

Action Learning For Change

South Devon Learning Disability Report

This report highlights the work undertaken, the learning and recommendations for going forward.

“Whilst progress has been made in relation to disability hate crime, the leaders of the police, CPS and probation trusts need to regard it as a key strategic priority...Given the demands on staff, without determination on the part of the leadership to achieve real change, there is unlikely to be any significant progress.” Living in a Different World “2013

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Devon & Cornwall Police
Building safer communities together

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Acknowledgements & Background

The Action Learning for Change project was launched in February 2013 following engagement by the Commander of South Devon Local Policing Area with representatives from the learning disabled community. His acknowledgement of the findings by the Equality & Human Rights Commission following their inquiry into disability related harassment which identified “extensive evidence suggests that for many people with a disability ... harassment and bullying is a commonplace experience” together with local police figures recording just 1 disability hate incident in Torbay in 2011/12 led him to commission the project through the Devon Diversity Sergeant.

Working in partnership with consultants from the voluntary sector was an innovative and bold approach. The Consultants had access to police command & control system logs (the Devon & Cornwall Police command and control system) and worked alongside officers to identify additional information about individuals through access to CIS (computerised crime intelligence system).

Working alongside Officers was beneficial to both parties and promoted the learning. Their willingness to contribute to open discussions exploring the issues and policing affecting people with a learning disability is gratefully acknowledged. Particular thanks go to Sgt Ian Stevens who gave so much of his time, experience and leadership. Ian enabled the consultants to directly input police command & control system (the police command and control computer system) records where needed. Thanks to PC Ben Downing, PC Nicky Drury, PC Rachel Ward for their knowledge, dedication and assistance.

The leadership of the then Commander for South Devon Police, Jim Nye was instrumental in making this piece of work happen. We would like to acknowledge his willingness to listen to the concerns of people representing the learning disabled community and have faith to commission the Action Learning For Change project.

Thanks go to the then Diversity Sergeant for Devon, Ryan Doyle, for taking the initiative forward and working with the consultants from the voluntary sector to scope out and deliver the project and providing on-going support and advice.

Devon and Cornwall Police have shown openness and transparency supporting their commitment to embracing diversity and clearly demonstrating through this project willingness to acknowledge improvements that can be made and to learn and work towards improved outcomes for people with a learning disability experiencing crime and abuse.

The Action Learning For Change Project (ALFC) has proved a positive learning experience for all those involved. Added value has been achieved through shared learning with the police teams connected through participation of officers and the voluntary sector and self-advocates with a learning disability connected through the Coalition Against Learning Disability Hate Crime (CALDHC). Interventions from the officers working with the team included update on police command & control system logs; emails between the team and officers; telephone calls to officers including those out on a response and Neighbourhood Beat Teams who know their community. The range of liaison has added to the raising of awareness about learning disability and issues about hostility and resentment and a general sharing of information and learning.

The findings and recommendations of the Action Learning for Change project, as outlined in this report, are intended to highlight some of the gaps and challenges in police identification, response and investigation involving victims with a learning disability and inform improved police practices going forward.

“High profile cases are merely the tip of the iceberg” (Hidden In Plain Sight 2011)

Introduction & Summary of Key Findings

The EHRC's (Equality and Human Rights Commission) publication 'Hidden in Plain Sight' highlighted 'systemic failures by organisations in preventing disability-related harassment and in tackling it effectively when it happens' and resulted in the publication of recommendations 'Out in the Open: a manifesto for change'.

The Action For Learning Change (ALFC) project facilitated two consultants with specific expertise in learning disability to work alongside experienced police officers, in order to identify incidents involving victims with a learning disability and consider whether or not the disability may have been a factor in why the incidents occurred. It was the intention that the learning would address procedures and practices to inform better recording of targeted abuse against people with a learning disability and improved outcomes for victims.

The Joint Review of Disability Hate Crime (HMCPSP; HMIC; HMI PROBATION) "Living In a Different World" was published in March 2013 during the ALFC project. The project can now be used contribute to the South Devon Local Policing Area Quality Assurance.

"In the forces inspected there was a limited approach to quality assurance. Whilst most forces had processes in place to review incidents that had been identified as disability hate crimes, no other quality assurance measures were revealed. Inspectors did not identify any forces testing their call handling, victim interviewing or crime recording in an attempt to understand where relevant information had been missed. As a consequence, opportunities to identify service delivery gaps and develop improved practice had not been realised" (Living In a Different World 8.12)

Identifying and recording victims with a learning disability is the first stage in being able to recognise potential disability hate crime and provide an improved service to people with a learning disability in South Devon. At the start of the project very few of the logs sampled showed recording of a learning disability. Towards the end of this piece of work far more logs have confidently recorded the learning disability. A more consistent approach in recording will lead to an improved identification of disability hate crime. At present the record of the learning disability is to be found in the text facility on police command & control system. The ALFC project has highlighted that the learning disability needs to be recorded in a specific area to facilitate clearer identification by officers and supervisors. Information held on police intelligence records may have the learning disability identified but this may be difficult to find particularly where there are many pages of information. The recommendations include recording this on the under-used person section of the police command & control system record for identification and easier access.

Where a learning disability was identified and recorded, with the exception of one report, we identified that Disability Hate Crime was considered only where the victim stated that it was happening because of their disability or the language used in the alleged offence was blatantly disabledist. This led the ALFC team to concur that Disability Hate Crimes were more likely to be recorded for victims with disabilities who were more able to identify that they were being targeted because of their disability. People with a learning disability, for a number of reasons associated with their disability, are less likely to recognise a Hate Crime against them so it may not be recorded at the outset.

The ALFC team looked at a small sample of crime investigation records associated with the police command & control system dip sampling. In the ones reviewed involving victims with a learning disability the team did not identify any records of investigation as to if the reason for the offence having taken place being due (wholly or partly) to the victim's disability. We note that this may be due to the team not looking at investigations as such, however even where the team highlighted this we were unable to find any evidence gathering that focussed on motivating factors.

During the dip sampling of logs it became apparent to the team that a number of people with a learning disability were coming in regular contact with the police either as victims, offenders or both. These people were involved in a significant amount of police time and presented with similar issues or reports. This is an area the team seeks to explore further.

Working in partnership with officers meant that following the sampling of police command & control system logs, more information about the victim was identified from police intelligence records. This indicated that the Police already hold a significant amount of information about people with a learning disability however, this is not held in a way that facilitates easy access for identifying potential disability hate crime or facilitating a positive experience for victims with a learning disability when they do have the confidence to report.

The project identified that many people with a learning disability do already make reports to the police (over 20% of the police command & control system logs sampled in the project). It is recognised that there is significant amount of work to be done to increase reporting of incidents by people with a learning disability. Improved police knowledge, systems, procedures and supervision will lead to an increase in recording of disability hate crimes when people report, as well as increased confidence in local policing and people with a learning disability being safer in their community.

"There is a substantial gap between the amount of harassment that disabled people experience, the amount that they report to the police and the amount that is recorded as disability motivated" (Hidden In Plain Sight 2011)

Methods of working

Dip Sampling: The aim of dip sampling was to use the expertise of the voluntary sector to review current police command & control system logs to identify where the victim (or offender).

1. may have a learning disability
2. if the disability may be a factor in why the incident/crime occurred

Sampling was conducted alongside a police officer thus supporting learning and partnership working.

Compliance: The EHRC (Equality + Human Rights Commission) inquiry into disability related harassment highlighted in its report "Hidden in Plain Sight" (2011) that there was not only under reporting of incidents against disabled people but that where incidents were reported the disability was not recorded. The report profiled 10 high profile cases of which 8 were victims with a learning disability.

"Agencies involved in responding to antisocial behaviour and crime against disabled people (particularly the police, local authorities and housing providers) should consider whether such harassment is disability-related from the outset".

Working alongside Police personnel: When sampling logs, if there was an indication of a learning disability (or difficulty) the Officer was able to access police intelligence records to gain additional information to validate or eradicate the view that the victim may have a learning disability. Additionally the officers brought local knowledge of particular community members, which led to us exploring logs further. Officers we worked alongside:

- PC Ben Downing
- PC Nicky Drury (Response)
- Rachel Ward (NBT)
- Supervised by Sgt Ian Stevens

On some occasions, both the consultants were present and on others just one consultant worked alongside a police officer. In this way we maximised the hours available for the project.

The partnership between the voluntary sector bringing expertise of working with people with a learning disability and front line police officers bringing local knowledge, added to the effectiveness of the learning for both parties and provided the opportunity for increased learning for the police teams from where the officers are drawn.

Added value was brought to the wider Action Learning for Change initiative through the development of knowledge for the two consultants from the voluntary sector enhancing the quality of training provided for the South Devon police officers and Police call centre teams. Learning extended to other voluntary sector groups and self-advocates with a learning disability through the consultants' participation in the Coalition for Action Against Learning Disability Hate Crime (CALDHC).

In some cases the consultants were able to provide information that may enable victims to be signposted to other support agencies or projects eg Torbay Older Family Carers' Project in others officers were advised to notify Adult Social Care of an incident or to raise a Safeguarding Alert.

Quantitative Summary of Dip Sampling

- 22 sessions
- 240 logs sampled
- 56 victims with a learning disability identified
- 31 victims with other disability highlighted
- 34 interventions
- 13 potential disability hate crimes identified
- 3 Disability Hate Crimes recorded

Identification of logs: The ALFC team dip-sampled current logs on police command & control system and where time allowed deferred logs. As the project progressed the Team took the opportunity to look back on previous logs that had been sampled or that linked with other logs enabling the team to develop learning and follow up any interventions. It was noted that a significant number of people identified as having a learning disability came up on a number of occasions either as victims or offenders – or usually both. In June we began to list these for more detailed work.

We identified logs from police command & control system randomly using the following indications or a combination.

- Address
- Type of incident
- Name of person(s)
- Information in the reporting text
- Words used in the reporting text
- Use of vulnerability box
- Method of reporting
- Accommodation type
- Local knowledge of officer
- Local knowledge of learning disability community

The officers working as part of the team were able to identify logs from their police experience, which they felt may be useful for us to consider. This was beneficial to both parties to share our understanding of what made that scenario stand out plus potential motivating factors to indicate hate crime. Our experience of people with a learning disability enabled officers working with us to begin to see the patterns, type of words and triggers that made the team consider that this person may have a learning disability.

CASE STUDY A: A resident in a home for learning disabled adults disclosed to one of the ALFC consultants that he had been assaulted by another resident at the home and had required hospital treatment. The Home Manager had discouraged him to report to the police but he wanted to do so but did not know how. The Action Learning For Change team arranged for the police call centre to telephone him on his mobile. Officers subsequently attended and the crime was recorded.

Action Learning For Change: As well as sampling logs, the team of officer(s) and voluntary sector consultant(s) took the opportunity to have detailed discussions about a selection of the incidents and gain an insight into how local policing responded and recorded the reported incidents. Additionally we considered the potential viewpoint of the learning disabled victim whilst understanding of the issues and challenges of people with a learning disability, the type of support people access and where many live. This combination of experience and understanding contributed to the learning.

The officers involved were able to assist in considering whether the outcome was due to restrictions that were faced by officers in specific roles e.g. low level Anti Social Behaviour (ASB) and neighbour disputes or whether the log and our perception of a poor outcome was possibly due to closure logs on police command & control system being poorly evidenced to show consideration to:

- the possibility of any person involved having a learning disability and/or
- the motivation of the incident e.g targeting of a person due wholly or partly to their disability.

This work was carried out at Ashburton Police Station under the supervision of Sgt. Ian Stevens. Having access to a Sergeant meant we could apply some interventions by providing updates to the Storm log in a more timely way. In addition Sgt Stevens was confident in making direct contact by radio or telephone with police officers involved in the incident and raising queries as information was unfolding.

Added value from attending Ashburton meant that the ALFC team were on hand to discuss issues with officers attending the station. Two complex cases involving potential victims of Hate Crime were discussed at length with two Police Community Support Officers.

Learning, Evidence and Recommendations

1. Identifying and recording learning disability

Findings

1.1. **Learning disability was identified but the recording was “lost” in the text**

- 1.1.1. Some entries on the police records identified and recorded a caller having a learning disability at the time the report was made but did not appear to have been considered by the officer attending. When discussing a log with reference to a burglary recorded as an address occupied by adults with a learning disability this did not appear to be taken into consideration by the attending officer. The officer working with the ALFC team on this session was from Response and she noted that information transmitted by radio may not have included this information yet she considered this particularly relevant.

CASE STUDY B: The caller reported a burglary to his flat. He told the police call handler that he lived in a block of flats occupied by people with a learning disability. This was recorded on the police computer system (police command & control system). Police intelligence (CIS) showed that he had speech impairment. The updated log, following police attendance, did not acknowledge his learning disability or speech impediment but recorded that he seemed drunk. No further police action was taken.

1.2. **The victim (or offender) was not identified on police command & control system as having a learning disability.**

- 1.2.1. Detailed investigation on police intelligence records confirmed that information about the learning disability was held. This was a time consuming exercise, which highlighted the need to record the disability so that it could be immediately identified when the person came into contact with the police on subsequent occasions. Example: a 22 year old man in regular contact with the police came to our attention of our team during the sampling as displaying signs of autism. Search on police intelligence records confirmed his disability but this was after over 100 pages of other intelligence information. This individual had failed to attend his appointment at the police station on this and a previous occasion. This may have been due to his impairment.
- 1.2.2. Other information about learning disability was implicit and difficult to find. Example: A young woman in frequent contact with police was described as having “a mental age of 12” and “socially awkward”. We are pleased to note that subsequent logs from August now record her learning disability.

Recognising inequality can assist in exploring long-term solutions rather than short-term responses. Katharine Quarmby, Scapegoat 2011

1.3. **Learning disability was not identified or recorded on the police command & control system log however ALFC team considered that a learning disability was highly likely.**

- 1.3.1. Police intelligence records were investigated in detail but the learning disability was not confirmed. However information held reinforced indications of learning disability. Further enquiries by the ALFC team confirmed that learning disability was known by local officers or identified by investigating officers but police intelligence records or police command & control system had not been updated to include this. ALFC team ensured CIS updated on the police intelligence records where the learning disability had been confirmed.

CASE STUDY C: A female phoned the police saying she was too frightened to use the cash machine as a person was giving her “horrible looks”. There was no police call out to this incident. The Action Learning For Change team researched the police intelligence records and these showed that the caller had a learning disability and that the caller had been a victim of an earlier assault which was recorded as a crime. The team were concerned that because her learning disability had not been acknowledged or recorded when she called the police then her report may not have been understood and the reason for her being frightened and the possibility of her being the target of hostility not considered.

1.4. Failure to maintain contact via phone or attend appointment

1.4.1. ALFC review of logs identified significant police time in engaging with a victim following a report involving an adult with a learning disability. Examples included not being able to gain telephone contact and/or consistent failure to attend appointments at a police station. In some of these cases the reason may have been because of the victim's lack of understanding (including the concept of time) or challenges of independence or access because for their learning disability. We were aware that a number of reports including "Loneliness & Cruelty" 2012, identified that many people with a learning disability do not report for fear of losing their independence.

1.4.2. The ALFC team, during their discussions, raised the question as to whether the victim may avoid following up their initial report due to concerns or confusion about questions that need to be answered, the outcome of any investigation or simply having made the report then wanting to leave it at that.

1.4.3. We identified several cases where the victim failed to answer their phone or attend appointments after reporting incidents but was able to be contacted at the 21 day follow up. In one of the logs we particularly noted the person said everything was OK and seemed not to have a desire to revisit the situation. In another involving Anti Social Behaviour (ASB), name calling, false allegations the Reporting Person (RP) seemed to have forgotten who the original allegation was about and mentioned another person who was causing her problems with name calling. It was not recorded what action was taken about this later concern.

CASE STUDY D: A female called the police and stating that she befriended another female who smokes weed and had asked to borrow some money. The caller said that when she had said "no" the other female had turned nasty. She explained to the police that every time that she sees her now this person shouts abuse at her and that her neighbour who is a friend of the female is also now shouting abuse. The caller explained that it had scared her son, aged 4, who had been with her on some of these occasions. The caller told the police that this female has accused her of sleeping with a 14 year old. The caller is described on the police log as "very distressed and upset" and that she stated that she has special needs.

The ALFC team found that police intelligence records showed that both the caller and her husband "have significant learning disabilities". The police log for this reported incident recorded that the police were unable to respond as the victim "does not respond to phone calls or attend appointment". Contact was made with the victim at the 21 day call back when she said that she was still having problems but the ALFC team noted that this was a different neighbour. It was noted that the police intelligence records had not been updated, no crime had been recorded and there was no information on police records to indicate that any targeted hostility or abuse had been considered or investigated.

Recommendations to support the identification and recording of a learning disability

"An important starting point in deciding if a matter is a disability hate crime is firstly to identify if anyone involved has a disability." –Joint Inspection Review "Living in a Different World" March 2013

a. Call handlers to identify and record callers with a learning disability whether stated or suspected

We have noted that call handlers inputting on recent police command & control system logs appear to be recording information about callers Learning Disability more often and more confidently. We recommend that a specific facility on police command & control system is used to record learning disability (and/or other disability) when an incident log is created. This should then cross reference with any later reports and make the information more accessible to officers. It is recognised that police command & control system is a command and control facility and so information should be brief and relevant. The suggestion is to use the person box, which we noted is currently under-used.

b. Officers attending to facilitate an update of police command & control system where learning disability is identified or suspected

Where officers suspect, are aware, or become aware, that a person has a learning disability then police command & control system should be updated. As the new police crime recording system is introduced then incorporating the new police computer intelligence system (UNIFI) and cross-referencing information about a learning disability should be considered.

c. Local officers to update police computer information systems as appropriate where they have a knowledge of a person's learning disability and/or communication needs

This facility could also be considered to include additional information towards an improved and informed service to the learning disabled victim. This may be information about communication and/or support providers or carers where appropriate. The ALFC project is currently exploring, along with representatives of other agencies, an "information passport" for those who are in regular contact with the police or at risk of doing so. This is on-going and any development should complement the incoming vulnerability assessment tool.

d. Clear identification of how newly introduced police intelligence systems (UNIFI) will hold information about a person's learning disability.

With changes to the system for recording information, we are presented opportunities to consider 'how can we hold and provide information to attending officers about this persons communication need, disability and vulnerability' in order to address the recommendation of the recent inquiries and reports on disability hate crime. The introduction of the vulnerability tool could complement this information.

Information should be brief, respectful and evidenced.

Example 1 - James said he has a learning disability and is blind

Example 2 - When asked whether she considered herself to have a disability Tara confirmed she has a learning disability and gets very anxious

Example 3 - The RP stated that Mandy has a learning disability and mental health issues. She has a history of abuse and has self-harmed in the past

e. Alternatives to telephone contact and calling cards to be considered following a report made by a person with a learning disability

The ALFC team have identified some cases that at some point the victim with a learning disability stops responding to contact from the police. We are unsure in each instance why this occurs however on discussing this with people with a learning disability we can summarise the following

- The incident has been reported and they just want someone to deal with it or 'make it go away'. The person has 'told the police' which is what we are taught to do. Understanding the need for additional contact is not processed
- The person has received multiple calls from different police staff giving and asking for information. This is cognitively complex and confusing so the victim with a learning disability withdraws from contact.
- The person has difficulty with reading, writing and concept of time so information given is not appropriate
- Information has come through the door and other members of the household have 'told them not to bother'

CASE STUDY E: The caller reported receiving threats by text. However he was failing to attend his appointment at the police station. The ALFC team noted that the caller was in regular contact with the police and there were over 100 pages of police intelligence records. The team noted from this information a fascination with electronic communication and social inadequacies. Further research showed that the reporting person had not attended school and was autistic. This information was hard to find, it was found after going through over 100 pages of police intelligence records. The ALFC team noted a previous similar incident reported which was flagged up as a hate crime but this was overturned as "paedophile is not a protected characteristic". This concerned the ALFC team as paedophile is a term often used to justify the de-humanisation of people with a learning disability

f. Information about learning disability on police computer intelligence records to be easily identifiable using marker flags

On discussions with officers as well as the ALFC team observations the use of marker flags would provide immediate understanding for call handlers on the end of the phone. Additionally in conjunction with clear intelligence being captured about how the persons disability affects them an improved response can be provided, reducing police time and resource.

As well as meeting the EHRC recommendations and the recent Criminal Justice Joint Inspection of Disability Hate Crime, implementation of the above recommendations should contribute to the police providing a better, informed response to incidents with an impact on police time and improved confidence in local policing.

It should be noted that if the victim's learning disability is notified to responding officers then this provides the opportunity for consideration of potential hate crime at the outset. This is particularly important where the disability may not be apparent, as is the case for many people with a learning disability, often a "hidden disability".

"Disability was rarely considered as a possible motivating factor in crime and antisocial behaviour. As a result, the incidents are given low priority and appropriate hate incident policy and legislative frameworks are not applied" Hidden In Plain Sight 2011

2. Non Crime Vulnerable Adult records

Findings

CASE STUDY F: The male calling the police was concerned because of threats by email saying: "he would be beaten up". The police log recorded that he was vulnerable but did not state a disability. The ALFC team identified from police intelligence records that he had attended a special school for people with a learning disability although he himself was not diagnosed with a condition that included learning disability. The ALFC team updated the police computer log (police command & control system) requesting that this be investigated as a Disability Hate Crime pointing out that a disability or perceived disability may instigate targeted hostility. The police log was subsequently recorded as a disability hate crime

2.1. Access to information about the persons learning disability

2.1.1. On a number of reports police command & control system was updated by officers working with ALFC, to highlight a persons learning disability through local knowledge or police intelligence records. Through working with local officers it became apparent that officers are sometimes aware of a victim or offenders learning disability but may not record this information unless a non-crime vulnerable adult is raised on CIS. This means that an appropriate response was not always provided and the specific needs or targeting of a learning disabled victim may not be recorded.

2.2. Neighbourhood Beat Team management and recording of complex cases

2.2.1. The ALFC team became aware that officers in Neighbourhood Beat Team were managing complex and vulnerable situations in their communities and there are some good practice examples where officers were updating and evidencing their contact on police intelligence records in order to build a picture in case something goes wrong or changes the situation. The dip sampling conducted as part of this project referred to these records, these were helpful in identifying the disability and in looking at motivating factors and vulnerability.

2.2.2. THE ALFC team acknowledged in their discussions that some NBT officers recorded information in pocket notebooks or dealt with an incident in terms of keeping the peace. The ALFC team were concerned that in these situations it may be difficult to identify escalation and provide an appropriate response to 999 or 101 calls, where people have built up the courage to call, as there is no information about previous altercations. Additionally it may be more difficult to identify where targeting is happening in a particular location where there is multi occupation of people with a learning disability.

2.2.3. Other logs that we sampled referred to the need for follow up by NBT yet no other records were found logging that contact, even when the situation presented as having potential to escalate. The ALFC team were concerned about this lack of opportunity and inconsistency in police practice and recognised that it may lead to discrepancies in the picture being built up especially where people are experiencing hostility from neighbours. (see Pilkington/Hardwick 2009)

CASE STUDY G: The caller reported that her neighbours were bullying her because they did not want her to live there. The log recorded that the caller “feels that she is being victimised because of her learning disabilities” and was recorded by the police call taker as a hate incident. A Police Community Support Officer attended and the police command and control computer records (police command & control system) were dated to say “this wasn’t a hate incident, this was a straight forward mental health issue with a disillusional caller”. The police intelligence records showed that an alleged abuse some years previously had identified the caller as delusional because of her mental health. The ALFC team were concerned that the historic allegation from this individual may have influenced police response to the current reports. There were 7 logs on police command & control system from this caller between 5th May and 17th June about the same issue with her neighbour. No information had been added to police intelligence records about this individual and there was no record of allegations having been investigated.

Recommendations to improve the use of Non Crime Vulnerable Adult Records

“Communication between the neighbourhood police team and other police staff was inadequate” Hidden In Plain Sight 2011

a. Review process for opening of a Non Crime Vulnerable Adult log for cases involving people with a learning disability.

Improved recording of information by officers regarding people with a learning disability in terms of their communication needs, and on-going contact with the individual ensures that the collection of data about any low level harassment could be recorded and the impact on the victim acknowledged centrally in order to build the bigger picture through intelligence gathering. This will ensure that if an incident/crime occurs and is reported centrally, motivating factors and/or targeting can be considered from the start of the investigation.

b. Briefings to ensure all officers understand and can consistently update non-crime vulnerable adult logs

Inconsistencies in practice of utilising police records to record intelligence through the non-crime vulnerable adult facility needs to be addressed. Our discussions with officers indicate that clearer direction on when and how to raise a non-crime vulnerable adult record would be helpful. This also needs to be considered as Unify is introduced as well as the vulnerability risk assessment tool.

It is recommended that officers in South Devon are given briefings so that relevant information about people with a learning disability is recorded where a crime has not been recorded. This is particularly relevant to those with a learning disability in the community potentially being exploited or led into crime because of their vulnerability due to the nature of their disability.

Chief constable Steve Otter, in his interview with Katharine Quarmby said “...some similarities with domestic abuse; it often happens in the home; its done by people closest to you, or by those who befriend you” Scapegoat 2011

c. Immediate identification of a Strategic Level Multi agency group to begin to address issues around people with a learning disability in regular contact with police.

The police have a key role in leading such interventions especially where victims are not be in receipt of services, meeting safeguarding criteria or failing to engage. It is important other strategic bodies and community agencies are aware of the issues the police are addressing in order to jointly help each other to:

- Provide a more tailored response by police
- Improve transition following a loss of service from school, social services, care provider, housing association or children’s care service
- Assist those at risk of targeting to develop safe networks and friendships to reduce the likelihood of them being criminalised (Loneliness & Cruelty, 2012)
- Address the issues of sex and relationships to protect those at risk of exploitation

Whilst this may not seem like a role for the police, the impact of this work not being developed further with decision makers in other organisations will be on the police themselves, with increased resource being drawn to those individuals who have been targeted as either a victim or a perpetrator.

“The really serious cases catch the headlines But what about the constant drip, drip, nag, nag of the so-called ‘low-level’ harassment that many disabled people face on a daily basis. It ruins their lives. They don’t have the confidence to go out. It undermines their ability to be part of society. It makes them behave differently” (Hidden In Plain Sight 2011)

3. Care settings

Findings

3.1. Protecting those ‘in care’

- 3.1.1. Where people called from a phone that was identified as a care/hospital provision the ALFC team were concerned where the logs showed the provider of the service was contacted to provide reassurance everything was ok. On talking to supporting officers and those attending awareness training there is a general lack of knowledge of how other public services work and the support systems they fund.
- 3.1.2. On dip sampling logs the ALFC team became aware of the number of calls from care providers. These are funded service providers that predominantly rang 999 for assistance. The ALFC team were therefore concerned that staff contacted by the police by phone may be motivated to call through being unable to cope with the people they were funded to support by the local authority. In one instance there were 25 logs for one individual rung in by a care provider in a 10 week period.

CASE STUDY H: The ALFC team noted a large volume of calls to the police from a health and care provider with reference to one young adult. These calls ranged from reporting her as a missing person (MISPER) to requests for assistance Examples are: *“** is causing problems and is shouting and screaming and being abusive to members of staff”*; *“Staff are having trouble with her and are concerned she will run off again”*; *“police to return please to assist with her kicking off”*. Over this period the young person had also phoned the police. Examples are: *“further call stating that she is worried about further attacks from the other female”*; the individual stating that she *“shouldn’t be there”*. The ALFC team identified from police intelligence records (CIS) that the young adult had a learning disability. The team were concerned that there were challenges for the provider in caring for this young adult and that the police were allocating significant resources in responding to these difficulties. The team could not find any record that the commissioner was aware or that the situation was being managed

- 3.1.3. In one instance the ALFC team took action after sampling a log involving a call to the police from a member of staff at a residential care home. A request was made for a neighbourhood beat officer to visit to check the person involved in the incident was ok and the incident was not caused by a greater issue and a call to be made to the local Social Services team. Additionally it was an opportunity to meet other residents and reassure them. We also requested a call be made to the local social services team.
- 3.1.4. The ALFC team sampled one log in a hospital setting where particular attention was paid to interview the reporting person (identified as learning disabled and mental health) alone, with an “Appropriate Adult” and this was subsequently recorded as a crime. The team identified this as good practice.

Recommendations to Protect those in Care

“Between January 2008 and May 2011 police were involved in 29 incidents concerning Winterbourne View patients.... The Police have acknowledged that they took explanations from staff at face value.” (Department of Health Review: Final Report Transforming care: A national response to Winterbourne View Hospital)

a. More awareness/training for officers to recognise institutional abuse and neglect

On speaking to Officers and Call Handlers it is apparent to the ALFC team that there are many misconceptions about the provision of care and that can be an initial barrier to recognising institutional abuse and neglect.

CASE STUDY I: The person calling the police was a new support worker for a young adult with a learning disability. Her previous foster carer had managed all her money and was refusing to return her Benefit Payments that she had continued to claim her behalf. The ALFC team were concerned that this type of behavior could indicate targeted financial abuse and that others in her care may also be victims. The team made a referral to the Multi Agency Safeguarding Hub and email response informed that no action needed to be taken by them. Police secured repayment of money and no further investigations were made. Although the withholding of money may have been an oversight by the foster carer it concerned the Action Learning For Change Team that no additional investigations were made

b. Visits to be made to all reports from inpatient hospital and residential settings

Response made by telephone to reports from inpatient and residential settings to be followed up by slow time response from Neighbourhood Beat Team officers. This would strengthen the NBT role to know their community this would provide opportunities to attend and speak with people who live at the accommodation and identify any other issues for those individuals.

During the project a request for a Police Community Support Officer (PCSO) to attend a meeting with tenants who have a learning disability. Whilst the PCSO was carrying out his work in the area he was informed of some low level targeting. The victim was later identified to be one of the tenants. He was able to give a description and name of the individual who had been pursuing him, whilst receiving reassurance and the name of a point of contact. The individual had not informed any of his support staff of the incidents that were occurring.

c. Notification of 101 or 999 reports to be passed to local Adult Social Care/Commissioning or placing authority if known

Where staff are unable to cope with the individuals they support the police are the organisation who will be called out to assist. The ability to cope may merely be a change in the persons behaviours or a one off incident however in some establishments it may be common place due to poor staff morale, poor training and infrequent management. Commissioners (funders) of the service should be informed but in some organisations, with more detached management, staff may be unaware of this.

If this recommendation was implemented a brief call to the local authority or if known the placing authority would assist in the development of a picture of the provision. Simply a contact stating the police have received a call from this address would assist in the management of risk of care provision. Where the commissioner addresses the issue a reduction of police time and resources will be achieved.

Additional Information: Care provision is not safe from harm (see Winterbourne View 2011, Sutton & Merton 2008, Buddock 2008), Institutional abuse and neglect are particularly challenging to identify and to prosecute. It must be remembered that Disability Hate Crime can be perpetrated by those "caring" for the disabled person or by another disabled person.

There is a legal duty under the Health and Social Care Act 1998 for Registered providers to notify Adult Social Care and CQC if a referral is made to the police. However those most likely to perpetrate abuse may not do so and the person responsible for compliance of this duty may only attend the premises every 28 days.

Contributory factors of the Care industry causing concern to the ALFC teams included:

- Staff are recruited with little or no experience of care work
- Staff are often poorly paid
- Institutional abuse frequently occurs as training is provided by staff on the job - 'this is how we do it here'
- Supervision and management of staff may be provided by peers with no experience of management and only their own values to draw on
- Training is often standardised rather than tailored to the empower staff to support the person having the crisis
- Communication with the commissioner (funder) is poor due to fear of loss of income if they cannot cope
- Statutory reviews are not routinely carried out, and where they are these are not done by people who know the person

There are however some very good providers of care and support and on discussion they recognise that the police understanding the impact of poor care/support provision improves the overall provision of care and would consider these as positive recommendations

4. Motivating Factors to identify disability hate crime

Findings

4.1. Taking Information at Face Value

4.1.1. On some logs sampled the ALFC team identified reports where the victim may have been targeted because of their disability but that there was no record of this being considered. The information recorded indicated a police focus on how the incident was perpetrated without consideration as to why the disabled person was the victim. If motivating factors had been considered or investigated then this was not evidenced on the logs or crime records sampled. False accusations such as calling the victim a paedophile (eg Stephen Hoskins), and others such as 'slag' or 'grass' are common trends in disability hate crime. However the language or behaviour struck the ALFC team as what might indicate a hate crime rather than the motivation behind it

CASE STUDY J: The police were called over a dispute about an item that had been lent and not returned. The dispute was between the caller's daughter and her friend. The caller was disabled and had received an abusive phone call about the non-returned item using the words "fat disabled ****" and a further threat to the parent's Motability car.

This was recorded as disability hate crime. The ALFC team discussed that the language used was blatantly disablist and that if other hostile language had been used (e.g. pedophile) than any targeted discrimination may not have been identified.

"All too often disabled people are seen as "sinners". Far too may have been called pedophiles or accused of other sexual assaults to give the perpetrators an excuse to subject them to overwhelming violence (Scapegoat – why we are failing disabled people)"

4.1.2. The nature of learning disability and disability hate crime and mate crime may mean that incidents of targeted abuse may not be indicative of the behaviours themselves. A particular feature is that the victim usually knows the offender(s). However we did not identify any recorded disability hate crimes where the behaviour was nit indicative of the prejudice. In one particular case the ALFC team updated the police command & control system log requesting that the incident be reviewed as a disability hate crime. The log was closed with no crime recorded or further action without any rationale as to what motivating factors had been considered or investigated. It is recognised that police command & control system is a command and control facility and the information needs to be kept to a minimum. However as the identification of the motivation (partly or wholly) would define a hate crime then the team expected that such consideration would need to be evidenced where the victim has a disability.

4.1.3. Logs examined did not consistently provide information about whether or not motivating factors had been considered unless this was recognised at the time the report was received and subsequently logged. On discussion with officers working with us it was suggested that this information would become apparent after the incident had been recorded as a crime and during investigation. The consultants on the team raised concerns about this during the work as many incidents were not recorded as a crime and logs were closed without any evidence of consideration of motivating factors. Where there was a crime recorded and a case opened there was concern that valuable opportunities for identifying potential targeting or hostility may have been missed.

It is common practice for those police officers who attend and speak to victims, after the initial reporting of an offence, to pass the investigative work on to other police colleagues or staff. Inspectors were of the view that this lack of continuity could have an impact on the investigative quality. If the initial officer does not recognise disability hate crime and then passes the case on to another officer it is unlikely that the second officer will recognise the case as a disability hate crime, unless there is further contact with the victim or information comes from another source. (Living in a Different World 4.14)

4.1.4. Motivating factors can sometimes be questioned due to the place where the offence happened. The ALFC team sampled a log reporting a case of fraud. The report came from Barclays Bank but the address was identified as a place where vulnerable people attend. The officer working on the ALFC team intervened prior to the case being referred to Action Fraud. The disabled victim was interviewed with support and a disability hate crime recorded and investigated

CASE STUDY K

A national bank reported to the police a fraud against a female whom they identified as having a cognitive impairment affecting the victim's ability to think clearly. The ACLF team recognised the place where the victim met the alleged perpetrator as one that was frequented by vulnerable people and people with learning disabilities. The ALFC team contacted the investigating officer highlighting that adjustments may need to be made to interview the victim and updated the computer records (police command & control system) requesting that this offence be investigated as a disability hate crime. When reviewing the police information at a later date the ALFC team were pleased to note that the victim had been reminded of her appointment and a relative contacted to support her. Police also assessed the impact of her disability. The case was investigated as a disability hate crime and not passed to the action fraud team.

Recommendations reference Motivating Factors to identify Disability Hate Crime

"The police are failing to fully consider disability hate crime issues in day to day investigative work ... Inspectors were of the view that officers or staff did not adequately consider or record the reason for the crime or incident taking place" (Living In A Different World 2013)

- a. **Where the victim has a learning disability consideration to the entire circumstance and any motivating factors to be confirmed before a police command & control system log is closed**

Where a learning disability is identified then this should be considered as a part or whole motive for the incident. This is particularly important for neighbourhood disputes, sexual and financial allegations as by nature of their disability they may have been targeted because of their vulnerability or eagerness to please. In many cases the allegations may be withdrawn which is a feature of disability hate crime

CASE STUDY L: The caller to the police complained about "anti-social nuisance behaviour" from local residents. He felt that he was "being targeted and that this has been happening now for some time". He reported having faeces posted through his letterbox. The call handler recorded that he had a learning disability and as he was difficult to understand so spoke to a family member who he was staying with, as he was afraid to go home. The family member was recorded on police command & control system log as saying that his relative was concerned as he "is an easy target due to his vulnerability".

The ALFC team identified a number of other logs associated with this individual and requested that this incident be investigated as a disability hate crime. Following a visit by an Neighbourhood Beat Team Officer some time later it was not recorded as a hate incident, no crime was logged and no information was added to police intelligence records about this individual.

The ALFC team noted a later report from this individual claiming that his "flat had been trashed".

All kinds of terminology obscure disability hatred from view – with vulnerability and motiveless perhaps the most pernicious.....By confusing vulnerability with targeted hostility towards the victim – we do not see the crime for what it is". Katharine Quarmby, Scapegoat 2011

- b. **Where a disability hate incident is identified this should be broken down into the type of disability so that reporting of learning disability can be better identified.**

Breaking down (*disability hate crime and incidents*) into physical disability, mental illness, or learning disability (highlighted as good practice by one police force in the Living In a Different World Joint Inspection review 2013). ALFC team propose that sensory impairment be identified and where more than one of these apply the all should be checked.

"Supervisors require effective training in relation to disability hate crime to ensure that the supervisory process adds value." (Living in a Different World 8.13)

- c. Continued personal development across the force for officers including engagement with the learning disabled community. In particular additional training for supervisors with reference to how disability hate crime and mate crime may be perpetrated.**

A better understanding of learning disability would enable responding officers to recognise that disclosures usually happen in a gradual way and the way that targeted abuse may be perpetrated. Disability Hate Crime reports have significantly increased following the awareness training received earlier in the year by South Devon Local Policing Area staff and participation in engagement activities as funded by the home office crime and innovation fund. Officers could be given more experience of engagement with the learning disability community. Section briefings could regularly feature an aspect of learning disability hate crime and additional training for supervisors. Short refresher sessions and/or inputs to section briefings or other meetings could be delivered by supported facilitators from the learning disabled community

CASE STUDY M: The caller reported that he was being “harassed by various people .. who keep coming to his flat”. He told the police call taker that he had spoken with his support worker about this and they advised him to contact the police. The ALFC team identified from police intelligence records that the caller had learning disabilities and updated the police incident log (police command & control system) with this information and requested that the incident be considered as a hate/mate crime. Following police attendance the log was closed without further action stating “Not hate crime as .. they are normally friends because they drink and socialise together – had slight argument and no offences – purely ASB.” . The ALFC team were concerned there was no record to show that motivating factors had been considered yet the victim had a learning disability and incident indicated typical mate crime indicators. Additional research on police intelligence records showed that two of the alleged offenders were involved in criminal activities and furthermore a number of police call outs to this address as in the case of S. Hoskins. When the ALFC team reviewed this victim at a later session it was noted that he had been the victim of Assault and Grievous Bodily Harm and that two of the alleged offenders were the same as identified as those causing the harassment on the initial incident sampled.

Whilst there was ample evidence of supervisors overseeing crime investigations, there were very few cases where this process had identified disability hate crimes, which had previously been unrecognised by officers. Inspectors were of the view that opportunities to identify disability hate crimes were being missed both at initial and supervisory stages. This indicates that supervisors require effective training in relation to disability hate crime to ensure that the supervisory process adds value.

8.13 (Living In a Different World)

5. Development of the project

- 5.1. The ALFC team have set up a multi agency group to consider some of the issues associated with people with a learning disability who are in frequent contact with the police as offenders and/or victims. It is intended that the group will explore innovative initiatives to improve information sharing, improve prevention and provide better outcomes. Sgt Sally Kingdon is a member of the group and particularly brings a detailed knowledge of the planned Vulnerability Risk Assessment tool.
- 5.2. The ALFC team plan to identify key addresses where people with a learning disability live with a view to providing information for police intelligence systems when an incident is reported.
- 5.3. During the log sampling we noted a number of individuals with a learning disability who came up on significant number of logs and were connected with each other. In the main these were young people living independently and some appear to be care leavers leading chaotic lifestyles. Logs did not initially record their learning disability but we noted that this is now being recorded by call handlers more frequently. Together with Neighbourhood Beat Officer, Rachel Ward we have begun to link some of these individuals and the reports made.

“The harassment often took place in the context of exploitative relationships” Hidden In plain Sight 2011

- 5.4. As third party reports for people with a learning disability are encouraged in order to increase reporting, we note that police recording systems may not be effective to facilitate appropriate feedback to the third party and needs/communication preferences of the learning disabled victim

CASE STUDY N: An allegation of rape was made and the police incident log (police command & control system) recorded that the victim was vulnerable and partially sighted. The ALFC team recognised indications of learning disability and contacted the investigating officer by phone that confirmed that the reporting person had learning difficulties and was “very compliant”. A request to update police information about this individual was requested and completed.

The rape allegation was not being investigated, as the reporting person’s account “did not add up”.

- 5.5. We noted logs of alleged rape or sexual abuse where the report was not investigated and no crime recorded. We were concerned that it may be typical for the victim to withdraw the allegation or be confused about the issues surrounding consensual and non- consensual sex. An example was of an alleged rape when response was that the learning disabled person had consented and then signed police notebook saying wasting police time. We were also mindful of the high incidence of sexual abuse among the learning disabled population compared to other disabled people and that they may be at particular risk of sexual exploitation. The courts have been sensitive to the possibility that people with learning disabilities may have a good understanding of sexual issues but being unable to say no in certain sexual situations. Reference R versus C (*C, R v* [2009] UKHL 42 (30 July 2009)). This means a person with learning disabilities may be able to consent to sex with some people but not others. The area of sexual exploitation is one that the ALFC team consider needs attention and additional consideration evidenced about the persons capacity to say No in the situation where the alleged rape occurred.

“The police should not dismiss allegations of rape and sexual assault made by disabled people as ‘no crime’ unless they have strong evidence to prove that the allegation is untrue. All allegations should be investigated thoroughly”. (Hidden In Plain Sight 2011)

“Although we were encouraged by some of the positive examples of progress by public authorities, the tragic case of Bijan Ebrahimi is a stark reminder of the fact that many disabled people are abused daily and don’t get the protection they need and are entitled to expect.”

Lord Chris Holmes

Conclusion

The Action Learning For Change project has proved ground breaking providing a unique partnership between local police officers and the representatives from the voluntary sector. Changes to the way that victims with a learning disability are identified and information about them recorded has already commenced. The commitment from South Devon Local Policing Area to address the targeting of people with a learning disability is reflected not only in the increased recording of disability hate crime but a clearer understanding by officers enabling them to recognise it for what it is.

The project highlighted that a significant number of people with a learning disability do report to the police incidents of abuse against them whilst acknowledging the national evidence for under-reporting from the learning disabled community. With improvements made in identifying and recording their disability there needs to be more consideration of the full circumstances of the incidents to identify potential hate crime and to keep vulnerable people safe. Many individuals are not identified at the earliest possible opportunity and the complexities of recognising and investigating the targeting of people with disabilities remains a significant barrier to effective policing.

The full and comprehensive implementation of the recommendations will begin to ensure that recording and reporting is consistent and there are greater opportunities to spot targeting, and address the specific challenges of police resources.

Additional work needs to be undertaken to explore the relationship and dynamics of the cluster of young adults with a learning disability who have been identified through the project as coming in regular contact with the police as victims and/or offenders. This has commenced through initial mapping and a professionals working group drawn from a range of agencies.

The work has identified key areas where further developments are needed most notably around better information sharing with other support agencies so that South Devon Police can tailor and deliver the best service for the individual. A more tailored response to some victims with a learning disability, including those who also present as offenders, will lead to more informed decision making which in turn will result in better outcomes for some of the most vulnerable people in our community and ultimately reduce demand on police resources

The success of the partnership between the consultants from the voluntary sector and police officers will benefit from being extended to include more officers, gain feedback from people from the learning disabled community who have reported, bring agencies together to explore innovative information sharing and scheduled dip sampling as part of quality assurance.

Nikki Henderson has worked in learning disability services since 1993 in a variety of roles from working within services to support people with a learning disability to supporting self-advocates to speak out and campaign for their rights and the rights of people with a learning disability. She has held both local and regional management roles in order to facilitate her desire to improve outcomes for people with a learning disability identifying the mechanisms to achieve change within the voluntary and statutory sector. Her more recent roles involved the strategic commissioning of health and social care provision for people with a learning disability involving them wherever possible and on leaving founded a social enterprise that was focused on supporting individuals to attain the outcomes they desire. Nikki continues to work on improving outcomes with people with a learning disability, their families and with the services they use, passionate about the rights of individuals as active citizens. Nikki can be contacted on nikkihenderson.devon@icloud.com

Tina Feather has worked with people with a learning disability for nearly 20 years. Her roles have been locally across Devon and Cornwall and nationally developing projects that put people with a learning disability into leadership roles and working to support equality of opportunity for people marginalized by society. All her work supports her belief that everyone, given respect, opportunity and support has a contribution to make. Over that last 5 years her work has focused on victims of crime or those living with harassment and abuse, in particular people with a learning disability. As well as directly supporting victims she campaigns to increase reporting and improve outcomes for victims when they do disclose abuse or discrimination against them. She currently works with a team of 12 people with a learning disability designing, supporting and co-delivering learning disability and hate crime awareness training on behalf of the Coalition Against Learning Disability Hate. Tina can be contacted on tina.feather@btinternet.com

Summary of Recommendations

1a	Call handlers to identify and record callers with a learning disability where stated or suspected
1b	Officers attending to facilitate update of police command & control system where learning disability is identified or suspected
1c	Local officers to update CIS or police command & control system as appropriate where they have a knowledge of a person's learning disability and/or communication needs
1d	Clear identification of how newly introduced police intelligence systems (UNIFI) will hold information about a person's learning disability as well as information gained from the vulnerability matrix risk-screening tool
1e	Alternatives to telephone contact and calling cards to be considered following a report made by a person with a learning disability
1f	Information about learning disability to be easily identifiable using marker flags (eg shown on PNC)
2a	Review of policy for creation of a Non Crime Vulnerable Adult log is considered for cases involving people with a learning disability
2b	Briefings to ensure all officers understand and can create and update non-crime vulnerable adult logs
2c	Strategic Multi agency working should be identified immediately to begin to address issues around people with a learning disability in regular contact with police
3a	More awareness/training for officers to recognise institutional abuse and neglect
3b	Visits to be made to all reports from inpatient hospital and residential settings
3c	Notification of 101 or 999 reports to be passed to local Adult Social Care/Commissioning or placing authority if known
4a	Where the victim has a learning disability consideration to the entire circumstance and any motivating factors to be recorded as having been considered before a police command & control system log is closed
4b	Where a disability hate incident is identified this should be broken down into the type of disability so that reporting of learning disability can be better identified
4c	Continued personal development across the force for officers including engagement with the learning disabled community. In particular additional training for supervisors with reference to how disability hate crime and mate crime may be perpetrated