

## **EQUALITY ADVISORY GROUP – COMMUNITY ENGAGEMENT EVENT**

**Meeting on 27<sup>th</sup> February 2014**

Deaf Hub, The Old Mill, 23 Brown Street, Dundee.

### **Present**

#### **Attending: Guests**

Alana Trusty,  
Jennifer Chung,  
Lyndsey Thomson,  
Katie Bletcher,  
Grant Eals,  
Fiona Finlayson,  
Wendy Strathern,  
Mark Duncan,  
Mohammed Afzal,  
Omar Fummey,  
Jay Yacamini,  
Stephen Borland,  
Pamela Ferguson,  
Kimberley Davidson,  
Alex Thorburn,  
Katherine Burrows,  
Edward Lou,

#### **Organisation**

Deaf Links  
Dundee Chinese Association  
SMHFA  
The Courier  
Dundee Citizens Advice Bureau  
Dundee Blind & Partially Sighted Society  
Victim Support Scotland  
Police Scotland  
PKAVS Perth  
Police Scotland  
Deaflinks/Student  
Police Scotland  
Law School Dundee University  
Amina MWRC,  
Leonard Cheshire Disability  
Transgender Scotland  
Dundee Chinese Association

#### **Delegates**

Bill Gray, EAG  
John Evans, EAG  
Marsha Scott, EAG Chair  
Michelle Macleod, EAG  
Monica Lee-MacPherson, EAG  
Nico Juetten, EAG  
Sue Anderson, EAG  
Alexandria Piper, COPFS  
Andrew McIntyre, COPFS  
Craig Harris, COPFS  
David Bernard, COPFS  
Ian Palmer, COPFS  
John Kyle, COPFS  
Karen Kennedy, COPFS  
Rosemary Fallon, COPFS  
Ruth McQuaid, COPFS

#### **Apologies:**

Bushra Iqbal, EAG  
Heather McVey, EAG  
Liz O'Neill, EAG  
Nathan Gale, EAG  
Nicola Dean, EAG  
Catherine Dyer, COPFS  
Chris MacIntosh, COPFS  
Sandy Mackie, COPFS

### **1. Welcome and Introductions – 1.30pm**

- 1.1 Marsha Scott, Chair of the Equality Advisory Group, welcomed everyone to the meeting and advised that the purpose of the meeting was to bring a voice to people with protected characteristics living in local communities and to hear about their experiences of Scotland's prosecution service.
- 1.2 MS delivered a reminder to protect certain data when relating stories or experiences, and also reminder to the press about confidentiality obligations. The meeting was then thrown open for comments from the community attendees.

- 1.3 Steven Borland – Police Scotland have challenges in relation to reporting hate crime, encouraging victims coming forward and confidence that we will do something about it. Communication barriers are a problem. Big step to reporting to police and the next step is court which is daunting. Police Scotland are trying to encourage third party reporting. There is a problem solving court for domestic abuse. What about a problem solving court for hate crime, or a closed court?
- 1.4 Kimberly Davidson - we ran a focus group. Barrier to reporting seems to be the length of process of reporting and going to court - dragged out pain and suffering. People weren't aware of options to call 101. (e.g. verbal abuse so don't have to call 999). Online reporting is also not known about. Victims are weary of having to repeat their story to all the different agencies involved. Greater awareness of court process might help to remove fear and mystery. There is concern over low conviction rates so some feel there is 'no point' in reporting.
- 1.5 Andrew McIntyre - as prosecutors we don't have sole control. We are working with the Scottish Court Service to ensure cases come to court expeditiously. We try to ensure through VIA (Victim Information and Advice) that people know what is happening with their case. We are also able to conceal the identity of the victim and apply for anonymity orders from the Court but they are at the Court's discretion.
- 1.6 Alana Trusty – a lot of offensive behaviour is about people using outdated language e.g. "deaf and dumb." Raising awareness with the public will help combat this. Getting folk to know the criminal procedure is important. Getting information in an accessible fashion, e.g. in their own language or making the info accessible. Could information be made available in DVD format or on your web site?
- 1.7 Ruth McQuaid advised that she is currently chairing a group looking at accessibility issues. Also, it is useful for victims to know that there are alternatives to prosecution for example COPFS can issue a warning letter or fiscal fines, compensation orders etc.
- 1.8 Katherine Burrows - In relation to anonymity orders, why can you only get them sometimes? The process of coming out is something that is often kept secret, especially during the process of transition. The transgender individual might be under their previous gender. They are prone to hiding anyway and it is not reassuring to be told 'maybe' can be anonymous.
- 1.9 Andrew McIntyre - with anonymity orders, a range of factors are taken into account. It is ultimately decided by the Court. We need to think if we can prove case without the victim being there at all. We would only consider it, but along side a range of alternatives. An anonymity order needs to be sought prior to proceedings starting.
- 1.10 Chair – I think people aren't looking for guarantees, but perhaps looking for guidelines.
- 1.11 Craig Harris - it is difficult to create guidelines when the decision is at the discretion of the Sheriff. There was a case in Tayside where the victim was transgender but only prosecutor knew. No one else, not even the Court knew by the end of the trial.

- 1.12 Katherine Burrows - How many people know that anonymity is even a possibility? Need to make it known more widely that it is not guaranteed, but an application can be made if it is done early on.
- 1.13 Grant Eals - is there a way to know how many people have been put off reporting? As in someone who has gone part way through the process then backed out. Any idea?
- 1.14 Andrew McIntyre – there is no way to measure such a figure.
- 1.15 Stephen Borland - PS and COPFS should work together on third party reporting so people have a variety of options.
- 1.16 Mohammed Afzal – I work with migrant communities. In terms of reporting where English isn't the first language and individuals don't know the system, they perhaps have low self esteem. In terms of the figure of unreported, we dealt with 5,500 cases over the last year, large amount of which were unreported. I was subject to a hate crime assault myself but I didn't report it. I had a civil case where the client couldn't speak English but she was refused an interpreter.
- 1.17 Grant Eals – we advise individuals to report but they often don't and we don't find out the end result. We don't know why people choose not to report.
- 1.18 Wendy Strathern – a single point of contact who could provide information and support through the process would be beneficial. E.g. having to go over the situation again and again and speak to many different people is upsetting and off-putting.
- 1.19 Andrew McIntyre - there is a dedicated VIA service in place already. They work closely with Victim Support Scotland. But perhaps service users do not know about these sources of support.
- 1.20 Chair - will VIA discuss the case?
- 1.21 Andrew McIntyre - VIA won't discuss the evidence in the case but will make appointments and keep victim advised as to what's happening with their case.
- 1.22 Wendy Strathern - it can be a long time from when you first report to police until it reaches the end of the case. Even if things aren't happening, victims think there are things going on because a long time has passed, so they start going around the houses. So its about managing expectations that there will be gaps when nothing is happening in their case.
- 1.23 Andrew McIntyre - VIA is exactly that. You get one point of contact and get their number. Unfortunately VIA only cover the court process and not the whole journey through the justice system.
- 1.24 Alex Thorburn – what is needed is education for victims to know that it is not the status quo to accept abuse and offensive behaviour.
- 1.25 Jay Yacamini - in relation to a point of contact, could a pack be delivered to service providers so they can be a point of contact with the service user. E.g. a pack to the deaf hub on how the process of a complaint goes and the roles of the different justice partners. The service could then help to explain the process to the service user. At the moment service providers can be just as confused by it all as the service user.

- 1.26 Mohammed Afzal - agreed with Jay. A stronger link with the voluntary sector can address the issue. The voluntary sector has the trust and the relationship with their service users.
- 1.27 Omar Fummey – also agreed with Jay. It would be good to use voluntary sector as point of contact. Also noted that even as a Police officer he has been victim of hate crime too, but not when wearing his uniform.
- 1.28 Chair – it is not our job to solve under reporting. We need to ensure COPFS has done all they can do to be sensitive and supportive needs. How do you feel about engagement with fiscal service? How can it be improved?
- 1.29 John Evans (Victim Support Scotland) – described the role of VSS and also the Witness Service, which is located in every Sheriff court. Post-trial support is important as well. Knowledge of the services available is important. Look at website and type in post code to see what services are available near you. Good news story as there are services out there. The challenge is making people aware of them.
- 1.30 Grant Eals (Citizens Advice Bureau) - CAB could deliver training to volunteers about what services are available to victims and witnesses from the different justice organisations and support services.
- 1.31 Alana Trusty - fear is what stops people from reporting. Prosecutors need to be coming from an informed position. The services (e.g. the Hub) often help the victims and witnesses through the process e.g. reading letters or making calls, but when the letters come through they are complicated; can there not be plain English letters? The success of reporting in the future will hinge on the experience the first time. It will go around the community if there is a bad experience and put people off.
- 1.32 Ruth McQuaid - there are Easy Read champions, and a start has been made on making information booklets available in Easy Read format. Also, COPFS has moved away from using legal speak in letters to the public and staff are expected to use plain English when communicating with victims and witnesses.
- 1.33 Chair - we have victim support, CAB, generic support organizations and we need to think about where their needs intersect with other organisations.
- 1.34 Alana Trusty - if we could have a liaison person at the Fiscal's it would makes things easier. We want to help justice partners to raise awareness of the needs of the deaf community.
- 1.35 Sue Anderson - why does the training need to be given to the user services? E.g. the training can go both ways. Onus should also be on the organisations to ensure they are aware of these things and they tailor their services to this. Regarding mental health, there should also be an awareness that conditions may deteriorate over time so long process delays have a huge impact on these victims.
- 1.36 Andrew McIntyre - we need to be told about certain things at an early stage e.g. learning difficulties, mental health conditions. Time is of the essence so we need the support of the community and the police to tell us these things.

- 1.37 Wendy Strathern - victim support can help in such cases. E.g. the time they give a statement might not be the time to discuss their mental health. Victim support can then get in touch with VIA and make them aware.
- 1.38 Mohammed Afzal – in the Muslim community where there is a sudden death, there is a need to bury the body asap. There is a need for a better flexibility from COPFS especially around Saturdays and Sundays. There are issues around the rigidity of certain religious requirements.
- 1.39 Ruth McQuaid - there is a booklet available surrounding this which explains why we can't release a body as quickly as we would like in some instances.
- 1.40 Andrew McIntyre – we do understand the sensitivities around Muslim deaths but we must ensure that our processes are working effectively, especially at weekends. What we need to do is find out if there are particular cases where it wasn't dealt with as swiftly as it could have been and learn lessons.
- 1.41 Mohammed Afzal - more partnership working between medical practitioners, police and COPFS would be beneficial.
- 1.42 Chair - we had areas of interest to be discussed. Most have now been touched on. Some others are: physical barriers to access. Thoughts?
- 1.43 Alana Trusty - example of deaf person who was observing in court. Couldn't hear. Loop system – no one knows how to work it. Solicitors mumble. Can we switch on microphones?
- 1.44 Wendy Strathern - medical conditions are not always considered e.g. incontinence – does a witness have to remain in court all day, could they be on call? Are there facilities to change clothes? Also, there is no wheelchair access to Perth court.
- 1.45 Karen Kennedy - some buildings are priority, Perth is one. Currently a review being done of all access issues. Check the Scottish Court Service website as information is regularly updated.
- 1.46 Chair – access to VIA services, are there any issues?
- 1.47 Sue Anderson - there are problems with access to Cupar. The Court was closed so now have to go to Dundee. This in itself is an accessibility issue.
- 1.48 John Kyle – For example, there may be options to go visit someone in their home.
- 1.49 Monica Lee-MacPherson - Might be good for service providers to contact COPFS and engage by offering to go to equality training to deliver talk to raise awareness and education. Currently happening in the highlands and very useful. The Chinese community don't report crime because they are frightened of repercussions. Also concerned about their businesses as it is a small community and they are worried they will lose business.
- 1.50 Chair - what are the ways that the COPFS invites feedback from people about the quality of their service and the info they give or about difficulties or delays about their service? What are your experiences? Have you been invited to provide feedback? Are there things working well? What can we do better?
- 1.51 Craig Harris - on our website there is a 'contact us' section which has a dedicated Response and Information Unit which deals with complaints and will answer within 20 working days. Same as for a FOI request. It is an independent set of eyes that

looks at a complaint. However sometimes responses at a local level are much quicker than the formal process.

- 1.52 Katherine Burrows - today is more informal and feels easier than the last meeting. A few people might know about looking at the website, but not enough people do. Good thing for people to be able to engage with COPFS. Making people aware that COPFS are a service that work closely with the police and that they do care about the protected characteristics.
- 1.53 Andrew McIntyre - there is a presumption in favour of prosecuting hate crime. If there is sufficient evidence, we will prosecute hate crime where possible.
- 1.54 Omar Fummey – it is worth saying that if any hate crime comments are made the police will investigate vigorously. There is a perception that the police don't take hate crime seriously but we do.
- 1.55 Chair – bringing the discussion back to feedback, how would you like to be asked for feedback?
- 1.56 Mohammed Afzal - I'm here thanks to Chris Mackintosh. This is a good news story for me. I wasn't previously aware of all services and the want to engage from COPFS but now I am I will feed back to my service users and community.
- 1.57 Alana Trusty - need to break down barriers of perception. Individuals tend to think you are an ivory tower.
- 1.58 Ruth McQuaid - there is now a process where we are able to change decisions. A 30 minute film will shortly be available via the website to explain the process and how we deal with equality.
- 1.59 Chair - did we not communicate the format and intention of the meeting? There was some mention of confusion earlier. Some people thought the invitation letter was unclear but others thought it was fine.
- 1.60 Grant Eals – it is worth noting that the 'new' COPFS website has some outdated references.
- 1.61 Karen Kennedy – this is being looked at will be rectified – there is still some weeding out of old material to be done.
- 1.62 Chair - should we send a follow up letter to invite individuals to engage with their local offices? We will invite our colleagues to think about who wasn't there any why.
- 1.63 Mohammed Afzal - can the next meeting be in the afternoon so prayers aren't missed.
- 1.64 Chair thanked everyone for coming and for their engagement and advised that minutes would be sent to participants by email. She also thanked the Deaf Hub for hosting the event.

Meeting closed – 3pm.