

Equality and Diversity Strategy Group (EDSG 3/15)

Notes and Action Points from Wednesday 16 December 2015, Conference Room 1, Crown Office.

Present

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| Lord Advocate | (Chair) |
| Catherine Dyer | Crown Agent |
| John Dunn | Head of East Federation |
| John Logue | Director of Serious Casework |
| Liam Murphy | Head of North Federation |
| David Harvie | Head of West Federation |
| Ruth McQuaid | Equality Champion and pp David Harvie |
| Gertie Wallace | Deputy Head of Policy, pp John Logue + Cat Dalrymple |
| Nancy Darroch | Rep for Federation Business Managers |
| Howard Hart | Corporate Communications Manager |
| Karen Kennedy | Policy Adviser, Policy Division |
| Anne Graham | Policy Trainee (Minutes) |

Apologies

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| Fiona Cameron | East Federation Equality Lead |
| Andrew McIntyre | North Federation Equality Lead |
| Bill Comrie | Head of Business Management, West of Scotland |
| Lorraine Davidson | Head of Corporate Communications |

1. Welcome and Apologies

The Lord Advocate welcomed all to the meeting. Apologies were noted from those who were unable to attend, per above.

The notes from the last meeting were approved, with one amendment on Point 2(2). The minutes state that John Dunn is "now the senior champion for Women's Development," but should state that he is Chair of the Equality Board.

2. Matters Arising –

- (1) AP1: KK directed attendees to Dawn Lewington's status update. The Bill has been introduced and The Justice Committee has heard evidence at stage 1. Minute to be submitted to Law Officers on amendments being proposed and providing advice in relation to timing of publication of policy.
- (2) AP2: HH advised that March 2016 would not be an achievable date for the completion of the schools resource section of the public web site. He will provide an update at the next meeting about plans to progress this.
- (3) AP3 - 7: KK advised that these action points are complete.
- (4) AP8: KK has been in discussion with procurement staff at COPFS who advised that equality questions in contracts are not scored as part of a tender evaluation. The group discussed how best to ensure that the equality policies of contractors are in line with COPFS standards.

The CA suggested that COPFS could provide contractors with the same training given to COPFS staff on equality.

ACTION POINT 1: KK to contact procurement staff to establish what can be asked about equality standards in tender submissions.

ACTION POINT 2: HH to provide an update at the next meeting on plans for the schools resource section of the public web site and a schedule for the work.

3. Update Reports and Business Plans from Federation Heads.

ND gave some background regarding the production of Equality Business Plans. She explained that all Business Plans should be reviewed by the Equality Board to ensure that there are no gaps in relation to our Equality Outcomes objectives.

EAST FEDERATION

JD explained that working with Refugees is a current focus. COPFS are working with language class providers to build confidence in refugee communities about the Scottish justice system.

There are also plans to engage more with Muslim communities in light of the Paris bombings in November 2015. An Edinburgh depute has links with a mosque in Stirling that JD hopes to visit. There should be an effort to create links with mosques outside of Edinburgh and Glasgow.

JD advised that ELREC have been disbanded and replaced by EaRN – the Equality and Rights Network - a newly established multi-agency network run by the Edinburgh Volunteer Centre which has secured funding in this area (ELREC having previously become unfunded). Its remit is to advance equality, promote human rights and tackle inequality and poverty in Edinburgh and surrounding areas. COPFS will be members of the network and will attend meetings.

The LA asked what else could be done for refugee communities. RMcQ advised that John Kyle is providing practical help by taking a van of donations collected by COPFS staff to a refugee community recently arrived in Rothesay.

The LA asked what progress there had been with the launch of the Motherwell College law pamphlet. There was discussion around potential launch venues to maximise awareness of the work of the students and the resource for arriving communities.

ACTION POINT 3: RMcQ to explore options for a launch of the Motherwell College legal guidance.

JD suggested that there is a lack of relevant information available in many police reports to enable deutes to make informed decisions when dealing with accused that have mental health issues – use of the imminent introduction of investigative liberation would allow better information to be collected by the police and passed to COPFS with the SPR.

There was discussion about this being an area suitable for collaborative working with our justice partners and also medical organisations. That may then allow for

more sophisticated marking instructions to be drafted and for policies to be drafted for publication in relation to accused and witnesses who have mental health issues.

The LA would like COPFS to be a catalyst of change within criminal justice on this issue.

ACTION POINT 4: Cat Dalrymple to consult with DH and prepare a minute for the LA by the end of February 2016. Policy to take the lead on this matter, with a focus on accused persons meantime.

NORTH FEDERATION

LM explained that there had been changes to personnel involved in equality work and consequently the North network is in the process of being reorganised. There will be meetings at the beginning of the New Year to compile a Business Plan.

LM has recently met with Muslim leaders in Dundee. Good relationships were established. The main concern is in relation to deaths and the time it may take COPFS to release bodies. LM intends to meet with them again to manage expectations about deaths.

ACTION POINT 5: GW to send the LA a copy of David Green's analysis of an English case involving the death of a Jewish lady in London.

WEST FEDERATION

DH detailed the liaison work with SCoJeC – Scottish Council of Jewish Representatives since the spike in antisemitic related offensive behaviour in Autumn 2014. There are still a number of antisemitic related cases progressing through the courts and Policy liaise with operational staff to compile case updates. The LA wished to note his thanks to Stuart Cassidy and Stephen Ferguson for their case liaison work with SCoJeC.

NATIONAL FEDERATION

GW provided the update for the National Federation. JL and Lindsay Miller are providing mentoring for Napier university students. JL thinks that this type of mentoring scheme could be expanded to involve other academic institutions, and that COPFS could get involved with the selection of students to ensure participation from students from under-represented groups.

The CA explained that while COPFS are precluded from sponsoring individual university students, we can mentor and give opportunities for work experience. RMcQ asked if COPFS could provide sessions with guidance on how to complete application forms, as lack of this knowledge can create a barrier to securing employment. There was discussion about what would be the equivalent of the schools debating competition in a university setting.

ACTION POINT 6: JL to consider how best to expand COPFS educational work into third level institutions.

4. Policy updates

GW provided an update on current policy work including the Abusive Behaviour and Sexual Harm Bill. She also covered the Policy horizon scanning document for the group. Creation of a bespoke prosecution policy on mental health will be added to Horizon Scanner for action later in 2016.

5. Update on the 2016 Hate Crime Conference

RMcQ and KK are progressing plans for the next conference on 24th March 2016. There will be a meeting with the LA in January to finalise the programme and thereafter speakers and facilitators will be approached and confirmed for the event.

6. Updates from Working Groups

a) Criminal Justice sub groups - Ruth McQuaid

- RMcQ suggested that a reception should be held for the Equality Act Implementation Team to mark the end of a very successful 4 years of project work. The CA agreed with this. RMcQ to progress this.
- The next staff equality conference is likely to take place in September 2016.
- COPFS has joined the 'Keep Safe' initiative from the I AM ME project. This means that all COPFS offices will be safe havens for primarily people with disabilities who feel unsafe while out in the community. There will be posters to advertise that our offices are part of the initiative and John Kyle will be delivering training to staff on what support can be given to anyone who wishes to use this service.
- John Kyle will also be delivering brief training on a new cross justice poster initiative regarding what reasonable adjustments are available to members of the public who visit our offices. The poster has been a collaborative creation of the Criminal Justice Disability Project.
- RMcQ advised that she had been working with the Street Project who are a community youth group working with South Lanarkshire Council on a project about Consent and Oral Sex. A short film and teaching notes are being produced by them. The launch is expected in March 2016, possibly to tie in with the hate crime conference.
- ND reported that the work of the Disability Advisory Group was going well. However, RMcQ added that the group had agreed to continue being a critical friend of the cross justice project for another year.

ACTION POINT 7: KK to contact Nicola Dean about who in SCTS is taking forward their joining of the 'Keep Safe' initiative.

There was discussion about a recent appeal case involving a BSL interpreter who was interpreting for a Crown witness. The conviction was quashed on appeal on the basis that justice wasn't seen to be done as the interpreter was perceived as being too well known by the witness as they had known each other professionally for about 20 years. In addition, contrary to guidance contained in the Interpreting and

Translation Code of Practice, the same interpreter had been used when the witness had given his statement to the police.

It was felt the issues that arose at trial could have been dealt with by the Sheriff requesting another interpreter be used to interpret for the witness during the trial stage.

Another case was discussed that raised equality issues as it concerned a Crown witness who was refusing to remove her face veil before giving evidence in a racial assault case. The trial had been adjourned to a debate rather than the Sheriff ruling on the issue at the time.

RMcQ voiced concerns about access to justice for smaller communities where there are not sufficient interpreters available to meet a growing demand.

The group felt that these cases perhaps highlighted the need for greater awareness of equality issues and that this was an area where cross justice groups like the WGIT and the Justice Equality and Diversity Strategy group could progress in collaboration with the Judicial Institute.

Police attendance and rank of representation at cross justice equality groups was disappointing, especially during the past year. It was acknowledged that there had been several changes to Police Scotland personnel responsible for equality work. However, it was hoped that with the appointment of a new Chief Constable, these attendance and continuity issues could be addressed.

b) Equality Board - John Dunn

JD provided an update from the first meeting of the group. The minutes of these meetings will be shared with the LA and provided to the Strategy group members. Equality and Diversity need to continue to be incorporated into how we do our work. In addition, work on equality must link in with the Shaping the Future restructuring project.

DH asked about the Operational Boards and the Functional Groups. ND replied that the future of these groups had not been addressed yet.

7. AOCB

7.1 HH had recently visited some COPFS offices and felt that the display of public information in some offices could be improved in that some of the information was out of date and in general there was no coordinated approach to the presentation of information. The CA agreed that a refresh of how information is displayed at public counters was a worthwhile project and asked Corporate Communications to progress this.

ACTION POINT 8: HH to devise a strategy for the way that COPFS information is displayed at public counters.

7.2 KK was asked about the use of the Diversity Calendar in Outlook and whether it could be re-launched as a tool for Federation equality networks to use to publicise their activities and share ideas.

ACTION POINT 9: KK to populate the Diversity calendar with nationwide event dates and religious festivals and other equality related event.

ACTION POINT 10: KK to distribute guidance on how to add the calendar to user Outlook accounts.

ACTION POINT 11: Federation equality leads to use the Diversity calendar for planning and recording future events and report on use of the calendar at the May 2016 meeting.

8. Date of Next meeting

The next meeting is Wednesday 24th February 2016, Conference Room 2 from 3.30 - 5pm