



Lord Russell of Liverpool
House of Lords

6 April 2022

Dear Simon,

Recording of sex-based hostility crimes

Thank you for the very constructive attitude which you took during last week's debate on recording of sex-based hostility crimes in the Police, Crime Sentencing and Courts Bill (Official Report, 31 March 2022, columns 1689-1711).

As I indicated in my remarks, we remain absolutely committed to instituting a recording system as swiftly as we can. I do regret that progress has not been as rapid as we would have liked because the technical issues that need to be resolved are complicated, but I do want to repeat that this does not represent any weakening of our resolve to achieve this.

Just before the debate, you sent me a list of questions and the answers are set out below.

Can we clarify who within each police force will be mandated and to provide what information to which organisation?

- The Home Office writes to Chief Constables on an annual basis setting out the Annual Data Requirement (ADR) for the following financial year. Alongside the letter, a guidance document is sent which provides more details for each data collection. The Chief Constable in each force is responsible for the data sent to the Home Office under the Home Secretary's statutory powers.

Can we clarify whether this will include details as to whether offences are also considered to involve other forms of hate crime to identify where crimes are targeted at women within minority communities

- The police already have the option to record multiple strands of hate crime against a single offence where more than one motivating factor is present. The police will also be able to record offences as being motivated under sex-based hostility as well as the statutory hate crime strands where relevant.

- Additionally, from April 2021, the Home Office began to collect ethnicity of victim data for hate crimes to establish a fuller picture of which communities have been targeted.

Can we clarify what definitions will be given as to the nature and target of any offence e.g. sex or gender, misogyny or hostility or hatred etc

- As per my original commitment made in March 2021, the collection will include any violence against the person or sexual offences where the victim perceives it to have been motivated by a hostility based on their sex.

Given the delays with this process to date, can the Minister also give firm deadlines by which the Home Secretary will instruct the police to collect this data, when they will start collecting it and when and how this data will be published? E.g. how will she ensure it is comparable within and between forces

- The Home Secretary will instruct the police to collect this data as soon as it is feasibly possible.
- Police recorded hate crime data is published by the Home Office on an annual basis in October. The data published each October encompasses hate crime data obtained between April of the preceding year and March of the current year.
- Home Office Statisticians will assess the quality of the data received by the police for any new collection and will make an independent judgment whether the data are fit for publication or not, and what caveats may be required alongside the release of the figures. The data may also be published as experimental statistics, a designation for when statistics are in a testing phase and not yet fully developed.

Can we confirm whether this will cover all forms of offence or if there will be restrictions on the requirements for offences are included?

- This collection will cover violence against the person and sexual offences, as I outlined in March 2021.

Can we confirm that the instruction from the Home Secretary, setting out the definition and timetable, will be published so that we can be confident that the process is moving at pace?

- ADR notices, which contain the definition of the data collection, are published on GOV.UK each year.

Will this data be published on a force-by-force basis through the annual data return to ensure it is being undertaken properly?

- The Home Office routinely publishes crime data at the Police Force Area level. The appropriate level to publish these data will be decided on by Home Office statisticians once data are received.

What will the consequences be for police forces which fail to implement this change promptly and in full?

- The first year of the collection will be voluntary, with the aim to move to mandatory in the second year.
- Police forces understand the importance of supplying data to the Home Office under the ADR. We work collaboratively with the police on the supply of data and offer assistance to overcome any potential issues. In very rare cases, Ministers have written to forces to reinforce the importance of the data to the Home Office and wider Government.

Can we confirm the process for gathering this data will be the same as for other forms of hate crime, so victims or anyone else who thinks it is can identify it as a hate crime, ensuring the data is consistent with other forms of hate crime?

- This is still being determined.

Given the importance of training, when will operational officers and call handlers receive training in this new approach and if so who will oversee this?

- Given that the police are operationally independent, training requirements are decided by the College of Policing and at the Police Force Area level.

Can we confirm that all data gathered through this change will be flagged on the command-and-control system and crime system for every force?

- The Home Office does not mandate how the police should collect the data requested under the ADR.

Given that women face crimes both on and offline, can we confirm that this flag can be applied to any crime type if the victim or police officer thinks it is appropriate to do so?

- The police will be asked to flag any violence against the person or sexual offence that is deemed to be motivated by sex-based hostility whether the crime is committed on or off-line.

Who will evaluate the provision of this data to ensure that forces comply with the mandatory provisions and will this include independent oversight?

- Home Office statisticians, who are independent of policy officials, will evaluate the provision of the data.

Will this evidence be available to the CPS to present and courts for use in offences where sentencing allows for hostility towards sex or gender to be considered a factor in culpability?

- The Government's policy is not to add sex and gender to hate crime legislation, including the parts of these laws that concern statutory aggravating factors in sentencing.
- It is for the police to determine what material to include when passing a case to the CPS and for the Crown Prosecutors to determine what evidence is relevant and admissible for presentation to court.

I am copying this letter to Lord Rosser, Lord Coaker, Lord Ponsonby of Shulbrede, Lord Paddick and Baroness Newlove. I am also placing a copy in the library of the House.



Rt Hon Baroness Williams of Trafford