

APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in the United Kingdom

ECRI, in accordance with its country monitoring procedure, engaged in confidential dialogue with the authorities of the United Kingdom on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which only takes into account developments up until 17 March 2016, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

UK Government response to the 5th report on the United Kingdom by the European Commission against Racism and Intolerance

The United Kingdom Government welcomes this opportunity to respond to the 5th report on this country by the European Commission against Racism and Intolerance. We welcome much that is in the Commission's report and in particular its acknowledgements of the progress that has been made since their 4th report of March 2010. We were pleased that the Commission were able to meet a wide range of officials and non-Governmental organisations during their visit to the UK in November 2015.

The United Kingdom has long been a country of inward and outward migration, and we are now a very diverse society. Some 13 per cent of our population identify as belonging to an ethnic minority and members of our ethnic minority communities have made an enormous contribution to the United Kingdom's social, economic, political and cultural life.

Our surveys tell us that the vast majority of people in the United Kingdom believe that people from different backgrounds get along well with each other in their local area, and this is consistent across all major ethnic groups. In recent years, members of African, Caribbean and Asian communities have made their way to the top in many different areas: in business, in sport, in the arts, in Government, and in Parliament. The UK is regarded as one of the best countries in Europe to be gay, lesbian, trans and intersex.¹

Since the Commission's last report on the United Kingdom in March 2010, equalities legislation in England, Wales and Scotland is now contained within a single equality act, which covers nine protected characteristics, including race and sexual orientation. The Equality Act also places a positive duty on public bodies to have due regard to the need to eliminate discrimination and promote equality of opportunity and good relations in their public functions. While the Government is proud of our equalities legislation, we know that, on its own, legislation is not enough. This Government is committed to creating a fair society in which all people, of whatever ethnic origin or background, are valued and able to participate fully and realise their own potential. The Prime Minister could not have been clearer about her determination on this issue, from the very moment she took office.

On 27 August 2016, the Prime Minister announced an audit to tackle racial disparities in public service outcomes. The audit will:

- Review Government data to identify racial inequalities in outcomes from contact with public services, and any gaps in data collection
- Publish all data in a single place so that the public can search the data to show inequalities in outcomes by geography, age or social-economic category;

The aim of the audit is to ensure a clearer focus on overall outcomes and experiences, exposing the multiple disadvantages faced by Black and Minority Ethnic groups across society, with transparency driving change. As Home Secretary, the Prime Minister published stop and search data that revealed people from black and ethnic minority communities were seven times more likely to be stopped and searched than their white counterparts. The publication helped hold police forces to account and the ratio has now reduced to four times more likely, with the aim for a continued fall.

On 26 July 2016, the Government published its hate crime action plan: *Action Against Hate: the UK Government's plan for tackling hate crime*. The Hate Crime Action Plan has three main themes:

- Preventing hate crime before it happens
- Increasing reporting
- Improving the service to victims

¹ <https://rainbow-europe.org/country-ranking>

The plan includes action to tackle hate crime and incidents on-line, on public transport and in schools. The Plan includes support for True Vision an on-line reporting facility; the Anne Frank Trust, which works with young people to help them challenge prejudice and hatred; Streetwise, which tackles so-called 'casual' anti-Muslim and antisemitism in our school's playgrounds; and Tell MAMA which monitors and support victims of anti-Muslim hate crime. The plan was discussed and endorsed by key community stakeholders including, the Cross Government Working Group on Antisemitism, the anti-Muslim Hatred Working Group, the Gypsy and Traveller Liaison Group and the Independent Advisory Group on Hate Crime.

In Wales, the Welsh Government have published a Tackling Hate Crime Framework, given a 20 per cent increase in recorded hate crimes across Wales in 2014-15, compared to previous year. The 'Tackling Hate Crimes and Incidents: A Framework for Action' sets out the Welsh Government's commitment to challenge hostility and prejudice. The Framework includes three objectives on prevention, support and improving the multi-agency response. A Delivery Plan has been developed across Welsh Government departments, where tackling hostility and prejudice is being embedded across a number of key policy areas such as housing, health, social services and sport and culture. Progress and actions are updated annually to demonstrate progress.

An Independent Advisory Group on Hate Crime plays a key role in monitoring and tracking progress of the Framework and Delivery Plan. The group has recently collected evidence from communities on how effectively hate crime and incidents are being tackled in Wales and whether the Framework is having a positive impact. This was published in December 2015 and the recommendations from this report will help shape the Delivery Plan for 2016-17.

The Welsh Government once again supported Hate Crime Awareness Week in 2015 including hosting a national conference on cyber hate and bullying in the Age of Social Media, delivered in partnership with Cardiff University. The recommendations within the Cardiff University report will be embedded within the Hate Crime Framework Delivery Plan for 2016-17.

Prior to July 2016, the UK Government set out a series of goals to improve opportunity for Black and Minority Ethnic people by the end of the current Parliament in 2020. Under this 2020 Vision, the Government aims to see a 20 per cent increase in black and minority ethnic people in employment; 20 per cent of new apprenticeships to Black and Minority Ethnic young people; 20 per cent more Black and Minority Ethnic people going to university; and increasing the proportion of Black and Minority Ethnic people entering our police forces and armed services.

The employment rate for Black and Minority Ethnic groups is at a record high of 61.4 per cent. Half a million more people from ethnic minorities are in work in Great Britain than there were in 2010. That is an increase of around 20 per cent in the past five years, but we must go much further. That is why we have made a commitment to increase Black and Minority Ethnic employment by a further 20 per cent by 2020. That challenge is critical to achieving our full employment objective, ensuring that British business makes the most of the talent and potential that exists in all communities in the United Kingdom.

Building on the 2020 Vision, the Government announced further initiatives to enhance race equality and tackle barriers faced by Black and Minority Ethnic communities. A senior parliamentarian, David Lammy MP, is leading a review of the Criminal Justice System in England and Wales to investigate evidence of possible bias against Black defendants and other ethnic minorities, reporting in 2017. With significant overrepresentation of Black, Asian and Minority Ethnic individuals in the criminal justice system, the review will consider their treatment and outcomes to identify and help tackle potential bias or prejudice. Universities are being required to publish admissions and retention data by gender, ethnic background and socio-economic class. The intention is to enshrine the duty in legislation. Under the proposal, all universities will have a new 'transparency duty', part of a drive to highlight those institutions failing to improve access. Another parliamentarian, Baroness McGregor-Smith, is leading a review looking at the issues faced by businesses in developing Black and Minority Ethnic talent, from when they start work through to executive level.

In England alone we have spent over £60 million on our integration programme since 2010. We have delivered over 30 projects since April 2014, reaching over 554,000 people, providing over 12,000 volunteering opportunities and hosting 6,800 community events. Examples of successful projects include:

- £8 million over 3 years to support 39,800 adults with the lowest levels of English get the training they need so they can play a full part in society.
- Over £5 million since 2010-11 to the Holocaust Memorial Day Trust, which in January 2016 alone delivered over 5,590 local commemorative events.
- £8 million since 2011 (with a further £1.5 million committed this year) to the Near Neighbours programme to deliver over 1000 local projects bringing different faith and ethnic groups together and reaching over 940,000 people.

In July 2015 the then Prime Minister announced that Dame Louise Casey will be carrying out a review on how to boost opportunity and integration in the most isolated and deprived communities in Britain. Dame Louise's report will inform plans for funding a new Cohesive Communities programme. Dame Louise Casey is considering issues such as: how we can ensure people learn English; how we can improve academic and employment outcomes, especially for women; and how state agencies can work more effectively with these communities to promote integration and community cohesion.

In light of this activity, we are disappointed that the Commission has missed some important opportunities to highlight examples of good practice in its report. We believe that this is an important part of the Commission's mission. While we are pleased to see that some examples of good practice in the United Kingdom are identified, this is heavily outweighed by lengthy sections pointing out supposed shortcomings. We are particularly concerned to see that the Commission repeats controversial and eye-catching press headlines and some alleged statements by politicians, which wrongly implies that these are the prevailing narratives in the United Kingdom and/or are government policy, when there are numerous cases of leading politicians celebrating and speaking out positively about the enormous contributions that minorities have made to this country's success. It is also unclear whether the Commission is making its assessments against a common set of standards, and if so, what these are. We would like some assurance that the United Kingdom is being assessed against the same standards as its partners across the Council of Europe membership.

Response to the recommendations in the 5th report on the United Kingdom by the European Commission on Racism and Intolerance

1. (§ 2) ECRI reiterates its previous recommendations to sign and ratify Protocol No. 12 to the European Convention on Human Rights.

The United Kingdom Government intends neither to sign nor ratify Protocol No. 12 to the European Convention on Human Rights. The United Kingdom's extensive framework of equality law is structured differently from Protocol No. 12: in contrast to the very broad terms of Article 1 of Protocol No. 12, United Kingdom equality law is centred around certain defined characteristics, such as a person's race or sex, in respect of which no discrimination is permitted in certain circumstances, such as in employment or the provision of services, and in relation to which certain public bodies have a duty to promote equality. In addition, there is currently very little case law on how the European Court of Human Rights will approach unclear concepts in Protocol 12 such as "the enjoyment of any right set forth by law", which could be taken to include international as well as domestic law.

2. (§ 8) ECRI recommends amending the criminal law to add the ground of language to the existing provisions and to include the following offences committed on grounds of race, colour, language, religion, nationality, or national or ethnic origin: public incitement to violence and discrimination; public insults and defamation; threats; the public expression with a racist aim of an ideology which claims the superiority or which depreciates or denigrates a group of persons; the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes; the production or storage aimed at public dissemination or distribution, of written, pictorial or other material containing manifestations covered by GPR 7 § 18 a, b, c, d and e; the creation or leadership of a group which promotes racism, support for such a group or participation in its activities; and racial discrimination in the exercise of one's public office or occupation.

Currently our incitement to hatred offences include the stirring up of hatred on the grounds of race, religion and sexual orientation. This includes the dissemination and distribution of hate material. Race covers colour, race, nationality and ethnic origin. Inciting another person to commit violence is already a criminal offence and we have separate legislation in UK to protect against defamation and discrimination. In addition to the above there is a specific offence of Racist Chanting where the Football (Offences) Act 1991 makes it an offence to engage or take part in chanting of an indecent or racist nature at a designated football match.

Scotland

(§ 9) ECRI notes that the above-mentioned Public Order Act 1986 and the Crime and Disorder Act 1998 also apply in Scotland. In addition, section 33 of the latter introduced, in Scotland, the offence of racially-aggravated harassment, defined as causing or intending to cause a person alarm or distress and involving malice or ill-will based on a person's membership, or presumed membership, of a "racial group".⁵ The same gaps exist in Scotland as identified in England and Wales, and ECRI's recommendation in § 8 is addressed also to the authorities of Scotland.

In Scotland, common law assault, common law breach of the peace and threatening and abusive behaviour are important legal tools for dealing with hatred directed against a group of persons or a member of such a group defined by reference to their race, colour, language, religion, descent or national or ethnic origin. The Scottish Courts also have long-standing powers to punish someone more severely for committing a hate crime through common law powers to take into account aggravating factors when sentencing. We also believe we have strong laws on the statute books to deal with hate crime.

The Scottish Government welcomes the recommendations from the European Commission against Racism and Intolerance in its recent report on the United Kingdom. The Scottish Government will consider these recommendations carefully and consider, in due course, what legislative approaches it will take to respond to these recommendations.

3. (§ 19) ECRI recommends that the authorities improve the Equality Act by including the following: the protected characteristic of language; announced intention to discriminate; the express duty to ensure that those parties to whom public authorities award contracts, loans, grants, or other benefits respect and promote a policy of non-discrimination; the necessary legal tools to review, on an on-going basis, the conformity with the prohibition of discrimination of all laws, regulations and administrative provisions at national and local levels, and to amend or abrogate those found not to be in conformity with the prohibition of discrimination; the obligation to suppress public financing of organisations or political parties which promote racism and the possibility of dissolution of such organisations.

Discrimination because of language is already prohibited under the Equality Act 2010 if it is an aspect of racial discrimination. Similarly it is already possible under the Act for action to be taken on the basis of announced intention to discriminate, where this disadvantages someone because of a protected characteristic. The public sector equality duty set out in Part 11 of the Equality Act requires that any body performing a public function act in accordance with the Duty

to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This is a powerful and appropriate lever.

4. (§ 22) ECRI strongly recommends that the authorities of Northern Ireland consolidate equality legislation into a single, comprehensive equality act, taking inspiration from the Equality Act 2010, and taking account of the recommendations of the Equality Commission for Northern Ireland, as well as ECRI's recommendations in § 19 of this report.

Within its Racial Equality Strategy 2015-2025, the Northern Ireland Executive commit to undertaking a review of the current Race Relations (Northern Ireland) Order 1997 to ensure that it offers at least the same levels of protection as the Equality Act 2010 and to act on the outcome of the review with a view to new legislation being in place by the 2017-2018 Assembly Session.

5. (§ 39) ECRI calls upon all political parties to take a firm stand against intolerant discourse and instruct their representatives to refrain from making derogatory comments targeting a group of persons on grounds of their "race", religion, citizenship, language, ethnic origin, sexual orientation or gender identity.

England and Wales

Freedom of expression is a fundamental right, protected under the Human Rights Act 1998 and under common law. This can extend to the expression of views that may shock, disturb or offend the deeply-held beliefs of others. Any restrictions must always be set out in law and be proportionate. It is nonetheless a criminal offence to stir up hatred on racial or religious grounds or on the ground of sexual orientation in England and Wales. Offensive or insulting language may also constitute harassment.

In England and Wales, speech or behaviour which stirs up racial or religious hatred or hatred on the grounds of sexual orientation is a criminal offence under the Public Order Act.

Incitement to racial hatred occurs when a person uses words or behaviour or displays written material which is threatening, insulting or abusive with the intention of stirring up racial hatred or it is likely that racial hatred will be stirred up. This can include such things as making a racist speech, distributing racist leaflets or displaying a racist poster. The offences for religion and sexual orientation are similar although the behaviour must be threatening and must be intended to stir up hatred.

The Government fully supports the work of the All Party Parliamentary Group against Antisemitism and the report it issued on electoral conduct. The report was praised by the Speaker of the House of Commons, and was welcomed by all parties. The Law Commission, Electoral Commission, Equality and Human Rights Commission and the Police have all committed to actions against the recommendations of the report. Meetings were held with Cabinet Office, Equalities Office and Communities Ministers about the report, which the government has fully supported.

[http://antisemitism.org.uk/wp-content/uploads/3767_APPG_Electoral - Parliamentary_Report_emailable.pdf](http://antisemitism.org.uk/wp-content/uploads/3767_APPG_Electoral_-_Parliamentary_Report_emailable.pdf)).

Scotland

There is absolutely no place for bigotry and prejudice in Scotland - the Scottish Government is clear that any form of hate crime is totally unacceptable and will not be tolerated in 21st century Scotland.

Following the EU referendum, Scottish Ministers have been clear that EU citizens from elsewhere in Europe remain welcome, are appreciated and make a significant contribution to Scotland, and have been actively engaging with communities to hear their concerns and offer reassurance. The First Minister has been clear on the importance of reassuring EU nationals living in Scotland: "Scotland is your home, you are welcome here, and your contribution is valued".

6. (§ 51) ECRI recommends that the authorities review the provisions on incitement to hatred with a view to making them more effective and usable.

England and Wales

The Crown Prosecution Service takes these cases very seriously and is committed to prosecuting where appropriate. The Crown Prosecution Service Hate Crime Report, published on 13 July 2016, covered the periods 2014/15 and 2015/16. The section on stirring up hatred provides clarification on the legal parameters in decision-making, included the following:

“Hate crime focuses on hostility or prejudice against specific sections of society. Hostility carries the ordinary, everyday meaning of the word and its dictionary definition captures ill-will, unfriendliness, spite, ill-feeling, contempt, prejudice, resentment, dislike and hatred. However, the public order offences of “stirring up hatred” focus on hatred itself and the intention or likely effect of the offence in question.”

“The number of cases brought is much lower than for other offences covered in this report. This is due to higher evidential thresholds and the need to consider an individual’s right to freedom of expression. It is essential in a free, democratic and tolerant society that people are able to exchange views, even when offence may be caused. However, the CPS must also balance the rights of an individual to freedom of speech and expression against the duty of the state to act proportionately in the interests of public safety, to prevent disorder and crime, and to protect the rights of others.”

Where the relevant thresholds are not met, alternative charges can and will be considered.

In consultation with community organisations, the Crown Prosecution Service public policy statement on stirring up hatred will be revised during 2016/17.

The recent Hate Crime Report highlights the following relevant data:

“There was one prosecution in 2014/15 for publishing or distributing written material intended to stir up religious hatred. The defendants pleaded guilty and received between 15 and 18 months detention.”

“There was one prosecution in 2015/16 for publishing written material intending to stir up racial hatred. The defendant was found guilty and sentenced to a term of imprisonment of 3 years and 4 months.”

Scotland

In Scotland, common law assault, common law breach of the peace and threatening and abusive behaviour are important legal tools for dealing with hatred directed against a group of persons or a member of such a group defined by reference to their race, colour, language, religion, descent or national or ethnic origin. The Scottish Courts also have long-standing powers to punish someone more severely for committing a hate crime through common law powers to take into account aggravating factors when sentencing. We also believe we have strong laws on the statute books to deal with hate crime.

The Scottish Government welcomes the recommendations from the Commission in its recent report on the United Kingdom. The Scottish Government will consider these recommendations carefully and consider in due course what legislative approaches it will take to respond to these recommendations.

7. (§ 56) ECRI strongly recommends that the authorities find a way to establish an independent press regulator according to the recommendations set out in the Leveson Report. It recommends more rigorous training for journalists to ensure better compliance with ethical standards. It further recommends the authorities to sign and ratify the Additional Protocol to the Convention on Cybercrime.

The Government has delivered a framework for a new system of independent press self-regulation that protects press freedom whilst offering real redress when mistakes are made. Following the Leveson Inquiry, the cross-party agreement was implemented through the Royal Charter which established the Press Recognition Panel. As of September 2015, the Press

Recognition Panel has been open for applications from regulators and it is currently considering an application from IMPRESS. The Additional Protocol to the Convention on Cybercrime sets the criminal threshold for racial hatred lower than the criminal threshold for racial hatred in UK domestic law under the Public Order Act 1986, which applies to acts committed both offline and online. This Government believes that our present laws strike the right balance between the need to protect individuals from hatred and violence, and the right to freedom of expression, even if the views expressed are offensive.

8. (§ 58) ECRI recommends amending the Editor's Code of Practice to ensure that members of groups can submit complaints as victims against biased or prejudicial reporting concerning their community.

The Government is committed to a free and open press and does not interfere with what the press does and does not publish, as long as the press abides by the law. It is the job of the Editors' Code of Practice Committee to write, review and revise the Code.

In order to improve journalists' understanding of minority groups, the Government will work with the Society of Editors, the Media Trust and IPSO to update the 'Reporting Diversity' booklet, which offers advice and practical help to journalists about how to rise to the challenge and avoid the perils and pitfalls of reporting community issues. This will cover communities in all strands of hate crime to ensure fair reporting. We have also worked with the Society of Editors to develop a guide for moderators of online user-generated content.

Government will also work with the Independent Press Standards Organisations (IPSO) to devise training to help journalists have a better understanding of Islam.

9. (§ 69) ECRI recommends that data are gathered on the application of enhanced sentencing under sections 145 and 146 of the Criminal Justice Act 2003 and, where imposed, that this should be duly recorded, including on the criminal records of offenders. Data should also be collected on where aggravated offences and enhanced sentencing have been invoked and then dropped through the process of accepting guilty pleas. ECRI also recommends that steps are taken to narrow the gap between hate crime recorded by the police and that referred for prosecution.

Data gathering on the use of sentence uplift

Crown Prosecution Service data relating to the use of sentence uplifts can be found in its recently published Hate Crime Report:

www.cps.gov.uk/publications/equality/hate_crime/index.html

It should be noted that the sentence uplift data relates to the proportion of all successful flagged² hate crime prosecutions where a sentence uplift has been both announced in court and is recorded on the Crown Prosecution Service file.

It is important to remember that it is Crown Prosecution Service policy not to remove the "flag" from a case file unless it has been added by administrative error. This means that there may be some cases which have been properly flagged but it is considered that there is insufficient evidence to prove the aggravating feature required for the uplift and, although the prosecution overall was successful, it was not possible to ask for the uplift.

There may also be some cases where an application for an uplift is presented to the court after conviction but the court makes a judicial decision that the provisions do not apply.

As a result, it cannot be expected that a sentencing uplift will follow in each successful case that has been flagged as a hate crime.

Further work is being undertaken with prosecutors and with the courts to sustain the recent improvement in the number of announced and recorded sentence uplifts.

² case types are identified using a number of monitoring flags, applied to relevant cases at the pre-charge stage. The flags allow managers to monitor proceedings during the life of the prosecution, and enable reporting of outcomes following the conclusion of the case. Flags are applied in cases of hate crime and to crimes against older people.

Decisions not to charge or substantially alter charges

Data is not collected by the Crown Prosecution Service in respect of cases where the aggravation element (of a case) has been discontinued.

In support of improving case work quality and data accuracy, the Hate Crime Assurance scheme was introduced on 1 January 2015 in relation to disability hostility, homophobic and transphobic crime. The scheme was extended in May 2015 to include racially and religiously aggravated cases.

The scheme measures performance against a number of key case handling indicators, determined following a previous Criminal Justice Joint Inspection into disability hate crime cases. In addition to live files, all appropriate finalised files are assessed in relation to the accuracy of recording of key stages. Experienced hate crime prosecutors also provide constructive feedback to lawyers in real time with the aim of increasing casework quality and data accuracy.

These improvements provide an opportunity for critical challenge in respect of decision making and increase the potential for a successful outcome to the prosecution.

Communication with victims

In relation to racially and religiously aggravated offences charged under sections 29-32 of the Crime and Disorder Act 1998, a letter should be sent to the victim when a decision is made to proceed with the basic offence, rather than the aggravated form.

The Code of Practice for Victims of Crime sets out the obligations of the Crown Prosecution Service towards victims. This includes a requirement to notify a victim if a decision is taken that there is insufficient evidence to bring a prosecution (following a full evidential report from the police) or to drop a case or substantially alter the charges.

“In cases involving racist or religious crime, the prosecutor who made the decision to drop or substantially to alter the charge will also offer to meet the victim to explain personally the reasons for the decision. Where a prosecutor has made a decision not to charge during a face-to-face consultation with a police officer (that is, without a full, written evidential report), the police officer must notify the victim.”

Acceptance of Pleas

The principles governing the acceptance of pleas prior to the commencement of the trial hearing are contained within the Code for Crown Prosecutors:

“Prosecutors should only accept the defendant’s plea if they think the court is able to pass a sentence that matches the seriousness of the offending, particularly where there are aggravating features. Prosecutors must never accept a guilty plea just because it is convenient.

In considering whether the pleas offered are acceptable, prosecutors should ensure that the interests and, where possible, the views of the victim, or in appropriate cases the views of the victim’s family, are taken into account when deciding whether it is in the public interest to accept the plea. However, the decision rests with the prosecutor.”

Crown Prosecution Service Guidance on Prosecuting Cases of Racist and Religious Crime states:

“It is CPS policy not to accept pleas to lesser offences, or omit or minimise admissible evidence of racial or religious aggravation for the sake of expediency.

Where it is thought appropriate to accept a plea, full regard should be had to the Attorney General’s Guidelines on the Acceptance of Pleas and the Prosecutor’s Role in the Sentencing Exercise. All prosecutors should be aware of their contents and follow them. They explain the important role that the prosecutor plays in protecting the general public interest and the specific interests of victims.

Prosecutors must place evidence of racial aggravation before a court in a trial or at a sentencing hearing when it is proper to do so. Acceptance of a plea to a lesser offence will only be appropriate in circumstances such as those outlined above.

Full notes of the reasons for accepting pleas must be recorded, and such decisions should be referred to nominated senior or specialist prosecutors for ratification.”

The Attorney General’s Guidelines on the Acceptance of Pleas and the Prosecutor’s Role in the Sentencing Exercise (Revised 2009) states:

“When a case is listed for trial and the prosecution form the view that the appropriate course is to accept a plea before the proceedings commence or continue, or to offer no evidence on the indictment or any part of it, the prosecution should whenever practicable speak to the victim or the victim’s family, so that the position can be explained. The views of the victim or the family may assist in informing the prosecutor’s decision as to whether it is the public interest, as defined by the Code for Crown Prosecutors, to accept or reject the plea. The victim or victim’s family should then be kept informed and decisions explained once they are made at court.”

In making these determinations within the context of relevant law and legal guidance, prosecutors will also be mindful of the Code of Practice for Victims of Crime:

“(the code) sets out the obligations of the CPS towards victims. One of these obligations is to tell a victim if we decide that there is insufficient evidence to bring a prosecution (following a full evidential report from the police), or if we decide to drop a case, or substantially to alter the charges. In such circumstances, we will explain to a victim why we have made these decisions. Normally we will do this by writing a letter directly to the victim. In some situations, a case can be dealt with very quickly and we may not always be able to give the explanation before the case is finished. However, the victim will still be given an explanation even if the case has finished. If the victim is vulnerable or intimidated, we will notify him or her within one working day and within five working days for other victims.”

The gap between hate crime recorded by the police and the number referred for prosecution

The Crown Prosecution Service continues to work closely with the police regarding hate crime, so that all appropriate cases are referred for a charging decision, but this is ultimately a matter for the police.

Scotland

The Scottish Government is actively working with Police Scotland, the Crown Office & Procurator Fiscal Service and Scottish Courts to analyse, understand and report on Hate Crime recorded in Scotland at each stage of the data journey, with the aim of maximising the benefit of this data for users. This includes our previously announced plan to investigate the introduction of a new statistical product on police recorded Hate Crime. We will keep our statistical users and stakeholders informed as this work develops.

10. (§ 80) ECRI reiterates its recommendation to intensify the recruitment of Black and minority ethnic teachers, in order for teaching staff to reflect better the communities they serve, and retain them in the teaching profession.

England

The UK Government firmly believes that school leaders are best placed to make decisions about the teachers they recruit to their schools, ensuring that their workforce adequately reflects the needs of their specific community of pupils. That is why we have given greater autonomy to schools - head teachers can now exercise much greater flexibility around pay and conditions, and are also able to employ as teachers individuals with a broad range of knowledge, skills and experience. We are also making it much easier for schools to train their own future teachers, meaning that heads can identify talent from within their local communities and provide high-quality employment-based training for individuals who already have a good understanding of the school’s characteristics and the needs of its pupils.

We value diversity in the workforce but want the best people in the classroom, regardless of their ethnic background; evidence shows that the quality of teaching is the single most important factor in determining how well pupils achieve. The number of people starting initial teacher training in the academic year 2015/16 who declared to be from a black or minority

ethnic background was the highest number recorded over the last six years. The overall proportion of postgraduate trainees who declared to be from a black or minority ethnic background was 14 per cent; an increase of one percentage point from the previous year.

Scotland

The Scottish Government is committed to equality and wants to see a diverse workforce at every level of the education system that reflects the multi-cultural nature of Scottish society.

Local Authorities are the employers of teachers in Scotland and as employers it is their responsibility to ensure they undertake fair and inclusive recruitment activity for all posts.

The Scottish Government established the Strategic Board for Teacher Education which includes universities, local authorities and professional associations to oversee and evaluate reform to teacher education. The Scottish Government has tasked this Board to investigate the barriers to wider representation in the teaching profession and to come forward with suggestions to support diversity in order to ensure that the teaching workforce within schools reflects the communities that they serve.

The Scottish Government has recently launched a delivery plan “*Delivering Excellence and Equity in Scottish Education*” which details the innovative actions the Scottish Government will take with its partners to address issues related to minority ethnic groups which are under-represented in teaching.

The Scottish Government will extend its recruitment campaign, building on the positive work of the current campaign, to address diversity issues by the end of 2016, and will work with the General Teaching Council for Scotland to provide more support to teachers on equality issues through Career Long Professional Learning to be in place by August 2017.

Wales

The Welsh Government promotes teaching as a career to all under-represented groups, in order that teachers and the profession is fully representative of the communities in which they work. The Welsh Government continues to encourage people from all backgrounds, particularly those groups that are under represented, with the right qualifications, skills and personal attributes to consider teaching as a career.

Further to the review of Initial Teacher Education and Training in Wales undertaken by Professor John Furlong - ‘Teaching Tomorrow’s Teachers - the Welsh Government is considering further the most effective way to market teaching as a career in order to raise the quality of the applicants to Initial Teacher Education and Training programmes, whilst also ensuring that the profession continues to be reflective of the communities it serves.

11. (§ 84) In view of the continued disadvantage of certain Black and minority ethnic groups in education and employment, ECRI encourages the authorities to find concrete ways to achieve their 2020 Vision goals. It also strongly recommends setting similar goals in health care, with a particular focus on eliminating any racial discrimination in mental health care.

England

The audit of public services, announced by the Prime Minister on 27 August 2016, will support delivery of the 2020 Vision by giving every person the ability to check how their race affects the way they are treated by public services and the information will help government and the public to force poor-performing services to improve.

The audit will be led by a new dedicated unit in the Cabinet Office, reporting jointly to the Secretary of State for Communities and Local Government, Sajid Javid, and the Minister for the Cabinet Office, Ben Gummer. The first data is expected to be published before the summer 2017 and will be updated annually to ensure the public can track improvement and better hold services to account.

Scotland

Employment

The Scottish Government recognises that for a labour market to be truly inclusive, the barriers that restrict disadvantaged groups from accessing good quality employment and then progressing within it must be tackled. We know that employment rates for ethnic minorities are lower than the Scottish average and that unemployment rates are higher than the rates for similarly qualified white individuals.

The Race Equality Framework for Scotland outlines our approach to tackling this over a fifteen year period from 2016 to 2030. We will work with employers, our partners and stakeholders to identify and promote practice that works in reducing employment inequalities, discrimination and barriers for minority ethnic people, including in career paths, recruitment, progression and retention.

The Labour Market Strategy (LMS) will underpin our approach to achieving inclusive growth, one of the four priorities set out in Scotland's Economic Strategy to boost competitiveness and tackle inequalities. The LMS will focus on how we build on the work of the Fair Work Convention and how we can create a skilled, productive workforce capable of meeting the needs of employers. The strategy will set out the importance of inclusive growth and creating a successful, competitive and growing economy based on decent, well-paid jobs that improve well-being and quality of life for all people, including those from an ethnic minority background.

The Labour Market Strategy will illustrate some of the policies we have put in place to tackle inequalities and ensure that all groups share within Scotland's economic growth.

The Scottish Government will explore with Skills Development Scotland how to increase access to effective careers guidance and employability support for people from minority ethnic communities who are in work, seeking work or in learning. Skills Development Scotland works with their contracted training providers to encourage the employers they work with to take on apprentices from minority ethnic groups. This is reviewed by SDS in their contract management processes.

Contracted employability support for long-term unemployed people will be devolved to Scotland from April 2017. We are developing a long-term 2020 and beyond vision to identify the specific needs of clients and develop a fully integrated and aligned service that helps people move into good quality, sustainable work.

Health

The Scottish Government believes that minority ethnic groups should experience improved access to health and social care services and this issue is being taken forward in Race Equality Framework. There is some evidence which suggests that the numbers of minority ethnic people accessing services may be relatively low, and the Scottish Government is committed to finding out more about the experiences of ethnic minorities in accessing health and social care services.

The integration of health and social care in Scotland is one of the most significant and exciting reforms since the establishment of the National Health Service in Scotland. It is about ensuring that people come first and that those who use services, get the right care and support whatever their needs, at any point in their care journey.

The Scottish Government is providing £62,205 funding in 2016/17 to the Council of Ethnic Minority Voluntary Organisations (CEMVO) to support a Race Equality and Integration Project which will work proactively to encourage engagement between minority ethnic groups, communities and integration authorities to ensure positive experiences and outcomes are realised, with learning captured and disseminated widely across Scotland.

The Healthcare Quality Strategy for Scotland sets a target to develop a programme of action to ensure that people's equality needs are gathered, shared and responded to across health services.

The Scottish Government's forthcoming Mental Health Strategy will set out our 10 year vision for transforming mental health in Scotland. Through the Race Equality Framework, we are ensuring effective engagement with minority ethnic communities in the development of the Scottish Government Mental Health Strategy to ensure issues relevant to race equality are considered as part of this wider review

Northern Ireland

The 'Together: Building a United Community' Strategy, published on 23 May 2013, reflects the Northern Ireland Executive's commitment to improving community relations and continuing the journey towards a more united and shared society.

12. (§ 88) ECRI strongly recommends that the authorities establish a real dialogue with Muslims in order to combat Islamophobia. They should consult them on all policies which could affect Muslims.

The then Prime Minister announced on 20 July 2015 that Dame Louise Casey would be carrying out a review on how to boost opportunity and integration in the most isolated and deprived communities in Britain. Her review will determine priorities for a new Cohesive Communities Programme, which the government committed to in the Counter-Extremism Strategy. The review is considering such issues as: how we can ensure people learn English; how we can improve academic and employment outcomes; and how state agencies can work effectively with communities to promote integration.

The Government's engagement with Muslim communities has been through a variety of programmes, which have been developed to ensure Muslim communities feel part of an integrated society. We have a very broad range of stakeholders across the country who we regularly meet with and listen to. These stakeholders cross the span of Muslim communities, allowing us to understand issues associated with different schools of thought, ethnicities, gender as well as issues associated with young people.

The Government has recently developed a 'Strengthening Faith Institutions' programme, which will assist Muslim institutions to strengthen their abilities to engage, not just with government, but with a whole host of other organisations. The Anti-Muslim Hatred Working Group, allows Government to understand the critical factors impacting on Muslim communities and their safety. The Near Neighbours programme has further strengthened Government engagement with Muslim communities. The Near Neighbours co-ordinators based across the country provide direct contact between communities and Government. We have also developed strong engagement through Ministerial visits to Muslim communities, faith centres, Mosques and through communal events such as the Big Iftar, which is now an established series of events in our annual calendar.

Scotland

The Scottish Government values Scotland's Muslim communities and the important role they play in supporting their communities and developing community cohesion. The Scottish Government has regular engagement with Scotland's Muslim communities. This includes maintaining working relationships with the Muslim Council of Scotland and the Scottish Ahlul Bayt Society and participation by Scottish Government Ministers in community events.

Scottish Ministers, including the First Minister, also have regular engagement with the Jewish community and representative organisations.

Police Scotland and the Crown Office have also built good links in relation to operational matters around hate crime and community reassurance.

The First Minister hosted an Interfaith Summit attended by faith leaders on 8 September 2015 to raise the profile of interfaith activity in Scotland. Attendees included representation from the Muslim faith.

The Scottish Government has provided funding of £507,916 in 2016-17, to promote interfaith understanding and tackle religious intolerance, as well as improve the lives of communities in Scotland. Of this total, £145,000 has been awarded to Interfaith Scotland which works across

Scotland to develop and support interfaith relations and assist faith communities to engage with civic Scotland. The Scottish Government works in partnership with Interfaith Scotland to support Scotland's faith and belief communities and promote the development of interfaith relations and dialogue to build community cohesion.

We are also providing £111,534 to AMINA Muslim Women's Resource Centre for a project to provide culturally sensitive advice and befriending and to tackle prejudice, hate crime and inspire community cohesion and £55,200 to the Scottish Council for Jewish Communities to engage with and support organisations and individuals, especially people of Jewish heritage who are geographically or socially isolated, vulnerable, or deprived, in both urban and rural areas.

Counter-terrorism: Scottish Prevent

The Scottish Government is clear that delivery of Prevent in Scotland must continue to be across the spectrum of threat, risk and vulnerability and not focussed on any single community.

Prevent in Scotland benefits from generally positive relationships with our communities. A priority going forward is to work with partner agencies, other stakeholders and communities to co-produce an approach to implementing Prevent that meets local needs.

In addition the Scottish Government will consider any UK Government Counter Extremism measures against the backdrop of our approach to building a cohesive, inclusive and safe society. Scottish Government will continue to take a distinct Scottish asset based approach that builds cohesion and makes it more difficult for people to feel alienated or isolated.

Wales

In Wales, the Faith Communities Forum is made up of faith community leaders who consult the Welsh Government on issues of policy and strategy. The First Minister is Chair of the Forum, which meets twice a year. The Faith Communities Forum facilitates dialogue between the Welsh Government and the major faith communities on any matters affecting the economic, social and cultural life in Wales.

During 2014-15, the Forum considered what they could do to raise awareness of hate crime within their faith communities and a video was produced which was posted online to encourage reporting of faith hate crime.

Muslim reference Groups

In January 2016, the Welsh Government met representatives from Muslim Communities across Wales to discuss Islamophobia, extremism, radicalisation and hate crime. The purpose of these reference group meetings was to hear from a small but broad representation of religious leaders and community activists, including those who have had a public profile in speaking out on either or both extremism or Islamophobia. Further and wider engagement is planned and these first sessions identified initial views on what was working well in Wales, where gaps and issues existed, and how they might be addressed.

Regional Community Cohesion Co-ordinators

The Welsh Government published the National Community Cohesion Delivery Plan 2014-16, to strengthen, mainstream and sustain both local and regional community cohesion approaches. Delivery was supported by eight Regional Community Cohesion Co-ordinators with coverage across all 22 Local Authority areas in Wales.

Through the Co-ordinators there is strong and continued engagement with Muslim communities. In Newport, Tell MAMA, who support victims of anti-Muslim hate, recently delivered a workshop on 'Islamophobia' which was attended by a cross-section of public sector and voluntary sector partners, as well as members of the Muslim community. This event was organised by COMMON (Council of Mosques and Muslim Orgs Newport). In Swansea, a Muslim Engagement Group has been established which meets with the Director of People on a regular basis.

Victim Support

Victim Support was commissioned by the Welsh Government as the Official National Hate Crime Report and Support Centre for Wales. It is a single mechanism and process for ensuring victims receive support and can report hate.

They undertake a great deal of work with Muslim Communities across Wales. For example, in Carmarthen they have held a number of meetings with the Carmarthen mosque to develop and organise hate crime sessions for various members of the community. They have been to meetings with the Muslim Sisters to find out whether they have been targeted by Islamophobia. Victim Support has also made contact with the Swansea central mosque to discuss ways in which they can work together, particularly around engagement with the Muslim sisters.

13. (§ 98) ECRI recommends that the new planning definition in England of Gypsy and Traveller is replaced with the previous one of 2012, that sufficient pitches are provided according to the needs of these communities, and that alternatives to eviction, such as the negotiated stopping policy in the city of Leeds, are promoted and replicated elsewhere.

England

In England, the Government's overarching aim is to ensure fair and equal treatment for travellers (whatever their race or origin) in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.

The Government updated the planning policy for local councils *Planning Policy for Traveller Sites*. The intention is to ensure fairness in the planning system, strengthening protection for the Green Belt and countryside and addressing some of the negative effects of unauthorised development of land.

The Government changed the definition of 'gypsy and traveller' in planning policy in order to establish a definition appropriate for planning purposes. For planning purposes a traveller should be someone of a nomadic way of life whatever their race or origin.

Those who have ceased to travel permanently will still be able to continue to submit applications for caravan sites if they wish to maintain links to their traditional way of life. These applications would be considered under wider national planning policy through the *National Planning Policy Framework*, in much the same way that people in the settled community apply to develop mobile homes.

14. (§ 104) ECRI recommends that the licencing regime under the Scrap Metal Dealers Act 2013 is revised to allow Gypsies and Travellers to apply for licences on a regional rather than local basis to allow them to pursue this trade across a range of local authorities without incurring excessive fees.

England

The Scrap Metal Dealers Act 2013 requires the Home Secretary to undertake a full review of the legislation and publish a report of the conclusions within five years of the Act's commencement, which means the report must be published by 30 September 2018. The Home Office will consult with a range of partners including the British Transport Police, the British Metals Recycling Association, the Gypsy, Traveller and Roma Liaison Group and the National Metal Theft Working Group led by the National Police Chiefs' Council lead, Chief Constable Paul Crowther of British Transport Police.

The Government will look to establish a round table event to determine if there is sufficient evidence to undertake a full review in advance of September 2018 and whether to retain, repeal any of the provisions within the Act, or if any additional amendments are required to achieve the continuing objective of preventing and tackling metal theft and protecting the scrap metal industry from illegal operations. The review will also consider proposals for regional licences.

15. (§ 109) ECRI strongly recommends that the authorities draw up, in consultation with Gypsy, Traveller and Roma groups, a detailed programme of integration strategies and measures to address the disadvantage suffered by all three of these communities in England, Wales, Scotland and Northern Ireland, including concrete targets, timeframes, and resources, in all areas of daily life, such as education, employment, health care and accommodation, in particular addressing the shortage of caravan sites.

England

The United Kingdom Government is advancing Roma, Gypsy and Traveller integration within broader social inclusion and integration policies. This is the best approach in a diverse and decentralised country like ours.

Accommodation

In much the same way as the Government expects councils to plan to meet the needs of their settled community, the *Planning Policy for Traveller Sites* sets out that local authorities should objectively assess traveller needs and identify a suitable five-year supply of sites to meet those needs, taking account of national planning policy in doing so.

Local authorities are making progress and in July 2015, the number of traveller caravans on authorised privately funded sites was 11,478, which is 1,236 more than in July 2014. For public sites, between 2011 and March 2015, the Homes and Communities Agency spent £42 million delivering 463 new and 332 refurbished pitches through the Traveller Pitch Funding programme. In addition, between 2015 and 2018 the affordable homes programme is forecast to deliver a further 71 pitches.

Health

The Inclusion Health programme produced a series of reports on key issues affecting disadvantaged and vulnerable groups, including Gypsies, Travellers and Roma people. These reports were largely developed with the participation of stakeholders, such as health professionals and stakeholder organisations (such as The Traveller Movement). The key reports included:

- *Commissioning inclusive services - practical steps towards inclusive JSNAs (Joint Strategic Needs Assessments) and JHSWs (Joint Health and Wellbeing Strategies) and commissioning for Gypsies, Travellers and Roma, homeless people, sex workers and vulnerable migrants* (2013). This report highlights the health issues facing these groups and encourages local agencies to engage with these vulnerable groups - including through trusted organisations - to establish the extent of their needs. It also notes high levels of illiteracy; lack of good quality health supporting accommodation; lack of knowledge of mainstream services; and a mistrust of authority as key barriers to healthcare as well as procedures for registering and accessing primary care services.
- *Improving access to health care for Gypsies and travellers, homeless people and sex workers* (RCGP/Inclusion Health, 2014), which is guidance for Clinical Commissioning Groups, local authorities, NHS England and Public Health England aimed at widening access to health services and contributing to improving the health outcomes of vulnerable and marginalised groups, including Gypsies, Travellers and Roma, in line with the 2010 public health white paper commitment to improve the health of the poorest fastest.
- *Inclusion Health: Education and Training for Health Professionals* (2016), which sets out the education and training that health professionals need, and also receive about Inclusion Health, to enable them to work effectively with vulnerable people who are homeless, Gypsies and Travellers, Roma, sex workers and vulnerable migrants.

The Department of Health also published the report on the *Impact of insecure accommodation and the living environment on Gypsies and Travellers' health*. It looked at how the living conditions of Gypsies and Travellers lead to poor health, with two-thirds of this group reporting poor, bad, very bad or health. The report identified local joint working across health and other interests as the most effective way of reducing the health inequalities resulting from poor and insecure accommodation

Education

We have moved away from having national programmes and separate funding streams that target specific groups of pupils, such as those from Gypsy, Roma and Traveller communities. Instead, our policies support the move to a school-led, self-improving system characterised by high expectation for all, autonomy and freedom, and underpinned by robust accountability measures which will focus the attention of schools on the progress and attainment of all their pupils.

In 2016, the school performance tables will report on the progress made by pupils from the end of primary school to the end of secondary school in 8 qualifications, and the attainment of pupils in those same 8 qualifications (rather than just the proportion of pupils who achieve the threshold level of 5 A*-C grade GCSEs including English and maths).

The proportion of Gypsy, Roma and Traveller pupils who qualify for the Pupil Premium is much higher than the national average amongst all pupils - around 60% compared with 28% of all pupils. Schools have flexibility over how they use the pupil premium to support their disadvantaged pupils, as they are best placed to understand and respond to their particular needs.

Pupils from Gypsy, Roma and Traveller backgrounds (as well as those from other minority ethnic groups) can experience bullying. The Government is firmly of the view that bullying in any form, including racist bullying, is unacceptable and should not be tolerated in our schools. The Department has issued clear advice to schools on preventing and tackling bullying and supporting bullied pupils. We have also provided around £1.3 million funding in 2015-16 to several anti-bullying organisations, who work with schools and young people to prevent and tackle all forms of bullying.

Schools are held to account through inspections by Ofsted (Office for Standards in Education) for the quality of provision for all pupils, including those who are vulnerable and at risk of educational underperformance.

Employment

The Government recognises that people from Black and Minority Ethnic backgrounds may face a range of barriers, including: poor knowledge of the labour market and what employers are looking for; language barriers for those with English as an additional language, cultural expectations around contributing to the family, educational barriers; and discrimination (perceived and actual, direct and indirect).

We also recognise that the same principles and best practice for supporting people from Black and Minority Ethnic backgrounds into employment apply equally to white minority groups, for example people from Gypsy or Roma communities, or Eastern Europe, as they also record low labour market outcomes.

The Government's focus is on a wide range of activities designed to support people from black and minority ethnic backgrounds into work; support which is tailored based on the barriers individuals face.

We are doing this by ensuring our core Jobcentre Plus offer works well for black and minority ethnic groups, and building work coach capability and responsibility enabling tailored support. We are working closely with Jobcentres in order to share best practice.

We are extending the same support that people on Jobseeker's Allowance get to around one million more claimants through Universal Credit and we are encouraging greater use of the Flexible Support Fund and the take up of English Language for Speakers of another Language.

Scotland

The Scottish Government is committed to supporting our most vulnerable communities. We recognise that there is still much to do to address the needs of Gypsy/Travellers and the migrant Roma community in Scotland.

Scottish Government has provided over £300,000 funding in 2016-17 to organisations working with Gypsy/Traveller and the Roma community to improve outcomes across a range of areas of work.

Work on the Gypsy/Traveller strategy was paused in 2015 to allow for a period of reflection, following concerns raised by the Gypsy/Traveller Strategy Development Group. However, further development of a strategic programme of work for Gypsy/Travellers is currently in progress in the following areas:

Education

The Scottish Government's Scottish Traveller Education Review Group is developing guidance, for publication in winter 2016/17, in response to the very real concerns about the achievement of educational outcomes by Traveller children and young people. The guidance sets out how schools and local authorities can support Traveller children and young people and their families to engage in school education so as to improve life outcomes. The guidance covers all Travellers, including Gypsy/Travellers, European Roma People and Showpeople. It acknowledges the impact attendance, bullying and exclusions can have on educational outcomes for Traveller children and young people and suggests approaches that can be used to support Travellers and their families to overcome barriers to education. Alongside this work, the Scottish Government currently funds and supports the work of the Scottish Traveller Education Programme which supports the promotion and development of inclusive educational approaches for mobile and settled Gypsy/Traveller and other travelling families.

The Scottish Government is committed to refreshing the National Approach to Anti-Bullying for Scotland's Children and Young People (which includes bullying based on prejudice) to ensure that it remains current and is in line with the legal framework outlined in the Equalities Act, reflects legislative and policy developments including Getting It Right For Every Child, Children and Young People (Scotland) Act 2014; relationships and behaviour and the respectme research Bullying in Schools 2014. The purpose of the refreshed National Approach is to communicate and promote a common vision and aims to make sure that work across all sectors and communities is consistently and coherently contributing to a holistic approach to anti-bullying in Scotland. The refreshed guidance will be published later in 2016.

The refreshed guidance for local authorities, schools and youth organisations, will ensure that bullying of all kinds - including bullying experienced by minority groups like the Gypsy/Traveller community, are recorded accurately and monitored effectively. Better recording of bullying at a local level will help the appropriate body - be it a school or local authority - tailor their policies to local circumstances as well as monitoring and improving the effectiveness of their anti-bullying policies.

This review ties into broader work to foster good relationships and positive behaviour within the learning environment, which underpins Curriculum for Excellence. We also continue to fully fund and support respectme, Scotland's anti-bullying service. respectme work with local authorities and all those working with children and young people, to build confidence and capacity to address bullying effectively.

Accommodation

The Scottish Government's role is to set a robust framework and promote good practice. The Scottish Government wants the most effective approaches to be used across the whole country to meet the needs both of the Gypsy/Traveller community, and the settled community.

Decisions about the provision of Gypsy/Traveller sites are best made at the local level, by those with local knowledge and local accountability. In 2014 the Scottish Government published revised guidance for Housing Need and Demand Assessments and for Local Housing Strategies. This is to help make sure the accommodation needs of Gypsy/Travellers are fully taken into account by councils as they plan accommodation provision.

In May 2015 the Scottish Government published minimum quality standards for Gypsy/Traveller sites, and core rights and responsibilities for site tenants. These were developed in consultation with Gypsy/Traveller site tenants, local authorities, and other stakeholders. The Scottish Planning Policy published in 2014 requires councils to plan for the current and future needs of the Gypsy/Traveller community, and involve the community in planning and decision-making which affects them.

Health

The Scottish Government is committed to improving access to health services for Gypsy/Travellers and the Roma Community. A key theme of our Race Equality Framework is that minority ethnic communities, including Gypsy/Travellers and Roma, in Scotland have equality in physical and mental health as far as is achievable.

We are investing £85 million over three years through the Primary Care Fund to put in place long-term, sustainable change within community health services. A revised General Practitioner patient registration form was issued on 6 June 2013, now providing explicit instruction that Regulations relating to GP registration apply equally to members of the travelling and settled populations.

Wales

The Welsh Government welcomes the recognition in the Commission's report of the Housing (Wales) Act 2014 in relation to meeting the accommodation needs of Gypsy and Traveller communities. In 2011, the Welsh Government published its Gypsy and Traveller integration strategy entitled 'Travelling to a Better Future'. Significant progress has been made towards improving social inclusion in Wales, as evidenced by the Delivery Plan update published in March 2016. The Welsh Government recently undertook a consultation on whether specific proposals are required to support the inclusion of migrant Roma. The responses to this consultation are currently being analysed with a view to consulting widely on a revised Travelling to a Better Future in late 2016.

Gypsy, Roma and Traveller Education

The ECRI report shows that in the period 2011-13, the percentage of Gypsy, Roma and Traveller learners in Wales attaining Level 2 (including GCSE grade A*-C in maths and either English or Welsh as a first language) was 12.3%. That percentage has increased year on year. In 2012-14 the figure was 12.5% and in 2013-15, the latest available statistics, the percentage has increased to 15.5% of Gypsy, Roma and Traveller learners achieving Level 2.

Northern Ireland

The Commission may wish to note that the figures on educational attainment, in paragraph 101 of the Commission's report, do not reflect the Northern Ireland Executive's statistics. It is recognised that attainment by Traveller pupils is significantly less than for most other pupils in Northern Ireland, in 2014/15 57.1% of Traveller pupils left with 'No GCSEs' (57.1% for 2014/15) and 42.9% with 'No Formal Qualifications' of any kind. This is however significantly better than the figure of 92 per cent 'leaving school without qualifications' which is included in the Commission's report.

16. (§ 114) ECRI recommends taking steps to ensure that refugees do not fall into destitution by prolonging the provision of asylum support until access to welfare benefits is obtained.

The Home Office provides asylum seekers with free accommodation and a weekly cash allowance if they are destitute. If they are recognised as refugees this support stops 28 days later because they become eligible to mainstream benefits. We are working to ensure that refugees apply

promptly for these benefits and that they receive the first payment of any benefit they qualify for before their asylum support ends. The impact of this work will be considered later this year and we will bring forward a change to the 28 day period if the evaluation shows that to be necessary.

Wales

Both the provision of asylum support and access to benefits are not devolved to the Welsh Government. However, to help with the transition from asylum seeker to refugee status the Welsh Government provides funding to the Welsh Refugee Council for the Well Housing Project. This project supports refugees who have been transferred to Wales by the Home Office. The project liaises with Local Authorities, Housing Associations, and private landlords in order to secure accommodation. Other services include specialist advice and advocacy, victim support for hate crime and all forms of violence against women and girls, and advice on accessing benefits.

Welcome to Wales Pack

The Welsh Government has funded and produced a Welcome to Wales pack which provides key information on life in Wales and includes a section on the local area where the refugees will live. A children and young persons' version is also available. The packs will be available in English, Welsh and Arabic and will be useful to all refugees in Wales, not just those who are arriving via the Syrian Resettlement Programme.

The Welsh Government's Refugee and Asylum Seeker Delivery Plan

In March 2016, the Welsh Government launched its Refugee and Asylum Seeker Delivery Plan. This 3 year Delivery Plan is a living document and will be updated on a regular basis. It sets out how refugees and asylum seekers living in Wales can be helped to overcome barriers to ensure they have the information, language support and opportunities they need to make their transition to life in Wales an easier one.

It outlines the Welsh Government's commitment to:

- Helping refugees have access to a suitable home
- Providing access to free advice services on debt, housing, employment, benefits and discrimination
- Helping unaccompanied asylum seeking children to be safe and supported in order to prevent isolation and social exclusion
- Develop guidance to ensure asylum seekers and refugees get the healthcare services they need
- Provide support into employment and training opportunities
- Ensure access to educational opportunities
- Tackle bullying in schools against asylum seeking and refugee children
- Raise awareness of support for victims of hate crime.

17. (§ 116) ECRI recommends that a refugee integration strategy is developed in England and Northern Ireland to assist newly-arrived refugees, in particular as concerns housing, employment, access to welfare and learning English, and that refugee integration is systematically evaluated.

The former Home Secretary announced the publication of an annual asylum strategy, which will outline how we will focus our efforts on the most vulnerable refugees, and how we will take a tougher approach to those whose asylum claim is unfounded or could reasonably have been made in another country.

We are working towards achieving more integrated communities and creating the conditions for everyone to live and work successfully alongside each other. All those who claim asylum are reminded of their responsibilities to comply with British law. Those who are granted refugee status are given access to the labour market and benefits, and are encouraged to access organisations which can assist with integration.

The Government announced on 20 July 2015, that Louise Casey would carry out a review on how to boost opportunity and integration in Britain. In addition, it was announced that £20 million of additional funding for English for Speakers of Other Languages (ESOL) courses would be introduced in October 2016. This funding will reach the most isolated communities in the UK to help them integrate into society.

Each local authority region has a strategic migration partnership that provides coordination and support services for those organisations working with migrants.

Scotland

The Scottish Government believes that asylum seekers and refugees should be integrated from day one, and not just when leave to remain has been granted. Scotland's approach to integration aims to provide a positive experience for asylum seekers and refugees.

Scotland's refugee integration strategy, *New Scots: Integrating Refugees in Scotland's Communities*, provides a clear framework for all those working towards refugee integration from 2014 - 2017. It assists in co-ordinating the work of the Scottish Government and its partner organisations and others in the public, private and third sectors.

New Scots was developed and is being implemented in partnership with the Convention of Scottish Local Authorities and the Scottish Refugee Council. The process has brought together a wide range of agencies working to support the integration of refugees into Scotland's communities, including representatives of refugee community groups. A multi-agency core group chaired by Dr Alison Strang of Queen Margaret University is overseeing the process.

The 'New Scots Year Two Implementation Progress Report' was published in March 2016. Initial work is now underway on the development of a new strategy to follow the current strategy, which runs to 31 March 2017.

18. (§ 123) ECRI strongly recommends that the authorities review the legal aid and fees regime with a view to improving access to justice in discrimination in employment cases.

The Government is currently undertaking a post-implementation review of the implementation of fees in the Employment Tribunals. The review is expected to conclude in due course.

The conciliations service of the Advisory, Conciliation and Arbitration Service is available free of charge to help people resolve workplace disputes while avoiding the need to go to the tribunal. For those cases which cannot be resolved through conciliation, a scheme of fee remissions, known as Help with Fees, is available under which those who qualify may have their fees remitted in full or in part.

Legal aid reforms introduced under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 will be assessed in the post-implementation review due to be carried out within three to five years of Act's implementation.

Scotland

Access to Legal Aid

In Scotland, legal aid is a demand led system and all who are eligible will receive legal aid. Scotland's system maintains wide access to legal aid for both criminal and civil cases is not cost-limited and has a high eligibility rate. As the report states, Assistance by Way of Representation has always been available for discrimination cases before the Employment Tribunal. This is subject to the Scottish Legal Aid Board's prior approval following their consideration of the merits of the case.

Employment Tribunals and fees

The Scottish Government wants employers throughout Scotland to adopt Fair Working practices for all but where this doesn't happen we want to ensure that all employees have fair access to justice.

Following the Smith Commission's recommendations, all powers over the management and operation of all reserved tribunals (which includes administrative, judicial and legislative

powers) will be devolved to the Scottish Parliament. The Scottish Government will abolish fees for Employment Tribunals, when we are clear on how the transfer of powers and responsibilities will work. The Scottish Government and UK officials are in discussion regarding the transfer of Employment Tribunals to Scotland.

19. (§ 126) ECRI strongly recommends that the authorities of England revise the Housing and Planning Bill to ensure that it makes explicit reference to the duty of local housing authorities to assess and meet the accommodation needs of Gypsies and Travellers, taking inspiration from the Housing (Wales) Act 2014.

England

Gypsies and Travellers have been perceived to have an unfair focus in the assessment of their accommodation needs, over and above the needs of the wider settled community as legislation makes specific reference to assessing their needs separate to the rest of the community.

The amended duty makes clear that the needs of those persons who reside in or resort to the district with respect to the provision of caravan sites and moorings for houseboats are considered as part of the review of housing needs alongside the settled community, irrespective of their cultural traditions and whether they have ever had a nomadic life.

The purpose of the section is not to change the way local housing authorities assess people's accommodation needs, that is intended to continue as now. The former Minister for Housing and Planning stated at Committee stage that he would consider incorporating any necessary elements of the current statutory guidance into new non-statutory guidance.

20. (§ 134) ECRI strongly recommends that data is collected on the application of the Equality Act 2010, from the filing of a complaint to the final outcome.

The Equality and Human Rights Commission have the duty to monitor the effectiveness of the Act and the power to conduct research in pursuit of their objectives. Decisions as to what work is a priority are a matter for Equality and Human Rights Commission.

The Government has recently ordered Government Departments to identify and publish information showing how outcomes differ for people of different backgrounds. This audit of Government services will highlight the differences in outcomes for people of different backgrounds, across the range of Government activity.

The audit will be led by a new dedicated unit in the Cabinet Office. The first data is expected to be published before the summer of 2017 and will be updated annually to ensure the public can track improvement and better hold services to account.

21. (§ 139) ECRI recommends that the authorities follow the advice of the Law Commission and review the operation of aggravated offences with a view to including the grounds of sexual orientation and gender identity. It also recommends including gender identity as a ground in the "stirring up hatred" offences and refers to its recommendation in § 51 of this report.

England and Wales

The Government continues to keep the law under review. The Law Commission reviewed hate crime legislation to see whether existing offences should be extended to other groups not currently covered by the offences and made recommendations including that there should be a full review of the hate crime framework. The Government made a commitment to a review of hate crime legislation in its manifesto and is considering options.

Scotland (as per Recommendation 2 & 6)

In Scotland, common law assault, common law breach of the peace and threatening and abusive behaviour are important legal tools for dealing with hatred directed against a group of persons or a member of such a group defined by reference to their race, colour, language, religion, descent or national or ethnic origin. The Scottish Courts also have long-standing powers to punish someone more severely for committing a hate crime through common law powers to take

into account aggravating factors when sentencing. We also believe we have strong laws on the statute books to deal with hate crime.

The Scottish Government welcomes the recommendations from the ECRI in its recent report on the United Kingdom. The Scottish Government will consider these recommendations carefully and consider in due course what legislative approaches it will take to respond to these recommendations.

22. (§ 143) ECRI recommends that legislation is enacted in Northern Ireland providing for protection from discrimination on grounds of gender identity.

The relevant Northern Ireland Department has noted and will consider ECRI's recommendation.

23. (§ 149) ECRI encourages further efforts to address bullying of LGBT pupils in schools, with special attention given to teacher training.

England

Homophobic, biphobic and transphobic bullying is completely unacceptable and the UK Government is committed to ending it. The Government has sent a clear message to schools that bullying, for whatever reason is absolutely unacceptable and should not be tolerated in our schools.

All schools are required by law to have a behaviour policy with measures to tackle bullying among pupils. Schools are free to develop their own anti-bullying strategies, including making decisions about appropriate teacher training, but they are held clearly to account for their effectiveness through Ofsted.

In July 2016, the Government announced that a further £2.8 million will be available to fund initiatives to prevent and end homophobic, biphobic and transphobic bullying in schools. The programme will run from September 2016 to 31 March 2019 and will include targeted training for school staff, in order to build their confidence and capacity to prevent and respond to homophobic, biphobic and transphobic bullying and build inclusive school environments.

This builds on the success of the Government's pilot homophobic, biphobic and transphobic Bullying programme, which ran between 2015 and 2016. The evaluation suggested improved school staff confidence to tackle this form of bullying. It found:

- An increase from 25 to 85 percent of participating teachers who agreed or strongly agreed that they had sufficient knowledge of different strategies they could use to address homophobic and biphobic bullying.
- An increase from 40 to 93 percent in the perceived confidence of teachers to address transphobic language.

Scotland

The Scottish Government is committed to refreshing *the National Approach to Anti-Bullying for Scotland's Children and Young People* (which includes bullying based on prejudice) to ensure that it remains current and is in line with the legal framework outlined in the Equalities Act; reflects legislative and policy developments including *Getting It Right For Every Child*, Children and Young People (Scotland) Act 2014; relationships and behaviour and the *respectme* research *Bullying in Schools 2014*. The purpose of the refreshed national approach is to communicate and promote a common vision and aims to make sure that work across all sectors and communities is consistently and coherently contributing to a holistic approach to anti-bullying in Scotland. The refreshed guidance will be published later in 2016.

The refreshed guidance for local authorities, schools and youth organisations, will ensure that bullying of all kinds - including prejudice-based incidents - is recorded accurately and monitored effectively. Better recording of bullying at a local level will help the appropriate body - be it a school or local authority - tailor their policies to local circumstances as well as monitoring and improving the effectiveness of their anti-bullying policies.

This review ties into broader work to foster good relationships and positive behaviour within the learning environment, which underpins Curriculum for Excellence. We also continue to fully fund and support *respectme*, Scotland's anti-bullying service. *respectme* work with local authorities and all those working with children and young people, to build confidence and capacity to address bullying effectively.

The self-evaluation tool '*How Good is Our School 4*' was launched in September 2015 and will come into force for all schools in August 2016. This national self-evaluation framework includes a Safeguarding quality indicator and a specific quality indicator on ensuring wellbeing, equality and inclusion. This will support schools to effectively evaluate their own practice and support self-improvement.

The Deputy First Minister met with LGBT Youth Scotland and Stonewall Scotland on 8th August 2016 to discuss LGBTI inclusive education, and specifically homophobic, biphobic and transphobic bullying.

We will continue to engage with Stonewall Scotland, LGBT Youth Scotland and the Time for Inclusive Education campaign to ensure that schools address the important issues that LGBT young people face; and ensure that teachers have the skills, knowledge and confidence to embed inclusive approaches in their schools. We want all schools to address the issues of homophobic, biphobic and transphobic bullying and promote an inclusive approach to relationships, sexual health and parenthood education.

Teacher training

The Scottish Government has recently committed, in the national delivery plan 'Delivering Excellence and Equity in Scottish Education' to providing teacher training on equality for all new, guidance and promoted teachers, providing funding where necessary. Specifically, the Scottish Government will work with the General Teaching Council for Scotland to provide more support to teachers on equality issues through Career Long Professional Learning to be in place by August 2017.

The Standard for Initial Teacher Education requires that, by the end of their teacher training, student teachers demonstrate the ability to respond appropriately to gender, social, cultural, religious and linguistic differences among pupils.

Wales

In 2011, the Welsh Government published 'Respecting Others', a suite of comprehensive anti-bullying guidance covering five key areas. Two of these areas are dedicated to homophobic bullying; and sexist, sexual and transphobic bullying.

Through the Equality and Inclusion Grant 2014 -17, the Welsh Government funds LGBT rights charity, Stonewall Cymru, to work with schools to address LGBT bullying. Stonewall Cymru deliver training for teachers and governors which includes modules on tackling homophobic bullying and different families to schools across Wales. Participants taking part in their Train the Trainer programme receive a pack of resources including best practice guides and materials relating to their NoBystanders campaign against bullying. They also receive a copy of Stonewall's Primary School DVD resource 'FREE' that will assist teachers in discussing relationships and different families at Key Stage 2.

Stonewall Cymru delivers a campaign to tackle homophobic language in educational settings. They distribute copies of their 'Gay. Get over it' Guides for pupils and the 'Tackling Homophobic Language' guides for teachers and work in partnership with higher education institutions across Wales to improve provision for LGB staff and students with a particular focus on Initial Teacher Training. They also work with Colleges Wales, staff unions and the National Union of Students Wales LGBT Campaign to improve provision for LGB people in further education.

Teacher Training

University-based teacher training courses are validated and delivered in Wales by accredited Initial Teacher Education and Training Providers. Courses are designed to enable trainee teachers to meet the current statutory Qualified Teacher Status Standards at the end of their training programme. As part of these Standards, student teachers must demonstrate that they take account of diversity and have an awareness of equal opportunities. In respect of the latter, student teachers must demonstrate that they can recognise and respond effectively to social inclusion and equal opportunities issues as they arise in the classroom, including by challenging stereotyped views and by challenging bullying or harassment, whilst following relevant policies and procedures.

