



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland

Addendum

Information received from the United Kingdom of Great Britain and Northern Ireland on follow-up to the concluding observations*

[Date received: 31 August 2017]

1. On 4 and 5 August 2016, the Committee on the Elimination of Racial Discrimination reviewed the 21st-23rd periodic reports of the United Kingdom under the International Convention for the Elimination of All Forms of Racial Discrimination. In paragraph 48 of its subsequent Concluding Observations, the Committee asked the United Kingdom to provide information within one year on its follow-up to the recommendations contained in paragraphs 16 (a) and (e), 19 and 31.

The Government's responses to these recommendations are set out below.

Paragraph 16 (a) and (e) of the 2016 Concluding Observations

"The Committee recommends that the State party

(a) Investigate all reported racist hate crimes, prosecute the perpetrators and punish them with sanctions commensurate with the gravity of the offence, and provide effective remedies to the victims;

(e) Take effective measures to combat racist media coverage, taking into account the Committee's general recommendation No. 35 (2013) on combating racist hate speech, and ensure that such cases are thoroughly investigated, and where appropriate, that sanctions are imposed."

England

2. The UK's commitment to tackling hate crime is underpinned by some of the strongest legislation in the world, which protects communities from hostility, violence and bigotry. This includes specific offences for racially and religiously aggravated activities and offences of the stirring up of hatred on the grounds of race, religion, and sexual orientation. It is imperative that those laws are rigorously enforced. However, legislation can only ever

* The present document is being issued without formal editing.



be part of the answer. That is why we published the hate crime plan, *Action against Hate*, in July 2016, which covers England and Wales.¹

3. Since 2014, we worked with the police to improve our collective response to hate crime. We asked the police to ensure that the recording of religious based hate crime includes the targeted faith group, a measure that came into effect in April 2016. We have also established joint training between police and Crown Prosecution Service staff to improve the way the police identify and investigate hate crime.

4. Alongside this training, the College of Policing, as the professional body for policing, has published a national strategy and operation guidance in this area to ensure that policing deals with hate crime effectively.²

5. We developed our Hate Crime Action Plan in partnership with communities; the Plan covers work to prevent hate crimes on public transport and sets out how we will provide stronger support for victims.³ One of the key objectives of the action plan is to prevent hate crime from happening in the first place. We know that young people are the main victims and perpetrators of hate crime. To that end, we have been able to contribute to a number of projects, including: the Anne Frank Trust, which works with young people from all backgrounds to challenge prejudice and hatred; Streetwise, which challenges so-called 'casual' anti-Muslim and anti-Semitism in our school's playgrounds; and Tell MAMA, which monitors and supports victims of anti-Muslim hatred. We also support True Vision,⁴ an online hate crime reporting site, and through it we support work to challenge and report anti-Christian hate crime and hate crime aimed at members of the Sikh, Charedi and Hindu communities, as well as EU nationals.

6. The UK publishes extensive data on hate crime, including police recorded crime,⁵ prosecution data⁶ and crime survey estimates of unreported crime.⁷

7. A cornerstone of the legislative response to hate crime is the enhanced sentencing provision contained within sections 145 and 146 of the Criminal Justice Act 2003. This instructs courts to enhance the sentence of any perpetrator proven to have been motivated wholly or partially by hostility based on disability, race, religion, sexual orientation and gender identity. The courts must also state in open court why they have enhanced the sentence.

8. In 2015-16 the Crown Prosecution Service (CPS) completed 15,442 hate crime prosecutions, the highest number achieved to date. The conviction rate across all strands of hate crime increased slightly from 82.9% in 2014-15 to 83.2% in 2015-16. Sentence uplifts increased from 11.8% in 2014-15 to 33.8% in 2015-16, the highest proportion recorded to date.

9. In their 2016-17 Annual Report and Accounts, the CPS state that they:

"[I]ntroduced a specific performance measure to increase the percentage of sentence uplifts in hate crime cases to over 55% of the total that result in a conviction. During the period of this report we have seen the proportion of sentence uplifts increase from 33.8% for 2015-2016 to over 58% by quarter 4 of 2016-2017. Over the course of this reporting period we [CPS] have also steadily increased the conviction rate achieved in cases alleging hate crime. At the end of quarter 4 this stood at 83.9% of all cases brought; the highest level achieved since we started recording performance against this category of offending."⁸

¹ <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>.

² http://report-it.org.uk/strategy_and_guidance.

³ https://www.cps.gov.uk/publications/docs/cps_hate_crime_report_2016.pdf.

⁴ <http://www.report-it.org.uk/home>.

⁵ <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2015-to-2016>.

⁶ https://www.cps.gov.uk/publications/docs/cps_hate_crime_report_2016.pdf.

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467366/hosb0515.pdf.

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/628968/CPS_annual_report_2016_17.pdf, page 8.

Racist hate speech and racist media coverage

10. Journalists are subject to the same hate crime legislation as other citizens. There are a number of actions in the Hate Crime Action Plan that seek to work with the media industry to reduce the harm caused by hate speech whilst respecting the right to free speech and the importance of a free media as an integral part of a democratic society. Examples of the actions we have taken include working with the Society of Editors, the Media Trust and the Independent Press Standards Organisation to improve journalists' understanding of minority groups, including working with the Independent Press Standards Organisation to devise training to help journalists develop better understanding of Islam.

11. The public order offences of "stirring up hatred" focus on hatred itself and the intention or likely effect of the offence in question. 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. Similarly, 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.

12. The number of prosecutions against the stirring up of hatred is much lower than for other hate related offences, due to higher evidential thresholds and the need to consider an individual's right to freedom of expression.

13. Potential cases are referred to the Special Crime and Counter Terrorism Division by CPS Areas in line with the CPS Legal Guidance on Prosecuting Cases of Racist or Religious Crime and on Stirring up Hatred on the Grounds of Sexual Orientation.⁹

Wales

Investigating racist hate crimes

14. The Welsh Government is committed to protecting and supporting victims of racist violence and abuse, and to holding perpetrators to account and providing opportunities for them to change their behaviour. In 2014, the Welsh Government published its *Tackling Hate Crimes and Incidents: A Framework for Action*. It sets out a commitment to challenge hostility and prejudice across all protected characteristics. It includes objectives on prevention, support and improving the multi-agency response. Annual Delivery Plans have been in place since 2014 and have been embedded across a number of key policy areas of the Welsh Government. The framework is delivered in partnership with the four police forces, Police and Crime Commissioners, Crown Prosecution Service, Sport Wales and others, ensuring the issue of hate crime continues to be taken seriously and the importance of responding appropriately is reaffirmed.

15. The Welsh Government also established an All Wales Hate Crime Criminal Justice Board, which plays a significant role in ensuring there is a consistent, partnership approach to developing work across devolved and non-devolved areas. The Board develops an annual workplan, which is embedded within the Hate Crime Framework. The workplan includes work to quality assure how hate crime cases are dealt with; to monitor reporting rates, victim satisfaction rates and conviction rates; and to assess the needs of the victim at different points of the support journey so that victims are offered the right type of help and advice.

16. Since 2014, the Welsh Government has provided funding to Victim Support Cymru to operate the National Hate Crime Report and Support Centre. This helped create a reporting system across Wales that provides an initial point of contact for victims, as well as advocacy, support and signposting. Victim Support Cymru also provides hate crime training across Wales to relevant front-line staff across the public sector, including housing, education, health and social services. This service will continue until at least 2020.

17. The Welsh Government, the police, the third sector and their partners have actively and successfully encouraged victims to report hate crime; as a result, the number of hate

⁹ https://www.cps.gov.uk/publications/docs/cps_hate_crime_report_2016.pdf, page 35.

crimes reported in Wales increased yearly since 2012. Data from police forces shows that victims have high satisfaction rates for cases taken forward for prosecution.

Racist hate speech and racist media coverage

18. The Welsh Government Equalities Team is developing a Communications Plan that will help ensure there is all year round focus on what we can do to promote positive communications and counter narratives around human rights, and the protected characteristics of race, religion, gender, disability, sexual orientation and transgender identity. It seeks to ensure that consistent, targeted messages are disseminated throughout the Welsh Government, Community Cohesion Coordinators and third sector organisations funded through the Equality and Inclusion Programme.

19. There is cross-party support in Wales for efforts to combat racism. In the run up to local government elections in May 2017, leaders of four parties in Wales issued a joint statement urging candidates for election to avoid addressing the immigration issues in a way that could build up resentment against those of different nationality or race. The statement also reiterated the message that racism has absolutely no place in Wales, and encouraged all victims and witnesses of hate crime to report it.

20. There is ongoing work in schools in Wales to raise awareness of the nature and impact of hate-related bullying, including race-related bullying. This work is delivered by a partnership between the Welsh Government and the four police forces through the All Wales School Core Liaison Programme, and additionally through the work of Show Racism the Red Card, which receives funding from the Welsh Government and from local authorities.

Scotland

Investigating racist hate crimes

21. In Scotland, justice agencies are showing strong leadership and a clear commitment to tackling hate crime. The Crown Office and Procurator Fiscal have a presumption to prosecute where an offence is aggravated by prejudice, and any decision not to prosecute must be agreed at senior level. Police Scotland prioritise a strong response to hate crime and have a national protocol in place for dealing with it. In January 2017, the Minister for Community Safety and Legal Affairs announced that Lord Bracadale would carry out an independent review of hate crime legislation. This will consider the effectiveness of the current legislative framework and will make recommendations to Scottish Ministers in early 2018.

22. In 2016-17, the Scottish Government invested over £3.2 million in work that aims to tackle racist and religious intolerance, as well as improve the lives of minority ethnic and religious communities in Scotland. The Scottish Government is working closely with stakeholders and community leaders to ensure that everyone in Scotland feels safe, and is able to achieve their full potential; it also encourages anyone who believes they have been a victim of hate crime to report it to the authorities. The Scottish Government has published a Race Equality Framework for Scotland to promote race equality and tackle racism following extensive engagement with stakeholders and minority ethnic communities.

23. Tackling all forms of hate crime is a priority for Police Scotland. Police Scotland recognise that the act of reporting a hate crime or incident may be difficult for a victim, and that the victim needs to be confident that it will be properly and sensitively handled by the police, with an understanding of its full impact. Officers and staff receive guidance to help them deal with reports of hate crime in a consistent manner, with the use of specialist resources if appropriate. Police Scotland continue to work closely with criminal justice partners and other stakeholders, to do everything possible to protect communities and challenge all forms of hatred. The police will continue to work to keep people safe and secure.

24. The Scottish Government welcomes the work that the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion has undertaken in producing their recent report, which contains important messages on which we should all reflect. The

Scottish Government recognises that there is still progress to be made, accepts the report's recommendations, and will use these to build an inclusive programme of work going forward.

25. Police Scotland are committed to making victims, witnesses and partner agencies feel more confident in reporting hate incidents, as reflected in their Equality Outcomes 2017-2021, and recognise that many might find it difficult to report hate crime directly. The concept of Third Party Reporting seeks to bridge this divide through the use of an intermediate agency, in which the reporter has a greater degree of trust or confidence, to assist or facilitate the reporting of such crimes or incidents. The Third Party Reporting system aims to encourage the reporting of hate incidents, by providing the opportunity to report incidents to third parties, who will pass on the details to the police. Third parties may include support organisations or agencies, community groups or other facilities readily accessible within the community. The reporting is confidential and people can choose to report anonymously. Police Scotland currently have approximately 400 Third Party Reporting centres across the force area, with work is ongoing to review the effectiveness of the network and develop steps to improve it. Police Scotland will work with partners to identify barriers to reporting, with a view to ensuring that third party reporting is widely available and publicised, and barriers to reporting are removed. Hate crime can also be reported online, via the Police Scotland website.

Northern Ireland

Investigating racist hate crimes

26. Authorities in Northern Ireland are focused on stamping out hate crime, including race hate crime. During 2016-17 there were 1,054 incidents recorded by the Police Service of Northern Ireland as having racist motivation. Of these 1,054 incidents, 455 did not amount to a crime (i.e.: they were non-notifiable offences or incidents where the circumstances did not amount to an offence being committed). The remaining 599 incidents contained one or more crimes, amounting to 660 recorded crimes in total.

27. Reports of racist incidents and crimes decreased between 2015-16 and 2016-17; racist incidents decreased by 167 from 1,221 to 1,054, and racist crimes decreased by 193, from 853 to 660. Incidents and crimes recorded in 2016-17 have shown a fairly similar pattern to 2015-16, but at a generally lower level; racist motivated incidents were lower in a period of eight months compared to the same months of 2015-16, whilst racist crimes were lower in a nine month period. The lowest monthly level recorded in the last 24 months was in February 2017 (57 racist incidents and 36 racist crimes).

28. There were 42 fewer outcomes administered to racist crimes during 2016-17 when compared with 2015-16, decreasing from 161 to 119. The outcome rate also showed a decrease from 18.9 per cent in 2015-16 to 18 per cent in 2016-17.

From the 2016-17 crime figures the main crimes are assaults and criminal damage:

Criminal damage	269
Drug offences	2
Miscellaneous crimes against society	18
Possession of weapons offences	5
Public order offences	2
Robbery	9
Sexual offences	2
Theft offences	9
Theft offences — Burglary	8
Violence against the person	321
Total	645

29. The service policy was reviewed within the Police Service of Northern Ireland to ensure that the needs of the victim were met and the quality of the investigation optimised. All officers were given training in relation to the changes in guidance. As part of the Police Service of Northern Ireland's approach to hate crime investigations, a Detective Chief Inspector leads on the investigative standards aspect of the work and works closely with the Public Prosecution Service to ensure hate motivated offences are highlighted through the criminal justice system. Through the hate crime advocacy scheme in place in Northern Ireland, authorities are working to ensure that all investigative opportunities and support to victims encourage cooperation with the criminal justice system where appropriate to maximise outcome rates.

30. In Northern Ireland there is no statutory definition of hate crime. The Police Service of Northern Ireland adopts the approach recommended in the Stephen Lawrence enquiry and applies a perception-based test in respect of six distinct categories:

- Racist incidents
- Homophobic incidents
- Sectarian incidents
- Faith/religious incidents
- Disability incidents
- Transphobic incidents

31. The Public Prosecution Service, however, applies a distinct legal test. This test is set out in statute (Criminal Justice (No. 2) (Northern Ireland) Order 2004) and is used to establish whether a crime has been 'aggravated by hostility'. Four categories are set out in statute as follows:

- Race
- Religion
- Sexual Orientation
- Disability

32. The statute does not include transphobic incidents and sectarian categories as provided for in the Police Service of Northern Ireland definition.

33. In order to determine whether a crime has been aggravated by one of the above categories, the Public Prosecution Service applies an evidential test as to whether the aggravating feature has a reasonable prospect of being proved to the required standard of beyond a reasonable doubt. Where there is insufficient evidence that a file submitted by the police as a hate crime is aggravated by hostility, this does not mean that a 'no prosecution' decision will be issued. While the Public Prosecution Service may not be able to meet the evidential standard regarding the aggravating feature, the file may still be prosecuted on the basis of the crime report.

34. Where the judiciary in Northern Ireland find that a matter has been aggravated by hostility, the same Order provides statutory provision to enhance the sentence of the defendant. Where the judiciary finds that a crime has been committed, but that there was insufficient evidence the matter was aggravated by hostility, they proceed to sentence for the offence within the ordinary sentencing parameters of that offence. Not proving that the case is aggravated by hostility does not therefore automatically lead to an acquittal — the substantive offence can still be proved.

Supporting victims of crime in Northern Ireland

35. In Northern Ireland, a Victim Charter sets out the entitlement of witnesses, the standards of service that will apply when information is provided, and the responsibilities of the various criminal justice agencies. The Charter also outlines the additional support available to victims with particular needs, and victims of certain crimes, including hate crime, as they go through the criminal justice system.

36. In Northern Ireland, the Victim and Witness Care Unit, staffed jointly by specially trained Public Prosecution Service and Police Service of Northern Ireland personnel, ensures that individual victims and witnesses have a single point of contact for their cases. The Unit's primary role is to keep victims and witnesses fully informed of the progress of their cases through the criminal justice system. Individual needs assessments are also conducted by case officers to assist victims and witnesses in giving their best evidence.

37. The Public Prosecution Service is due to publish a new Victim and Witness Policy in summer 2017, setting out the role of the Public Prosecution Service and the services provided to victims and witnesses, in alignment with the commitments in the Northern Ireland Victim and Witness Charter. The new policy will provide greater clarity to victims and witnesses, including those who have been involved in incidents of hate crime, concerning the prosecution process and the support available.

Racist hate speech and racist media coverage

38. The UK has developed a legislative framework which aims to strike the appropriate balance between maintaining the right to freedom of speech and protecting individuals from violence and hatred.

39. In Northern Ireland the Public Order (Northern Ireland) Order 1987 specifies a number of substantive hate crime offences. Part III of the Order criminalises "acts intended or likely to stir up hatred or arouse fear", and in this regard reference is made to a group of persons defined by their "religious belief, colour, race, nationality (including citizenship) or ethnic or national origin".

40. Specific provision is made for five separate offences, and the prohibited conduct includes threatening, abusive or insulting behaviour or expressions and their public dissemination. The actions which may constitute an offence include behaviour, words, written materials, recordings, as well as broadcasting and cable programmes.

41. In addition to the offences mentioned above, the Public Prosecution Service also pursues other offences, such as those aggravated by hostility. The Malicious Communications (Northern Ireland) Order 1998 and the Communications Act 2003 are used to deal with such cases, which may include communications via letter, as well as through public communication networks. Such cases can range from individual posts on public and private forums, to live streaming of events.

42. Northern Ireland did not see an increase in reporting of racist hate crime in the weeks leading up to and following the referendum on membership of the European Union. In the week following the referendum, 31 racist hate incidents/crimes were reported in Northern Ireland. This was a reduction of 34% (16 fewer incidents) compared to the same period in 2015, when 47 incidents were recorded.

43. At the time, however, the Police Service of Northern Ireland recognised the potential impact of media coverage in terms of increasing tensions and fear within communities and worked closely with the Department of Justice, the voluntary sector, the local community, and other statutory and non-governmental partners to provide reassurance and encourage reporting of hate crimes. This was done through the local media and via stakeholder engagement at all levels across the police.

The Police Service of Northern Ireland continues to be proactive in their approach to hate crime, and in any situation where there are grounds to suspect an offence has been committed officers will conduct a thorough investigation and submit a file to the Public Prosecution Service.

Paragraph 19 of the 2016 Concluding Observations

"The Committee urges the State party to review the implementation of and evaluate the impact of existing counter-terrorism measures, in particular the "prevent duty" under the Counter-Terrorism and Security Act 2015, in order to ensure that there are effective monitoring mechanisms and sufficient safeguards against abuse, and that they are implemented in a manner that does not constitute profiling and discrimination on the grounds of race, colour, descent, or national or ethnic origin, in purpose or effect."

United Kingdom

44. Prevent does not target a specific faith or ethnic group; it deals with all forms of extremism. The introduction of the Prevent Duty has embedded consideration of the risk of radicalisation in the day-to-day work of frontline statutory partners. It covers schools, colleges, universities, health, local authorities, police, and prisons. We have supported the roll out of the Prevent Duty with guidance for each sector and a dedicated package of training. Over 750,000 frontline staff now understand the radicalisation process and know what to do if they have concerns.

45. The Department for Education's recent omnibus survey for teachers shows that 83 per cent of school leaders are confident in how they should implement the Prevent Duty.

46. The Duty is not about restricting debate or free speech. On the contrary, the Government has explicitly said that schools should be safe spaces in which children and young people can understand and discuss sensitive topics, including terrorism and the extremist ideas that are part of terrorist ideology. They need to learn how to challenge such ideas, which they see in newspapers and on the Internet every day. The Department for Education and Home Office's *Educate Against Hate* website contains resources for teachers and parents to encourage this sort of debate and discussion. Protecting children from the risk of radicalisation should be seen as part of schools' and childcare providers' wider safeguarding duties, and is similar in nature to protecting children from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences.

Scotland

47. Prevent is part of the UK Government's counter-terrorism strategy CONTEST; however, the way Prevent is delivered in Scotland through devolved functions reflects Scottish differences and is specific to the challenges faced by Scottish communities. The strategy has been intentionally aligned to existing safeguarding procedures to ensure the wellbeing of individuals and communities. Doing so is in line with the findings of the Christie Commission, which encourage a shift to public sector investment towards early intervention and prevention programmes.¹⁰ The strategy is part of Scotland's wider work to promote a community-led approach to building cohesive communities, resilient to divisive narratives.

48. Partners continue to engage and work alongside communities to address existing and emerging challenges across the broad spectrum of threats. No matter the ideology or idea which sits behind a vulnerability, the collective focus has always been on the early identification of risk to an individual, in order to ensure they receive support at the earliest opportunity. Delivering Prevent in this manner ensures no one section of the community is singled out or stigmatised.

Paragraph 31 of the 2016 Concluding Observations

“The State party should take effective measures to ensure the accessibility and availability of quality health-care services to persons belonging to ethnic minorities, throughout its jurisdiction. The Committee stresses the particular importance of adopting measures to address effectively the overrepresentation of persons of Afro-Caribbean descent being treated in psychiatric institutions and the disproportionate use of restraint, seclusion and medication.”

England

49. Everyone should be able to access quality health and mental health-care services according to need, and there is a strong framework of anti-discrimination legislation in place in England to ensure equitable access to health services for all. The Equality Act 2010 protects people from discrimination on grounds of nine protected characteristics including race. In addition, all public authorities, including National Health Service organisations, are

¹⁰ <http://www.gov.scot/About/Review/publicservicescommission>.

required to have due regard to the aims of the public sector equality duty of the Equality Act 2010 in exercising their functions.

50. The Health and Social Care Act 2012 introduced additional legal duties on health inequalities on National Health Service commissioners and the Secretary of State for Health requiring them to have regard to the need to reduce inequalities between patients in access to health services and the outcomes achieved.

51. However, we know that there are inequalities in the access to health and mental healthcare services in Black, Asian and Minority Ethnic (BAME) communities, and we are committed to addressing them. With this in mind, the Prime Minister launched the Race Disparity Audit last August to look into racial disparities in our public services stretching right across government. The audit, which will be published this autumn, will highlight the differences in outcomes for people of different backgrounds, including in health, education, childcare, welfare, employment, skills and criminal justice.

52. The independent Mental Health Taskforce in the Five Year Forward View recommended that the Department of Health address race equality as a priority and appoint a new equalities champion to drive change.

53. The report also endorsed the Independent Commission on Acute Adult Psychiatric Care's recommendation that a Patients and Carers Race Equality Standard should be piloted in mental health alongside other efforts to improve the experience of care for people from BAME communities. The Department of Health will look to establish a working group to advise on and support this programme's implementation.

54. To address issues of overrepresentation, National Health Service England are working with BAME groups to understand some of the reasons behind them not accessing services. National Health Service England have led a project working with a team of experts by experience and social researchers, talking to black men who are currently residing in mental health secure care. The focus was the journey both in and out of secure care, and the particular interventions that could influence this, preventing escalation and expediting recovery. This material informed the process of developing a forensic community service model, and a number of service 'prototypes' designed specifically to address the needs of black men.

55. National Health Service England has also established a Mental Health Black Voices Network. The aim is to build a network based on relationships of trust, supporting the Mental Health Five Year Forward View programme.

56. There has been significant work to reduce the use of restrictive interventions for all service users across a broad range of settings, including BAME patients within psychiatric units. The Department of Health published guidance in April 2014, Positive and Proactive Care: reducing the need for restrictive interventions, and led a programme of work to reduce the need for restrictive practice.

57. Positive and Proactive Care introduced a requirement that services develop Restrictive Intervention Reduction Plans. National Minimum Standards for the Implementation of Restrictive Intervention Reduction Plans in Mental Health and Learning Disability Settings (set for publication in 2017) will provide a regulatory framework for care providers that is in line with the legislative requirements outlined in the Mental Health Act Code of Practice (2015) and will be informed by evidence based best practice.

58. These Restrictive Intervention Reduction Plans form a key focus of the Care Quality Commission's inspections. The Care Quality Commission uses its regulatory powers to ensure that services minimise the use of restraint and other restrictive interventions for all patients through Regulation 13 of the Health and Social Care Act, which requires providers to have a zero tolerance approach to abuse, unlawful discrimination and the use of restraint.

59. The Care Quality Commission also inspects providers' use of seclusion rooms and the use of medication for all patients. The Care Quality Commission inspects seclusion rooms against the Mental Health Code of Practice (revised in 2015) and will be engaged in a review of the effectiveness of the current guidance for seclusion rooms. The Care Quality

Commission is currently in the process of revising inspection documents for the storage and use of medication.

Wales

60. The policy position of the Welsh Government is that all of the people of Wales are entitled to the same high standards of health care and that there should be no lesser service for any individual with any of the protected characteristics. The Equality Act 2010 places a duty on public authorities, including Local Health Boards, to advance equality for those with protected characteristics by removing or minimising disadvantages suffered by them; and by taking steps to meet the needs of people from protected groups where these are different from those of others. Health boards in Wales are also required to demonstrate that appropriate action is taken to address health inequalities through their Integrated Medium Term Plans.

61. The Welsh Government's *Together for Mental Health: Delivery Plan (2016-19)* includes an outcome for people with protected characteristics and vulnerable groups experiencing equitable access to services. Supporting actions include:

- Provision of guidance and signposting information for Health boards / local authorities on supporting service users with protected characteristics;
- Availability of equality training on relevant vulnerable groups, including *Treat Me Fairly*. *Treat Me Fairly* is an e-learning course which has been developed specifically for staff in National Health Service Wales to recognise their value in providing an excellent standard of service that is fair, meets individual needs and treats everyone with dignity and respect by utilising real life stories;
- Patient information leaflets for national population immunisation and screening programmes are produced in a number of minority languages. Programme engagement teams within NHS Wales work with community partners to reach minority groups in order to help improve uptake rates.

62. Other ongoing work includes:

- Training screening champions from ethnic minority communities;
- Organising health awareness events within local community settings, such as mosques;
- Developing a cancer screening and awareness health education resource, to be incorporated into the English for Speakers of Other Languages curriculum.

63. The Welsh Government provide grant funding to a voluntary sector organisation to deliver a project focused on ethnicity with three strands:

- An all-Wales BAME adult mental health project, engaging with a range of ethnic groups in Wales to raise awareness of mental health problems and the services and support available;
- The Welsh Government also funded a 'cultural competence toolkit', launched in October 2016, to help professionals understand cultural issues in BAME communities better;
- A young people's project to engage with young people from BAME communities and a mental health resource will also be developed for youth workers, education professionals and Children and Adult Mental Health Services.

Scotland

64. The Scottish Government is fully committed to providing the people of Scotland, including minority ethnic communities, with a National Health Service that ensures people come first and that those who use their services get the right care and support whatever their needs at any point in their care journey. While the Government provides the policies, frameworks and resources for high quality health care in Scotland, it is for each National Health Service Board to decide how best to deliver those services to meet the population's

needs. National Health Service Boards have fully delegated powers to plan for, recruit and deploy their workforce to meet their service provision responsibilities and to deliver high quality, safe and sustainable services to meet the needs of their population.

Mental Health Services

65. Mental health services are a priority for the Scottish Government, which is why the Scottish Government has been investing heavily in mental health services for a number of years.

66. Funding of £4.8 million has been awarded to Healthcare Improvement Scotland to establish a Mental Health Access Improvement Support Team to work in partnership with Boards to deliver sustained improvements in access to Child and Adolescent Mental Health Services and psychological therapies services for all ages.

67. The continued and substantial increase in demand for psychological therapies and Child and Adolescent Mental Health Services clearly shows that in the past there were far too many people who were unseen, and whose needs were not met. As the capacity and provision of services has grown, there has been a sustained increase in the number of people accessing treatment each quarter, which should be welcomed.

68. As part of the delivery of an action within the Race Equality Framework for Scotland 2016-2030, the Scottish Government has ensured that effective engagement with minority ethnic communities was carried out in the development of the Scottish Government Mental Health Strategy, published in March 2017, to ensure issues relevant to race equality were considered as part of this wider review.

69. In 2015 and 2016, Scottish Government officials met with a range of stakeholders and organisations, including service users, providers and professional bodies. Organisations and individuals also wrote to the Scottish Government. The Scottish Association for Mental Health and Voices of Experience hosted events on the Scottish Government's behalf in early 2016, and the Scottish Youth Parliament ran an event to gather the views of young people on mental health issues. For each of these events, the lead organisations were asked to consider the diversity and representative nature of attendees. In their work with Voices of Experience, 5-7 representatives in each group were also asked to cover diversity interests. Prior discussions with Voices of Experience also involved them engaging with BAME in Scotland and the Council for Ethnic Minority Voluntary Organisations when finalising their attendee lists. The Scottish Government also considered the findings from the National Conversation on Creating a Healthier Scotland, which ran from August 2015 to April 2016, and which highlighted the importance of mental health.

70. An equality impact assessment was undertaken for the strategy and concluded that "Equality affects every part of the Mental Health Strategy". The Scottish Government carefully considered equality issues when compiling the Mental Health Strategy, including issues relating to ethnic minority communities, and the evidence informed two particular statements in the final strategy text:

- "Inequality related to disabilities, age, sex, gender, sexual orientation, ethnicity and background can all affect mental wellbeing and incidence of mental illness."
- "Differences in ethnicity, sexuality, or gender identity, for example, should not be barriers to receiving high quality services to treat mental health problems."

71. Finally, the strategy commits to establishing a biannual forum of stakeholders to help track progress on actions, and develop new actions in future years to help meet their ambitions. The Scottish Government will continue to give careful consideration to any equality issues during this process.

Our Voice framework

72. Within the Race Equality Framework for Scotland 2016-2030, the Scottish Government is progressing effective engagement with BAME communities, so that minority ethnic voices are heard and meaningfully involved in improving the health and social care services in Scotland. The newly appointed Project Officer is in the process of

engaging with BAME communities in south Glasgow with the intention of establishing interest in the creation of a forum. One of the Scottish Government's key race equality partners, the Council for Ethnic Minority Voluntary Organisations, continues to be represented on the Development & Oversight Group.

Translation and Interpreting services

73. The Patient Charter clearly sets out what patients can expect when they use the National Health Service Scotland and receive care. This includes the right to be given the information they need in a format or language they can understand.

74. Under the Equality Act 2010, the National Health Service Scotland is required to provide translation and interpreting services and written material wherever possible and reasonable. All National Health Service Boards have a published accessibility policy and arrangements in place to support such needs.

National Health Service Inform was recently refreshed, and, as part of this work, an Equality and Diversity Impact Assessment was carried out, which ensured the needs of excluded groups were taken into account. A key development in the refresh of the website is the introduction of Web-chat, which provides an alternative channel for users and is available across the National Health Service Inform website. The website's new Browsealoud Facility ensures that National Health Service Inform is more accessible by offering easy speech, reading and translation tools.

75. National Health Service 24 is currently working with partners to ensure videos displayed within the new National Health Service Inform website has a language option, including British Sign Language and subtitles as seen on the Care Information Scotland website.

Conclusion

76. The Government of the United Kingdom hopes this report is helpful to the Committee. We have noted the Committee's recommendation that the UK submit its combined 24th-26th reports as a single document by April 2020. The United Kingdom will address CERD's 2016 Concluding Observations in that report, and looks forward to continuing its dialogue with the Committee.
