

EQUALITY ADVISORY GROUP

Meeting on 2nd September 2015

Conference Room , level 5, Scottish Courts and Tribunal Service, 29 Chambers Street, Edinburgh.

Present

Karen Kennedy (Facilitator)
Nathan Gale, Crown Office Trainee (Minutes)

Members

Diego Quiroz
Maureen Sier
Sue Anderson
Monica Lee-MacPherson (by VC)

Delegates

Karen Kennedy
Sandy Mackie
Dawn Lewington

Apologies:

Bill Gray
Heather McVey
Michele Burman
Michelle Macleod, HM Inspectorate

Attending:

1. Welcome and Introductions

- 1.1 KK welcomed everyone to the meeting explained that the main purpose of the meeting was to discuss the most effective way forward for the EAG and decide what format it should take. She stressed that the Crown Agent was very much in favour of the EAG continuing in some form and that it would be very detrimental to COPFS for it not to.

KK explained that she had drafted an options paper simply to facilitate discussion. It set out possible configurations which the EAG may want to consider, they were not proscriptive and it was very much for the EAG to decide the best forward.

Lastly KK said that whatever shape the EAG took there would be a need to recruit new members as only 6 people remained in the group.

- 1.2 There were 4 apologies for today's meeting (see above).

2. Minutes of Previous meeting

- 2.1 The minutes of the meeting held on 26th February 2015 in Crown Office, Edinburgh, were approved with no amendments.
- 2.2 AP 10 – DQ to discuss with RMcQ the incorporation of human rights into the equality impact assessment process. Both felt that more discussion is required.
- 2.3 AP 15 – Induction half day for new group members. Given that several new members are required, the organising of an induction will be postponed until after the recruitment exercise.

ACTION POINT 1 – RMcQ and DQ to continue their discussion about equality impact assessments and human rights.

NEW BUSINESS

3. Review of EAG Structure and format - KK

- 3.1 KK explained that if it was still the case that no group members wanted to chair then a COPFS staff member could take on the role of facilitating meetings for the time being. If at some point a potential chair was identified then an election could be held at that point.
- 3.2 KK explained how valuable the EAG has been as a critical friend and that as well as COPFS bringing matters to the group the EAG has been able to input into certain key policies and this had been invaluable and had ensured that issues which are of particular concern to group members have been looked at.
- 3.3 DQ said that whatever form the EAG takes it is important that it adds value to the organisation. MLM asked whether COPFS felt that the EAG added value. DL, KK and SM all explained that the EAG did add value and some specific examples were provided where views/feedback provided by members of the EAG had helped shape the formulation of COPFS policy/guidance.
- 3.4 DQ said that COPFS should seek to imbed equality and human rights throughout its policy and practice as well as equality considerations. DQ spoke to Ruth McQuaid about this, including raising her awareness of the SHRC's guidelines on ethical public sector procurement.
- 3.5 SM said that he felt the group had been essential for the advice they have provided on equality impact assessments. The input of people with expertise on a wide range of protected characteristics was extremely valuable.
- 3.6 DQ queried whether COPFS had considered incorporating human rights impact assessments within EQIAs. This would include, for example, looking at how policies would affect staff privacy rights or their rights to family life. An EQIA wouldn't show this and so to also do an HRIA as part of that process would provide a much more robust assessment.
- 3.7 SM said it is unlikely that this would become a requirement because COPFS is statutorily bound to undertake EQIAs and there is no such duty to look at the impact from a human rights point of you. DL stated that COPFS has found the insight into human rights issues from the EAG very useful when working on specific policies.
- 3.8 SA expressed the view that the majority of public sector organisations will have some human rights protections embedded within their work even although such concerns are not mentioned within their EQIAs. DQ said that one of the arguments for undertaking an HRIA is that because there is a duty to report on equality, staff are more alert to this but some organisations can forget about the rights conferred by human rights legislation.
- 3.9 DL provided a useful example of additional human rights issues being brought to the attention of COPFS when formulating the intimate image abuse draft

policy. COPFS had considered article 8 issues but feedback was given that article 3 rights would also be relevant. It was very important to have that feedback. KK said that it will be possible to look into whether EQIAs could be expanded to cover human rights as well.

- 3.10 SA felt the EAG could inherently add value because the members are coming from a different perspective to COPFS staff. She felt that the most important factor in the group's efficacy was how members are able to be involved in the work of COPFS. However she felt that the group had focussed on some areas for a very long time, during which they hadn't considered other things. Her experience was that it can be difficult for members who don't have expertise in that area to stay motivated.
- 3.11 DL suggested that a triage system might be useful whereby an initial assessment is made as to which members would have relevant expertise in a particular project before embarking on that work thus avoiding burdening everyone when everyone's time was limited by other pressures. KK said that the previous sub-group structure was supposed to fulfil this function but it hadn't worked that way in practice.
- 3.12 DL asked the group why it was felt that the sub-group structure had not been effective. MLM said she had found it difficult to be able to contribute to the group because there had not been much on racial matters lately although she said being part of the EAG was useful to her because she was able to take back a lot of information to people of ethnic minorities in the Highlands.
- 3.13 KK agreed that the group had focused less on race issues in recent years. Initially there had been a great deal of work to do on race. There continued to be a need for scrutiny from the group on race issues to make sure COPFS is dealing well with issues relating to the BME community. MLM thought that because there are so few people within COPFS from an ethnic minority she is unable to assist much in internal matters. DL commented that the fact there were so few BME staff could be seen as a problem in itself.
- 3.14 DQ said that members need to understand much better what COPFS is doing so they can align their priorities with COPFS. The EAG needs a better work methodology, established priorities and making better use of the members of the group. He also said that membership should be needs based so that if there is expertise lacking the group can bring someone on board.
- 3.15 DL suggested that it might be helpful if briefing papers were provided so that when the EAG were being asked for a contribution there would be some context to help members understand what COPFS is trying to achieve and what they can do to help with that. DQ said it would also be useful to receive feedback from COPFS after a piece of work was completed.
- 3.16 SA said that she felt the difficulty with the sub-group structure was trying to get to another 4 meetings a year. They also weren't big enough to be effective because only a few people could get there. The Victim and Witnesses sub group had worked better than the others because there was a very clear piece of work to be done, whereas the others were more abstract.
- 3.17 NG said they think the difficulty with the subgroup structure was that it was difficult to arrange meetings with COPFS staff without the secretariat

organising them, as is done with the main EAG. They also felt like it wasn't clear what the groups were supposed to be working on.

- 3.18 MS said that Interfaith Scotland was a discussion group and therefore if a particular policy was being looked at it would be sent out to its members who would need time to reply and a briefing paper would be helpful. ML suggested one possible solution could be that after the main EAG meeting the subgroups, or people working on particular issues, could meet instead of having to organise another meeting at a different time. KK said that could work well but only if attendance improved.
- 3.19 KK suggested that rather than a focus on individuals it may be better to work with organisations so that if one person can't attend there is someone else that can instead. MS said that if that were the case, members would need to make sure that enough staff within their organisation have an understanding about the work of the EAG. SM was of the view that that would be a much more effective structure.
- 3.20 KK suggested that a way of deciding on the group's priorities would be to use the policy work planner as a guide. KK produced a copy of the policy work planner and explained how it worked. MS said that she could identify a number of areas from the planner already that the EAG would be interested in and could add value, for example counter-terrorism is of great interest to faith communities. DQ said that EAG priorities need to meet the needs of COPFS but also need to further the agendas of those organisations represented on the EAG.
- 3.21 IN CONCLUSION,

It was agreed that COPFS staff would provide both secretariat and act as facilitator for the EAG meetings in the absence of a chairperson. DQ agreed with this decision with the caveat that ideally the group should have an independent chair in order to ensure the independence of the group. He said that the decision was the best option during this transitional stage but that once the EAG was in a better position someone from the group would take over the Chair of the group.

It was also decided that the group would continue in its current format but would not use the sub group structure. The structure of meetings would be changed so that there would be time in the afternoon for breakaway meetings with members on particular issues.

An extensive recruitment drive would take place to swell the numbers of the group back to full strength. It is hoped that a future chair would be found within the new members recruited.

ACTION POINT 2 - KK to update the policy work planner and share with the group as a means of prioritising work focus.

4. Resignations from the EAG and search for new members – KK

- 4.1 KK advised that several members had recently resigned from the group, for a variety of reasons. This has resulted in some protected characteristics not

being adequately represented within the group. E.g. the area of LGBTI. DQ said there was a strong business case for such a representative because of the trans witness policy which will soon be developed.

- 4.2 Other areas that require representation included race groups, additional disability voices, victims and witnesses in general and age. Members provided several suggestions for potential new members.
- 4.3 All were delighted that SA had decided to remain a member of the group, to help reinvigorate it.

ACTION POINT 3 - KK to seek approval to approach the individuals suggested about becoming members of the EAG.

5. HR Update – Sandy Mackie

- 5.1 HR are working on a comprehensive management development programme for about 450 managers. It requires people to focus on their own understanding of themselves as a manager. The programme will teach managers how they can develop individuals based on that individual's own capabilities, and identify how that person can best learn and develop. The programme is divided into self, people and performance. The performance module of the course will cover Equality and Diversity.
- 5.2 KK asked whether there would be an opportunity for the EAG to have an input into the development of that course. SM replied that they would but that the course had to be ready by December.
- 5.3 DQ said some case studies could be very useful for the course – demonstrating why equality and why human rights are important. He said this will make sure managers know that equality and human rights are not detached from what they do.

ACTION POINT 4 - SM to circulate a power point from Robert Martin with a basic outline of the course once it is ready.

ACTION POINT 5 – EAG members to provide feedback on the course outline by the end of October / early November.

ACTION POINT 6 - SM to ask Robert Martin to attend the November meeting to discuss the management programme.

6. Shaping the Future

- 6.1 DL explained that Shaping the Future was a genuine consultation with staff in recognition that the present structures of the organisation were causing tensions and required to be remedied. The consultation had provided an opportunity for staff to be very frank about what they think is right and wrong with the service. The feedback is presently being analysed and will inform how the future structure of the organisation looks.

6.2 Ultimately the Programme of StF needs to make COPFS a better place to work.

ACTION POINT 7 – KK to ask the Crown Agent whether the EAG could be involved with this project.

7. Date and venue of next meeting

The next full meeting of the group is proposed for 2-5pm on Thurs 26th November, in Crown Office.