



#ImWithSam

People with learning disability and autism's perceptions and experiences of crime and abuse

Foreword

For a long time, people with a learning disability and autism have not been believed or taken seriously enough when it comes to their experiences of crime and abuse. This has made people lose confidence in the system.

Hate crime against people with learning disability and autism is under-reported and has been for years. Abuse and mistreatment is so common place that some people with learning disability and autism think it's a normal part of daily life. They don't report to anyone. Instead, people spend their life living in fear. They will stay indoors and will not go out alone or at all. It is a big inequality for people with learning disability and autism.

I have been working on hate crime for 20 years and there is still a long way to go. We need to keep raising awareness and making sure people with learning disability and autism know what a hate crime is. This includes clear laws about hate crime, so that people can understand their rights. We also need to make sure the system works well whenever someone does come forward to report.

I am pleased that this report shares the experiences and views of people with learning disability and autism because they know best what needs to change. This report sets out qualitative research based on 6 focus groups moderated by Dimensions and the Foundation for People with Learning Disabilities, supported by detailed quantitative data on the perceptions of people with lived experience.

I would like to thank everyone who shared their experience and gave their time to inform this report, in particular the Foundation for People with Learning Disabilities for their support in the focus groups.

I hope that this report will help the Law Commission in their review of hate crime and keep the needs of victims of learning disability and autism hate crime high on the agenda.

Dr Mark Brookes, #ImWithSam Campaign Advisor

Introduction

Whilst people with learning disability and autism have long experienced stigma and prejudice, the concept of disability hate crime was formally introduced in England and Wales in the early 2000s with the enactment of the Criminal Justice Act (2003).

Since the conception of disability hate crime, there have been a number of cases involving victims with learning disability and/or autism that have exposed shortcomings in the criminal justice response to targeting based on disability – including failures to recognise hate crime in real time and safeguard victims and difficulties recognising the presence of hostility to disability during criminal prosecutions.

Reports including Hidden in Plain Sight: inquiry into disability-related harassment [Equality and Human Rights Commission, 2011], Hate Crime: Should current offences be extended? [Law Commission, 2014] and Hate Crime and the Legal Process: Options for reform [University of Sussex, 2017] have underlined weaknesses in the legal protection afforded to disabled victims of crime, as well as the potential inequality created by the fact that different legal frameworks exist for some monitored strands, but not disability – namely race, religion and sexual orientation.

At the same time, reports on the experience of people with learning disability and/or autism consistently underline the high prevalence of crimes perpetrated against people with these disabilities. Dimensions' research in 2016 found that 73% of people had been the victim of hate-related targeting ¹.

Disaggregated data on learning disability and autism victimisation is not collected, making it difficult to assert a definite prevalence. In 2017, Dimensions working with the Office for National Statistics identified that victims with these disabilities are four times more likely to be the victims of a disability hate crime than people with other impairments. ²

As the Law Commission embarks on a full review of hate crime law in England and Wales, this reports sets out the perceptions and experiences of people with learning disability and/or autism in relation to crime and abuse. From this, the report makes recommendations to improve the experience of victims and afford people with learning disability and autism protection from targeted crime and abuse.

¹ [#ImWithSam: No more learning disability and autism hate crime, Dimensions, 2016](#)

² [Hate crime by disability status, Crime Survey for England and Wales \(CSEW\) combined years 2013 and 2014, and 2015 and 2016, Office for National Statistics, 2017](#)

The statutory and policy framework on disability hate crime in England and Wales

At the heart of 'hate crime' as it is termed and understood in England and Wales is the presence of hostility.

The working definition of disability hate crime used across criminal justice agencies is:

*'Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability.'*³

This definition is used by the Crown Prosecution Service, and is the definition that should be used operationally by police forces to identify and record individual crimes and incidents.

In statute, s.146 of the Criminal Justice Act (2003) sets out that an offence will be considered aggravated and more serious if the offender demonstrates or is motivated by hostility towards the victim's disability or presumed disability.

Hostility does not have a statutory definition and is interpreted to mean a variety of things by the Crown Prosecution Service and the courts. Definitions include *'ill will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.'*⁴

A successful prosecution for a disability 'hate crime' thus rests on securing a sentence uplift under s.146, which recognises the aggravated nature of the offence i.e. the presence of hostility to the victim's disability or presumed disability at the time of offending.

It should be noted that the term hate crime can be problematic, in that it does not resonate with some victims of targeting based on disability and does not underline the central role that hostility holds in statutory and operational definitions of hate crime.

³ <https://www.cps.gov.uk/hate-crime>

⁴ <https://www.cps.gov.uk/hate-crime>

The experience of people with learning disability and autism

Dimensions and the Foundation for People with Learning Disabilities held focus groups aimed at sharing experiences of crime and abuse and discussing what hate crime means to individuals.⁵

Stigma and prejudice were central to the discussion of participants, with most sharing instances where they had been treated badly by reason of their disability. For some, there was a clear explicit link to their disability that motivated the targeting, for others, it was the lack of any other plausible reason, or coercion based on factors arising from their disability that informed their perception that what had happened to them was prejudicial.

People's experiences were varied, including instances of verbal abuse, physical assault, financial exploitation and sexual assault. Participants had experienced targeting online and offline, in public and in private, by strangers and by people they knew and trusted.

A consistent theme was that crime and abuse stemmed from someone taking advantage of a person that they saw as weaker. Participants emphasised the fact that they had been targeted because they were perceived as less able to defend themselves against the perpetrator.



'It's about "I'm stronger than you, you're weaker than me so I'll beat you up"'

'One day this fella out the blue came and assaulted me, he came up to me and was really friendly to me. He assaulted me because my friend left to live up north and because my friend was gone he knew there was no protection. That was hate crime, he didn't have a motive other than me not having a body guard anymore... my mum said there must be a reason the guy assaulted you, but it was because I was in a vulnerable situation. It's the hardest thing to report it if you don't have any evidence.'



⁵ In total, 78 people attended the focus groups.

Other participants did not directly link their experiences to the perceptions of others, and instead noted the fact that there was no clear reason why they had been targeted. When asked about whether other people were targeted at the same time, most participants said they or their group were the only ones targeted by the perpetrator. This was particularly common on public transport.



'We were on the bus and a woman got on the bus, I didn't know her, we were just there minding our own business. She had a go at my friend first and I asked her to leave her alone. She was f***ing and blinding and at the end she got hold of my glasses and broke them... I thought you don't even know me so why are you picking on us?'

'They hit me round the face for no reason. [Victim's partner]: this person was drunk and he hit her for no reason. He called her a bitch.'

'I had my bus pass, people on the bus pinched it and threw it away. They were students. I didn't know them. They hurt me and kicked me. I was bad on the floor.'



Another strong theme was experiences of grooming, exploitation and coercive behaviour. Participants shared their experience of having been singled out and pressured into doing things they did not want to do by people they didn't know.

'I was going out to an event, I came back [late at night] and I got approached...she pressured me to get money, and to do sexual things. I didn't have anyone to talk to, I was so scared of telling my [family]... I was so ashamed. I was so scared, it was a rough area that I lived in. Social services came round ... they took the report to the police and reassured me if I met that women to please call the police.'

'Its strangers – they target vulnerable people who can't say something and who are frightened to say something if they come back and do it again. They come back and do it again, when you've been used you feel like it might happen again.'



For some, targeting was clearly linked to being seen as different. Whilst this was often implicit in the examples above, some participants talked explicitly about difference and about having a disability.

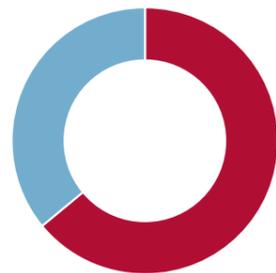


'Me and my friend we got bullied by school kids. I couldn't do nothing, they grabbed my friend and put her in grass and chucked her glasses in someone's garden, then I had about 10 on me. I think they targeted us because they knew we went to special school.'

'It's because they see you as different, it's like if someone wears glasses they can make fun of them. They don't wear glasses, so they think it's ok to make fun of you.'

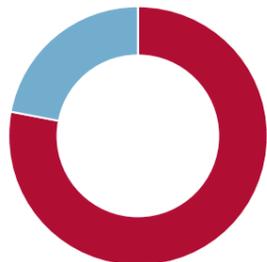
Perceptions of crime and abuse against people with learning disabilities and autism

Alongside focus groups, Dimensions conducted an online survey.⁶ The survey took two indications of prejudice against people with learning disability and autism, perception of the victim as different and perception of the victim as an easier target, and asked respondents to say whether these had been elements of crime and abuse against them. This was particularly important as the working definition of hate crime across criminal justice agencies is perception based.



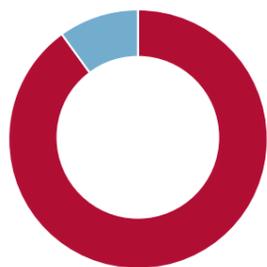
64% of respondents with a learning disability and/or autism said they had been the target of some form of crime or abuse and those who had been the targets of crime and abuse strongly agreed that the choice to target them was prejudicial.

82% of victims perceived that people assumed that they were an easy target and **86%** of victims perceived that they had been targeted because people saw them as different.



Significantly, **78%** of victims perceived that they had been targeted because they had a disability.

77% of victims thought they had been targeted by someone who knew that they had a disability. For this cohort, their perception that they had been prejudicially targeted was even stronger. **87%** of victims perceived that people assumed that they were an easy target and **90%** of victims perceived that they had been targeted because people saw them as different.



90% of victims perceived that they had been targeted because they had a disability.

⁶ Overall, 149 of people with a learning disability, autism or both responded to the survey. A further 299 responded to a separate section for professionals, families, supporters and the general public.

The survey findings corroborated the views of participants in the focus groups – perceived vulnerability, bullying, discrimination and targeting difference were regularly raised by participants to define what hate crime meant to them.

‘I think bullying is a hate crime. Targeting people, picking on them because they’re different’

‘Hate crime is to treat a person differently if they don’t appear normal and bully them’



Under current hate crime policy, the perception of the victim or any other person should trigger recording of a crime or incident as hate-related. In relation to people with learning disability and/or autism, where the victim might not have full insight into why they have been targeted, the perception of others who know them and the context of the incident can be crucial. For this reason, a separate section of the survey asked for the views of professionals, families, supporters and members of the public.

76% of these respondents agreed that people with learning disability and/or autism are often targeted for crime and abuse and **82%** agreed that they were victimised because of prejudice and stigma towards them.

Whilst disability might not be the only factor that motivates a perpetrator to target someone with a learning disability and/or autism, **60%** of respondents believed that the victim that they knew would not have been targeted if they didn’t have a disability and **64%** perceived that a victim’s disability is either always or often a reason they are targeted.

This suggests that learning disability and autism hate crime does not always occur in a ‘pure’ or simplistic way, but that a person’s learning disability and/or autism will be an essential reason for their victimisation.

Problems in the current system for people with learning disability and autism

The barrier of vulnerability

The UK has developed a legal framework for hate crime in order to protect people from crime and abuse that arises from intolerance of difference. Hate crime law should sit in a wider equality and human rights agenda that seeks to ensure that no one lives in fear or is negatively targeted on account of who they are.

People with learning disability and autism have repeatedly come up against the barrier of vulnerability, where crimes are attributed to an inherent or unique vulnerability in the victim, rather than the prejudices, intolerance and sentiments of the perpetrator.

Engagement with victims about their experiences and perceptions underlines that to be targeted because you are seen as vulnerable, or because the perpetrator knows that your disability makes it hard to understand the nature of the abuse against you is felt as prejudicial and discriminatory. Its impact can be devastating.

Victims who think that they have been singled out because of assumptions about their vulnerability, or who are victim to a crime that they would not have experienced if they didn't have a disability, will often find that the law on hate crime will not apply to them. So called 'mate crimes', targeting someone because their disability makes them less likely to understand; tricking them out of money; coercing them into acts they don't want to do; pretending to be a friend when you are defrauding them, are forms of abuse that regularly fail to be prosecuted as disability hate crimes and rarely achieve sentence uplifts under s.146 at the end of prosecutions.

This understanding of crime and abuse against people with learning disability and autism is out of step with the social model of disability and has been criticised by disabled people. As one focus group participant highlighted, 'anyone can make themselves vulnerable, it's not just people with a learning disability'. Where misunderstanding or lack of insight is a manifestation of someone's disability and a perpetrator uses this to their advantage it should be recognised that prejudice and contempt are often at play.

The law needs to reflect the experiences and perceptions of victims with learning disability of autism and protect against prejudicial targeting as it manifests against this group. An area for consideration is closer alignment between civil law definitions of disability discrimination, as per the Equality Act (2010) and criminal definitions of prejudicial targeting of an individual based on a protected characteristic.

Taking victims seriously

Participants in the focus groups described how their experience of targeting had not been taken seriously or dealt with effectively when they had reported. This was because the police failed to acknowledge the prejudicial nature of the incident, or failed to take steps to find the perpetrators.

'[There was a] gang of school kids, at the time we called the police, they spoke all jargon and big words, my fiancé didn't understand it, they treated it as anti-social behaviour...the way the police handled it was terrible. I found a mediator through the old day centre I used to go to. The school kids listened but they were very cocky and arrogant, I used to hide when I saw them, that's how bad it was and [my partner] has autism and she used to freak out.'



'[It would be better] if the police took it seriously, sometimes the police don't really take it seriously, the police think it's a waste of time.'

One participant talked about her experience of domestic abuse from a partner, highlighting that the discriminatory and hostile targeting could occur within the context of domestic relationships. This was important, as it reflected a number of victims' experiences of abuse from people with whom they had close relationships.

'I've been a victim of domestic violence myself with a partner who had alcohol issues and was violent. I really didn't know that I was suffering. There are vulnerabilities in having a mental health problem and someone who's a predator will seek those out. I've read a little bit about what hate crime is and I can see the difference between something that is in the home and something outside, but it's how it affects your mental wellbeing and it makes your mental health worse.'



An important area for consideration for the Law Commission should be the overlap between prejudicial targeting and other recognised categories of crime, including domestic abuse, coercive control, grooming, anti-social behaviour, stalking and harassment. This is important in relation to disability in particular, where the nature of offending does not conform to the norms of hate crime against other monitored strands.⁷

‘If people are doing things wrong under other laws then it will be dealt with, just not under the hate crime bullying law. I don’t think hate crime law is treated as important enough by the law of the land, if they say there’s going to be a law about it then the courts should deal with it.’



Feeling unsafe and at risk

Participants in the focus groups also discussed crime more broadly. Many were concerned with general crime occurring in their communities and felt unsafe. Knife crime in particular came up as a theme across the groups, although none of the participants had experienced an incident. Overall, participants felt themselves to be at risk.

‘You hear stuff on the news and on the radio and I think something should be done, I think the police should be doing more. I’m worried if I go out.’

Alongside this, most participants agreed that more police were needed in their area and that police needed to be visible in the local community in order to deal with general crime and more specific targeting.

‘My main concern is that a lot of people don’t really see policeman around the town, which is rather disillusioning, so we don’t see the protection that the police have to offer. Some of the police stations have actually closed. Surely this is an invitation for criminals to just do what they want. It doesn’t give us a lot of confidence in the police as a whole. I saw one or two policeman and I went up to them and said how nice it was to see them there, it was so reassuring just to see policemen in their uniform, especially late at night.’



⁷ [Disability Hate Crime and other Crimes Against Disabled People – prosecution guidance, Crown Prosecution Service, 2018](#)

Recommendations to the Law Commission and others

The context of wider inequality

People with learning disability and autism experience numerous inequalities and significant barriers to inclusion across health, housing, employment, education and criminal justice. The wider context of disadvantage for people with learning disability and autism is an important element of ongoing stigma and prejudice and directly relevant to understanding prejudicial targeting of people with these disabilities.

- Only 6% of people with a learning disability are in paid employment⁸
- Women with learning disability die, on average, 18 years younger than the general population – through largely preventable causes. For men, it is 14 years younger.⁹
- Autistic people are 9 times more likely to die from suicide.¹⁰
- Children with a statement of special educational needs are 6 times more likely to be excluded from school.¹¹

Additionally, some 2,300 people with a learning disability and/or autism are currently detained in inpatient settings.¹² Despite government initiatives to transfer people to community support, many have resided in inpatient units for over 2 years. Whilst this is largely an issue of policy in health and social care, it is relevant to the issue of prejudicial targeting both because numerous institutional care settings have been embroiled in serious abuse scandals, such as Whorlton Hall and Winterbourne View, and because the institutionalisation of people with learning disability and/or autism, presently and historically, contributes to the stigma attached to people with these disabilities.

The research in this report underlines the central role of prejudice and stigma in abuse and crime against people with learning disability and autism. Through the #ImWithSam campaign we are calling for this to be recognised in clear laws that reflect the nature and impact of prejudicial targeting. Below, we set out areas for consideration for the Law Commission and potential ways forward to ensure people with learning disability and autism get a fair and effective response from the criminal justice system when they are the victim of a hate crime.

Legislative reform

Legislative reform is needed to ensure that the framework for prosecuting hate crime accurately captures the lived experience of people with learning disability and autism. This means that new laws on hate crime should consider:

- The social model of disability, particularly in relation to vulnerability. The law should counteract a presumption of vulnerability in disabled victims and should be clear that successful conviction for a disability hate crime is separate from, or additional to, sentence uplifting where vulnerability is an aggravating factor under sentencing guidelines.
- Civil law definitions of disability discrimination and the shared understanding across public bodies that discrimination on the basis of disability includes prejudicial behaviour in response to things arising from a person's disability. This might expand the definition of hate crime to include targeting based on or in response to things arising from a person's disability or a threshold based on the question, 'would the victim have been targeted were it not for their disability?'
- Recognising prejudice in the most prevalent crimes and forms of abuse perpetrated against people with learning disability and autism, including sexual offences, property damage, fraud, coercive behaviour and exploitation, grooming, stalking and harassment. These might form the basis of a new list of aggravated offences, akin to those that exist for racially and religiously aggravated crime.
- Reframing of the concept of hostility, through a legal definition, that reflects the role of prejudice, contempt and disregard towards a person on the basis of their belonging to a particular group or having a particular characteristic. The above points might be encapsulated in a legal definition that focusses on prejudicial targeting.

⁸ <https://www.base-uk.org/key-facts-and-data>

⁹ [Health and Care of People with Learning Disabilities, Experimental Statistics: 2017 to 2018, NHS Digital, 2019](#)

¹⁰ <https://www.autistica.org.uk/what-is-autism/signs-and-symptoms/suicide-and-autism>

¹¹ [Permanent and Fixed Period Exclusions in England: 2016-2017, Department for Education, 2018](#)

¹² [Learning Disability Services Monthly Statistics: AT July 2019, NHS Digital, September 2019](#)



Legislative reform is an opportunity to introduce duties in relation to monitoring prevalence of hate crime. Data on the number of victims with a learning disability and autism who are the victim of a hate crime, as well as the number of hate crimes that are targeting a person's learning disability or autism should be collected centrally and reported on by government. This is particularly important in that people with learning disability and autism are often considered a 'hard to reach' group and oversight is needed to monitor whether messages about reporting hate crime are reaching victims.

'There should be a Police and Disabled Persons Act... there could be proper procedures under this act and if they don't do it and don't treat [disabled people] right then the senior staff would put people on disciplinary hearings.'

Code of practice

A statutory code of practice would support reform of hate crime legislation, including guidance and standards in relation to:

- Data gathering on the prevalence of hate crime and reporting levels amongst different communities and groups
- Service provision to victims of hate crime, including specialist support services and third party reporting
- Making reasonable adjustments for disabled victims from the outset of their contact with criminal justice agencies
- Recognising and responding to intersectionality within hate offending, including victim support offers

Wider reform

Many participants raised the issue of education and the need to make people more aware of learning disability and autism generally. Wider reform should include initiatives to promote inclusion and diversity and support more positive perceptions of learning disability and autism.



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Dimensions provides evidence-based, outcomes-focused support including sector leading positive behaviour support for people with learning disabilities, autism and complex needs. We help the people we support to be actively involved in their communities.



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