

# Hate Crime And Public Order (Scotland) Bill

[As amended at Stage 2]

---

## Supplementary Financial Memorandum

### Introduction

1. As required under Rule 9.7.8B of the Parliament's Standing Orders, this Supplementary Financial Memorandum is published to accompany the Hate Crime and Public Order (Scotland) Bill (introduced in the Scottish Parliament on 23 April 2020) as amended at Stage 2.
2. This Supplementary Financial Memorandum has been prepared by the Scottish Government. It does not form part of the Bill and has not been endorsed by the Parliament. It should be read in conjunction with the original Financial Memorandum published to accompany the Bill as introduced.
3. This Supplementary Financial Memorandum addresses the financial impact of Stage 2 amendments to the Bill where they would substantially alter any of the costs. The only new provision of this nature is a new section 15A (publication of reports by police on recorded hate crime).

### Publication of Reports by Police on Recorded Hate Crime

4. The new provision addresses the need to provide disaggregated data on hate crime in relation to the characteristics in the Bill. The amendment places a duty on Police Scotland to publish more detailed information on hate crime recorded by the police. The Scottish Government has worked with Police Scotland in the development of the amendment.
5. The new section 15A, requires the chief constable of Police Scotland to publish a report on records made by Police Scotland during that

reporting year of cases categorised by Police Scotland as offences aggravated by prejudice within the meaning of section 1, and offences under the Act and publish the report no later than 6 months after the end of each reporting year.

6. The report must include information (to the extent that the information has been recorded by Police Scotland) in respect of each offence recorded by the police on the age, sex, and ethnic or national origins of any person recorded as being a victim of the offence, and the age, sex, and ethnic or national origins of any person recorded as being a perpetrator or suspected perpetrator of the offence.

7. The report must include the following information (to the extent that the information has been recorded by Police Scotland) in respect of each record of an offence under section 2A and each record of an offence under section 3(1): the particular race, colour, nationality (including citizenship), or ethnic or national origins recorded as being targeted.

8. In respect of each record of an offence aggravated by prejudice within the meaning of section 1 and for each record of an offence under section 3(2) the particular characteristic mentioned in section 1(2) or 3(3) as being targeted should be recorded.

9. The amendment sets out how information about the particular characteristic recorded as targeted in each offence should be disaggregated. To the extent that this information is recorded by the police, this is by reference to :

- where the characteristic is age, the particular age or age range recorded as being targeted;
- where the characteristic is disability, the particular type of disability that is recorded as being targeted, including whether it is a physical impairment or a mental impairment;
- where the characteristic is race, colour, nationality (including citizenship), or ethnic or national origins, the particular race, colour, nationality (including citizenship), or ethnic or national origins recorded as being targeted;
- where the characteristic is religion or, in the case of a social or cultural group, perceived religious affiliation, the particular religion

(including lack of religious belief) or religious affiliation recorded as being targeted;

- where the characteristic is sexual orientation, whether the sexual orientation that is recorded as being targeted is sexual orientation towards persons of the same sex, towards persons of a different sex, or towards both persons of the same sex and persons of a different sex; and
- where the characteristic is transgender identity, whether the transgender identity that is recorded as being targeted is identity as a female-to-male transgender person, as a male-to-female transgender person, as a non-binary person, or as a person who cross-dresses.

## Costs on the Scottish Administration

10. The main criminal justice body that will be impacted financially by this amendment is Police Scotland.

11. Police Scotland have considered the potential costs required to enable changes to the new national crime management system. They have said that the development work will involve multiple third party suppliers, as well as significant internal work within Police Scotland including: project management support; business design activities which require resources for stakeholder engagement and coordination; business change impact assessment, planning and implementation; the development of communications and training packages; ICT data project planning and management; data model updating which requires data specialist resources; data model transition and testing which requires data specialist resources and subject matter input; and life-time management process updates.

12. Taking into account the current information available, and based on the work carried out on a similar project within Police Scotland relating to the implementation costs for the Age of Criminal Responsibility (Scotland) Act 2019 which generated not dissimilar data collation and reporting requirements, they have assessed that the incremental cost would be in a range from £163k to £488k, with an average estimate of £325K.

13. That cost is made up of capital investment ranging from of £100K to £300K, with average being £200K to cover system changes and ICT

specialist skills and revenue funding to cover the project resources that, in addition to the technical aspects, will also need to manage the business change, communications and training impacts that will consequently arise ranging from £63K to £188K, with an average being £125K. All these costs will be one-off costs falling in financial year 2021/22.

14. Police Scotland have confirmed that once these changes to their systems have been implemented that there will be no further costs required to support the data request requirements on an ongoing basis. These costs are indicative and will be subject to further refinement once an implementation plan has been fully developed. These costs are set out in Table 1

15. The current planning assumption is that this provision of the Bill will come into effect in late 2022 which would mean that the reports would require to be published for financial years 2023/24 onwards.

16. It is not anticipated that there will be any new costs falling to other bodies, individuals and businesses or third sector organisations.

**Table 1 Police Scotland costs by scenario**

	Minimum Costs 2021/22	Average Costs 2021/22	Maximum Costs 2021/22
Capital	£100k	£200k	£300k
Revenue	£63k	£125k	£188k
Totals	£163k	£325k	£488k

17. It is not anticipated that there will be any new costs falling to any other Scottish Administration organisations.

## Costs on Local Authorities

18. It is not anticipated that there will be any new costs falling to local authorities.

## Costs to other Bodies, Individuals and Businesses

19. It is not anticipated that there will be any new costs falling to other bodies, individuals and businesses or third sector organisations.

## Summary of Costs

	Minimum Costs 2021/22	Average Costs 2021/22	Maximum Costs 2021/22
Police Scotland Capital	£100k	£200k	£300k
Police Scotland Revenue	£63k	£125k	£188k
Police Scotland Totals	£163k	£325k	£488k

This document relates to the Hate Crime and Public Order (Scotland) Bill as amended at stage 2 (SP Bill 67A)

# Hate Crime And Public Order (Scotland) Bill

## [As amended at Stage 2]

### Supplementary Financial Memorandum

Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.scottish.parliament.scot](http://www.scottish.parliament.scot)

Produced and published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at: [www.scottish.parliament.scot/documents](http://www.scottish.parliament.scot/documents)