

DRAFT

GLASGOW KELVIN COLLEGE
RISK MANAGEMENT COMMITTEE – 23 APRIL 2024
HATE CRIME AND PUBLIC ORDER (SCOTLAND) ACT 2021
REPORT BY THE DIRECTOR OF ESTATES AND CORPORATE SERVICES

1. Introduction

Scotland's Hate Crime and Public Order (Scotland) Act 2021 was passed by the Scottish Parliament on March 11, 2021, and it received Royal Assent on April 23, 2021. This legislation modernises, consolidates, and extends existing hate crime laws in Scotland.

2. Overview

'Hate crime' is the phrase used to describe behaviour which is both criminal and based on prejudice.

There are already laws in place to protect certain groups from hate crime.

The Act aims to do three things. It updates these existing laws and pulls most of these laws into one Act. It also adds to the groups currently specifically protected by hate crime laws.

Criminal courts can generally take into account any prejudice when sentencing a person. Also, people are protected from hate crime through specific laws that apply.

People are currently protected by specific laws on the basis of:

- disability
- race (and related characteristics)
- religion
- sexual orientation
- transgender identity

This Act adds age to that list and allows sex to be added at a later date.

The Act creates a new crime of 'stirring up hatred' against any of the protected groups covered by the Act.

The Act also abolishes the offence of 'blasphemy' which has not been prosecuted in Scotland for more than 175 years.

More information is available in the [Explanatory Notes](#) document that explains the Act.

3. Purpose

The Act is a response to the recommendations made in Lord Bracadale's independent review of hate crime laws.

The Act has been created to make sure that the groups covered by the Act are protected from hate crimes. It also makes sure that the laws that provide that protection are fit for the 21st century.

Crimes motivated by prejudice will be treated more seriously and will not be tolerated by society. The Act has been created to make this clear to victims, those who commit hate crimes, and the wider society.

More information is available in the [Policy Memorandum document](#) that explains the Act.

4. Scottish Government's Hate Crime Strategy

To support the implementation of the 2021 Act, the Scottish Government published the new Hate Crime Strategy on March 24, 2023.

The strategy envisions a Scotland where everyone lives free from hatred and prejudice, with empowered, inclusive, and safe communities.

Commitments include improved support for victims, better data and evidence, and effective prevention approaches.

More information on the Scottish Government's Hate Crime Strategy can be found here: [Hate crime strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/hate-crime-strategy/pages/1-2.aspx)

5. Resource Implications

There are no resource implications arising from the contents of this report.

6. Impact on Students

There will be no negative impact on current and future students arising from the contents of this report.

7. Risk & Assurance

It has been reported in the media that Police Scotland has been inundated with over 7,000 complaints since the Act was introduced on April 1. There are concerns that the burden of dealing with the legislation is eating up scarce policing resources. While the general risk to the College is small, the increased burden may have the unintended consequence of an erosion in the coverage and response of local policing.

8. Equality

There are no adverse impacts on individuals with protected characteristics arising from the contents of this report.

9. Data Protection

There are no new data protection risks arising from the contents of this report. Data Protection continues to be a key consideration in College activities.

10. Environmental and Sustainability

There are no new environmental and sustainability risks arising from the contents of this report.

11. Recommendations

Members of the Risk Management Committee are recommended to note the contents of this report for information purposes.

12. Further Information

Members can obtain further information on the contents of this report from Lisa Clark, Director of Estates and Corporate Services at lisaclark@glasgowkelvin.ac.uk or Roddy MacKenzie, Regulations and Compliance Manager at RMackenzie@glasgowkelvin.ac.uk

LC/RM
Glasgow Kelvin College
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