

# CROWN OFFICE AND PROCURATOR FISCAL SERVICE

## DISABILITY EQUALITY ACTION PLAN – FIRST ANNUAL REPORT 2007

### Introduction

1. COPFS has completed its first annual report on the progress we have made towards delivering disability equality as an employer and service provider. The report consists of:
  - a narrative section highlighting the main areas of progress
  - a breakdown of our arrangements for delivering the individual parts of the equality duty - again with progress noted in the last column
  - the COPFS [Disability Equality Action Plan](#) with progress noted in the last column
2. As part of this annual reporting process, we have also updated the Disability Equality Action Plan (DEAP) to reflect our progress and set out what else we all want to achieve in 2008/09.
3. The report and revisions were informed by all Procurator Fiscal Areas and Corporate Divisions and with the involvement of disabled people through our Staff Disability Advisory Group and external Equality Advisory Group.
4. This annual report will also be published on the [Scottish Government's website](#) as part of their overall Disability Equality Scheme

### Core Functions of Department

5. COPFS is Scotland's sole national prosecution service. We also investigate sudden and suspicious deaths, carry out independent inquiries into complaints of criminal conduct by police officers and administer property falling to the Crown. Our core functions include:
  - the prosecution of crime;
  - the investigation of sudden deaths and, when appropriate, the conduct of public inquiries;
  - identifying and meeting the information needs of victims, witnesses and bereaved relatives;
  - provision of accessible information to all service users: interpreting, translation and transcription;
  - employment and estates

### Departmental Priorities in 2006 – 2009

6. COPFS' departmental priorities support the Scottish Government's strategic objective for safer and stronger communities.

#### Strategic Aim:

- Serving the public interest, prosecuting cases independently, fairly and effectively.

#### Key Objectives:

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- To secure the confidence of our diverse communities by improving the delivery of justice through the timely, efficient and effective prosecution of crime.
- Give priority to prosecution of serious crime, including drugs trafficking and persistent offenders.
- To provide services that meet the information needs of victims, witnesses and nearest bereaved relatives, in co-operation with other agencies.
- To ensure that all deaths reported to the procurator fiscal are investigated appropriately and speedily.

### **Departmental Statement of Objectives/Aims to Advance Disability Equality**

7. COPFS is committed to tackling the sources of inequality faced by disabled people so as to ensure that the delivery of our services is fair, inclusive and accessible. We aim to actively involve disabled people in making equal opportunities central to our service delivery, employment of staff and development of policies and practice and to take action to eliminate unlawful discrimination and prevent harassment.
8. The development of our Disability Equality Action Plan helped us to recognise the duties placed upon us by the Disability Discrimination Act. It focused our thinking on disability equality by helping us recognise what we had already achieved while helping us to identify the areas that still need work and to set goals for the future. The priorities and goals set out in our Action Plan have been incorporated by our Area Procurator Fiscals and Business Managers into Area and local business plans and are reflected in the performance objectives of our most senior managers.
9. COPFS is fully committed to each of the principals contained within the Disability Equality Duty:
  - eliminate unlawful discrimination
  - eliminate harassment of disabled people related to their disability
  - promote positive attitudes towards disabled people;
  - encourage participation by disabled people in public life; and
  - take account of disabled people's disabilities, even where this involves more favourably treatment
  - involve disabled people in the development of our department's policies and activities?
10. A statement of how we are meeting each of these is attached in the table below:  
*'Arrangements for delivering the general duty to promote disability equality'*
11. Much of our work over the past year has been focused around four key areas:
  - Involvement of disabled people and partnership working
  - Promotion of the equality duty
  - Promotion of positive attitudes
  - Impact assessment process

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12. These four areas were seen as critical in ensuring understanding of the requirement of the duty, in gaining commitment from staff at all levels to accept and action their responsibilities and in assessing how our policies and practices affect disabled people both in the delivery of our services and in the employment of our staff. A summary of our main achievements in these four areas is set out below.

### **Involvement of Disabled People and Partnership Working**

13. COPFS understands the need to actively involve disabled people in decisions about what improvements are needed to the way we run our services, so that what we do is fairer, more inclusive and more accessible. We cannot identify and prioritise our equality initiatives effectively without the expertise and insight of people with real experience of the impact of disabilities. The active involvement of disabled people will help us assess how well we are providing a fair service to the public and to staff. It will also help us plan how to improve our performance and make a real difference to the way disabled people are treated within our organisation.

14. Community consultation is already at the heart of our Area Diversity Team activities and this provides us with an existing mechanism for securing the involvement of community disability organisations. Each of the Procurator Fiscal Area Diversity Teams is developing local plans for involving disabled staff and service users within their communities.

15. Disabled people participate in our equality advisory and impact assessment processes. In 2007, we established an in-house Staff Disability Advisory Group comprising individual staff with disabilities and other interested members. A disability equality trainer is a full time member and facilitator. Our external Equality Advisory Group membership was extended to ensure increased representation of mental health equality issues.

16. Our diversity and involvement strategies ensure that we continue to recruit disability equality trainers to help deliver our diversity awareness programme. Procurator Fiscal Areas have plans in place to use local disability organisations contribute to Area training events.

17. Our revised Action Plan also includes our target for taking forward a collaborative approach to disabled stakeholder involvement through an inter-agency strategy for the on-going involvement of disabled people that will properly inform policy priorities and activities across the whole criminal justice system. This proposed approach is expected to provide a coordinated, effective and efficient route to involvement and a consistent response to disability equality across criminal justice system. Proposal informed by disability organisations and networks and drafted for inter-agency consideration and we aim to establish a joint strategy group by January 2008.

18. COPFS also places great emphasis on working in partnership with stakeholder organisations in the public, private and voluntary sectors to deliver an effective prosecution service and to meet the needs of victims, witnesses and nearest

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bereaved relatives. We are committed to ensuring that our duty to promote disability equality is given due attention in partnership working and, where appropriate, that we take the lead in promoting that duty.

19. Our revised Action Plan highlights our work with voluntary agencies such as Victim Support Scotland, RNID and ENABLE, to promote targeted and accessible services for people with disabilities. In addition, we work in partnership with Scottish Court Service, Law Society of Scotland, Scottish Legal Aid Board and the Association of Chief Police Officers in Scotland, as well as the Scottish Association of Sign Language Interpreters and private British Sign Language interpreting agencies, to promote disability equality in the provision of interpreting services to witnesses.
20. We are continuing to develop our involvement strategy to help provide us with the broadest range of perspectives from people with different disabilities and needs.

### **Promotion of the equality duty**

21. COPFS is perceived as adopting a positive attitude towards disability equality, reflected in the diversity awareness programme and Area Diversity Teams 6 monthly reports published on our website. The mandatory Diversity Awareness Programme has been revised and incorporated into the induction programme for all new staff, with input from external disability trainers.
22. Our Disability Equality Action Plan is published on our staff intranet and the Disability Equality Duty has been promoted throughout the year to all staff through a series of briefings, articles in staff bulletins, Area newsletters, and staff training days.
23. All Procurator Fiscal Areas have identified a member of staff with lead responsibility for disability equality in their Area and liaison with local disabled people and disability organisations. The Action Plan has informed Area and Divisional Business Plans and some Areas have formed local staff disability focus groups to help promote the duty.
24. Many Areas have also established new Area Diversity intranet pages to highlight the equality duties and to promote new/updated diversity material. Areas report local staff training on Deaf awareness, (working with BSL interpreters, lip speakers and RNID Typetalk), Autistic Spectrum Disorders, mental health awareness, learning disabilities, sensory impairments, and standards for accessible formats for documents.
25. Procurator Fiscal Areas have also been enthusiastic about engaging with the COPFS Equality Advisory Group. The Group met in Grampian Area in May 2007 and will meet in Lanarkshire Area in November 2007 and Central Area in May 2008

### **Promotion of positive attitudes and reasonable adjustments**

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26. The COPFS Staff Disability Advisory Group has given priority to promoting positive attitudes to disability in the workplace. This group has worked with Human Resources to address the fear of stigma and negative attitudes and to increase staff confidence in declaring a disability. Significant progress has been made in two areas.
27. In April 2007, COPFS published an 'Access to Work' policy and guidance to ensure existing and new staff has access to equal opportunities for reasonable adjustments and flexible working as part of their workplace culture.
28. In October 2007, COPFS launched a 'Being Positive about Disability' staff leaflet with a self-declaring policy and monitoring form. Many Procurator Fiscal Areas have plans to develop specific local guidance to further support this initiative.

### Impact assessment process

29. As part of the Disability Equality Duty we are required to assess the different impact of policies and practices on disability equality and to use this information to inform our work. COPFS recognises that impact assessment is the cornerstone of all the statutory equality duties and is a basic part of any good policy or practice development – to identify in advance problems and areas of concern, and address them before plans are put into operation.
30. Diversity Proofing is the COPFS 'Impact Assessment' process for finding out whether and how a policy, practice or other activity will affect different people and community groups – staff and the public - once it is in operation. COPFS is experienced in impact assessment and places significant importance on its use in the development of new policies and practices.
31. In 2007, our [Diversity Proofing Tool](#) (DPT) was extensively revised to take account of the Disability Equality Duty and to provide more accessible examples as a way of providing guidance to all staff on how to use the tool. The examples on disability equality were contributed to by disabled people. The review included extensive contributions from our Staff Disability Advisory Group and external Equality Advisory Group and also drew on the Scottish Government's Equality Impact Assessment (EQIA) toolkit.
32. The revised DPT was re-launched with the support of the Crown Agent as an on-line resource to guide staff through the impact assessment process with a maximum of 6 easy steps and includes comprehensive guidance for all of our staff. Our Procurator Fiscal Area Diversity Teams contributed to the promotion of the DPT, cascading briefing material to local managers and staff.
33. During this first year we have continued to assess new and reviewed policies and practice. During the next two years we will prioritise our existing policies and practices and establish a timetable for impact assessments. To inform this process we will refer to our two advisory groups and involve disabled people and disability organisations with an interest in our functions.

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34. We will examine evidence gathered internally and by our Scottish Government colleagues to support our impact assessment priorities. We are committed through our Action Plan to examining evidence about current performance and measuring our progress towards disability equality in relation to the full range of our services and functions. Our current systems for gathering information include: Human Resources Division data on staff declared disabilities; recruitment and development data; staff satisfaction surveys; customer feedback and satisfaction surveys; and targeted short-term case sampling.
35. Our revised [Diversity Proofing Progress Chart](#) (DPCC) provides a record of our impact assessments and monitoring and is published on the COPFS website.
36. Responsibility for our Action Plan, prioritisation, and ensuring that impact assessment is undertaken rests at senior management level.

COPFS  
November 2007

<b>Arrangements for delivering the general duty to promote disability equality</b>					
	<b>Action</b>	<b>By whom</b>	<b>By when</b>	<b>Expected Outcome</b>	<b>Progress and measure</b>
1. What arrangements will you put in place to ensure that the policies you develop and/or the services you provide pay due regard to the need to eliminate any unlawful discrimination against disabled people?	<p>In 2002, we developed an internal <a href="#">Diversity Proofing Process</a> to assess the impact of our policies and practice across the 6 equality strands. This tool must be used to assess and monitor the impact of our policies and practices in relation to disability equality and other diversity strands.</p> <p>We will promote the Diversity Proofing Tool to all staff and embed the impact assessment process in all policy development and practice.</p> <p>We will prioritise our existing policies for future impact assessment and will be informed in this by disabled people through our involvement strategy and networks of disabled organisations.</p>	<p>Lead by Victim and Diversity Policy Development Division (VDPDD) with corporate responsibility lying with all COPFS staff, Area Teams and Divisions.</p>	<p>COPFS staff will be aware of the relevant equality legislation and impact assessment process.</p> <p>The revised Diversity Proofing Tool was launched by the Crown Agent August 2007</p> <p>The Diversity Proofing Progress Chart is updated and published 6-monthly.</p>	<p>Our revised <a href="#">Diversity Proofing Progress Chart</a> (DPCC) provides a record of our impact assessments and monitoring and is published on the COPFS website.</p> <p>As part of the Diversity Proofing Process, our Staff Disability Advisory Group (SDAG) and external <a href="#">Equality Advisory Group</a> (EAG) provide informed advice in relation to the impact or likely impact of existing and future policies affecting disabled people and the promotion of equality and fairness in service delivery and employment.</p>	<p>In 2007, this impact assessment process was reviewed to take full account of the principles of the Disability Equality Duty. The review included extensive contributions from our Staff Disability Advisory Group and external Equality Advisory Group and also drew on the Scottish Government's Equality Impact Assessment (EQIA) toolkit.</p> <p>The examples on disability equality were contributed to by disabled people.</p> <p>The revised Diversity Proofing Tool was re-launched in August 2007 with the support of the Crown Agent and published on the COPFS Website.</p>
	<p>We will collect data in relation to policies affecting the prosecution of crime and casework to identify trends in relation to disability.</p>	<p>Lead by VDPDD and Area Teams</p>	<p>Preliminary data collection system developed by April 2008</p>	<p>Data gathered will inform our policies and practise aimed at eliminating any unlawful discrimination in relation to the prosecution of crime and services to victims and witnesses.</p>	<p>Not yet in place</p>

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2. What arrangements will you put in place to ensure that the policies you develop and/or the services you provide are able to pay due regard to the need to promote equality of opportunity between disabled and non-disabled persons?	We will collect data on our staff profile to identify trends in relation to disability.	Lead by HR	Equality data on staff profile published every 6 months.	Data gathered will inform policies and practise aimed at eliminating any unlawful discrimination in relation to our duty as an employer, and provide evidence of progress.	New 'Being Positive about Disability' self-declaration leaflet and monitoring system in place from October 2007.
	We will operate a guaranteed interview policy of disabled applicants who meet the minimum criteria for the job	Lead by HR	In place	Disabled people will have equal access to employment and development opportunities.	Application for 'Positive About Disability Award' underway.
	Our accessible information policy will promote equal opportunity in relation to our services and publications.	Lead by VDPDD	Corporate policy statement agreed by March 2008	Disabled people will be confident in accessing our services and publications.	Development of Accessible Information policy and strategy is underway
3. What arrangements will you put in place to ensure that the policies you develop and/or the services you provide are able to pay due regard to the need to eliminate any harassment of disabled people, related to their disability?	We will publish a revised Fair Treatment Policy and put in place a structure to support its implementation.	Lead by Human Resources	Revised policy to be published early 2008	Robust structures in place to ensure staff and public are treated fairly and to assist any staff experiencing intimidation or harassment at work.	The review of our Fair Treatment Policy is underway.
	We will ensure that all staff and public can access our grievance and complaints procedures			A revised Fair Treatment Policy will be launched and training of all Fair Treatment contact officers and Investigation Officers will be completed by December 2007.	The department's 'Our People Strategy' has taken account of disability equality as well as other diversity issues.  We are developing a new 'Mental Well-Being' policy for publication.
4. What arrangements will you put in place to promote positive attitudes towards	Our Disability Equality Action Plan is promoted to all staff and informs Area and Divisional business plans.	VDPDD, Human Resources and Area	In place	The Department is perceived as adopting a positive attitude towards disability equality, reflected	The COPFS Disability Equality Action Plan is published in the intranet and our website.

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disabled people?	Our diversity structure will secure the involvement of staff at all levels in the Department in the process of promoting diversity and progressing and monitoring our equality action plans.	Diversity Teams		in the diversity awareness programme and Area Diversity Teams 6 monthly reports published on our website.	Staff briefings on the new duties were made available to Procurator Fiscal Areas in January 2007 to cascade to all staff.
	All staff attend our 2-day Diversity Awareness Programme with input from external disability trainers.	Lead by HR Training Division	In place	All staff will have an increased awareness of disability equality and their responsibilities under the disability equality duty.	The Diversity Awareness Programme has been revised and incorporated into the induction programme for all new staff.
	Through collaboration with disabled persons and disability organisations centrally and at Area Diversity Team level, we will develop a range of guidance for staff on disability equality.	Lead by VDPDD	Continuous	Guidance will be available to staff on intranet and Area training events.	Guidance developed and available on a range of disability issues relating to our functions, including material on mental health issues, learning disabilities, sensory impairments, accessible formats for documents.  Area Teams working with community disability organisations to present positive training material to staff.
5. What action will you take to encourage the participation of disabled people in public life?	Our diversity strategy ensures that we continue to recruit disability equality trainers to help deliver our diversity awareness programme.	VDPDD and HR Training Division	In place	Disabled people participating in the delivery of training programmes.	In place
	Our diversity strategy ensures the participation of disabled people as members of our equality advisory group	VDPDD	In place	Disabled people participating in our equality advisory and impact assessment processes.	Membership extended to a second member to represent mental health equality issues.
	Our diversity strategy ensures the participation of disabled people as members of Staff Disability Equality	VDPDD	In place	Disabled people participating in our equality advisory and impact	In place

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	Advisory Group. Each of the 11 Area Diversity Teams will engage with local disability organisations to deliver training to staff.	Area Diversity Teams,	Initial engagement underway by April 2008	assessment processes. Area Business Plans will reflect their commitment to engaging with disability organisations locally. Disabled people will be involved in delivering training to COPFS staff.	All Procurator Fiscal Areas have identified a member of staff with lead responsibility for disability equality in their Area and liaison with local disabled people and disability organisations.
6. What action will you take to meet disabled people's needs, even if this requires more favourable treatment?	We have developed and implemented the COPFS 'Access to Work' scheme to provide specialised equipment, travel and support to disabled staff as assessed.	Lead by Human Resources with Staff Disability Advisory Group	New Access to Work provisions in place	All disabled staff have access to alternative working patterns and reasonable adjustments as required.  Staff and managers fully aware of the policy and guidance on the COPFS 'Access To Work' scheme	Access to Work policy in place.
	We aim to meet the standards to achieve successful attainment of the 'Positive about Disability Award'	Lead by Human Resources working with relevant disability organisations.	Positive About Disability Award achieved by April 2008	An increase in the number of disabled staff applying and being employed by COPFS.	We already operate a guaranteed interview policy of disabled applicants who meet the minimum criteria for the job and meet many of the other standards of the Jobcentre plus 'two ticks' award. We are progressing our application.
	Extending the disability membership of our Equality Advisory Group to take greater account of the wide range of disabilities and expertise required.	Lead by VDPDD	One new member in place  Further extension under consideration.	Increased expertise on disability equality advisory and impact assessment processes.	Membership has been extended to a second member to represent mental health issues.
	Extending the disability categories in the new Standard Police Report to identify wider disability issues in relation to crime.	Lead by Steering Group	New Standard Police Reporting system expected in 2008	Increased ability to gather information on numbers of disabled victims and witnesses in future crime reports.	Changes agreed.

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<p>7. How will you ensure that disabled people are involved in the development of your department's policies and activities?</p>	<p>Our Diversity Strategy ensures the involvement of disabled people as members of our Staff Disability Advisory Group and our independent Equality Advisory Group, both of which inform our policies and practice and ensure equality impact assessment.</p>	<p>VDPDD and Area Diversity Teams</p>	<p>In place</p>	<p>Involvement of disabled people embedded in our Departmental Diversity Strategy.</p>	<p>The involvement of disabled staff, service users and members of the public, will be evidenced in our Disability Equality Action Plan (DEAP) report, equality advisory group minutes and updated DPPC, all of which are published.</p>
	<p>Our independent disability equality trainers will continue to provide input into our Diversity Awareness Programme.</p>	<p>Lead by VDPDD and HR Training Division</p>	<p>In place</p>	<p>Disabled people involved in departmental training programme.</p>	<p>In place</p>
	<p>Our 'user involvement' questionnaire targets disabled service users. Our generic 'Have Your Say' customer feedback system will be revised to ensure it is fully accessible to all our service users and staff.</p>	<p>Lead by VDPDD with colleagues in Business Policy Development Division</p>	<p>Target date of August 2008</p>	<p>More disabled service users able to access customer feedback systems.</p>	<p>'User involvement' questionnaire for disabled service users in place from 2006. Review of 'Have your say' system not yet started.</p>
	<p>We are working with criminal justice partners towards an inter-agency strategy for the on-going involvement of disabled people that will inform policy priorities and activities across the whole criminal justice system</p>	<p>Lead by Victims and Diversity Policy and Development Division with partner organisations</p>	<p>Joint strategy group underway by December 2007</p>	<p>This proposed approach is expected to provide a coordinated, effective and efficient system and will avoid overloading disability organisations and duplication of effort.</p>	<p>Proposal informed by disability organisations and networks and drafted for inter-agency consideration</p>
<p>8. What arrangements will you put in place to ensure that we are able to report on progress on an annual basis?</p>	<p>The detailed <a href="#">COPFS Disability Equality Action Plan</a> identifies priority areas of policy and practice across all of our functions. The plan determines what we will do, by when and who has lead responsibility. Area and Divisional business plans will reflect the priorities set in the Action Plan.</p>	<p>VDPDD and all Procurator Fiscal Areas and Corporate Services Divisions.</p>	<p>The Action Plan is a living document and can be updated regularly.  Formally revised annually.</p>	<p>Annual report submitted to Scottish Government to deadlines.  Comprehensive annual report published on COPFS website.  The Diversity Strategy</p>	<p>DEAP produced, implemented and published on the COPFS website in December 2006.  First annual report completed and published with relevant input from Procurator Fiscal Areas, Corporate Services Divisions, Disability and Equality Advisory</p>

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	Responsibility for implementing the plan is shared amongst all COPFS staff with leadership and direction from senior management, through the Diversity Strategy Group, chaired by the Solicitor General.			Group drives the Disability Equality Action Plan.	Groups.
	A monitoring and recording process is in place to track progress and ensure quarterly reports are submitted from Procurator Fiscal Areas and presented to senior management	VDPDD and all Areas	Quarterly reports	Regular progress reports from Areas and VDPDD to inform the revision of the Action Plan.	In place
	Information will be gathered through policy and practice impact assessments, staff and customer surveys and local casework audits.	VDPDD, HR, Area Teams	Target dates set within Action Plan	Proportionate and relevant decisions taken as a result of information gathered	Diversity Proofing Progress Chart is published and updated 6-monthly.  Some HR data collection is already in place. Other systems are being developed.