

Protecting lesbian, gay, bisexual and trans people in Scotland

A practical
guide for police
and community
safety partners





I reported an incident of homophobic crime to the police and was told to retract the statement as I would not be believed.

Gemma, 41 — Glasgow

I was subjected to numerous homophobic attacks on my property over a prolonged period. The police refused to do anything other than sympathise.

Kenneth, 49 — West of Scotland

Protecting lesbian, gay, bisexual and trans people in Scotland

A practical
guide for police
and community
safety partners

Introduction

Thanks to recent changes in the law, 21st century Scotland provides lesbian, gay, bisexual and trans people with full legal equality. Regrettably, however, Stonewall Scotland research demonstrates that too many LGBT people still don't get an appropriate level of support from those responsible for enforcing those hard-won legal protections.

From dissatisfaction with the police response to homophobic and transphobic hate crime to expectations of discrimination from the police, LGBT taxpayers still lack trust and confidence in those they pay to protect them from harm. Lived experience of harassment from the police remains in the memories of many LGBT people. At the same time homophobic hate crime and same-sex domestic abuse continue to be materially under-reported.

This guide is a culmination of Stonewall's research both within Scotland and across Britain, looking at lesbian, gay, bisexual and trans people's experiences of hate crime, their confidence in accessing police services, and their experiences and expectations of the wider public sector in Scotland. It draws upon Stonewall Scotland's experience working with Police Scotland, legacy forces, major employers, and Scottish public services.

The guide offers lots of practical tips for the police, criminal justice agencies and Community Safety Partners on how to best support lesbian, gay, bisexual and trans victims of crime and how to engage meaningfully with LGBT people in their wider community as well as in the workplace itself. It features case studies from organisations that are going the extra mile to deliver a first rate service. We are very grateful to them for sharing their experiences with us.

Colin Macfarlane

Director

Stonewall Scotland

Contents

01	The problem	04
02	Tackling homophobic and transphobic hate crime	08
03	Tackling domestic abuse	14
04	Engaging with lesbian, gay, bisexual and trans people	18
05	Creating a LGBT-friendly workplace	22
06	The law	28
	Top tips	30
	Resources	32

01 The problem

Nobody wants to be a victim of crime. But if the worst does happen, it's important that victims feel confident they can turn to the police for help. There are all sorts of reasons why victims may feel uncomfortable talking to the police about an incident they've experienced. Being lesbian, gay, bisexual or trans can create yet more barriers to coming forward.

Stonewall Scotland's ground-breaking research, Homophobic Hate Crime: The Gay British Crime Survey 2013, reveals that lesbian, gay and bisexual people experience alarming rates of homophobic hate crime and domestic abuse but sadly many don't feel confident reporting these to the police. Not all victims of homophobic abuse understand that what they have experienced may be a criminal offence or that the police can provide support. Some, in fact, expect to experience homophobia from the police and from public services across Scotland.

While many public authorities, and in particular Police Scotland, have been working hard to try and tackle these issues, confidence in reporting hate crimes is better in some areas of Scotland than others. All too often, these issues are treated as problems confined to urban areas, yet Stonewall Scotland's research clearly shows that homophobic hate crime and same-sex domestic abuse happens in rural areas too. As a result, practice is patchy across the country and in particular there has been little reduction in the extent of homophobic hate crime over the last five years.

At the same time, too many lesbian, gay and bisexual police officers and staff report barriers to being themselves at work. This has a knock-on effect on policing and community safety. If officers or staff are distracted by having to hide their sexual orientation while on duty, they will not be able to perform their operational role as effectively. This also makes them less likely to be seen as positive role models among the local LGBT community.

Hate crime

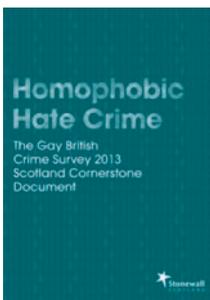
Police Scotland defines a hate crime as being a crime motivated by malice or ill will towards a social group by

- Race
- Sexual orientation
- Religion/faith
- Disability
- Transgender/gender identity

and describes hate crimes as being 'abhorrent and target marginalised and vulnerable members of our communities with devastating effect on both victims and their families.'

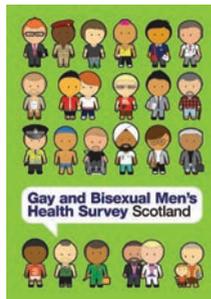
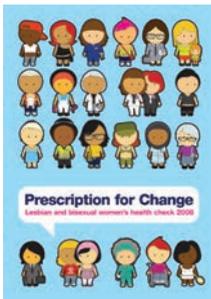
Police Scotland defines a hate incident as any incident that is not a criminal offence, but something which is perceived by the victim or any other person to be motivated by hate or prejudice.

- **One in six** lesbian, gay and bisexual people have experienced a homophobic hate crime or incident in the last three years.
- **One in four** victims had their home, vehicle or property damaged.
- **One in eight** victims experienced unwanted sexual contact.
- **Three in four** victims did not report the hate crime or incident to the police.



Domestic abuse

- **One in four** lesbian and bisexual women have experienced domestic abuse in a relationship, the same proportion as the general female population. **Two thirds** of those say the perpetrator was a women, a **third** a man.
- **Half** of gay and bisexual men have experienced at least one incident of domestic abuse from a family member or partner since the age of 16, compared to one in six men in the general population. **More than one in three** have experienced at least one incident of domestic abuse in a relationship with a man.
- **Four in five** lesbian, gay and bisexual victims of domestic abuse have never reported these incidents to the police.
- Of those that did report, **more than half** were not happy with how the police dealt with the situation.



Expectations of discrimination

- **More than a third** of LGBT people in Scotland would not feel confident reporting a homophobic or transphobic hate crime directly to the police.
- **One in four** LGBT people would also not feel confident reporting a hate crime through a third party reporting agency or a website.
- **More than a third** of LGBT people would feel uncomfortable being open about their sexual orientation or gender identity when dealing with the police as a victim of any crime.

- If suspected of committing a crime **almost half** of LGBT people would feel uncomfortable being open to the police about their sexual orientation or gender identity. This rises to **two thirds** of trans people.
- **More than half** of LGBT people would be uncomfortable being open about their sexual orientation or gender identity in the Scottish Prison Service as either a prisoner or a visitor.



Experiences of lesbian, gay and bisexual police officers and staff

Research shows that lesbian, gay and bisexual employees who are open about their sexual orientation at work perform better in their jobs. Unfortunately, data from England and Wales shows that this is not the case for many police officers and staff.

- **One in six** lesbian, gay and bisexual police officers and staff do not feel confident reporting anti-gay bullying in their force.
- **One in five** say they do not think their straight colleagues are well informed about lesbian, gay and bisexual issues.
- **One in five** say there aren't any visible and open lesbian, gay and bisexual role models in their workplace.
- **One in seven** are not open about their sexual orientation with their manager or senior colleagues.

Equivalent data on the experiences of officers in Scotland currently does not exist, however Police Scotland has committed to entering Stonewall Scotland's Workplace Equality Index 2015 to benchmark progress in these areas.

02 Tackling homophobic and transphobic hate crime

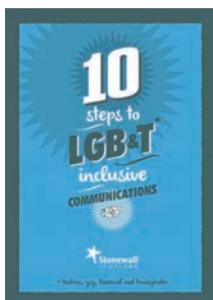
Even though homophobic and transphobic hate crimes are unlawful, many victims don't understand their rights or don't realise the police can help them. Police Scotland and Community Safety Partners need to take targeted action to tackle homophobic and transphobic hate in their local area, encourage reporting and enable LGBT people to live without fear of abuse and violence. This chapter includes some practical ideas for effectively tackling hate crime.

Encouraging reporting

Far too few lesbian, gay and bisexual people report their experiences of homophobic hate to the police. This is why it's so important that Police Scotland and Community Safety Partnerships encourage the reporting of homophobic and transphobic hate crimes by addressing the reasons why they so often go unreported. Many previous campaigns have focused efforts on encouraging victims to report via third parties, yet Stonewall research shows that victims across Britain are more than five times more likely to report homophobic hate crimes to the police than to a third party reporting service. While these services can be a useful short-term solution, it's important to find ways of improving victims' confidence to report directly to the police. Victims should be specifically encouraged to report non-criminal hate incidents too. Left unchallenged this low level behaviour can escalate into something far more serious.

- Publicise, including via social media, the importance of reporting homophobic hate crimes and incidents. Make clear that the police service is committed to tackling homophobia in the community, however minor it may seem.

- Distribute materials about how to report hate crime and why it's important to do so through local gay community groups or venues, at community events such as Pride and through other public services, such as in GP surgeries, schools and libraries.
- Talk to local Neighbourhood Watch groups about homophobic and transphobic hate crime to give them the confidence to approach any neighbours they suspect may be experiencing it. Encourage them to play an active role in supporting victims to report it.
- Provide alternative means of reporting hate crimes, including holding drop-in sessions with police officers at LGBT community venues.
- Liaise with local media to secure coverage about successful prosecutions and pull together case studies on your website so that LGBT people can easily find out what's going on in their local area.



Recording hate crime data

Gathering data about the extent of homophobic and transphobic hate crimes is vital since this enables Police Scotland and Community Safety Partners to measure how well they are doing at responding to the problem and resolving cases. If there is strong evidence that homophobic hate is a problem in the area, this should be a strategic priority of the Divisional Commander and Community Safety Partnership. It's important to record information about non-criminal homophobic incidents too so that, where the data identifies a problem, targeted action can be taken to prevent more serious attacks in the future.

- Make sure there's a system in place for recording the homophobic or transphobic element of non-criminal hate incidents as well as crimes. Systems should be designed so that police officers and call handling staff can easily identify when a victim has been repeatedly targeted.
- Analyse the data to identify trends and patterns over time, including the outcomes of recorded cases. An increase in the number of recorded incidents is a positive indication that more people feel confident reporting their experiences of hate crime to the police.
- Take action to address any particular problems identified by the data, for instance working with schools in a particular catchment area if the data identifies a concentration of homophobic or transphobic hate crimes and incidents committed by young people in that area.
- Publish the data to enable LGBT people to hold their local police and Community Safety Partnerships to account on its commitment to tackling homophobia and transphobia in the community. Being transparent about progress will help to improve trust and confidence in the police.

Training police officers and police staff

It's really important that police officers are fully equipped to investigate homophobic offences once they are reported. Whilst divisional community safety leads may act as a dedicated point of contact for victims of homophobic and transphobic hate crimes, it is vital that all police officers are able to identify and handle a homophobic or transphobic hate crime and that control room staff are able to deal with these sorts of calls appropriately.

- Make sure that all police officers and control room staff receive training about the nature and extent of homophobic and transphobic hate crime as well as the barriers to reporting. Use performance reviews to monitor whether they have completed training and that they're putting what they've learnt into practice.

- Train police officers and control room staff to identify a homophobic or transphobic hate crime or incident, including offences committed online, and how to record the homophobic or transphobic element of the incident.
- Provide training on how to treat LGBT victims with respect and how best to encourage victims to tell the police they think an offence may have been motivated by homophobia or transphobia. This should cover the importance of asking 'open' questions and not assuming all victims are heterosexual.
- Emphasise in training the importance of not outing a victim as LGBT to their friends or family without their permission, including indirectly such as by informing them that the incident was homophobic or that it took place at a gay venue.
- Train officers to signpost victims to appropriate support services, including services specifically designed for victims of homophobic or transphobic hate crime, where available. Training must stress that victims should be regularly updated about the status of their case.

Working with schools and other organisations

Police Scotland and Community Safety Partnerships have an important role to play in challenging homophobic and transphobic attitudes in the wider community in order to reduce crime. By working with schools and other services in a local area, they can prevent homophobic and transphobic offences from happening in the first place. Working with local service providers and community organisations can also help to ensure that victims of homophobic or transphobic hate crime are referred to the police where appropriate.

- Send police officers into schools to explain to young people why homophobic and transphobic behaviour isn't acceptable and that homophobic and transphobic hate crimes are criminal offences.
- Encourage young people to get involved in initiatives to challenge homophobia and transphobia in their community.

- Social and probation work services should work with the police to challenge the attitudes of those who have committed homophobic or transphobic offences, to reduce reoffending.
- Develop partnerships with local authorities – above and beyond the formal relationship established through Community Safety Partnerships – to make sure that victims of hate crime are referred to the police from other agencies.
- Work with local sports clubs to challenge homophobia and transphobia in sport and train stewards so they can identify hate crime and deal with perpetrators effectively.

Tackling homophobic and transphobic hate crime in practice

In recognition of a lack of public confidence in reporting hate crime, Police Scotland collaborated with the Scottish Government on their national **Speak up Against Hate Crime** campaign. The campaign aims to empower victims and witnesses to report all incidents of hate crime, to educate the public on what a hate crime actually is and to increase awareness of the different methods to report hate crimes. Police Scotland and the Scottish Government have used this campaign to reiterate the message that all reported incidents of hate crime will be investigated and that the information will be used to inform future strategies in tackling hate crime.

Equality campaigning and community groups such as Stonewall Scotland were involved in the design and delivery of the campaign and contributed real life stories illustrating LGBT people's experiences of hate crime. These stories were profiled in both national and regional newspapers, on the radio and television, and targeted communities with the message that Police Scotland and its partner organisations are serious about tackling hate crime and increasing confidence among victims and vulnerable groups.

Dyfed Powys Police has a specific objective in its strategic equality plan 2012-2016 to 'increase the confidence of lesbian, gay, bisexual and transgender people to report crimes to us'. The plan sets out how the force will achieve this, with a specific commitment to provide additional support to victims of homophobic and transphobic hate crimes and incidents. The force piloted a multi-agency risk assessment conference (MARAC) process in one of its territorial areas, to allow hate crime cases to be referred from any one of a number of relevant partners, including social services, housing, adult safeguarding and mental health services. The aim of the process is to identify cases of repeat victimisation that might otherwise be classified as anti-social behaviour only. While it was initially introduced to tackle disability hate crime, it was later extended to include referrals relating to homophobic hate crime and a decision was made to roll it out across the force area.

The force amended the set of questions used by call handlers to assess risk so that they could identify targeted victims of hate incidents during the very first call to the police. Call handlers can then record the hate element of the incident on the system and one of the force's 85 trained Hate Crime Support Officers can be dispatched to the caller to complete a more thorough risk assessment. Cases can then be referred to the MARAC process if required.

03 Tackling domestic abuse

Rates of domestic abuse are worryingly high within the lesbian, gay and bisexual population, yet far too many of these crimes go unreported and satisfaction rates are low amongst those who do report. At the same time support services are too often geared solely towards heterosexual women. This chapter contains recommendations about how to tackle the problem.

Encouraging reporting

There are many reasons why victims of domestic abuse can be reluctant to report their abuser to the police. For those experiencing domestic abuse in a same-sex relationship or living under the threat of being outed as LGBT, there can be additional barriers. Police Scotland and Community Safety Partners have undertaken a lot of work in recent years to encourage victims of domestic abuse to come forward. There are simple steps they can take to encourage LGBT people to come forward too.

- Raise awareness within the LGBT community that the police understand that domestic abuse occurs within same-sex relationships and is committed to addressing it.
- Target specific messages at male victims of domestic violence and distribute these materials in gay venues, at LGBT community events such as Pride and in other public places such as fitness clubs, pub toilets and on public transport.

- Include images of both same-sex couples and opposite-sex couples in campaigns to encourage reporting of domestic abuse and encourage other public services to display these resources, such as in GP surgeries, libraries and job centres.
- Record and publish data on incidents of same-sex abuse to send a clear signal that the police take it seriously and is willing to be held to account on its performance.

Collaborating with other services

Victims of domestic abuse often have complex needs and may require support from other services in the area, including health services, social services and housing associations. Where police are the first point of contact for victims, it's important that they're able to refer LGBT victims to services that will best meet their needs. They can also play an important role in collaborating with other services to improve the overall level of support provided to victims and to educate young people about same-sex domestic abuse.

- Coordinate with health services and other services in the area to make sure that LGBT victims of domestic abuse receive appropriate support in all their interactions with local services.
- Identify national and local support services for LGBT victims of domestic abuse and make sure victims are referred to them. If none exist in the local area, work with other local partners to help set one up.
- Work with Community Safety Partners to make sure that local support services are equipped to support LGBT victims of domestic abuse.
- Have police officers visit LGBT tenants' associations and patient groups in the force area, and equivalent user groups for other public services, to find out what more the police can do locally to support victims of domestic abuse.
- Work with schools to address issues of consent and domestic abuse, including in same-sex relationships, as part of the PSE curriculum.

Training staff

It's important that all police officers have the confidence to handle domestic abuse cases involving LGBT victims and that they ask the right questions. Divisional Safer Communities leads should, in particular, be trained on LGBT domestic abuse, but all officers should be able to deal with these sorts of cases appropriately

- Include content about the experiences of LGBT victims and the additional barriers to reporting in generic training on domestic abuse.
- Train officers how to ask 'open' questions when interviewing victims, such as "Can you tell me who hit you?" rather than "Did your husband hit you?", and to avoid making assumptions about the gender of the perpetrator.
- Make sure police officers are aware of any specific provision in the area for LGBT victims of domestic abuse so they can refer victims to appropriate support services.

Tackling domestic abuse in practice

Cheshire Constabulary works with partner agencies on a campaign called The Route to Safety encouraging male victims of domestic abuse to come forward and seek support. The campaign targets all male victims, with a particular emphasis on same-sex domestic abuse. It is advertised through posters and business cards that are distributed throughout the local area, including in GP surgeries. The campaign has led to an increase in referrals from male victims into the domestic abuse system, including those in same-sex relationships.

Leicestershire Constabulary has a specific action code in its crime reporting system to indicate when a domestic abuse case involves a same-sex relationship. By scrutinising the data, the force's domestic abuse unit identified that reporting of same-sex domestic abuse was very low. In response the force produced a series of posters and leaflets featuring men and women experiencing domestic abuse from a same-sex partner, with phone numbers of where to seek help. The posters were launched at an event in a local gay pub attended by representatives from local lesbian, gay and bisexual organisations and domestic abuse support services, as well as local media who ran a story about the event in the local paper. The month following the launch saw an increase in reporting of same-sex domestic abuse cases.

The force also scrutinised a random sample of phone calls and crime reports of same-sex domestic abuse cases to make sure that cases were being dealt with appropriately, including whether call handlers were using gender neutral language. This identified that cases were largely being handled well. Even so the force invited the local council's manager of domestic violence services to talk to officers about some of the issues affecting lesbian, gay and bisexual victims of domestic abuse. The force also produced a booklet on domestic violence for beat officers that featured a list of helplines to direct victims to further support, including Broken Rainbow, the national LGBT domestic violence helpline.

04 Engaging with lesbian, gay, bisexual and trans people

Engaging with local LGBT people is one way of improving confidence in the police. Even if individual divisions and Community Safety Partnerships are doing lots of good work to make the local service LGBT friendly, this will only improve trust in the local police service if people know about it. Police officers should be visible in the local community as individuals who genuinely care about LGBT residents and build meaningful relationships with them. Asking LGBT people how well the service is meeting their needs is also an important way of measuring success. This chapter looks at some of the best ways of communicating effectively with LGBT people.

Being active within the local LGBT community

LGBT people need to believe that Police Scotland and individual police officers are genuinely doing their bit to promote good relations. It is important that officers not only talk to the LGBT community but play an active role in it. In the same way that police officers are expected to perform small acts of kindness for the greater good of the wider community – such as helping the elderly cross the street or giving directions to tourists – they should do so for the LGBT community too. This shouldn't just be about crime prevention and safety or attending the local Pride event every year, but about doing small things to genuinely improve the lives of local LGBT people – and telling people about it when they do.

- Attend meetings with local LGBT community groups and youth groups and hold drop-in sessions on their premises to allow LGBT people to engage with the police in a less formal setting where they may feel more at ease.

- Support or sponsor LGBT community events and organisations. Working in partnership with other public services in the area is a good way of making these sorts of initiatives cost-effective.
- Encourage officers to fundraise for local LGBT community groups – or to nominate themselves as trustees – and support lesbian, gay, bisexual and trans officers to mentor LGBT young people in the local area.
- Build an online presence on social media specifically targeted at LGBT people and use this technology creatively to let people know what your organisation is doing to promote LGBT equality.
- Send officers to talk to the LGBT staff support networks of local employers and encourage them to raise awareness throughout the workforce about what the police are doing to support local LGBT people. This may reach those who aren't out at work.

Making public statements about equal treatment for LGBT people

It's important to remember that not all LGBT people will necessarily be actively involved with their local gay community. For those in rural areas there may not be a local Pride event or community support group. Including statements of support for LGBT equality in general communications is a good way of reaching these individuals. It's also a good way of letting heterosexual people know why LGBT equality is important.

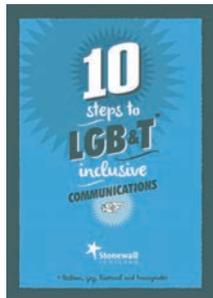
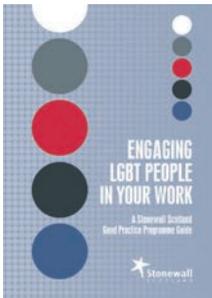
- Encourage senior officers and senior managers to talk publicly about the importance of equality for LGBT people, for instance on the organisation's website, in blogs, local media and social media and on local radio stations.
- Encourage LGBT police officers to act as visible role models by talking publicly about their experiences of being LGBT and working for the service, both in local media, through video sharing sites and blogs and by going into schools and workplaces.
- Include a statement in recruitment advertising stating you are committed to equality for LGBT people. If eligible, feature the Stonewall Scotland Diversity Champion or Stonewall Top 100 Employer logo.

- Put up posters in public areas making clear the commitment to delivering a first rate service for LGBT people. Encourage other public services such as GP surgeries and libraries to do the same.
- Use images of same-sex couples in general crime prevention campaigns and resources and make sure these are widely visible in public places, including on public transport.

Consulting lesbian, gay, bisexual and trans people

Many lesbian, gay, bisexual and trans people say they have never been asked what they think of services in their area but would welcome the opportunity to provide feedback. Consulting with LGBT people is an important way of tapping into their unique experiences of policing in the local area. It's also an opportunity to send a signal to LGBT people that the police and local services are committed to addressing their concerns.

- Police Scotland should engage effectively with LGBT communities across Scotland, and provide opportunities for them to formally influence and engage with decision making processes.
- Consult with local LGBT people to find out what they think of local policing, for instance via an online survey. Actively promote generic consultations through LGBT community groups, online forums and venues.
- Gather the views of LGBT young people in the local area by regularly sending police officers to talk to youth groups. If youth groups don't exist for LGBT young people in the local area, help set one up.
- Use Equality Outcomes and Divisional and Area Command priorities to measure the impact of homophobic and transphobic hate crimes on LGBT people in the local area.



Engaging with lesbian, gay, bisexual and trans people in practice

Before agreeing its Strategic Equality Plan, **Gwent Police** consulted widely with people in the local community. This included running several focus groups with LGBT community groups, advertising an online survey through lesbian, gay, bisexual and trans networks and leaving survey post boxes at gay community venues. The force's Independent Advisory Group, which has a number of LGBT members, was also consulted on the plan.

As a result ten per cent of participants in the consultation exercise identified as lesbian, gay or bisexual. This informed the Strategic Equality Plan, which contains a number of actions relating specifically to LGBT people. These include a commitment to deliver specific training on domestic abuse to the force's LGBT Liaison Officers and a commitment to work with young LGBT people to increase awareness of issues around sexual exploitation and prostitution.

Based on feedback from staff, service users, community partners and equality organisations (including Stonewall Scotland) the **Scottish Prison Service** noted that the systems in place to protect prisoners and staff did not consistently recognise the specific concerns and needs of trans people. Working with these stakeholders, SPS developed a policy to support staff working with trans people in custody. This policy recognises specific practical and legal concerns around upholding transgender equality and rights, and provides clear guidance on search procedures, access to personal items and the challenges of a single-sex environment. SPS created a policy which aims to achieve a balance between protecting the rights of trans people in custody and ensuring the safety of all staff and prisoners. This policy is due to be rolled out in 2014, along with clear directions, procedures, FAQs and strategic staff training and development.

05 Creating a LGBT-friendly workplace

It's important that Police Scotland and Community Safety Partners make efforts internally to make their workplace a welcoming environment for LGBT officers and staff. Research shows that gay employees who are open about their sexual orientation at work perform better in their jobs. This has a positive effect on service delivery; public services that get their own house in order are much better equipped to support LGBT people in the local community. At the same time gay officers and staff who feel supported at work are more likely to step up as visible gay role models amongst the general public.

The Workplace Equality Index, Stonewall's annual benchmarking tool for employers, measures organisations' efforts to tackle discrimination against gay employees and create gay-friendly workplace cultures. Almost half of police forces in England and Wales entered the Index in 2013 and Police Scotland has committed to entering the 2015 index. This chapter includes lots of tips for public services in Scotland on how to become a LGBT-friendly employer, based on our findings from the 2013 Index.

Implementing LGBT-friendly policies and practices

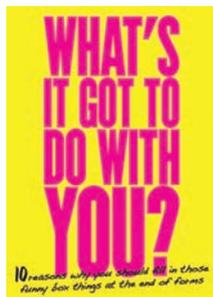
All public services should have workplace policies that take sexual orientation and gender identity fully into account. This sends a clear signal to LGBT staff and officers that their organisation is committed to supporting them. Having the policy in place is not enough, however; it's vital that LGBT employees understand how the policy applies to them and that organisation monitors how their policies work in practice.

Action:

- Make sure your bullying and harassment policy is actively promoted to all staff. This will ensure all staff know that homophobic and transphobic bullying will not be tolerated at work and know how to report a complaint.

Further ideas:

- Collect data on the number of homophobia and transphobia-related complaints, thoroughly analyse the data to identify problem areas and report findings back to staff.
- Be explicit in benefit policies about how they apply to LGBT staff and let people know about this. Make sure you promote policies as inclusive and brief line managers about how policies apply to LGBT staff in practice.
- Identify further ways of raising awareness that LGBT officers and staff are eligible for benefits such as paternity and adoption leave, by profiling LGBT parents in internal communications for example.
- All public authorities in Scotland are legally required to monitor the sexual orientation and gender identity of employees. This information should be collected routinely through each stage of the employment process to identify whether LGBT people are well represented at different levels of the workforce and in accessing training and development opportunities.
- Take decisive action to encourage staff to disclose their sexual orientation and gender identity through publicising why monitoring exercises are carried out, and positive actions taken as a result of the information gathered.



Supporting lesbian, gay, bisexual and trans staff

LGBT people who feel supported at work are more likely to be comfortable being open with colleagues and managers about their sexual orientation or gender identity, enabling them to focus on their work rather than having to deal with the pressures of having to hide who they are. Engaging directly with LGBT staff is a good way of making them feel valued for who they are and more loyal to the organisation.

Action:

- Support LGBT employees to join the Gay Police Association (Scotland), National Trans Police Association, or your organisation's LGBT staff network and make sure their contributions are recognised in annual performance reviews. This signals to staff that this work is valued as contributing to the overall performance of the organisation. Where no staff network exists, encourage LGBT staff to join external LGBT professional networks.

Further ideas:

- Identify ways that the network can provide specific support to bisexual and trans staff and officers. This could include encouraging visible role models, having dedicated bisexual and trans representatives, making clear that opposite-sex partners are welcome at social events and raising awareness of issues specifically affecting bisexual and trans people.

- Ask specific questions about sexual orientation and gender identity in anonymous staff attitude surveys to identify any specific issues affecting LGBT staff and officers, such as whether they feel confident being out to their line manager.

- Analyse the findings that relate to sexual orientation and gender identity and consult LGBT officers and staff to put together an action plan on how to address any issues identified by the survey. Report what you've done to all staff.

- Train police officers and call handling staff about lesbian, gay, bisexual and trans issues that are relevant to their policing role, including homophobic and transphobic hate crime and same-sex domestic abuse.

- Hold regular seminars about issues affecting local LGBT people and invite speakers from local community groups to come and talk to officers and staff about their work.

Promoting LGBT equality throughout the workforce

It's important to let officers and staff know about work the organisation is doing to support LGBT people, both in the workplace and among local residents. This sends a signal to LGBT employees that they are valued for who they are and reminds heterosexual employees why LGBT equality is important. Senior officers and staff should support initiatives to promote LGBT equality, since this will encourage staff to take this work seriously.

Action:

Further ideas:

-
- Encourage LGBT officers and staff, including at senior levels, to act as visible role models by talking internally and publicly about their experiences of being LGBT and working for the organisation.
- Identify more gay and bisexual male police officers to step up as role models in the workforce and the local community, as well as LGBT officers from black and minority ethnic backgrounds. Data from forces across England and Wales suggests that gay male officers are commonly underrepresented.
-
- Introduce a 'straight allies' programme so that heterosexual colleagues can get involved with initiatives to promote LGBT equality. This may also encourage LGBT officers and staff who aren't out at work to get involved with this work.
- Encourage senior 'straight allies' to talk about why LGBT equality is important to them, both in internal communications and in the wider community.
-
- Take steps to ensure that awareness-raising initiatives about LGBT equality reach officers and staff in all locations, including those in more remote police stations or offices where LGBT staff may feel particularly isolated.
- Make sure that contractors working on site also receive communications about LGBT equality and are invited to awareness raising events.

For more information on how to be a gay-friendly employer see Stonewall's series of guides for workplaces.



Creating a LGBT-friendly workforce in practice

Hampshire Constabulary has had a staff network to support lesbian, gay, bisexual and trans staff and officers since 2003. The Lesbian, Gay, Bisexual and Transgender Resource Group has over 170 members and provides information and support to members on workplace issues. This includes a confidential mailing list to include those who aren't open about their sexual orientation at work, enabling them to access support without outing themselves to colleagues. The network holds a range of social events throughout the year, including events specifically aimed at bisexual staff and officers and an annual family picnic for those with children.

The group reviews all workplace and operational policies in order to identify any implications for LGBT people. This has included feeding into the force's review of its hate crime strategy, as well as amending the force's Maternity and Adoption policy to minimise staff being outed as gay whilst going through the adoption process. The group also provides support and training to the force's Lesbian and Gay Liaison Officers and promotes their work throughout the force.

In response to feedback from local lesbian, gay and bisexual community groups, **Sussex Police** held a one day conference to raise awareness amongst Police Supervisors and Police Staff Managers about how to create a more positive work environment for gay staff. The day featured personal testimonies from police officers talking about their experiences of being gay and working for the force and was opened and attended by the Chief Constable. The event was advertised to all police officers and police staff through the staff intranet by the force's Sexual Orientation Champion.

Delegates said the event gave them a deeper understanding of the issues affecting gay staff, including the positive impact of being open about their sexual orientation with colleagues. Many committed to share what they had learnt with colleagues and put this into practice within their teams.

06 The law

There are several laws that all police officers and community safety workers should be aware of. They provide legal protection from homophobic and transphobic hatred and affect how LGBT people should be treated in their interactions with the police.

The Offences (Aggravation by Prejudice) (Scotland) Act 2009

The Offences (Aggravation by Prejudice) (Scotland) Act 2009 gives courts the power to issue tougher sentences if offenders are found guilty of an offence motivated by homophobia or transphobia. This is known as an 'aggravating factor'. Judges can only issue an enhanced sentence if there is sufficient evidence that the offence was motivated by hostility, or that the perpetrator demonstrated hostility, based on the victim's sexual orientation or transgender identity. This is why it's vital that police officers gather as much evidence as possible throughout an investigation to establish the homophobic or transphobic element of an incident.

Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

The legislation aims to tackle abusive behaviour, be it from fans watching matches in a stadium, in the pub or commenting online. It sets out new protections which would help tackle homophobic or transphobic chanting at football matches.

The Equality Act 2010

The Equality Act 2010 says that public authorities, including the police service mustn't discriminate against LGBT people, whether as victims, witnesses or suspects. Public authorities mustn't discriminate against their LGBT officers or staff either.

The Equality Act also requires public services to proactively promote equality for LGBT people. This is known as the public sector equality duty. Public authorities have to regularly publish data to show how they're doing this; this might for instance include publishing the number of homophobic and transphobic hate crimes and incidents recorded in the area or the proportion of LGBT victims satisfied with the service they received.



For more information about the Equality Act 2010 and for sample equality outcomes, see Stonewall Scotland's guide *Sexual Orientation: the Equality Act made simple*

The legacy of criminalisation

Until 1980 sexual acts between men were illegal in Scotland. Even after this change in the law, gay men continued to be victimised by the police and charged with other offences including 'gross indecency'. Gross indecency is no longer a criminal offence and in England and Wales procedures are in place to allow some historical convictions to be removed from criminal records. Stonewall Scotland has begun initial discussions with Police Scotland and other partners about how similar procedures could be put in place in Scotland.

This historical legacy continues to affect the way some LGBT people who lived through this period view the police. This is why it's vital that Police Scotland and Community Safety Partnerships communicate very clearly that they are there to serve all members of the community – including LGBT people.

Top tips

Top tips for police officers

- Ask 'open' questions when dealing with victims of crime. Don't assume that all victims are heterosexual and be sensitive to the fact that some victims of crime may be trans.
- If you do use the wrong term or gender pronoun, apologise sincerely and move on - don't dwell on it or lose sight of why they are there, as a victim or suspect of a crime.
- Make sure you record the homophobic or transphobic element of any crime or incident that you or the victim suspect may have been motivated by homophobia and ask relevant questions to encourage disclosure.
- Find out what support is offered to LGBT people by support services and community groups in the local area so you can signpost victims appropriately.
- Challenge homophobic and transphobic language and behaviour whenever you encounter it on duty in the local community and in the workplace.

Top tips for enquiry officers

- At the early stages of an investigation, make sure you gather enough evidence to prove that a crime was motivated by homophobic or transphobic hostility.

- Regularly update victims of hate crime on the progress of their case and signpost LGBT victims of crime to appropriate support services in the area.
- Highlight the aggravating factors to the Crown Office and Procurator Fiscal Service in homophobic or transphobic hate crime cases so this can be addressed at sentencing.
- Work with your press office to secure media coverage of successful prosecutions of homophobic and transphobic hate crime cases. This will encourage other victims to report in future.

Top tips for community policing teams and Community Safety Partners

- Build relationships with local LGBT community groups and the LGBT staff networks of local employers. Attend their meetings to find out about their needs and tell them what you are doing to help.
- Talk to young people in schools and visit youth groups for LGBT young people to let young people know that homophobic and transphobic hate crime is a criminal offence and that the police can provide support.
- Use social media creatively to let LGBT people know how to report homophobic and transphobic

hate crime and domestic abuse and why it's important to do so, as well as what you're doing to support them.

- Be visible at LGBT community events and distribute information about hate crime, domestic abuse and other crime prevention measures. Work with your press office to secure media coverage so that other people hear about this too.

Top tips for senior police officers and senior managers

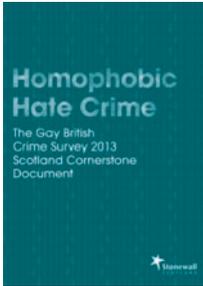
- Endorse strategies to tackle homophobic and transphobic hate crime and domestic abuse of LGBT people and work with your local elected members so they understand why this work is important.
- Give interviews to local media and on local radio about what you are doing to support LGBT victims of crime. Talk about why LGBT equality is important to you. If you are LGBT yourself, recognise that you are a role model in the local community and talk publicly about your experience of being LGBT and working in community safety.
- Be an LGBT equality champion by supporting staff networks, LGBT staff and attending their events. Talk about this in internal and external communications so other people hear about this too.

- Meet with LGBT community groups and youth groups for LGBT young people in the local area to show that your organisation is committed to sexual orientation and gender identity equality at the highest level.

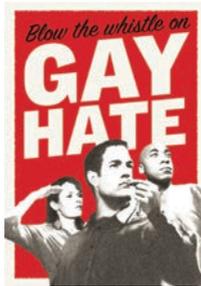
Top tips for the Safer Communities Department and Divisional Single Point of Contacts

- Include specific measurable targets about homophobic and transphobic hate crime and same-sex domestic abuse in equality strategies and make sure these are endorsed and actioned at senior management level.
- Make sure there are systems in place to record homophobic and transphobic hate crimes and incidents and instances of same-sex domestic abuse and make this data publicly available. This will help demonstrate that the organisation is complying with the public sector equality duty.
- Collaborate with the equality and diversity leads of other public services in the area to identify ways you can work together and encourage them to distribute resources setting out what the organisation is doing to support LGBT people.
- Join the Stonewall Scotland Diversity Champions programme and enter the Stonewall Workplace Equality Index, as part of your work to support LGBT staff and officers.

Resources



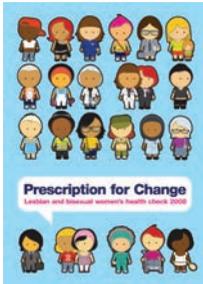
Homophobic Hate Crime: The Gay British Crime Survey 2013 and Scotland Cornerstone Document



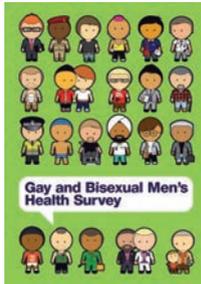
Blow the Whistle on Gay Hate



Your Services Your Say



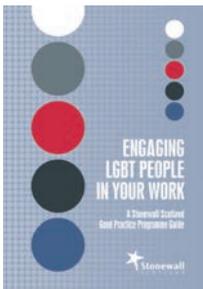
Prescription for Change: Lesbian and Bisexual Women's Health Check 2008



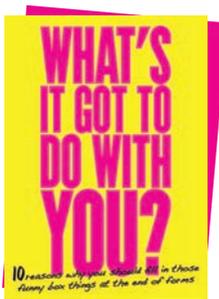
Gay and Bisexual Men's Health Survey



Domestic Abuse Health Briefing



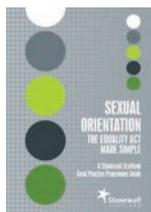
Engaging LGBT people in your work



What's it got to do with you? and What's it got to do with me?



Some People Are Gay. Get Over It! Posters



Sexual Orientation:
The Equality Act Made
Simple (Scotland)



Stonewall Top
100 Employers 2014



Stonewall
Workplace Guides



10 steps to
LGBT inclusive
communications

For more information on Stonewall's work with the criminal justice system visit stonewall.org.uk/hatecrime or contact crime@stonewall.org.uk

Stonewall publications

All Stonewall publications referenced in this guide are available to download for free from stonewallscotland.org.uk/publications

For free hard copies of any Stonewall publications or resources please visit stonewallscotland.org.uk/resources or email info@stonewallscotland.org.uk

Stonewall Diversity Champions programme

Stonewall's Diversity Champions programme is Britain's good practice employers' forum on sexual orientation. With over 600 members who employ 5.5 million staff, our programme is the largest non-governmental intervention of its kind in the world. Major employers, including police services and other criminal justice agencies across Britain, work with Stonewall and each other to make their workplaces the best they can be. For more information visit stonewallscotland.org.uk/dcs or call **0131 474 8019**.

The Workplace Equality Index

The Stonewall Workplace Equality Index is Stonewall's comprehensive annual benchmarking exercise that showcases Britain's top employers for lesbian, gay and bisexual staff. For more information visit stonewallscotland.org.uk/wei

The Stonewall Scotland Role Model Programme

The one day Role Model Programme is designed for LGBT staff to help gain an understanding of how they can be effective role models in their workplaces. For more information visit stonewallscotland.org.uk/rolemodels

Protecting lesbian, gay, bisexual and trans people in Scotland



When seeking help from the police about an incident, I was referred to as 'your type of people' followed by comments which included 'make me sick.'

Mikey, 26 — Lothians