

# **Welcome Aboard: Exploring Experiences of Disability Hate Crime on Public Transport and Approaches to Safeguarding Passengers**

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by

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## **Abstract**

### *Welcome Aboard: Exploring Experiences of Disability Hate Crime on Public Transport and Approaches to Safeguarding Passengers*

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*Acts of hostility against people with disabilities remain largely overlooked by academia and the UK government. Despite this, between 2014/15-2016/17 the known incidents of disability hate crime in the UK increased by 249% with hate crime reports on Britain's railways increasing by 23% between 2015/16-2016/17. Although estimates suggest that 19% of the global population has a disability and whilst public transport is a recognised trigger-environment for hate attacks against disabled people, no dedicated research existed, until now, to understand the victim experience. The key aims of this thesis are to transform academic understanding, methodology and theoretical frameworks.*

*Public transport providers have an equality duty to protect all passengers; if not undertaken, minority groups remain susceptible. This thesis explores victim experiences through in-depth, semi-structured interviews and focus groups with 56 participants. Public transport staff members were interviewed and policies explored to understand how diligently authorities, providers and staff meet their legal obligations to protect susceptible passengers as obliged by the Public Sector Equality Duty. To enable engagement with people who possess a range of physical and mental disabilities, specific ethical considerations and adaptations were employed and diverse communications facilitated.*

*Findings reveal everyday abuse, distress and violence affecting disabled passengers and fuelling aversions to using public transport often results in social isolation. Conflicts can be triggered by occupancy of priority spaces with most abuse occurring on buses. Staff members hold little awareness of the problem or confidence to manage it. Most authorities do not discharge their safeguarding obligations, consequently providers are not incentivised to safeguard. The thesis outlines the implications of these findings for scholarship and policy offering recommendations which are designed to raise awareness of the problem and improve access to justice.*

#### **Keywords:**

*Disablism; Disability hate crime; Hostility; Public transport; Abuse; Social isolation.*

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For one of my participants, now deceased, who during his honoured military career was twice-knighted, a former submarine commander and Rear Admiral. He was latterly reduced to tears after being repeatedly abused on buses – for being in a wheelchair and taking up space.

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For all the tears which I have shed and have been shed on the part of all of my courageous participants who face inhuman awfulness almost every day.

For Abi<sup>1</sup>

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<sup>1</sup> Pseudonym used.

## **Disclosure Statement**

No potential conflicts of interest are known to the author and no vested interests are reflected in this work. This work was not sponsored and is self-funded because, at the outset, the author anticipated that there would be little interest in funding such a project.

## **Dedication**

This work is dedicated to those who will hopefully enjoy a better public transport experience.

# Table of Contents

<b>Abstract</b>	<b>i</b>
<b>Acknowledgements</b>	<b>ii</b>
<b>Disclosure Statement</b>	<b>iii</b>
<b>Dedication</b>	<b>iii</b>
<b>Table of Contents</b>	<b>iv</b>
<b>List of Abbreviations</b>	<b>vii</b>
<b>Chapter One: All Aboard - Introduction</b>	<b>1</b>
The dilemma	1
Life changing impact – taking a reflective journey	1
A background of discrimination	3
How did we get here: why are we discussing disability hate crime at all?	4
Defining hate crime and public transport	7
Definitions and models of disability	9
Rationale of this research	11
Structure of this thesis	12
Summarising the Introduction	13
<b>Chapter Two: Something for the Journey – the Disability Hate Crime Landscape</b>	<b>15</b>
Chapter introduction	15
Hate crime – a foreword	15
The everyday targeting of difference	18
Disability-specific hate crime	20
Disability Hate Crime – development of a victimology	22
The impact of victimisation	27
Why target disabled people?	33
The problem of perceived ‘vulnerability’	37
Legislation and guidance for disability hate crime and equality	38
Problems with countering disability hate crime in the UK	44
The data landscape: the risk of victimisation, trends and lifestyle impact	48
Summarising Chapter Two	53
<b>Chapter Three: Read the Safety Notices - Safeguarding Passengers</b>	<b>54</b>
Chapter introduction	54

Crime on public transport	54
Understanding passenger susceptibilities to hate crime	58
Acts of hate crime on public transport	62
Safeguarding passengers: legal duties and guidance	64
Current passenger safeguarding practices in the UK	67
Police initiatives to countering hate crime	73
Summarising Chapter Three	74
<b>Chapter Four: Journey Planner - Methodology</b>	<b>76</b>
Chapter introduction	76
Research philosophy and approach	77
Data collection from Interviews	79
Data collection from focus groups	82
Participant recruitment and selection	85
Intersectionality	88
Data from public transport authorities and operators	89
Data analysis and findings	91
Ethical considerations	99
Methodological reflection	103
Summarising Chapter Four	104
<b>Chapter Five: We Always Appreciate your Feedback - Experiences of Victims and Witnesses to Disability Hate Incidents and Crimes</b>	<b>106</b>
Chapter introduction	106
Experiences of hate incidents and crimes	107
Victim responses to hate incidents and crimes	121
Staff behaviours concerning hate incidents and crimes	129
The impacts and effects of hate incidents and crimes	134
Summarising Chapter Five	140
<b>Chapter Six: Your Journey is Important to us - Current Safeguarding Approaches</b>	<b>142</b>
Chapter introduction	142
Responses from local authority and regulatory bodies	144
Situating authority and provider data: a thematic résumé	146
Summarising Chapter Six	155
<b>Chapter Seven: Making Connections – Linking Findings and Literature</b>	<b>157</b>
Chapter introduction	157
The everyday nature of abuse	158
Responding to victimisation	163
Impacts of victimisation	164
Collaborative Alienation Theory	169
Substantiation and critique of Collaborative Alienation Theory	177

Summarising Chapter Seven	178
<b>Chapter Eight: Terminus - Conclusion</b>	<b>180</b>
Chapter introduction: looking back at the journey	180
Re-examining the research approach	181
Implications for theory and knowledge	183
Implications for future research and future methods	185
Implications for Policy and Practice	189
Summarising the Conclusion	196
<b>Appendices</b>	<b>199</b>
List of Appendices	199
Appendix A: Telephone interview script and guide	200
Appendix B: Email informed consent text for telephone interviews	202
Appendix C: Informed consent form for face-to-face interviews	204
Appendix D: Public transport staff structured interview schedule	206
Appendix E: Informed consent form for focus group participants	207
Appendix F: Two-stage Test of Mental Capacity: guidance notes	209
Appendix G: Table of participant locations, associated authorities and principal service providers	212
Appendix H: Freedom of Information Act Responses from Regulatory and Local Authorities	214
<b>References</b>	<b>231</b>

## List of Abbreviations

<b>ACPO</b>	Association of Chief Police Officers	<b>DPTAC</b>	Disabled Persons Transport Advisory Committee part of the Department for Transport
<b>ASD</b>	Autistic Spectrum Disorder	<b>DRUK</b>	Disability Rights UK
<b>BTP</b>	British Transport Police	<b>E&amp;I</b>	Equality and Inclusion
<b>CARA</b>	Centre for Action on Rape and Abuse	<b>FPLD</b>	Foundation for People with Learning Difficulties
<b>CAT</b>	Collaborative Alienation Theory	<b>GTR</b>	Govia Thameslink Railway
<b>CCTV</b>	Closed-circuit Television	<b>HMICFRS</b>	Her Majesties Inspectorate of Constabulary and Fire & Rescue Services
<b>CIHT</b>	Chartered Institute for Highways and Transportation	<b>IOPC</b>	Independent Office for Police Conduct
<b>CIRS</b>	Confidential Incident Reporting System	<b>IPCC</b>	Independent Police Complaints Commission
<b>CJJI</b>	Criminal Justice Joint Inspection	<b>ITLS</b>	Inclusive Training Leaders Scheme
<b>CJS</b>	Criminal Justice System	<b>LNER</b>	London North Eastern Railway
<b>CoP</b>	College of Policing	<b>NOMS</b>	National Offender Management Service
<b>CPC</b>	Certificate of Professional Competence	<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>CPS</b>	Crown Prosecution Service	<b>ONS</b>	Office for National Statistics
<b>CSEW</b>	Crime Survey for England and Wales	<b>ORR</b>	Office for Rail and Road
<b>DAT</b>	Disability Awareness Training	<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>DDA</b>	Disability Discrimination Acts 1995/2005	<b>PSED</b>	Public Sector Equality Duty
<b>DED</b>	Disability Equality Duty	<b>PSU</b>	Police Standards Unit
<b>DET</b>	Disability Equality Training	<b>PTE</b>	Passenger Transport Executive
<b>DHC</b>	Disability Hate Crime	<b>RVAR10</b>	The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010
<b>DDPOs</b>	Deaf and Disabled Peoples Organisations	<b>TfL</b>	Transport for London



## Chapter One: All Aboard - Introduction

### The dilemma

The author met Abi during voluntary work. Abi has an autistic spectrum disorder (ASD). Asked if she had taken the bus to the library that morning Abi said:

*I don't get it any more, the schoolkids taunt me, I cry, and then they do it even more. It's easier not to use it. They make my life hell. I'm never going to get a job, a life, nothing, life's all shit. They laugh, I cry, they live, I die! (Abi<sup>2</sup>).*

The frequency with which disabled people have to suffer this abuse on public transport and the impacts of such abuse, were two of the uncertainties which inspired this research - the seeds of which were germinated by Abi's tears.

### Life changing impact – taking a reflective journey

After many months of painstakingly collecting the experiences of victims of hostility on public transport, it remains difficult for the researcher to represent the feelings of upset, fear and violation which have been uncovered. Therefore, the subsequent paragraphs epitomise the everyday impact on participants, but written in a style which raises awareness of how lives have been changed following episodes of abuse. This section asks the reader to step outside of the academic world, just temporarily, to understand the lives of the people who contributed to this study. The everyday impact of abuse on the disabled passenger aboard the bus or train perhaps goes unconsidered by most other travellers. During the course of this thesis the reader will discover the impact of that abuse. For some disabled people it is so regular, violent and abhorrent, that they are forced to consider abandoning public transport altogether – even if this means not being able to do the very things which they enjoy the most in life. The experience of this imaginary disabled public transport passenger is illustrated by using actual citations from participants to this study (the references in parentheses indicates the participant's numerical identifier).

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<sup>2</sup> Pseudonym used.

*A participant to this study with Parkinson's Disease asked the researcher to imagine already being trapped in a body which generates its own random mannerisms, that makes ticking or clucking sounds and, 'to have your body suddenly decide without warning that you are going to collapse to the floor'<sup>3</sup>. Add to this the uncertainty that today is going to be yet another one of those days when you are going to be the target for abuse; it is the usual type of abuse, the laughter and the jibes. Then sometimes it turns even nastier. 'Abusers often seem to feel resentment at my condition. Not because they are jealous of someone without bodily control, but just in case I am getting generous benefits from the state – I wish that I did'<sup>4</sup>. Consider first the short-term effects that I face: the uncertainty of being able to board the bus, the upset; the realisation that those who are there to care for me have once again joined the ranks of the abusers. Then, after all of this, you realise that the abuser has managed to incite other passengers to join-in, 'it becomes a freak show and I am the clown'<sup>4</sup>. Imagine having the indignity of soiling yourself. This is bad enough, but then somebody has to shout 'The bus smells of shit since you got in; you've got shit on your bum because you are disabled'<sup>5</sup>. People move away, others chide your misfortune. 'I want to leave the bus; in fact someone is telling the other passengers just that. They say "instead of paying them they should pay them to fuck off," and then more people laugh'<sup>6</sup>.*

*In the long-term things do not improve. 'I used to like going to my art club. I liked to draw because it gives me an identity as an artist, but now I stay-in; it's safer and less hassle'<sup>7</sup>. Another female who was doing her master's degree stopped the course after being tipped out of her wheelchair. 'Where do you go to if there is trouble, if you need safeguarding and protection? The drivers are not interested; they don't know what to do they don't seem to be trained to cope with this sort of problem'<sup>8</sup>. 'I would prefer to walk – except I can't'<sup>9</sup>.*

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<sup>3</sup> PM5: a male with Parkinson's Disease.

<sup>4</sup> PM4: a middle-aged male using sticks and a mobility scooter.

<sup>5</sup> PF5: a female with Tourette's using a wheelchair.

<sup>6</sup> PM8: an older male of Asian heritage with mobility issues.

<sup>7</sup> PM4: a middle-aged male using sticks and a mobility scooter.

<sup>8</sup> PF8: middle-aged female using power chair.

<sup>9</sup> PF10: a female wheelchair user.

## **A background of discrimination**

Discrimination against disabled people is nothing new. Evidence has grown to show that disabled people are among the most regularly victimised groups (Cameron, 2014a;b;c; Hollomotz, 2013a; Quarmby, 2008; 2013). Acts of prejudice manifesting as hate and hostility are considered routine prospects for many disabled people (Quarmby, 2008; 2013). Numerically, disabled people constitute between 19% (World Health Organisation (WHO), 2017) and 22% (Scope, 2018) of the global population. Many disabled people need special equipment, carers or specific measures to support their lifestyles. Depending on the nature of their disability, disabled people might not have access to a car and therefore may rely on public transport to facilitate their lifestyles. A 2018 Equality and Human Rights Commission (EHRC) *barometer of prejudice in the UK* asserted that 25% of its respondents had suffered hate crimes on public transport services (EHRC, 2018a). Disabled passengers share the same services as non-disabled people - but they are at higher risk of acts of intimidation, humiliation and physical harm on those services (Chakraborti, Garland and Hardy, 2014; Department for Transport (DfT), 2018a; EHRC, 2011a; Hall and Bates, 2019; Home Office, 2016; Sin, 2014).

Evidence from Freedom of Information Act (FOI) requests made by The Guardian newspaper revealed that 'discreet reports of hate crimes on public transport made through a reporting app' increased by 82% 2017-18 whilst fewer than 25% of offences result in the British Transport Police (BTP), who are responsible for policing the UK rail network, charging an offender (The Guardian, 2018). Whilst much academic research exists to theorise about human prejudice, little work has been conducted to understand how these transform into acts of hate (Hall, 2017). Furthermore, academia has thus far predominantly overlooked the specificities of hate crime on public transport in the UK (Chakraborti, 2015a; Sin, 2014), which is why this thesis will break new ground in determining the experiences of disabled people suffering these adversities. In doing so, this work additionally reveals that public transport providers, despite having a legal responsibility to do so, do little to remedy these hardships.

Hate crimes are criminal offences motivated by hostility or prejudice based on a victim's perceived difference. They are victim-led in their declaration, whereby any victim or witness can classify an offence as a hate incident or crime (College of Policing, 2014). There are five recognised hate crime strands in the UK: racial hate crime; religious hate crime; sexual orientation hate crime; transgender hate crime and disability – or disablist<sup>10</sup> – hate crime (DHC). These strands are categorisations which apply to, and are intended to give consistency across, UK police and criminal justice agencies (Home Office, 2016). Disability hate crime is seemingly the *poor relation* in both academic and UK government circles because it attracts comparatively less attention than the other strands (Chakraborti, 2015a; Chakraborti, 2018; Chaplin and Mukhopadhyay, 2018; Grattet and Jenness, 2001; Hamilton and Trickett, 2014; Roulstone, and Mason-Bish, 2013; Sin, 2015). This is despite any diminution in airing the plight of disability hate crime victims being unhelpful in a society where real world examples of hate crimes need to be brought to the fore to attract reparative interventions (Chakraborti, 2018). Between 2014/15 and 2016/17 reports of disability hate crimes to the police increased by 249% (BBC, 2018). During this period, 2015/16, the attrition rate, where reported crimes result in convictions, for disability hate crimes was substantial. Only 4% of reported hate crimes against disabled people in the UK concluded with a conviction and uplift to the offenders' sentence (Walters, Owusu-Bempah and Wiedlitzka, 2018). Despite these aspects, the UK government is suspected of taking a lower priority to tackling disability hate crime and, arguably, this is reflective of a scarcity of campaigning to reduce it (Mason-Bish, 2010).

### **How did we get here: why are we discussing disability hate crime at all?**

As hate crime scholarship moved from its nativity to adulthood in the 1990s authors began to discuss why society should not be tackling hate crime as an accepted legislative pathway. In Canada, Perry, who was to become one of the most prolific hate crime academics, discussed the power imbalances which

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<sup>10</sup> This research utilises the term disability hate crime. The term disablist hate crime implies that perpetrators have an inherent disablist prejudice. As during this research this premise is not evidenced then this study will avoid that assumption.

underlie hate crime perpetration. Perry was to develop these arguments, maintaining that hate crime is used as a tool of power across society to victimise people who, for example, were unwelcome in a certain area. These, Perry argued, can also be *signal crimes* to reinforce dominance of the established group (Perry, 2001). Conversely, Jacobs and Potter (1997) had used their academic voices to obfuscate any acceptance of hate crime and thus circumvent any protective legislation for susceptible groups. They argued that if hate crime were to be considered a distinct category then any emotion-driven action had the potential to be labelled as a hate crime. Furthermore, Jacobs and Potter thought that hate crime would be difficult to distinguish from other crime and asked why, philosophically, there should be differing types of crime seemingly based on motivations which are problematic to prove. Much of their argument made sense at a time where there was little academic work to substantiate a counter argument.

It was not until 2009 - aside from when discussing US state legislation - when Perry began to incorporate disability into her hate crime literature by referring to state use of disabled people in eugenic experiments during World War Two. Perry also wrote about the legal disparities which placed people with disabilities at a disadvantage in terms of legal recognition (Perry, 2009). Quarmby (2008) augmented the individual impact argument when she revealed the plight of the disabled citizen and the adversities which disabled people face on a daily basis. Quarmby espoused that many crimes against disabled people remained hidden and estimated that as many as 60% were potentially going unreported (2008:12). Quarmby cited the disbelief which disabled people were met with when they reported crime, instead being perceived as being *vulnerable* or incapable of producing an authentic testimony. This, Quarmby argued, steered the police and other authorities toward signalling care as the preferred option for the victim rather than the justice that it was their right to receive. Quarmby continued to reveal the discriminatory practices against disabled people, including those by the very authorities who were charged to care for them (Quarmby, 2013a). Perry and Quarmby are two examples of authors who have helped to raise the profile of disability hate crime and consequently help those without a disability to understand the everyday fortitude which is required by

disabled people to lead ordinary lives. A more detailed account of academic scholarship regarding disability hate crime is found in Chapter Two.

Notwithstanding academic sources, some statistical headlines popularised injustices against disabled victims. For example, a 2017 news item reported disability hate crime had increased by 53% in the period 2016-17, the largest recorded annual rise since records began (Home Office, 2017). Influential reports from non-governmental sources also helped to shape the recognition of disability hate crime. One of these was the Equality and Human Rights Commission's report *Hidden in Plain Sight* (EHRC, 2011a) which shone a light on levels of intimidation, humiliation and violence which were eye-opening for both non-disabled people and statutory bodies alike. This report also exemplified the barriers encountered by disabled people when attempting to report crime and the dearth of justice available to them. A new piece of legislation was coming into force at around that time, the Equality Act 2010. This subsumed, among other legislation, the Disability Discrimination Acts (DDAs) of 1995 and 2005. The Equality Act provides clear statutes seeking to prevent minority group victims from facing discrimination in all walks of life. Section 149 of the Act established the Public Sector Equality Duty (PSED) obliging all public sector agencies and any companies contracted to those agencies are responsible for setting, monitoring and reporting upon their equality objectives regularly. The Act therefore was fundamental in unifying discrimination legislation in the UK.

Public transport is recognised as being an area of criminogenesis (for examples see: Clarke and Smith, 2000; Delbosc and Currie, 2012; Newton and Ceccato, 2015). That public transport is specifically a recognised environment for the perpetration specifically of disability hate crime is documented in several places (examples being: Chakraborti *et al.*, 2014; EHRC, 2011a; Walters, Brown and Wiedlitzka, 2016). However, despite this widespread recognition, and although academic work focusing on disability hate crime exists, research specifically concerning hate crime on public transport does not (Chakraborti, 2015a). These crimes can lead to upset and fear in the short-term and a long-term loss of confidence and avoidance of public transport (EHRC, 2011a). Subsequently,

victimisation can result in social isolation, economic depravity and educational deficit (Beadle-Brown, Richardson, Guest, Malovic, Bradshaw and Himmerich, 2014). Wider ramifications of reduced public transport ridership must inevitably lead to higher environmental impact and an increased risk of damage to roads and the associated infrastructure (Vilalta, 2011).

The researcher of this study holds a passionate interest in studying this area for three reasons. First, being autistic and having been a victim of hate crime during childhood, the researcher wanted to understand the experiences of other victims. Second, the long-term consequences of the researcher's *hidden disability* provide an incentive to learn how others cope, or do not cope, with the effects of this abuse. The author has learned to cope. As an adult, having collapsed more than once whilst commuting by train the researcher is more than aware of the nuisance this presented to other passengers and the lengths they can go to in making you aware of this. The final reason for this study is that the researcher had spent 31 years working at various levels within public transport provision across the UK and is fervent in the belief that all passengers should have the best possible experience when using it. It is hoped that this research will ultimately help to achieve this. The author is now the Lead Coordinator of the Disability Hate Crime Network and gives many talks and presentations raising awareness of disability hate crime in a quest to make things better.

### **Defining hate crime and public transport**

Because this research involves a wide range of people and agencies it is prudent to observe the most widely accepted definitions of hate crime in the UK. For this thesis, the College of Policing (CoP) definition of hate incident is utilised, that is:

*Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by hostility or prejudice.*  
(College of Policing, 2014: 3-4).

By implication, a hate crime additionally involves the commissioning of a

criminal offence. This definition is favoured over others which specifically, when citing motivation, use the word *hate*. As Hall argued the words ‘prejudice, bias or hostility’ are all potentially more helpful and understandable as hate may be difficult to define or expose (Hall, 2017:168). Additionally, there was a choice as to whether the conceptual term *disablist* hate crime should be used in place of the term *disability* hate crime in this study. Disablism reflects the ethos that people hold an anti-disabled schema and therefore that the committal of a hate crime may be a manifestation of that schema (Chakraborti, 2015b). This research did not aim to explore motivations for disability hate crime on public transport. Consequently, it is not equipped to assume that offenders do, or do not, have a disablist agenda at the time of offending. For this reason, the term *disability* hate crime will be used throughout this study to reflect that offender motivation is not the focus herein.

As cited above and explored further in Chapter Three, little previous research has been conducted to ascertain the experiences of hate crime on public transport or any subsequent impact on its victims. Accordingly, there has been a scarcity of theorisation as to the experiential impact on the victims (Chakraborti, 2015b). Therefore, one goal of this research is to explore any grounded theory generated through revealed experiences. Consequently any predisposition toward, or incorporation of, previous theorisation would potentially contaminate the creation of new grounded theory. For that reason, this research did not embark from any particular theoretical perspective.

Public transport within this thesis is defined as any form of regulated, publicly-accessible, conveyance in the UK. No mode of public transport was excluded from this study. Nonetheless, buses and trams, trains, Tubes, taxis and all of the necessary interchanges, stops and stations to facilitate travel by these modes were cited by participants to this study as locations of abuse. There has been some debate among participants regarding the safety of single-person operation of public transport. Although many trains, buses and Tubes are driver-only operated, this type of operation has been in use on UK railways since 1963 and has been the focus of several positive safety reviews (BBC Online, 1963; Rail Technology Magazine, 2017a). It is noteworthy therefore that no evidence



came to light in the author's research suggesting that additional members of staff would have made a significant positive difference in any of the cited incidents.

### **Definitions and models of disability**

The very meaning of disability is a hotly contested concept. Different frameworks of ideas have been used to define it. Two of these: the medical model and the social model will be discussed here. The medical model rests upon a medical, technical or authoritative intervention and categorisation of disability (Cameron, 2014a). The medicalisation of disability aligns with the implication of *abnormality* prescribed by the World Health Organisation's, International Classification of Impairments, Disabilities and Handicaps:

*Disability: any restriction or lack (resulting from impairment) of ability to perform an activity in the manner or within the range considered normal for a human being. (World Health Organisation (WHO) 1980, cited in Barnes and Mercer 2010:20.)*

Whilst the WHO definition has softened since 2010 it remains similar in tone, asserting that disability restricts or prevents *normality*. This model characterises disability as a medical condition and the premise holds that prevention of medical conditions can be achieved with early diagnosis and/or treatment. Such treatment might include: surgery; rehabilitation or similar remedial work to re-attain the state of *normality* (Rioux, 1999). Thus to be disabled is not *normal*, having a *condition* means that something is *wrong* with you. Diagnosing this disability is a responsibility exercised by a responsible authority. Following the notification of a disability, certain benefits might be bestowed whilst social categorisation and any associated stigmatisation might also take place (Cameron, 2014a). The medical model additionally confers certain expectations on the disabled person: that they will be needy, vulnerable, frail and expecting of help. It is generally considered a misfortune to be *handicapped* (Cameron, 2014b;c). The medical model is the dominant model in Western societies and reflects the views of many non-disabled and disabled individuals as well as supportive organisations (Cameron, 2014a). Therefore the medical model is the predominantly accepted model of professional authorities and agencies and the

diagnoses and recommended treatments are conducted by fellow care professionals. For some disabled people the model is considered oppressive in that it imposes social segregation, creating barriers to participation and empowerment for the disabled person. In terms of disability hate crime, any perceived *vulnerability* can lead to being recommended for treatment and care, following reporting an offence, rather than having the complaint being used as a basis for a subsequent criminal investigation (EHRC, 2011a).

Alternatively, the social model of disability emerged in the 1970s as a result of organisations seeking social justice for disabled people (Cameron, 2014b). This model defines impairment as a condition which might potentially disrupt a person's life. Disability is defined as the term which critically refers to how society classifies people who have disabilities. In other words, the model highlights how societies are failing to respond positively to the needs of people with disabilities and its failure to empower them to lead as *normal* a life as is possible. Cameron (2014b) argued that providing a person with enhancements based on what society considers they need is not as effective as the impaired persons themselves being enabled to choose what they need to fulfil their lifestyle. Thus, the social model espouses enablement as the key to a fuller lifestyle for people with disabilities. The social model can however be criticised for its inability to deal with particularities of disabilities (Cameron, 2014b). In other words, it is ideologically a socially inclusive model, but one which fails to indicate how, in practical terms, such enablement will be given. With the diverse nature of disabilities, the supporting authorities might not be able to deliver such a particularised service – especially so in times of austerity. This study does recognise the aspirations of the social model of disability and its attraction to some disabled people. However, this study will adopt the medical model of disability. This is because it is the model adopted by professional agencies and the police – agencies essential to this research. Hence, it is more likely to be the model understood by providers of public transport. The medical model additionally inspires the definition of disability used within the Equality Act 2010 providing an important source for this thesis in driving its sampling criteria, whilst also highlighting that not all disabilities are visibly obvious:

*You are disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.*

*The effect of an impairment is long-term if:-*

- (a) it has lasted for at least 12 months,*
- (b) it is likely to last for at least 12 months, or*
- (c) it is likely to last for the rest of the life of the person affected.*

...

*(2) If an impairment ceases to have a substantial adverse effect on a person's ability to carry out normal day-to-day activities, it is to be treated as continuing to have that effect if that effect is likely to recur.*

...

*Additionally:*

*6(1) Cancer, HIV infection and multiple sclerosis are each a disability.*

...

*(Equality Act 2010: Schedule One, Part One, 2(2)).*

## **Rationale of this research**

The research aim guiding this study is to develop a nuanced understanding of how disability hate crime is experienced on public transport.

Therefore, the specific research objectives are:

- To consider the dynamics between victims, perpetrators and bystanders on public transport.
- To assess which public transport modes pose a greater risk for victims of disability hate crime.
- To explore the impacts of disability hate crime on public transport.
- To examine the ways in which public transport providers and frontline staff respond to disability hate crime on public transport.
- To use research evidence to develop a series of recommendations for policy and practice to improve responses to disability hate crime on public transport.

This research collected data from individuals via face-to-face and telephone interviews and through focus group mediation. This study will understand the

experiences, impacts and lifestyle changes which ensued from being a victim or a witness to a disability hate crime on any form of public transport in the UK. Not only were disabled people themselves asked for their experiences and views but the researcher also invited caregivers and associates of disabled people to also share their experiences. The inclusion of witnesses and associates is in alignment with College of Policing guidance which guides police officers in the UK that they should accept claims that a hate incident or crime has been committed from the victim or any witness to the incident and investigate it as such (CoP, 2014). This study additionally analyses documentary evidence from public transport authorities and providers to examine their policies, strategies and training regimes formulated to reduce the risk of hostility against disabled people. These providers and authorities have an obligation to provide a culture of equality and mutual respect on their services through the Public Sector Equality Duty.

### **Structure of this thesis**

Chapters Two and Three provide a detailed literature review of academic research allied with disability hate crime, its victims and countermeasures. In criminological terms the academic study of hate crime is a relatively new phenomenon (Chakraborti, 2015b). This review provides the opportunity to appraise key work on the hate crime topic and sets a background for the remainder of this thesis. These chapters will also analyse work focused on public transport. Aside from academic work this literature review will additionally explore equality policy from public transport authorities and operators. Subsequently, Chapter Four details the methodology employed within this research and outlines how interviewees and focus group participants were recruited, how they were protected and how interviews were planned and conducted. This chapter also describes the processes which were utilised for the purposes of transcription and analysis. Engagement with regulatory bodies and local authorities, as well as other pertinent themes including ethical considerations and the significance of maintaining trust and rapport with research participants will be explored. Innovative communications techniques were developed and these will also be discussed. Chapter Five will summarise the findings from interview and focus group data conducted with victims and

witnesses. This chapter will also discuss both the short- and long-term effects and will include both experiences and perceptions concerning the incidents themselves and continuing impacts following these offences. Extracts will be used from data to exemplify these encounters so that the reader can fully understand the experiences and feelings of the victims. Chapter Six will examine the legislation, policies and standards concerning the authorities governing public transport, determining the robustness and effectiveness of these. This chapter will examine the reporting procedures, aversion techniques, crime prevention strategies and training interventions prescribed by authorities and used by service providers. Combined with data from public transport staff, this chapter will provide a picture of the work being done to safeguard passengers on UK public transport.

Chapter Seven will offer a discussion of the findings from Chapters Five and Six. It will additionally create an opportunity to synthesise academic research from the literature review and other sources to support this discussion. At this stage this work will ask pertinent questions relating to the main themes emerging from the victim experiences of disability hate crime and how robust public transport providers and police are at responding to this crime. As this research is an exploratory study, these themes will be used to build a grounded theory. Layers of coding generating emergent themes will add a thematic framework to the experiences of victims. Collaborative Alienation Theory will be introduced and delineated within this chapter. Finally, Chapter Eight will conclude this thesis. In addition to returning to the research question, its objectives and in summary, this chapter will reflect upon the research journey and any difficulties which arose. This chapter will additionally discuss the implications to research and theory, methodologies, policy and practice. It will offer some guidance for future potential research. A full list of references can be found at the end of the main body of this thesis following Appendices which include: the Interview Guide; Interview Record and Interview Schedule used within this study.

### **Summarising the Introduction**

This chapter has taken the reader on a preparatory journey, beginning with

illustrating a typical day for a characterised disabled passenger on public transport. Next the discussions moved to discrimination and specifically hate crime with a potted history of how hate crimes began to be discussed. The rationale guiding this research was the subsequent topic and included the researcher's motivation for conducting it. Some tools for the remainder of the journey were added: namely definitions of hate crime used in this thesis, an explanation of the use of theory and a justification for the use of the medical model of disability.

To steer the reader through the remainder of this research journey it is necessary to understand the depth, availability and argument of academic work concerning disability hate crime and to provide a focus on public transport. Likewise, an awareness of policy and available victim-support literature is indispensable. The following two chapters will present a literature review which will appraise relevant academic literature and policy. The aim of the literature review is to place this work in an academic context, to find gaps in academic research and to acquaint the reader with a sample of the academic debate concerning hate crime and specifically the extent of accomplished work concerning disability hate crime on public transport.

## **Chapter Two: Something for the Journey – the Disability Hate Crime Landscape**

### **Chapter introduction**

Having introduced the research area, this chapter will illustrate key academic literature which will help to contextualise this study. The role of this thesis will subsequently be to extend that knowledge into its specified field. This literature review will consist of two chapters; this chapter will briefly introduce hate crime in general terms before moving on to targeting everyday difference and the individualistic nature of hate crime. The chapter then progresses swiftly on to the nuances of disability hate crime specifically. An outline of equality legislation related directly to disability hate crime is offered before UK hate crime data is used to reveal the scale and increasing trend of victimisation. In Chapter Three the emphasis moves from hate crime to the specific research setting of public transport. Crime in that location is discussed in generalist terms before narrowing the focus to hate crime. Duties to safeguard the passenger, citing both academic literature and existing policies of authorities and providers will subsequently be discussed. The aim of these chapters is to take the reader on a journey from the emergence of disability hate crime scholarship through to the actions of safeguarding passengers who use public transport.

### **Hate crime – a foreword**

Hate is potentially an emotive word. The Oxford Dictionaries define hate as 'an intense dislike' which can lead to 'hostile actions motivated by intense dislike or prejudice' (Oxford Dictionaries, 2017: online). The study of hate crime is relatively new to criminology having its roots in the 1960s when it began to shape academic thought concerning targeted hostility toward susceptible people and groups (Hall, 2013). The discipline has grown in stature incorporating debates around immigration, human rights and multiculturalism whilst becoming established in academia (Chakraborti and Garland, 2015). This thesis does however recognise that contestation and scepticism regarding the concept of hate crime exists both generally and academically (for example, see: Jacobs and Potter, 1998: *inter alia*). The term *hate crime* is documented as initially being used in the sponsorship of a bill in the US House of

Representatives during 1985 - the Hate Crime Statistics Act (Jacobs and Potter, 1998). Latterly, its original European use is accorded to the OSCE (Organization for Security and Co-operation in Europe) in 2003 (Office for Democratic Institutions and Human Rights (ODIHR), 2013).

Hate crime can be conceptualised as acts of: bullying; hostility; abuse and violence against persons with a perceived difference. Such acts might involve one group wielding power over another; illustrated, for example, by racist crimes perpetrated by far right groups. In establishing an academic definition recognising hegemonic power, Perry's framework offers clarity in this respect; Perry argued that hate crime is:

*[U]sually directed towards already stigmatised and marginalised groups. As such it is a mechanism of power and oppression, intended to reaffirm the precarious hierarchies that characterise a social order. (Perry, 2010:10.)*

In asserting this, Perry claims that hate crime acts to create and maintain boundaries between the perceived superiority of the perpetrators against their subordinated victims. An example of this is the devaluation and dehumanisation of Goths and similar, *othered*, subcultures by those seeing themselves as superior (Garland and Hodgkinson, 2014). Perry (2010) asserts therefore, that hate is a tool of power applying manipulative practices against others. As an example of this, gang members who are resident in an area could use abuse or violence against those who have just settled there thus maintaining an alienated status against new arrivals and supposedly protecting *their turf* (see also: Chakraborti and Garland, 2015). Perry additionally argued that these crimes can be seen as message, or signal, crimes. When such a crime is committed it effectively signifies that power wrests in the superiority of the perpetrators. These tactics can thereby instil fear in the minds of prospective future victims with the potential to make them more subordinate. Chakraborti and Garland (2015) however argued that whilst Perry's research contributed much to the academic debate Perry's work did require expansion to move it beyond the group power dynamic to reveal wider examples of social bias.



Alternatively, Jacobs and Potter (1997) argued that hate crime itself is not worthy of an individualistic social focus and that prejudice is an understandable human trait. This trait could manifest itself in emotional 'overspills' where the offender might exploit their perceived difference between humans as a tool through which they release their anger (1997:21). Furthermore, Jacobs and Potter proclaim that some hostile acts, for example a racial attack, could be a consequence of economic or social repression undergone by the offender. Moreover, they additionally argue that any increased victim impact from hate offences would be difficult to determine as any direct comparison between hate victims and victims of non-hate crime would be problematic to evaluate.

In agreement with Jacobs and Potter, the difficulty of hate crime differentiation is important to signify. Gerstenfeld asserted that the difficulties of: identifying the crime; the motivation and finding expedient reporting avenues all contribute to under-reporting and consequently a repressed awareness of hate crime (Gerstenfeld, 1992). Hate crime is certainly a complex phenomenon (Hall, 2017) and under-reporting of hate crime continues to manifest itself and reflects the poor confidence that victims have in reporting systems (Paterson, Walters, Brown and Fearn, 2018). Yet Jacobs and Potter wrote from an ideological perspective and without seeking primary data from hate victims. Their aim to disaffect any move toward the recognition of hate crime because of a difficulty to delineate or due to bureaucratic complexity is invalid. The amplified harm to victims is tangible and therefore worth emphasising (examples can be found in: Iganski, 2008a; Quarmby, 2008; 2013a; Yeung, 2018). Whether impact can be compared or not may be a moot point, but arguably to a victim that impact is real; and understanding the nature of that impact is central to this thesis.

Conversely, Mason-Bish recognised that susceptible groups have been overlooked where justice is concerned and argued that the recognition of specific groups to be viewed as worthy of protection from hate crime has been guided by identity politics. Politicians seeking popular crusades and campaign groups seeking notoriety have helped to funnel debate and establish hierarchies of hate crimes (Mason-Bish, 2010). Mason-Bish asserted that examinations of multiple strands of hate have not been understood equally, but instead certain

victim groups have been favoured for protective attention. Dependent upon the historical timeframe some groups have been demonised, for example street beggars, whilst other groups have alternatively been singled out for protection, transgender people being one example. Mason-Bish further argued that silos of attention, focusing on individual victimology have been created. Subsequently legislation has been developed and this has led to the piecemeal expansion of new laws to protect emphasised groups (Mason-Bish, 2015). This piecemeal expansion may be a factor in disability hate crime not being as recognised as it should be (Chakraborti, 2015).

### **The everyday targeting of difference**

Chakraborti and Garland (2015) argued that there exist ordinary, everyday incidents of targeted victimisation and oppression which are additionally not directly linkable to established group or subcultural practices (see also: Craig, 2002; Iganski, 2008b) an example of which occurred in Leicestershire during 2007. This relates to the tragic case of Fiona Pilkington and Fiona's family of two disabled children, a case which was to become pivotal in raising the profile of disability hate crime (Chakraborti and Garland, 2012). The family had suffered repeated abuse at the hands of local youths which ultimately provoked the suicide of Fiona and death of her daughter Frankie. Their social isolation was found to be a factor in their continuing abuse, alongside the manifold failings of Leicestershire Constabulary to professionally investigate these offences (Independent Police Complaints Commission (IPCC), 2011).<sup>11</sup> It was their isolation and susceptibility which placed them at a higher risk of becoming targets. Chakraborti and Garland (2012) espouse that in such cases a susceptibility-based approach to analysing hate crime is necessary because it:

*[A]cknowledges the heightened level of risk posed to certain groups or individuals that can arise through a complex interplay of different factors, including hate, prejudice, hostility, unfamiliarity, discomfort or simply opportunism or convenience. (Chakraborti and Garland, 2012:506.)*

This discussion illustrates that personal exposure, among other risk factors,

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<sup>11</sup> Renamed the Independent Office for Police Conduct (IOPC), 08/01/2018.

needs to be exposed by academic understandings and assuaged by legislative frameworks to fully address the gamut of hate crime perpetration. Hence, to fully understand the extent of hate crime, criminologists and criminal justice professionals need to appreciate the social and geographic complexities combined with personal identity itself which can leave individuals, as well as groups and subcultures, susceptible to hate crimes. Hate generation therefore is not as simplistic as one group *versus* another or hatred created through wider prejudice. It is *difference* itself as a concept which may unlock an understanding of hate crime. An anecdotal example can be provided by the author of this research who was regularly the victim of hate crime during school years, although hate crime was not an accepted concept at that time. This hostility resulted in a near-fatal outcome. The bullying was conducted by assailants of the same age, race and culture as the author and was instigated because the author was autistic and wore spectacles. Potentially the author may not have been a victim if an alternative viable victim had been identified by the abusers. This individual anecdotal experience demonstrates the need to understand and address personal risk factors. Criminology therefore needs to fully appreciate hate crime by being clear about 'offences directed towards or motivated by individual strands of a person's identity' (Chakraborti and Garland, 2012:509).

Walklate (2011) presents an argument regarding everyday victimisation which moves away from a broad analysis of individuals or recognised groups to emphasise hostility toward alternative groups. Walklate's concept is in keeping with Chakraborti and Garland's (2015) assertion that a potential change of thinking regarding hate crime is needed. Indeed, Walklate's concept of *targeted victimisation* broadens academic thinking to attacks on alternative lifestyle groups, examples of which are beggars and rough sleepers (Mason-Bish, 2010). The *hidden* crimes of elder abuse and domestic violence are also brought within the scope of hate crime analysis. It is important, Walklate argued, that alternative lifestyle hate crimes need highlighting within the UK legislature to attract enhanced sanctions through the criminal justice system (CJS) (Walklate, 2011). Seemingly however, without support by campaign groups or from politicians there remains little chance of under-represented victims becoming recognised and thus protected thus making justice more difficult to

achieve (Mason-Bish, 2010). Walklate's approach is an interesting one which shines a light on eclectic victim groups.

### **Disability-specific hate crime**

Historically, it was not unusual for the disabled to suffer from hate crime, some of which were state-instigated. For example, lame (*sic*) people, were dunked by Matthew Hopkins in the 1640s as *witches*, widespread abuse and torture was undertaken in the *Bedlam*<sup>12</sup> hospital in the late-15<sup>th</sup> Century. Victorian *freak shows* brandished disabled people to be gazed upon and the Holocaust brought eugenic experiments and exterminations (Quarmby, 2013a). In other words, those appearing to be anything but *normal* were seen as legitimate targets for state or commercial exploitation. In current terminology disabilities might include: mental; physical; impaired communication; disfigurement, memory loss and a range of learning or physical disabilities. Some originate from birth, others are acquired. Some are visible, others not (Chakraborti *et al.*, 2014). Disabled people may be readily apparent in the public transport setting because of their limited mobility, mannerisms or obvious physical differences. Consequently they may experience hate crime because of this susceptibility.

To provide a chronological, developmental context, in one of Perry's earlier works (2001), disability was only mentioned twice and both of these references were in relation to federal law changes in the US. However, in later work Perry began to recognise the need for disability to be discussed in relation to hate crime (Perry, 2009). Perry cited the eugenic experiments of World War Two where disabled people were experimental fodder toward achieving a hypothetical Arian racial advancement. Perry also recognised that disabled victims suffered greater impact because of their isolation and personal reliance on friends, family and caregivers. Difficulties of reporting and confidence in law enforcement were further relevant issues discussed by Perry (2009). Conversely though, whilst it may have been important for academics like Perry to join the disability hate crime debate in recognising the potential for group animus against the disabled, Perry did little to reveal the nuances of disablist

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<sup>12</sup> Colloquialism for Bethlem Royal Hospital or St. Mary Bethlehem Hospital.

attitudes. Instead, Perry's work focused on hierarchies of power and how these are used against hate crime victims on an individual or group basis. Whilst this illustration of hierarchy is informative, in making it Perry neglects the blurring of boundaries which exist between victim groups. These intersectionalities, for example, being both gay and disabled are often not discussed (Chakraborti, 2015b; Mason-Bish, 2015). The ordinariness of everyday occurrences of hate crime representing continuous low-level abuse impacting on the victim were also not included in Perry's vocabulary. Moreover, any individual susceptibility which has the potential to blight the lives of disabled victims was not discussed and is still not today (Mason-Bish, 2010; Walklate, 2011). In other words, Perry's authorship was positive in recognising the plight of disabled people and opening a debate – but was prescriptive in funnelling academic study away from the nuances of disabled hate victimology for years to come.

Quarmby (2008) recognised both the prevalence and the invisibility of disability hate crime in UK society. Quarmby estimated that 60% of this crime went unreported (2008:12). Quarmby asserted that reporting processes were cumbersome with victims possessing little confidence in the police to process their reports with either sufficient gravity or alacrity. Quarmby also questioned the terminology used in hate crime discourse. Examples include judges finding attacks on disabled people 'motiveless' (2008:15; see also: Hamilton and Trickett, 2014) and the use of the words 'vulnerable' and 'bullying' which tend to put the onus for the crime onto the victim rather than recognising the role of the offender (2008:32,37). Moreover, Quarmby urged that the word *hate* is used more sparingly in relation to these crimes. Quarmby argued that people who are already feeling isolated and without friendships might feel emotionally assailed if they also perceived being *hated* by others. Quarmby called for greater recognition of disability hate crime and the appropriate sentencing of offenders. These recommendations were latterly adopted in ground-breaking reports (one example being, EHRC, 2011a: *inter alia*). Quarmby's research was written from a perspective of the oppression of disabled people and included much primary research shining a light on the experiences of victims. Together with Quarmby's later work detailing how society was failing disabled people (Quarmby, 2013a) she has necessarily brought disability hate crime awareness to a higher level.

One perspective which may help to understand disability hate crime victimology can be found in the mental health context from a study by Clement, Brohan, Sayce, Pool, and Thornicroft (2011) drawing on Thornicroft, Brohan, Rose, Sartorius, Leese, and the INDIGO Study Group (2009). They found that 26% of 732 schizophrenic respondents to their study reported suffering from discrimination and that any threat of victimisation was exacerbated by intersectionalities of gender identity or ethnicity. Many victims with mental health issues fear being a victim of reprisals if they were to report an incident. One further complexity is that many people with mental health issues do not wish to be identified as such thus hopefully avoiding consequent stigmatisation. They may therefore not wish to declare this when reporting an incident. Social isolation is a fear borne by some people with mental health conditions. Indeed, the use of the term *hate crime* has itself been found to make some victims feel alienated. They have already become a victim, but to believe that this crime was committed by someone who potentially directs *hate* towards them compounds their unsettled state (Clement *et al.*, 2011; see also: Quarmby, 2008). This study adds much value in that it reveals mental health issues associated intersectionalities and fear in what is seemingly a misunderstood area.

### **Disability Hate Crime – development of a victimology**

From 2009 a flurry of reports and action plans began to emerge in the UK shining a light on disability hate crime victims. In 2009 the Equality and Human Rights Commission (EHRC) published its report into Disabled People's Experiences of Targeted Violence *and Hostility* (EHRC, 2009). This report recognised the many impacts that hate crime could have on disabled people. The report espoused that it preferred the term *targeted violence and hostility* as the term *hate crime* was, it asserts, somewhat limiting. The report indicated that hotspots of hostility were centred on social housing, public transport and educational institutions. It focused its first research phase on a literature review. This informed a second phase of interviews with stakeholders and 30 people with learning disabilities and mental illnesses. In doing so it arguably formed a bridge between academia and the experiences of disabled people who had been victims of hostility. Whilst the report did not seek evidence from victims or

witnesses of hostility directly, it did raise the profile of impacts of hostility, the problems with reporting incidents and an absence of trust in third party reporting. The Appendix within the report typified the hostility faced by participants but did not seek to explore those incidents or their longer-term effects. The report did however recognise that social isolation could result from victimisation and it did give the EHRC a foothold in disability hate crime involvement.

The follow-up EHRC report was arguably ground-breaking (EHRC, 2011a). This was an altogether more ambitious document. It was timely in its incorporation of the then recent Equality Act 2010. One of the consequences of following this statute was that the report could inform the public about the Public Sector Equality Duty which was introduced in section 149 of the Act. The PSED, surpassing the earlier Disability Equality Duty (DED), gave direction as to how the Act was to be interpreted for those delivering a public service – a factor which is directly relevant to public transport provision. The PSED is monitored and enforced by the EHRC and this governance will be assessed in more detail in Chapter Seven. The report emphasises the fear and loss of confidence which frequently results from hostility toward disabled people (EHRC, 2011a). It espoused that staff in the public sector did little to help victims or witnesses of these crimes and that any reports had little chance of being taken seriously. The document went on to make a series of recommendations which included adoption of the PSED across the public sector, establishment of anti-hate crime policies by public service agencies and companies and integration of third party reporting. One drawback of this report is that despite various inputs from *experts*, its main evidence base involved just ten case studies, 12 focus groups and only 16 face-to-face interviews with victims. This scarcity of primary data somewhat devalues the gravity of its findings and recommendations for a report which was published to inspire change on a national scale. However, it remains an influential report which has raised awareness and recommended much positive and progressive change in the ways that disabled crime victims are treated. The effectiveness of this and similar reports will be examined below.

Two further major research studies provided insight into the lives of disabled

peoples' victimisation. The first was undertaken by Chakraborti (*et al.* 2014) and the second, the Scope report, (Aiden and McCarthy, 2014). The former encompassed a robust, wide-ranging study, of which the disability hate crime element interviewed 134 disabled participants from an overall participant pool of 271 (Chakraborti *et al.*, 2014:4). This study found that 90% of disabled participants had suffered verbal abuse and 92% harassment (2014:8). Moreover, nearly all of the participants had an ongoing concern that they would continue to be abused. The study also revealed that 55% felt depressed as a result of their victimisation, 67% felt susceptible and 27% had considered suicide (2014:11). Specifically relevant to this study is that 37% of abusive incidents occurred in public (2014:8). Concerning the perpetrators, 41% were known to the victim, 75% included more than one offender with 72% of offenders being under the age of 30. Of these perpetrators, 64% were white – the majority males (2014:10). The applicability of this report is that it reveals the scale of the victimisation and the depth of impact suffered by the victims. This report moved-on from the quantitative focus of earlier reports to directly reveal the experiences and personal impacts of victimisation. So informative was this project that it was cited in the UK government's *Action against Hate: the UK Government's Plan for Tackling Hate Crime* as a blueprint for future action to help tackle hate crime (Home Office, 2016).

The report by Scope is different in that it measured attitudes held by the public toward disabled people (Aiden and McCarthy, 2014). The robust research behind the report comprised of 10 focus groups and 30 interviews plus an online survey and relevant questions embedded in 371 household doorstep interviews conducted by market researchers. The report disclosed that only 28% of British, non-disabled people felt that disabled people suffered prejudice. Furthermore, many claimed to be more comfortable around disabled people with sensory or physical disabilities than with mental health issues, although 27% of the participants stated that they rarely come into contact with a disabled person anyway. Disabled participants totalling 29% of the cohort reported that they would like to see more understanding in the attitudes of the general public. Perhaps unsurprisingly, 23% of disabled participants would like to see an improvement in the attitudes of health and local authority staff – the



professionals with whom they have much contact. This report adds value in that it focuses on attitudes between the public and disabled people. This implied that the attitudes of those in authority who would be positioned to receive complaints from the victim may also be prone to these attitudes. A broad understanding of attitudes is helpful in any investigation of public behaviour.

A report authored by Beadle-Brown (*et al.*, 2014) and a related academic piece (Richardson, Beadle-Brown, Bradshaw, Guest, Malovic, and Himmerich, 2016), revealed the quantity and variety of victimisation suffered by people with autism and their caregivers, family and friends. Police officers were also interviewed regarding their involvement with victims. The robustness of this study lies in the size of its cohort. Aside from focus groups, a postal survey of 703 questionnaires was used with 255 responses included in the analysis. Data disclosing the impact on caregivers will be analysed below, but the disabled participants revealed that: fraud; bullying; physical violence; sexual harassment and false arrest were experienced.

The main perpetrators were male teenagers. The impact of these forms of abuse resulted in some disabled people not wanting to go out of their homes and losing confidence to do things which most people would consider commonplace, such as using public transport. Participants voiced frustration at established reporting processes and found them overwhelming. Police officers, who were also interviewed, mainly shared these frustrations and advocated that they often felt unprepared for reports from disabled people and have regularly found communications difficult. Some officers also stated that they had not received training to manage people with disabilities. This report is in accord with a large scale report into the hate crime training used by Nottinghamshire Police (Trickett and Hamilton, 2016). This report found that police officers perceived that disability hate crime remained on the periphery of hate crime acts and was less well reported. Therefore this crime was considered somewhat unique and officers were consequently not experienced at dealing with it. One criticism of the Beadle-Brown (*et al.*, 2014) study, however, is that autism covers a wide spectrum of disorders with varying symptoms and presentations (National Autistic Society, 2017). This report deals with autism holistically, without

referring to subtle differences in presentation or how the victims perceive the world differently. Any holistic understanding might not allow for flexibility when considering victim individualities. Arguably, one factor which stymies the emancipation of disabled people is the notion that they are homogenous.

Hamilton and Trickett (2014), extolled the benefit of the positive publicity produced toward people with disabilities which stemmed from the 2012 London Paralympics. However, they noted that this event set to one side the commonplace and continuing discrimination and hostility faced by many disabled people. On top of these discriminations disabled people also continue to be let down by the attitudes of the police and other professional agencies when it comes to reporting such matters, Hamilton and Trickett argue, agencies which exist to provide help to all citizens. An important element of the Hamilton and Trickett chapter is the reference to 'friendship vacuums' (2014:208). Disabled people are more likely not to develop friendships and acquaintances because of the aloofness shown to them by people non-disabled people. The relative isolation which disabled people also face is a contributory factor (EHRC, 2011a). These vacuums determine that disabled people are more prone to *mate crime*, where fake friendships are initiated by nefarious people to usurp the disabled person by, for example, stealing their benefits or taking over their place of residence.

Hamilton and Trickett also assert the distinct lack of evidence regarding the motivation of perpetrators of disability hate crimes (p.211). This factor, they argue, means that the incentive behind such crimes remains overlooked by academia and generally this restricts the discussion of the issue. This academic deficit also transposes into a tendency to use data from non-disabled victims in place of the missing data, which clearly will result in an inaccurate picture of disability hate crime. Having said this, Hamilton and Trickett do relate known theories of general crime perpetration to disability hate crime. They provide references toward the derogatory remarks which are routinely aimed at disabled people, much evidence of which will be found in Chapter Five of this study.

Through their work with Nottinghamshire Primary Care Trust<sup>13</sup> they boldly attempted to ascertain why people are motivated to be hostile toward disabled people. Although not completed, their study did produce some useful case files which indicate failings in both police dealings with hate crime reports and those of the CPS. These files also illustrated some of the type of attacks, assaults and difficulties faced by some disabled people. In a vacuum of work of this nature, this was a refreshing academic contribution. The authors latterly produced a report concerning the training of Nottinghamshire police concerning hate crime (Trickett and Hamilton, 2014) which added much to the landscape of disability hate crime.

### **The impact of victimisation**

It has long been recognised that hate crime produces more harm and is more impactful compared with other crimes. The effects of hate crimes can result in fear, social isolation and long-term psychological issues (Iganski and Lagou, 2015; Paterson, Brown, and Walters, 2018). Iganski and Lagou conducted secondary research by reviewing Crime Survey for England and Wales (CSEW) results from 46,000 respondents spanning two sweeps of data encompassing 2009-12. Their aim was to ascertain the effects of disability hate crime victimisation. Of the 34,440 crimes that were reported to the surveyors, 2.8% were deemed to have been hate crimes. Of all crimes motivated by the offenders' attitude towards the victim's identity, those with a disability constituted 63% of household crime victims and 51% of personal crime victims. These constitute the majority of household and personal crimes reported (Iganski and Lagou, 2015:37). Although statistically these victims were less likely to report having incurred a physical injury during the crime, they additionally voiced a higher propensity to be emotionally effected by the event. Of the sample, 93% of disabled people reported a negative emotional reaction to victimisation versus 84% of non-disabled people. Iganski and Lagou argued that 41% of hate crime victims are more likely to be 'very much' emotionally affected by hate crime in the long-term than a comparative 18% of victims suffering non-hate crimes (2015:41). The inference, from this large sample from a nationally

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<sup>13</sup> Now re-organised.

recognised survey, is that disabled hate crime victims are far more likely to incur from extreme emotional upset and for longer. Moreover, the effects of being a victim also manifest themselves in ways which restrict the victims' quality of life. Respondents additionally reported being too embarrassed to reveal their plight, not wanting to report the events and staying at home where they felt they were safe (*ibid*, 2015). In some extreme cases, the victim took the extreme step of moving home to avoid further victimisation (2015:43). Although primary evidence was not used in this study, data was drawn from an established and reliable source of primary victim-based data. The far reaching effects of hate crimes being signal crimes resulting in fear spreading through the community are also documented within this research (see also: Paterson *et al.*, 2018). Researchers without the resources to conduct widespread surveys can glean much from reliable, empirical data like these. This extraction was valuable in revealing emotional, post-victimisation, upset.

One of the outcomes of disability, social exclusion and being less confident in society, is loneliness. Macdonald, Deacon, Nixon, Akintola, Gillingham, Kent, Ellis, Mathews, Ismail, Sullivan, Dore, and Highmore (2018) conducted research among 650 people in Sunderland, of whom 250 were disabled. Their aim was to establish if disabled people were more susceptible to loneliness - which they defined as a lack of social networks or friends with whom they interrelated. They found that 25% of people with physical disabilities considered themselves as lonely, a figure which increased to 54% for those with learning difficulties (2018:14). Of the sample of disabled people, 71% wanted more contact with others *verses* 46% of non-disabled people. Disabled people were more likely to be single or to have never cohabited (28%), 57% complained of low self-esteem and lacking confidence and, of this group, 71% felt socially excluded. This research is directly relevant to this study as people with disabilities have an increased need to use public transport (see also: European Parliament, 2015).

Studies tracing the health trajectories of disabled people who have been victims of hate crime are comparatively rare. One study by Warner and Brown (2011) gives some indication of the health trajectories of disabled people and, in doing so, introduces their intersectionalities as another variable for analysis. This

study reviewed secondary data drawn from a government sponsored national study, the 2011 US Health and Retirement Study. The aim of the research was to examine health and longevity against the ethnicity and gender intersectionalities of disabled people. The researchers found that those disabled, non-white, people had both a shorter life expectancy and an accelerated decline in their health standards as life progressed. The largest disparity involved black and Mexican females. This group showed an accelerated decline against both white and black male groups of disabled people. The propensity for disabled people to suffer restricted access to health treatment and welfare benefit is well-established (European Parliament, 2015). When combined with intersectionalities of a minority ethnic background or a gender disadvantage, disabled people are impacted on a greater scale (Bones, 2013). Warner and Brown (2011) speculate that this could be due to having a poorer socio-economic background but do accept that the actual casualty remains unknown. These findings imply that although disabled people are already at a social disadvantage, those possessing other intersectionalities, for example, being gay or being non-white can suffer accelerated life deterioration. Although the evidence for this article was extracted from a national survey and causation of the acceleration of life deterioration is not directly determined. This factor is however worthy of consideration for any study of disabled people who are victims of hate crime, in that life chances may be even more limited for people typified in two, or more, of the recognised hate crime strands.

Mind, the UK charity concerned with mental illness, produced a key report exposing the effects of being a victim of disability hate crime. It was entitled *Another Assault: Mind's Campaign for Equal Access to Justice for People with Mental Health Problems* (Mind, 2007). It left little doubt regarding the ongoing impact of any continued victimisation. The Mind report cites examples of short-term impacts: being abused; spat at; being followed or bullied; sexually harassed or the victim of pranks (2007:6). In alignment with other studies, the Mind report found that these incidents unswervingly continued to be practiced (examples being: Beadle-Brown *et al.*, 2014; Chakraborti *et al.*, 2014; EHRC 2011a; Richardson, *et al.*, 2016). The report found that the psychological damage subsequently caused by continuing to be a victim of hate crime is

compounded by the psychological pressures felt when having to coerce oneself through the reporting process as this extract typifies:

*... it appears that many people we consulted concluded that the anticipated harm of going through the process outweighed the potential benefits of ensuring that justice is done. (Mind, 2007:10.)*

Other impacts on a disabled victim who chooses to report the issue include the ongoing fear of reprisal from the perpetrator and the mental distress of their complaint waiting to be considered, or even believed, by representatives of the criminal justice system; a factor which the Crown Prosecution service (CPS) is aware of (CPS, 2019). Also cited in the Mind report was the fear that miscommunication between the complainant and the authorities could result in having mental health legislation being erroneously used against the reporter themselves, ultimately with a potential that they might lose their liberty (2007:18). The Mind report further revealed that 71% of respondents had been abused in the year prior to publication (2007:4). These data are broadly similar to that of Chakraborti (*et al.*, 2014) and Bones (2013). The latter, also asserted that females are at greater risk of continuing victimisation as they may be less able to physically deter an attacker. Although it is now some years since its publication, the Mind research was one of a raft of reports which helped to focus a spotlight on disability hate crime. One criticism is that although many data are utilised the final sample size is unknown. It did however bring together empirical data with life experiences in a powerful form. It remains one of the key studies referring to mental health and the impact of hate crime.

Quarmby (2008) went into considerable experiential detail through detailed case studies which exemplified continuing impacts of being a victim of disability hate crime. Examples of ongoing victimisation included the existence of video footage taken by the perpetrator which has the potential to timelessly reappear on social media; a threat that remains an ongoing concern for the victim or their associates. Quarmby exemplifies ongoing psychological disturbance which begins with the perpetration of the hate crime and does not dissipate but continues to blight the lives of those affected. This ongoing impact is suffered at closer personal quarters if the perpetrator is a caregiver, friend or family

member. The perpetrator may be someone who is relied upon to collect benefits, conduct physical work or to clean and dress the victim. Often authorities who are there to support the disabled are unsympathetic. As one victim in Quarmby's study voiced:

*... One woman said: "I have been stolen from and abused by my care workers and then there was a huge argument with social services and the housing people because they refused to believe it or even investigate it. They were just on the care workers' side". (Quarmby, 2008:24.)*

Any continuing impact is not restricted to the primary victim. Associates of the victim whether they be caregivers, family members, friends or chaperones can be secondary victims in a ripple-effect of abuse and thereby they become fellow sufferers to the plight of the disabled person. The report by Beadle-Brown (*et al.*, 2014) and the associated academic piece (Richardson *et al.*, 2016) portray the impacts of hate crime for secondary victims. Having to watch while their loved ones or clients are being harangued and insulted is distressing in itself. They themselves then fear going out with the disabled person in case they then become the primary victim of hate abuse. Some caregivers also report that the disabled person, if they have learning difficulties, might lash-out as a result of emotional disturbance caused following an episode of abuse or hostility (Beadle-Brown *et al.*, 2014:30). Caregivers participating in this wide-ranging survey reported that society seemed to care little for disabled people or for the abuses which they suffer from. Family caregivers may undergo augmented strain because they are closer to the disabled person and have nowhere to escape to for respite and recovery (Richardson, *et al.*, 2016:80). Police officers were interviewed within this research. They depicted the emotional upset which affects them in their work with disabled people and the restricted nature of their powers. Communications barriers are also mentioned as being problematic and some officers' voiced the dearth of training offered to cope with disability. This report is powerful exposure of widening victimisation. This broadly conducted research makes it a robust and supportive tool in the understanding of ongoing victimisation and the associated impact.

The resilience which victims may require to live as normal a life as is possible is discussed by Walklate (2011). Walklate argued that unwanted label of *vulnerability* ascribed to the victim means that their condition can be seen as central to them being a victim. This attribution requires a more robust level of resilience. Utilising Christie's (1986) Ideal Victim Theory, Walklate asserted that some victims are seen to deserve being labelled with vulnerability because of their status. Disabled people might, for example, be seen as being *acceptably vulnerable*. In other words they might be seen to deserve their victimisation. Furthermore, evidence from the Disability Rights Commission (2006) and Sin (2013) suggests that 'diagnostic shadowing', whereby focus on a person's disability overshadows the significance of any crime committed could occur. This might result in a victim being sent toward welfare support rather than a justice solution (Sin, 2013:150).

Whether, or not, *vulnerability* can be attributed to a victim, Walklate asserted that the victim needs to acquire tools of resilience to use on an everyday basis to cope with life and overcome these problems and perceptions. This is not surrendering to their susceptibility, but developing robustness and perhaps providing confidence to seek justice. Victims may receive help to overcome their predicament or pity from well-meaning others or from those who sympathise. But despite this well-meaning, victims 'must be sensitive to its drawbacks as well as its strengths' (Walklate, 2011:190). Walklate argued that in the face of this help victims are susceptible to losing their own skills of coping which are so necessary to enable confidence in everyday life. Walklate asserted that the development of a resilience skill is necessary just to bring the disabled victim to the equivalent level of confidence as a non-disabled person. That skill may be innate or taught through counselling or acquired by other means. Disabled users of public transport who were crime victims are already at a disadvantage in their lowered confidence or self-esteem (Delbosc and Currie, 2011). Therefore, these skills could be important to have the confidence for continued use of public services and therefore to minimise social isolation (see also: EHRC, 2011).



### **Why target disabled people?**

As to why disabled people are targets of hostility, this question may be addressed by Iganski's (2008a;b) broader theorisation regarding hate crime. Iganski draws on Felson's (2002) Routine Activity Theory, stating that hate crime has little to do with a *hate* motivation *per se* (see also: Bones, 2013). Instead, a risk-based decision is taken by the perpetrator to use an opening to commit a crime; this, whilst the capable guardianship of the victim is perceived to be depleted. In other words, they attack the victim while they have an opportunity to do so. Iganski argued that these crimes are, in the main, everyday enactments of socially accumulated normality. For the perpetrators, Iganski asserted, it is feasibly quite *socially acceptable* to abuse people because of their difference (see also: Chakraborti and Garland, 2012). Iganski asserted that these actions may have been internalised from parents, peers or from society more generally (2008b). In common with Perry (2001), Iganski (2008b) argues that perpetrators are maintaining their difference from the victim in an act of hierarchical supremacy. Nevertheless, Iganski's analysis is problematic. If this is routine as Iganski claims then why does it not happen all of the time? Why do more potential perpetrators not conduct attacks as *routine activities*? Furthermore, Iganski fails to explain why some hate crime might actually be perpetrated because of hate or prejudice. Iganski's is an interesting view, but not one which offers a consistently generalizable solution as to motivation.

In general agreement however as to the opportunistic nature of hate crime, Hall (2018) uses illustrations of race-related hate crime to draw conclusions about disability hate crime. This, he argued, is due to the scarcity of hate crime research focusing specifically on disability within both criminology and geography. Hall, as a geographer, is interested in the places where hate crimes occur. Hall found the local and micro-level examinations of social contexts were revealing for the examination of hate crime. Hall argued that demonstrations of violence are extensions of the everyday discriminatory feelings which people harbour against disabled people. Hall asserted that any attacks are random and chance encounters are where this discrimination overflows. Hall adds, by using comparisons with hate studies concerning racial discrimination, that these

attacks have a higher likelihood of occurring in deprived areas. Whilst Hall's work adds spatial examination to the hate crime landscape his work offers no primary evidence to underpin his argument.

Hollomotz (2013a), in offering an analysis of why disabled people are victims of hate crimes, emphasises the perceived susceptibility of disabled people (see also: Perry, 2001). Hollomotz argued that the labelling of disabled people as *vulnerable* can encourage a potential perpetrator to exploit a perception of superiority over the victim (see also: Iganski, 2008b). The disabled person will be perceived to be less likely to form friendships and also more likely to rely on others for support and these attributes might encourage offending. Moreover, the disabled person may be unlikely or unable to chase the offender or to report the incident and these compound the perpetrators' perceived potential for a successful act of abuse. In common with Iganski's (2008b) use of Felson's (2002) Routine Activity Theory, opportunities for attack may be taken if success is considered achievable and capable guardianship on the part of the victim is believed to be depleted.

Furthermore, Hollomotz asserted that when abuse is conducted in public it is not unusual that: 'good citizens stand-by passively' and decline to help the disabled victim (Hollomotz, 2013a:487; see also: Reynald, 2010). Sexual abuse is also more likely to be directed towards disabled people. Hollomotz argued because of a lowered ability for disabled people to defend themselves or their reluctance to report the issue. Hollomotz sees these factors as exemplars of the uneven power relationship between the perpetrator and the victim. Hollomotz asserted that the value of the disabled person is deconstructed and their potential as a contributor to society goes unrecognised. This devaluation, based on a perceived inability to add value to a community and being supposedly burdensome in their particular needs validates them being a target (see also: Scope, 2018). This transmutes into internalised justification for the perpetrator to conduct acts of abuse on disabled people. Hollomotz offers a compelling argument. However, the primary research conducted by Hollomotz for this study consisted of only a small interview cohort of 12 males and 17 females, aged 22-68. Whilst some rich experiential data was gathered this would have been more

robust and generalizable if the sample and range were broader.

One reason for the vilification of disabled people and therefore their propensity to be victims of hate crime might lie in how disabled people are depicted within the media (Mason-Bish and Trickett, 2019), mainly in newspapers. Capewell, Ralph and Bonnett (2015) conducted a wide-ranging examination of disability news themes from 1997-2007 and from a range of British newspapers. They found a tendency for the press to use the medical model of disability to denigrate disabled people. Disability is seen as a medical problem in need of costly treatment and support from overburdened state authorities. Two examples prevail here: firstly, following the election of the 2010 coalition government in the UK, the press were more likely, Capewell *et al* (2015). found, to be writing detrimentally regarding disabled people. Analysis showed that this was in support of the government's move toward creating the Universal Credit benefits scheme which was to transform the welfare and benefits system. Examples of *scroungers* and *benefit cheats* were not unusual terms in the press discussion of disability at that time. The press were keen to impart that disabled people were unemployable and should only be paid if they became more utilisable in social terms (2015:215).

Secondly, analysis of news themes following the tragic deaths of Fiona Pilkington and Frankie Hardwick are of interest to further exemplify the press attempting to denigrate disability. The press generally focused on discrediting the officials who failed to support the family rather than highlighting the plight of a family which had suffered almost continual abuse through anti-social behaviour. Moreover, the press were reticent to reveal that the family had suffered continuous and repetitive failures and neglectful actions from the police and the social services, agencies which had a duty to support the victims. Research by Ralph, Capewell, and Bonnett (2016) supports the work of Capewell *et al.* (2015) in arguing that non-disabled people are more likely to accept derogatory messages from the press and that these messages exacerbate anti-disability maliciousness. The Capewell *et al.* (2015) research is helpful in that it offers an opportunity to understand how the general public get their formative information regarding knowledge of disability issues. These

opinions may inform perpetrators when they consider enacting a disability hate crime. Using a different medium, Burch (2017) focused on disability hate speech on the Reddit social media platform. Burch found that in commonly reappearing themes disability was being cited as a burdensome drain on a society already suffering from austerity and deprivation. Furthermore, boundaries between those considering themselves as *normal* and the disabled were being constructed and promulgated; not only to assist in forming the self-identities of the *normal* but simultaneously to discredit the disabled (Burch, 2017). These two examples illustrate how traditional media and social media can be a part of the opinion-forming process which has the potential to influence potential hate crime perpetrators (see also: Paterson *et al.*, 2018 regarding homophobic hate crime).

In attempting to typify abusers, little academic work exists concerning disability hate crime offenders. Nonetheless, McDevitt, *et al.*'s (2002) typological work remains one of the rare forays into attempting to understand perpetrator motivation. Their seminal work analysing crime reports from the Boston Police Department – an expanded and modified version of Levin and McDevitt, (1993) – increased their original hate crime perpetrator typology from the original three (1993) categories – to four. These are: thrill seekers; defenders; retaliators and those on a mission (McDevitt, Levin and Bennett 2002:306). This typology offers seemingly credible reasons for hate motivation. Whether it is: the excitement of offending; the supposed need to defend your neighbourhood; righting a perceived wrong or cleansing the area of *unwanted others* the typology does seem to hold real world relevance. Nevertheless, despite this being a rare attempt to uncover motivation, it did not specifically address why disabled people might be chosen to be victims of hate crime. Additionally, as Phillips (2009) argued, the McDevitt *et al.* work fails to reveal whether the hate act was central or peripheral to the crime. It may indeed be that the hate occurrence was not intended. Furthermore, in an analysis of the case files used in the original work, Phillips found that 36.6% of these files were unclassifiable using the McDevitt *et al.* categorisations. Therefore, whilst this typology is a useful guide it lends little to the complete understanding of hate crime perpetration.

### **The problem of perceived ‘vulnerability’**

To exemplify one perception of *vulnerability*, the Adult Support and Protection (Scotland) Act 2007 defines those who possess impairment are ‘vulnerable’ because of ‘disability, mental disorder, illness or physical or mental infirmity.’ Across the UK, the Department of Health defines a ‘vulnerable’ adult as one:

*[W]ho is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. (Department of Health, 2000, updated 2015: np.)*

These examples of legislature and social policy label individuals as *vulnerable* without any explicit examination of their individual circumstances – and it is this supposed vulnerability which potentially acts to prevent them from achieving criminal justice outcomes (EHRC, 2011a). An individual might be considered susceptible therefore if, under the terms of the Equality Act 2010, they formerly had cancer and are now fully healthy. In other words, the *vulnerability* stigmatisation continues without consideration of life changes. Consequently, from the point of diagnosis forward, social segregation can ensue or a child might be caught up being managed under special educational needs requirements (Cameron, 2014c). This labelling, which ostensibly serves as an avenue to receiving focused care within the community can, in itself, be the very factor which exposes the disabled individual to susceptibilities. Labelling can apply expectations of frailty onto the disabled person. Segregation can result, leading to subsequent life chance restrictions and social isolation (Cameron, 2014c). Whereas non-disabled individuals might be expected to thrive and develop, those labelled as *vulnerable* are expected to be needy and undependable. Moreover, they are now exposed to punitive social exclusionary practices in response to these perceived vulnerabilities and be of little use in research studies where proxy evidence might be preferred (Goodley, 2011).

Moreover, Tyson and Hall (2015) argued that disabled people may be discouraged from travelling at night or to certain areas because of supposed *vulnerabilities*. EHRC (2011; Hamilton and Trickett, 2014) refers to evidence

that disabled people can also be seen as the trigger for hate crime acts because of this perceived *vulnerability* due to a propensity to be seen as an *easy target*. Perceived *vulnerabilities* might act as barriers when victims of crimes wish to report these to the police or other agencies (EHRC, 2011). Victims, rather than being taken through the process of a criminal complaint, might instead be signposted toward additional care (Mind, 2007). In other words, it is their perceived *vulnerability* which is being recognised rather than their victimisation. For example, in the Fiona Pilkington case (see above for further discussion) where the police tried to manage the family's susceptibilities rather than to make sure that they were given the protection of criminal law enforcement (IPCC, 2011). Alternatively, it should be recognised that disabled people can be particularly susceptible to bullying and abuse. Chakraborti (*et al.*, 2014) revealed the comparatively high levels of abuse, intimidation and violence which disabled people face every day because of their disability. The research within this thesis provides multiple references to disabilities being used as a trigger for abuse and hostility (see: *inter alia*).

### **Legislation and guidance for disability hate crime and equality**

Two reports gave particular transformative prominence to hate crime in the UK. Although their focus was on racism, their influence would shine a light on hate crime as a concept: First, the Scarman Report which examined the Brixton riots and those in other UK cities, of 1981 (Scarman, 1981), highlighted the poor relations which then existed between some police forces and people from minority ethnic communities. The second was the Macpherson Report of 1999 which examined the racist killing of Stephen Lawrence. This document revealed investigative failings influenced by institutional racism which existed in the police. Furthermore, recommendation 12 (of 70) proposed that racism should be specifically identified as a crime if the victim, or any other person witnessing the act, perceived it as being so (Macpherson, 1999:328). No longer would this determination rest with the police alone. These reports founded a strategy for change in police procedures driven and supported by written guidance, some examples of which will now be examined. Subsequent to the above reports, in

March 2005 the Association of Chief Police Officers (ACPO)<sup>14</sup> published, *Hate Crime: Delivering a Quality Service, Guidance for Police Officers* (Home Office, 2005) which was a pivotal document issued by an influential organisation (Chakraborti and Garland, 2015). It defined hate offences, determined that victims and witnesses had the power to classify such incidents and delineated the difference between a hate incident and a hate crime. Furthermore, this germinal document provided both advice and case study analysis to illustrate the ACPO guidance. Additionally, it cited the concept of secondary victimisation and that police must take ownership of this to effectively eliminate it. This refers to the insensitivity or victim-blaming which might follow hate complaints (Home Office, 2005:11). The document gave guidance on the use of intelligence sources, community involvement and how to incorporate crime pattern analysis into offending trends. As a guidance document, it clearly cannot predict how officers will act in regard to any incident - it was however recognition of hate crime and offered direction as to dealing with it.

The College of Policing (2014) later published its Hate Crime Operational Guidance document which generally follows ACPO guidance and developed its ethos. It continued to follow the five monitored strands for its definition of hate crime and utilises the word *hostility* for that of *hate* used in the ACPO definition. It also outlines available legislation and gives enforcement guidance. It has a lengthy section (sec8) concerning minimum expected police standards of response, investigation and supervision and another regarding the measurement of performance. It enhances understanding of victim groups by including the concepts of targeted victimisation and alternative lifestyle groups. The College remains a respected reference institute for policing practice and training in the UK which makes this an influential document driving police practice and one which has shaped the way in which hate crime has been defined for the purpose of this research study. The College of Policing defines a hate incident and a hate crime in the following way:

*A Hate Incident is defined as:  
Any incident, which may or may not constitute a criminal offence,*

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<sup>14</sup> Latterly renamed the National Police Chiefs Council.

*which is perceived by the victim or any other person, to be motivated by hostility or prejudice.*

*A Hate Crime is defined as:*

*Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, to be motivated by hostility or prejudice. (CoP, 2014:3-4.)*

It should be noted however that despite improvements in the way that the police and criminal justice system have developed, a reticence remains among victims of hate crime to report offences (Hardy, 2019). Victims of hate crime in all of the monitored strands hold a propensity not to report crimes and this may be due to having low expectations of a satisfactory response or the process may be perceived as being overly clumsy and time-consuming. The time taken to report incidents or the trust in the agencies to which matters are reported potentially has a significant influence on whether to report, or not (Hardy, 2019). Furthermore, the threat of continued bullying and harassment by the victim may also deter reporting (Chakraborti and Garland, 2015; Hardy, 2019). Barriers to reporting also exist. For example, not knowing that a crime has been committed, perceptions that the police and other agencies simply do not have the time or resources to cope with multiple reports or a close relationship with the perpetrator may all dissuade the victim from making a report (Hardy, 2019). Participants in this research were made aware of the definitions of hate crime during their contribution. The participants were then, using the CoP definition, invited to decide whether their discussed incident was or should have been categorised as a hate crime or incident. The findings will be discussed in Chapter Five.

The five strands of hate crime, described in the Introduction, above, are emphasised in three key reports, each of which signalled strategies toward countering hate crime. These reports underpin the important work of the Cross-Government Hate Crime Programme which was assigned to bring inter-departmental collaboration to the fore (Home Office, 2009). The UK government, Home Office action plan: *Hate Crime – The Cross-government Action Plan* (Home Office, 2009). This initiative added consistency to the understanding of hate crime across police services, the CPS and the National



Offender Management Service (NOMS)<sup>15</sup>. It directed that teams should utilise the same definitions when striving to reduce hate crimes. This Action Plan, produced by the Cross-Government Hate Crime Programme, had a clear intention to improve hate crime reportage and thus instil confidence that victims will be treated with respect and positivity. However, failings of multi-agency approaches remain noticeable and this document may merely have papered over some cracks in the multi-agency approaches (Chakraborti, 2015b). A later Home Office action plan: *Challenge it, Report it, Stop it: The Government's Plan to Tackle Hate Crime* (HMG, 2012) introduced the role of the Police and Crime Commissioners (PCCs). This document also includes some political rhetoric claiming that raising awareness and changing protocols have incentivised police effectiveness thus claiming successes against hate crime perpetration. One final strategy from the same agency is noteworthy, that is *Action Against Hate* (Home Office, 2016). In this action plan hate crime on public transport environment was recognised for the first time in this suite of reports; although remedial actions to counteract this however were restricted to roundtable consultations and similar isolated discussions between law enforcement agencies, local authorities and public transport providers.

Legislation has been implemented in England and Wales to counteract hate crime generally and disability hate crime in particular. The aim has been to enhance sentences if offences are proven to be motivated by hostility or prejudice. For example, an offence of abuse might occur as proscribed by the Public Order Act 1986. If hostility can be proven in court to be motivated by the victim's disability, then sentence uplift is available through section 146 of the Criminal Justice Act 2003. Within the Act, prosecutors need to prove '*hostility rather than hate*' (Giannasi, 2015:34). CoP guidance uses dictionary definitions of the term hostility, denoting: '*ill-feeling*'; '*spite*'; '*contempt*' and '*prejudice*' etc. (CoP, 2014:12). However, research using extensive interviews with judges, CoP officials and barristers conducted by Walters, Owusu-Bempah and Wiedlitzka (2018) suggests that section 146 uplifts are not being consistently applied. Judges were found often to be unaware of section 146 and its centrality to

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<sup>15</sup> To nominally be renamed the National Probation Service and be de-privatised, late-2019.

disability hate crime sentencing. Judges also had refused to apply uplifts or, even if hate motivation was ascertained, they conclude that the defendants' behaviour derived from the 'heat of the moment' (2018:5). It is noteworthy therefore that The Law Commission are conducting a review of hate crime legislation which includes reviewing the existing list of protected characteristics, examining the need for a new hate crime suite of legislation and scrutinising the effectiveness and uniformity of existing legal provisions (Law Commission, 2018). Aside from judicial inconsistencies motivation can nonetheless be difficult to prove (Hall, 2010). The police and the Crown Prosecution Service do incur difficulties when trying to determine that hate was a motivation for crime (CJJI, 2018; Hall, 2010).

Walters, Wieditzka, Owusu-Bempah and Goodall, (2017) in a report which aimed to provide motivation for law reform in the UK assert that prosecuting these crimes is made easier if slurs against the victim are vocalised and witnessed. However, they add that even when evidence is forthcoming the entire hate crime prosecution pathway is stymied if the police did not flag the incident as a hate crime from the onset (Foundation for People with Learning Disabilities (FPLD), 2018; Walters, Owusu-Bempah and Wieditzka, 2018). A potential offender may have little time in the public transport arena to perceive a person's disability and formulate hostility. Those with *hidden disabilities*, unless known to the offender, may not therefore be presenting apparent characteristics of disability and are therefore less likely to attract hostility and this could be a detail of defence for the defendant. It is noteworthy that for this study participants self-declared as having a disability and includes people with those *hidden disabilities* who have nonetheless been victims of abuse. Despite established statute, the executive discretion of the police, the CPS and ultimately the courts will be decisive regarding the outcomes which victims receive and the sentencing of convicted offenders. The development of anti-hate crime enforcement follows.

The Crown Prosecution Service introduced guidance for prosecuting disability hate crime in 2007 (CPS, 2007). This guidance was updated in August 2017 (CPS, 2017). The updated guidance recommends that hate incidents should be

specifically flagged throughout the notification, case building and prosecution phases. It further expresses the types of evidence required to prove hate crime motivation necessary to satisfy sentence uplift within section 146. The guidance cites case law providing a template for prosecutors, although for disability-related cases it cites racist case law presumably because of the dearth of disability-related case law to quote from. However, it does provide direction in that disabled people might be reliant upon caregivers who might also be their abusers and further explains that a *mate crime* might occur – this is where befriending to exploit the disabled person takes place. The CPS guidance also affirms the propensity for disabled people to withdraw their complaints and that police should gather details to understand the background to any withdrawal. It puts in place methods to warn court judges of a victim's susceptibility and how to extend protection to the victim, even if section 146 cannot be utilised for sentence uplifts. This updated guidance seems to have captured some concerns regarding disability hate crime prosecution failings. It was updated in light of the establishment of the Equality Act 2010, a cornerstone Act subsuming earlier equality legislation protecting minority groups. The updated CPS guidance was also created following the publication of the Criminal Justice Joint Inspection (CJJI) report (2013). This provided official recognition of failings in protecting disabled people across a range of agencies including the prosecution of offenders (see also: Chakraborti and Hardy, 2017). However, and confusingly, a 2018 update from the CPS advises that:

*Some offenders are motivated by a perception that disabled people are 'vulnerable' or an 'easy target', rather than by hostility or hatred. This is an important distinction and the CPS is unable to apply for statutory sentence uplift under the Criminal Justice Act 2003 in these cases. (CPS, 2018:11).*

This 2018 update hence delineates why sentence uplifts cannot be used which seems to obfuscate the process, perhaps making *vulnerability* a legitimisation for hate crime. It implied that the victim was too *easy a target* for the perpetrator not to persecute (Walters, Owusu-Bempah and Wiedlitzka, 2018). To explain this paradox, the CPS holds a belief that this approach will increase the possibility of a conviction, albeit not for a hate offence (CPS, 2019).

Currently, the Equality Act 2010 provides the umbrella equality statute for people across a number of specific protected groups. For those who provide public services, including public transport, section 149 of that Act provides statutory obligations to eliminate: discrimination; harassment; victimisation and any other conduct prohibited by the Act. Additionally, it is a duty to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and to foster good relations between those groups. Therefore, the Act not only stipulates duty but also the behaviours and values which must be used within all public sector activity in England and Wales. The Act's definition of disability is cited above in the Introduction to this thesis. This definition includes those who were previously disabled (Schedule1, part.1) and also health conditions which have long-term adverse effects. These include cancer or HIV which are considered as applicable from the point of diagnosis (Shah and Giannasi, 2015). These *hidden* factors are however difficult to discern for a potential aggressor unless they are acquainted with the victims issues. It is important to also note that anyone associated with the disabled person, for example a caregiver or chaperone are also protected by the Act (Shah and Giannasi, 2015). A temporary disability would also attract the same protected status, for example someone using crutches for a short period. Anyone alleging a disability hate offence will need to prove in court that the offender was aware of that disability and the offenders actions were motivated by prejudice against that characteristic. Having focused on legislation to counter hate crime in the UK, the following section emphasises problems arising from trying to enforce these measures.

### **Problems with countering disability hate crime in the UK**

This section considers relevant academic and organisation-based work highlighting challenges associated with responding to hate crime. Chi Hoong Sin (2015) emphasised the numerous and misunderstood facets of disability hate crime and how victim contact with authorities can be difficult. His research revealed that recording of these crimes is inconsistent, with victims having little or no trust of the reporting process, the police or other authorities (Sin, 2013). Disabled victims might also feel that they may jeopardise friendships or

relations with family or caregivers if they report these people as perpetrators of the hate crime (Thorneycroft and Asquith, 2015). In other words, although being abused by someone close to the victim, they would rather not report this if there is a potential to lose that friendship or support. Two other susceptibilities are cited by Sin where a reporting reluctance may occur. The first is a susceptibility to *mate crime* where an abuser befriends the victim to perpetrate abuse and/or other crimes. The second is a susceptibility to *cuckooing*, where the offender uses the abode of the victim for nefarious acts. Both are also very real dangers to disabled victims (Sin, 2015). Sin's work also reinforces that of Beadle-Brown (*et al.*, 2014) who illustrate that there is a deficit of police skills regarding dealing with disabled people. These deficits include understanding those with communications difficulties, valuing disabled people and overcoming access issues. Poor reporting erects barriers to justice and subsequently to data inadequacy. This must therefore result in an incomplete picture of disability hate crime.

Garland (2012) asserted that much of the problem with thwarting disability hate crime is caused by a hierarchy within hate crime strands. This places disability near to the bottom of a classification where racism lies at the top. Consequently, disability hate crime receives less attention. Additionally, victims of disability hate crime have tended to receive welfare-based responses rather than the justice that they seek. These actions again tend to mean that these crimes are less likely to manifest in crime data (see also: Christie, 1986; EHRC, 2011a; Garland, 2011; Macrae, 2009; Perry, 2008). Garland further argued that because many disability hate crimes occur behind closed doors perpetrated by caregivers, family or friends, that these victims may be prevented from contacting any source of help or from reporting incidents (see also: Mind, 2007; Quarmby, 2008/2013a). As Gerstenfeld (1992) asserted, victims and motivations behind hate crime perpetration are difficult enough to recognise without the extended problem of victims being unable or unwilling to report such incidents. Garland's work does much to reveal that hierarchies and *vulnerability* labelling can act to preclude justice being served. For disabled victims, the recognition of a hate crime hierarchy may be important in deepening an understanding of the power of identity politics (see: Mason-Bish, 2010).

If a disabled victim does nevertheless report a crime, a further barrier to be faced might be that of a police culture which prevents their complaint from being processed with the gravity that it deserves. Hall (2010, following Bowling 1999), identifies that the police have had a 'hierarchy of crime' which places armed robbery and violent crime at the top of the scale and hate crime near the bottom (Hall, 2010:156). The lower order of these crimes reflects a belief in the police ranks that such reports have a high likelihood of not progressing or being withdrawn and that this type of crime does not reflect *true policing*. Such prejudice could arguably lead to a tendency not to progress such crimes or not to apply the urgency to them which they might deserve. Additionally, the communications difficulties incurred by the police (Beadle-Brown *et al.*, 2014; Sin, 2015) imply that these complexities may deter hard-pressed police officers, in poorly resourced locations, from processing such reports with diligence and alacrity. The police officers involved may also be wary of the difficulties of having to investigate and prove motivation and also of the political outfall of such hate crime cases. Although the concerns broached by Hall and by Bowling stem from some years ago, problems relating to the reporting of disability hate crime to the police have been recognised in latter reports (for example EHRC, 2011a).

Problems associated with the recognition and resolution of disability hate crimes are not confined to the police and are evident further along in the CJS process. A noteworthy example of the CJS failing to recognise a hate crime dates from 2008. Brent Martin was beaten to death by three perpetrators who had placed a £5 bet on who would be the first to commence the assault. In this case the offenders were not considered to have committed a hate crime by the court - yet they had targeted Brent because of his learning difficulties (Walters, 2013). Nevertheless, despite this clearly being a disability hate crime and despite legislation being available to enhance sentencing, it was not treated as such by the court. Walters (2013) cited this case as part of an exploration of prejudice which exists among criminal justice practitioners. Enhancing his argument, Walters additionally cites the case of a Rochdale gang who terrorised and sexually assaulted females in that town, Walters upholds that enhanced

sentences were not handed down although hate crime had clearly occurred:

*... as the judge noted, the offenders also treated the victims as being of less value as human beings because of their ethnicity and (lack of) religious beliefs. (Walters, 2013: np).*

To further emphasise problems with processing disability hate crime the Criminal Justice Joint Inspection report (CJJI, 2013), a review of disability hate crime law enforcement and prosecution, was published in March 2013. This report was based upon research engaging the police, prosecution and probation arms of the criminal justice system in England and Wales. The scope of the project spanned six police forces, seven court hearings, expert interviews and an examination of 87 case files. The findings were damning for the agencies involved. These findings included: inadequate understanding definitions of disability; under-reporting; failing to consider disabilities during everyday investigations; a poor quality of information; and inconsistent use of section 146 of the Criminal Justice Act 2003 (CJJI, 2013). The findings were disappointing considering that its publication was subsequent to the publication of the EHRC (2011a) report by two years. Furthermore, it was eight years subsequent to the circulation of the ACPO directive concerning hate incidents and hate crimes (Police Standards Unit (PSU), 2005:9). The recommendations from the CJJI report state that the police and enforcement authorities needed to make recognition of disability needs for reporting purposes and disability hate crime itself a 'strategic priority' (CJJI, 2013:4). Additionally it recommended a 'new impetus' of improving awareness, increasing reporting throughput and embedding disability hate crime within police, CPS and probation processes which was vital for an improved service for disabled people (2013:5). This was a pivotal report incorporating the performance of a range of public enforcement services published at a time when enhanced provisions for the disabled would have had, following earlier reports, an opportunity to be embedded in everyday police and prosecution work.

The findings although disappointing, demonstrated the amount of work which was required to offer a good standard of service to disabled victims and therefore was revelatory. A follow up to the CJJI (2013) report was published in

2018 (CJJI, 2018). Five years-on, this highlighted that the CPS and the police were still not considering victims sufficiently or adhering to requirements. However, the CPS cites that this is due to 'disappointing referrals from police' (CPS, 2018:10). In 64% of sample cases police identified hate crime cases but failed to send these to the CPS for a charging decision (2018:15). The 2018 report further recommended that the CPS and court officials should use a check box reporting system to identify when section 146 uplifts are given. One improvement however, was the creation of Area Hate Crime Co-ordinators within the CPS – although these duties were secondary to others performed by these staff.

The disappointment evident in the CJJI (2013) report was amplified in a report by Hardy and Chakraborti (2017). This document was published subsequently to the 2016 Home Office *Action Against Hate* strategy (Home Office, 2016) which had given assurances that hate crime would continue to be taken seriously. The Hardy and Chakraborti report signified disappointment. Drawing on Home Office (2016) data it stated that only 52% of complainants were satisfied with the service which they received from the police and enforcement authorities (2016:6); a figure which fell to 51% in 2017/18 (Home Office, 2018a). Moreover, focusing on public agencies, the report goes on to highlight: a failure to incorporate hate crime into educational syllabi; a failure to prioritise meaningful community engagement and a failure to provide cost-effective training within public services. This latter point is particularly relevant to public transport provision (*ibid*, 2017). Moreover, concerning public transport, the report recognises recent government initiatives to improve safeguarding for passengers who might be potential victims of hate crime. However, Hardy and Chakraborti asserted that '*issuing guidance*' and facilitating '*roundtable events*' are not nearly enough to protect susceptible passengers, (2017:21). This timely Chakraborti report provides further evidence that initiatives to protect the disabled are not being enforced.

### **The data landscape: the risk of victimisation, trends and lifestyle impact**

An awareness of the data landscape is helpful. Without this it might be difficult to comprehend the risk to victims, the rising trend of hate crime victimisation



and the lifestyle impacts which disabled people can face. The Papworth Trust cites that around one in five people in the UK are disabled equating to 13.3 million people, while the highest percentage of disabled people is resident in Wales at 26% (Papworth Trust, 2018:14). Furthermore, 29% of disabled people across the UK are living in poverty (2018:10). The Office for National Statistics (ONS) estimated that one in four people will have a mental issue at some point in their lives (ONS, 2015). Moreover, 60% of disabled people do not have a car and thus may rely on public transport (Papworth Trust, 2016:28). The charity Mind produced a booklet discussing disability hate crime fears (Mind, 2007). Only 18% of people with a disability felt generally safe and only 19% felt safe continually in their own home. Furthermore, 71% claimed that they had been victimised, a figure which increased to 90% in social housing areas. Reportedly 41% were victims of ongoing bullying and 27% had been sexually harassed (Mind, 2007:2). Whilst these statistics illustrate the depth of the problem one further finding revealed that 30% of respondents were reluctant to tell anyone about these crimes. Of these participants, 36% felt that they would not be believed and a further 36% believed that matters were simply not worth reporting.

Disabled people are evidently prone to being perceived as unreliable reporters of crime (Chakraborti and Garland, 2015). In a Mind report of those who made crime reports, 60% describe that they were not taken seriously and 41% remained victims of continuing bullying (Mind, 2007). For one group of disabled people, those with autistic spectrum disorder, there is recognition that hate crime affecting this group have been disregarded by the police and other criminal justice organisations (Chaplin and Mukhopadhyay, 2018). People with ASD are often side-lined when justice is sought despite being regular victims of communication breakdowns, social stigmatization and discrimination (2018:31). Disability hate crime is more likely than the other hate crime strands to occur in private spaces committed by people on whom the victim relies: caregivers; friends or family (CoP, 2014). Disabled people are also more susceptible than non-disabled people to *mate crime* where they are befriended and then abused by others, or *cuckooing* where an abuser takes over their home and uses it for nefarious purposes (Hamilton and Trickett, 2014). Disability hate crime victims

are additionally more likely to be targeted nearer to home. Victims are targeted more consistently and are more likely to have their victimisation explained by perceived *vulnerability* rather than having it recognised as a crime (Sin, 2015). The impact of disability hate crime is thus more severe than that of other monitored hate crime especially to those who have mental disabilities (Hall, 2010).

Emerson and Roulstone's (2014) study helps to comprehend the scale of disability hate crime itself. Emerson and Roulstone cite 2011 Office for National Statistics data which illustrates that disabled people are 1.5 times more likely to be a victim of violence and 3.5 times more likely to be at lifetime risk (ONS, 2011; see also: Hughes, Bellis, Jones, Wood, Bates, Eckley, and Officer, 2012; Jones, Bellis, Wood, Hughes, McCoy, Eckley, and Officer, 2012). They also construe that exposure to violence was 30% higher than that involving non-disabled people whilst disabled people were also at a higher risk of living in poverty. Furthermore, if a disabled person is living in poverty then this factor further multiplies that risk of violence. Although not using primary data, the Emerson and Roulstone research readily acquaints the reader with a picture of how disabled people suffer an increased exposure to violence, poverty and risk of crime and how this can quickly be exacerbated when these factors are combined.

The data picture however could be clearer. In 2010, the Organisation for Security and Cooperation in Europe, which is the agency responsible for collation of hate crime statistics across the European Union, reported that 35, of its 39 member nation states had contributed to its annual report regarding ethnicity-based hate crime. However, only 13 of these states reported that they collected disability hate crime data. Despite this, actual data was only forwarded from two states the UK and Germany (Perry, 2013). This neglect of not providing data is problematic. A full understanding of the problem and hence any policy responses to it cannot be formulated with insufficient data with which to do so.

In the UK, starting with the 2015-16 reporting period, the amount of disability hate crime had increased by 53% on the previous period (Home Office, 2017).

Illustrating a continuing upward trend the Home Office 2017-8 hate crime data (Home Office, 2018a) shows disability hate crime constituting 8% of all hate crime (2018a:7) with a 30% increase in police recording of these crimes from the 2016-17 data (2018a:12). The CSEW element of the 2017-18 data indicates that there were approximately 52,000 disability-related hate crimes per annum 15/16-17/18 (2018a:27) and approximately 53% of hate crimes are reported to the police. Comment alongside the data suggests that this is due to police perceptions of the disabled being *vulnerable* rather than requiring justice (2018a:10). Besides these data, Freedom of Information Act requests raised across the UK by the BBC indicate that reports of disability hate crime to the police increased by 249% overall between April 2014 and April 2017 (BBC, 2018). Data from 2017 also reveals that every month of July brought an upward spike in reports of all types of hate crime. This unexplained July spike was further represented in 2017 on Britain's railway network (BTP, 2017a). This remains an unexplained phenomenon in a landscape where other spikes can be attributed to political or nationalistic events.

Particularly relevant to this study is hate crime on the UK rail network. Data concerning these incidents are collated by the British Transport Police. Data from the 2014/15–2015/16 periods indicated that the reporting of hate crime increased by 11% (BTP, 2017b). This accelerated in the 2015/6–2016/7 reporting periods to 23% (BTP, 2018a). Possible explanations for any increase have been cited as: the presence of hate crime awareness campaigns; improved recording and third party reporting facilities being more widely advertised. The BTP do have widely accessible public reporting gateways with text messaging, website and telephone reporting pathways (BTP, 2015; 2016; 2017a;b). Focusing on the 2017(a) data as the most recently available detailed breakdown, of the BTP rail-based hate crime data 2% were disability-related offences, a figure which reflects the established under-reporting of these types of offence (BTP, 2017a). To clarify these offences, 54% were against people with physical disabilities, 24% against people with sensory disabilities, 13% against learning disabilities and 8% against mental health issues. Clearly people with physical disabilities, and perhaps the most obvious, are most likely to be at risk of victimisation.

The vast majority of rail-based hate offences occur in London and the south east of England at 72% with 22% in the remainder of England (BTP, 2017b). This perhaps reflects that 59% of the UK populous resides within the London and south east area (BTP, 2017a:8). Peak times for offending are between 16:00–20:00 on Monday, Tuesday Thursday and Saturday evenings with 57% of crime occurring in the last eight hours of the day (BTP, 2017b). The BTP generally have to deal with 28% more public order offences than other forces. Most victims of hate crime are revealed as being males aged 20–50. It is noteworthy that in August 2016 the BTP had ceased breaking down data into such a detailed analysis. Instead, they will conform to the less detailed national practice of collating outline figures of hate crime perpetration (BTP, 2017a). Therefore, the richness of data captured in the 2017 sweep will no longer be available in later sweeps. The effect of this was evident in the 2018 BTP crime data. Hate crime data, which had been presented in previous BTP Annual Reports, was not presented in the 2018 report; moreover, hate crime was not cited at all (BTP, 2018b). However, an FOI request by the author to the BTP reveals that 3,301 hate crimes were reported to the BTP in 2017/18, an increase of 17% (FOI26, 2018). To summarise the increments: 2015/16 +11%; 2016/17 +23% and 2016/17 +17%.

A source of data indicative of disabled people's lifestyle changes is the UK Life Opportunities Survey, the most recent Wave of which (Wave Three) took place between October 2012 and September 2014 (ONS, 2015). These data revealed that adults with disabilities were less likely to have access to work and educational facilities and have restricted access to leisure activities and social contact – whether, or not, they use public transport. They were likely to have fewer choices as to how they spend their time either socially or domestically. Adults reported that they had restricted contact with others and that many of these restrictions are imposed either by their disability or by time constraints. The Papworth Trust, in later work, concurs with the ONS findings (Papworth Trust, 2016). The Trust also finds that around 11.9 million people in the UK are disabled including 42% who are of State Pension age and that 57% of disabilities involve mobility problems. These data bear relevance to this thesis in

that people with disabilities are thus more reliant on public transport for the facilitation of social, educational and employment pursuits. Therefore not using public transport can lead to restricted lifestyles, stigmatisation (Martins, Merighi, Jesus and Watanabe, 2018) and social isolation (European Parliament, 2005). In a later report, Scope (2018) sources data from the British Social Attitudes Survey from 2017. An analysis of the findings from this survey was re-aligned by Scope into disabled and non-disabled respondents to reveal attitudinal differences. Scope found that 32% of the respondents in both categories thought that strong prejudice existed against disabled people. A further 32% thought that there was a perception that disabled people were not productive (2018:5,10). More data reveals that 5% of the proportion of the non-disabled people within the sample thinks that society has gone too far in giving disabled people rights (2018:18).

### **Summarising Chapter Two**

This chapter is the first of two concerned with documenting academic and policy evidence referring to hate crime and more specifically to disability hate crime. The chapter began with a broad précis to hate crime. Subsequent sections introduced targeted victimisation, disability-specific hate crime and then developed a victimology of disability hate crime in the UK. Numerous reports were introduced which built a picture of an evolving concern of disability hate crime and signifying that it was mainly being disregarded. These documents represented a determined effort where the plight of many victims began to be explored. Equality legislation pertinent to disability hate crime was outlined as well as the problems with countering these crimes before relevant data was used to illustrate the risk, impact and growing trend of disability hate crime in the UK.

## **Chapter Three: Read the Safety Notices - Safeguarding Passengers**

### **Chapter introduction**

Having reviewed literature concerning hate crime, this chapter moves on to crime on public transport and approaches to safeguarding passengers. Aside from a general understanding of hate crime literature, the particularised nature of this thesis means that it has an obligation to also examine corporate documents, policies and organisational literature to fully inform the discussion. Literature regarding crime on public transport is limited; likewise, literature concerning hate crime on public transport is rare. Consequently, research concerning disability hate crime on public transport is almost untraceable - hence the originality of this research. Utilising academic research, the initial section will investigate crime on public transport. The subsequent sections will discuss passenger susceptibilities and approaches taken to safeguard passengers. A section concerning hate crime on public transport follows with the final sections centring on legal duties and safeguarding passengers. This is where the chapter will additionally investigate public transport provider policies together with passenger awareness campaigns and staff training interventions designed to manage hate crime situations.

### **Crime on public transport**

It has long been recognised that public transport is a trigger environment for crime (Chakraborti, Garland and Hardy, 2014; DfT, 2018a; EHRC, 2011a; Hall and Bates, 2019; Home Office, 2016; Sin, 2015). This section will take a general view of crime on public transport. Clarke and Smith produced a detailed portrayal of public transport crime and in doing so compared metro systems across the world (Clarke and Smith, 2000). This research is useful to make a historic comparison between the year 2000 and more recent times. Clarke and Smith argued that public transport was an exceptional location for many different types of crime because of its crowded nature and sparse supervision. Routine Activity Theorists would no doubt agree that this is a fertile environment for crime perpetration due to reduced capable guardianship (Felson, 2002; Iganski, 2008b). In these circumstances, the potential victims would be ill-

prepared or defenceless in a crowded, confused place like a metro station, some with few, or no, staff on duty. Despite this, public transport providers cannot afford with their constricted profit or surplus margins to let crime thrive on their systems. Therefore, designing-out crime, or reinforcing crime prevention, is an imperative, Clarke and Smith (2000) argued. Representative of the crimes discussed were: sexual assault/harassment; pickpocketing; public nuisance and anti-social behaviour. Following this typification of public transport crime and in conceptualising safeguards against these crimes, Clarke and Smith made several recommendations for safeguarding passengers. These included: raising staffing levels; installing alarm systems within bus and tram vehicles; using closed-circuit television (CCTV) with digital recording facilities and providing real-time travel information. The latter, for example, would mean that passengers would need to spend less time lingering at bus stops not knowing when the next bus was due.

Most buses and trains are however now fitted with CCTV which is digitally recorded and these fitments are now seen as standard protection for both passengers and staff (Rail Delivery Group, 2017; Transport for London (TfL), 2017a). Bus franchises issued by TfL, which is the UK's largest Public Transport Executive (PTE), expect the franchisee to utilise functioning CCTV and alarm systems during all operational times (TfL, 2017a). Another priority recognised by Clarke and Smith was the removal of graffiti. Arguably, not only is this aesthetically preferable but also it makes the mode of transport more pleasant to use and improves the reputation of the provider (TfL, 2017a). Although Clarke and Smith's work is a dated study, it remains relevant as the same headline issues are as apparent in public transport crime control today as they were at the time of publication. Much funding is spent on CCTV, alarm and real-time information systems, but staffing remains an issue. Many railway and metro stations have been de-staffed and these measures are increasingly causing concern (Rail Technology Magazine, 2017b). The recent rise in hate crime on public transport could be as a result of these cuts, but this remains speculative (British Transport Police, 2017a).

Newton and Ceccato (2015), in general alignment with Clarke and Smith

(2000), argued that public transport is an area which is criminogenic because of its propensity for large volumes of comparative strangers to be in a crowded place for a short time. Whether in a transit hub or in a busy public transport vehicle, Newton and Ceccato implied that these circumstances offer an ideal recipe for an opportunist criminal. Again following Felson's (2002) Routine Activity Theory (see: Chapter Seven for a broader explanation), Newton and Ceccato argued that motivated offenders can easily remain anonymous in such congested spaces. Furthermore, potential victims might be confused by being in unfamiliar areas which are lightly-staffed and often provided with a poor quality of information. Confusing and crowded situations along with unsupervised or outmoded security measures result in reduced capabilities of guardianship over the passenger (Newton and Ceccato, 2015). Criminal activities may therefore be undertaken with decreased risk of capture – a factor which would form part of any risk assessment conducted by the potential criminal. However, on a developmental front, "face-in-the-crowd" recognition software is now available for use in such circumstances (Sanderson, Bigdeli, Ting Shan, Shaokang Chen, Berglund, and Lovell, 2007:31).

Beecroft and Pangbourne (2014) agreed that people are exposed to an increased risk of crime when using public transport. They suggest that any increase in patronage consequently increases risk. These perceptions of risk are further magnified in driverless vehicles (Salonen, 2018). For the Beecroft and Pangbourne study, personal safety was defined through three overlapping areas of scrutiny: security, anti-social behaviour and the risk of crime; safety concerning accidents; and confidence in being able to rely on the service offered. Utilising 13 inputs from security and transit professionals and five multi-agency workshops across four areas, Beecroft and Pangbourne asked the participants how they would like to see personal safety assured on a public transport service at a future date – nominally 2040. Participants recognised that the personal safety of the passengers was central to the quality of the service provided and the reputation of the provider. Consequently, the outcomes which latterly became their preferred options for recommendations were:

- Modal integration - being able to have firmer cooperation between



different transport providers which would lead to improved connectivity and passenger information streams.

- Improved communications - these would not only improve connectivity between staff and their control centres but would help to summon assistance and the police where necessary. Moreover, this would help to improve public information flows, for example by offering Wi-Fi and live service information.
- Clear standards needed to be set by an overarching authority which would additionally monitor the maintenance of those standards. Consultees found that fragmentation of operational responsibility was a problem.
- Utilise modern technology where possible.
- That more research was needed focusing on public transportation.

Beecroft and Pangbourne's work, whilst not exposing categories of crime, does much to bring together consultees with an interest in improving anti-crime measures on public transport and finding a preferred solution. The study is theoretical and the findings may be considered unrealistic or even Utopian in times of austerity. However, it was a good opportunity for those within the field to speculate on improved security techniques.

Delbosc and Currie (2012) assert that up to 10% of the population would use public transport more if personal safety concerns were addressed (Crime Concern, 2004 cited in Delbosc and Currie, 2012:302). They were drawing on Ajzen's (1985, cited in Ajzen, 2011) Theory of Planned Behaviour which proclaims that 'behavioural intentions are shaped by perceived behavioural control, attitudes and subjective norms' (Delbosc and Currie, 2012:302). Implying that if personal safety was improved – then ridership would increase. Their study further asserted that some car drivers would switch to using public transport if it offered a similar level of personal safety to that of the car. The authors measured the trust participants had in fellow travellers and the general socio-economic quality of a geographic community. Added to this were other variables such as gender, location and distance from city centre *etc.* The study found that passenger gender, age and their trust in the provision of public

transport were crucial to a decision as to whether to use it. This research, in tandem with the findings by Clarke and Smith (2000) above, reinforces the need for public transport providers to deliver safe and secure public transport. This could improve the reputation of the operator and levels of ridership. Delbosc and Currie (2012) offer a valuable understanding into how the general public form bonds of trust in their communities and how they assess the risk of public travel.

### **Understanding passenger susceptibilities to hate crime**

One approach to understanding the risk of crime on public transport is to establish which types of passenger are susceptible to hate crime. These susceptibilities were revealed by Delbosc and Currie (2011). Their aim was to establish levels of susceptibility by studying who did not feel comfortable, or who were unable, to use public transport. Their methodology involved obtaining data from a 535 person Household Transport Study and conducting 336 interviews in Melbourne, Australia. For disabled travellers, their perceived susceptibilities included: access to the public transport vehicles; feeling safe from attack when travelling alone and finding someone to provide assistance when it was needed. Of this sample, 34% of participants voiced one of these concerns and 18% two of the three (Delbosc and Currie, 2011:557-8). Those with a need to rely on public transport due to not having access to a car or because of living in poverty were deemed by the study to have a *transport disadvantage*. Findings show that those with a transport disadvantage were additionally likely to be: unemployed, a lone parent or on disability benefit. Thus many of those who were deemed to be at a transport disadvantage were also socially disadvantaged (Currie and Allen, 2007). The Delbosc and Currie research concludes that the wellbeing of an individual is closely linked to not being socially isolated. Hence, the choice is either to use transport where potentially the passenger may have little confidence of receiving the help and assistance they might need or face be socially isolated. In other words, they are *captive users* (Stanley and Stanley, 2007).

Because the risk of crime is enhanced on public transport (Beecroft and Pangbourne, 2014) the disabled and disadvantaged traveller – who is more

likely to rely on public transport – is at a greater risk of being a victim. The relevance of this work is its highlighting that disabled people may rely on public transport and the effect on their well-being if they do not use it. The fears that they have of not getting the help they need and the increased risk of crime on public services enhances any susceptibility to crime, Delbosc and Currie argued. Although dated, using empirical data from 2006, this research is one of the few works to reveal the frustrations and susceptibilities of disabled users of public transport. This work is however endorsed by similar findings from later research by the European Parliament (2015) which found that disadvantaged and disabled passengers are often limited to using public transport of varying quality. These findings relate directly to the research underpinning this thesis which finds that disabled public travel users are likely to incur the additional burden of being poorer and faced with social isolation if they do not use public services. Moreover, it is noteworthy that within public transport generally, the modes of transport it utilises are designed with a simplistic view of disability. McKercher and Darcy (2018) found through their work on tourism provision that disabled people tend to receive a ‘one size fits all approach’ which can also add to the frustrations of disabled passengers (2018:59-60).

Inadequate or untrusted public transport reduces user confidence and can lead to social exclusion. Social research by the European Parliament (2015) reveals that the five groups most at risk from social exclusion are: the disabled; the elderly; people with children; migrants and those on a low income. It further describes that these groups share commonality in demographic factors, being victims of policy failure and/or unemployment. Focusing on disability, this factor reduces employability, access to education and full social participation. Such social participation is necessary, especially among people with learning difficulties, to build their social skills and confidence (Hall and Bates, 2019). Moreover, disabled people are 30% more at risk of being in poverty and at a higher risk of being disadvantaged in access to public transport and have less confidence in using it (European Parliament, 2015). The report finds that the root cause of social exclusion and poverty for many disabled people is inadequate mobility. Because of the increased risk of crime on public transport and low confidence in getting the assistance required for travel, disabled people

are doubly-disadvantaged because if they remain immobile then they continue to face poverty and unemployment. These findings support Delbosc and Currie (2011), in arguing that reliable public transport, which the disabled passenger has the confidence to use, is fundamental to a disabled persons access to work education and employment and consequently to well-being. The European Parliament report recommends that appropriate training for staff is essential to enhance the confidence of disabled users and to deal with the types of crime which they may face (see also: Hardy and Chakraborti, 2017; Haveman, Tillmann, Stöppler, Kvas and Monninger, 2013). The document offers a perspective of employability, poverty and public transport drawn from European-wide data and therefore this report is valuable in revealing the plight of disabled people. Disabled people are already disadvantaged, without the additional burden of not having confidence to use public services and of being susceptible to crime on those services.

One contribution made toward examining the safeguarding of public transport is presented in two studies by Moore (2010; 2011) focusing on the victims of anti-social behaviour. Moore's research recognises that some PTEs and service operators conduct regular passenger satisfaction surveys and part of that survey may solicit the opinions from passengers regarding their perceptions of safety and anti-social behaviour on-board (examples being: Greater Anglia, 2017; TfL, 2017a). The TfL surveys combine their findings with BTP data to give quarterly updates on perceptions and experiences of crime in the capital. Data from March 2017(TfL, 2017b), indicates a 2% fall in crime on London's buses but a 0.5% increase on London's trains, although overall levels have generally remained steady since 2014. Disappointingly, hate crime is not collated as a separate crime statistic in the TfL updates. Moore, working with data sourced from 2010 noted that incidents of anti-social behaviour were worse in the afternoons and mainly perpetrated by school students. Three strategies were employed by the providers and the police to counteract this type of anti-social behaviour: increased police patrols; improved CCTV and the Considerate Travel campaign. The latter, consisted of an internet, film and poster campaign originally launched in 2008 to make school-aged young people more aware of how their behaviour impacted on fellow passengers. This project was followed-

up by 700 online interviews with bus users in London where they were asked if, in their opinion, anti-social behaviour had reduced. The results showed tangible improvement. Findings revealed that young people were more helpful, polite and thoughtful and used the litter bins more. Quieter use of mobile phones was also declared. Although useful, this research cannot definitively reveal that the campaign was the direct cause of this changed behaviour, other variables may have been the cause. However, this was useful work in attempting to understand what, if any, effects such campaigns might bring. Its relevance to this thesis is in evidencing the strength of such campaigns which are used by some service providers as discussed below in Chapter Six.

In a similar vein, Haveman *et al.* (2013) conducted the Nordhorn Public Transport Intervention Study using a multiple-methods approach to ascertain the needs of young people with learning difficulties and the barriers which dissuade them from using public transport. The evidence stemmed from observations of 124 students aged 7-18 and from interviews. The findings indicate that public transport was a potentially threatening environment where many participants had been vocally, psychologically or physically abused. The consequences of these behaviours were noted as ranging from social isolation to ultimately moving home to avoid further harassment. The solutions to these problems are of interest here and have much in common with other studies (examples being: Beadle-Brown *et al.*, 2014; European Parliament, 2015; Hardy and Chakraborti, 2017). These solutions include: staff awareness training – the equivalent of Disability Equality Training (DET) as it is referred to in the UK – and introducing disability awareness into school syllabi. At a later stage of the Nordhorn Study bus drivers were given a seminar-style training exercise to help them understand the needs of the students and additionally coaching was given to the students themselves by on-board mentors to help them overcome harassment. This was a longitudinal study and a follow-up study took place three years later. Improvements that were revealed by the students included being more confident to overcome distasteful situations and drivers who had an increased confidence to manage on-board situations. Haveman states that this type of training could be rolled-out to drivers in training sessions lasting around 3.5 hours to help manage people with a range of disabilities (Haveman *et al.*,

2013:298). This research is valuable in a number of ways: it is a longitudinal study which followed-up earlier recommendations thus providing a measure of how solutions performed. Furthermore, instead of merely identifying a problem, it additionally suggested a workable solution. One criticism perhaps is that the authors generalised this work to offer a solution for a spectrum of disabilities. More research will however be needed to ratify this claim and assess how it works with specific disabilities. At present in the UK, only Disability Awareness Training (DAT) is stated in the Bus Services Act 2017 as being obligatory training for bus drivers. However, DAT is limited only to the accessibility and communication difficulties faced by disabled passengers.

### **Acts of hate crime on public transport**

The paucity of academic material covering disability hate crime is noteworthy. Therefore, this section covers a broader focus utilising material from across the hate crime strands. In a study of implicit racist behaviour, Purifoye (2015) asserted that the social space of public transport is similar to any social setting – except that one might be less able to escape from its confines, describing public transport vehicles as ‘mobile public spaces’ (2015:288). Purifoye used participant observation in an ethnographic study to investigate the ‘persistence of inequalities’ which occurred in that environment (2015:288). Purifoye theorised that interactions between black and white people whilst being polite, contained a hidden nastiness originating from the white participant. Purifoye termed this concept as ‘nice-nastiness’ (Purifoye, 2015: *inter alia*). The aloofness of white participants toward black staff and passengers, she suggested, implied that implicit racist behaviour was taking place. Examples of this behaviour were: gazing through windows rather than interacting with the black person sitting next to them; standing rather than opting to sit next to a black passenger and white people whispering together rather than revealing to black passengers what they are saying (*ibid*, 2015). Purifoye argued that white passengers adapt to these behaviours because of the restricted space in the vehicle and the inability to leave it. This is an enlightening study of social interactions within the confined space of public transport. Although these behaviours of nice-nastiness may well be as a result of a deeper seated bias, there could be a range of explanations for such interactions. The author of this

thesis is an experienced commuter however and recognises much of this aloofness as having been practiced between white commuters. For example, not wanting to converse with a neighbour and having hushed conversations. In other words, it is difficult to determine these behaviours strictly as racist. Perhaps the interactions cited in this research are merely private conversations. Therefore, whilst it is difficult to justify some of Purifoye's claims, this remains an important, if rare, attempt at social observation in the public transport location.

A 2016 EHRC report (Walters *et al.*, 2016), illustrated that the enclosed spaces of public transportation are an area which is rife for the perpetration of harassment and hate crime (see also: Chakraborti *et al.*, 2014), with many travellers seeing its use as a 'necessary evil' (Walters *et al.*, 2016:21). Aside from generalist references like these, explicit evidence of disability hate crime on public transport is disappointingly not found in this document. Harassment however takes many forms. Sexual harassment could potentially be considered a hate crime if a victim or witness categorises it as such. Gardner, Cui, and Coiacetto (2017) argued that because of inconsistencies in the reporting definitions of such crimes few instances of low-level sexual harassment or inappropriate touching are reported (see also: Tripathi, Borrión, and Belur, 2017). Gardner (*et al.*, 2017) argued that public transport is a cornerstone of social life, especially in cities where car use is discouraged. With reference to empirical work, they argued that the fear of being a victim of crime is the one of the most important reasons for females not wanting to use public transport. This manifests itself with females either tending not to use public transport at all or modifying their behaviour when they do use it. They recommended that solutions to the victim's situation should include staff awareness training and use of third party reporting (TPR) which would obviate the necessity to report such a matter directly to a male member of staff or police officer. Although Gardner *et al.*'s (2017) research does not utilise primary data, it remains an indication of how victims experience potential hate crime and how this might be assuaged by the introduction of staff training and third party reporting. The Gardner (*et al.*, 2017) research aligns with earlier work by Welch and Yavuz, (2010) arguing that females travelling alone are often targets for harassment and abuse. In 2000 a gender audit had been established to draw attention to

crime against females on public transport (Hamilton, and Jenkins, (2000). Many of these attacks are late at night or when fewer passengers are using these services. Welch and Yavuz also cite poor lighting and security for the increased risk to females and argue that improved security and CCTV can improve travel safety (see also: Clarke and Smith, 2000). Welch and Yavuz present one of the few studies which also recognise that disabled and older people are also at increased risk of crime. In their recommendations they espouse that increased staffing levels, improved security measures and staff awareness can contribute to feelings of passenger safety. This may be difficult to accomplish in the UK which, according to the EHRC (2011a), is failing to protect females, children and transgender people.

This section could not offer much toward a deeper academic understanding of hate crime on public transport. Its brevity is indicative. Aside from Purifoye's work concerning implicit racism and the two studies referring to gender-related victimisation, searches did not reveal enough research to fully inform this section of the review. This gap is one reason for the initiation of the research behind this thesis. In the next section, the emphasis moves toward measures to safeguard passengers.

### **Safeguarding passengers: legal duties and guidance**

Criminal justice policy and legislation to deal with hate crime is cited in the previous Chapter alongside police guidance for dealing with such incident. However, the initial response during or immediately following an incident or in preventing such incidents is provided by the public transport provider. The purpose of this section is to specify equality duties and other guidance which influence public transport authorities and providers in the everyday operation of transport systems. The section will additionally explore public campaigns and staff training interventions which exist to manage hate crime incidents.

Section 149 of the Equality Act 2010 places a public duty on all agencies which are involved in the provision of public services to encourage equality and diversity in every facet of what they do and in every service contract which they award. Companies who are contracted to work for public agencies must also



comply with the Act and these duties must be monitored by the supervising agency. The aims of the Public Sector Equality Duty (PSED) for overseeing authorities within section 149 include:

- Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advancing equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Incorporating the PSED in decision-making and in policy design.
- Identify equality issues and take steps to address these.
- Provide leadership in equality issues, including a senior staff member responsible for equalities and allocating other staff roles for resourcing and advancing equalities.
- Excluding a prospective contractor if they have been shown in court to have breached equality legislation.
- Producing publically accessible, specific and measurable, equality objectives which are both challenging and achievable. (EHRC, 2011c).

The PSED is part of a statute. It stipulates that the EHRC has a legal duty to monitor the establishment and operation of the Equality Act 2010 and can resort to prosecution to enforce it. To particularise those to whom the PSED applies within the public transport arena, it is incumbent upon: local authorities – whose responsibilities might include authorising public transport, managing bus interchanges and providing school transport; any PTE and Network Rail. It additionally applies to any authority, voluntary group or private concern which conducts public duties in isolation or on behalf of any public sector body. Not only does it apply to providers of public services but also to the procurement and commissioning of public services. The only limitation is when the value of the contract might restrict to which lengths the provider adheres to the PSED. This could be interpreted as a company that may be able to avoid this public duty if it could prove that it would place it in a precarious financial position by

doing so. In summary, the PSED is incumbent on all public transport providers, whether an authority, a private provider or a voluntary organisation. This duty cannot be delegated. The PSED must be reviewed regularly at Board level and staff must be made aware of its implications. Appropriate training must be given to ensure that the workforce is equipped to conduct themselves under the Duty thus ensuring compliance. The public service must annually publish its plans, commitments and achieved obligations toward meeting the Duty. Detailed advice is given by the EHRC on every level of obligation and expectation of how public services must perform within the Duty (EHRC, 2011c).

Further legislation for authorities overseeing bus services and the providers who operate them is contained within the Bus Services Act 2017. In guidance produced to delineate this Act a Confidential Incident Reporting System (CIRS) must be in place to enable staff to report safety-related and legal compliance issues (sec4.1). It further states that all bus drivers must be given Disability Awareness Training as part of their annual Certificate of Professional Competence (CPC) licencing arrangements from March 2018 (sec4.8). Moreover, authorities responsible for regulating or implementing services and contracting out to operators should embed such requirements in future negotiations with potential providers (sec4.9). The Act additionally cites a desire for future vehicles to incorporate inclusivity in their designs; for example, with the inclusion of a second wheelchair bay (sec4.6). This Act however, does not legislate for the safety of disabled passengers regarding either crime, hate crime or the reporting of such matters. Furthermore, it was discussed in its consultation stages that the Act would give staff authority to insist that wheelchair bays were vacated if being used by an able-bodied passenger so that a disabled passenger could use it. This facet did not appear in the finalised Act, perhaps because of the potential for conflict. It should also be noted that the Department for Transport additionally facilitates the Disabled Persons Transport Advisory Committee (DPTAC). However, its mission is limited to advising the Department concerning access issues for disabled people (DPTAC, 2017).

Concerning the reporting of hostility toward disabled people, recommended

practices to be undertaken by public agencies are espoused in two EHRC reports: EHRC (2011a;b). Both reports relate to the Equality Act 2010 and specifically section 149. Some of the extant failures noted by the EHRC (2011a) report findings were: embarrassment and shame experienced by the reporter; difficulty in navigating the reporting process; not taking reports seriously and not recognising the potential for reprisals from associates of the victim (EHRC, 2011a). The reports therefore advocated establishing a robust reporting structure which would encourage victims of disability hate crime to be able to access third party reporting through trained, sympathetic counsellors. This reporting process should be undertaken in comfortable surroundings, using consistent reporting techniques with assurance that these reports will be passed on to the police (EHRC, 2011b). Disability Rights UK (DRUK) (2013) in their argument from a human rights perspective, espoused that transport companies and the British Transport Police should adhere to the Disability Rights UK standard for TPR to safeguard persons reporting disability hate crime. These standards include: a fully accessible reporting site; a basic medical assessment of the victim/witness at the pre-interview stage and making the reporter comfortable. They also stipulate that a full interview should be conducted and the complainant should be guided as to their future actions regarding counselling, seeking advice from the police and safeguarding themselves from future hostility (DRUK, 2013). This document gives guidance to those who have been or might be victims of disability hate crime. However, the reporting process seems to assume that complainants will have an interminable amount of time to spend on this process, that premises can be found at a reasonable cost and that a consistent supply of volunteers would be available. In these terms it seems somewhat optimistic.

### **Current passenger safeguarding practices in the UK**

There are many public transport authorities in the UK, but few publicise their strategies for dealing with hate crime – if they actually possess one. Therefore the choice of examples within this section is limited to providers which do publicise their strategies. One PTE which does is TfL. TfL authorises and commissions transport in and around London. Over eight million journeys are made per day on all modes of transport including: train; Tube; on-demand bus

(for example, Dial-a-ride services); tram; bus; cable car and hired bicycle (TfL, 2017a). Their governing body is the Greater London Authority (GLA) which is led by the Mayor of London who is also a Board member of TfL. Another of the TfL Board members is Lady Tanni Grey-Thompson the former Paralympian, campaigner for disability rights and a cross-bench peer. The organisation, therefore, has a political leadership. In 2016 the GLA published its strategy for crime on London's transport, *Crime on Public Transport* (Greater London Authority, 2016). Generally, this document proffered expectations for dealing with crime and pontificates at the potential reputational damage for London if it is not tackled. The document recognises that data specifically concerning disability hate crime on public transport are 'unreliable' (2016:15). It does however recognise that people are dissuaded from going out if their disability is compounded by the fear of being a victim of a hate crime. The report recommends a new project guardian to be responsible for new reporting pathways and for supporting those victims of hate crime. The themes within the Greater London Authority (2016) strategy are continued in the Mayor of London's Transport Strategy, the draft of which was launched in June 2017 (Mayor of London, 2017).

Transport for London's *Community Safety Plan* (TfL, 2010) predates the GLA (2016) strategy by six years. The TfL Plan which combines input from all police forces across its area of operation and from the Mayor of London and gives a direct commitment to Londoners and the travelling public to ensure that crime on London's transport is reduced. It commits to reflecting the objectives of the Crime and Disorder Act 1998 in its duty to reduce anti-social behaviour and crime. It recognises that many crimes are committed in the early evening by young people and also cites the plight of female passengers who especially feel at risk of anti-social behaviour. It introduced Key Performance Indicators (KPIs) around anti-social behaviour with the police and TfL jointly accountable for meeting strict targets. TfL additionally publish the *Staying Safe* website (TfL, 2015) which gives advice on remaining safe while travelling on their transport modes and gives access to crime data concerning the transport system. This is updated quarterly and aligns with strategic commitments to keep the public informed. In summary, London has a robust response to hate crime in that it

produces advice online; it has strategies in place published by both the GLA and TfL. It regularly produces statistics and it has a close alliance with police forces, mainly the BTP. TfL also has an enforcement team which maps crime problems on its network and works through a multi-agency approach to deal with them. TfL has been producing publicity aimed at reducing crime since 2010 and hate crime since 2016.

TfL, in a more recent innovation, has additionally introduced digitised announcements on buses to urge passengers to vacate wheelchair bays to allow a wheelchair user to occupy it. It can be inferred that this measure is designed to reduce confrontation when disabled passengers need to use the disabled bays and thus moderate hate crime confrontations' (Transport for All, 2017). Transport for All provides Disability Equality Training to one mode of TfL, namely London Underground and additionally to the Dial-a-Ride (on-demand bus) service (Transport for All, 2017). In the autumn of 2017 senior managers from London Underground were given DET and an escorted experiential tour of the Underground to understand travel from a disability perspective. However, besides acquaintance with the Equality Act, no specific training regarding hate crime was given to the workforce in any transport mode other than the Underground (Transport for All, 2017). Furthermore, this training has been given to approximately 2% of its 28,456 member workforce (FOI17, 2018) although the scheme is developing.

In November 2014 the Edinburgh City Council, Health, Social Care and Housing Committee announced that it was establishing the Hate Crime Strategic Development Group (Hate Strategic Group: Partnership & Agreement, 2014). Following consultation with 50 *expert* stakeholders it declared that the Group would have short, intermediate and long term goals to:-

- improve knowledge of hate crime
- improve confidence and trust in the reporting of hate crime and
- make individuals and groups who are susceptible secure from hate crime.

As part of an aspirational Transport Charter they also advocated establishing third party reporting. All of this was to be achieved without a cost implication. This project came to fruition in June 2017 when Scottish Transport minister, Humza Yousaf announced that this new initiative was to be the first in Scotland to tackle hate crime on public transport (BBC, 2017). Although this initiative was introduced one year following that of TfL it was three years in the planning. This was the second PTE to introduce hate crime guidance and third party reporting pathways. The Edinburgh City Council charter *Together Let's Drive Hate Out* pledges that the Council will work with Police Scotland, and service providers to work toward reducing hate crime on public transport in that city (FOI5, 2018). Other authorities have shown great innovation in the reduction of hate crime, examples being: NEXUS, in north east England, with their Hate Crime Charter for Public Transport; Gateshead Council; Plymouth City Council; Transport for Greater Manchester; Brighton and Hove City Council and South Yorkshire PTE have all provided responses and these will be illustrated in Chapter Six.

Aside from the authorities cited above there has been little publicised activity involving PTEs or local authorities elsewhere in the UK to introduce third party reporting, raise staff or passenger awareness or produce policies aimed at tackling hate crime. Furthermore, there has been no advice or guidance issued by agencies which act as associative agencies for their particular modes of transport. For example, Network Rail; the PTE Group or the Rail Delivery Group. The latter being the consultative agency for most Train Operating Companies in the UK. Innovations for safeguarding of passengers, other than those produced by responsible authorities follow.

Disability Equality Training is delivered through a variety of organisations and is generally available to businesses, educational establishments and public sector bodies although usually with cost implications. DET, with its emphasis on raising awareness of equalities, is an enhanced form of Disability Awareness Training (DAT) which additionally incorporates awareness of equality and hate crime issues concerning minority groups of passengers. Blackpool Transport and Northern Trains have been working with the Disability Hate Crime Network – a UK based charity – to provide its staff with training, including awareness of

disability hate crime (Brookes, 2016). Examples of other providers of DET include: the Centre for Hate Studies (2018) at the University of Leicester and Stop Hate UK (Stop Hate UK, 2017a). A typical syllabus for DET is provided by Stop Hate UK which covers: the legal framework of hate crime; the impact of hate crime on victims; the nature of hate crime perpetrators and differences between victim groups. In more practical terms the traditionally low reporting rates are emphasised as are the available means of reporting hate crime. Successful intervention techniques and the importance of leadership to achieve equality goals are also part of the package (Stop Hate UK, 2017b).

Aside however, from the research by Haveman (*et al.*, 2014) there is a need for more evidence of the success of these training interventions as little monitoring has taken place (Giannasi, 2017). However, Walker (2004) conducted an assessment of the success of online training via an email survey of 104 members of staff who had received it. Walker found that this was a viable method to communicate best practice to people who were likely to work with those affected by equality issues. Walker also suggested that staff should receive refresher training as well as a one-off introductory learning intervention. Walker asserted that this type of training has the ability to deliver high volumes of new knowledge and skills (Walker, 2004). It is noteworthy that in 2019 the Centre for Hate Studies at the University of Leicester produced an online training module specifically covering hate crime on public transport. The author of this thesis was a contributor to this module.

A move toward positive actions at countering disability hate crime was published in 2018 by the Foundation for People with Learning Disabilities (FPLD). Their report cites problems in the police flagging of crimes and encourages local authorities to prioritise the implementation of action plans to reduce hate crime. However, in a missed opportunity it does not mention public transport at all and fails to deliver on detail (FPLD, 2018). However, one seemingly positive move by the UK government toward supporting disabled passengers was the publishing of the *Inclusive Transport Strategy* by the DfT (DfT, 2018a). This document, driven by DPTAC, espoused a conceptual move from accessibility for disabled people using public transport, toward inclusivity,

where people with disabilities are consulted regarding issues affecting them. The document is heavily devoted to accessibility and presents policies which aim to provide confidence for disabled passengers to use public transport therefore tackling loneliness and isolation. This document refers to hate crime and illustrated how the BTP and other enforcement agencies are dealing with it in line with the Home Office (2016) action plan. It recognises the role of local authorities in providing infrastructure, and pledges that all public transport providers and agencies will adhere to their PSED responsibilities otherwise potentially face the wrath of the EHRC. The Strategy promises positive enforcement action to make wheelchair spaces available for use. The document strives to raise public awareness of disability hate crime through advertising campaigns commencing in 2019 achieved via £2m of projected government funding. It also recommends Disability Awareness Training, including equality awareness, for back-office and frontline staff members within public transport providers in support of accessibility to public transport (DfT, 2018a:16).

The Strategy also introduces a new framework to monitor training interventions. Furthermore, an Inclusive Transport Leaders Scheme (ITLS) will be introduced to reward positive behaviours demonstrated by service providers. This will involve three levels of achievement, Bronze, Silver and Gold where public transport providers demonstrate their developing ability to be inclusive of disabled people and provide measures to improve their journeys. However, this framework, like the document that introduced it, is heavily biased toward accessibility and not equality. The Bronze level is easily achievable without much effort and the Bronze and Silver levels are self-assessed (DfT, 2018a; Brookes, 2018). However, having a responsible executive officer for disability and sharing best practice are positive goals for the scheme (Lewis, 2019).

Whilst applauding the Strategy it is however clear what it does not offer. That is any awareness training for staff members concerning hate crime and hostility against disabled people. There is no promise of a move toward DET. There is no guarantee that the projected funding will be available. Moreover, the document does not elucidate how bus service providers will deliver additional wheelchair spaces and it places a heavy reliance on the monitoring capabilities



of the EHRC; capabilities which are questionable to say the least (Giannasi, 2017). Likewise, whilst it extols the activities of the BTP in tackling hate crime on public transport – the BTP does not police bus services. In summary, the Inclusive Transport Strategy promises much but details very little regarding how any of these objectives will be achieved.

### **Police initiatives to countering hate crime**

There are few examples of UK-based police forces which have publicised reporting portals specifically for hate crime reporting. The BTP and West Midlands Police are two of these. The police force in the UK responsible for policing the rail infrastructure is the British Transport Police. They have a Safeguarding Team based in Leeds which is recognised as providing best practice to other police forces in the UK regarding hate crime process management (BTP, 2017a) and little evidence can be determined to dispute this claim as inconsistencies regarding hate crime processing are recognised across most police services (HMICFRS, 2018). The BTP mount regular patrols on Britain's railway infrastructure and prepare private security operators for working to protect the travelling public. Procedures for processing reports are standardised across BTP divisions. These include a standard reporting form enabling early determination of a hate offence and the ability within their reporting system to flag a hate crime from the source of complaint. This flag will remain throughout the course of an investigation. Furthermore, it is expected that a detective will be appointed to supervise each hate complaint. The force also has a Data Integrity Unit which has, as one of its duties, the role of conducting randomised integrity checks to determine that these procedures are followed (BTP, 2017a). The BTP participate in monthly activity days around the UK rail infrastructure where they raise awareness of the work of the BTP and of crime, including hate crime. They additionally participate in the National Hate Crime Awareness Week campaign. The BTP formulated its strategy and signified its intentions in its 2015 *Hate Crime Strategy* (BTP, 2015). Another facet of this strategy is its *We Stand Together* website giving access to useful information with links to partner organisations, for example, Tell MAMA. Aside from stating the five recognised strands of hate crime, its website emphasises that any crimes perpetrated not only within the five recognised strands of hate

crime but because of 'any perceivable difference' on the part of the victim would qualify as a hate offence (BTP, 2016: online). These facilities and their 61016 texting service have made the BTP exemplars of good practice in the UK regarding the countering of hate crime (BTP, 2017a). One example of a BTP campaign launched in June 2017 focused on a regional clampdown on hate offences (ITV News, 2017: online).

West Midlands Police are also proactive in publicising information regarding general hate crime and soliciting reports of it. They have launched an interactive website to aid reporting of these offences with links to advice and to frequently asked questions (West Midlands Police, 2017). The website also gives access to partner websites and to Crimestoppers as well as listing local third party reporting centres. This website offers some of the facilities obtainable from the BTP. However, it could be augmented by adding access to data and simpler reporting gateways. Aside from some localised reporting agencies and Crimestoppers, work by the BTP and the West Midlands Police remains the only publically proactive forms of online interactive police reporting and information in the UK regarding hate crime although Greater Manchester Police have successfully integrated reporting to third party reporting centres. This inconsistency of hate crime reporting, recording and monitoring is reflected in the inspection report from the HMICFRS (2018). This report illustrated failures of the police to flag crimes as hate offences from an early stage. Furthermore, the CPS and courts were not without criticism with regards to not making proper assessments of crimes for their hate crime potential. Aside from police forces, Some of the campaigning organisations which promote an understanding of disability hate crime also offer reporting pathways, for example, Transport for All (2017) and Stop Hate UK (2017) both offer advice as to what hate crime is and how to get help. Stop Hate UK additionally can be contacted to report hate crime by post, a 24-hour telephone, webchat or email. Disability organisations like Scope (2017) also offer some advice and help regarding hate offences.

### **Summarising Chapter Three**

This chapter has presented mixed responses in its duty of providing the reader with background knowledge concerning the perpetration of hate crime on public

transport systems. Whilst the scope of the chapter was wide – the resources were limited. The chapter discussed crime on public transport in generalist terms and illustrated passenger susceptibilities before moving to discuss hate crime on public transport specifically. The comparative paucity of research discussing disabled people and interventions to assist them is notable herein. This section additionally discussed measures which could be taken to reduce the propensity of such crimes. The final section referred to the equality duties of public transport authorities and operators within the UK and current public initiatives within the police to counter hate crime.

Any brevity of academic work should, arguably, not be seen as a failure – but more of an indication as to the relevance and originality of this thesis. These gaps in literature leave much work to be addressed if researchers are to understand the breadth and experiences of public transport users *per se*. The experiences of disabled travellers are proportionally less well represented and this proportionality was reflected in this chapter. Furthermore, despite the academic work which has been completed in this field, their research methodologies have seemingly been limited to either broad-brush data gathering or to observational studies with little work being completed to ascertain the experiences of victims or witnesses themselves. This research is therefore justified in its aim to study hate crime within this context because of the paucity of work on public transport. But it is also justified in utilising interviews to develop a more nuanced understanding of the experiences of, and impacts upon victims and witnesses. Chapter Four will turn toward the methodology used in this research before the thesis moves on to present its findings in Chapters Five and Six and a discussion of those findings in Chapter Seven.

## Chapter Four: Journey Planner - Methodology

### Chapter introduction

After examining the literary context for this research the purpose of this chapter is to illustrate the research process for this study. The detail given will underpin the veracity of this project and act as guidance for any future research in this area. In this chapter, the social science philosophy adopted for this project and its consequences for the chosen methodologies will be outlined before each phase of the project methodology is described and justified. As cited above in the Introduction and in Chapter Two, scholarship involving disabled people is rare. This may be due to perceptions of *vulnerability* concerning the participants or perhaps an unwillingness to face potential any complexities of talking with people with disabilities. If flexible methodologies are used and refined this potentially should only make research with disabled people increasingly possible. Most of the methods used to collect data in this research are conventional within social science. However, the author found that intended means of communication needed occasional adaptation to meet particular challenges. In some circumstances the participant was restricted by medication or caregiver availability therefore a simple adjustment of interview time was required. However, on occasion an alternative means of communication needed to be established to facilitate interviewing people whose very lives may be altered at short notice by the fluctuating nature of their conditions.

It may be helpful to remind the reader of the research objectives here. The research aim guiding this study is to develop a nuanced understanding of how disability hate crime is experienced on public transport.

Therefore, the specific research objectives are:

- To consider the dynamics between victims, perpetrators and bystanders on public transport.
- To assess which public transport modes pose a greater risk for victims of disability hate crime.
- To explore the impacts of disability hate crime on public transport.

- To examine the ways in which public transport providers and frontline staff respond to disability hate crime on public transport.
- To use research evidence to develop a series of recommendations for policy and practice to improve responses to disability hate crime on public transport.

Structurally, this chapter will briefly discuss the ontology and epistemology which steered this project, building a bridge between the research aims and the methodology, before discussing the available methodological options. The chapter will then discuss in detail the chosen methodologies of: telephone interviews; focus groups and document examination. Participant recruitment and selection will be examined in the following section and subsequently analysis and findings. The subsequent three sections will respectively discuss: the project limitations; relevant ethical considerations and reflection on the project. Any interpretive bias of the researcher will need to be apparent to the reader throughout.

### **Research philosophy and approach**

The main purpose of this research was to understand the experiences and interactions of disability hate crime victims when using public transport. To begin to understand the depth of emotion, reasoning and potential social harm a qualitative, interpretive, humanistic approach was necessary. Ontologically, this study is exploring how hate crime is socially constructed through the behaviours of its perpetrators and victims whilst using public transport. Chakraborti and Garland (2012, citing Hall, 2012), asserted that hate crime is:

*... a social construct. It emerges from a complex network of events, structures and underlying processes, and, as such, will be constructed according to different actors' perceptions, whether they are scholars, law enforcers or victims. (Chakraborti and Garland, 2012:501.)*

Hence, it is important to understand how interactions of hate are presented, interrelated and constructed in the social context of public transport. Collecting empirical data concerning the frequency of attacks would only lead to a

numerical portrait. The chosen ontological approach will generate new knowledge concerning the perceptions of victims and witnesses and, in common with the hermeneutic tradition, will interpret these and draw out the meanings of these social interactions. Dilthey (1991) argued that the social sciences should gain knowledge of lived experiences to understand social complexities and that meaning is at the heart of these complexities. Studying and interpreting those meanings is a rational human enquiry and one which we need no special qualifications for undertaking (Weber, 1947). Interactionism is the generalist framework used in this research. Interactionism is a framework which helps unravel the complexities of socially constructed interactions (Mead, 1934). As mentioned in the introduction, this thesis will use the term *disability hate crime*; because to use the term *disablist hate crime* implies that the motivation for these attacks has been determined. In seminal work, Mead separated the 'I' and the 'me' concerning interactionism with the 'I' referring to the inner thoughts of the person and the 'me' as to their public face (Mead, 1934, *inter alia*). This present study does not attempt to examine motivation and therefore the 'I' remains unexplored. It is the 'me', the public action of the perpetrator which will be explored through the perceptions of the victims and witnesses of these crimes in this research.

Therefore it is a qualitative aspect which is required to reveal the incidence of social harms and the impacts on the participants (Rawlinson, 2008). Qualitative approaches can include ethnography or observation – however, neither of these would be appropriate to gauge the opinions, views and experiences of victims and witnesses. Interviewing however is a flexible, adaptive and dynamic method to engage with data. This method was therefore chosen as the right one for this project. The researcher was mindful of the sensitivity of dealing with disabled people and the need to adapt interview techniques to reflect individual capacities – whilst remaining within the boundaries of ethical acceptance. Though being conscious of these sensitivities however, the need to ensure that disabled people and their associates have access to communicate their experiences is a justifiable aspiration (Goodley, 2011; Heaton, 2014). Disabled people should arguably have an equal opportunity to be involved in research.

## **Data collection from Interviews**

The chosen data gathering techniques for this research were: interview – mainly by telephone; interactive focus groups and analysis of documentary evidence provided by 26 local or regulating authorities and evidence derived from requests sent to 53 public transport providers. The primary source of data collection was in-depth, semi-structured interviews which were mainly conducted by telephone. Interviews are a widely used, flexible and interactive method for gathering experiential data (Fielding and Thomas, 2008). A qualitative interview is a 'conversation with a purpose' (Dexter, 1970:136), the objective of which is to obtain specific types of information from respondents (Lechuga, 2012). A number of topics were covered and during the course of each interview and questioning was adapted to reflect newly unearthed material. Adaptations were also made to capture the emotionality of the experience, the actions of the perpetrator, the reactions of staff and witnesses and the immediate and longer-term emotionality of the victim. Interviews may be of benefit to those participants who needed relative intimacy for discussing sensitive issues, a facet which would not apply in a group discussion. The participant was at the heart of the interview and the course of the exchange was led by their evidence with the researcher adapting the interview based on that participant lead. This adaptability is particularly relevant for successful participation from people with disabilities (Hollomotz, 2018).

Both face-to-face and telephone interviews were conducted. Whilst Musselwhite, Cuff, McGregor and King (2007) recognise that telephone interviewing can be problematic for achieving participant involvement; they assert that this technique is economically advantageous, minimises disadvantages of in-person interviewing and produces positive relations with participants. Their study was health-related and therein telephone interviewing was particularly helpful interacting with participants not feeling confident about face-to-face interviews. Additionally, their research indicated that telephone interviewing is the best method for capturing data from a geographically widespread group of participants, especially if the participant finds travel to an interview site difficult. Moreover, a greater sense of privacy for the participant may be available via a telephone interview (King and Horrocks, 2010). Likewise,

the technique reduces response bias initiated via facial expressions and enhances the mutual security of both participant and researcher without detracting from the quality of data (Novick, 2008), whilst accepting that visual cues are lost. Moreover, Lechuga (2012) asserted that telephone interviews overcome responder reluctance whilst maintaining a feeling of anonymity. Indeed, the telephone seems to act as a 'buffer' (2012:265) which encourages the reticent respondent to participate. Ward, Gott, and Hoare (2015) collated participants' views of telephone interviews identifying four themes: being 'phone savvy; concentrating on voice instead of your face; easy rapport; and not being judged or feeling inhibited' (2015:2775). Telephone interviewing was therefore ideally suited to this research which utilised participants perhaps with confidence issues relating emotional disturbances.

Participants requiring a hearing loop were not sought. The cost of induction equipment would have been cost-prohibitive to the researcher. Face-to-face interviews were offered to participants who preferred not to use the telephone or email and who were practically accessible for the researcher (for informed consent documentation, see: Appendix C). Informed consent for telephone interviews was normally achieved via email (see: Appendix B). However for participants who struggled with written communication, consent was accepted audibly and audio recordings archived. Four participants requested audibly registering their informed consent. For those unable to use the telephone, an alternative email interview was offered. This alternative provided a reasonable avenue for those who might prefer an asynchronous conversation due to having cognitive disabilities. One participant who contributed via a YouTube video was asked supplementary questions via email. However, it should be noted that the risk of impersonation of the agreed participant is higher using email interviews as the identity of the email's author cannot be verified. Moreover, email exchanges can be protracted forms of communication (King and Horrocks, 2010).

Pilot interviews were conducted using associates of the researcher to evaluate the approach and also researcher behaviour. First, with each associate being interviewed alone by telephone, and then interviewed on a one-to-one basis but



with the other associate observing. Feedback was solicited from both associates – who played no further part in the study and their data was used in the analysis. The results from their feedback were incorporated into the researchers' interview technique. These results were essential for the researcher to gauge the impact of authority, control and the general interview technique and adjustments made following the pilot study seemed invaluable.

During the interviews an interview guide was utilised in these semi-structured exchanges (see: Appendix A). Some empirical metadata was additionally gathered; for example: age; gender; ethnicity and sexuality of participants so that intersectionalities could be established. Similarly, some apparent details of assailant age, gender and whether they were operating alone or in a group were collected. The qualitative questioning determined the narrative of what happened in the interviewees own words. The immediate and longer-lasting effects of these incidents were also captured. Asking questions of the researcher was incentivised during the interviews. The contact details of the researcher and other support organisations were offered to the participant in a Helpsheet which also outlined a complaints procedure, if required. However, no complaint was received connected with this study. In total, 26 individual interviews were conducted with victim or witness participants involving 14 females and 12 males. Participants had a range of disabilities including, physical, mental, learning difficulties and communication problems. All of these interview participants agreed to undergo a two-stage Mental Capacity test (further detail provided below) to ensure the veracity of their informed consent.

In addition to the interviews conducted with victims and witnesses, the author conducted 14 interviews with current, or recently employed members of public transport staff who were contacted through associates of the researcher. These interviews were face-to-face using a structured interview schedule (see: Appendix D). The interviews were designed to understand the level of confidence held by public transport staff when dealing with potential disability hate crime incidents. The structured nature of this approach was designed with swiftness in mind as these operational staff had little time to answer more detailed questions. Informed consent was captured using the same method for

face-to-face interviews (see: Appendix C). These responses were not subjected to coded analysis because of the insufficiency of detail and the collective responses are presented in Chapter Six.

Personal details acquired by the researcher along with any contact details were noted and kept within a password-protected document to which only the researcher had access and this within the password-protected archive of the University. These were physically destroyed by the researcher immediately upon completion of use. Any records pertaining to any participant were anonymised from initial use to protect the identity of that participant. At no time was the true identity of any participant released. All interview transcripts were similarly kept in a password-protected University of Leicester electronic archive. At this stage they had been anonymised through the Numeric Identifier. All identification-related data and metadata was destroyed at the termination of the study data collection. All hard drives utilised were also password protected.

### **Data collection from focus groups**

To triangulate data gathered from the interviews, five focus groups lasting approximately one hour were conducted totalling 30 participants. These allowed for interactive conversations between groups of people having varying disabilities and conditions. Focus groups are potentially less intimidating than being in a one-to-one conversation for those who prefer not being alone. Although data sought was comparable to that from the telephone interviews, the interactive atmosphere of the focus group provided differing aspects of data from those in the telephone interviews. Focus groups are valuable to establish group norms, encourage conversation, explore differences and compare data captured from other sources (King and Horrocks, 2010). There are however, some criticisms of focus groups with Cronin (2008) arguing that they can lack the experiential depth and richness of one-to-one interviewing. Additionally, there is the potential for certain individuals to dominate proceedings within the focus group which may lead to resentment from other attendees (Morgan, 1996). On another level, Carlsen (2011) asserted that ineffective reporting of the findings gathered in focus groups can be problematic. Carlsen's study of 220 studies published in 117 journals in three separate years showed

inconsistencies in reporting which failed to reveal the fullest potential of the captured data. However, moderation was utilised within this study to encourage input from quieter members of the group whilst still capturing the enthusiasm of the more vociferous members. This mediation, Litosseliti (2007) argued, brings balance to the group setting. The researcher is an experienced facilitator having formerly been an adult educator and group facilitator and these skills were useful during the focus groups.

The positive aspects of the focus group make it a valuable method for gleaning rich experiential data (Carlsen, 2011; Cronin, 2008; Morgan, 1996; Ruff, 2005; Synott 2014). Cronin (2008) argued that focus groups are useful both for exploratory research, in terms of establishing early themes and directions for further study and in triangulation of data. As well as gathering rich personal data, focus groups also facilitate experiential sharing and interaction and are effective for discussing sensitive topics. Litosseliti (2007) asserted that focus groups allow people to exchange views in non-threatening environments. These groups, Litosseliti argued, are excellent methods through which exploratory or later-stage data gathering can be accomplished. They are a method of obtaining different perspectives, shared meanings and understandings. Moreover, Synott (2014) asserted that some groups are so successful that the rapport between participants can lead to individuals staying behind following the formal group conversation to discuss experiences and exchange contact details. Synott found, in comparison to online data gathering, focus groups provided a more revealing picture of life. Morgan asserted that the combination of focus group and interview is a powerful one. In establishing the number of focus groups which should be utilised, Morgan proposes that 'most projects consist of 4-6 focus groups' after which 'little new data emerges' (Morgan, 1996:144). Tang (1995) argued that group size is important to data capture. Exploratory groups should be smaller, Tang affirms, so that the researcher can concentrate on emerging detail. Latterly, larger groups with a range of data are preferred to offer triangulation with interview data. Therefore, the gathering of focus group data is a methodologically strong approach through which rich data can be gathered. This study utilised five focus groups with an average membership of six participants.

Ruff (2005) asserted that the strength of a focus group lies in the choice of participants. The participants should only be those who have direct experience of what is being discussed and can offer insight. The groups used for this study were already identified as being disabled people who were members of established support groups and with evidence to give. The focus groups for this research were arranged through already established organisations which supported disabled people. Therefore the researcher had little control concerning participant recruitment and attendance – but all participants self-identified as being disabled. Initially, during the focus groups, a verbal overview of the author's research and a brief explanation of hate crime were delivered to each group. A discussion was then facilitated after individual informed consent had been administered (see: Appendix E). Group participants were asked separately on entry or exit from the group the questions which embodied the two-stage test of mental capacity (see below in this chapter), thus confidentiality was preserved. During the discussion participants narrated their experiences of hostility on public transport. The variable sizes of the rooms in which the groups were conducted and the space required between each participant due to wheelchairs and other equipment being used affected the reliability of some recordings. Consequently, as well as the audio recordings, non-verbatim notations were compiled by the researcher and an associate, the associate used shorthand notation and the researcher longhand notation, producing duplicated notes. This associate had no other involvement in the study and did not have access to any sensitive data – aside from what they heard in the groups.

Following the focus groups the researcher and the associate compared notes to reduce the risk that data were overlooked. Notes were then further compared with the audio recordings. If during the focus groups, a participant's quotation was deemed as worthy of detailed capture then the participant was asked to pause and the statement repeated so that a detailed account could be captured. Any other data capture difficulties were mitigated during the focus groups as participants were answering one question at a time. This meant that the researcher and associate could concentrate on one area of questioning and

responses at any one time. The multi-functional notation/recording technique delivered very few disparities. Any differences were overcome by the multi-modal notation method.

Although one limitation to the focus group technique is that some attendees might feel uncomfortable speaking in groups, the researcher stipulated that groups should be small comprising of 6-10 attendees, which is a manageable size (Fielding and Thomas, 2008; Tang, 1995). Balance was achieved by encouraging quieter attendees to contribute whilst the more vociferous were encouraged to give others an opportunity to have a say. These groups comprised of 30 participants, declared as: 19 females; nine males; one non-binary participant and one intersex participant. Alternative methods were available for data gathering if requested. Interviews by Skype or alternative video conferencing methods could have been facilitated although these may have been difficult for a focus group setting due to participants needing to be some distance from the microphone. A group interview was also available where individuals could be interviewed but in a group setting which may have provided assurance to participants. Alternative methods were requested by ten participants. To facilitate the widest possible range of contributions as many practical methods as were possible were offered to capture experiential data from participants. All participant data was securely retained similarly to the interview data.

### **Participant recruitment and selection**

The participation ethos for this research rested upon self-selection for participation and self-declaration of disability. Because each participant offered themselves as a contributor, no gateway permissions were needed to endorse participation. However, the support of group leaders was necessary for focus groups because established support groups were used. Each participant also self-declared whether, or not, their incident was a hate crime, a hate incident, or neither. Thus the approach of this research is in accord with the College of Policing guidance which relies on the victim to define which category they should fall into (CoP, 2014). The self-definition of the hate crime/incident removed any judgement requirement by the researcher.

To ensure a wide circulation for participant recruitment, details of the research was circulated via UK-based Deaf and Disabled Peoples Organisations (DDPOs) and organisations concerned with campaigning against hate crime. These agencies were requested to circulate the researcher's University of Leicester email address with a view to soliciting contact from prospective participants. Assurance was given to these agencies by confirming ethical approval and by forwarding the research proposal for this study. In all, 66 such agencies, both national and local to the researcher were contacted with six responding to the initial request. From this sample five positively responded by circulating the call for participants. Some snowballing did occur between organisations whereby the initial request was passed between associated agencies. Further recruitment was conducted through canvassing using social media platforms which proved to be the most successful recruiting route. Some additional snowballing occurred whereby emails, tweets and posts were passed-on from original recipients to associates. Moreover, leafletting and word of mouth recruiting were conducted locally to the researcher and notices were posted in public places to exploit the potential for localised face-to-face interviewing.

No participant was rejected because of their UK location. Responses were gathered from across the UK (see: Appendix G). The study did not solicit responses from persons under 18 years and all participants were asked to confirm their age. Following initial contact, the researcher responded to the participant via email, or from a withheld telephone number, with an invitation to participate in a telephone interview at a date and time convenient to the participant. The emailed invitation utilised a scripted email text (see: Appendix B). Participants were advised to find a private and comfortable place for the interview and were encouraged to have a caregiver or guardian present. Informed consent for participation was obtained in advance of the interview by asking each participant to return an email stating that they were prepared to participate (see: Appendix B). Anonymity was assured, and the potential for participants to withdraw at any time, without repercussion, was given and repeated – although this was not taken up.

Participants were also advised that their involvement was more than just that of participating in research. They could, if requested, also be a party to feedback regarding the outcomes of this research and be privy to responses from authorities and providers on completion of the study. Protection of all participants was a key factor and protection arrangements are discussed in the ethical considerations section, below. For interview purposes, participants were informed that the telephone interview could take up to one hour to complete and that if upset was caused by the process then suspensions or cessation would be facilitated without any repercussion or disrespect shown toward the participant. When deciding a sample size the researcher referred to similar studies for comparison. A telephone sample size of 30-50 was the original target which, for example, was the sample size successfully used by Hollomotz when studying the continuum of violence which affects disabled people (Hollomotz, 2013b). An alternative was to achieve a saturation level, which is to interview as many participants as is possible until no new data materialises (Mason, 2010). Whilst both approaches may be problematic, Urquhart (2012) asserted that to achieve a properly constructed grounded theory, data gathering should continue until theoretical saturation is achieved. Therefore, determined by the cessation of new data materialising, the total number of telephone and face-to-face interviews was 26. Focus groups participants totalled 30 and fourteen public transport employees were questioned. The participant cohort therefore totalled 70. As contact details of participants were securely retained until the study was written-up this allowed for some participants to be re-interviewed should the need arise to achieve thematic sampling. Six victim/witness participants, who gave particularly detailed accounts, were asked to participate in thematic sampling (see: below in this chapter). No rewards were offered to any participant as the researcher did not have the means to meet such a commitment.

Recruitment of participants for the focus groups was similar. Established groups of disabled people were contacted and asked if they might be willing to participate in this research. The groups were informed of the nature of the research and sent the research proposal and ethical approval confirmation. If

agreement was reached, the researcher visited the group. The Helpsheet was offered to all attendees for any follow-up support required or in the case of the need to make a complaint. The facilitation of each focus group was conducted by the researcher. Also in attendance was the original leader or facilitator of the established group or their representative. Because of the recruiting method whereby details of the researcher were circulated and groups came forward to be consulted, this too constituted a self-selection method of recruitment. All participants of these disability support groups were self-declared to have a disability by being established members of the original support group.

### **Intersectionality**

Concepts of intersectionality (for an example see: Mason-Bish, 2015), assert that when intersectionalities are involved, for example by a victim being both disabled and gay, then victimisation is more likely to occur and is more likely to be amplified by that intersectionality. In this study, participants were asked on most occasions to identify their sexuality, faith and ethnic heritage so that metadata could be accrued to clarify any effect of intersectionality. Questions concerning this area were not asked in focus group settings to protect personal details. The results of these questions put to the 26 interviewees reveal the following self-declarations. Faith: eight participants declared as being Christian; two each represented the Hindu and Islamic faiths; one as Spiritualist and five did not associate with any faith. A further eight participants declined to respond. The ethnic origins of the participant cohort were declared as follows: 15 participants described themselves as white/British; five as British/Asian; four as white/Polish; one as white/American and one white/Swedish. Metadata concerning sexuality revealed the following: 17 described themselves as straight; two as gay and one as trans'. Six participants declined to respond.

An overall picture of intersectionality was therefore difficult to draw as only a small sample of the 56 victim or witness participants answered these questions. However, one couple, both black, did describe that being black and disabled needing to use wheelchairs did seem to make life worse. Furthermore, three participants mentioned that being gay or trans' may have added to their victim impact. Conversely, one participant extolled his image as a gay wheelchair user



of Asian origin as a focal point for his identity (FM6: an older male of Asian heritage with mobility issues). It was unclear how many incidents referred to by participants additionally constituted a sexual offence. Questions regarding sexual offences were not asked and only one participant disclosed that a serious sexual offence occurred during her ordeal of a disability hate attack.

### **Data from public transport authorities and operators**

Public transport is a multifaceted subject. There are many modes of public transport: buses; trains; the London Underground (the Tube); taxis; bike hire *etc.* Across the UK these are mainly regulated or guided by one of two types of authority, either Passenger Transport Executives (for example, South Yorkshire Passenger Transport Authority) or by local authorities. PTEs and local authorities create public transport policy and then contract-out responsibility for daily operations through either wholly-owned subsidiaries (London Underground is one example) or through private companies (examples being: Arriva; First; Stagecoach *etc.*). Thereafter, these operators provide services under the regulation and influence of the authorities. Specific responsibilities will vary depending on location. Both local and regulatory authorities often participate in bus partnerships in striving to achieve a multi-agency approach to service planning and other partnerships, for example, to discuss crime control and anti-social behaviour. Any research concerning public transport can involve complex enquires made through multiple governance and provider agencies. Because telephone interviews with participants from any part of the UK were used, multiple enquiries needed to be made of a variety of authorities and providers to explore their responses to potential hate crime offences and their approaches to safeguarding their passengers. To ascertain if authorities and providers were undertaking their PSED responsibilities the researcher required documentary evidence.

Data collection from local and regulatory authorities and from service operating companies was problematic to facilitate. Both PTEs and council-led local authorities were selected, totalling 28. Where FOI requests were used the researcher, in some naivety, considered that all requests would be met in full and within the statutory timeframes. This was not always the case. Some FOI

requests were delegated by the recipients to other agencies and service providers – many of which then failed to respond. Most FOI responses denied any involvement in the provision of public transport, responses which were clearly questionable (Garcia, 2018), but could not be challenged under the existing FOI arrangements (FOI responses are alphabetically listed and detailed in Appendix H). Because of this inability to challenge, responses therefore must be considered to be accurate.

The researcher also collected documentary evidence from public transport providers by sending requests to 53 service operators in the UK. Information was sought regarding: staff training; policies to protect disabled passengers against on-board hostility, reporting processes and awareness raising campaigns. In other words, all of the information required to ascertain if the PSED was being applied to their service provision. The overall aim was to understand the interventions in place to safeguard the equalities of protected groups on public transport and thereby ascertain compliance with the PSED. Training provision is important. Even if appropriate policies and procedures were found to be in place, these would be difficult to deliver without staff receiving the necessary training to be aware of hate crime and have the ability to manage it. Examination of policies, strategies and training protocols was undertaken through document analysis. Noaks and Wincup (2004) argued that document analysis is a powerful tool to manage a diverse and complex range of documents. They further assert that it has been used with success to analyse complex legal and historic documents. The approach in this study consisted of understanding policies and strategies of authorities and operators and matching these against the available legislation and the personal experiences of victims and witnesses. Ultimately, the document examination was limited by the amount and variety of material available. It was found that few authorities and providers within the scope of this research had established policies to protect equalities and therefore potentially reduce hate crime on their services. Furthermore, although obliged to do so, none of the authorities published annual reports as to their equality achievements. The complete list of questions, responses and the success of this data collection will be revealed below in Chapter Six and

discussed in Chapter Seven. A summary of the areas covered and response rates is given in Appendix G.

### **Data analysis and findings**

This section firstly details the capturing, transcription and analysis of data from interview and focus groups. Audio recordings were accomplished using a digital voice recorder which subsequently had its digital output uploaded to a personal computer. Interviews were recorded to mitigate against any important details being lost or overlooked. Additionally, during the interviews, hard copy memoranda were taken to capture significant occurrences in the interviews which could not be audio recorded and also for prompting the researcher during transcription. The significant occurrences which were recorded via memoranda included: emotional responses; repeated responses; unusual comments; requests to the researcher and approximate timings. During face-to-face interviews and focus groups some expressive body language was additionally added. These hard copy memoranda were kept in a notebook and contained within a locked cabinet by the researcher. These memoranda were destroyed at the termination of data capture as they contained personal details of participants. Audio files uploaded to a personal computer were additionally copied to a separate hard drive for dual-archiving. These were also destroyed following use as personal details existed within the recordings.

Digital files were then transcribed into a prepared transcription template. Transcripts were used to minutely examine detail given by participants. The transcripts were partially verbatim. Only comments related to the research were captured, an approach which focuses gathering intensive detail from the text as recommended by Seidman (2013). In other words, unrelated commentary was eliminated. The completed transcripts were archived using internet-based, password-protected cloud drives managed by the University of Leicester which was backed-up daily. Additional archiving to a separate, password-secured hard drive was facilitated as a contingency. These transcripts, together with memoranda from data gathering, were then uploaded into NVivo 11 computer assisted qualitative data analysis software (CAQDAS) for coding and thematic construction. The transcriptions remained in Microsoft Word format and the

memoranda were added manually from the original hard copy at appropriate stages through the coding process. Each of the Word files was labelled using the Numeric Identifier of each participant for example, PM1, PS1 or FF8 (these represent: interview participant male participant one; public transport staff participant one or focus group participant female number eight) - thus ensuring participant anonymity. The NVivo files were then archived to the separate hard drives discussed above as NVivo files would be too large to upload to internet-based *cloud* accounts. When the transcripts were uploaded to NVivo coding could commence. Saldana (2016:21) argued that the researcher should start coding as you collect it so that this becomes an iterative process with experience guiding future data collection and this was the approach taken for this study. NVivo was used in preference to manual coding because of the complexity of data which was likely to emerge and to manage the quantity and grouping of the codes.

Grounded theory is used within this research as an analytical framework. The qualitative, interpretative, episteme of grounded theory creation rests in its analysis (Urquhart, 2012). Coding for grounded theory is a technique used for labelling chunks of qualitative data making these manageable for subsequent analysis. Coding is a cyclic and heuristic process and different levels of coding are linked to produce themes and ultimately a grounded theory (Saldana, 2016). For the creation of grounded theories, Urquhart (2012) asserted that presumptions and pre-formed theories should be avoided so that the grounded theory can materialise without prejudice. However, as Urquhart also argues, no researcher can be completely free from bias. The risk of researcher bias however is mitigated through the process of open coding, selective coding, thematic coding and thematic sampling – all of which involve constant comparison across the created codes. This technique is one advocated to reduce error and bias (Saldana, 2016; Urquhart, 2012). For this research, the author employed constant comparison and latterly a sample of six participants to act as a thematic sampling panel to ratify findings. Grounded theory is good for building theory from data and theorising about how individuals interact whilst also recognising relationships between concepts. Identifying categories and emerging concepts are developed through constant comparison and ends when

theoretical saturation is reached (Cresswell, 1998; Dey, 1999; Glaser, 1978; Glaser, 1992; Glaser and Strauss, 1967; Strauss and Corbin, 1990; Urquhart, 2012). Saldana (2016) argued that no one person can be an authority on coding – or, by inference, grounded theory – therefore the subjective choice of the researcher is a problematic one, but one which is difficult to criticise. It is, as Saldana asserted ‘not a precise science’ (2016:5).

It is worth reflecting upon the evolution of grounded theory evolution in order to understand the choice of approach made within this research. Glaser and Strauss (1967) produced the seminal book of building a grounded theory and their work championed the development of a grounded theory emerging from data (Urquhart, 2012). They advocated that grounded theory was necessary to attempt to overturn the ambitious meta-theories of the ‘great men’ (*sic*) of sociology who saw it as their job, Glaser and Strauss argued, to provide the grand sociological theories for other researchers to work with (1967:10). Glaser and Strauss hence provided a systematic procedural manual for novice researchers to use grounded theory (Urquhart, 2012). Problematically however, it utilised sampling abstracted pieces of data for comparison purposes. This technique of capturing randomised data was complex to randomise and to use and is easily substituted by constant comparison techniques (see: elsewhere in this chapter). The details of their approach latterly became more apparent in Glaser’s (1978) volume which introduced theoretical sensitivity – the enhanced reflexivity of the researcher. Herein the Glaser and Strauss concept was intensified by introducing 18 *coding families* which, whilst adding structure to an analysis, could potentially divert the focus of the researcher from inductively developing a grounded theory. In other words, looking for linkages as coding takes place would be retrograde, rather than letting the open codes grow and then finding convenient categories for them to attach to. Therefore this approach might add bias to the open coding process.

Strauss and Corbin (1990) latterly produced a modified model which subsequently instigated a rift between Strauss and Glaser. This model introduced four types of coding and a prescribed structure allowing only one path to theory creation. Therefore, whilst being complex, it also prevented the

data guiding and creatively building any theory from within itself. Glaser (1992), in response to Strauss and Corbin's (1990) model vehemently argued that forcing theory creation through prescribed pathways would deter the theory from being created directly from data. Furthermore, Glaser (1992) asserted that the early exposure to literature necessary for the functioning of the Strauss and Corbin (1990) model would predetermine theory creation. Moreover, Strauss and Corbin (1990) proposed that *axial* coding should be used in place of *selective* coding. However, this approach requires the researcher to understand the context and strategic interaction of each code as the researcher is in the process of actively coding the text (Strauss, 1987). When such a detailed examination of data is necessary, this approach therefore might detract from the crucial examination of data (Urquhart, 2012). However, it should be noted that Glaser's (1992) model is itself problematic. The expectation that researchers' would be able to restrict themselves from exposure to any prior learning may be a fanciful one. One example of a grounded theory model as yet unmentioned is that of Charmaz (2006) who tends to prefer a complex, although less formal, approach which might produce multiple meanings for the same data (Urquhart, 2012). As discussed elsewhere in this chapter, multiple meanings within the same codes are unhelpful to building code relationships and thus a theory.

Therefore, and because of the researcher's relative inexperience, the model required to produce layers of coding needed to be durable and uncomplicated to use. Hence this research utilised a model advocated by Urquhart (2012) due to its proven simplicity for inexperienced researchers. Furthermore, Urquhart's approach to coding and ultimately grounded theory formation differs from the theorists cited above in that it is relatively recent (2012). Adaptations to this technique have been made by Urquhart following multiple uses of grounded theory creation. This research employed three levels of coding: open; selective and thematic. Salient points of the commentary were highlighted following interrogation of the interview transcripts by the researcher. These points, for example, emotions, occurrences and reactions became the initial open codes. This was the descriptive, first-level, open coding process. At the second-level, selective – analytical – codes moved beyond the open codes which were merely descriptive summaries. Selective coding instead characterised

strategies and meanings within interactions before relating these to themes and ultimately theory. This coding level is necessary for analysis of themes, relationships and latter theoretical coding. Meaning can be produced by interrogating the text (Urquhart, 2012). Examples of the queries used during this interrogation were:

- What were people trying to accomplish?
- How did they do this?
- What assumptions were made and by whom?
- What was seen going on?
- Is this significant?
- What behaviours resulted?
- What emotions were involved?

Every circumstance reported was coded separately, even if these originated from the same participant, to ensure that as much data as possible was captured. The original open codes were displaced by these selective codes in NVivo, which were then utilised throughout the remainder of the analytical process. These selective codes then existed in NVivo for coding generated from latter transcripts. As new open codes were identified these too were upgraded directly into selective codes. The rationale was that the codes grew out of the data and there were no preconditions to data collection and no theory was considered as a prerequisite to coding. As researcher experience and confidence grew, so did the number of selective codes until the open codes had been completely displaced by the suite of selective codes. As new open meaning was discovered, selective codes were changed to reflect refinement and consistency of meanings. In total 109 selective codes were identified from the 56 victim-participants from an initial 2,246 coded attributions.

Urquhart (2012) asserted that several rules must be applied during the coding and thematic construction phases and these were respected. First, in that constant comparisons were made between established codes and new codes. Comparison was made *across codes* to make sure that the same comments were generating similar codes to the earlier ones – a constant comparison. To allow codes to carry dissimilar meanings would have resulted in codes being confused or corrupted and losing meaning. Recognising patterns within data

can help to distinguish text for comparison purposes. Hatch (2002) asserted that patterns can be characterised by: similarity; difference; frequency; sequence; correspondence and causation (2002:155). Second, once these attributes had been identified across the codes then comparison was made to ensure consistency of meaning *within codes*. For example, the code *retaliation* must mean the same across all transcripts and memoranda. If it meant different things at different times then comparison would be difficult and thematic construction almost impossible (Urquhart, 2012). Furthermore regarding the observance of rules, it was important to build and to recognise evolving relationships as the coding process continued. Recognising relationships allows for the coding levels to be managed in that parent, child and grandchild nodes – terms particular to NVivo – could be created within the same groups of meanings or effects. This evolution would allow groups of meanings to evolve into themes – or thematic coding – which would latterly generate a theory. These potential themes were then captured separately on hard copy for latter reference.

Urquhart (2012) emphasises that theoretical sensitivity needs to be applied by the researcher during coding. In other words, the researcher needs to be sensitive and alert as to what was evolving and to recognise developing codes, themes and potentially an evolving theory. As the transcripts were being coded, the memoranda from the original data gathering were being referred to and these were also coded in a similar manner. The rationale here was to create a confluence of both data from the participant and the subjective observations of the researcher to produce a rounded – although subjectively interpreted – account from the experiential data. The researcher was reflective and iterative in the production of coding and themes. Awareness of the researchers' own actions, determinations and bias were central to understanding the effect the researcher had on interpretation of these data. During the interpretation, the researcher made mindful adjustments when aware of meaning changes, evident bias or prejudice; although, as stated above, these factors cannot be completely eradicated. This process was iterative in that as the coding developed, the codes themselves were changed as meaning and frequency patterns became clearer. By the time that open codes were fully developed into



selective codes most of the process was becoming substantiated. However, the iterative process continued in that new codes were created as evidence was developing. Following inputs from approximately 40 of the 56 victim and witness participants no new themes seemed to be emerging and this, combined with a cessation of requests from participants for involvement, caused the researcher to cease data collection from participants once 56 inputs had been achieved.. Relationships created are central to the formation of themes and therefore theory. The coding level for themes created are known as thematic coding and are the highest level of coding in Urquhart's (2012) model of grounded theory creation. Thematic codes were captured and recorded into hard copy notes for later use in the creation of a theory.

The selective codes, thematic codes and theorisation were tested in this research by the following two methods: First, comparison was made between data from interviews and that from focus groups to triangulate the data. Any disparities were either developed into new selective codes or resulted in codes being rejected as not being robust. Secondly, themes which became apparent were tested by thematic sampling through a panel of six victim/witness participants. This is an established approach within the creation of a grounded theory whereby a sample of interviewees are invited to explore whether the researcher had accurately captured the original meanings from these data and in doing so this was an opportunity to explore these in greater detail with the panel (Urquhart, 2012). This verification of interim findings and emerging themes was conducted through email exchanges. Any disparities between the original data and that gathered from thematic sampling were re-addressed by re-checking the original data or by gathering new data from a wider sample of interviewees. Some adjustments were made to themes at this point.

Selective codes had been clustered into *parent* and *child nodes* within NVivo and many of these were either changed or adapted during the iterative coding process. The resultant codes were collated within NVivo where data appreciation and visualisation were initiated. Codes were formed into a code book and exported to other documents and for analysis. These were grouped and re-grouped under parent nodes for the purpose of thematic coding and

construction and later perspective theory building. Ultimately, the 109 selective coding categories were grouped under ten parent nodes. The NVivo parent nodes ultimately became:

1. Metadata
- A. Abuser Techniques
- B. Collaborative Alienation
- C. Victim Perceptions
- D. Victim Resilience
- E. Immediate Action
- F. Longer-term effects
- G. Hate Incident or Crime
- H. Reported
- Z. Victim Solutions

Being accurate and representative when illustrating the experiences of victims is important for clarity. The citations chosen from the coded output were selected to represent each emergent theme. Many more could have been chosen but this tactic would have perhaps added little to the point being made. In presenting summarised evidence from the victim/witness participants within the remainder of this thesis, direct quotations will be cited to support the theme being illustrated (see: Chapter Five, below). On occasion, these quotations will be used to exemplify more than one theme. This is justified either because the experience of the victim/witness can help to reveal more than one facet of the abuse being encountered or because the example was so powerful that it is worth re-emphasising its evidential ability to underpin more than one theme.

Data gathered from witnesses and victims of disability hate crime on public transport needed to be compared against policy and strategic data from public transport authorising regulators, local authorities and the providers who deliver these services. These data were gathered either by exploring their websites or requesting documents. For authorising bodies this was achieved through Freedom of Information Act requests. These policies, training strategies and awareness campaigns, where they existed, were compared against the Public Sector Equality Duty which applied to all of these agencies.. The witness and victim data is presented in Chapter Five and the data from authorities and providers is presented in Chapter Six. These are then both re-presented for

discussion in Chapter Seven. The following section discusses ethical considerations which impacted on this study.

### **Ethical considerations**

This section will detail the processes employed within this research to protect the participants, the reputation of the University of Leicester and the researcher. Ethical considerations were also sensitive to the comfort of participants whilst data was being gathered and lastly to ensure legal complicity. Participants were respected and protected throughout the study from the data-gathering phase through to the Research Data Management (RDM) phase. One robust facet of this research lies in its methodical, risk-based approach to acquiring ethical approval which was so necessary for working with disabled participants. Every conceivable risk was anticipated by the researcher before ethical approval was documented. Inevitably however, more risks came to light during the ethical approval process. In the approval request documentation these risks were listed and mitigated against. This had the consequence of assuring the ethical approvers and reducing the risk of rejection of approval. As mentioned elsewhere in this thesis, this research broke new ground in its aspiration to study disability and crime on public transport. In doing so, new questions are undoubtedly raised from this research and these are detailed in Chapter Eight.

Arguably misguided concerns to protect disabled people from data gathering participation have led to disabled people being prevented from revealing their experiences in past research studies (Goodley, 2011; Sin, 2015). This research employed as many protective measures as were possible whilst soliciting the important data that disabled people pertinently wished to share. As discussed above in this chapter, self-selection sampling was used. This is a proven method through which participants offer to participate in research projects where they want to make a contribution. As Saunders argued:

*‘[p]articipants who self-select by responding will often do so because they have strong feelings or opinions about the research, consider it important or interesting and so are willing to devote their time’ (Saunders, 2012:43).*

Recruits were solicited from adults over eighteen years and in the UK only. If not self-declared as having a disability, participants were accepted if they had been a witness to an incident. Participants were asked if they have a guardian or caregiver and if they wanted those persons to be involved at any stage. Participants were additionally informed as to what happens to the data they have contributed its protection, use and archiving. They were also informed as to possible outcomes and benefits and any potential negative aspects – for example stress from recounting potentially upsetting experiences. The right to withdraw at any time with no adverse personal consequences was often emphasised. An opportunity to talk over the research with a caregiver, friend or guardian before taking part was suggested and having a caregiver or guardian nearby when the interview takes place was recommended. Finally, participants were informed that they will be able to have access to the anonymised, final research data and publications when these were available and on request (See: Appendices: B;C;E). A digest of support organisations was collated and offered to each participant in the form of a Helpsheet. This provided details of counselling or similar support to participants should the need arise following data gathering and the complaint process if required. Details of other support organisations were to be provided on request.

It was important to ascertain that individuals had the capacity to give any informed consent; therefore, a two-stage test of Mental Capacity was used, a standard test used by the Ministry of Justice (The Mental Capacity Act 2005: Codes of Practice, updated 2016). These Codes state that ‘researchers should assume that a person has capacity, unless there is proof that they lack the capacity to make a specific decision’ (2016:204). In other words, unless grounds can be established for not using a particular participant, then there is nothing preventing a researcher from legitimately doing so provided that the participant is respected and supported (Sherratt, Soteriou and Evans, 2007). The Codes of Practice dictate that the research must not be invasive to the participant. The Codes define invasiveness in the following way:

*Research in this category also must not affect a person’s freedom of action or privacy in a significant way, and it should not be unduly*

*invasive or restrictive. What will be considered as unduly invasive will be different for different people and different types of research. For example, in psychological research some people may think a specific question is intrusive, but others would not. Actions will not usually be classed as unduly invasive if they do not go beyond the experience of daily life, a routine medical examination or a psychological examination. (Mental Capacity Act 2005: Codes of Practice updated 2016:209.)*

The research was not considered invasive and was conducted within the statutory Principles within the Codes of Practice. The test was undertaken with each participant prior to data gathering. Logical answers were sought to the test questions. This two-stage test was conducted, using respect and dignity, with each participant at the commencement of each interview. The two-stage test was employed whether, or not, the participant or caregiver declared a learning difficulty therefore reducing risk of harm to each participant. This measure was repeated at each interview and again for a follow-up interview if so required. Any participant giving an indication of lacking capacity was disqualified from further participation. This test is cited as being suitable for research and other similar work in the (Mental Capacity Act 2005: Codes of Practice updated, 2016:44-49). No participant failed the standard set by this test. Caregivers, guardians, friends or those appointed by the Court of Protection were also invited to be involved in the informed consent discussion process if required by the participant. Caregivers also had a proxy right to withdraw on behalf of the participant although, conversely, informed consent by proxy or passive assent by a caregiver was not utilised to reduce any risk to the participant. The researcher undertook to answer any questions posed by the participant, caregiver or guardian and this was actioned in confidence if required. The important role of carers was recognised as being central to the protection of those who need protecting. Their inputs can only add value and inclusivity to an ethically positive process.

Conducting research with people who have a range of disabilities and conditions is challenging and requires thought and preparation. Examples of this preparation included finding suitable spaces, setting up recording equipment and administering documentation. Privacy during focus groups was

maintained by these being conducted in non-public areas of public buildings. These sites were only utilised if appearing to be free from tripping, falling and similar hazards with available toilet facilities nearby. Water was made available. Participants were reminded that the session was to be audio-recorded and notated together with a repetition of the right to withdraw. Protection of the researcher was ensured by calling from a telephone with its number withheld during telephone interviews and a dedicated contact telephone established with a voicemail facility for use in unsocial hours enabling participants to contact the researcher. This service was discontinued following the end of data gathering. Participants did however remain able to contact the researcher by email at any time and to contact the University of Leicester in case of complaint. During focus group and face-to-face interviewing, the researcher carried a working mobile telephone to maintain emergency contact. An associate was informed as to when and where such interviews and focus groups would take place. Should the researcher have become traumatised by events described in the interviews or focus groups a support service would have been contacted for advice. Any interview in progress which caused upset to the researcher or participants would have been terminated immediately. The researcher's University of Leicester email account was the only account utilised for researched-based email contact. To further protect participants, transcription of interview data was conducted personally by the researcher.

The proposal and oversight of this research was subject to scrutiny by the supervision team within the Department of Criminology at the University of Leicester and by the appropriate Ethical Sub-committee representing the College of Social Science, Art and Humanities. A detailed Ethics Statement was prepared and submitted by the researcher to identify multiple risk factors and to address each of these. Regular reviews were conducted with the supervision team with the inclusion of a wider team of academics when required. This process has a provenance for effective monitoring of many doctoral projects over time. Any requirements for changing the approach to the study would have been scrutinised by the appropriate University Ethics Sub-committee through an established change control process. A Data Management Plan was generated

in accord with the onset of the General Data Protection Regulations in May 2018.

This section has illustrated the measures taken by the researcher to ensure the safety and wellbeing of both the participants and the researcher. Whilst it is important to access data which the victim or witness holds, it is also important for the researcher to be aware of their personal responsibility toward themselves and the interviewee. Respect towards participants was diligently applied and interactions between the researcher and participants were adjusted to make the process as lucid and unassuming as was possible. Understanding and flexibility are approaches which work well with disabled participants (Hollomotz, 2018). The identification and mitigation of risks and the subsequent ethical application process were rigidly adhered to and continuing supervision of this research ensured that high levels of scrutiny were applied. In the following section reflection concerning the study and adjustments for similar future research will be made.

### **Methodological reflection**

Experience gained from the methodology used within this research is valuable in forming strategies for future research studies. For example, the researcher needed to be more flexible when canvassing for participants. Although the author's University of Leicester email address was widely publicised as the central point of contact, in hindsight, this may have dissuaded participants not confident in using email from making initial contact. Furthermore, when participants were asked about where they had noticed the canvassing for this research, a number of points were raised that email was restrictive in that many people did not have access to it, could not use it because of their disability or were not confident that it was secure. This led to the researcher widening the means of access to potential participants. When the researcher additionally publicised the number of a specially arranged telephone line the number of tentative enquiries increased. One participant, contributed via YouTube video with latter probing through email exchanges. Likewise, participation by a person without the ability to read was not initially considered. This was remedied by accepting informed consent over the telephone following a short briefing as to

the purpose of the study by the researcher. This consent was repeated during the conversation and recorded for archiving.

It is noteworthy that some discomfort was experienced by the researcher when asking the questions for the two-stage test of Mental Capacity – although all participants answered these. Furthermore, asking for metadata to ascertain intersectionalities also produced discomfort for the researcher. The questions related to the participants' sexuality, faith and gender caused most discomfort. Although the right to abstain was offered, the researcher found that emphasising this right helped to establish a refusal to answer this extremely personal question. Many participants declined to answer. The researcher's uneasiness was because this examination of the participant's sexuality made the researcher feel like being an abuser. When considering adaptations and minor changes to the methodology however, the researcher was mindful however that these were limited within the tight confines of the accepted ethical approval process.

Responses from DDPOs were disappointing with fewer than 10% responding – a factor which may be borne in mind for similar, future research. However, those that did respond were effective in transmitting research requests to individuals and snowballing to other organisations. Word-of-mouth requests made by the author in his locality and further across the county of Essex proved more productive with locally-based organisations willing to participate. Freedom of Information Act requests produced three enquiries passed-on to other organisations and one not responded to at all. Of the 53 requests for information made to public service providers only six responded. This pre-empted the researcher, in another adaptation, to seek the views of 14 current or recent, members of public transport staff willing to discuss their knowledge and experience of disability hate crime on their services. These responses are presented in Chapter Six.

### **Summarising Chapter Four**

This chapter has outlined the process taken by the researcher to facilitate this study and to safely produce the findings outlined in the forthcoming chapters.



The philosophy guiding the study was one of a qualitative, humanistic epistemological approach with an ontological rationale to establish how hate crime is socially constructed on public transport. Data collections regimes were then illustrated: data was mainly gathered through telephone interviews and focus groups. Documentary evidence was gathered from published materials and via Freedom of Information Act-based requests which were used to understand how authorities and service providers respond to hate crime and raise awareness of these acts among staff and passengers. Participant selection for both the interviews and the focus groups was outlined before the methods of analysis were delineated. Methodological limitations were examined to understand where improvements might be made in future research in similar areas. The final section outlined the ethical considerations taken to protect both the participants and the researcher. To this point, this thesis has introduced the topic of the study, produced a detailed review of available literature and indicated the methodology used to gather data and produce this thesis. Chapter Five will examine data gathered from the witnesses and victims of disability hate crime on public transport.

## **Chapter Five: We Always Appreciate your Feedback - Experiences of Victims and Witnesses to Disability Hate Incidents and Crimes**

### **Chapter introduction**

To this point this thesis has outlined the research study, offered an abstract of literature contextualising the research journey and detailed the methodology to produce data for this study. This chapter is the first of two which present the research findings; the second being Chapter Six which presents data from authorities and public transport service operators. This chapter however provides findings from victim and witness-participant input and in doing so reveals the experiences, effects and the deep impacts on these individuals. Participants providing data for this chapter through in-depth interviews or through focus groups totalled 56. Their disabilities ranged from unusual mannerisms and communications difficulties to bouts of depression and anxiety through to being severely impaired or physically restricted; the latter often requiring bulky equipment to provide some independence. Several participants had little control over bodily mannerisms or were incontinent. Situations where visible differences or unusual movements occur or where stains or body odours are noticeable clearly make the victims' disabilities apparent to a prospective perpetrator. Some disabled people have a *hidden* disability. However, participants declared that sudden and uncontrollable outbursts of anxiety, upset or fear provided a visible manifestation of these conditions. One aspect which is difficult to replicate in writing is the graphical recreation of fear and upset shown by some of the participants. These are occasionally referenced in parentheses in the text below. However, the words of the participant are often enough to portray the effects of victimisation.

This chapter will present findings. A further discussion and any links to theories, literature or policy will take place in Chapter Seven. The key themes discussed within this chapter include fear, isolation and the often overwhelming physical weakness experienced by participants in their journeys. The fear of travelling in confined public spaces, with strangers but without support or respect will become apparent. Staff members, if in attendance, offered little to offset the victim's plight and participants had little confidence that staff would be able to

help even if they wanted to. Participants with physical or mental disabilities often cited that they additionally experienced co-morbidity of acute or chronic conditions. Due to ongoing abuse, some participants voiced a reluctance to use public transport. With all of this in mind, it is not surprising that many disabled passengers just prefer to stay at home. Any such reluctance reduces lifestyle choices, educational opportunities and the ability to seek and receive medical treatments. It may help the reader to be aware that much personal planning on the part of the disabled passenger is often required to ensure that the most accessible routes are utilised with the minimum possible inconvenience. Some participants are regularly exhausted by making such a journey. Add to this the risk of being the victim of abuse and this makes the public transport journey a potentially perilous one. In the following extracts it will become apparent that as well as the rigours of the journey itself, being: jostled; abused; humiliated and physically violated is also an expectation. The chapter will reveal the experiences of hate crimes and incidents, participants' responses to these, staff behaviours and the impacts of hostility and abuse.

### **Experiences of hate incidents and crimes**

This section reveals the experiences of participants. Participants were asked – once definitions had been outlined – whether each episode was a hate incident or a hate crime. The experiences themselves are subsequently illustrated. The final part of this section cites examples of where the principal abuser uses fellow passengers to intensify the abuse. All direct quotations from the victims and witnesses are cited in *italics*. Several victim/witness participants are cited on more than one occasion. In particular: PM1; PM2; PM3; PM4; PM5; PM7; PM10; PM11 and also FF1; FF4; FF7; FF16; FF20. There is justification for this approach because of the clarity and power of the evidence given or because the evidence is pertinent to more than one theme within this chapter (see: Chapter Four, above).

#### Attribution: Hate Crime or Hate Incident?

In legal terms the attribution as to whether, or not, each instance of abuse is to be classified as a hate crime, a hate incident, or neither – rests with the victim and/or witness (College of Policing, 2014). That same framework was applied

within this study; guidance was given to each participant to offer clarity of legal definition. All 56 victim or witness participants in this study made an attribution – although not for every experience that they had recounted. Of these participants, 45 (80%) stated that they had been a victim of a hate crime and 11 (20%) of a hate incident. For this specific question a binary yes/no response was required from the participant; however probing revealed some of the reasoning underpinning the association of their experience. The following examples show how some participants illustrated the decision for their attribution:

*Yes. I felt the first was a direct attack on me and took advantage of me because of my disability it was abuse I had to get off the bus.*

...

*The second was that she was abusing the status of being disabled by using this wheelchair to get sympathy. It was usurping my special status. (PF1: a female with fibromyalgia, limited mobility and compound depressive states)*

*Oh yes, it can't be anything else. They used abusive language because I needed to sit down and I was using a walker. (PM4: a middle-aged male using sticks and a mobility scooter)*

*Yes, I was publically abused! (PF12: an older female with a wheelchair using daughter)*

*Another woman got a threatening letter from a neighbour who was forced to move out of her bus seat by a wheelchair user. She suffered a campaign lasting for months. She got letters and stares on the bus from the neighbour. The neighbour used to make-up stories about our member being a prostitute and contracting a sexually transmitted disease. This has got to be a hate crime surely. (PF14: a female wheelchair user/witness)*

*We have an elderly gentleman who had a walking frame. He was well known locally. When he got on the bus at the bus station e could hear the drivers talking about him and saying that it was good sport to make him stagger to the back of the bus by starting away from the stop speedily. They used to make bets with each other that they could get him to stagger three or four rows down the bus and then they would have a good laugh. They thought that he couldn't hear them or that he was stupid, but far from it, he was as sharp as a razor. Of course, he couldn't report this because he would have to report it to the very people who were doing it. This is obviously a hate crime because they are insulting and trying to cause injury to a person because of his disabilities. (PM6: witness)*

### Experiences of hostility and abuse

This section categorises data in alignment with the nodes developed in NVivo. The resultant clustering was constantly challenged by the researcher to attribute participant codes to the most representative category, it also represents the constant comparisons necessary to substantiate the veracity of these data (Urquhart, 2012). In quantitative terms, this study found that the majority of incidents experienced by participants took place on buses (74%), followed by trains (21%) and in a taxi (3%). In terms of experiences of hate occurrences, the data within this category reveals that the techniques of abuse used against victims were generally either active or passive in nature. This thesis defines passive abuses as instances where the abuser addresses the victim using jibes or *banter*, or does not assist the victim when they are clearly in need of help. In other words, whilst not actually abusing a victim the observer does nothing to safeguard the victim when help is clearly needed or requested. Many victims considered this to be a form of abuse.

Other passive abuse might include occupying a larger proportion of a seat so that a disabled person is unable to use it or being reluctant to move out of the way to allow access. One of the most prevalent passive abuses suffered by victims is the non-intercession when the disabled victim clearly needs help. This avoidance is as damaging as being actively abused as the victim feels unsupported and alone at a time of a potential danger (Garcia, 2018), despite it being noticeable that the disabled person needs assistance. Abusers occasionally also notify the victim that this help is not being offered presumably to increase the effect of any abuse. Participants also spoke of blocked aisles, seats with items placed to prevent use, physical jostling and priority seats and spaces not being offered when needed. Many participants reported that the blocking of gangways, seats and priority areas was a normal journey expectation for them. This is an example from bus travel; the victim is a wheelchair user and a regular commuter – 28% of participants in this category made similar contributions:

*I was going to work one day when there was a very large suitcase in the wheelchair bay. I was in a good mood, the sun was shining. I just looked around the bus for the owner I didn't verbalise anything. Two women huffed and looked out of the window. (PF2: a female wheelchair user)*

Although defined in this thesis as passive, this situation often has the potential to escalate into an active and potentially violent one. After the participant moved the suitcase to allow access to the wheelchair bay the exchange escalated into a violent incident, 6% of participants reported similar escalations in these situations:

*... [the] two women just leaped like vultures they swooped on top of me screaming at me just "how dare I touch somebody else's bag" they just screamed abuse at me! ... Just screamed this at me for about ten minutes. (PF2: a female wheelchair user)*

This situation quickly turned into personal abuse against the victim and what was a passive situation then turned into a violently abusive one within a few seconds:

*The two women with the suitcase weren't having this. They were saying [to another passenger with a baby] "that horrible disabled woman would have picked up the baby and thrown it on the floor". (PF2: a female wheelchair user)*

Another female victim was attempting to board a rural train. She was visibly impaired and she had multiple disabilities and used two sticks for independent travel. She was visibly concerned by dogs nearby but the dog owners looked away, avoiding the discomfort caused. The difficulty that she was having was seemingly obvious, yet:

*... the main difficulty I've experienced, getting on and off that train has been really difficult. It seems that children dogs and sometimes surfboards take preference. They take up space where the disabled are supposed to go.*

*...*

*One occasion, two people [Male and Female] had three dogs. I was sitting in the disabled seat. These dogs started to jump up at me and I had to have my stick guarding my feet. I asked them to stop the dogs jumping up and they said 'why what's up with you?' They then*

*continued to chide and laugh. [crying] I was like the woman who hated dogs - they were really nasty to me then. (PF6: a female user of sticks with visual disabilities)*

Other passive techniques focus on devaluing the victim's identity revealing resentment of the victim's status. Victims have their status challenged, which for many is an everyday occurrence. Resentment seems to be prevalent, perhaps based on the perception that disabled people receive enhanced benefits or privileges or hold an expectation to occupy privileged spaces. Resentment was also directed towards those disabled passengers who took up more room or had mannerisms which resulted in other passengers needing to adjust their seating position or behaviour. In this category 40% of participants reported such resentment, here are some examples:

*... of the things that used to happen to me was that I would show my [concessionary] pass and get glares and comments from members of the public 'how dare she have a pass'*

...

*... [in justification] I told the lady that I had just recovered from a brain tumour and she said 'oh well, you're not disabled anymore'. (PF8: middle-aged female using power chair)*

Seemingly innocent comments made by fellow passengers can also cause offence and 17% of participants reported such occurrences. These incidents were the hardest to describe as hate-related incidents or crimes because the intent was difficult to determine. The same female, victim using a wheelchair and who had a baby with her was asked what appeared to be a question not posited in malice but in naivety:

*... how did you have a baby? (PF8: middle-aged female using power chair)*

This particular participant has multiple disabilities and needed to use a power chair. She felt that her chair was part of her and her personal space. Seemingly innocent actions can therefore result in victims feeling that their personal space is invaded:

*This woman just hung her shopping from my chair and my dad stopped her. And she said 'well I'm just hanging it up'. But my wheelchair to me is part of me it's like my shoes, my chair is my shoes. It's just completely inappropriate.* (PF8: middle-aged female using power chair)

Therefore, passive examples may be evidence that the perpetrator is merely unthinking as to the demeanour of the victims or that perhaps their actions will not cause distress. Conversely, they may be cleverly disguised attacks.

Alternatively, active examples of abuse included: being called a name; swearing; suggesting that the disabled person is of a lesser value; threatening and ultimately using violence. Disabled victims are often thought of as being responsible for delays and travel frustrations. Participants recalled their experiences of being targeted when they had boarded already delayed services and becoming a magnet for the frustrations of fellow passengers. Some participants reported that they feared the bus or train being delayed because this increased the risk of them being blamed. This affected 30% of participants who stated that they were made to feel that the situation was their fault:

*One gentleman called out 'I didn't know we had to accommodate cripples on the bus'. And the other one said 'well I'm late for a meeting – why should we have to wait for him to get on the bus'?*

...

*... but I have never been spoken to like that I was so upset.  
I have heard some bad language but this was obscene.*

*... I got home and told my dear wife, and I cried...* (PM10: an autistic walking stick user)

There were many more examples of active abuse from a diverse range of abusers. These include, strangers as well as associates of the victim and public transport staff:

*I couldn't get the other passengers to hear my side of the story – they were laughing by now and I was just the fool – and a gay fool at that.* (FM6: an older male of Asian heritage with mobility issues)

FF16 was a good and often cited example because of her unusually high-pitched voice:



*I know it's that people laugh at because they don't do it until I say something. Some kids call me the helium woman.* (FF16: a young female with an unusually high-pitched voice)

*It was revolting how people treated you. Everyone has little accidents of some kind or another.* (FF16: a young female with an unusually high-pitched voice)

*As I was being helped to my feet she [the driver] leaned out of her cab and said 'you lot of stiff's are a fucking nuisance'.* (FF7: a female with mobility issues)

*The man behind me said 'this stinking bastard has shit himself'. This got laughs from some other passengers on the bus. Then they joined-in and one said 'dirty fat bastard' and his partner said 'we're all going to throw-up because of him'.* (FM2: a male with incontinence problems)

*There were two young guys – about 25 – were calling me a cripple and a wanker and they deliberately moved to sit opposite me and all they did after that was to stare at me and that made me feel so really uncomfortable.* (FM3: a young male with anxiety and depression)

The occupancy of seats and priority areas was often problematic and triggered 62% of incidents in the bus environment. Many of these involved buggies and prams which were parked in wheelchair bays and this caused consternation and sometimes conflict. Participants felt devalued because healthy travellers did not understand, or want to understand, the needs of the disabled person and therefore refused to vacate the bay. Priority seats on trains and on buses were also sites of dispute. A male participant having from fibromyalgia which resulted in uncontrollable weight gain tried to occupy a seat on a train and was told:

*'You're fat and you'll take up two seats, why should we all suffer*

*...*

*There's a section for the incapable in the next carriage'.* (PM2: an autistic user of walking sticks)

The transition from passive threats to active ones can be a vague transformation. Jibes and *banter* quickly turned into more fiercely abusive situations and such experiences were noted by 9% of participants in this study.

An example follows where jibes from a group of young males which may have been perceived as humorous soon became personally and violently abusive:

*He said 'there's fuck all wrong with you, you must have 'em [walking sticks] to sign on with, your just a fat cunt'. Then they all laughed at me.*

...

*He said 'he probably has a carer to wash his willy'.*

...

*When these lads walked away they said to a man reading his paper 'your tax money goes on that cunt' (PM2: an autistic user of walking sticks)*

It emerged that those participants with more visible markers of difference – such as involuntary mannerisms and gestures – were especially vulnerable to being targeted. One female participant has a lifetime disability with Tourette's syndrome. This results in her banging her chest with her fist and calling out a chant when she has a tic. She is also wheelchair user. She was often targeted through abusive comments. One of the more distressing examples from this participant follows:

*'The bus smells of shit since you got in; you've got shit on your bum because you are disabled.*

...

*Bang harder on your chest so that you have a heart attack and end up in a coffin ...' (PF5: a female with Tourette's using a wheelchair)*

At more violent end of the continuum of experiences were instances of physical violence, with 45% of participants recalling being assaulted on at least one occasion. One female participant, who was a wheelchair user and travelling by train, had the following experience. A travelling crowd of football followers were creating general hostility by vocalising the violence which they would soon be perpetrating on the opposing supporters. They surrounded the participant:

*... and they started, about how many men they had battered. It was gory and revolting. It was really, really frightening. This man began to lean against me I could feel him against me. He started lurching and gesturing.*

...

*his mate said 'stop wanking'. He was doing that against me. I just went to pieces you know. I looked out of the window ... they got off at XXX. The conductor hadn't come along at all.*

...

*[later] it was him again, he touched my face and said he's going to care for me. (PF8: middle-aged female using power chair)*

Whilst there were only a few instances (4%) in which staff positively helped the participants, most incidents cited by participants involved staff members not interceding during, or following, the abuse. Moreover, in 10% of cases staff members had either instigated abuse or assisted in hate offences, some perhaps unwittingly. In one incident, the driver of the bus was one of the instigators of abuse against a female participant who has a wheelchair-bound daughter with learning difficulties:

*[Researcher: have you suffered physical violence as well?]*

*Oh yes, busted nose. Cos what they do, right, is that the drivers don't like wheelchairs so the driver's say, if there's any trouble, they [the driver's] say it was her with the wheelchair – so they're going to take the word of the driver.*

...

*One mother took photos of her [the participants' daughter] the other day and put her on that thing [Facebook]*

...

*Yeah and called her a 'fuckin flid'. Excuse my language but this is my daughter, my child ... [getting upset] She's all I've got ...*

...

*Well she has Asperger's so she doesn't see things the same way as we do, you know. It's bad enough when you get abused by the passengers, but when you get abused by the driver's as well, that's worse.*

...

*[The] driver's even got out of his cab, went over to touch the wheelchair and tried to chuck her off the bus. She said that it may be better if people like me were killed at birth. [upset]*

...

*[Researcher: How many times do you think she has been assaulted?]*

*Oh God! Quite a few times!*

...

*We ended-up doing a stupid thing we got the paper involved The XXX [local newspaper]. And of course they wanted a picture and we got beat up for it because we told the paper.*

...

*... and the driver who told that it was me that reported it was given driver training. They said that's all they said that they could do.*

*Please help me, somebody help me and my little flower ...*  
*[unable to continue with the interview]*  
(PF12: an older female with a wheelchair using daughter)

This section has demonstrated a number of ways in which abuse manifests itself towards disabled people on public transport in the UK. These episodes ranged from the seemingly everyday, continuous name-calling, staring and jostling to threats and actions of extreme violence. The following section will focus on abusers inciting collaboration.

### Collective abuse

Some episodes of abuse recalled by the participants within this study involved the principal offender recruiting formerly inoffensive fellow passengers to become involved in the abusive action. Recruitment efforts are not always successful; however participants reported attempted recruitment in 71% of incidents on buses and trams and in 23% of incidents on trains totalling 354 coded attributions with 52% of the total participant cohort experiencing this phenomenon. Collaboration involved a range of recruitment techniques performed by the principal offender including humour, *banter* and *justification* for the actions perpetrated by the principal offender. The reaction of the formerly unoffending passengers followed one of three paths: successful recruitment, where the once formerly unoffending passengers ally themselves with the principal offender; oppositional, where action sympathetic to the victim occurs or lastly, non-intercessional. In the latter category, fellow passengers took the option not to get involved and often avoided gazing at the emerging situation. Therefore, they did not become directly involved with the abuse but neither did they intervene to protect the victim even though safeguarding was evidently required or requested. The following example is one of many where the principal offender loudly abuses a participant and attempts to justify the offending looking toward other passengers for support:

*I couldn't believe this selfish woman; she just looked straight ahead and said nothing. Then I said 'I cannot believe that you would make me wait for the next bus just in case you might wake your baby'. Then all hell let loose. She started screaming at me in front of everybody calling me a parasite living on hand-outs, I knew that she*

*was looking at the other passengers, like seeking back-up. I was broken into tears, I was in the middle of the aisle and everybody was looking at me, I was crying and I was being berated by this mad and selfish woman.*

...

*They were all looking at me and the mother was still seething and moaning about 'cripples being a fucking nuisance'. Most others seemed to have some sympathy with me.*

...

*... [However] one man said that I should be 'ashamed of myself'. But why, all I want to do is catch the bus! She was even looking at the other passengers on the bus when she was calling me a parasite and living on the dole. She wanted everyone to know that I was a 'sponger'. (PF12: an older female with a wheelchair using daughter)*

The following example of collaborator recruitment also involved justification techniques. One female wheelchair-using participant had a panic attack on a train journey and some of the other passengers began to integrate in an engagement to encourage her to alight from the train. Similar justification techniques were noted in 33% of other occasions:

*I announced that I couldn't go anywhere until I got help to get off. At this point a man came along and looked out of the train for me and said that nobody was coming to assist. I tried to look myself.*

...

*One [another] man said 'we can't wait here forever'.*

...

*... [I] was about to remonstrate with him when another guy came up and said that I was making everybody late – he said this loudly so that everyone could see that I was the cause.*

...

*When I did manage to remonstrate, he said 'but you are delaying us'. That was followed by whoops and jeers from the other passengers. A woman said 'we should tip her on the platform'. I was so scared, so, so scared. They were contemplating assaulting me so as not to delay the fucking train. Don't they get it? (PF13: female wheelchair user with anxiety)*

Moreover, portraying the disabled passenger as a *freak*, or similarly devaluing them was a justification technique cited in 40 occasions (12%) of these data. This included making public and derogatory remarks about the disabled passenger and highlighting their difference or otherness from mainstream society. Mannerisms, for example, facial differences and walking disabilities were often used to highlight these differences with the abuser quickly

ascertaining this feature. In the following example however the obviousness of a wheelchair was the catalyst for abuse:

*Then he said 'you lot are a joke'. That got a few on the bus laughing. But some looked at me with some sympathy. I had been shopping and was feeling weak. I simply didn't have the strength to argue with him. He walked away, smiling and nodding at the other passengers like he had scored a victory. Well, perhaps he had because he got a couple of appreciative nods too.*

...

*I've had the initial abuser say that I was blocking the aisle and that 'if there was a fire then we would all be dead'. Then I would be 'done for murder'. I remember just shaking my head but then somebody else chimed-in and called me a 'selfish bitch'. (PF14: a female wheelchair user)*

Another example of highlighting the otherness of the disabled passenger was evident when the participant was stigmatised as a *freak* by a female bus driver. This technique was seemingly used to appease fellow passengers and to justify the abuse of the victim. The driver devalued and belittled the participant:

*She didn't appear to be doing anything to lower the ramp and I went toward the bus to remind her that I wanted to board it. She turned to the rest of the passengers – only about five or six – and she said 'I'm very; very sorry about this but it's the law I have to let her on the bus'. I did get on and I did not say another thing to her I was just so shocked. I was just rattling. (PF14: a female wheelchair user)*

On another occasion a male passenger revealed a supposedly empathetic approach which seemed to direct pity toward the victim whilst, at the same time, conveying abuse toward the victim. The victim felt embarrassed and devalued by this:

*... then he turned to the other passengers and said 'they should have special buses for them really shouldn't they?' (PM2: an autistic user of walking sticks)*

The ways in which formerly unoffending allies respond to the protagonist differ. For instance, passengers can ally themselves with the principal offender, by smiling, nodding, laughing or the addition of supportive comments. In 12 incidents (3%) expulsion techniques were utilised by the principal offender,

encouraging the disabled person leave the vehicle and making this known to fellow passengers. During these attempts justifications were used. Some examples of these were the potential delay to the bus, the lack of space and the perceived nuisance offered by the victim. It was difficult to establish when conditions were favoured by allies to commence collaboration. However, five participants offered evidence that recruited allies seem to wait until it appears safe to do so before joining the abuse. FF20 is cited more than once as a good example of this practice:

*It looks to me as if they can see that the environment is safe for them to abuse us and so they commence abusing. It's as if the setting has been established for them to abuse with safety. Once a few start then the way becomes clear for others to join in with alacrity. The way is clear for them to enjoy themselves with a warmed-up audience already in position. (FF20: a female in a wheelchair, as is her husband)*

The same participant thought that these allies were motivated by potentially trying to protect themselves from being additional targets:

*They can't help it I don't think. If perhaps they didn't laugh they themselves think that they might be laughed at – how would they like that. They are just siding with the popular crowd. (FF20: a female in a wheelchair, as is her husband)*

If allied hostility does not result from the actions of the principal offender, an alternative outcome might be non-intervention when the victim clearly needs help. On 57% of occasions onlookers did not intercede followed abuse from a principal abuser; whilst not directly abusive perhaps, acts of non-intercession left victims feeling alone, devalued and unsupported. This example from a female bus passenger demonstrates this and the isolation which developed:

*For ten long minutes everyone on the lower deck listened to a public shaming of my body my life and my worth. And then it followed the total silence that left me more exposed and isolated than any of the vitriol that had been directed at me. I desperately needed someone on that bus to acknowledge what had taken place – that didn't happen.*

...

*On the bus I felt incapacitated, in part, by the inaction of my fellow passengers*

...

*I didn't need them to know exactly what to do to help. But I did want them to be present and to acknowledge what was happening to me.*  
(PF5: a female with Tourette's using a wheelchair)

The following example was typical of the majority of incidents resulting in non-intercession. PM2 was particularly prolific in evidencing non-intercession as well as other facets of abuse which resulted in being used in multiple citations:

*No one else spoke at all; there must have been 20 people downstairs on the bus.* (PM2: an autistic user of walking sticks)

Alternatively, on some occasions public sympathy did result from actions where a principal offender attempts to recruit formerly unoffending passengers to help with an abusive attack. This study noted 4% of incidents where sympathy resulted. Here are examples:

*A couple of people looked sympathetic but the rest looked away.*  
(PM2: an autistic user of walking sticks)

*... he looked sympathetic but then he found some interesting story in their newspaper that wasn't there two minutes ago. No one said anything and I didn't exist as far as they were concerned.* (PM3: a male with incontinence)

It also emerged that some collaborators used camera-equipped mobile phones to record images. Two of these were found published on social media alongside derogatory comments concerning the disabled victim. This phenomenon might arguably be seen as an attempt to incite a wider *virtual collaboration* via social media. This perhaps introduces a more subtle and covert form of association where potential direct conflict can be avoided by not cooperating immediately. Instead, this can be embarked upon later, from a place of privacy where online abuse can be promulgated. Justification was used on these social media postings, explaining that the victim was guilty of crimes or that they were a social nuisance. Clearly, this opens up abuse from a world-wide audience of allied abusers. Derogatory comments can be shared and expanded upon with other personal details being released. Collaboration is a phenomenon which will



be expanded below in Chapter Seven where an explanatory framework will be developed.

### **Victim responses to hate incidents and crimes**

How victims respond to hate crimes and incidents is, in itself, of interest. In this section, the immediate responses of the victims are the first focus before the section examines victim's resilience and here, how victims cope with continuing bouts of abuse is the emphasis. Whether, or not, victims report incidents and crimes will be featured subsequently and the motivations of participants when deciding to report. Moreover, participants offered solutions and suggestions to reducing and countering these offences in the future.

#### Victim's immediate responses

What the victim did when confronted by an abusive situation differed and codes were generated 37% of participants to reflect victim's immediate actions. Most of these were *passive* actions and not retaliatory ones. These commonly were verbal or facial expressions. However, the great majority of immediate actions adopted by victims involved just accepting the situation – no matter how distasteful the assault was. One male participant, accompanying his wife who was a wheelchair user was spat at and abused whilst at a bus station, they accepted the situation. This acceptance was often apparent being recorded in 36% of this sample:

*I am not actually the victim, but I felt the need to defend my wife. But sometimes I'm affected because she's been insulted, as well. So, when she gets insulted, we both feel it. She was really perturbed because she had to sit there and clean it off [the spit]. I was too upset because I had to watch my wife being humiliated. She cried and I felt so useless because I didn't retaliate – I'm a peaceful man really – nothing wrong with that. But I did nothing about it. She actually supports me more than I support her. (PM12: a male caregiver)*

Mainly however, this acceptance of the situation was based on the shock that befell the victims. They simply did not have enough time to consider and offer a response which, in hindsight, may have been appropriate. In all, 32% of victims in this sample were too shocked to respond. Examples included:

*I was dumbfounded.* (PM2: an autistic user of walking sticks)

*I was in disbelief.* (PF12: an older female with a wheelchair using daughter)

*I really felt shocked!* (FF4: a female with mobility disabilities)

*Dumbstruck!* (FM6: a male of Asian heritage with unusual mannerisms)

*I never knew that people would be so callous and bad.* (FF12: a female wheelchair user)

*I felt physically sick.* (PF1: a female with fibromyalgia, limited mobility and compound depressive states)

*... all of my dignity went away.* (PF4: female wheelchair user and support coordinator)

Of the participants within this section who felt unable to retaliate to the abuse they were enduring there were 11% of occasions where the participant moved within the vehicle or alighted from the vehicle altogether to avoid further abuse or conflict. A further 6% of participants recorded that they had considered alighting from the vehicle. However, alighting from the vehicle causes its own problems. A passenger may have waited for a considerable time for a particular bus or train, there may be a lengthy delay before the next one is due and the service may be unreliable. Furthermore, participants unreservedly asserted that they should not have to remove themselves from the mode of public transport because they were the victim of someone else's abuse. Participants who utilised coping strategies or accepted the situation revealed that they had little support from either fellow passengers or staff. Therefore, they felt alone in facing the abuse and quite powerless to manage their situation.

#### Victim resilience

Whilst some victims remain shocked by an experience and therefore unable to retaliate or to report the matter, some participants do retaliate. Their anger at being victims or having their identities and rights abused becomes too much for them. However, this phenomenon was recorded in only 5% of all incidents. Moreover, 2% instances of participants arguing with their abusers were

recorded. Whilst many others tried to reason with the offender, here is one example:

*The lady in the chair said 'I have been waiting here for half an hour and I don't deserve to be treated with such disrespect'. (PM8: an older Asian male with mobility issues/witness)*

Whilst a small number of other participants favoured a more physical approach, what is not certain is if these were motivated by being previously victimised, perhaps on multiple occasions, or whether these particular victims were oriented toward a physical response anyway. Here is one example:

*Oh yes, they are always loud always provoking you everything is 'f'n' and 'c...' they want you to be noticed you know. Makes them look good. If you bang into them they think hang on a minute this old boy might give me some, you know ... (PM4: a middle-aged male using sticks and a mobility scooter)*

Retaliation was not the only method to overcome abusive situations. Some other participants recounted the use coping mechanisms to overcome the abuse. FF4 is often cited as an excellent source for methods of resilience:

*I was rolling my eyes as they were sitting there and staring at me. As much as to say I can see you looking at me like I'm a freak. I know who you are and how jealous you are [of me]. That's what I do to make them feel uncomfortable. (FF4: a female with mobility disabilities)*

Many participants stated that their favoured method of coping with abuse was to 'pick myself up' or to 'bite my tongue'. This example came from PM1 (a male wheelchair user) a participant with many examples of different facets of abuse. This type of coping was recorded on 44% of occasions. Recognising that sometimes life comprises of some tough situations helped participants on 9% of occasions. Only on six occasions did participants find that onlookers were positively helpful in managing their situation during bouts of abuse and following retaliations. Perhaps understandably however, to avoid being involved with any violence, this mainly consisted of helping the victim in the re-positioning their wheelchair or finding somewhere to sit rather than confronting an offender.

### Incident reporting

The attitude of staff potentially has a direct impact on whether the incident is reported, or not. Data collected from the participants within this study indicated that in some instances (4%) staff members provided information and guidance on how they could report their experience. This study found that 28% of participants tried to report one, or more, incidents. Incidents were reported to either staff or to the police but only 30% of these were followed-up. Subsequently, only 8% of these reports were satisfactorily concluded. The majority of participants who offered responses as to why they did not report incidents cited either a physical weakness to do so or a previously negative experience of reporting such matters. Others thought that the reporting process was be a waste of time. Instead, their thoughts being primarily focused on relief that the incident was finally over, they wanted to vacate the scene of the incident and get to a place of safety. Many felt that they wanted to return to the sanctuary of their homes and try to forget the matter completely. This is one example:

*No. I was just pleased to get home it really takes it out of you, you feel so tired. But I was so sad, I was in tears. (PF13: female wheelchair user with anxiety)*

However, some participants did report the matter, either because they felt that justice needed to be served or in an attempt to stop future abusive attacks. Some participants were also angry at being targeted in public. An example of a satisfactory resolution is here. PM7 was a strong defender of public transport and is cited on multiple occasions within this thesis for that reason:

*I wrote to the XXX and they were good. They found the CCTV evidence. They asked how they could help me. (PM7: a wheelchair using person of restricted growth)*

Conversely, many of the reports resulted in no action or, more often than not, no response at all. As cited above, only 8% of reports were satisfactorily resolved. Here are some examples of unresolved reporting:

*[At a local pensioner's group meeting] They said that one of the bosses from the bus company would be there [the Operating Manager]. We had a plastic bag full of tickets and every time a disabled person has an incident they write it on the back of the ticket. The ticket has the driver's number on it. So we can report it. We done all this we had the meeting and he was on stage. The Chair stood up with his plastic bag and said we have the evidence here and gave him the tickets. And he [the bus company boss] came over to me and had the nerve to say 'if you give me your email, I'll do something about it'. I said you now about it and have done nothing! But I gave him the email [address] and he didn't get in touch! I can't remember the driver's name [who informed the participant] but he was friendly and he told me that when the boss got back to the office he dumped the lot of these tickets in the bin. (PF12: an older female with a wheelchair using daughter)*

*I did report a couple of these yes. I have never got a reply. I have got an acknowledgement that I would hear something within six weeks from TfL [Transport for London]. I have never got a reply at all which makes you think that it's not worth trying. Nothing ever happens so you feel there's not much point. Something happens every week you would just be doing this all of the time you know. (PF2: a female wheelchair user)*

*Yeah I have. If I phoned them now and asked them what's going-on they will refuse to talk to me.*

...  
*[Researcher: They refuse to talk to you?]*

...  
*Yes. They know me they know me by name*

...  
*[Researcher: Have they ever responded?]*

...  
*Only once, back in January.*

...  
*[Researcher: What was their response?]*

...  
*They were looking into it.*

...  
*[Researcher: What back in January?]*

...  
*Yeah and nothing ever happens. (PF8: middle-aged female using power chair)*

*I went to the BT Police but they were in riot gear and he said 'make sure to sort it out love'. But he was all hyped-up you know and he was the wrong person to talk to me it was the wrong time and I was shaking. So I didn't. I was more worried about what he would do to me. I think that I must look vulnerable you know.*

...  
*But when I was talking to people at the university about this I wasn't believed. I went to counselling and wasn't believed I am now so against counselling.* (PF8: middle-aged female using power chair)

*I complained to the police about this saying that someone was taking my picture without my permission. And that she was staring at me disturbingly.*

...  
[Researcher] *And did the police come back to you?*

...  
*No – not at first.*

...  
*But the officer then accused me of photographing this horrible child. And the police said that they couldn't help me at the time because it was a Saturday night and that they were busy. But after he asked to inspect my phone and I let him do it he said that I was intolerant of children. I said 'no I'm intolerant of badly behaved children and that's different'. I was the victim of a hate crime after all.* (PM10: an autistic stick user)

One participant went further in reporting the matter to a local newspaper after suffering many years of abuse on public transport. However, this approach produced subsequent social victimisation:

*Yeah. Well we've gone to papers; we've done loads of stuff around here. But we get the backlash, we get beat up because we reported it.* (PF12: an older female with a wheelchair using daughter)

Most episodes of hate crimes or incidents were not however reported. There was certainly a general discontent with reporting processes whether through personal experience or via the experiences of others. When participants were asked why did not report these incidents the following examples were given. PM10 is cited again, being a rich exemplar of reporting experience:

*No. Drivers are too busy just driving the bus.* (PM10: an autistic stick user)

*No! To whom? When you get to London there's a scramble you don't want to talk to anyone about something daft.* (PM2: an autistic user of walking sticks)

[Researcher: *Did you report the matter?*]

...  
*What, that I had shit myself, what do you think?* (PM3: a male with incontinence)

*Who do you report it too? The police don't want to know. If you get burgled they don't want to know.* (PM4: a middle-aged male using sticks and a mobility scooter)

*There would have been no point. If the staff are so badly trained – as we [an independent living group] suspect – then what would they do with your report? What would they do with your sensitive information? Do they have time to report these things and who to? How would they actually deal with your reports?* (FM1: older male wheelchair user and charity worker)

Several participants however were either too exhausted or too busy to report the matter, wishing instead to flee the scene of the abuse. Though, three participants stated that they were too scared to report these matters. Here is one example:

*These were big men; they were going to beat up other men. They were going to do real damage and I couldn't sit in a court room with them, they were big men. I was intimidated. They had so much power over me and I was uncomfortable. The man who touched me I didn't want to report him to the police because the police are not good at that sort of thing, with mental health.* (PF12: an older female with a wheelchair using daughter)

Of the reports that were submitted, only 8% resulted in successful outcomes. Most of the reports were met with either no response or an unmet promise to follow-up the incident. The dissatisfaction with reporting regimes is seemingly widespread. A discussion of reporting and recommendations to overcome this lack of confidence in the reporting systems can be found in Chapter Seven.

#### Victim-led solutions

It was explained to participants that one potential benefit of this research would be to improve passenger experience in the future. Therefore, some responses from participants included suggestions of potential solutions to the problem of disability hate crime on public transport. Many participants readily offered solutions and suggestions as to combatting hate crimes and incidents on public transport. Focus groups frequently discussed the possibility of making separate

bays for wheelchair users and for buggies on buses and in trains. However, participants were generally not in favour this proposition. They considered that sufficient bays and accompanying regulations were in place and were not being enforced without employing additional space or regulation. One solution put forward by a participant who was a citizen of the Republic of Ireland was to charge a fee for unfolded prams and buggies – an approach in operation in that country – or to provide storage space only for folded-up buggies. This participant believed that the size of the buggy is reflective of the desired status of the person pushing it. In other words the more money that is spent on a buggy, the larger and more lavish it is and therefore the higher the epitomised status of the owner. This participant posits that to have only space for folded buggies would render this status invisible and thus remove the necessity to characterise it.

Some participants commented that sentencing needs to be enhanced for perpetrators of hate crime and in particular disability hate crime. Participant contributions broadly revealed however that participants thought that education was the key to helping the general public understand the plight of disabled people generally and in particular when using public transport. Examples of topics for raised awareness were: understanding assistance dogs; understanding disability rights issues; access issues and the practical, physical and psychological problems which disabled people face in their daily lives. One participant made it clear that he does not wish that disabled people should stop using public transport. This participant wants public transport to be used widely to protect services – a point that attracted wide agreement in a focus group. He additionally feels that it is disabled victims who also need awareness training:

*Being a XXX I know that restricted growth people do try to avoid using public transport – although experiences are rare. I would like to make that known because I do not want to deter anyone from using public transport at all. (PM7: a wheelchair using person of restricted growth)*

Most participants agreed that staff need to be appropriately made aware of disability issues and to receive suitable training regarding hostility against



disabled people and this includes disability hate crimes and incidents. Moreover, staff also need to be made aware of how and where to report crimes and incidents. Not only if they are reported to them by passengers, but staff need to know and have the confidence to report these incidents without any prompting or requests from passengers. Furthermore, they need to have access to third party reporting avenues. This would mean that they need not spend extended periods of time reporting matters to the police – this time being precious to their employers who will be reticent to let them leave the workplace to make such reports. After all, staff absent from the workplace may result in service cancellations. Suggestions for how to deal with reporting avenues and associated staff training are made in Chapter Seven. Some suggestions for improving staff attitudes follow. FF7 is a participant cited again, a good source because of her balanced views:

*... it was not necessarily the fault of the drivers, as she [the driver] felt that they should receive proper training.*

*...*

*You shouldn't have to ask - it's not a failure of the individual bus drivers, it's a failure of company management.* (FF7: a female with mobility issues)

*Just tell people [staff]. Tell them that we have feelings, that we are human. I don't want the weight of the law to be on anyone. I don't want hassle I have, had, a life to live. I just want people to be aware of each other's' needs and to be respectful of that. Nothing heavy!* (PM2: an autistic user of walking sticks)

*I think training for drivers and transport staff on hate crime and ways to respond and show care to people affected by it would be useful.* (PF5: a female with Tourette's using a wheelchair)

*Yes. When I have got to know drivers they are more confident in knowing what I need and respond to that they are more confident in what they do. The drivers who have got used to me are brilliant. That familiarity really helps! I was chatting to a driver and she said that she asked a buggy user to apply the rule s and she was told not to apply the regulations as this can lead to a complaint and they don't want complaints.* (PF2: a female wheelchair user)

### **Staff behaviours concerning hate incidents and crimes**

As highlighted previously within this chapter, participants within this study noted instances in which a member of staff either actively participated in the abuse or

employed more subtle mechanisms to appease other travellers, at the expense of the participant. The evidence presented within this section demonstrates the negligence that regulatory and local authorities have exercised in incentivising public transport operators to be more inclusive – as required by the PSED. If providers had been influenced to consider equalities more broadly then perhaps staff members would be better prepared to help victims of abuse.

Within this section, both positive and negative responses from staff members during or following incidents of hostility are noted. Most of these data refer to incidents on buses. Many incidents were noted. Staff positively assisted in 17 examples (13%). On two occasions (1%) the bus driver physically removed an offender from the bus. This is one example using PM4 who is cited often in this thesis as a victim and one not afraid to defend himself:

*Then he took a swing at me. I said son that will be the biggest mistake that you have ever made ... and then the driver got out and pushed him off the bus. (PM4: a middle-aged male using sticks and a mobility scooter)*

On a number of occasions the staff member did intervene to make the offender aware of the problems which they were causing and to offer safeguarding for the victim:

*... the bus driver noticed it and he was the one that stepped in and told them to mind their language in a nice way. (PM1: a male wheelchair user)*

*I did ask a driver to obtain the priority seat for me because this old biddy refused to move – and he did that for me.*

*...*

*He got out of his cab and asked the old dear to move. She refused, and loudly said she was there first and blind people get special buses and I should be on one of those. The driver was great. He said well I'm not moving until you move. So she did. You couldn't make it up! (FF19: a frail female)*

However, the largest number of examples provided by participants illustrated that staff took little, or no, action to intervene. On 78% of occasions the staff member did nothing to protect the disabled, or any other, passenger.

Participants reported that in most cases the staff member did not seem confident of what to do to help the victim. There are numerous examples which exemplify this unwillingness:

*One lady [on a bus] was told to piss off because she asked to use the priority seat. My member reported this to the driver who said that he had no authority to do anything about it. (PF14: a female wheelchair user)*

*The bus driver did not know what to do nor had any idea of priority. He didn't really want to get involved really. (PF10: a female wheelchair user)*

*Yes there was a young driver I was in the doorway of the bus and he could see everything that was going-on but he didn't want to know about it. (PF1: a female with fibromyalgia, limited mobility and compound depressive states)*

Interestingly, on some occasions where staff members were involved, they also revealed why they were unwilling or ill-prepared to assist. Participants asked the staff member why they were failing to intervene. Many cited their lack of awareness of what to do or of their responsibilities. The following examples illustrate this dilemma:

*I then asked the driver to sort out this situation but he said 'there's nothing that I can do'. I said well I cannot just sit here in the aisle and he said well you might have to get off the bus then. (PF12: an older female with a wheelchair using daughter)*

*The driver, the usual scenario would not do anything, did not move, and just did nothing at all. Sometime later, a woman with a pram, I had my headphones on, she wanted to get on the bus. I tuned-in a bit and a scene was unfolding. She was told she could not get on the bus because a wheelchair was in the bay. The driver was wrong; He should have suggested that she fold it up. That makes our lives as wheelchair users harder because he didn't offer her the chance to fold her buggy. (PF2: a female wheelchair user)*

*I went to the driver and said I needed to use the bay and was getting abused for it. The driver said 'nothing to do with me I cannot intervene'. (FF5: a young female wheelchair user with depression and suicidal tendencies)*

*The driver said to me ‘what do you want me to do about it love. You’re on here for free you might as well put up with it’. (PF2: a female wheelchair user)*

*When I was having the seizures whilst doing my degree I had a seizure on the XX bus to a posh area. I had woken up back to consciousness and I was the black slimly built bus driver pacing up and down looking really anxious. But what upset me was that he had shown no concern at all. I would have sat with the person or got assistance. It was just that nobody had the sense to sit with that person and wait for assistance. (PF8: middle-aged female using power chair)*

In very few instances the disabled victim or associate did challenge the staff member as to why they were declining to assist when the passenger was clearly a victim of abuse from another passenger. An example from one female participant who latterly contacted the Operating Manager at her local bus company was informed by one driver:

*... [The last time he reported an incident] he reported it and was given ‘driver training’. They said that’s all they said that they could do.*

*...  
He told me that the boss [of the bus company - exemplified by the friendly bus driver] He says to the drivers “don’t give them [disabled passengers] preferential treatment”. When I complain, he says in the canteen, “oh it’s her again. Just tell ‘em you’re doing somit’ to shut her-up”. And this bloke [the friendly bus driver] said to me “if ever I get found-out [that he was telling the participant] then I’m going to be sacked”. He [the boss] has to be careful what he says in the canteen.*

*...  
The boss [of the bus company] also said ‘we should focus on young mums with babies in prams cos’ they are our future – not spacco’s in wheelchairs’. (PF12: an older female with a wheelchair using daughter)*

This staff negativity ranged from non-cooperation on the part of the staff member by, for example, not lowering the wheelchair entrance ramp, to some instances involving directly abusing the disabled passenger or collaborating in the actioning of the hate crime or incident. Here some examples of this negativity are illustrated:

*Before I could sit down the bus started forward and I fell to the floor. I have mobility issues and not too steady on my feet anyway. I was, flat on the floor. Then the bus stopped abruptly and all I heard from the driver's position was 'ah fucking hell, for fuck sake' As I was being helped to my feet she [the driver] leaned out of her cab and said 'you lot of stiffs are a fucking nuisance' Then she did it again, drove-off while I was still trying to get up. People around me were amazed at this. (FF7: a female with mobility issues)*

*I have been thrown out from the bus being told that I shouldn't have an assistance dog. I have actually also been told by a driver that I bought my jacket from Poundland. I have been kicked off the bus and told that I shouldn't have an assistance dog. (PF7: a female user of assistance dogs)*

*It was slashing rain and it was very busy. The driver let the other people on and he wouldn't put out the ramp. I said will you put out the ramp and he said 'no, I don't like disabled people on my bus'. He would not put out the ramp and let me on the bus simply because he did not like wheelchairs it turned out. I don't like them either, but I have no choice. It was my first experience of this. I said would you tell someone that you wouldn't let them on because they're black? He did not reply. (PF2: a female wheelchair user)*

*I myself was in my wheelchair when a driver refused to lower the bus ramp. He said 'I've seen you walk, you can step-on'. (PF14: a female wheelchair user)*

*I have trouble talking to people. They must take time to understand what I am saying ... it's not my fault. I was asking the Guard if it stopped at XXX. He shouted so that everyone could hear. 'You must speak clearly'. I put my head down and tried again. He said 'You must speak clearly' again. All my life I have wanted to speak clearly. He looked at the other passengers in the carriage, it was packed. He said, 'I can't understand a word, who do they think I am a mind reader'. Now you know why I hate travelling by train. (FM3: a young male with anxiety and depression)*

Staff issues are discussed in Chapter Six where the responses of public transport providers are deliberated. Moreover, recommendations for staff training and awareness-raising are discussed in Chapter Seven alongside other recommendations for speedier police responses to situations and user-friendly reporting pathways.

## **The impacts and effects of hate incidents and crimes**

This section will focus on the immediate victim and witness impact and also the longer-term effects for victims/witnesses. An episode of hate incident or crime might be over in a few seconds – but may result in a life-changing impact for a victim (Iganski, 2008a).

### Immediate victim impact

Approximately 20% of responses concerned impact. This enabled a wide range of victim's perceptions of the aftermath to hate incidents or crimes revealing how these offences had impacted upon the participants within this study. The immediate impacts included being frightened; feeling as if the victim is the focus of everybody's attention and not being able to control events. A large number of participants stated that they found that abuse on public transport makes them feel 'humiliated', 'embarrassed' and 'intimidated' at the time (PF1: a female with fibromyalgia, limited mobility and compound depressive states). Participants stated that no matter how positive they felt or what mood they were in prior to an abusive situation, these events changed their outlook. Following an abusive attack, 67% pronounced that they lost confidence to the point where they wanted to be removed from the site of the abuse immediately. Many also stated that they didn't want to be there in the first place; 85% stated that they would rather not use public transport again and wished that there was an alternative. Several more voiced, in the immediate aftermath, that they would rather walk than use public transport because of this abuse – except they had no alternative or could not afford another means to travel. For many, public transport was their freedom to enter into social activities, to broaden their social skills and travel to see friends and family. For some participants, many severely disabled, it was telling that, in the heat of the moment, they preferred to find other means, often incurring additional hardship, rather than continue their journey by public transport.

In 26% of incidents raised, victims reported being stared at, being the focus of someone's wrath and being centre-stage in a public arena and having to cope without help or support in humiliating situations. Some typical impacts follow:

*As I was being helped to my feet she [the driver] leaned out of her cab and said 'you lot of stiff's are a fucking nuisance'. Imagine how I felt. My mum always said to be a lady in life, even if life is difficult. All I felt was that I was a piece of shit! Can you imagine it? Just being a worthless piece of shit, vile and stinking. (FF7: a female with mobility issues)*

*Then they joined-in and one said 'dirty fat bastard' and his partner said 'we're all going to throw-up because of him'. I wanted to die, please take me away. I bowed my head beneath the line of the seat, I hoped that they couldn't see me ... Of course, I got off early. Welcome to my life. The butt of their comedy! (FM2: a male with incontinence problems)*

*There were two young guys – about 25 – were calling me a cripple and a wanker and they deliberately moved to sit opposite me and all they did after that was to stare at me and that made me feel so really uncomfortable. Where were my friends, anyone? ... I can't go anywhere, I can't leave the seat, I can't get off, I can't avoid looking at them ... I have never been so alone and so afraid ... Tell me, what the fuck do you do? Where do you go to when you are shit scared? (FM3: a young male with anxiety and depression)*

The instant impact of humiliation and intimidation was often exacerbated by the victims' inability to physically escape attention; being either bound to utilise priority seating or wheelchair spaces. This feeling of being trapped which augmented participants' feelings of susceptibility is explored further in Chapters Seven and Eight.

Participants also expressed the impactful feelings of weakness and powerlessness before, during and after bouts of abuse. Many with physical disabilities were already physically exhausted after having to propel their wheelchair to the bus stop, onto the bus and find a secure, anchored position within the bus. But then the frequently predictable consistencies of the subsequent abuse wore them down even further. In all, impactful instances of weakness, powerlessness and loss of dignity were recorded representing 28% in this category. Some examples follow:

*... I'm in a lot of pain all of the time I haven't physically got the energy to complain! You might feel bad; you might want to be somewhere*

*else. But you're not. You just have to bear up to it. the tiredness and the pain seem to coalesce to make the job of these idiots easier, that's how it seems anyway. (FF4: a female with mobility disabilities)*

*I was already shagged out [tired]. The [male] bus driver literally ignored me when I requested the ramp be put down. He did not even turn to acknowledge my presence. My son then got me on to the bus, causing me physical pain because of the lack of the ramp. The physical pain of the ramp and the mental pain of having to plead for access ... (FF1: a middle-aged female wheelchair user)*

*I had another incident where kids were taking photos of me on their phones which was an invasion of my basic rights, but I was powerless to stop them. I was a prop in a film for people to comment on who I had never met and never will ... (PM7: a wheelchair using person of restricted growth)*

*The shouting woman then started on someone else but these lads just got on their bus and went. We couldn't shift the victim. We had to call an ambulance she just seemed to have melted on to the floor. I was really shocked at that ... and powerless to help. (PM9: a witness)*

Following these humiliations and feelings of powerlessness, participants felt angry, disrespected and unwanted. The impact on their lives, of what perhaps would seem to others to be minor incidents, was ongoing and, at times, life changing. Many people might feel rightly outraged at these insults and attacks, for disabled people who rely on public transport these impacts are potentially devastating. Victims feeling different to others and that their values had been attacked were other noticeable impacts; these attributions made on 35% of occasions within this category. Some examples follow. PM3 was a good example of long-term abuse and is often cited in this thesis:

*[I was] Angry, so very angry that these people should think that I should not have been born – sometimes I wish I had not. (PM3: a male with incontinence)*

*One woman who couldn't find room for her pram told me that I should 'die soon and to make room for the living'. I was very upset. What was the point of my life? (PM11: an older male with a walking frame)*

*I'm a pariah, wherever I go, I have never been welcomed. PM3: a male with incontinence)*



### Longer-term victim impact

The established longer-term effects of disability hate crime are documented in Chapter Two. Briefly, these include: a loss of confidence; a fear of further victimisation; the everyday nature of being victimised and the medical and psychological ramifications of being humiliated, intimidated and abused in public. The findings from within this study are similar. Participants' generated 193 comments regarding the long-term effects and changes to their lifestyles following episodes of abuse and these originated from 47% of the overall cohort. Fear of other people, sometimes recognised as irrational, both within the home and outside of it, were reported by 55% of this sample. A concern that anxiety in public would cause an embarrassing situation was noted in 40% of the sample. A distrust of those in authority was voiced by 9% of participants. A loss of confidence was reported in 23% of the participant contributions. A loss of confidence can transmute into a preference not to use this form of transport in the future. Participants who voiced a reluctance to use it totalled 23% of the sample. Rather than face the type of abuse which has been illustrated in the categories above, disabled people would therefore rather face the long-term impact of social isolation, withdrawal, the additional expense of using taxis and alternative methods of transport. Here are some examples of the longer-term lack of confidence in using public transport:

*I don't want to use public transport any more. I get a taxi if I can afford to but the reason I'm on the bus in the first place is that I can't always afford a taxi and I have to get to certain appointments. I really feel like staying-in. (PF12: an older female with a wheelchair using daughter)*

*It's been horrendous and I don't know how many years we've been trying to do something about it. So we don't bother now with the buses not if we can possibly help it. (PF12: an older female with a wheelchair using daughter)*

*That's why we have stopped using the buses – we just get a taxi.*

...

*[Researcher: You can get help from local authorities with the cost of the taxi you know?]*

...

*Oh no we're not bothering; we just keep ourselves to ourselves now.* (PF14: a female wheelchair user)

*... and it does make a difference I do choose to stay in more and I do have commitments but I can't face them because of how I' was treated on the bus sometimes. I had committed to something and at the last minute I say no. because if I have two buses and a Tube either way that's six chances for something to go wrong and that's too much to bear.* (PF2: a female wheelchair user)

*I didn't like using it in a place I didn't know or using routes I have never used before. I turn into a ball of anxiety.* (PF4: female wheelchair user and support coordinator)

*This incident was very shocking and had an impact on me immediately but has also made me more wary of public transport now.* (PF5: a female with Tourette's using a wheelchair)

*I used to drive up and down the coast in the Sates – but here, I now start to worry several days before I'm due to travel. So why bother?* (PF6: a female user of sticks with visual disabilities)

*Yes. The last two years have been particularly bad and so was this last season. I have chosen not to use public transport.* (PF7: a female user of assistance dogs)

Behavioural change to avoid future conflict was also a factor for participants to this study, rather than the ignominy of facing future conflict. Here are some examples:

*... That's simple to answer. I avoid buses at that time of day and in that part of town. I use a taxi if I need to go somewhere official and I cannot really afford that. I won't go on that bus again. It was the most frightening 30 minutes of my life. I won't go near that part of XXX again if I can help it. That means that I miss my art class but so be it.* (PM2: an autistic user of walking sticks)

*We don't cope particularly; we just prefer to stay indoors. ... that's the easy thing to do ... People just want to keep their heads down by staying indoors.* (FM1: older male wheelchair user and charity worker)

*I don't want to reveal myself and my emotions to the public any more. I don't want to feel vulnerable and weak on the bus or train any more.* (FF7: a female with mobility issues)

The emotional upsets caused by these restrictions to the lives of the participants were noteworthy. Behavioural change and isolation caused further upset and also feelings of having been *defeated*. PM2 is cited again, being a prolific provider of evidence across the many facets of abuse:

*... You do get sick of being laughed at its true. Sometimes I even cry and we have to comfort each other. Sometimes he cries (referring to her husband, FM9: a wheelchair using male).*

*... Yes you do. You say to me I don't want to go out today because you get sick of being used like an idiot and called racist names and fat because of your size and all of that. And you say I'm not going out today I can't face it! And I get sick of laughing along with the abuse, as if I'm enjoying the joke what we have to realise is that we are laughing at ourselves to appease the abusers, and that is wrong! I say I can't go out today, and I say that every day! (FF20: a female in a wheelchair, as is her husband)*

*I think I'm laughed at because of my actions. Even if I get cross I can't often display that because of my lack of control. So, I imagine that even if I do get cross nobody can see that in me. So not only do I get abused because of something that I cannot control but I cannot even signify how upset I am. Sometimes I want to die because I am trapped in a world of no communication and where I don't want to be. I'm really trapped! (FF17: a wheelchair using intersex 'guy')*

*I can't sleep well. I have nightmares that this bloke will find out where I live, he will see me again and follow me or something. I am so scared, I live alone, and no one is here to help me if I need them. My life's in pieces. I get taxis I cannot afford. I miss my art class – and all because of one journey! (PM2: an autistic user of walking sticks)*

One female participant who is avoiding using the bus service was further abused in a taxi. This participant has now adopted a lifestyle change by being more careful about choosing a taxi provider:

*I have changed. I won't use a small company I would only use a larger company who are likely to have better trained drivers you know. Say for example I'm in the town I won't use a small independent taxi because I feel that they are more likely to say what they feel whereas the larger ones are likely to be employees and more likely to be more understanding. So I would avoid that smaller taxi. (PF1: a female with fibromyalgia, limited mobility and compound depressive states)*

Additional, impactful, lifestyle changes have taken place within the home for some of the cohort. The three participants photographed and threatened with exposure on social media have since avoided logging-in to their social media accounts and one has deleted their account to avoid the ignominy of being humiliated online. One of these participants commented that they wished that they would have handled the abuse better at the time and possibly would adopt a different attitude in any future conflict. However, this is purely speculative as this participant is currently not using any form of public transport aside from a taxi.

Conversely, for those who have little choice and continue to use public transport, the long-term impact on them is to adopt coping mechanisms or be more wary of travelling. Although the avoidance of public transport may be preferable, much effort is focused in finding enough confidence and strength to use public modes of transport:

*It's a challenge, it's not something I enjoy doing, it's something I have to do, the train is my independence. I quite often end up in some upsetting situations or in a battle. I often think well I don't want to do this anymore but I have to. (PM5: a male with Parkinson's Disease)*

*The choice is a simple one, if I don't get out I don't eat! (PF2: a female wheelchair user)*

*I'm not going to be put off by these guys. They don't own me, fuck 'em! (PM4: a middle-aged male using sticks and a mobility scooter)*

This section has examined the longer-term impacts of hostility and abuse. These include psychological impacts, loss of confidence and a reluctance to use public transport again. These characteristics will be discussed further in Chapter Seven.

## **Summarising Chapter Five**

This chapter began with a reminder of the mission of this research and the progression of this thesis. When data was presented, categories referred to: the experiences of abuse; responses to abuse; staff behaviours when dealing with abusive situations and the impacts of being abused. The techniques of abuse

varied, but included: name calling; swearing; de-valuing the victim; jostling and sometimes violence. Concerted abuse was cited in the experiences of 52% of participants who have been in situations of hate crimes or incidents where the principal offender tried to recruit formerly inoffensive passengers to assist in their attack on the victim. This phenomenon occurred mainly on buses. The effect of the recruitment effort was either to enlist allies in the perpetration of the attack, to solicit sympathy for the victim or to initiate non-intercession of the ongoing victimisation.

Immediate actions of victims were represented. Some indicated that coping mechanisms and evasion techniques were utilised. The majority of incidents had been categorised by the victims as hate crimes. Less than one quarter of these were reported to either staff or to the police. These reports resulted in a proportionately lower follow-up rate and only an 8% of reports reached a satisfactory conclusion. The short-term impacts were shock, upset and wanting to vacate the site of the abuse. The longer-term effects of hate crimes and incidents were noted as being: upset; social isolation; fear and a reluctance to use public transport. These changes of behaviour often developed into having to expend more money to utilise taxis or alternative transport modes. It is evident, if confidence in staff members is examined, that participants feel that public transport service providers are falling short in their approaches to safeguarding the public and handling incident reports. Some victims offered solutions and suggestions to either safeguard disabled passengers or to reduce hate crime on public transport. These overwhelmingly included training for staff members to make them aware of the plight of disabled people. Suggested training changes included offering easier methods of reporting of hate offences including third party reporting. Other suggestions included enhanced sentencing for offenders and better on-board security measures. The following chapter presents data from authorities and public transport service providers.

## **Chapter Six: Your Journey is Important to us - Current Safeguarding Approaches**

### **Chapter introduction**

This chapter explores the measures prescribed by public transport authorities under equality legislation to protect disabled passengers and also those undertaken by service providers. Where Chapter Five was based on personal testimony of abuse and hostility and captured the experiences and impact of that abuse, this chapter presents responses from 26 regulatory and local authorities, from 28 enquiries, and also from 53 public transport operators. Their responsibilities are made clear in the PSED and the Home Office (2018b) document, a follow up to the Home Office (2016) Action Against Hate strategy:

#### *Public Sector Equality Duty*

*The Home Office and the Ministry of Housing, Communities and Local Government, as public authorities, are bound by the Public Sector Equality Duty and therefore have due regard to the need to eliminate discrimination, harassment and victimisation, and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (Home Office, 2018b:21).*

This chapter ultimately reveals that providers of public transport mostly fail to take their responsibilities to safeguard the disabled passengers seriously. It will illustrate the findings from agencies responsible for regulating, contracting and providing public transport within their geographic areas. Some of these are local councils who do not, in the main, directly control public transport. However they may contract services which operate on Bank Holidays and on Sundays thus providing a service which would not be commercially viable on those days. These services are often provided by the same public service providers which operate services on other days of the week but are directly funded from public authorities. Furthermore, local authorities might provide school or specialist services for people who need them. Other agencies, for example, Passenger Transport Executives, including metropolitan transport providers, directly regulate public transport services and may exude a tighter control over the practices of their service operators. Of the agencies cited, councils and PTEs do have some licensing responsibilities when authorising route planning and

subsequent route alterations. Moreover, they often provide and manage public transport interchanges. They are therefore central to public transport provision and in a position to exert influence over service providers. Data in the following section is gathered from Freedom of Information Act 2000 requests and from other enquires made with regulating and local authorities.

For the purposes of this research, bus and tram results are combined. This is because the vehicles are similar in size and shape and operate comparably. The geographic areas for which enquiries were made were those areas in which participants recounted their experiences. In addition, an FOI request was sent to the DfT to ascertain Departmental policy. The complete list of authorities to which FOI requests were sent is contained within Appendix G, along with the corresponding public transport providers. The FOI responses can be found in Appendix H. The latter part of this chapter is dedicated to obtaining information from public transport operating companies – the providers. Herein the policies, training regimes and awareness campaigns to manage and reduce hostility toward disabled passengers will be reviewed. These companies are not, in the main, obliged to respond to FOI requests unless they are themselves wholly owned subsidiaries of local authorities or Passenger Transport Executives. Information therefore was gained either through emailed requests or through personal contact with key personnel within those service providers. Publically accessible, open source, information was gathered through internet searches and accessible policies. Some companies responded on behalf of an authority when those governing authorities had forwarded FOI requests made to them.

Finally, the findings from interviews with 14 members of public transport staff in East Anglia will be discussed. Their responses are valuable; their knowledge revealing how their employers are cascading information to manage equalities and tackle disability hate crime. The final section of this chapter will offer a digest of the responses from local or regulatory bodies and from service operators. In doing so, it will set these responses against current policy and legislation.

## **Responses from local authority and regulatory bodies**

The FOI requests to the regulatory and local authorities were couched as the following questions:

1. The Home Office strategy: Action Against Hate, 2016, indicates that public transport is a key area of concern for hate crimes being conducted toward people with disabilities. What action is your organisation taking to reduce hostility and abuse against people with disabilities on your public transport services in your area?
2. Please send me your policies and strategies for dealing with the potential for hostility and abuse against people with disabilities on public transport services in your area.
3. What training interventions do you stipulate or suggest to enable public transport staff be aware of, and manage, the potential of hostility and abuse against people with disabilities on public transport services in your area?
4. How does your organisation raise awareness of the possibility of hostility and abuse against people with disabilities on public transport services in your area?
5. Please send to me your published equality objectives in relation to public transport provision in your area and clarify how you make these objectives accessible to the public.
6. Please send me any progress that you have made toward meeting equality objectives concerning public transport in your area.
7. Please clarify how you incorporate the Public Sector Equality Duty in your provision of public transport including when contracts are agreed with contracting service operators?

Each authority's response will be disclosed in alphabetical order of authority and these responses are situated within Appendix H. However, it should be noted that most responses were unhelpful and revealed a lack of ownership in declaring information concerning either public transport or equality issues – the original intent of the enquiries. With a charitable demeanour it could be thought that the responding authorities did not understand the questions asked. However, this seems to be unlikely considering the amount of responses which did not address the questions.



The responses are presented here as a hierarchy for clarity. Although none of the FOI responses fully answered all of the questions, at the top of this hierarchy the better responses did reveal some aspiration toward achieving equality goals. These authorities were willing to extol their equality objectives, but these authorities did not reveal that they were diligent in either developing or monitoring any subordinated equality duties for contractors, including those which provided public transport. These respondents often boasted of their willingness to help disabled people and then focused mainly on accessibility to exemplify their success in this area. This was despite the questions raised which were specifically focused on hate offences and the safeguarding of disabled people, this facet seemed to escape all of the respondents.

In the middle of this hierarchy lie the vast majority of FOI responses. These mainly denied any responsibility to oversee: deliver, develop or monitor public transport in any way. Most responders stated that the service provider was the responsible party and the onus of safeguarding therefore rests squarely with them. These responses did not allude to a duty under the PSED, the establishment of equality objectives, the nomination of a senior officer to hold equality responsibilities or recognise that these should be monitored. Staff training or policy creation to include equalities was not mentioned. In other words, the questions were not answered. Distancing from the operation of public transport was the norm in denying their responsibilities. This is despite the obvious involvement of such authorities in the provision of some public transport and its infrastructure and the legal demands of the PSED.

The lowest tier of this response hierarchy reveals authorities refusing to clearly answer or even, in some cases, acknowledge any of the questions raised. For example, Lincolnshire County Council cited redundant legislation whilst offering a confused picture of their governance and Cornwall County Council remarked that FOI responses were expensive to provide. In doing so they stated that a website would contain the relevant information instead. Despite this, the website did not contain the information required (FOI4, 2018). At the time of enquiry, Transport for the North and NEXUS did not have functioning email addresses for FOI enquiries. So poor were some of the responses in this lowest tier of the

hierarchy that compliance with either the spirit or the letter of the FOI Act was questionable.

### **Situating authority and provider data: a thematic résumé**

This section will provide a thematic digest of the multifaceted evidence gathered by FOI and other written requests which were made to 28 local or regulatory authorities and 53 service providers. To recap, enquiries were made to regulators and service providers only in the areas in which abuse had been reported by the participants to this study. This section will review the obtained information in relation to the following thematic areas: transparency; policy availability; staff training and finally legislative compliance.

#### Transparency

The response to the battery of FOI requests was, in itself, interesting. Five of the responding authorities gave detailed responses to most questions and South Yorkshire PTE also answered the question referring to its PSED – although not completely. Most respondents stated that they did not hold the requested information. If these statements are correct, this is indicative that these authorities had: no policies for dealing with equality and hostility issues at their bus interchanges; had not made any progress toward meeting equality objectives and did not publish an annual report regarding equality. All of these items are mandatory within the Equality Act 2010 and its associated PSED. Moreover, Transport for the North East (managed by NEXUS) failed to maintain a functioning email address to which to send such requests at the time of writing (late-2018). Furthermore, the latterly formed Transport for the North, an organisation established to integrate transport services in the north of England, did not have established public access protocols or accessibility to enable FOI requests either.

Generally, the local authorities made scant responses often indicating that public transport services were privately operated and therefore not the responsibility of that authority – a position which is obviously incorrect (Garcia, 2018). These agencies usually operate and often manage bus interchanges and contract bus services at unpopular times and for school transportation *etc.* The

responses from the PTEs however were much more detailed and insightful. PTEs, whose role it is to oversee public transport operations and regulate them, should arguably supply all-embracing answers to such requests. Written requests to public service providers which were outside of the stipulation of the Freedom of Information Act 2000 were generally met with no response at all. The only exceptions to this were: Stagecoach South West; Plymouth Citybus; Brighton and Hove Buses; Lothian Buses and Edinburgh trams. No responses were given to indicate how the annual reporting of PSED obligations was made. All responders did however make equality objectives available to the public in a clear and accessible manner.

### Policy

In the UK, the Department for Transport (DfT) insist that the establishment of policy for dealing with inequalities and for meeting equality legislation rests with the local authorities and regulatory bodies in terms of commercial bus provision and through rail franchise agreements where trains are concerned (FOI16, 2018). Whilst the Office of Rail and Road (ORR) provide standards for the protection of disabled people, these only act to ensure access to the railway for passengers with disabilities and not protection concerning equality rights (Office of Rail and Road, 2018). Any necessary policing of bus services is facilitated through neighbourhood policing teams resourced by regional and county police services. The policing of railway infrastructure rests with the BTP. The DfT state that the enforcement of anti-hate crime policies is vested with these police forces (FOI16, 2018). The responsibility for applying equality legislation to providers however rests firmly with the overseeing authority when they are procuring, providing, licencing or contracting any service provider to operate any bus service within their geographic area of responsibility. This also applies when authorities are establishing and managing bus or train interchange facilities. This responsibility is furnished by the Equality Act 2010 provided that the agency is listed under section 19 of that Act. Furthermore, any responsibility for provision of a service is also assumed by agencies which are not specifically listed under section 19 and commercial companies who provide a public service under the general terms of that Act. In short, any agency, company or contractor performing a public service provision must, without exception or

delegation, comply with this equality legislation. The DfT in 2018 published their *Inclusive Transport Strategy* (DfT, 2018a) which is heavily aligned toward accessibility for disabled people. However, it does mention the UK government's commitment to reduce hate crime generally and promises to continue to work with DDPOs and the BTP in tackling hate crime. Moreover, it promises an awareness campaign to commence in 2019/20 to increase public awareness as to the illegality of committing hate crime acts (2018a:47).

All of the authorities responding to FOI requests had established and publically accessible equality policies. In some locations, these consisted of a broad aspiration to safeguarding the public, an example of which was South Yorkshire PTE. This authority took its responsibility to protect all members of the public seriously within the bus interchanges which it managed. It also worked with rail providers to offer similar safeguarding on railway premises. Plymouth City Council, Brighton and Hove City Council, NEXUS and Gateshead Council were examples of where local authorities worked closely with local operators to specifically reduce hate crime. As a result of this effort, service operators learned from governing and partner agencies about how to reduce hate crime and raise equality issues among its staff. Some developed training interventions to raise awareness of equalities and the hate problem and how to help manage it. One example of a good quality safeguarding partnership is where Brighton and Hove City Council works closely with Brighton and Hove Buses to achieve passenger safeguarding. This Council insists that its bus providers adopt equality training regimes and display publicity in its vehicles and interchanges to promote the anti-hate message. Other good examples came to light. For example, Transport for Greater Manchester utilised security patrols and poster campaigns to raise awareness and help manage hate incidents and crimes. Transport for London has, in its London Underground mode, training modules to raise awareness of hate incidents. In Edinburgh, the City Council and Police Scotland work in partnership to specifically drive down hate on its public transport.

For the most part, the data reveals that the remaining authorities did little toward achieving equality and nothing toward managing potential hate crimes or

incidents. Most local authorities claimed that public transport was outside of their jurisdiction. Focusing on bus services, the majority of authorities stated that commercial providers operate these services thereby distancing the authority from service provision. These distancing strategies are clearly problematic. Local and regulatory authorities must have influence over services because of the use of infrastructure provided by county, borough, district and town councils (Garcia, 2018). What they did not reveal is that authorities are usually responsible for bus route planning and licencing, for commercially unviable contracted services delivered on Sundays and on Bank Holidays, school services and services for people with specialist needs. They are also responsible for the bus stop infrastructure and interchanges within their areas. These are all cited as places of abuse in the evidence from participants within this study. Thus, whether, or not, these authorities have equality policies in place, the denial of responsibility and the non-establishment of contractual obligations mean that these authorities do little or nothing toward safeguarding those facing hostility on public transport. Moreover, and further implying denial of responsibility for service provision, some of the authorities receiving FOI requests forwarded that FOI request to a local public transport operator for comment. In most cases, these forwarded requests were not responded to. This attitude may help to explain why 52% of people who, having faced hate incidents and crimes, were disappointed with responses from the police and other agencies (see also: Chakraborti *et al.*, 2014).

This evidence fully aligns with the proportionally small 8% of successfully resolved complaints cited in this study. Finally, although the DfT expects that local bus partnerships promote awareness of all crime, including hate crime, and to embed this in operator specifications, evidence of this happening is generally not available. This disparity of intention and action is, it seems, reflective of the low prioritisation of disability hate crime in the UK government and within local and regulatory authorities generally (Giannasi, 2017).

### Staff training

The Bus Services Act 2017, which came into operation in March 2018, gave bus drivers authority to enforce wheelchair bay occupancy for disabled people

using wheelchairs and remove those obstructing this access. However, without giving those drivers the power to enforce it, although latter DfT guidance (DfT, 2018a:36) aspires to address this issue. The same Act also obliges bus companies to deliver Disability Awareness Training to their drivers during basic training and their annual refresher training as part of their Certificate of Professional Competence (CPC) re-licencing activity. Furthermore, DfT guidance (2018a) states that this activity should include equality awareness training – whilst falling short of demanding this. Local authorities must also embed these requirements in negotiations with operators to provide such services (Equality Act, 2010). Disability Awareness Training raises awareness of disabled people and focuses generally on access to the transport mode and to providing assistance. Some DAT provision focuses additionally on communication difficulties and passenger information for disabled passengers. Alternatively, Disability Equality Training is an enhanced package which delivers all of the things that DAT provides, but additionally summarises the equality rights of disabled people and the inequalities which they face in their daily lives. This would be an opportune platform for hate crime and hostility management training to be presented to frontline staff (Garcia, 2018). A more detailed description of DET is provided in Chapter Three.

The DfT asserts that the effectiveness of this training is vital to public transport operators and that the positive outcomes from that training can only enhance the reputations of those operating companies (DfT, 2018a). Furthermore, it also asserts that reputation is important to these companies (FOI16, 2018). Professional repute is commercially central to these providers as many of the groups providing public transport in the UK: Abellio; FirstGroup; Stagecoach and Virgin are examples of companies with international standings who bid to provide public transport services, sometimes globally. In a bidding round, reputation may be vital to being considered as the favoured provider. One apparent difficulty which might make the provision of good quality training difficult to justify commercially however is that no effective monitoring of training regimes currently exists for public transport operating companies concerning equality training (Garcia, 2017). Therefore, companies may be reticent to fund training if they cannot be reassured by any tangible outcomes of that training.

One of the more tenuous methods by which the effect of training is monitored is through customer satisfaction surveys, rail-based examples are: TfL, (2017a) Greater Anglia (2017). Although these surveys ask how secure the passenger feels whilst on railway premises it is however difficult to attribute any feelings of enhanced security directly to previously delivered training interventions.

Regarding bus travel, the DfT claim that bus operators ‘take disability awareness training amongst their drivers seriously’ (FOI16, 2018). Delivery of such training is an obligation under the Bus Services Act 2017 anyway. Though as illustrated above, this training falls short of delivering the type of human rights awareness that only Disability Equality Training can hope to provide. Focusing on raising of awareness of hate crime on public transport, the DfT assert that it is the responsibility of localised bus partnerships to promote this facet (FOI16, 2018). However, there are inconsistencies here: Barnsley City Council, for example, which is an active partner in a local Bus Partnership with South Yorkshire PTE claim that they do not hold any information regarding these matters – despite the DfT placing the responsibility for doing so squarely on their shoulders. The DfT boast that many operators and local police forces participate in events, for example, the National Hate Crime Awareness Weeks (FOI16, 2018). Indeed, the BTP additionally participate in monthly awareness sessions at locations across the UK rail network (BTP, 2017a).

#### Crime reporting and police response

Assuming that training is in place, staff members need to have the ability to raise reports of hate incidents with enforcement agencies and be confident of a speedy response to these reports. Without these assurances they may be dissuaded from making reports (see: staff interview findings, above). The DfT in their guidance to rail franchisees espouse that rail providers must have arrangements in place to report crime to the British Transport Police (FOI16, 2018). Problematically perhaps, they are not however required to have any special or prioritised arrangements for contacting the police but instead they use the same arrangements as any private citizen – by calling the 999 emergency telephone number. Larger rail providers have a direct line from their Sector, Signalling and Operations Controllers to the BTP Force Management Centres –

but again this is only a standard telephone call and not any type of *priority* arrangement. These arrangements may potentially result in public transport operators facing the same delays in reporting problems as those which might be encountered by the general public with no guarantee of a speedy response to an evolving incident. A loss of confidence in a speedy response may incentivise the operations staff to report the matter at a more convenient time to reduce service interruptions and delays.

Furthermore, and again problematically, county, regional and specialist police forces do not have any right – unless life is endangered – to enter railway premises unless invited to do so by the BTP. This means that local police services have to wait at the threshold of the railway premises until formally invited to enter them. Alternatively, the BTP, who are placed at strategic locations around the rail network, cannot operate outside of railway premises unless formally invited to do so or, again, unless life is at risk. Moreover, the BTP recognise that response times are poor in rural locations and therefore often invite local forces attend these locations accordingly. However, this can result in resentment by an already overstretched local force when they are called upon to resource a response for the BTP (BTP, 2017a). This divisive relationship between neighbouring police services is partly based upon the disparate nature of police funding (Giannasi, 2017). The BTP is directly funded by the Home Office whereas county and regional forces are funded by county councils and local taxes. This relationship clearly cannot result in effective management of crime if resentment persists and strictly observed, demarcated areas of responsibility remain untraversed. Reporting crime therefore offers no guarantee of a prompt response to any incident on public transport services and this can result in staff members not having the confidence to report such incidents, as evidenced in the staff contributions to this study.

#### Legislative compliance and future policy direction

The Equality and Human Rights Commission are responsible for oversight of the Equality Act and therefore the PSED. At the time of an interview between the researcher and the Head of the cross-government Hate Crime Programme however (2017), the application of the PSED by public transport operators had



not been enforced by the EHRC and had not been tried in court (Giannasi, 2017). This is despite the Equality Act being in force for seven years at that point. At the time of writing (spring-2019), no evidence for enforcement since that interview could be found either. Many years have elapsed since the establishment of the Equality Act and its PSED in the UK. In that time there seems to have been little positive impact from this legislation in its aspiration to protect equalities in the public arena (Giannasi, 2017). Paul Giannasi – Head of the UK Cross-government Hate Crime Programme – confirmed that the Equality Act and its PSED can only become more effective if cooperation and a sense of shared purpose improve between the Department for Transport and other government departments. The Government Equalities Office (2013) report on the successes of the PSED confirms that leverage may be necessary to induce agencies to take their responsibilities seriously but it acknowledges that this had been difficult to mobilise in the past. The report additionally recognises that more guidance is required to compel agencies and companies use the PSED to its fullest (HM Government Equalities Office, 2013:4-5). Furthermore, Giannasi asserted that the DfT, and similarly the Department of Health and Social Care, tend to work in silos and not collaborate particularly well with other agencies (Giannasi, 2017). Moreover, Giannasi thought that the implementation of any equality legislation is stymied further by the EHRC being a bureaucratic organisation which tends not to act with any urgency in enforcing the Equality Act. Giannasi also confirmed that hate crime on public transport was not being highly prioritised within the UK government despite a range of reports which suggest that it is a key criminogenic environment for these crimes. He suggested that in order to raise the profile of hate crime on public transport, specific questions would need to be placed into the Crime Survey for England and Wales to bring the resulting data to the attention of the UK government. Moreover, Giannasi stated that this was also unlikely to happen as there was a *waiting list* of questions to be placed into that survey and that these queries had a greater priority in government circles (Giannasi, 2017). Giannasi supplemented this by verifying that the relative low priority of public transport hate crime has resulted in an absence of court actions against authorities or their contracted service providers. This evidence, from the key policy maker

within the UK government in relation to hate crime, substantiates the evidence of non-action garnered from public transport authorities and providers.

This inaction is also demonstrable at local and regional levels with regard to public transport provision. Of the 28 regulatory agencies and local authorities which were subject to FOI requests only one directly answered question seven regarding the PSED, the statute which is fundamental to ensuring equalities are safeguarded, the question was:

Please clarify how you incorporate the Public Sector Equality Duty in your provision of public transport including when contracts are agreed with contracting service operators?

South Yorkshire PTE responded to this question by stating that bus operators are obliged to provide evidence that they comply with the PSED in their service operations and associated activities (FOI15, 2018). They added that they oversee three bus partnership arrangements which also involve local authorities. All of these agencies are partners in these co-produced arrangements. These arrangements, the PTE claim, incorporate accessibility, information and customer service standards. However, this response is evidently inconsistent with that from Barnsley City Council – a partner in one of those bus partnerships – which denies that it has anything to do with the establishment of bus services (FOI1, 2018). South Yorkshire PTE further advised the researcher that they have entered into a disability partnership with local rail operators to deliver better access and information (FOI15, 2018). This sole response to the PSED question was meritorious. It does not however address the ongoing problem of hostility against disabled people which was clearly the theme of the range of FOI questions asked by the researcher. The paucity of response to this question within the FOI requests is indicative of localised disinterest and this reflects the UK governments' low priority toward addressing hostility against disabled people on buses and trains confirmed by Giannasi (2017). Despite the wealth of evidence suggesting that disabled people are socially isolated, suffering poor access to education and economically challenged there seem to be no priority within government, regulator or provider circles to effect change.

## **Summarising Chapter Six**

The purpose of this chapter has been to ascertain the strategies in place to protect equalities and reduce hostility toward disabled passengers whilst travelling on the UK's trains and buses. Some of the responders to the FOI requests did not meet the spirit of the Freedom of Information Act 2000 by providing direct responses. The questions pitched by the researcher directly appertained to hate crime and hostility against disabled people on public transport. Nevertheless, many of the responding agencies answered with information regarding access to transport services and, on rare occasions, equality in generalist terms. Aside from: Gateshead Council; NEXUS; Plymouth City Council; Transport for Greater Manchester; Edinburgh Trams; Edinburgh City Council; South Yorkshire PTE; Transport for London and Brighton and Hove City Council most other FOI responders displayed little knowledge regarding hate crime on public transport and a shortage of policies to counter it. Two examples cited outdated legislation which did not apply itself to answering the questions anyway. One FOI response complained of the cost of responding despite this being a statutory duty. A few of the remaining FOI respondents did allude to having produced some publicity to raise awareness of this problem. However, most of these did not specifically concern disabled people nor did they concern public transport. It can be inferred from the capture of these data that either hate crime on public transport is not fully understood or, if it is, policies to recognise and counter it have yet to be put into place. It is also indicative that only one of the respondents clearly replied regarding its use of the PSED.

Most of the companies providing public transport services did not respond to the researchers' requests for information. However, staff members working on public transport services provided by Brighton and Hove Buses, Tyne and Wear Metro, Stagecoach South West, Plymouth Citybus, London Underground and within the Manchester, Blackpool and Edinburgh areas are prepared, to varying degrees, to understand and manage hostility against disabled people. Bus drivers in the Brighton and Hove area additionally seem to have had excellent preparation for dealing with these matters and Brighton and Hove Buses have

the only Accessibility and Communities Manager in any UK bus company at the time of writing (late-2018) (Garcia, 2018). Moreover, Brighton and Hove Buses acknowledge that the ever-changing social *milieu* requires constantly evolving training regimes to cope with passenger needs and expectations. Garcia (2018) is also aware of the problem of abusers recruiting formerly unoffending passengers, referred to in this thesis as Collaborative Alienation (see: Chapters Five and Seven).

Evidence from interviews with public transport staff aligns with and substantiates the evidence from the FOI responses from authorities and the replies from the service operators. There is clear evidence of an overwhelming paucity of awareness regarding hate crime. Furthermore, staff members did not feel that they had been prepared to manage such incidents, although staff on rail services – where the fewest attacks occur – were better placed to contact operational support staff and to request assistance. However, they had little confidence that a timely police response would result. Bus drivers interviewed did not understand the need to help or to intervene concerning hate offences. Also evident within this chapter is the disjointed approach in the governance of improving equalities for disabled passengers. Giannasi (2017) asserted that government departments are not allied in their approaches to tackling these problems and no urgency is being applied to collect relevant data via national crime victim surveys to establish the breadth of any problem. Moreover, the EHRC is not ensuring the compliance of authorities or operators with any urgency. The following chapter will take the findings from Chapter Five and this chapter and discuss these against academic literature, statutory duty and expectations; in doing so that chapter will discuss some patterns of offending with known and with emergent theorisation.

## **Chapter Seven: Making Connections – Linking Findings and Literature**

### **Chapter introduction**

The purpose of this chapter is to analyse the key experiential findings of this study from Chapter Five and place these within the context of hate crime literature and that which specifically relates to crime on public transport. In doing so it will illustrate the specificities of hate crime on public transport in terms of the nature, impact and responses. The chapter therefore brings together established academic knowledge together with this research in the rarely exposed environment of public transport and will develop a new explanatory framework, by highlighting the phenomenon of collaborative abuse. The literature review, in Chapters Two and Three, offered much detail regarding hate crime academic literature in general and, to a lesser amount, that specific to public transport. The themes drawn from these chapters indicate that disability hate crime is a much under-researched area. Established academic literature cites the propensity for long-term fear and social isolation caused by repeated and continuous episodes of abuse and humiliation. Whether these attacks are established to maintain hegemonies of power (for an example, see: Perry, 2009) or are opportunist incarnations of attacker frustrations which manifest themselves in outpourings of hate (for an example, see: Iganski, 2008b), the impact upon the victim is the same. The outcomes of hate incidents or crimes are magnified by the devaluing the victim's identity and this can cause enhanced and prolonged psychological problems.

Despite many reports indicating that public transport is a known trigger environment for disability hate crime (examples are: EHRC, 2011a; Chakraborti *et al.*, 2014 and Home Office, 2016), disabled people continue to be victims of hate crime on public transport modes. For many disabled passengers using UK public transport, abuse and humiliation is an everyday reality. Experiences of victimisation range from name calling to psychological and physical violence and serious sexual assault. The damage caused by these experiences has led to some disabled people withdrawing from using public transport and subsequently into social isolation with consequent missed opportunities for

education, health and employment (DfT, 2018a). In the main, public transport authorities and providers have failed to safeguard disabled passengers and therefore failed to comply with equality legislation. This chapter will thematically discuss: the everyday nature of abuse and the impacts of this abuse. The chapter will also offer an explanatory framework of why formerly unoffending fellow passengers might choose to collaborate in conducting abuse whilst others, for whatever reason, do not intervene during the abuse.

### **The everyday nature of abuse**

The everyday experiences of hate crimes and incidents were brought to light by many participants in this study. This is just one example:

*I was on the tram and her usual trick was to humiliate me for being on benefits. She used to say things like: are you still on benefits, are you still claiming, how much do you get? For all those years and I was humiliated every time I went on the tram for about ten years.*  
(PF8: middle-aged female using power chair)

This is similar to the type of continuing and consistent humiliation which Quarmby brought to our attention as long ago as 2008 (Quarmby, 2008). This type of hostility remains mainly undetected and has not attracted the strategic vociferousness which it arguably deserves among politicians and mainstream charities in the UK (Mason-Bish, 2010). The topic therefore had remained in an unexplored discursive silo and has only latterly been embraced by some larger charities as a worthwhile cause to champion (Mason-Bish, 2010; Roulstone and Mason-Bish, 2013). Nevertheless, hate incidents and crimes remain very real to those who suffer its ravages on a regular basis. The World Health Organisation estimates that as many as 15-19% of the world's population are disabled at any one time (WHO, 2017). The potential exists that disabled people are almost twice as likely of being victims of violence and abuse; furthermore the chance of being abused on public transport is further magnified (Hughes *et al.*, 2012). Data illustrates that hate crime on public transport has been rising since September 2005. Although this phenomenon may be as a consequence of improved reporting pathways it remains symbolic of a troubling continual

increase in hostility toward already encumbered people (British Transport Police: 2015; 2016; 2017a;b).

The ordinariness of these crimes may be seated in perceptions of social acceptability. The perpetration may not be causally linked to any subculture or to a right wing group, but instead is potentially couched in the overflowing feelings of everyday *ordinary* passengers. Fellow passengers feel generalised resentment for the disabled person or harbour feelings that these people are scroungers who add little value to society (Aiden and McCarthy, 2014; Chakraborti and Garland, 2012; Hollomotz, 2013a; Walters, 2011), this is illustrated by these examples:

*... of the things that used to happen to me was that I would show my [concessionary] pass and get glares and comments from members of the public 'how dare she have a pass'*

*... [in justification] I told the lady that I had recovered from a brain tumour and she said "oh well, you're not disabled anymore", you don't need that pass anymore. (PF8: middle-aged female using power chair)*

*He said "there's fuck all wrong with you, you must have 'em [walking sticks] to sign on with, your just a fat cunt". Then they all laughed at me.*

*... He said "he probably has a carer to wash his willy".*

*... When these lads walked away they said to a man reading his paper "your tax money goes on that cunt" (PM2: an autistic user of walking sticks)*

Alternatively, abusive outbursts might represent a failure to practice self-control on the part of the abuser which could stem from poor parenting. As argued by Walters (2011), self-control thresholds may indeed be the deciding factor between maintaining a respectful silence and venting frustrations on another person. The commonplaceness of these episodes of hostility, bullying, offensiveness and psychological torture in this study are generally sympathetic to those also found in Chakraborti *et al.* (2014). In further accord with that study, this research found that victims related acceptance of their abusive experiences

and avoid retaliating to the hateful confrontations which they were forced to endure day after day:

*[Researcher] Did you report it or do anything about it?*  
*No. I was just pleased to get home it really takes it out of you, you feel so tired. But I was so sad, I was in tears. You get used to it.*  
(PF13: female wheelchair user with anxiety)

Hollomotz (2013a; see also: Reynald, 2010) argued that this everyday offensiveness is a manifestation of power imbalances, which, in this study, are played-out in the bus or the train. As evidenced above in Chapter Five, the disabled passenger is more likely to be exhausted, facing additional travel difficulties and aware that they are potentially a target for abuse. All factors which may portray a power deficit. Hollomotz asserted that the disabled victim is less likely to have friends or influential acquaintances and is therefore less inclined to seek help or advice and these characteristics are confluent in making that person a prospective victim. Furthermore, the disabled victim is statistically less likely to report the offence or to chase the offender; characteristics which align with Routine Activity Theory (Felson, 2002; Iganski, 2008b):

*He could see that I was dead beat [tired] then he came at me ...*  
(PF13: female wheelchair user with anxiety)

Routine Activity Theory is sympathetic with Quetelet's seminal theorisation that three elements are essential to crime perpetration: the will; the opportunity and the facility to accomplish a crime (Quetelet, 1842). Routine Activity Theory espouses that given this lowered capabilities of effective guardianship and the increased opportunity for successful offending, an attack is more viable. On public transport the victim is often travelling alone and among strangers in an environment from which they cannot readily escape. These factors and an absence of staff may contribute to reduce that effective guardianship. Moreover, Felson asserted that the everyday functionality of Routine Activity Theory makes it generalizable to many situations. Routine activities occur out of the 'macro-level organisation of the community and society' which leads to 'micro-convergence' (Felson, 2000, cited in McLaughlin and Muncie, 2013:191). In



other words, it is the everyday which provides the conditions conducive to routine criminality. The absence of anyone who might prevent a crime is therefore an essential prerequisite (*ibid*, 2013), as this example demonstrates:

*It looks to me as if they can see that the environment is safe for them to abuse us and so they commence abusing. It's as if the setting has been established for them to abuse with safety. Once a few start then the way becomes clear for others to join in with alacrity. The way is clear for them to enjoy themselves with a warmed-up audience already in position. (FF20: a female in a wheelchair, as is her husband)*

There may of course be other reasons for offenders wanting to cause discomfort to a disabled victim. McDevitt, Levin and Bennett (2002) would argue through their typology of offending that offenders may be defending *normality*, as they see it. Offenders may perceive that they are on a mission to erase disabled people from society generally or from public transport specifically. Alternatively, they may be seeking a thrilling experience or sending a message that other disabled people are not welcome in *their* space (Perry, 2001). Within this study, participants have also told of their stigmatization on social media, being groundlessly portrayed as paedophiles or as *evil* people (for example, PM10: an autistic stick user). This type of stigmatization was cited by Quarmby as one of the weapons of hatred which are deployed against disabled people, weapons which continue to be deployed (Quarmby, 2008). Furthermore, not only do disabled passengers face abuse from offenders on a regular basis but they are further humiliated by seemingly formerly unoffending passengers joining forces with the offender to exacerbate the negative experience of the victim. Disabled victims look to fellow passengers for support and sympathy. When they do they not receive this it is not only disappointing but leaves the victim feeling alone and unwanted. Moreover, when those potential allies turn against the victim in a concerted abusive episode then participant's feel bitterly let down and invisible (PF4: female wheelchair user and support coordinator). A detailed discussion regarding collaboration is given below.

Not every participant however can cope with continuing to use public transport and many are forced to stay at home where they feel safe and in a place where

they would not be stressed or ridiculed. For these people, the prospect of yet another battle against abuse and not being valued, or as someone deserved of help is one battle too many. It is easier therefore to remain isolated:

*... You say to me I don't want to go out today because you get sick of being used like an idiot and called racist names and fat because of your size and all of that. And you say I'm not going out today I can't face it! And I get sick of laughing along with the abuse, as if I'm enjoying the joke what we have to realise is that we are laughing at ourselves to appease the abusers, and that is wrong! (FF20: a female in a wheelchair, as is her husband)*

In accord with Walters (*et al.*, 2016), some participants within this study saw the use of public transport as a necessary evil however, one which has to be endured because life has to go on. These are examples of this resilience:

*It's a challenge, it's not something I enjoy doing, it's something I have to do, the train is my independence. I quite often end up in some upsetting situations or in a battle. I often think well I don't want to do this anymore but I have to. (PM5: a male with Parkinson's Disease)*

*The choice is a simple one, if I don't get out I don't eat! (PF2: a female wheelchair user)*

*I'm not going to be put off by these guys. They don't own me, fuck 'em! (PM4: a middle-aged male using sticks and a mobility scooter)*

Many participants however voiced their absolute weakness, both in physical and psychological terms, and being unable to have the strength to face another barrage of abuse, or if they did face one, too weak to do anything about it. They felt unable to retaliate, unable to report it and unable to cope with any more humiliation. The tiredness which invaded the lives of some participants during their daily situation was palpable when participants were relating their evidence to the researcher. The ordinariness of the everyday nature of this abuse which is seemingly considered as appropriate by other passengers strikes a chord with research by Iganski and Lagou (2015; see also: Iganski, 2008a;b). Participants in this study however did in some cases develop coping mechanisms. Accepting the abuse, ignoring the offender, or using humour to

self-humiliate and take the stress out of their situation were all mentioned as coping strategies. However, the short-term effects of such abuse are considerable just as the immediate actions which some victims take to offset the abuse are important life skills.

### **Responding to victimisation**

How victims respond to hate crimes and incidents is of much interest. Immediate responses are mainly passive:

*I bite my tongue' (PM1: a male wheelchair user)*

*I was rolling my eyes as they were sitting there and staring at me. As much as to say I can see you looking at me like I'm a freak. I know who you are and how jealous you are [of me]. That's what I do to make them feel uncomfortable. (FF4: a female with mobility disabilities)*

Victims rarely demonstrated any inclination toward retaliation, argument or for any verbal defence of their predicament. Moreover, victims also declared a reticence for reporting such incidents. Indeed, Clement (*et al.*, 2011) drawing on an earlier survey from Thornicroft (*et al.*, 2009) working with people with schizophrenia, found that many people with mental health issues fear being further stigmatised and magnifying their victimisation if they reported being victims of abuse. The Clement *et al.* research also found that people with mental health issues prefer to be less noticeable than other people and therefore avoid defending themselves or reporting victimisation. Such actions may stimulate fear that they will be brought into the limelight and thus potentially attracting further stigmatisation. Moreover, Chakraborti (*et al.*, 2014) revealed that 41% of the perpetrators of disability hate crimes were personally known to the victims and these relationships clearly exacerbate any opportunity for retaliation following reporting an incident. Additional data from this study indicates that 75% of offending involves more than one offender and that 72% of offenders are under thirty years of age. These data arguably make retaliation and reporting even less likely to occur, if, for example, the victim is being intimidated by a group of younger people they may be less likely to want to

attract further abuse. In other words, the size and age profile of that group might dissuade the victim from reporting the issue (for example, PF12: an older female with a wheelchair using daughter).

Disabled people may also have a reduced capacity to defend themselves because of their experience of receiving disrespect and even abuse from health care staff and other figures in authority. In a report sponsored by Scope, Aiden and McCarthy (2014) found that 23% of disabled people in their study would like to see an improvement in the attitudes of the very people who were tasked with caring for their needs – the professionals with whom they had the most contact. This effect, and the propensity for disabled people to be at a higher risk of abuse from those who are designated to care for them in the form of friends and family, could create the capacity for the disabled victim to avoid placing trust in professionals generally. This distrust may result in them not wanting to report occurrences to them. The Iganski and Lagou (2015) argument, using empirical data from the Crime Survey of England and Wales, supports this aversion to report crime. They found that while people with a disability are more likely to suffer from long-term negative psychological impacts from hate crime they are also less likely to report these incidents and crimes.

### **Impacts of victimisation**

Aside from the short-term and immediate effects of hate offences against disabled people on public transport; Iganski and Lagou (2015) further contribute to the discussion of longer-term impacts. Their study emphasises that 41% of hate crime victims are more likely to be ‘very much’ emotionally affected by hate crime in the long-term than a comparative 18% of victims suffering non-hate crime (2015:41). Of these, crimes against the person have more than double the impact when compared against non-hate crime. Iganski and Lagou argued that fear; depression and anxiety are common outcomes of hate crime which are more likely to result in behavioural changes or moving residence than non-hate crimes might (2015). The longer-term impacts of abuse might result in victims isolating themselves from social activity and avoiding going out of their homes. Some examples from this study align with these longer-term impacts:

*... That's simple to answer. I avoid buses at that time of day and in that part of town. I don't want to be permanently on edge. My nerves are in tatters. I use a taxi if I need to go somewhere official and I cannot really afford that. I won't go on that bus again. It was the most frightening 30 minutes of my life. I won't go near that part of XXX again if I can help it. That means that I miss my art class but so be it. I cannot face all of that again!* (PM2: an autistic user of walking sticks)

*Why should I have to put myself in danger? I'm nervous of being in public. We don't cope particularly; we just prefer to stay indoors. ... that's the easy thing to do ... People just want to keep their heads down by staying indoors.* (FM1: older male wheelchair user and charity worker)

*I don't want to reveal myself and my emotions to the public any more. I don't want to feel vulnerable and weak on the bus or train any more.* (FF7: a female with mobility issues)

Victims are additionally at risk of fear from crime enacted locally against disabled people which act as signal crimes. Signal, or message, crimes act to increase perceptions of future victimisation and disabled people are susceptible to this fear whether, or not, these crimes were actually intended as signal crimes (Paterson *et al.*, 2018; Perry, 2001). The ground-breaking EHRC (2011a) report emphasised a propensity for disabled people to be fearful and have a loss of self-confidence and that these were the restrictive outcomes of hostility. Furthermore, people with mental health conditions are especially susceptible to social isolation (Clement *et al.*, 2011). This isolation is likely to affect access to work and to educational facilities and lead to restrictions regarding the use of leisure and recreational facilities (Office for National Statistics, 2015).

The propensity for social disadvantage and the long-term impacts of being abused are statistically linked to being unemployed, educationally disadvantaged and isolated as well as to having a *transport disadvantage* (Delbosc and Currie, 2011). A transport disadvantage in this context relates to not having one's own means of transport and needing to rely on public transport provision. This reliance also characterises some people '*transit captives*' (Sung-

suk, Smith, and Ceccato, 2014:197). However, aside from being *transit captives*, many of the participants to this study also share a reticence to use these services. Here are some examples:

*We relied on public transport, we needed it. It's not as if we had a choice or anything. I think that we have both been insulted and if that is the level of intellect that we are to expect on public transport then we would be better-off keeping away from it and not using it.* (FF6: a female caregiver)

*I loved to see my friends ... and it does make a difference I do choose to stay in more and I do have commitments but I can't face them because of how I'm treated on the bus sometimes. I had committed to something and at the last minute I say no. because if I have two buses and a Tube either way that's six chances for something to go wrong and that's too much to bear.* (PF2: a female wheelchair user)

*It's been horrendous and I don't know how many years we've been trying to do something about it. So we don't bother now with the buses not if we can possibly help it.*

...  
*That's why we have stopped using the buses – we just get a taxi.*

...  
*... Oh no we're not bothering; we just keep ourselves to ourselves now.* (PF12: an older female with a wheelchair using daughter)

The impact of any social isolation and restricted lifestyle activity is not limited to the victim themselves. Beadle-Brown (*et al.*, 2014) and a related academic piece (Richardson *et al.*, 2016), revealed the amount and types of victimisation suffered by people with autism alongside that suffered by their caregivers, family and friends. These studies cite the *ripple effect* which secondary victims are prone to. They also reveal the emotional outbursts from the primary victim at the frustration of being at home for extended periods or associates suffering the backlash from the primary victim failing to cope with being the target of hostility. Additionally, if the victim is known to the perpetrator, that perpetrator might visit the home of the disabled person to continue the abuse causing stress to all who live there. Participants to the Beadle-Brown *et al.* report described having windows broken and they themselves being victims of abuse with, or without, the presence of the disabled person for whom they care. The

extent of the abuse suffered by the primary victim can extend over long periods and include being spat at, bullying and physical violence (Mind, 2007). Any attempt to complain to the police or other authorities has led to extended periods of stress and concern and to retaliation. The difficulty in not being believed in the first place is exacerbated by the bureaucratic process which follows and the stress of awaiting a decision from the Crown Prosecution Service which could potentially take months to process. During this time the pressures of engaging in official and legal correspondence, the family pressures of not knowing how the process will change their lifestyles and the potential for continued victimisation permeate the lives of the victim, their family and friends. Participants to this study gave examples of their experiences of living in fear of reprisal:

*I'm a prisoner. I have no rights and they walk the streets to terrorise silly bastards like me. (PM4: a middle-aged male using sticks and a mobility scooter)*

*I don't go out – I don't like going out at all. As you know from my email this video of me was posted on the internet (Facebook) and it was later taken down when I complained to them but by then the damage had been done. (PM10: an autistic stick user)*

*Why me? I felt why did they all want me to suffer? What had I done to them? What could I do to them? Why would I want to come out of my place if this is all I get for doing it? Why can't they leave me alone? [Crying]. (PM11: an older male with a walking frame)*

*You lose the confidence to face every day things and situations. I get my food delivered and I don't have a life, it's as simple as that!*

...

*I hate it! I cry! I have nightmares about being trapped on a bus with these idiots! (FF5: a young female wheelchair user with depression and suicidal tendencies)*

The Papworth Trust asserted that 42% of people with disabilities are over the UK state pension age and that 57% of disabilities involve mobility problems (Papworth Trust, 2016). These factors further contribute to result in those people having a transport disadvantage (Delbosc and Currie, 2011) and having

a huge encumbrance every time that they leave their residence, let alone travel to an unusual area. Therefore good quality, safe and reliable public transport is an essential element of everyday life for many disabled people. However, the risk of being a victim of a crime is increased when using public transport (Beecroft and Pangbourne, 2014). Moreover, public transport has been widely reported as being a known trigger environment for hostility and hate offences against people with disabilities (Chakraborti *et al.*, 2014; EHRC, 2011a; Home Office, 2016). Align these facets with the Mind statistics that 71% of disabled people had been victimised, which rises to 90% in areas of social housing, and that 18% of disabled people only really feel safe when they are in their own homes. It then might become easier to understand why so many disabled people become reticent to use public transport (Mind, 2007). Add to these factors the risk of being filmed and the potential for that film to be placed on social media, then the threats posed by public travel can be further visualised (Quarmby, 2008). Vilalta (2011) argued that there is a direct link between reducing a fear of using public transport and increased ridership especially in, or through, problematic neighbourhoods. Newton (2008) expands on the increased risk of susceptibility concerning route geography, the infrastructure in these areas and associated crime rates. Newton argued that the environment through which the bus travels has a direct effect on fear perceived by the passenger (see also: Hine, 2017). Any reduction of fear therefore, would result in a better quality of lifestyle for those who need to use such modes of transport (Vilalta, 2011).

In summary, the burden of leaving the home, the physical struggle to use public transport, the fear of crime and the risk of abuse contribute to making a choice not to use public transport. Hodgson and Turner (2003) argued that not enough research exists either to help to understand exclusion from public transport, or to inspire any future remedial action. Therefore, the chances of disabled people becoming more trustworthy of public transport seem remote. To this point in the chapter, evidence has illustrated the everyday nature of the abuse which is suffered by victims of disability hate crime on public transport in the UK and linked this with established research. This chapter will now turn to emergent theorisation.



## **Collaborative Alienation Theory**

This section will discuss and substantiate an emergent phenomenon which became apparent from witness and victim data in this study. This is characterised by the researcher as Collaborative Alienation Theory. This explanatory framework, like any general theory of crime, is not implying that identical conditions will occur on every occasion, but that the characteristic phenomena have 'something in common' (Hirschi and Gottfredson, 1994 cited in McLaughlin and Muncie, 2013:184). Several studies have noted that hate offences often involve co-offending (examples are: Craig, 2002; Dunbar, 1999; Levin, 1999; Pezzella and Fetzer, 2017). Furthermore, Lantz and Kim argued that 'a simple bias-motivated offender can escalate to group offending' quite quickly (Lantz and Kim, 2018:5) and therefore more resources should be applied to researching co-offending. Although Collaborative Alienation is a newly expounded explanatory framework, it rests squarely upon established criminological theories, whilst being clearly demarcated from others. The collaborative behaviour, which was noticeable in 71% of incidents on buses and 23% of incidents on trains, was experienced by 52% of victims recorded in 352 coded attributions throughout this study (see: Chapter Five for examples). This emergent theorisation was made possible by using grounded theory as the chosen tool of analysis.

Collaborative Alienation Theory describes situations in which the initial perpetrator allies previously uninvolved passengers to predicate hostility against individuals. Three possible outcomes of these recruitment attempts were noted: successful recruitment where the new ally provides support to the principal offender; oppositional, where the potential recruit defends the victim; and non-intercession, where the potential recruit is seemingly aware of what is happening but does not intervene with the abusive situation. This is dissimilar from McDevitt *et al.* (2002) typology where some gang members become leaders whilst others follow that lead. In the McDevitt *et al.* (2002) theorisation all members are enrolled prior to acts of perpetration. In Collaborative Alienation Theory however, the principal offender seemingly uses a range of techniques to extemporaneously ally fellow passengers in his/her cause to alienate the hate

crime victim. Facilitated by the perpetrator, he/she leads their fellow passengers, the *collaborators*, in an activity which they might otherwise not have participated in. *Alienation*, because the aim of the perpetrator is seemingly to be hostile toward, alienate or isolate the victim because of their difference through as much collaborative reinforcement as was possible.

Most cases of collaboration were recorded on buses. This may potentially be a consequence of the restricted nature of these vehicles producing an inability to move to another area and escape being abused, or perhaps the restricted ability for allies to move away. The absence of screening or compartmentation within buses may also be a cause and this may result in the principal offender controlling potential recruits more easily. Without compartmentation the abuser is able to communicate widely across the bus or tram. Buses generally utilise lower seat backs and this factor might also allow the principal offender to easily facilitate control. For the principal offender using bus-based abuse the passengers being captive between bus stops may be a factor especially in the tension caused by being stuck in traffic. The victim could be trapped or unwilling to alight as this would result in having to wait for another bus. Moreover the victim, if they suffer from mobility difficulties, might be restricted to one area or seat. Some examples of this collaboration on both buses and trains follow:

*I announced that I couldn't go anywhere until I got help to get off. At this point a man came along and looked out of the train for me and said that nobody was coming to assist. I tried to look myself.*

...

*One [another] man said 'we can't wait here forever'.*

...

*... [I] was about to remonstrate with him when another guy came up and said that I was making everybody late – he said this loudly so that everyone could see that I was the cause.*

...

*When I did manage to remonstrate, he said 'but you are delaying us'. That was followed by whoops and jeers from the other passengers. A woman said 'we should tip her on the platform'. I was so scared, so, so scared ... (PF13: female wheelchair user with anxiety)*

*Then he said 'you lot are a joke'. That got a few on the bus laughing. But some looked at me with some sympathy. I had been shopping and was feeling weak. I simply didn't have the strength to argue with him. He walked away, smiling and nodding at the other passengers*

*like he had scored a victory. Well, perhaps he had because he got a couple of appreciative nods too. (PF14: a female wheelchair user)*

*I knew what it felt like to be on stage. Three of them all started on me and the bus wouldn't move. I was sitting there to mop-up all of their vile stupidest comments. (PF1: a female with fibromyalgia, limited mobility and compound depressive states)*

For obvious reasons, such collaborative alienation is unlikely to occur in a taxi unless more than one passenger is embarked and two of the occupants collaborate against the third. Although this type of collaboration has been evidenced on trains this seems only to occur if the victim has restricted mobility. Wheelchair spaces offer little opportunity to move further around the train except to use the toilet which is wheelchair-compatible and must be within easy reach of the dedicated wheelchair space to be compliant under the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (RVAR10).

A potential benefit for a collaborator is little chance for any continued involvement after the episode of abuse. The relationship between the perpetrator and the new allies seems to be instrumental and short-term. Alighting from the vehicle terminates the involvement of the ally and therefore relationship between them and the perpetrator, as well as the victim and the perpetrator. If the perpetrator is known to the victim or even accompanying them, hostilities can be suspended until the next time when the perpetrator once again has a bus audience to perform toward. There is little chance of recrimination as the perpetrator, the driver, the allies or the victims are unlikely to meet again. Moreover, there is statistically little chance that any hostility will be reported (Quarmby, 2008). The benefits for the principal offender are clear in that they receive support for their offending.

For the collaborators the benefit is to become part of an ingroup, part of a mission. For the formerly unoffending passenger there seems to be a willingness to capitulate with the principal offender to conduct abuse. Arguably, they might not risk undertaking this abuse if they were acting alone. Levin and McDevitt assert that thrill-seeking motivates many hate crimes and that there are many offenders "who regard hate crime as cool" (1993, cited in Lantz and

Kim, 2018:18). Becker (2013) argued that this type of behaviour is an attack against *deviancy*, on individuals and groups which are considered as outsiders, or groups which may be feared (Waller, 2002). Becker asserted that relationships are formed to produce what may be collectively considered as justified actions. These actions follow a social lay-judgement of what is deviant. Becker couches his explanation of deviancy within the human need to attribute anything which may contribute to lessening the chances of human survival. Becker argued that these attributions need to be labelled as deviant – including that of human disability.

The concept of disability has long been linked to deviancy and to abnormality (Quarmby, 2013). Becker's argument states that deviants do not necessarily need to have broken any conventions, laws or rules to be labelled thus. All they need to be, Becker asserted, is an 'outsider' to be labelled as deviant (Becker, 2013:260; see also: Allport, 1954; Waller, 2002). What is important is that boundaries are established between what is the *ingroup* and the *outgroup* to demarcate and legitimise the victimisation. These boundaries need to be protected to support power relationships whilst denigrating the victim group (Craig, 2012; see also: Perry, 2003). Kunstman, Plant, Zielaskowski, and Lacosse (2013) cite through their meta-analysis that over ten years of research has yet to discern why people choose to be in a particular ingroup – and thus contrive to alienate outgroup members. But their work does find that there is a seemingly implicit need to be a part of a group and that recruitment is not in itself difficult. Furthermore, Vaes, Leyens, Paladino and Miranda (2012) argued that a process of dehumanisation is important in the demarcation of the ingroup/outgroup boundary (see also: Waller, 2002). Any reduction to the status of being less than human will assist in the coagulating process which brings the ingroup together in this temporary and instrumental relationship. The following examples from this study illustrate this demarcation:

*He said that I was 'a parasite'! A 'drain on humanity'! Yes. That's what I thought, bloody cheek! He was doing this to make the crowd on the platform laugh – but I considered this really insulting. (PF13: female wheelchair user with anxiety)*

*I've had the [principal] abuser say that I was 'dead meat' and that I was 'blocking the aisle' and that 'if there was a fire then we would all be dead'. Then I would be 'done for murder'. I remember just shaking my head but then somebody else chimed-in and called me a 'selfish bitch'. (PF14: a female wheelchair user)*

The opportunistic nature of Routine Activity Theory additionally contributes to an understanding of Collaborative Alienation Theory by emphasising that if conditions are appropriate, then such crime is more likely to occur (Felson, 2002; Iganski, 2008a;b), provided that capable guardianship of the victim is in a lowered state – in other words, that the victim is perceived as being susceptible to an attack. As Iganski argued, predetermined hate offending might, or might not, be primary motivation but the offender might be seizing the chance to vent their feelings on the victim (2008b). If the principal offender uses a routine opportunity to do this, then why should this attitude not be also embraced by fellow passengers to assist in that offending. The crowded nature of the vehicle might additionally improve the opportunity to offend (Newton and Ceccato, 2015; Purifoye, 2015). Moreover, research by Reynald (2010) states that capable guardianship is a critical element to the perpetrator deciding to whether commit an offence. Reynald asserted that capability for guardianship is enhanced if the potential victim feels comfortable and familiar within their environment. In other words, the more familiar with their surroundings they are, the more likely the victim is to feel able to protect themselves. Public transport is, by its nature, an ever-changing place where strangers come and go. Therefore there is seemingly little chance that the victim will be able to feel comfortable in an environment which is constantly in a state of change.

Hollomotz (2013b) adds credence to this line of theorisation by arguing that power imbalance through a perceived *vulnerability* makes the disabled person a viable target for opportunist abuse. An implicit social understanding that the disabled person is less likely to form friendships and less likely to report crime added to a propensity toward being physically exhausted might limit their motivation or ability to defend themselves. This perceived vulnerability added to the opportunity to vent prejudice might constitute a powerful formula to set the scene for abusive offending. Adding to power imbalance theorisation, Perry

(2003) argued that socially constructed dualisms are inherent in society and demarcate acceptable practices, individuals and groups from the *other*, the unacceptable and the unwelcome. It is the role of the ingroup, Perry asserted, to 'police' the boundaries between their group and the *other* (Perry, 2003:98). In doing so, this maintains hegemonic superiority over supposedly inferior groups. Perry further asserted that 'these structures of power and oppression permeate society' to ensure that power remains in the hands of the oppressors and that their identity must be 'established and re-established in varied conditions' to maintain that superiority (2003:100-3). Moreover, when subordinate groups try to threaten this superiority, for example by disabled people establishing a dominant or privileged status on public transport, then that threat 'must be repressed' (2003:104).

As well as outgroup demarcation, dehumanisation and a potential for routine activities, techniques of neutralisation seem to be prevalent in hate crime perpetration (Hamilton and Trickett, 2014). These behaviours are also visible in the instrumental victimisation which results in collaborative alienation. Hopkins Burke (2014; drawing on Matza (1964)), argued that people, plagued by doubts about their own acceptance in society, masculinity and adulthood are willing to capitulate to ingroup practices to authenticate their individual identities. This process leaves group members 'trapped in a vicious circle of mutual misunderstanding' (Hopkins Burke 2014:154). This process, which Matza sees as an, albeit temporary, drift into deviancy, is assisted by techniques of neutralisation. These techniques involve group members justifying and legitimising their actions by neutralising the humanisation, feelings and rights of outgroup members. In doing so, they provide vindications for their actions. Some of the principal acts of denial which ingroup members might potentially utilise during Collaborative Alienation are:

1. Denial of responsibility (I didn't mean it)
  2. Denial of injury (I didn't really harm him)
  3. Denial of the Victim (he deserved it)
  4. Condemnation of the condemners (they always pick on us)
- (Hopkins Burke, 2014:154; see also: Sykes and Matza, 1957)

These tools of defining the outgroup, dehumanising the victim and neutralising the consequences are the building blocks of Collaborative Alienation Theory. Although some of the supportive theories above may have been written specifically with youth and deviance in mind, many of the elements of these theories add weight to Collaborative Alienation Theory.

This however, leaves academics asking why bystanders fail to intervene when obvious victimisation is occurring. Why do those who were not initially recruited to become collaborators of the principal offender fail to take an opposing view or do anything to intervene by not interceding with the situation? In speculation, this may be to protect their personal safety, because they are unable to participate or choose not to. Some examples follow:

*A couple of people looked sympathetic but the rest looked away.*  
(PM2: an autistic user of walking sticks)

*For ten long minutes everyone on the lower deck listened to a public shaming of my body my life and my worth. And then it followed, the total silence that left me more exposed and isolated than any of the vitriol that had been directed at me. I desperately needed someone on that bus to acknowledge what had taken place – that didn't happen.*

...  
*On the bus I felt incapacitated, in part, by the inaction of my fellow passengers*

...  
*I didn't need them to know exactly what to do to help. But I did want them to be present and to acknowledge what was happening to me.*  
(PF5: a female with Tourette's using a wheelchair)

This is partially addressed by understanding the dynamics of the outgroup. Although not wanting to be an active member of the ingroup, formerly unoffending passengers may not want to commit themselves as far as being identified as members of that outgroup; in other words siding with the disabled victim. This could potentially result in making themselves victims of the principal offender and of any collaborators which that offender may manage to recruit. Whilst not wishing harm upon the victim they will not go as far as siding with them and therefore potentially incurring the wrath of others.

A further examination of why bystanders do not get involved to ameliorate these situations of hostility is necessary: this may be due to a fear of harm to themselves; a fear of misunderstanding the situation; not wanting to look foolish or perhaps a feeling that the situation is not of their making or indeed any of their business. Onlookers may, of course, sympathise with the abuse without wanting to commit to assisting the offender(s). Established theorisation concerning bystander non-intervention is asserted by Cohen (1993). Cohen stressed that bystanders face a dilemma when witnessing victimisation. The prototype for bystander non-intervention, Cohen argued, is the Kitty Genovese case in New York during 1964. Kitty was assaulted in a busy street for over 40 minutes and at least 38 witnesses saw this happening but did nothing to either intervene or to summon help. Kitty died as a result of that assault. Research by Sheleff (1978, cited in Cohen, 1993), suggested the following three explanations for non-intervention. All of these might help to understand why a fellow passenger was not offering assistance to a victim on a public transport mode where they are a temporary visitor and among strangers:

1. Diffusion of responsibility (why should I intervene?)
  2. Inability to identify the victim (we help our family, friends or ingroup, we do not help those not in our 'universe')
  3. Inability to conceive an effective intervention (what should I do?)
- (Sheleff, 1978 cited in Cohen, 1993: 656)

Furthermore, Reynald (2010) conducted empirical research to understand why bystanders decline to become involved in crime deterrence. Reynald's research focused on low, medium and high crime areas and the propensity of bystanders to intervene. Reynald found that bystanders are generally successful in deterring crime once they do decide to become involved. Indeed, her research found that most bystanders were willing to take some type of action. That action however, may be simply monitoring the evolving situation or reporting it to a third party whilst not becoming directly involved themselves. Reynald additionally found that in high crime areas the bystander was only half as likely to want to become involved. Other factors in the decision to intervene included the size and perceived physical characteristics of the assailant and the personal



safety of the bystander. Two examples of bystander non-intervention from this study follow:

*On the bus I felt incapacitated, in part, by the inaction of my fellow passengers. (PF5: a female with Tourette's using a wheelchair)*

*Even the guy that offered the seat just sat back in it as if nothing had happened. (PM2: an autistic user of walking sticks)*

This section has introduced Collaborative Alienation Theory. In doing so it has offered supportive academic theorisations which, in their different ways, go toward substantiating Collaborative Alienation. As evidenced above, routine activities are mainly autonomous choices to perpetrate crime and members of ingroups may have an internal desire to be a part of that ingroup. Moreover, techniques of neutralisation are personalised justifications and individually people decide not to intervene when they are bystanders to an incident. In Collaborative Alienation Theory, allies are directly recruited by the principal offender and from that point potential allies make a decision whether, or not, to ally themselves. This Theory however, is an emergent one and many questions need to be asked as to why it seemingly occurs in some contexts and not in others. Its potential use in wider society also needs to be assessed. Furthermore, work is required to understand why these formerly unoffending passengers would choose to either accept or decline the opportunity to assist the principal offender. The following section offers a critique a more substantial critique of the explanatory framework.

### **Substantiation and critique of Collaborative Alienation Theory**

Collaborative Alienation Theory is itself underpinned by four established theories and is synthesised with participant experience. It has developed entirely as a grounded theory, directly from participant data. The original questioning utilised by the researcher did not initially contemplate the emergence of this theory but questioning began to reveal the existence of the new theory and subsequent questioning was adapted to explore this further. Some challenges to this theorisation might cite the size of the participant cohort and the strength of the emergent theory. The cohort is relatively sizable in academic terms at 56 participants (see: Chapter Four) – and 52% of

participants did relate aspects of the emergent theory as phenomena which they had personally experienced. Clearly however, a larger cohort focusing directly on this emergent theory would continue to strengthen veracity. However, it should be noted that until Collaborative Alienation Theory is fully tested, its robustness will remain in question. Questions arising out of emergent theorisation will be posed in the conclusion, Chapter Eight. Any critique of this theory might indicate that it was weak in offering an explanation as to why the offender would wish to recruit others to help perpetrate the offending or why a formerly unoffending passenger would want to contribute. To explore these dilemmas the offenders, collaborators and those not interceding would need to be questioned regarding their motivations – and this work was outside of the scope of this research. However, this theorisation could lay the groundwork for future, more specific, research.

### **Summarising Chapter Seven**

This chapter has provided a discussion following the findings from this research which was presented in Chapter Five and compared these with established academic research. The chapter began by summarising some of the key findings from participants gathered via both interviews and focus groups. The chapter related these data to academic literature; in doing so the areas of the everyday; the short-term effects; the long-term impacts and the reluctance to use public transport were discussed. Following this the emergent Collaborative Alienation Theory was introduced which justified the use of grounded theory in this research project. In the discussion, several themes were drawn together to signify the levels of abuse which people with disabilities face on public transport, almost on a daily basis. Moreover, the longer-term impacts of this abuse were behavioural change, social isolation, economic inactivity and educational deficits. The fear of travelling in public often overcame any necessity to travel. Chapter Six had identified that public transport authorities and service providers are not, in the main, complying with equality legislation to protect susceptible passengers. Furthermore, that this culture of non-compliance and ineffective enforcement which covers the legislative gamut from UK government agencies through to local authorities and providers is failing to protect these people. Clearly, if this situation does not improve and existing

legislation remains not generally complied with, then the daily experiences of disabled people using public transport are unlikely to change for the better. The result of this will undoubtedly be people isolating themselves from societal assets and furthermore from health and education provision. Unless public transport is utilised to its fullest, local authorities may find that their environmental objectives will be harder to achieve. Furthermore, unless public transport staff members are better prepared to help – then they will remain unable to do so with any level of confidence. The following chapter concludes the research journey and therefore this thesis.

## **Chapter Eight: Terminus - Conclusion**

### **Chapter introduction: looking back at the journey**

This chapter recaps the journey which this research – and also this thesis - has taken. Additionally, the chapter presents a set of recommendations designed to shape a more victim-focused policy agenda relating to hate crime on public transport. The research journey has been convoluted in terms of: realising the impact of the problem; finding the confidence to begin the research; securing personal funding; considering the research structure; conducting the research; interpreting its findings and committing it to writing. For the author this journey began around forty five years ago whilst being a victim of hate crime on public transport during childhood. These experiences proved to latterly be the catalyst for an exploration into what other people with learning difficulties, physical disabilities and mental ill-health have experienced in terms of similar hostility whilst they were using public transport. Finding people who have suffered these experiences and reflecting upon them was the easier part of this research, although much heart searching and upset was caused along the way. Participants came forward to be listened to, both through interviews and focus groups, some as a result of chance encounters. The more difficult task was gathering data from the authorities and the transport service providers. One specific difficulty was speaking with public transport staff members. They were concerned that they might lose their jobs because they publically revealed their scarcity of knowledge and confidence in dealing with people with disabilities.

People with, or without, disabilities should be encouraged to use public transport if only because of its positive effect on reducing car use and the independence given to people without alternative transport. Much excellent work is being done to safeguard the travel experiences of people with disabilities and this should not be overlooked. However, this work is sporadic and disparate. As can be seen from the previous chapters, this work is being performed without clear leadership from central UK government or from most local authorities or regulatory agencies questioned within this study. To shape a victim-centred policy agenda, this chapter will include a discussion of

implications concerning theory and research, research methods and implications regarding policy and practice.

### **Re-examining the research approach**

The research aim guiding this study was to develop a nuanced understanding of how disability hate crime is experienced on public transport. The specific research objectives were:

- To consider the dynamics between victims, perpetrators and bystanders on public transport.
- To assess which public transport modes pose a greater risk for victims of DHC.
- To explore the impacts of DHC on public transport.
- To examine the ways in which public transport providers and frontline staff respond to DHC on public transport.
- To use research evidence to develop a series of recommendations for policy and practice to improve responses to DHC on public transport.

Hate crime on public transport, a problem which is recognised in the several sources cited within this thesis, is an under-researched area. The researcher continues to find it difficult to understand why this important area had remained un-researched for so long, a realisation which proved to be one fillip to delve into this world of abuse. This abuse perpetrated within the small environment consisting of relative strangers, which is public transport. The aspiration was, and remains, to make a positive change and thus to make life better for all of those who use public transport whether disabled or able bodied. This aspiration generally aligns with that of the Leicester Hate Crime Project's Victim's Manifesto (2014:5). This thesis recommends positive improvements for victims of hate crime and these are stated below.

The trajectory of the project did not remain unchallenged or unchanged. Several modifications were made in an attempt to refine both the project and data collection methods. The research question has changed on many occasions as have the research objectives. Exploratory studies such as this need agile

research approaches reflecting not only new lines of inquiry from interviews, but also to embrace inclusivity of a diverse range of people with different needs and communication styles. Changes made during the course of this study were not only to reflect changing approaches and input from those guiding the author, but also to reflect the inputs of the, disappointingly few, representatives of DDPOs who did make their time available for this project. Additionally, and perhaps most importantly, recommended changes came from the participants themselves who applied significance to their investment in this project. For example, because of their direction, questioning techniques were adjusted to reflect the emergence of what came to be characterised as Collaborative Alienation Theory. Methods of communication were adjusted to meet the needs of some participants when established methods were either not appropriate or not practicable. Then there was the female participant who wanted to communicate via YouTube and answer questions by email – an example of an adaptation made which also needed to fit within the ethical approval envelope for this project.

Aside from adjustments which were made to accommodate the various disabilities, another consideration was the scope of the project itself. The focus was disability hate crime. Would it not have been better, in the under-researched environment of public transport, that all strands of hate crime were researched? The main reasons for the focus on disability were twofold: firstly that the researchers own disability had attracted hostility initially and this produced a personal interest; and secondly that disability in itself is a relatively under-researched area. Moreover, to have included all five of the recognised UK hate crime strands may have broadened this work to an unmanageable level and therefore caused the project to no longer be a viable one. The scope of this project could potentially also have widened from public transport out to include other public spaces. This would, however, have created scoping problems in determining which public spaces were to be included and which to exclude. Furthermore, the scope of a project of that size may make it untenable for a single researcher on a limited budget and without sponsorship - as this investigator was. Alternatively, this research could have focused only on bus services where, in the light of this research, over 80% of the hate incidents were

chronicled. However, this approach would have been too limiting. To properly examine public transport across its many modalities provided a more rounded picture of these facilities. The fact that incidents were not recorded as happening on, for example, aircraft or on rivercraft, does not mean to imply that incidents have not occurred therein, merely that participants did not relate experiences on these modes.

Finally, for this section which is reflecting on techniques of scholarship and connecting with disengaged people, the model of disability used is something else which may be questioned. This research, whilst recognising the social model of disability which espouses that it is society which places obstacles in the way of disabled people and therefore imposes disabilities; chose instead to use the medical model of disability. The medical model asserts that a medical diagnosis is made by a professional and that diagnosis labels the individual and forms the basis of imposed and suggested lifestyle changes from that point forward. The decision to use the medical model is not displaying a preference for that model merely that this decision recognises that this model is the one used most widely by the medical profession, social services and the criminal justice system in the UK. It is therefore the one most likely to be recognised in the public transport industry. As this research refers to much documentation which originates from within these organisations, it made little sense to utilise a different form of modality.

### **Implications for theory and knowledge**

The findings within this research broadly align with established, peer-reviewed academic research (see: Chapters Two, Three and Seven). Specifically, findings concerning the everyday nature of abuse and the ordinariness of hostility against the disabled are generally in agreement with work by Iganski and Lagou (2015); Iganski (2008a/b; Chakraborti *et al.*, 2014). Findings which refer to the short and long-term effects of hostility against disabled people are in line with research conducted by Chakraborti (*et al.*, 2014) and the work of: Beadle-Brown (*et al.*, 2014); Clement (*et al.*, 2011); Paterson *et al.* (2018). The existence of hostility on public transport itself is reflective of work contained within: Chakraborti (*et al.*, 2014); the Home Office (2016) and the Equality and

Human Rights Commission (2011a). Furthermore, the inaction of most local authorities, regulatory bodies and of some service providers in this study aligns with the comments of the Head of the Cross-government Hate Crime Programme (Giannasi, 2017) and the Government Equalities Office (2013). For many disabled passengers using public transport, abuse and humiliation are everyday occurrences. Abuse ranged from name calling to psychological and physical violence, serious assault and serious sexual assault. The distress of abuse has led to disabled people abandoning using public transport – a behaviour which leads to social isolation and missed opportunities. That the findings from this study generally align with established academic work builds confidence in both the strength of the earlier theorisation and the validity of this study. This study has helped to validate earlier thinking whilst moving research into the previously undeveloped area of public transport. Therefore, for criminology, boundaries are evidently being extended.

A catalyst for abuse is often the use, and a refusal to relinquish, wheelchair spaces or priority seating – this was noticeable in 60% of cases. Most abuse is conducted on buses and on trams. The principal offender often used formerly unoffending fellow passengers to predicate and exacerbate abuse. Participants reported this phenomenon in 71% of incidents on buses and trams and in 23% of incidents on trains, totalling 52% of participants experiencing this effect overall. An explanatory framework for this phenomenon has been offered and the researcher has characterised this as Collaborative Alienation Theory. Fellow passengers, aside from those collaborating with the principal offender, mostly displayed ambivalence toward any victimisation of disabled passengers and this non-intercession placed victims in distressing situations. In most cases of hostility, whether these involved collaboration, or not, staff members were either unwilling or unable to help manage incidents. Both victim participants and public transport staff thought that this was due to ineffective training and an absence of confidence to do so. The implications for hate crime scholarship are therefore clear. The originality of this study has led to a wider understanding of hate crime perpetration and techniques of offending have been brought to light which are employed in restricted environments. Gesturing, subtle displays of hostility, debilitating comments and employing collaborators have all been frequently



illustrated (see: Chapter Five). Whilst the canon of attacking people because of their presumed difference is maintained (for example, Iganski, 2008b), the nuances of the hostility expended in confined spaces adds to scholastic understanding and provides tools and insight for further research.

Therefore, although this study was specifically limited to hate crimes and incidents on public transport modes, some of its findings may be generalizable to other social settings. For example, some of the behaviours which occur in the confines of the bus, tram or train might easily be replicated in other small spaces like a café, a communal room, a treatment setting or some other small public building. The emergent Collaborative Alienation Theory is an explanatory framework which has the potential to be transferred to other settings where other ingroup/outgroup interactions might exist. Because of the paucity of research specifically focusing on public transport and the originality of Collaborative Alienation Theory, academic researchers cannot afford to assume that it does not translate into other settings or situations. These explicit factors aside, this study has extended implicit knowledge of the violence which is faced by disabled people on a daily basis; this knowledge has additionally enhanced an understanding of the abuse and the coping mechanisms which may be deployed daily by disabled people or by any other victim of a hate incident. What this research has also achieved is that it has opened the boundaries of hate crime victimisation scholarship and thereby stimulated further debate. This research has uncovered the inaction of national and local governmental organisations and of the EHRC to protect susceptible sections of the citizenry due to them not utilising existing and enforceable legislation. Furthermore, this study has additionally questioned the constraints which social scientists have adopted. To hear the '*lost voices*' of unfamiliar victims (Garland, Spalek and Chakraborti, 2005:423), researchers may need to explore new methods and extend epistemological boundaries as the following section will discuss.

### **Implications for future research and future methods**

This research has called into question the way in which social science typifies groups of people and determines those who are supposedly the *hard to reach*. As evidenced in Chapter Four, people perceived as *vulnerable* have been

excluded from research. However, the richness of the evidence cited in Chapter Five is surely proof that social scientists need to re-evaluate any reticence toward involving some groups of people. Participants to this study have brought abundant experience along with an eagerness to participate and an interest in improving their lifestyles as well. This is not to suggest that we abandon risk assessments and proper ethical evaluations in research endeavours. However, social scientists may need to re-assess our own prejudices in an attempt to reach relatively untapped data sources. Moreover, in the operationalisation of research, researchers could extend boundaries by not being deterred by potential communications difficulties or perceived cultural barriers. In this study, flexible and agile research methods were utilised which incorporated diverse interactions through different media like YouTube, through audio recordings of informed consent and through the inclusion of carers and friends. Research participants to this study actively recommended the adoption of different methods to enable conversation and group work which were readily implemented by the researcher. Furthermore, this study, through its formula of using grounded theory analysis, has generated Collaborative Alienation Theory. Consequently the combination of approaching an under-researched group of people and the creativity empowered by grounded theory analysis has allowed the production of emergent theorisation. These factors contrive to make this study a ground-breaking one contributing originality to academic knowledge.

Furthermore, there are unexplored permutations which offer much potential for future research within the much used social asset that is public transport. More work may be required to explore the intersectionalities of social harm. A deeper exploration of when staff members are themselves the victims of hate offences may be required or perhaps what effect the quality of staff training has in safeguarding passengers. A wider scope for future research might venture to capture all of the recognised strands of hate crime across public transport. Future research might also tackle the questions of whether there is a predominance to commit crime against females on public transport or whether these crimes might be connected with a socio-economic typology of passengers. Does the route geography make a difference to criminogenesis, in other words, are the places served by that route a contributory factor and does

the availability of on-board security make a difference to the effecting of hate offences. Within public transport vehicles is the propensity for hate crime connected with the seating layout? For example, seats on short-haul buses tend to have a lower back-profile than on trains and might this affect the actioning of hate offences. Is the risk of hostility increased because of the differing form of compartmentation used on buses? More compartmentation is facilitated on trains to reduce the risk of draught from doors and also for the enforcement of fare zones. Compartmentation could potentially reduce exposure within the one, single open space most often found within buses. What about the escape potential? On a bus it may be almost impossible to affect an escape from any episode of victimisation. On a train, especially a longer one, the victim may be able to move to another carriage. Albeit that some wheelchair using victims may be limited to wheelchair bays, accessible toilets and other people with disabilities to priority seating. These are all factors which may need to be considered for research by criminologists, psychologists and human geographers' to broaden our knowledge of why, when and where offences are likely to occur.

Other implications for future research have become clearer because of this study. More research is needed to further explore and develop the theory of Collaborative Alienation Theory. Research needs to expand on the interactions between the principal offender and other passengers. Not only should the people who are successfully recruited by the principal offender be studied – but additionally the ones who have not succumbed to being so recruited. The interactive behaviours of the principal offender and these potential recruits need to be examined alongside the reactions of those who are observers of this phenomenon. Ideally, principal offenders, recruits and those who declined recruitment need to be subjected to qualitative interviewing to ascertain their motivation for the course of action which they have chosen. Social psychological experimentation might be a viable method through which to study such interactions. If properly developed, Collaborative Alienation Theory might be applied to a range of social situations and hate crime perpetration.

There were many lessons learned from garnering information from a variety of agencies. Freedom of Information Act (FOI) requests and other enquiries were made of the 28 local authorities or Passenger Transport Executives in the areas where victims had reported hate crimes or incidents. Most of the authorities contacted proclaimed that they did not operate public transport themselves having the effect of absolving them from the responsibility of ensuring that disabled people are protected. However, they declined to mention that most of these authorities operate bus stops, bus interchanges and contracted for commercially unviable bus services on Sundays, Bank Holidays, also for people with specific needs and for school children. Their obligations under equality legislation place with them the responsibility to ensure that statutory equalities are entwined in contractual negotiations and tendering. Many authorities claimed not to hold the information required. This implies that policies, strategies or objectives did not exist within these organisations to ensure that public transport operators adhere to equality legislation. Such policies would have been instrumental in establishing protective frameworks to safeguard disabled passengers on public transport modes. Some evidence of safeguarding equalities was present in only eight authorities: Transport for Greater Manchester; Transport for London; Essex County Council; Brighton and Hove City Council; South Yorkshire PTE; Edinburgh City Council; Gateshead Council; NEXUS and Plymouth City Council. Many authorities confirmed that Disability Awareness Training was in place for staff members in compliance with current legislation. Only one of the authorities responded to confirm that their Public Sector Equality Duty was being met.

Not all of the FOI requests were responded to, of those who did respond some authorities delegated the responsibility for answering questions to a public transport provider. Of the responses received directly from the authority to which the requests were made, most responses were scant and revealed little relating to the questions directly put. Only four authorities responded with detail and rigour meaning that overall the response of authorities in the compliance of their legislative duty was poor (see: Chapter Six for greater detail). Moreover, the response of six DDPOs from the 66 organisations which were originally approached is a poor reaction from organisations established to care and

support susceptible groups within society. This clearly demonstrates that any expectation of cooperation from responsible agencies can be misplaced. However, being ill-served by *gatekeepers* incentivised a programme of direct recruitment. This, provided that they are ethically rigorous strategies, can evidently be more productive and a more easily controlled method of reaching out to potential participants (see: Chapter Four).

### **Implications for Policy and Practice**

This study, has found that whilst legislation exists and policy has been formed to protect the disabled passenger, this rarely translates into effective regimes. Staff members are unaware of how to manage incidents of hostility against disabled passengers and training is, in the main, not adequate to deliver either awareness or managing strategies for coping with this hostility. Providers are ill-equipped to deal with such incidents and the government maintain a low priority toward assuaging this problem. This section, now offers recommendations for future policy direction. These could potentially assist all users of public transport to be safeguarded on their journeys. Policy bodies have access to current legislation – now they additionally have access to the resulting experiences of this legislation not being enforced. Evidence was revealed in Chapter Three indicating that increased confidence equates to increased ridership. This section latterly also offers speculation as to what might happen if changes do not occur to protect disabled public transport users.

The key findings from this study influence these recommendations. Established bus partnerships and crime reduction partnerships should not incur additional cost if they are widening their remits to include protection of disabled public transport users as recommended herein. The creation and maintenance of equality objectives and sympathetic contractual adjustments by partnerships are comparatively cost-neutral and should be established as a statutory duty. Any action which protects the disabled traveller which is borne out of such partnership working can only be advantageous to all passengers, to society more widely and to the professional reputations of public transport providers. Each of the remaining recommendations, should they be implemented, may however attract a cost. The enforcement, incorporation and application of the

Equality Act 2010 and of the PSED in all public transport procurement and service provision applications may be cost-positive and this perhaps provides an explanation as to why these statutory actions have not been more widely applied to date. The enhancement of the training of frontline staff to DET standard would also attract a cost. However, with many equality modules available both online and face-to-face and with the availability of group discounts from training providers, it is questionable just how expensive equality and awareness training would be. Moreover, the cost of implementation has been described as minimal by NEXUS in north east England (Lewis, 2019). It is noteworthy however, that the enhanced reputations of local authorities, regulatory bodies and of public transport service providers would only serve to positively enhance reputations, reduce risk and drive down the possibility of judicial action to rectify non-compliance. The following set of recommendations utilises both evidence from within this study and from current legislation and/or regulation. They represent future policy and practice which could potentially safeguard both disabled and non-disabled people alike when using public transport in the UK.

#### Policing and best practice

Many of the victims and witnesses to this study voiced their poor confidence in the reporting of incidents, with only 8% being satisfied with reporting outcomes (see: Chapter Five for detail). The approach to raising awareness of hate crime on the UK rail network by the British Transport Police has been proactive as have their robust recording and oversight of hate offences. But whilst other forces have learned from the BTP their approach has not been widely adopted (BTP, 2017a; HMICFRS, 2018). For the BTP, when a hate incident or crime is reported it is flagged throughout the reporting process as a hate crime and a detective oversees the progression of a sample of reports. The standardisation of the reporting forms has additionally helped the BTP to record and to track hate crimes through the reporting process. A Data Integrity Unit also checks the veracity of this process (BTP, 2017a). These practices are not consistently operationalised across UK police services (HMICFRS, 2018). Therefore, the first recommendation is to adopt these practices in police services across the UK and commit to early flagging of victim- or witness-declared hate crime

reports. This could be reinforced by issuing an operational stipulation which requires police officers to do this rather than relying on police officers using discretion as to whether, or not, to follow the CoP (2014) guidance. In doing so, a consistent approach will be followed that is acceptable to the CPS (CPS, 2019).

This level of safeguarding, if not replicated in local police services, could result in the reporting of disability hate crime remaining low and thus the identification of hate crime overlooked. Furthermore, crime data will not accurately reflect the true picture of hate offences. Moreover, the result of not updating processes may be that the government has restricted access to data and thus remains relatively uncommitted to taking reparatory action to reduce disability hate crime. The BTP also participate in monthly awareness meetings with the public and work with charities and other agencies to promote the awareness of hate crime. They further produced the *We Stand Together* campaign to reduce hate crime and offers clear reporting pathways through: a dedicated app', which increased discreet reporting of hate offences by 82% 2017-18 (The Guardian, 2018); telephone; social media and text messaging services. Hence, the BTP approach could be seen as a clear strategy to be followed by other forces. However, the potential if these approaches are not adopted by local police services across the UK is that awareness of the plight of disabled people, as well as other hate crime victims will remain low and consequently disabled people will continue to be everyday victims of hate attacks (HMICFRS, 2018).

### Effective leadership

Evidence within this study, either from Gianassi (2017) or that demonstrated by the inaction of regulatory authorities or public transport providers signify that regulatory leadership and compliance with legislation is not being effected (Trickett and Hamilton, 2014) (see: Chapter Six for detail). The DfT and other governmental agencies need to lead, work more closely and be coordinated in their actions to tackle hate crime generally and the threat of disability hate crime specifically. In other words, these bodies need to show commitment and leadership in accord with the first core recommendation from the EHRC (2011a:166). Failure to do so may result in disabled people remaining

economically inactive and suffering a rising level of educational needs. If the use of public transport is one way toward reducing an environmental footprint then these forms of transport should be encouraged. This will not be achieved if people with disabilities, which number up to 19% of the potential users, are dissuaded from using these services by fear of being abused. To assist central and local governmental agencies in determining the future policy directions, the Crime Survey of England and Wales needs to encompass some questions within it regarding disability hate crime and especially the effect on the choice of whether to use public transport, or not. Without these data, the dearth of knowledge regarding problem will continue and consequently the UK government will not be incentivised to act positively to reduce disability hate crime. An example of clear local authority leadership in this respect is the NEXUS Hate Crime Charter for Public Transport which provides clear partnership arrangements, direction and commitments (Lewis, 2019; NEXUS, 2018). This effectual and cost-effective leadership is not evident in the majority of FOI responses garnered for this research (See: Appendix H). There is a clear need therefore for regulatory and local authorities to be more effective in delivering or committing to deliver equalities both for themselves and for their contractors as they are legally obliged so to do.

#### Public transport staff training

An overwhelming proportion of the participants in this research had little confidence in public transport staff members being able to recognise or manage hate incidents or know how to report them. Staff members questioned had little knowledge of the rights of disabled people, the potential for them being victims of hostility or how to manage such incidents (see: Chapters Five and Six). Therefore, Disability Equality Training should be delivered to public transport frontline staff and supervisors to give them the tools to recognise and help to manage incidents of hostility aboard their vehicles. This training should also be fully evaluated to ensure that it is effective. For this assessment to occur, customer survey regimes would need to be adapted to incorporate feedback from disabled passengers. The *one size fits all* approach to passenger surveys which do not reflect the specific views of disabled passengers is therefore not



an inclusive measure (see: Chapter Three). Effective and evaluated training would align with the EHRC (2018b) guidance that:

*Public transport providers and regulators across Britain should work together ... to ensure that all staff members have the knowledge and skills to meet the needs of disabled passengers (EHRC, 2018b:209).*

Authorities should also insist that this is embedded in all contractual arrangements and when tendering for bids to operate services – as demanded by the PSED. Service providers should embed this training in their recruitment and annual licencing refresher activities. This form of training will give awareness of accessibility expectations as well as the human rights of disabled travellers. This training can only help to improve the national and international reputes of global public transport providers. This training aligns directly with one of the seven core recommendations within EHRC (2011a:167) which asserts that frontline staff members are essential in recognition of hostility and need training to help in this regard. Furthermore, the DfT are working toward providing an accreditation scheme for transport operators to receive ‘formal recognition for work to improve disabled passengers’ experiences’ (DfT, 2018b: online). Moreover, NEXUS in the Tyne and Wear area have produced a Hate Crime Charter for Public Transport providing direction, support and clarity for training and for raising awareness in staff (Lewis, 2019; NEXUS, 2018).

### Legislative failures

Evidence within this study has highlighted the muddled picture that regulatory and local authorities provided toward their responsibilities and how they discharge these (see: Chapter Six for detail). Local authorities, regulatory agencies and bus partnerships must fully comply with their responsibilities within current legislation to provide safeguarded travel for all of its passengers – inclusive of those with disabilities. They should take leadership on equality issues during the provision, procurement and delivery of public transport facilities – as required by the PSED. Agencies should take their responsibilities to produce and monitor equality objectives seriously and so too their obligation to produce an annual appraisal of these activities. Activities in support of

equality legislation will also promote positivity toward disabled people in accord with core recommendation five of EHRC (2011a:167). Not to do so would leave any attempt to improve the lives of people with disabilities unaudited. To ensure that compliance is undertaken, the EHRC needs to diligently fulfil its obligations, which include:

*Intervening in strategic cases that raise important issues under either the equality law, human rights law or both.*

*Raising proceedings for judicial review in our own name in strategic cases that raise important issues under either the equality law, human rights law or both.*

*Conducting inquiries and investigations.*

*Conducting assessments into the extent to which a public authority has complied with the public sector equality duty. (EHRC, 2018b:43)*

Furthermore, guidance from the DfT (2018a) prompts public transport providers to address equality issues and to raise awareness generally concerning disability hate crime. It also suggests that public transport staff members from the back-office to the frontline need to be aware of equality issues. But it falls short of training staff as to how to manage incidents of hostility and how to report these. Aside from this, the guidance promises that the UK government will monitor complaints from disabled people using these services. But this measurement will be of limited use if the victims continue to not, in the main, report these incidents. Lastly, it avoids compelling local authorities from incorporating their PSED duties in the contracting and influence they have over public transport providers.

### Third party reporting

Participants within this study voiced their frustrations at not being confident to report incidents or being in fear of the consequences of reporting (see: Chapter Five). Awareness of third party reporting capabilities should be widened to public transport staff as a confidential avenue to reporting hate crime with the confidence that these reports will be progressed. TPR should be facilitated by fully trained individuals in secure and comfortable settings to enhance

effectiveness and confidence in TPR generally (See: Chapter Three, above). To provide these support mechanisms would align with core recommendation six of EHRC (2011a:167). Not to do so would leave the burden of reporting solely with the police who are arguably already overworked and under-resourced. Accumulated data gathered through TPR avenues would augment that already in the public arena and could only add value to the range of knowledge and understanding of such crimes. There would not necessarily be a cost here as many charity organisations are now empowered to solicit TPR reports - Victim Support and Stop Hate UK are just two examples.

#### Prosecution protocol

The CPS should remove from its protocols the acceptance that perceived 'vulnerability' on the part of the defendant is a reason for not uplifting sentences (CPS, 2018:11).

*Some offenders are motivated by a perception that disabled people are 'vulnerable' or an 'easy target', rather than by hostility or hatred. This is an important distinction and the CPS is unable to apply for statutory sentence uplift under the Criminal Justice Act 2003 in these cases. (CPS, 2018:11).*

Albeit that this approach does make a prosecution more viable (CPS, 2019) and although The Law Commission (2018) is reviewing prosecution strategy and legislation regarding hate offences, participants to this study felt that the law does not provide enough recognition and protection for their victimisation (see: Chapter Five). Therefore, in support of the recommendations cited above, prosecutions should reflect the nature and impact of hate offences.

#### Wider considerations

In policy terms, any application of the above recommendations should also be thought of in wider terms. Any promotion which leads to an uptake of ridership of public transport services can only be of an environmental benefit to local authorities in striving to meet their environmental impact targets. Moreover, any reduction in the amount of road traffic can only be beneficial regarding

infrastructure damage and only economic positivity can be gained from fewer delays to travel. The willingness to fully discharge statutory responsibilities in a UK where this legislation is rarely enforced is unlikely to be forthcoming unless sanctions begin to apply to those agencies which fail to comply with legislation (Giannasi, 2017).

### **Summarising the Conclusion**

Reflecting on the research journey, this research is testament to the power of victimisation which lingers throughout a victims life leaving a stain embedded in one's conscience forever. Much of the evidence from participants was collected through tears of discomfort, often produced by the participant and sometimes by the researcher. The emotion of meeting people who had suffered the same fate was palpable. These experiences occurred in different places from the researchers' and with decade's in-between, but the effect was the same. The researcher has also witnessed the joy which some participants displayed revealing some inner pain which they perhaps thought would never see the light of day again. Generally, participants were glad that these experiences were being revealed and the message from them was to make sure that others were aware of their ordeals.

This research has answered a need. It has conducted research and asked questions which had previously remained unasked. It has revealed horrifying levels of abuse and violence which have been occasioned – and still are being occasioned – against disabled people every day on the public transport networks of the UK. It has asked questions of those agencies which authorise, licence and procure public transport and which have a responsibility for instilling in those services the types of equality measures which might potentially make life better for the disabled traveller. This work has discovered that these regulators, in the main, do not apply the level of seriousness which is expected of responsible public bodies to safeguard disabled public transport users. This derogation begins at the top. The UK government is not considering disability hate crime as a priority. This attitude of government, local authorities and regulators permeates down to those who are charged with providing the services. Therefore, although well reported that public transport modes are as

areas of criminogenesis for the disabled passenger, this threat is left unmanaged.

It was not difficult however to find the experiences of those who have suffered this hostility. Nonetheless, it was difficult to ascertain exactly what governing agencies were doing to alleviate it. When these answers were found, they equated to *not much*. The frontline staff who need to be aware of, and manage, these incidents on a daily basis mostly avoided doing so. Evidence from the staff interviews suggests that they do not generally do this out of spite, but because they do not have the knowledge or skills to know what to do to help their passengers. This culmination of governmental and provider non-intervention along with staff unfamiliarity is leaving up to 19% of the UK population (WHO, 2017) potentially without the means to safely and securely travel independently and without fear and lead the kind of lives which the rest of the population reasonably take for granted. The option to do something about this situation does exist – but will it ever be used?

Therefore, whilst there is the joy of seeing all of these collected experiences on the written page, there is also a foreboding of what comes next; a continuation of this work, a cessation, an unknown? This study has not been restricted to gathering data and forming this into an academic thesis. The researcher has additionally consulted with a range of stakeholders representing the UK government, the public transport industry and those who support disabled people. Regular public lectures were held with organisations which fight for disability rights or fight hate crime. Academic lectures were convened to engage the academic community in what was ostensibly a new conceptual area of study. The researcher was recruited onto working parties and steering groups which formulate public transport policy and advisory groups for franchise bids. The researcher was successful in collaborating with Essex County Council to incorporate hate crime awareness training into the annual refresher and re-licensing training for bus staff across that county, one of the largest in the UK. The researcher also has an aspiration to produce a monograph on this topic and publish in appropriate academic journals. However, it is important for the confidence of all users of public transport going forward that the work does not

end here. The difficulties of the research journey included learning to write academically for someone who could not form a sentence when leaving a poorly attended school at sixteen. Surprised at how transformations are so quickly made, the author moved from someone embedded in the public transport industry to someone who could speak confidently about criminology and about hate crime in particular. This was necessary to fully engage with professionals who have been in the criminal justice system and academic criminology for many years. But these were only small steps, on a long, long road.

## **Appendices**

### **List of Appendices**

**Appendix A:** Telephone interview script and guide

**Appendix B:** Email informed consent text for telephone interviews

**Appendix C:** Informed consent form for face-to face interviews

**Appendix D:** Public transport staff structured interview form

**Appendix E:** Informed consent form for focus group participants

**Appendix F:** one-stage Mental Capacity Test guidance notes

**Appendix G:** Table of participant locations, associated authorities and key service providers

**Appendix H:** Freedom of Information Act Responses from Local and Regulatory Authorities

Please note that the actual size of documents used in the research may differ from those represented below.

## **Appendix A: Telephone interview script and guide**

### **Telephone Interview Script**

#### **Reminder: Withhold Domestic Number 141 or Use Dedicated Line!**

Firstly, thank you for taking part in this research. I hope that together we will make a difference and that disabled people can feel more comfortable travelling on public transport in the future. This is a subject where little work has been done.

Just some background first ...

- I want to hear about the events and views of people who have been victims or witnesses of hostility or nastiness on public transport. I want to hear from disabled people or their companions. Disabled people also experience access issues concerning public transport. We only want to hear about those if hostility was shown in denying access.
  - We are doing this through interviews and holding group chats.
  - Your personal details will be kept completely private between you and I! I personally guarantee that and all mentions of you will be destroyed as soon as the facts are collected. All others will see is a number alongside your comments. Even the recordings will be kept in a locked place and there is only one key.
  - The written matter will be held in a library and will be available online, but I promise you that the readers will only see a number. You can look at the finished paper on request, by all means.
- ✓ Please confirm for the recording that you have given me your written, informed, consent by email and that you are still willing to be interviewed and recorded now?
- Just to remind you that you can stop the conversation or have a break at any time or withdraw at any time.

**OK. I'm obliged to ask two questions before we begin the interview. When you answer, it will also help to test the tape machine.**

**Question 1: Do you suffer from, or been told that you have learning difficulties or brain impairments?**

**Question 2: Please, briefly, tell me the purpose of this research, why I am doing it and that you are still OK to participate?**

Thank you!



Semi-structured Interview Guide		
Questions		Prompts
1	Have you experienced nastiness on any form of public transport which might have been linked to disability – either yours or someone else's? Please take me through it?	<p>Please take me through your experience, what happened?</p> <p>Were you a witness/victim?</p> <p>What were your thoughts at that time?</p> <p>What were your immediate reactions?</p> <p>How did it make you feel in the short-term?</p> <p>Did they try to involve others', were they loud and public?</p>
2	How did you feel immediately after the incident? Did anyone defend the victim or retaliate?	<p>If not, why was that do you think?</p>
3	What was the reaction of others who witnessed this?	<p>Did anyone come to assist? Did anyone join-in? Did the abuser try to use other passengers? What was their reaction?</p> <p>Were any staff available? If so, did they help?</p>
4	Was the matter reported?	If not, why not?
5	How many similar incidents do you think you have witnessed or been a victim of?	
6	How did this incident make you feel later? Particularly regarding the use of public transport?	<p>How are you now?</p> <p>On reflection, would have hoped to do anything differently?</p>
7	What would you like to see done to prevent similar incidents in the future?	
8	Do you consider this to have been a hate crime or incident? <u>Hate Incident</u> is defined as: Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate. A <u>Hate Crime</u> is defined as: Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.	Why?
A	Public transport mode?	
B	Were you alone/with others?	
C	Approximately what time of day did this happen?	
D	How many of them were there? Roughly what was their age/gender/ethnicity?	<p><b>No.      A      G      E</b></p> <p>     /       /       /</p>
E	Were they known to you in any way?	
F	How would you describe your background: Ethnicity/gender/sexuality/religion please? Or abstain.	<p><b>Age E      G      S      R      Abs</b></p> <p>     /       /       /       /       /</p>
9	Have you any questions for me?	<p>Helpsheet issued, contact details assured, any help concerning our work please keep in touch! Can I be of any further help at this time?</p>

## **Appendix B: Email informed consent text for telephone interviews**

### **Welcome Aboard: Exploring Experiences of Disablist Hate Crime on Public Transport and Approaches to Safeguarding Passengers**

**Firstly, thank you.**

Thank you for being interested in this study. I am **David Wilkin**; I'm a researcher at the **University of Leicester**. I want to find out if hostility or nastiness occurs to disabled people on public transport and what effect it has on the victims and witnesses. I have a life-long, hidden disability myself and I'm conducting this research at my own cost. I have an aim to make public transport better for all. I will be talking to disabled people alone and in groups. Disabled people do face problems in getting onto public transport. This study does not necessarily cover those unless nastiness was used when getting on or off the transport. **So, I would like to chat with you over the telephone about any incidents where you were treated badly or where you saw something similar happen.**

If you would like to help me to understand what happens by sharing your views, I would be grateful for your time. This information will be published worldwide. The information you give will be made private, so that others will never know your name. But you will know that you have helped to make public transport better. Would you please have a telephone interview with me which will be recorded? This recording later helps me to concentrate on the detail of what you said. This chat may cause upset. If this happens, we can stop the interview or you can leave the study at any time without any problem or blame. You will be called at a time best for you. The chat might last up to one hour, so please find somewhere comfortable and private, if you wish a carer or friend to be with you – then that will be fine.

Your information is so important to me. If you are happy to help me learn more about people being hostile to people with disabilities **please read the Agreement lower in this email and confirm your involvement by emailing the researcher.**

- **With the words “I agree to take part in this study” included in the text**
- **Include the telephone number you wish me to use**
- **Some convenient times for me to call.** I will then email you back with a time that I will call.

When I call you it will be from a private number and I will ask you if you understand the research before we begin. You can email me or call me on the number below with any questions which you have.

#### **Your Privacy**

The information collected from you will remain private and it will not be possible to recognise you. Information will be stored securely and only the researcher will have access to it. Any information or notes referring to you will be destroyed by as soon as possible.

Taking part in this study is voluntary. This study is being conducted by the University of Leicester and your decision whether or not to take part will not affect any association with the researcher or the University. If you do decide to take part, you are free to leave at any time and request that all the information that you have provided is destroyed.

### **Agreement**

I understand that I am being asked to take part in an important research study from the University of Leicester. I understand that this research has been designed to gather information about hostility on public transport.

I have read the above information about this project and the types of questions I can expect to answer. The research will be using conversations which will take approximately one hour.

I understand that taking part is voluntary and that I am free to leave, without problem, at any time, even after signing this agreement. I fully understand that any personal information will be private and used only for completing this study. All information, notes and records referring to me will be kept in a secure place and destroyed immediately after the study or upon my request.

I understand that the results of this study will be used in writing by the researcher. I know that I can have access to read, but not alter, this material at my request. That material, containing my nameless information will be archived in the University of Leicester library with worldwide access. I am also aware that the procedures involved in this study involve small risks to me. With this in mind, I agree to take part in the study. I will receive a copy of this consent form to keep for myself.

The researcher has also explained anything I did not grasp. By signing and returning this consent form, I agree to take research.

**Thank you so much for your valuable contribution, perhaps together, we can make public transport a safer place.**

**Please confirm your participation by returning this email to the researcher.**

- **With the words “I agree to take part in this study” included in the text**
- **Include the telephone number you wish me to use**
- **Some convenient times for me to call.** I will then email or call you back so that we can arrange a time to chat.

### **Contacts and Questions**

If you have any questions please contact David Wilkin. Email: drw24@leicester.ac.uk  
Tel: 07564 820071

If you have any concerns about your participation in this research please contact my research supervisor.

Dr S-J Hardy  
Department of Criminology  
The Friars  
154 Upper New Walk  
Leicester LE1 7QA UK  
Tel: 0116 252 3784  
Email: sjh128@leicester.ac.uk

## Appendix C: Informed consent form for face-to-face interviews

### Welcome Aboard: Exploring Experiences of Disablist Hate Crime on Public Transport and Approaches to Safeguarding Passengers

Firstly, thank you.

Thank you for being interested in this study. I am **David Wilkin**; I'm a researcher at the **University of Leicester**. I want to find out if hostility or nastiness occurs to disabled people on public transport and what effect it has on the victims and witnesses. I have a life-long, hidden disability myself and I'm conducting this research at my own cost. I have an aim to make public transport better for all. I will be talking to disabled people alone and in groups. Disabled people do face problems in getting onto public transport. This study does not necessarily cover those unless nastiness was used when getting on or off the transport. **So, I would like to chat with you about any incidents where you were treated badly or where you saw something similar happen.**

If you would like to help me understand what happens by sharing your views, I would be grateful for your time. This information will be published worldwide. The information you give will be made private, so that others will never know your name. But you will know that you have helped to make public transport better. Would you please have this interview with me which will be recorded? This recording later helps me to concentrate on the detail of what you said. This chat may cause upset. If this happens, we can stop the interview or you can leave the study at any time without any problem or blame. You will be called at a time best for you. The chat might last up to one hour, so please find somewhere comfortable and private, if you wish a carer or friend to be with you – then that will be fine.

Your information is so important to me. If you are happy to help me learn more about people being hostile to people with disabilities **please read the Agreement below and confirm your involvement.**

#### **Your Privacy**

The information collected from you will remain private and it will not be possible to recognise you. Information will be stored securely and only the researcher will have access to it. Any information or notes referring to you will be destroyed by as soon as possible.

Taking part in this study is voluntary. This study is being conducted by the University of Leicester and your decision whether or not to take part will not affect any association with the researcher or the University. If you do decide to take part, you are free to leave at any time and request that all the information that you have provided is destroyed.

#### **Agreement**

I understand that I am being asked to take part in an important research study from the University of Leicester. I understand that this research has been designed to gather information about hostility on public transport.

I have read the above information about this project and the types of questions I can expect to answer. The research will be using conversations which will take approximately one hour.

I understand that taking part is voluntary and that I am free to leave, without problem, at any time, even after signing this agreement. I fully understand that any personal information will be private and used only for completing this study. All information, notes and records referring to me will be kept in a secure place and destroyed immediately after the study or upon my request.

I understand that the results of this study will be used in writing by the researcher. I know that I can have access to read, but not alter, this material at my request. That material, containing my nameless information will be archived in the University of Leicester library with worldwide access. I am also aware that the procedures involved in this study involve small risks to me. With this in mind, I agree to take part in the study. I will receive a copy of this consent form to keep for myself.

The researcher has also explained anything I did not grasp. By signing and returning this consent form, I agree to take research.

**Thank you so much for your valuable contribution, perhaps together, we can make public transport a safer place.**

**Please confirm your participation by completing the form below.**

Participant's name (please print): \_\_\_\_\_

Signature: \_\_\_\_\_

Signature of Researcher: \_\_\_\_\_

Date: \_\_\_\_\_

Copy to participant

### **Contacts and Questions**

If you have any questions please contact David Wilkin. Email: drw24@leicester.ac.uk  
Tel: 07564 820071

If you have any concerns about your participation in this research please contact my research supervisor.

Dr S-J Hardy  
Department of Criminology  
The Friars  
154 Upper New Walk  
Leicester LE1 7QA UK  
Tel: 0116 252 3784  
Email: sjh128@leicester.ac.uk

## **Appendix D: Public transport staff structured interview schedule**

**PS:**

1. How well prepared do you think you are to prevent or to intervene if disabled people are victims of hostility in your workplace?

2. Have you had any training to deal with such incidents or any notifications?

3. Do you know what hate crimes are?

4. What level of training have you been given or offered regarding customers with disabilities?

5. Are you aware of Third Party Reporting?

6. How would you report abuse if required to do so?

7. What could be done to improve your capabilities when dealing with hostility against disabled passengers?

8. Any other comments?

## **Appendix E: Informed consent form for focus group participants**

### **Focus Group Participation Information and Consent Form**

#### **Welcome Aboard: Exploring Disablist Hate Crime on Public Transport and Provider Approaches to Protect Customers**

**Firstly, thank you.**

Thank you for being interested in this study. I am **David Wilkin**; I'm a researcher at the **University of Leicester**. I want to find out if hostility or nastiness occurs to disabled people on public transport and what effect it has on the victims and witnesses. I have a life-long, hidden disability myself and I'm conducting this research at my own cost. I have an aim to make public transport better for all. I will be talking to disabled people alone and in groups. Disabled people do face problems in getting onto public transport. This study does not necessarily cover those unless nastiness was used when getting on or off. **So, I would be grateful if you would take part in this group chat telling me of where you were treated badly or saw something similar happen.**

If you would like to help me understand what happens by sharing your views, I would be grateful for your time. This information will be published worldwide. The information you give will be made private, so that others will never know your name. But you will know that you have helped to make public transport better. This chat will be recorded. This recording later helps me to concentrate on the detail of what you said. This chat may cause upset. If this happens, we can stop the chat or you can leave the study at any time without any problem or blame. The chat might last up to one hour, so please be comfortable, if you wish a carer or friend to be with you – then that will be fine.

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#### **Agreement**

I understand that I am being asked to take part in an important research study from the University of Leicester. I understand that this research has been designed to gather information about hostility on public transport.

I have read the above information about this project and the types of questions I can expect to answer. The research will be using conversations which will take approximately one hour.

I understand that taking part is voluntary and that I am free to leave, without problem, at any time, even after signing this agreement. I fully understand that any personal information will be private and used only for completing this study. All information, notes and records referring to me will be kept in a secure place and destroyed immediately after the study or upon my request.

I understand that the results of this study will be used in writing by the researcher. I know that I can have access to read, but not alter, this material at my request. That material, containing my nameless information will be archived in the University of Leicester library with worldwide access. I am also aware that the procedures involved in this study involve small risks to me. With this in mind, I agree to take part in the study. I will receive a copy of this consent form to keep for myself.

The researcher has also explained anything I did not grasp. By signing and returning this consent form, I agree to take research.

**Thank you so much for your valuable contribution, perhaps together, we can make public transport a safer place.**

**Please confirm your participation below.**

Your name (please print):

---

Signature:

---

Signature of Researcher:

---

Date:\_\_\_\_\_

Copy to participant

Your email or postal address: to get a copy of this form:

### **Contacts and Questions**

If you have any questions please contact David Wilkin. Email: drw24@leicester.ac.uk  
Tel: 07564 820071

If you have any concerns about your participation in this research please contact my research supervisor.

Dr S-J Hardy

Department of Criminology

The Friars

154 Upper New Walk

Leicester LE1 7QA UK

Tel: 0116 252 3784

Email: sjh128@leicester.ac.uk

Researcher name: David Wilkin: Copy to participant on request



## **Appendix F: Two-stage Test of Mental Capacity: guidance notes**

### **Stage 1: Does the person have an impairment of, or a disturbance in the functioning of, their mind or brain?**

4.11 Stage 1 requires proof that the person has an impairment of the mind or brain, or some sort of or disturbance that affects the way their mind or brain works. If a person does not have such an impairment or disturbance of the mind or brain, they will not lack capacity under the Act.

4.12 Examples of an impairment or disturbance in the functioning of the mind or brain may include the following:

- Conditions associated with some forms of mental illness
- Dementia
- Significant learning disabilities
- The long-term effects of brain damage
- Physical or medical conditions that cause confusion, drowsiness or loss of consciousness
- Delirium
- Concussion following a head injury, and
- The symptoms of alcohol or drug use.

### **Stage 2: Does the impairment or disturbance mean that the person is unable to make a specific decision when they need to?**

4.13 For a person to lack capacity to make a decision, the Act says their impairment or disturbance must affect their ability to make the specific decision when they need to. But first people must be given all practical and appropriate support to help them make the decision for themselves (see chapter 2, principal 2). Stage 2 can only apply if all practical and appropriate support to help the person make the decision has failed. See chapter 3 for guidance on ways of helping people to make their own decisions.

#### **A person is unable to make a decision if they cannot:**

1. Understand information about the decision to be made (the Act calls this 'relevant information')
2. Retain that information in their mind
3. Use or weigh that information as part of the decision-making process, or
4. Communicate their decision (by talking, using sign language or any other means). See section 3(1).

#### **The five principals**

- 1) The presumption of capacity - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise
- 2) People must be given all appropriate help before anyone concludes that they cannot make their own decisions
- 3) That individuals retain the right to make what might be seen as eccentric or unwise decisions
- 4) Anything done for or on behalf of people without capacity must be in their best interests
- 5) Anything done for or on behalf of people without capacity should be an option that is less restrictive of their basic - as long as it is still in their best interests.

#### **1. Understanding information about the decision to be made**

4.16 It is important not to assess someone's understanding before they have been given relevant information about a decision. Every effort must be made to provide information in a way that is most appropriate to help the person to understand. Quick or inadequate explanations are not acceptable unless the situation is urgent (see chapter 3 for some practical steps). Relevant information includes:

- The nature of the decision

- The reason why the decision is needed, and
- The likely effects of deciding one way or another, or making no decision at all.

4.17 Section 3(2) outlines the need to present information in a way that is appropriate to meet the individual's needs and circumstances. It also stresses the importance of explaining information using the most effective form of communication for that person (such as simple language, sign language, visual representations, computer support or any other means).

4.18 For example:

- a person with a learning disability may need somebody to read information to them. They might also need illustrations to help them to understand what is happening. Or they might stop the reader to ask what things mean. It might also be helpful for them to discuss information with an advocate.
- a person with anxiety or depression may find it difficult to reach a decision about treatment in a group meeting with professionals. They may prefer to read the relevant documents in private. This way they can come to a conclusion alone, and ask for help if necessary.
- Someone who has a brain injury might need to be given information several times. It will be necessary to check that the person understands the information. If they have difficulty understanding, it might be useful to present information in a different way (for example, different forms of words, pictures or diagrams). Written information, audiotapes, videos and posters can help people remember important facts.

4.19 Relevant information must include what the likely consequences of a decision would be (the possible effects of deciding one way or another) – and also the likely consequences of making no decision at all (section 3(4)). In some cases, it may be enough to give a broad explanation using simple language. But a person might need more detailed information or access to advice, depending on the decision that needs to be made. If a decision could have serious or grave consequences, it is even more important that a person understands the information relevant to that decision.

## **2. Retaining information**

4.20 The person must be able to hold the information in their mind long enough to use it to make an effective decision. But section 3(3) states that people who can only retain information for a short while must not automatically be assumed to lack the capacity to decide – it depends on what is necessary for the decision in question. Items such as notebooks, photographs, posters, videos and voice recorders can help people record and retain information.

## **3. Using or weighing information as part of the decision-making process**

4.21 For someone to have capacity, they must have the ability to weigh up information and use it to arrive at a decision. Sometimes people can understand information but an impairment or disturbance stops them using it. In other cases, the impairment or disturbance leads to a person making a specific decision without understanding or using the information they have been given.

4.22 For example, a person with the eating disorder anorexia nervosa may understand information about the consequences of not eating. But their compulsion not to eat might be too strong for them to ignore. Some people who have serious brain damage might make impulsive decisions regardless of information they have been given or their understanding of it.

## **4. Inability to communicate a decision in any way**

4.23 Sometimes there is no way for a person to communicate. This will apply to very few people, but it does include:

- People who are unconscious or in a coma, or
- Those with the very rare condition sometimes known as 'locked-in Syndrome', who are conscious but cannot speak or move at all. If a person cannot communicate their decision in any way at all, the Act says they should be treated as if they are unable to make that decision.

4.24 Before deciding that someone falls into this category, it is important to make all practical and appropriate efforts to help them communicate. This might call for the involvement of speech and language therapists, specialists in non-verbal communication or other professionals. Chapter 3 gives advice for communicating with people who have specific disabilities or cognitive problems.

4.25 Communication by simple muscle movements can show that somebody can communicate and may have capacity to make a decision. For example, a person might blink an eye or squeeze a hand to say 'yes' or 'no'. In these cases, assessment must use the first three points listed in paragraph 4.14, which are explained in more depth in paragraphs 4.16–4.22.

### **Questions**

**Question 1:** Establish Stage 1 conditions.

**Question 2:** A pertinent question would be to ascertain if the participant had remembered the information given as preparation for the informed consent and was satisfied to make the decision to consent. Recall of this information indicates that the participant had understood and retained this information whilst acceptance constitutes a decision made. In communicating this, the ability to communicate is also proven.

Questions used in this research:

**I'm obliged to ask two questions before we begin the interview. When you answer, it will also help to test the recording equipment.**

**Question 1: Do you suffer from, or been diagnosed with learning difficulties or brain impairments?**

**Question 2: Please confirm back to me the purpose of this research, why we are doing it and that you are happy to participate?**

(Source: The Stationary Office, 2007)

## Appendix G: Table of participant locations, associated authorities and principal service providers

Appendix G offers a summary of the responsible transport authorities and the principal public transport providers in each geographic area cited by the participants as where they have experienced incidents of abuse.

Geographic Area	Authority	Principal Public Transport Providers	Operator Responses Requested	Operator Responses Received
<b>Blackpool</b>	Blackpool Council	<b>Bus:</b> Blackpool Transport; Stagecoach; Preston Bus; <b>Trains:</b> Northern Trains; Virgin Trains West Coast	5	0
<b>Brighton</b>	Brighton & Hove City Council	<b>Bus:</b> Brighton & Hove Buses; Metrobus; <b>Trains:</b> GTR; Southern	4	2
<b>Cambs'</b>	Cambridgeshire County Council	<b>Bus:</b> Stagecoach Cambridge <b>Trains:</b> GTR; Abellio Greater Anglia	3	0
<b>Cumbria</b>	Cumbria County Council	<b>Bus:</b> Stagecoach <b>Trains:</b> Northern Trains; Virgin Trains West Coast	4	0
<b>Cornwall</b>	Cornwall Council	<b>Bus:</b> First Kernow; Stagecoach South West; Plymouth Citybus <b>Trains:</b> First Great Western; Cross Country	5	2
<b>Edinburgh</b>	Edinburgh City Council	<b>Bus:</b> Lothian Buses; Edinburgh Trams <b>Trains:</b> FirstGroup; LNER	4	2
<b>Essex</b>	Essex County Council	<b>Bus:</b> First Essex; Arriva, <b>Trains:</b> Cross Country; C2C; Abellio Greater Anglia	5	0
<b>Hertfordshire</b>	Hertfordshire County Council	<b>Bus:</b> Arriva <b>Trains:</b> Virgin Trains West Coast; GTR; East Midlands Trains; LNER; London Northwestern	6	0
<b>Kent</b>	Kent County Council	<b>Bus:</b> Arriva <b>Trains:</b> Southeast Trains	2	0
<b>Leicester</b>	Leicester City Council	<b>Bus:</b> First Leicester; Arriva Midlands; Centrebus <b>Trains:</b> East Midlands Trains; Cross Country	5	0
<b>Lincolnshire</b>	Lincolnshire County Council	<b>Bus:</b> Stagecoach <b>Trains:</b> East Midlands Trains; LNER	3	0
<b>London</b>	Mayor of London	<b>Bus:</b> Transport for London contracted to:- Arriva London; Abellio; Metrobus; Stagecoach; Metrolink <b>Trains:</b> London Underground; Docklands Light Railway; Southern; GTR; Chiltern Railways; First Great Western; C2C; Abellio Greater Anglia; South Western; Southeast Trains; LNER; Virgin Trains West Coast; East Midlands London Northwestern	20	2

<b>Manchester</b>	Transport for Greater Manchester	<b>Bus:</b> First Manchester; First West Yorkshire; Stagecoach Manchester; Stagecoach in Lancashire <b>Trains:</b> Virgin Trains West Coast; Cross Country; Manchester Metrolink; Northern Trains; Trans-Pennine Express	9	1
<b>Newcastle-Upon-Tyne/ Tyne and Wear</b>	North East Combined Authority; Transport for Tyne and Wear; Newcastle City Council Gateshead Council NEXUS	<b>Bus:</b> Arriva; Stagecoach <b>Trains:</b> LNER; Cross Country; Trans Pennine; Tyne and Wear Metro/Nexus	5	2
<b>Norfolk</b>	Norfolk County Council	<b>Bus:</b> FirstGroup <b>Trains:</b> Abellio Greater Anglia	2	0
<b>North Staffs'</b>	Staffordshire County Council	<b>Bus:</b> FirstGroup; D&G bus <b>Trains:</b> Virgin Trans West Coast; London Midland	4	0
<b>Nottingham</b>	Nottinghamshire County Council	<b>Bus:</b> Nottingham City Transport; Nottingham Express Transit <b>Trains:</b> East Midlands Trains; Cross Country	4	1
<b>Plymouth</b>	Plymouth City Council	<b>Bus:</b> Plymouth Citybus; Stagecoach South West <b>Trains:</b> First Great Western	3	2
<b>South Yorkshire</b>	South Yorkshire Passenger Transport Executive; Sheffield City Region Combined Authority; Barnsley Metropolitan Borough Council	<b>Bus:</b> Arriva; National Express; Stagecoach; First south Yorkshire <b>Trains:</b> East Midlands Trains; Cross Country; Trans Pennine; Sheffield Supertram	8	1
<b>Suffolk</b>	Suffolk County Council	<b>Bus:</b> Chambers; National Express; FirstGroup <b>Trains:</b> Abellio Greater Anglia	4	0
<b>UK</b>	Department for Transport	NA	1	1

## **Appendix H: Freedom of Information Act Responses from Regulatory and Local Authorities**

This Appendix acts as an archive of summaries from the various regulatory and local authorities which responded to the FOI requests within this research. The effectiveness of the authorities in safeguarding the public is cited throughout this thesis.

### Barnsley Metropolitan Borough Council

The response from Barnsley stated that they did not procure or contract any public transport services in their area and therefore declined to provide any further information regarding the questions (FOI1, 2018). It instead, directed the researcher toward South Yorkshire PTE which is responsible for regulating public transport in the Barnsley and the wider South Yorkshire area. Nevertheless, Barnsley Metropolitan Borough Council does offer comprehensive advice for potential victims of disability hate crime (Barnsley, 2018a) and also offers a *Free to Go* travel training intervention which prepares people with learning difficulties to have confidence to use public transport (Barnsley, 2018b: online). Furthermore, it had published a *Hate and Harassment Strategy* (Barnsley, 2018c) outlining the Council's plans to deter hate crime and encourage reporting such incidents. Conversely, whilst this approach seems to support the reduction of hate crime, none of the aforementioned documents mentions public transport itself which, as cited above in Chapter Four, is one of the foremost trigger environments for disability hate crime. Moreover, despite its declaration that it is not involved in the commissioning of public transport, its council members co-formed the *Barnsley Bus Partnership* which commenced operations in January 2017. Not only are the councillors themselves owners of the Heads of Terms for the Bus Partnership but they negotiated the operation of the service with local service providers. Nowhere in these arrangements does it allude to equality nor does it mention contractual oversight of equality issues. Yet the policies of inclusion, monitoring and reporting of equality issues demanded under the Equality Act 2010, were in force at the time (Barnsley, 2018d). In summary, this Council were primary partners in a public transport partnership but did nothing to work

toward embedding equality criteria or in reducing disability hate crime. This was despite positing that they are not connected with the procurement of public transport. They do not provide an answer the question concerning PSED responsibilities or allude to annual reporting of equality achievements.

#### Blackpool Council

This Council provided a confusing response to the FOI request (FOI2, 2018). It distanced itself by stating that it did not provide public transport services and that these are the responsibility of Blackpool Transport – which is itself a wholly owned subsidiary of that Council. Yet this Council chairs a *Bus Forum* and is instrumental in providing bus interchanges and controlling the activities of Blackpool Transport, the local bus provider (Blackpool Council, 2018a). Moreover, despite the Council publishing their *Equality Objectives* (Blackpool Council, 2018b), this 2011, post-Equality Act document makes no reference to either public transport or to hate crime. The only reference made to disabled people is in the establishment of a *Disability Forum*. Blackpool Council forwarded their FOI request to Blackpool Transport which then did not then provide a response thus breaching both the spirit and letter of the Act. Despite this reluctance, the Chair of Blackpool Transport is, at the time of writing (early 2019), Sector Champion for Bus and Tram for disabled people reporting directly to the Secretary of State for Disabled People (The Gazette, 2018). This arguably makes the non-response more paradoxical. The wholly-owned Blackpool Transport bus company and the Northern Trains franchise which serve the town are however seemingly forward-thinking in their training of staff concerning disability and disability hate crime awareness and management. The charity, Disability Hate Crime Network provides training to staff of both companies. However, neither Blackpool Council nor Blackpool Transport provided an answer the question concerning PSED responsibilities or alluded to annual reporting of equality achievements.

#### Brighton and Hove City Council

This Council is proactive in its care for disabled passengers on its bus services. In an extract from the Operators Code of Practice for Bus Service Contracts it endorses equality legislation by stating that contractors are obliged to make

themselves aware of the needs of passengers of all abilities and to meet those needs (FOI3, 2018). Furthermore, it has published a range of posters for display on local buses. These posters provide QR codes and telephone numbers giving direct access to third party reporting avenues. In critique however, most of these obligations are grounded in the Department for Transport's *Code of Practice VSE 87/1: Local Authority Passenger Transport Operational Procedure* (Wheelchairmanagers.nhs.uk, 2018: online). Therefore, these are mainly couched around access for disabled people to vehicles and the security of wheelchairs on buses including access to wheelchair bays. However, Brighton and Hove City Council does go further than these requirements and convenes a regular Bus Quality Partnership forum with service providers, the police and other stakeholders to maintain a high quality of service and these arrangements are considered exemplary by the DfT (FOI3, 2018). They did not however respond to the question concerning PSED responsibilities or allude to annual reporting of equality achievements.

#### Cambridgeshire County Council

This response was problematic in that they reported that it was the providers' responsibility to adhere to current legislation and to their own company policies (FOI18, 2018). They do also state that any access arrangements must comply with accessibility regulations and the, now superseded, Disability Discrimination act 2005. This was a puzzling response from their Business Development Officer. Moreover, the Officer did not answer any of the questions regarding equality objectives, reporting or the PSED. Matters concerning influence, contracting and training were also avoided. Furthermore, the Officer referred to withdrawn legislation, the Disability Discrimination Acts, (DDAs) and placed the onus to abide by it squarely on public transport operators.

#### Cornwall Council

This Council did not answer the FOI questions directly, instead asserting how much FOI requests cost the Council to process (FOI4, 2018). As an alternative it directed the researcher toward its website – which failed to provide any of the required information. It offered no information toward either its equality obligations regarding disabled people or public transport. Their response



vaguely cited that some public transport operators have charters, without naming these operators or directing the researcher toward any of those charters. It stated that these charters are occasionally shared with the Council – but did not state why this happened, when or what the outcomes were. It did affirm that the Council expects operators to comply with the Public Passenger Vehicles Act 1981 but did not refer to the myriad of documents which have superseded some of the statutes therein. Furthermore, this Act refers mainly to access and safety arrangements. The Council had published, in 2016, an *Equality of Opportunities* policy but this does not refer either to hate crime or to public transport (Cornwall Council, 2018). They also did not respond to the question concerning PSED responsibilities or allude to annual reporting of equality achievements.

#### Cumbria County Council

This response was dismissive of all seven questions posed (FOI21, 2018). The Council stated that this information is not held thus implying that they have no policies or strategies for dealing with hostility against disabled people, and that they have no policies toward equality or objectives to be measured against. It further implied that they do not produce an annual report. They did additionally state that they do not provide or support any form of public transport in the county. However, they do have a Scheduled Bus Services Officer, provide infrastructure for buses to utilise and they do licence scheduled routes. They also provide school services and services for people with special educational needs (Cumbria, 2018). Therefore, whilst they own the infrastructure, licence the routes and supply transport to meet specialist needs they imply that nothing is done to ensure that equalities are instilled in these services.

#### Edinburgh City Council

Edinburgh City Council led a local partnership which commenced in 2014 to reduce hate crime on public transport within that city (Hate Strategic Group Partnership & Agreement, 2014). The FOI request to that Council was forwarded on to both Edinburgh Trams and to Lothian Buses, two of their wholly-owned subsidiaries which are public transport operators. The work that the City Council is leading to make Edinburgh's transport free from hate crime is

conducted through established partnerships (FOI5, 2018). Their effort in collaboration with the Scottish Government pledges that the Council will work with those affected, with the service providers and Police Scotland to reduce hate crime on its public transport services (Scottish Government, 2018). They further state that they are passionate to establish speedy reporting regimes. To reflect this aspiration, Edinburgh Trams has committed to fully comply with that Agreement and with the Equality Act 2010 (which also applies in Scotland) (FOI5, 2018). The Partnership and the associated policy of Edinburgh Trams helpfully defines hate crime, including disability hate crime, and offers ways of reporting such incidents including through third party reporting. The anti-hate consortium led by the City Council has produced posters for display at bus and tram stops and in vehicles and has mounted a social media campaign. It has also produced a *Toolbox* to help in understanding hate crime and this has an associated assessment for use to assess public transport staff (FOI5, 2018). It is noteworthy that the anti-hate crime initiative driven by the Scottish Government fully supports the use of the Equality Act 2010 and its objectives (Scottish Government, 2018).

As with Edinburgh Trams above, the FOI request was also forwarded to Lothian Buses. Being 91% owned by Edinburgh City Council, Lothian Buses is open to FOI requests and therefore appears in this section. However, although wholly-owned by that Council and located in Edinburgh as the largest municipal bus company in the UK, paradoxically, it is not part of the anti-hate crime partnership cited above. Indeed, the FOI response from Lothian Buses was relatively insubstantial (FOI6, 2018). The response merely noted that the company works hard to treat all passengers and staff without segmentation and that the company provides driver training to offer an 'unrivalled experience' (FOI6, 2018:2). This is a somewhat disappointing reflection within a city which is otherwise working hard to reduce hate crime on public transport.

#### Essex County Council

This council was not a recipient of an FOI request as the researcher was engaged in a consultative capacity to help formulate the *Essex Hate Crime Strategy* during the consultative phase of this research. The aspiration is that

this Strategy would include driving down hate crime through many social facets including public transport. Furthermore, that the Strategy would urge reasonable actions to reduce hate crime whilst raising awareness of third party reporting avenues. The Strategy was designed in partnership with the Essex Fire, Police and Crime Commissioner, local DDPOs and the charity Victim Support. This Strategy was subsequent to an online public consultation process and a paper questionnaire. Through association with this study the researcher to this study worked to establish that the use of police reporting forms may be leading to some confusion regarding the reporting of disability hate crime (Essex County Council, 2017). Evidence had come to light from Essex police completing CARA forms (Centre for Action on Rape and Abuse) that crimes against disabled people were not being reported accurately and this transmuted into producing inaccurate crime data. The dearth of training and poor knowledge of disability definitions were also recognised as potential causes of Essex police ultimately not reporting this abuse accurately. With insufficient knowledge of disability it would be difficult for police to provide specific help to disabled people. Following prolonged consultation and negotiation Essex County Council released its Hate Crime Prevention Strategy and an associated Action Plan in July 2018 (Essex County Council, 2018). In recognition of the input from the researcher, Essex County Council has committed to implement hate crime awareness training in the future to bus staff through staff annual refresher and re-licencing arrangements.

#### Gateshead Council

Gateshead Council has a campaign to reduce hate crime occurring on public transport (Gateshead Council, 2018). It works closely with NEXUS which manages local public transport in the area and operates the Tyne and Wear Metro system. NEXUS also produced Hate Crime Charter for Public Transport in 2018 (NEXUS, 2018). Together, they have produced two publically available videos. One film shows a disabled person being befriended by a stranger in a warning not to be susceptible to *mate crime*. The second film depicts a staff member on the Tyne and Wear Metro service being suspicious of disability hate crime being committed. The *victim* did not attempt to report this crime but the staff member proactively reported the incident nonetheless. This is part of a

drive to make staff pre-emptive in reporting disability hate crime. Both frontline staff and control room operators have been trained to recognise episodes of disability hate crime and to report these to the police. In the Council's wider actions to counter hate crime they direct passengers toward using help points – third party reporting opportunities – within their area. They also post equality objectives, references to the Equality Act and publish annual reports regarding equality advancements on their website. One possible criticism might concern the absence of reference to the PSED. However this may be considered a truculent critique in the light of the excellent work that the Council does provide toward reducing hate crime. Gateshead Council, along with NEXUS, has produced some excellent publicity toward reducing hate offences in their area.

#### Greater London Authority

The FOI response from this authority refers directly to two reports: *Transport Strategy: Draft for Public Consultation* (Mayor of London, 2017) and *A Hate Crime Reduction Strategy for London* (Mayor of London, 2014). Both documents were disappointing in that the content did not reflect an aspiration to deliver confidence to London's travelling public. The former document refers specifically to hate crime in association with sexual offences only and states that these are high value crimes which could cause public disquiet. The latter report, a specialised hate crime document, states that this hate crime constitutes less than 1% of offences overall, but does espouse that disability hate crime offences should be flagged as early as possible in the reporting process (Mayor of London, 2014:19). It adds that agencies exist to give support to and represent disabled people. It implied that disabled people would be better served finding care solutions rather than justice. It mentions nothing regarding third party reporting or the access and communications issues faced by people with disabilities. Disability hate crime on public transport is not specifically mentioned in document. This document is particularly disappointing in that it provides almost no assurance to victims of disability hate crime. In the FOI response they did not respond to the question concerning PSED responsibilities or allude to any annual reporting of equality achievements (FOI8, 2018).

### Hertfordshire County Council

The response from Hertfordshire was detailed (FOI19, 2018). However, it bluntly stated that no action is being taken to reduce hostility on buses because none has been reported or discussed via its Intalink meetings which convene to plan public transport services. They added that they have no plan in place to tackle such issues as they only control 4% of bus services and the remainder are commercial operations. Therefore, they have no strategy for equalities on that 4% of services or a plan to apply the PSED. They do however promote the *Orange Wallet* scheme to make others aware that people have a disability. The County Council has an *Equality Strategy* in place but this only promises to create a strategy to raise awareness of hate crime without a timeframe or an approach for doing so (Hertfordshire, 2018:10). They further revealed that they have no tracking of any progress toward meeting equality objectives and have no information regarding how they discharge their PSED.

### Kent County Council

This Council has equality objectives in place and these are monitored annually by its Cabinet (FOI23, 2018). Kent County Council claims not to operate any public transport. Despite this claim it does provide public transport services. One example is the Kent Karrier which is an on-demand bus service for the elderly and the infirm – including disabled passengers (Kent, 2018). The Council do not have policies for dealing with abuse on public transport but do issue a Code of Conduct for school bus pass passengers reminding them and staff of their responsibility to use services respectfully although it gives scant guidance regarding behavioural issues. It does not raise awareness of hostility against disabled people and does not train its staff in this area. It does not refer to the PSED. In its relations with public transport providers it does stipulate that contractors must operate within the law. Specifying equalities, it further stipulates that contractors will not treat any group less favourably than another but offers nothing further.

### Leicester City Council

This Council gave a detailed response (FOI7, 2018). Whilst the FOI questions related directly to disability hate crime on public transport, this Council did not

relate its response to this specificity. Instead, they allude to bus drivers receiving Disability Awareness Training – without any reference being made concerning disability equalities or hate crime. The Council manages the two main bus stations in Leicester and they indicate that these are patrolled by private security guards and that Council staff working in those locations receive ‘appropriate training’ (FOI7, 2018:1). There is no mention however of this being appropriate to managing the problem of hate crime. Their response also refers to Council staff completing an online equality module – but again, with no reference to hate crime. They declare that posters are displayed at the bus stations promoting the reporting of abuse suffered by passengers generally and they add that two successful prosecutions were brought in 2017 for such offences. However, once again, there was no specific link to disabled passengers, equalities, hate crimes or incidents. This Council additionally comments that low-floor buses have been introduced – although how this response has any connection with the questions asked is difficult to comprehend. They did not provide a response to the question concerning PSED responsibilities or allude to annual reporting of equality achievements.

#### Lincolnshire County Council

This Council provided a response five days subsequent to the statutory deadline (FOI25, 2018). This Council has equality objectives in place although there is no evidence of an annual report on their performance. It does promote the use of a scheme called *Independent Travel Training*. This has apparently helped over 200 pupils with special educational needs to be aware of how to travel safely. They also have a *Max Respect* scheme, encouraging all passengers to report antisocial behaviour on the county’s public transport. In a confusing response they reveal that all drivers working directly for the Council participate in an online equality training module. Although the Council asserted that services are contracted-out to private operators, thereby distancing themselves from having any influence over the operations. They stipulate that these services must utilise equality-trained drivers, as above. Conversely, having recognised the need for equality training it seems paradoxical that non-directly financed services would not require drivers with the same equality awareness – although they are the same drivers. In contractual arrangements,

public transport operators are obliged to operate under the PSED – although their response only specifies accessibility arrangements. It further states that the – now withdrawn – Disability Discrimination Act 2005 should be complied with. A local partnership exists between the Council, service operators and the police. In summary, training has been given but it was focused to overcome hostility on special services for susceptible children. Although the PSED is named as a contractual obligation for the provision of special services in Lincolnshire, no safeguarding of susceptible passengers is required on other services.

#### Norfolk County Council

This county council gave a detailed response indicating that a new *Stop Hate in Norfolk* protocol began on 2<sup>nd</sup> November 2017 (FOI20, 2018). However the protocol does not cite public transport as being an area for concern (Norfolk, 2018). The Council does have equality objectives in place and tackling hate is one of the five priority areas. The performance of these is published annually. They do not have any equality objectives directed toward public transport and, in distancing themselves, cite that their Transport Commissioner is responsible for this area of policy – although, paradoxically, that officer is directly accountable to Norfolk County Council. They did not explain their role in delivering the PSED.

#### Nottingham City Council

This Council has an active partnership involving local public transport operators and the police alongside other agencies (FOI24, 2018). A *City Council Hate Crime policy for Public Transport* is being drafted at the time of writing (late 2018). They also have the *Travel Safe* initiative, which involves local operators giving talks to local school children about respecting other passengers, consideration of priority seating/disabled areas when using the public transport network and this is managed by the service providers with no oversight from the City Council. The Council does not have any particular policies for dealing with hostility against disabled people. Bus drivers receive accessibility training at their annual CPC activity in accord with the Bus Services Act 2017. The only addition to this in respect of disability is that disabled groups are encouraged to

raise awareness at these sessions. However, no evidence was offered as to how successful this is. They cite many improvements to accessibility within Nottingham but do not have equality objectives in place and PSED requirements were not mentioned.

### Transport for London (TfL)

TfL is a wholly-owned subsidiary of the office of the Mayor of London and therefore, it is subject to FOI requests. In their FOI response (FOI9, 2018), TfL acknowledge the existence of disability hate crime and that fear of this can reduce patronage of its services. It declares that frontline staff members are actively encouraged to report any incidents to the police via, for example, their Bus Controller or their Line Controller in the case of the London Underground mode. They cite a project in June 2016 which assessed whether tackling hate crime should be a priority, although this project was limited to Islamophobia. The primary aim of this project was reassurance, although no perceivable actions were forthcoming from it and there are currently no plans to repeat it. TfL does however participate in *Engagement Days* alongside the BTP to make rail travellers aware of all types of crime and to encourage the reporting of incidents. These events are also opportunities for police intelligence gathering, enabling a better understanding of passengers' perceptions of crime on London's public transport. Concerning training, TfL, whilst not having any explicit training concerning disability hate crime itself, does have a classroom-based training module which has been delivered to more than 600 staff in its London Underground mode (February, 2018). This training raises awareness of the five recognised strands of hate crime. General training does guide staff as to how to manage incidents and when to contact the police for assistance. It must be remembered however, that many of London's Underground stations and bus routes are located in rural settings and therefore there exists little confidence of a speedy response to a request for BTP assistance (TfL, 2017a). The TfL FOI response additionally alludes to their equality policy. TfL were one of the first PTEs to incorporate Equality and Inclusion (E&I) training in 2007 which this researcher both designed and delivered on behalf of TfL. TfL additionally has a working party which oversees developments in hate crime and its reduction. However, it is unknown how often this meets and who attends it. They did not



respond to answer the question concerning PSED responsibilities or allude to annual reporting of equality achievements.

#### Transport for Greater Manchester (TfGM)

This agency is a wholly-owned subsidiary of the office of the Mayor of the Greater Manchester Combined Authority. TfGM, in their FOI response (FOI10, 2018), explain that they have a dedicated crime reduction unit which oversees the safeguarding of passengers throughout their services. TfGM uses an *Orange Wallet* scheme and a *Safe Journey Card* scheme which both assist staff in recognising that disabled people are using their services and may need assistance. They also allude to their *Corporate Diversity and Inclusion Policy*. However, it does little to raise explicit awareness of disability hate crime. They do however have strategic objectives in place to establish effective working and to monitor that working so that diversity policies are applied consistently throughout the TfGM area of responsibility. Partnerships monitor and adjust the working behaviours of public transport providers so that diversity remains a key issue. TfGM additionally utilises posters to raise awareness of how to report hate crime. All trams and other vehicles are now fitted with CCTV. Roving security patrols are trained to be aware of hostility between passengers. All contracts with operators do specify that equality legislation must be complied with, although specific training of service provider staff is not one of the specified issues. TfGM also has a Disability Design Reference Group which brings together disabled people and TfGM to discuss facilities and services. Partnership meetings with police services also take place. A dedicated Equality Manager helps to oversee these processes. They did not respond to answer the question concerning PSED responsibilities or allude to annual reporting of equality achievements.

#### Transport for the North

This authority is a comparatively recent addition to the PTE landscape; formed in 2017 therefore this is an interesting example of an organisation which should be designing policy with current legislation and ethics in mind. It proudly boasts that it will set out the requirements of a pan-northern transport network (Transport for the North, 2018:6). When an FOI enquiry was made in summer

2018 no provision for making such enquires existed despite it being a recognised public body. Instead, the researcher successfully launched the FOI request through an accessible email account (FOI22, 2018). Their response states that they generally do not hold the information sought as they are not a transport provider. This is somewhat confusing as they were approached because they are an authority overseeing public transport provision. They do state however that they have a *Strategic Transport Plan* which is underpinned by an *Independent Integrated Sustainability Appraisal* which was conducted by Atkins PLC. Their aim is to empower the economy of the north by making transport affordable, secure and accessible. The Strategy aspires to deliver healthier, safer and more inclusive public transport (FOI22, 2018) – however it does not provide detail of how this will be achieved.

Their Strategic Transport Plan (Transport for the North, 2018) indicates that an *Equality Impact Assessment* was conducted to ensure that plans and programmes work toward complying with the PSED. The Plan's *Equality Objectives* do cite an aspiration to increase accessibility for disabled people but the majority of these objectives focus upon environmental objectives and the affordability of services. Hostility, hate and crime are not mentioned and neither is the susceptibility of some passengers (2018:63-4). Their response states that they will 'where possible promote equality' (FOI22, 2018:2) and yet the Equality Act clearly demands that equalities are applied. Their response also states that a *Community Safety Assessment* was conducted to reveal and counteract crime patterns based upon 'reported crime statistics' (*ibid*, 2018). As disability hate crime attracts low reporting rates presumably these crimes will not then be considered in any planning activity. The response implied that they do not work toward raising awareness of disability hate crime, influencing training to counteract it, or influencing transport providers through their PSED. Although their remit is to guide and influence public transport provision they clearly demarcate the responsibility to care for susceptible groups to the service providers. Although briefly indicating equality responsibilities, they distance themselves from the responsibility of making sure that these are delivered.

### Transport for the North East

This was a combined request covering Transport for the North East, Newcastle City Council and NEXUS who operate some public transport services in the wider Tyneside area including the Tyne and Wear Metro system. NEXUS is also the PTE for this area. The request to Transport for the North East and Newcastle City Council was met with a response that no information was held and contained a request to contact NEXUS (FOI11, 2018). NEXUS did not have a functioning FOI email address at the time of writing (late-2018). However, a later interview with the Customer Services Director, Huw Lewis proved to be more helpful. NEXUS launched their Hate Crime Charter for Public Transport in October 2018 (NEXUS, 2018). This commits to: support victims; adequately train staff to raise their awareness of the issue; provide technological assets to monitor services and engage with local groups regarding the problem (Lewis, 2019). This Charter is unique in public transport terms within England. Lewis stated that the Charter was applied with minimal cost and had attracted much positive feedback. It involves a partnership with many local service providers and local authorities. Indeed, contact with Gateshead Council, one of the NEXUS partners, also proved to be enlightening and displayed more excellent practice (see: above in this chapter) (Gateshead Council, 2018).

### Plymouth City Council

This Council referred this FOI enquiry to the city's two principal bus operators, Plymouth Citybus and Stagecoach South West (FOI12, 2018), and these will be referred to in the service operator responses below. In their direct response, this City Council issued declarations about promoting health and wellbeing among their population (Strategic Objective 1) and safe transport (Policy HEA6) (FOI12, 2018: *inter alia*). The latter policy mainly delineates how the city will provide improved transport, connectivity and an integrated transport system. Other elements of their response illustrate how Plymouth City Council fulfils equality obligations and concessionary travel schemes. Although no information obtained explains any strategy concerning hate crime as such, they do however have an online reporting system for hate crime including disability hate crime. This Council were also enthused to pass on the FOI enquiry to the two service

providers which offer enlightened approaches to hate crime safeguarding. No response was made regarding their PSED duty.

#### Staffordshire County Council

This response (FOI18, 2018), indicates that as 96% of public transport in Staffordshire is privately operated the County Council do not have any policies to regulate crime on public transport, including hate crime. They response did not explain what happens with the remaining 4%. However, the council do stipulate that public transport staff must be trained as to how to report crime including hate crime. *Independent Travel Training* is in place to offer young people with learning difficulties the opportunity to gain confidence in using public transport. Any contracts issued by the Council include an obligation to operate under current equality legislation although no strategy to monitor the performance of this expectation is made. They add that specific training is given to staff that operate services for people with autism although they do not expand on the content of this training. The researcher was not provided with any evidence that hate crime against disabled people is included. They did not respond to answer the question concerning PSED responsibilities or allude to annual reporting of equality achievements.

#### Suffolk County Council

The Suffolk response (FOI14, 2018), again indicates that most public transport in the county is in private hands and that the Council therefore does not take specific actions. They add no information concerning the remainder of the services which they are responsible for, even if these do constitute a minority of the service provision. They add that rail services are also outside of their control. They reveal that no training specificities are made and that their specialist hate crime office is now closed permanently. The Council did stress that it adheres to equality legislation and all contracted provision must comply with that legislation as well, but they do not allude to this provision being monitored. They do not however respond to the question concerning PSED responsibilities or allude to annual reporting of equality achievements.

### South Yorkshire PTE

The response from this regulatory agency is detailed and it proudly affirms the affiliations that the PTE has in delivering its equality and diversity ethics (FOI15, 2018). This regulator has affiliated to a diversity and inclusion charter produced by the Chartered Institute for Highways and Transportation (CIHT) which agrees to share best practice and use inclusive recruitment techniques (CIHT, 2018). Whilst this is an admirable task it delivers little toward protecting disabled victims of hate crime. This PTE also proclaims that its bus stations are accredited by the *Safer Places* scheme and follows the guidelines of that scheme (Safer Places, 2018). This guidance however offers best practice regarding fortifying public places and improving surveillance which are arguably both positive aspects – but again holds little practical help for those being verbally or physically assaulted.

Some rail stations within the PTE area have also been accredited by the *Safer Stations Scheme* overseen by the DfT. This is aimed at reducing crime, especially vandalism and anti-social behaviour. Therefore, this makes the stations more usable and effectively managed to produce a more reliable train service by reducing notifiable incidents and service interruptions. This scheme is a positive one in that it plans to deter the criminal; however it again offers little for the prevention of hate incidents or the reporting of such. In another positive action, the PTE insists that its *Customer Ambassadors* located in bus stations wear bodycams and are trained in child sexual exploitation avoidance techniques whilst being accredited with Safer Places training certification. As the Safer Places scheme is targeted at protecting infrastructure and reducing crime in public it can only be hoped that this expertise will produce positive outcomes for those suffering hate crime, for which this training and accreditation is not directly targeted towards. The PTE does however have a policy in place to embrace the Equality Act 2010 in providing service information. This seems to be directed at producing timetables and publicity which are usable by those with a range of disabilities. The PTEs *Sheffield Area Customer Service Plan* and an associated *Charter* dictate good levels of passenger service and quality. Regarding equality training, these documents state:

*Parties agree to provide staff training to ensure that all customers regardless of ability, gender, age, race, sexual orientation, ethnicity, religion or belief are treated equality. (FOI15, 2018 – Insert WP4:2)*

The PTE has additionally produced posters for use at various locations and on buses aimed at reducing hate crime. Bus operators are required to satisfy the PTE that they are complying with current legislation, including the Equality Act 2010. Some PTE internal staff members have undertaken advanced equality training – but not the passenger-facing frontline staff. The Train Operating Companies operating through the PTE area are obliged to use the *BlueAssist* scheme, which offers people with communications difficulties the ability to be recognised and to seek assistance. All passenger-facing employees undertake annual Disability Awareness Training, but not the advanced Disability Equality Training. In summary, South Yorkshire PTE has done much to alleviate general crime in bus stations and rail stations within its area of operation. Moreover, it has gone to great lengths to make sure that its staff members are trained to cope with crime in its general terms. In critique, it has done little to ensure that disability hate crime has a higher awareness or to offer guidance on reporting such matters or to open third party reporting pathways. The PTE therefore have actioned much good work to overcome crime and improve the safety of its passengers. Whilst it has achieved many positive safeguarding strategies it has done little, however, to tackle hate incidents.

## References

References to data from participants will be cited in-text as 'PM1' etc. referring to interview participant male number #1 or by 'FF1' etc. referring to focus group female #1 and so on. Public transport staff members are referred to by PS1 etc.

Freedom of Information Act 2000 requests are cited in-text as FOI1, 2018 etc. with the full end-text reference provided below.

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