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Our Ref: IM-FOI-2022-1423
Date: 22 July 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Please can you tell me what training officers have received which will enable them to make a judgement about hate crimes perpetrated against those with the characteristic of 'transgender identity', as defined under Section 11 of the Hate Crime and Public Order (Scotland) Act 2021:

(7)A person is a member of a group defined by reference to transgender identity if the person is—

(a)a female-to-male transgender person,

(b)a male-to-female transgender person,

(c)a non-binary person,

(d)a person who cross-dresses,

Police Scotland provide Diversity training to all officers and staff.

This training does not specifically refer to Section 11 part 7a – 7d of the Hate Crime and Public Order (Scotland) Act 2021. However, it does refer to The Equalities Act 2010, The Gender Recognition Act 2004 and the Offences (Aggravation by Prejudice) Act 2009, this is directly related to Transgender people, their identity and the constitution of a crime.

Within the Hate Crime specific lesson of the diversity training, participants are educated to understand the definition of a hate crime, offences based upon disability, sexual orientation and transgender identities. Participants are further educated in Section 2 of the Offences (Aggravation by Prejudice) (Scotland) Act 2009 and what constitutes the associated crimes.

The learning during this training takes place using theoretical and practical applications.

Please can you tell me what publicity is planned to inform the general public about hate crimes perpetrated on the basis of transgender identity, for instance how the public can identify a 'non-binary person' or 'a person who cross-dresses'.

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In terms of Section 17 of the Act, I can confirm that the information you seek is not held by Police Scotland.

By way of explanation, Police Scotland do not issue messaging to tell the public how they can identify a protected characteristic, including how to identify a transgender person, a person who chooses to cross-dress or a non-binary person.

However Police Scotland do advise that if you are targeted because of your transgender, cross-dressing or non-binary identity then it is a crime this should be reported to the Police.

Police Scotland will be issuing communication for hate crime awareness week in October via our various social media channels.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.