a note of what is said

**If you are making a telephone call for someone:**

- try to make the call with the person present
- pass on anything the person has said to you
- try to make sure the person you are helping knows what will happen next by saying what was agreed on the telephone


**If the person you are helping wants to talk to you about what has happened to them after you have made the telephone call:**

- listen and make a note of what is said. Pass your notes to the person who comes to meet them

**You may naturally want to reassure the person you are helping**


To make sure everyone is safe we advise you

- to reassure with words and not to use physical contact
- not to talk about what has happened in detail or ask questions




Hertfordshire Constabulary thank you for your support and help to keep people with learning disabilities safe and for placing a Keep Safe sticker in your window.

**If someone enters your premises and shows you a Keep Safe Card, appears to be in distress or asks for your help please:**

- 

**1 Ask if they would like to use the telephone**


They may want to contact the Police, a Parent, Carer or Support Worker
- 

**2 Offer your help to make the call if needed**

If you are not shown a Keep Safe Card

  - Ask if they have a Keep Safe Card

The Keep Safe Card will have telephone numbers of their chosen people to contact

  - Ask if they have the telephone number of someone they want to call
  - Ask if they want to make a call or if they want you to make a call for them
- 


**3 Call the Police on their behalf**

If they do not offer you any contact telephone numbers and are asking for your help

**Non Emergency 0845 33 00 222**

  - To speak to a Police Officer or Police Staff
  - For a general Police enquiry, advice and information
  - To report an incident or crime

Thank you for your help and support



For more information please contact

In an emergency call

# 999

**In an Emergency call 999 when:**

- There is risk of injury
- There is risk of serious damage to property
- You suspect a crime is in progress
- Something is happening that needs immediate Police attendance

The inside of the information sheet has additional pictures to the Keep Safe card to help resolve the problem experienced.

**Keep Safe**

My name is:

.....

If you are not sure what the person asking for your help is saying please show them these pictures to help them to talk to you.



Can you call a number from my Keep Safe Card please.



Can you call the Police please.



I have lost my money or I have had my money taken



I am lost



There is an accident. Someone is ill or hurt and needs help.



I need a doctor



I have been made fun of.



I have been called names or sworn at.



I have been threatened.



I have been hit.



A Man



A Woman



A Group of Youths



Men and Women

You can use the pictures below to help find out who is involved

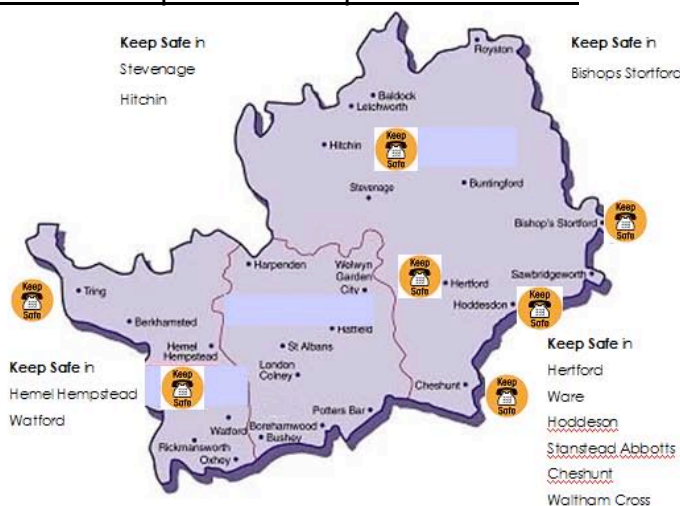
If you are calling the Police to report something it can help the police to act quickly if they know who is involved as soon as possible.

Please ask the person to tell you who is involved and to describe what they look like. Try to make a note of what is said.

## Outcomes

Although relatively new this scheme has already had some positive outcomes. In Cheshunt a male complained that youths were harassing him. The shop called the police and the offenders were arrested. Elsewhere in the county a shop has made arrangements with a taxi firm to take people back to their care home!

## The current spread of Keep Safe Schemes -



## Launch of Keep Safe Schemes

**Keep Safe** **Keep Safe in Stevenage**

**Wednesday 28<sup>th</sup> July**

**10.30am to 12pm**

Mon	Tue	Wed	Thur	Fri	Sat	Sun
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	<b>28</b>	29	30	31	

In order to ensure maximum publicity for all concerned once a town centre has been mapped and the premises have agreed to take part in the scheme there is a formal launch.

This gathering includes local dignitaries who always seem to keen to partake. In the case of Stevenage this included the current mayor. After the short 'formal' speeches local learning disabled people, who helped identify premises, are invited to speak. Many talk of how Keep Safe makes them more confident, especially now that they know they have the open support of various premises in the town.

The bright orange colour scheme, including balloons, ensures that there are good photographs which are subsequently published.

The opportunity to reinforce the message that harassment of disabled people is not acceptable can be made at the same time.

**Meet at the SOSafe Police Office by the Fountain**

**10.30am**

**Meet your local Police**

# Annex J - **Devon & Cornwall Case Study**

## **Case Study - Devon & Cornwall R v James Watts (The Defendant)**

### Overview of Circumstances

The initial investigation commenced in March 2008, following a POVA (Protection of Vulnerable Adults from Abuse) alert, from a charity based care home for severely disabled adults. The alert came from a disclosure made by a foreign volunteer worker at the home via a translator. She described her suspicions of sexual touching by the part time driver for the home, James Watts (the defendant), towards two of the female service users. During the year and a half investigation charges were brought against James Watts varying from Sexual Touching to Rape of four female service users at this home.

Although this was a Police led investigation, a multi agency approach was utilised via the Safeguarding Adults Process. This incorporated Social Services, Learning Disability Services, Management of the Home, Speech and Language and Intermediaries. The defendant, James Watts, was employed as a driver for twelve and half-hours per week, from September 5<sup>th</sup> 2005 until his suspension on 6<sup>th</sup> March 2008. This was a man of previous good character.

The investigation showed how James Watts offended whilst taking the females out of the home to activities with the disclosures ranging from sexual touching to the breasts under their feeding bibs to full penetrative rape in the vehicle he used for transporting the females. It would appear that James Watts had specifically targeted these four women due to their severe disabilities and clear lack of verbal communication skills. This belief is further evidenced by his offending in front of a foreign worker who had little command of the English language and he felt safe that she could not verbalise her suspicions.

Following a five and a half week trial at Exeter Crown Court in October 2009, James Watts was convicted of six counts of sexual touching (non penetrative) and acquitted of the rapes. James Watts was sentenced by HHJ Cottle to a term of twelve and a half years imprisonment. He commented that this case had taken offending to new depths of depravity and was a landmark case in the issues surrounding communication with highly complex disabled and vulnerable victims. He further commented that this case posed a sentencing problem the like of which he had never previously encountered.

Both the conviction and sentence were appealed by the defence on three grounds:

- The basis of the credibility and reliability of the victims. This was based upon their disabilities and the way they presented their disclosures in their ABE (Achieving Best Evidence) interviews.
- The weak and tenuous Prosecution case.
- The Judges Summation and direction to the jury.

On the 8<sup>th</sup> July 2010, The Royal Courts of Justice upheld the safety of the convictions however; they reduced the original sentence to one of four years imprisonment.

### Summary of Findings:

Whilst there are no findings as a result of a serious case review (SCR), there are several findings from the investigation and ultimately the Royal Courts of Justice.

In order to fully capture all of the findings that this case presents, arrangements are in hand for the National Police Improvement Agency to facilitate a multi-agency structured de brief. From a Police perspective prior to the structured de brief there are a number of salient issues worthy of comment.

An early recognition and assessment of the complexity, scale and scope of the investigation failed to take place by line managers. This lack of recognition led to a failure to establish an effective governance and structure to the investigation, and clearly had an impact upon perception around the merits of prosecution by the Crown Prosecution Service.

The case officer's ownership and dedication to the investigation allied to the identification of further victims enabled further detailed discussions between the Police, CPS and Counsel. These discussions led to an agreement on prosecution where it was agreed that there should be an objective merits based approach to prosecution regardless as to the vulnerability of the victims.

A significant finding as a result of this investigation is the manner in which evidence is obtained from vulnerable adults who are victims. The main reason cited on the grounds for appeal was this very issue. There is clearly confusion between the Police, CPS, Counsel and the Judiciary surrounding this process often comparing it to that of a child interview.

This investigation has highlighted that there is not always a base line assessment, by agencies, surrounding the individual's cognitive ability, level of intelligence and comprehension of words, meanings and general awareness within the disability arena. This is evidenced by the fact that one of the victims in this case could read and spell, however with no real assessment previously, this was not identified.

The role and use of Intermediaries remains unclear and ambiguous within all agencies but in particular between Police, CPS and the Courts. Timings of use and funding of Intermediaries appear to be an inhibitor and not an enabler.

It is anticipated that there will be a number of other findings following the multi agency structured de brief.

### Factors on Disability:

Victim A is a wheelchair bound user at the home, with no leg or arm movement and at the time of her first interview had verbal skills but suffered a stroke that rendered her speechless with no verbal skills at all.

Victim B is a wheelchair bound user at the home. She has no verbal communication skills but can communicate via an electronic aid known as an AAC (Alternative

Augmentative Communicator), which can be attached to her wheelchair and controlled by her using a touch pad in her headrest.

Victim C is also wheelchair bound and lacks all verbal communication skills. Her only means of communication is limited to the use of her eyes. Therefore, only direct questioning is possible with “Yes” “No” answers from her.

Victim D is wheelchair bound, impaired vision and lacks verbal communication skills also. She can spit when she is not happy or can use three or four words randomly and not in any constructive way to contextualise into a form of conversation.

All of the above victims are totally reliant on 24 hour care for all of their personal needs and for feeding and a lot of decision making.

### Police Recommendations

- That all victims irrespective as to their level of vulnerability and needs, should be treated as any other victim in an honest merit based objective way. This attitude to victims was evidenced in the early stages of this investigation by the both the Police and CPS having reluctance to investigate and prosecute based on negative judgements around the victims inability to communicate in a way that was perceived as ‘normal’.
- The production of a doctrine or manual of guidance around the investigation of crimes involving Vulnerable Adults. This should incorporate vulnerable victims, witnesses and suspects. This should act as a reference manual to the multitude of agencies that can assist the Police, victims and others encompassed within the investigation.
- The structure of criminal indictments and their counts can be highly significant. Careful framing enables potential juries to give careful analysis of the evidence in the context of directions to the jury around burdens and standards of truth. One of the reasons that the Royal Courts of Justice found the convictions to be safe was for this very reason that the jury had indeed given careful consideration in finding the defendant guilty of six of the thirteen counts on the indictment.

On 27 October 2010 the NPIA are conducting a multi-agency de-brief of this case. The recommendations will be cascaded across all forces to ensure that best practice is identified and the opportunity to learn from this investigation is maximised to the benefit of future victims. The case of R v James Watts (Defendant) has established case law and set a precedent for victims with disabilities. The Royal Courts of Justice stated “This is the first occasion on which the evidence of complainants suffering from such profound levels of disability has been brought to the courts attention”. They then highlighted the relevant sections of the Youth Justice and Criminal Evidence Act 1999, specifically sections 16, 19, 20, 27, 29, 30 & 53. This case has provided a means by which victims hitherto would not have

# Annex K - **Involvement of Disabled People**

## **Case Study – Involvement of Disabled People in developing national policy & Strategy**

In May 2010 ACPO launched the mental health strategy for the service, which included a delivery plan, guidance and training that covers the appropriate police responses to mental ill health and learning disabilities. The guidance covers the responses to victims, witnesses, suspects and those suffering a mental health crisis. The guidance and training also seek to improve the interagency response to deal with such issues and accordingly has been endorsed by the Department of Health.

In light of high profile publications from agencies including Mind, Revolving Doors and other Third Sector organisations, ACPO sought to obtain feedback from as many interested third sector organisations and service users as possible. ACPO were sensitive to the views of service users detailed in Minds “Another Assault” and felt a direct approach from the police may not yield the level of engagement that could be provided through third sector agencies existing channels. Accordingly an approach was made to The Mental Health and Criminal Justice Third Sector Liaison Forum, chaired by Sainsbury who agreed to set up a dedicate ACPO liaison meeting and circulate the guidance and learning descriptors for the training to as wide a third sector audience as possible and collate responses from both the organisation and those they represented. The ACPO lead, CC Phil Gormley, attended the Liaison Forum to discuss the rationale for guidance and training and to set out the context in which the service felt it needed to be delivered.

Feedback was presented via both written response and at a meeting. In total 40 organisations representing third sector providers, policy advisors and users communicated feedback through the process, much of which was invaluable. In light of this feedback, changes were made to many of the chapters within the guidance. Furthermore, as a direct result of this process ACPO/NPIA were able to commission Mencap to work with them in writing suitable scenarios for the training. The training also incorporated direct video and audio interviews with service users with various illnesses and conditions, outlining their experience of engagement with the police.

Anecdotally, the process of engagement was also beneficial to the Third Sector. Many of the organisations and service users felt that the draft guidance and training circulated helped them to understand the rationale for the approach that the service wished to take and the potential challenges that the organisation needed to meet going forward. This relationship has continued to flourish. ACPO have presented at a number of events held by Sainsbury and Mind and have met with Mencap concerning how to share information sensitively and positively for service users.

Furthermore when the strategy was launched in May 2010, , third sector organisations including Sainsbury Mental Health Foundation, Rethink, ROTA, Mind, Revolving Doors and Hafal were invited to use the platform to describe best practice to an audience of senior police officers, strategic health authority leads and social care providers.

# Annex L - **Disability and Hate Crime - Mapping of Police Learning**

## Police Learning Relevant to Disability Related Harassment/Hate Crime

**\*Note that any reference below to vulnerable persons includes persons who may be have a disability, is experiencing mental ill health or a learning disability.**

### 1. Diversity and the Police E Learning package

This is an e-learning package based on the diversity elements of modern policing that is available on the NCALT MLE. One of the seven chapters is 'Hate Crime' that includes the meaning of the term, hate crime incident procedures, considerations when dealing and confidentiality. This e-learning package is a mandatory part of the IPLDP Common Induction phase.

Students are also sign posted to the e-learning Police Race and Diversity Learning and Development Programme (PRDLDP) for further optional study. There are 6 packages covering different diversity strands one of which is 'Disability and the Police'. This covers definitions of terms, discrimination, reasonable adjustments and awareness in practice.

### 2. Initial Learning and Development Programme

**Module IND 06 - Assess the Needs of individuals and Provide Advice and Support** - The student notes include a section on identifying vulnerable witnesses (behavioural characteristics and physical characteristics), who may be vulnerable and why. It also looks at communicating with such individuals, special measures provided for vulnerable witnesses including the identification of such needs on the appropriate documentation (MG2 & MG5 of the manual of Guidance) in file completion. There is also an appendix of common conditions including those that could affect communication, with a summary of that condition.

**Module IND10 - Using Police Actions in a Fair and Justified Way** - The student notes cover communication skills and disabilities that could affect communication.

**Module OP6a - Interviewing Victims and Witnesses** - includes a section on vulnerable witnesses/victims and specifically mentions the potential for communication difficulties and misunderstanding with persons experiencing specific disabilities such as Autistic Spectrum Disorder or Aspergers Syndrome and how these may present situations of misunderstanding and miscommunication.

**Module OP6b – Interviewing suspects** – The notes cover dealing with vulnerable people, whether they are a victim, witness or suspect and the need to treat vulnerable people with particular consideration at all times. It looks at fitness to be interviewed of which mental ill health, physical disabilities, health and behaviour are discussed. It also looks at communication difficulties, the need for appropriate adults in certain situations and the Police and Criminal Evidence Act 1984 Code of practice in relation to interviewing those who may have a learning disabilities or someone who is experiencing mental ill health.

**Module LPG 1.3.7 Victims and Witnesses** - this looks at the code of practice for the victims of crime and specifically deals with vulnerable and intimidated witnesses and uses NCALT e-learning to deliver training on this.

**Module LPG 1.3.18 Strategies for dealing with persons experiencing mental ill health** - this module specifically covers learning in relation to the legal term of 'learning disabilities' within the Mental Health Act 1983. It also covers identifying people with learning disabilities and court appearances for people with learning disabilities.

**Module LPG 1.3.19 Mental Ill health** - has a chapter dedicated to dealing with and interviewing people with learning disabilities and mental ill health. It looks at communication and memory difficulties and responses to perceived aggression. The mental Capacity Act 2005 is explored to ensure that officers

have an understanding of Section 44 of the Act – III Treatment or Neglect. It fully explains the concept of lacking capacity, inability to make decisions and acting in the best interests of the individual.

See also: NPIA/ACPO guidance on 'Responding to people with Mental Ill Health or Learning Disabilities' 2010

**Module LPG1.3.9 Hate Crime** – looks in detail at what is a hate crime, the impact on the victim, agencies to assist and police actions for such incidents.

**Module LPG1.7.12 Initial investigation of crime** – explores investigation and reporting of hate crime incidents.

**Module IND2 Equality and Diversity** – looks at what is a hate crime incident, victim needs and reporting procedures for hate crime. It also explores the consequences of failing to give appropriate help at such an incident.

**Module OP3 Responding to incidents** – deals with identifying the type of incident being dealt with and the action that should be taken if this is perceived to be a hate crime incident including media involvement.

**Module CS007 Assaults and Hate Incidents** – This case study looks at the issues of assaults part of which links to those assaults that are based on Hate.

### 3. Core Leadership Development Programme

#### Module Hate Crime

National Policing Improvement Agency

Core Leadership Development Programme Line Manager Handbook

#### MODULE: HATE CRIME

Module Summary	Target Group
<p>This module is about the leadership skills and knowledge needed to reduce and deal with racist incidents and other forms of hate crime. It focuses on three areas.</p> <ol style="list-style-type: none"> <li>1. Principles: the impact of hate crime on victims, communities and the police service and the need to develop staff performance</li> <li>2. Approaches: effective investigation, supporting the victim and working in partnership with other agencies</li> <li>3. Procedures: civil and criminal justice issues and procedures and the importance of recording racist incidents.</li> </ol>	<p>All sergeants and inspectors and anyone under active development for these ranks.</p> <p>Available to anyone else with a role related requirement.</p>

#### LEARNING OUTCOMES

Area	Topic	Participants who have successfully completed this module will be able to:
Principles	Racist incidents	Explain why racist and hate crime affects not only victims and their communities, but also perceptions of the police service.
	Monitoring and developing performance	Identify how the prevention and resolution of racist and hate crime can be integrated within systems for monitoring and developing staff performance.
Approaches	Effective investigation	Explain the issues and principles underpinning the effective investigation of racist and hate crime
	Supporting the victim	Identify a range of methods for supporting victims of racist and hate crime
	Working in partnership	Describe how to work with other agencies and local communities to prevent and resolve racist incidents
Procedures	Civil and criminal justice	Detail civil and criminal justice issues and procedures in relation to racist incidents
	Recording racist incidents	Explain how to collect and record detail about racist incidents and why it is important

#### Important note:

It is important to stress that the above list only identifies where a specific focus has been drawn to vulnerable persons through disability, mental ill health or learning disabilities. Throughout the IPLDP programme there is a strong thread to promoting equality and diversity and dealing with people in a

fair and ethical manner by recognising and responding to their individual needs. This includes having due regard to the Disability Discrimination Act and the Human Rights Act at all times in every situation and interaction that they have. It is expected that during the delivery of any subject area, the facilitator/trainer will make links to develop learning in this area at every opportunity where appropriate.