

YOUR RIGHTS

FACTSHEETS

sia spinal
injuries
association
FOR LIFE AFTER SPINAL CORD INJURY



**DISABILITY
HATE CRIMES**

What is a hate crime?

Hatred is a strong term that goes beyond simply causing offence or hostility. Hate crime is any criminal offence committed against a person or property that is motivated by an offender's hatred of someone because of their:

- disability
- race, colour, ethnic origin, nationality, or national origins
- religion or beliefs
- gender identity
- sexual orientation

These are known as 'protected characteristics.'

More specifically, hate crime is defined as:

'Any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.'

Hate crime can take many forms including:

- physical attacks – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- threat of attack – including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate and unfounded, malicious complaints
- verbal abuse or insults - offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace

What does the law say?

Under Section 146 of the Criminal Justice Act 2003 courts must increase the sentence for any offence which was aggravated by hostility based on the victim's disability. When an offender has pleaded guilty or been found guilty of an offence, the court must treat evidence of hostility based on disability as something that makes the offence more serious. Section 146 applies where the court is considering the seriousness of any offence committed in any of the following circumstances:

(a) that, at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on a disability, or presumed disability, of the victim

or

(b) that the offence is motivated, wholly, or partly, by hostility towards persons who have a disability or a particular disability.

What you can do about hate crime

If offenders are going to be punished, hate crimes must first be reported to the police. You can contact the police directly or you can report a hate crime incident online using an online reporting facility such as True Vision which will send the report on to the relevant police force for investigation.

If you are uncomfortable about going directly to the police, you can report hate crime anonymously through various organisations which can also provide you with practical and emotional support. These include:

Stop Hate UK

Stop Hate is a leading organisation which aims to tackle all forms of hate crime and discrimination, based on any of the protected characteristics. It provides confidential and independent reporting and support for victims, witnesses, and others.

W: www.stophateuk.org

T: 24-hour help line 0800 138 1625

True Vision

Provides information about hate crimes, the ways hate crimes can be reported (including an online reporting facility) and other agencies who offer support and guidance in relation to specific protected characteristics.

W: www.report-it.org.uk

Victim Support

Victim Support can help immediately after an incident or at any stage. Their trained volunteers can listen to you in confidence and give information, practical help, and emotional support. They can also provide you with information on the criminal justice system and compensation if you choose to report the crime. They can also give you information on dealing with a range of organisations, for example, your employers and housing agencies, if you are having difficulties with them because of what has happened to you.

To find details of your local victim support centre please contact:

T: 0333 254 4475

W: www.victimsupport.org.uk

Citizens' Advice Bureau

There is a network of Citizens Advice Bureaux across the UK, all of which are independent registered charities. For details of your local branch please look in your local phone directory or visit:

England and Wales

W: www.citizensadvice.org.uk

National phone service: 03444 111 444

Northern Ireland

W: www.citizensadvice.org.uk

Scotland

W: www.cas.org.uk

**In an emergency always call 999 or, if you are deaf, hard of hearing or have a speech impairment, a text phone is available on 18000.
For non-emergency calls, call 101.**

What happens at court?

If your case reaches court, you will be required to give evidence. The Crown Prosecution Service (CPS) aims to be responsive to the individual needs of victims and witnesses through dedicated Witness Care Units. Witness Care Officers provide a single point of contact and tailored support for each witness to ensure that they are able to give their best evidence. This support is based on a needs assessment which should identify specialist support that a disabled person may need.

In some cases, the court may allow victims and witnesses to give evidence with the help of “special measures”. The CPS and Witness Care Unit will assess whether any such measures are needed but it will be for the court to decide whether they should be granted. Special measures are available in both the Crown Court and the Magistrate’s Court. Special measures include things such as: video evidence; the use of screens in a courtroom to prevent a victim or other witness from seeing the defendant; giving evidence through a live television link; clearing the public gallery in sexual offence cases or cases involving intimidation; providing someone who can help the victim or witness give evidence through an intermediary.

Where possible, the CPS will allow a victim to leave the court building soon after he or she has given evidence. The CPS or Witness Care Unit will let the victim know the outcome of the trial.

Crown Prosecution Service (CPS)

For more information on how the CPS deals with cases of Disability Hate Crime:

W: www.cps.gov.uk/hate-crime

Disclaimer

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About SIA



The Spinal Injuries Association (SIA) is the leading national user-led charity for spinal cord injured (SCI) people. Being user led, we are well placed to understand the everyday needs of living with spinal cord injury and are here to meet those needs by providing key services to share information and experiences, and to campaign for change ensuring each person can lead a full and active life. We are here to support you from the moment your spinal cord injury happens, and for the rest of your life.

For more information contact us via the following:

Spinal Injuries Association
SIA House
2 Trueman Place
Oldbrook
Milton Keynes
MK6 2HH

T: 01908 604 191 (Mon – Fri 9am – 5pm)

T: 0800 980 0501 (Freephone Advice Line, Mon – Fri, 11am – 1pm/2pm – 4.30pm)

W: www.spinal.co.uk

E: sia@spinal.co.uk

Charity No: 1054097

Brought to you by:





Please support SIA

SIA relies on fundraising, donations and gifts in wills to provide services that help spinal cord injured people rebuild their lives.

With your help, we can provide the right support to spinal cord injured people and their families and friends so they can enjoy a full and independent life after injury. Your donation today will go towards changing someone's life.

I would like to give: £15 £20 £53 other amount £.....

Method of payment

I enclose a cheque/postal order/CAF voucher made payable to Spinal Injuries Association.

I would like to pay by Mastercard/Visa/Maestro/Switch (delete as appropriate)

Card number

Start date

Expiry Date

Security Code

Signature

Date/...../.....

Name.....

Address

Postcode Tel no.....

Email address.....

Please gift aid my donation

If you tick the box it means for every £1 you donate, we can claim an extra 25p from the taxman, at no extra cost to you. You need to pay an amount of income tax or capital gains tax at least equal to the tax we reclaim from HM Revenue and Customs – currently 25p in every £1 you give.

Please send your donation to: FREEPOST SPINAL INJURIES ASSOCIATION or you can donate online at www.spinal.co.uk

Thank you for your support!