



## Consultation Response

# A Consultation on how Official Statistics present information on recorded crime and related topics

The Scottish Commission for Learning Disability  
October 2019



The Scottish Commission for Learning Disability (SCLD) welcomes the opportunity to respond to this consultation. SCLD is an independent charitable organisation and strategic partner to the Scottish Government in the delivery of Scotland's learning disability strategy, *The Keys to life* (2013)<sup>1</sup> and The keys to life Implementation Framework (2019-2021)<sup>2</sup>. The implementation framework defines a learning disability as follows:

*"A learning disability is significant and lifelong. It starts before adulthood and affects a person's development. This means that a person with a learning disability will be likely to need help to understand information, learn skills and live a fulfilling life. Some people with learning disabilities will also have healthcare needs and require support to communicate."*

*(The Keys to life, 2019-2021, p.9)*

SCLD is committed to creating an environment in which systems and culture are changed and in which people with learning disabilities have opportunities and are empowered to improve their own lives. SCLD is focused on sharing innovation and good practice so that those providing services and interventions can learn from each other. SCLD also aims to be a knowledge hub and to build an evidence base, sharing how policy is being implemented and building on an understanding of what really works.

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<sup>1</sup> [The keys to life \(2013\)](#)

<sup>2</sup> [The keys to life \(2019-2021\)](#)

The aim of this response is to support the Scottish Government in the development and delivery of policy through sharing knowledge and providing practical solutions to policy-based challenges in line with SCLD's strategic plan 2017-21.

In developing this response SCLD has drawn on existing evidence and previous consultation responses with a particular focus on hate crime, gender-based violence, rape and sexual assault. SCLD has focussed on parts of the consultation that are particularly relevant to our work, and has grouped some questions together to aid understanding.

**Question One:** *Do you have any views or feedback on the purpose statement and supporting principles developed by the Crime Board for the production of recorded crime statistics? Should any changes be made to these?*

**Question 18:** *Should the 'Miscellaneous offences' group be split into two groups - 'Anti-social offences' and 'Miscellaneous offences'? Do you have any other views on how 'Miscellaneous offences' are presented in the National Statistics on recorded crime?*

SCLD supports the purpose statement and supporting principles developed by the Crime Board for the production of recorded crime statistics. However, in order to fully realise the purpose statement, more focus needs to be placed on reflecting new legislation - including any new legislation that arises from Lord Bracadale's review - as well as increasing granularity.

The proposed alternative way to present recorded crime statistics, moving to a twelve group structure from the current seven, is a welcome step in the right direction towards this granularity. However, SCLD believes that any move towards granularity must include reporting on incidents of hate crime. For people with learning disabilities in Scotland, hate crime is a real and lived experience, which causes high levels of

distress and anxiety. The Disability Rights Commission and Capability Scotland's survey report (2004)<sup>3</sup> found that of the 129 people with disabilities surveyed, 47% had experienced hate crime. Research by Gillen, (2007)<sup>4</sup> found that 16% of 2,000 people with learning disabilities, who had responded to the community care survey in 2007, had experienced street bullying. Therefore, it is critical that adequate attention is given to tackling hate crime directed at people with learning disabilities.

Tackling hate crime directed at people with learning disabilities will start with recording and reporting this information, in order to understand the nature, prevalence and patterns of these crimes over time. However, there are two concurrent issues that SCLD wishes to highlight in this regard.

Firstly, hate crime is not reported on within the current, or proposed alternative groups in the National Statistics on recorded crime. Whilst SCLD welcomes proposals to split the 'miscellaneous offences' group into two groups, SCLD believes that it is important to capture and present information on all hate crimes within the new 'anti-social offences' group, and not only report on 'racially aggravated conduct.'

SCLD understands that the Scottish Government is working with Police Scotland to review the availability of information on hate crime in Scotland, and in particular the suitability of the Interim Vulnerable Persons Database (IVPD) as a source of reliable information on these offences.

SCLD believes there is merit in bringing the IVPD together with the other two main sources of crime statistics in Scotland: the Scottish Crime and Justice Survey and Police Recorded Crime statistics. Considering all three together, will present a more

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<sup>3</sup> Disability Rights Commission & Capability Scotland, [Hate Crime against Disabled People in Scotland: A Survey Report \(2004\)](#)

<sup>4</sup> Gillen (2007) [Targets of Hate Crime](#)

comprehensive picture of crime in Scotland; one which acknowledges the real experiences of people with disabilities.

Secondly, the more pervasive challenge is the lack of available data which would allow disaggregation of disability related data by learning disability and physical impairment. A need for this type of disaggregation was highlighted in SCLD's response to The Strategic Police Priorities for Scotland. A commitment is proposed within these priorities on developing evidence as well as ensuring Equality and Human Rights. To make these commitments real, and in order to truly understand how people with learning disabilities experience hate crimes, it is important that the system is designed to in such a way that not only allows victim characteristics to be recorded systematically, but also allows for this disaggregation.

SCLD in particular would ask that consideration is given to how victim characteristics within the IVPD can be recorded systematically in such a way that allows for this disaggregation, and how the IVPD can be considered alongside other sources of crime statistics in Scotland when presenting information on recorded crime (Recommendation 1).

**Question 11:** *Do you have any other views on how sexual crimes could be presented in the recorded crime statistics?*

As with hate crime, SCLD believes that the collection of victim characteristics within sexual crime data is of pivotal importance in order to understand the extent and nature of these crimes. This knowledge would bring significant benefits in terms of service planning, allowing authorities to understand disability related sexual crimes and subsequently develop effective responses to it, and interventions to prevent it happening.

Academic studies have highlighted that people with learning disabilities are at an increased risk of experiencing sexual violence (Peckham 2007)<sup>5</sup>. The risk is particularly acute for women with learning disabilities, whose experience of multiple disadvantages leads to an increased risk within institutional as well as community based settings (McCarthy 1998)<sup>6</sup>.

In spite of the knowledge gleaned from these academic studies, little has been done in terms of reporting in order to understand the prevalence and nature of sexual violence towards women with learning disabilities. A significant data gap still exists in this regard. SCLD has continued to express concerns regarding the lack of available data in relation to the characteristics of victims of sexual violence. At present, data regarding the protected characteristics of victims of crime is not widely available, and where this is available, does not allow for the disaggregation learning disability from physical impairments.

Whilst SCLD would encourage a move toward recording and reporting this information for all crimes, numerous factors, including the traumatic and sensitive nature of sexual crimes necessitates more urgent redress.

This data would also improve service provision, as it would allow for third sector partners and crisis support services to better prepare to meet the needs of women with learning disabilities. For example, Engender (2018)<sup>7</sup> 'Disabled Women, Our Bodies, Our Rights' recommended:

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<sup>5</sup> Peckham (2007) [The vulnerability and sexual abuse of people with learning disabilities](#)

<sup>6</sup> McCarthy (1998) [Sexual Violence against Women with Learning Disabilities](#)

<sup>7</sup> Engender (2018) [Our Bodies, Our Rights](#)

*“Improve working relationships, including referral pathways, between disabled people's or disabled women's organisations and rape crisis centers and women's aid groups, including to increase the accessibility of refuge provision” (p.32)*

SCLD would ask that urgent consideration be given to how victim characteristics can be systematically recorded in instances of sexual crimes in such a way that allows for this disaggregation, and how they might be integrated into Official Statistics on recorded crime. (Recommendation 2).

**Question 21:** *Based on the discussion above and the purpose statement and supporting principles proposed in Part one, do you have any additional views regarding how data on police recorded crimes and offences should be categorised and presented in National Statistics?*

As outlined above, SCLD believes that more focus should be given to the characteristics of victims of crime when recording crimes, as well as categorising and presenting National Statistics.

If Police Scotland is truly committed to Equality and Human Rights as outlined in its Strategic Priorities, then it follows that it must take a human rights based approach to data collection. Collecting and producing - or not - disaggregated data is not a norm or value neutral exercise, and will bear both opportunities and risks for the respect, protection and fulfilment of people's human rights. The question of disaggregation must start from the question 'who is left behind?' As it stands, people with learning disabilities are being left behind, by virtue of being invisible within recorded crime data.

In order to change this, due consideration must be given to how systems can be put in place to systematically record protected characteristics in such a way as to allow for

disaggregation between physical impairments and learning disability when discussing disability data.

## Summary

As the Police Scotland moves towards new strategic priorities, with a focus on evidence, equality and human rights, SCLD believes it is critical that attention is given to recording and presenting information which reflects the experience of people with learning disabilities as victims of crimes. SCLD hopes that by implementing the recommendations made below a better and clearer picture of crime experienced by people with learning disabilities will begin to be built which can inform police, third sector and crisis service provision.

## Recommendations

- 1.** Consideration is given to how victim characteristics within the IVPD can be recorded systematically in such a way that allows for this disaggregation, and how the IVPD can be considered alongside other sources of crime statistics in Scotland when presenting information on recorded crime
- 2.** Consideration be given to how victim characteristics can be systematically recorded in instances of sexual crimes in such a way that allows for this disaggregation, and how they might be integrated into Official Statistics on recorded crime

SCLD thanks the Scottish Government for the opportunity to respond to this important consultation.



## Contact us

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For information on Scotland's Learning Disability Strategy *The Keys to life*, visit: [www.keystolife.info](http://www.keystolife.info)

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