

Equality Impact Assessment Record – Updated November 2015

Name of new/ revised Policy:	Shaping the Future Programme
Purpose of Policy:	<p>Shaping the Future (StF) is the COPFS change programme which will look at our current organisational structures and deliver fit for purpose structures to equip the organisation for the next five to ten years. As a programme intended to look at structures i.e. our units, offices, functions, staffing / resourcing and management arrangements both in the operational and corporate services context, the programme has a significant people focus.</p> <p>The programme is a specific commitment within the COPFS 2015-18 Strategic Plan. Structural change will underpin the intention that we have the right people in the right place undertaking the right work.</p> <p>In terms of delivery approach Shaping the Future is in part a creative design task. There is therefore some degree of uncertainty in areas of the programme about what the future structure will actually look like, as well as uncertainty about the exact pathway that will be taken to achieve these outcomes. While there are always areas of considerable uncertainty in any programme this is a particular issue with StF. The adoption of a “blank piece of paper” approach by the projects i.e. identify what the organisational commitments and requirements are and then identify the resource to support this, makes this different from some change initiatives which work towards a more rigidly understood end point, for example the construction of a building, planning for an event or delivery of a new IT system.</p> <p>Consequently this EQIA is to be viewed as a dynamic document. It sets out what we know so far at this stage of the Programme journey. It will continue to be kept up to date and impact assessed against the proposals that emerge from the options appraisal and organisational design and implementation approaches identified in each project. Good communication links have been established with each project to ensure this flow of information.</p> <p>The vision for the programme is:</p> <p><i>Shaping the Future - a redesigning of the Scottish prosecution service (COPFS):</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>to be equipped to deliver a capable, caring and confident prosecution service for the people of Scotland</i>

- to ensure our structures and practices are fit for purpose now and for the future*
- to create the right environment to enable staff to lead fulfilling working lives.*

The programme consists of the following principal elements:

1. National Initial case Processing Unit (NICP)

Implementation of nationally managed team concerned with initial prosecution decision making (case marking) in all non-court and Summary level cases. It is anticipated that this approach will be beneficial in terms of building greater quality and consistency in decision making in this critical early point in the life of a criminal case. This implementation task was triggered following an earlier feasibility review. This piece of work will be implemented in two phases, the first will see the establishment of a core team and the transfer of standard report case marking this took place in April 2015. The second phase involves recruitment activities to increase the size of the team in concert with the transfer of all Summary Custody and Undertaking marking, this is scheduled to take place in September 2015. It should be noted that the review and implementation of phase one were undertaken as separate activities. The project moved under the control of the newly established Shaping the Future Programme in May 2015, post phase one.

2. Nationally managed High Court Project

This project is concerned with scoping the feasibility of bringing High Court case preparation, currently conducted within geographic Federations and Crown Office, all under separate management control and High Court case prosecution under a single management structure. A key consideration will be to ensure that any new structures are compatible with servicing the COPFS victims strategy. The project consists of two principal phases, scoping / evaluation activity and transition / implementation. As part of the latter activity the project will scope whether implementation is undertaken as a big bang or a phased approach.

3. Serious Casework Group Project

Serious Casework Group currently consists of a

number of specialised units dealing with issues from Wildlife Crime to Serious and Organised Crime. The current structure also includes units concerned with High Court case preparation and prosecution. This project will look at the future structures and management arrangements of that unit, impact assessed against the removal of the High Court element. Again this project will be delivered in two phases, phase one concerned with scoping and options appraisal and phase two with transition management and implementation.

4. Local Court Project

This Project will develop a structural model for how we resource, locate and support our service at local courts. This project is therefore concerned with the resource currently allocated within areas dealing with Justice of the Peace, Sheriff Summary and Sheriff and Jury Courts and represents our most significant people resource and workload. This project has the greatest uncertainty about final outcome. There are a number of significant considerations with this work as to how these disparate teams are brought together and whether there is any form of interdisciplinary merging of resource. There are also questions of ownership, local leadership and stakeholder links. The project will also be delivered in several phases, the first is concerned with options appraisal, and the second phase is concerned with design/build of the preferred option and the third phase with transition planning and implementation. Again this project as part of transition planning will explore options around big bang versus phased implementation. While this is yet to be identified due to the scale of resource and complexity this project has the greatest likelihood of phased implementation, potentially over a number of phases.

5. Corporate and Common Services Project

This project is concerned with three principal elements:

- Exploring current Corporate services structures, capacity and capability and developing a service delivery approach aligned to the future shape of the organisation.
- Supplying resource, skills and capability to assist with the delivery of the Shaping the Future Programme and Projects
- Investigate the area of “Common Services”,

	these are a disparate set of activities including facilities management, office management, security, audit, management of productions and related duties, currently overseen by management teams embedded within Federations. The future options for delivery of these services will be scoped, a revised model identified and implemented.
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Others involved:	Programme Team
Date Assessment Completed:	25 th May 2015 1 st review – 17 November 2015
Assessment Record Authorised by:	xxxxxxxxxxxxxx

This new / revised policy was fully assessed for any equality impact based on the General Equality Duty of the Equality Act (2010).

Summary of research and consultation carried out:

External customers and stakeholders

Shaping the Future (StF) is a key delivery programme within the COPFS 2015-18 Strategic Plan. At its core StF is an organisational re-design programme concerned with reviewing our structures and identifying optimal arrangements for the future. To achieve this formal Programme and Project Governance arrangements have been established to manage what is significant change and critically coordinate the activities of work being delivered across a range of disparate projects.

In order to achieve this the work will need to be viewed through a number of different perspectives:

- The Strategic Context – the conduct of the Programme is informed by the commitments set out in the COPFS Strategic Plan. In order to ensure ongoing Strategic alignment the Programme reports both to the COPFS Executive Board but also to the Law Officer led Strategy Board. As part of the overall assessment for the development of the Strategic plan COPFS carried out comprehensive desk research, including reviewing material on which the Strategy for Justice was based and reviewing available analytical material and statistics, such as the Scottish Crime & Justice Survey, crime statistics, domestic abuse, hate and racist crime statistics.
- Learning from the past – the most recent restructure concluded just under four years ago, moved from geographic Area based management to a hybrid or “super areas,” Federations, with work to oversee the delivery of work along functional lines, overseen by national Operational Boards. It is recognised this transition was an important stepping stone, moving away from individual offices undertaking a wide range of activities to greater coordination of work across discrete specialisms and functions. However the current position represents a half-way house of resources controlled geographically overlaid by national arrangements to manage performance and quality at national level. A key task for Shaping the Future is to deliver structural models which build on the quality, consistency and, reduced management overheads achieved through Federation and Functional Working while addressing the inherent tensions of such a resource control / operational delivery split.
- The staff and managers view – following an extensive consultation, staff have told us that the current structures and the previous structural change have a number of issues as experienced at the front line / operational level. Staff report that decision making has become diffuse, with multiple tiers of escalating and overlapping decision making, with local decision making and office identity lost both in terms of management and case related work. Staff reference silo mentality and unanticipated consequences of functional working on reduced flexibility, resilience and opportunities for development and rotation at office level. Listening to staff and building in “bottom up” elements to the Programme is seen as critical. Staff consultation is therefore a core element within the Programme as is engagement with Trade Union representatives.
- The Stakeholder View – As the sole Public Prosecution and Deaths Investigation Service, COPFS delivers services of high value and relevance to the people of

Scotland. We are also part of a wider justice family of organisations concerned with the investigation, prosecution and processing of criminal cases. A priority for the Programme is to work closely and consult with relevant Stakeholders and partners to identify where current structures impact on service (both for good and ill) and how we can maximise opportunities by moving to new structural models. It is also recognised that by effectively implementing effective new team structures and management arrangements that StF will enable future progress towards building further efficiencies, quality and stakeholder focus in their approach. During the preparation of the strategic plan COPFS consulted with stakeholders, including justice partners (Police, Scottish Legal Aid Board, Scottish Court Service, Scottish Government & Scottish Children's Reporters Administration), the trade unions and external parties, including Stonewall, Children First and Victim Support Scotland, together with initial early consultation with the Equalities Advisory Group on the Purpose, Vision and Objectives. The programme will build on this earlier work to inform the development of EQIA and to ensure appropriate focus within our work. In particular we are currently consulting through various routes with partner agencies and stakeholder groups.

- Using our equalities expertise - As part of the consultation process the Programme SRO attended the COPFS Equality and Diversity Conference on 4 September 15 to seek input from delegates, those who lead on community engagement within the service. This feedback has been used to shape this EQIA document. The Programme Team will also seek the input and advice of the Equality Action Group on an ongoing basis.

Key issues identified: -

(Note here if you conclude there are no equality issues relating to the new / revised policy)

Internal – Staff

As currently conceived the primary impact of Shaping the Future is likely to be on COPFS staff. At this stage of the Programme no firm decisions have been taken on the structures of business units, their resourcing or location, so the potential impact is unknown. It is however assumed that as the programme will introduce structural change that may in some cases result in:

- Change of job roles
- Change of staff location
- Potential change in working patterns
- Potential change to travelling distances

All projects will be asked to impact assess their proposals as part of options appraisal. HR are closely involved in the work of the projects and also sit on the Programme Board. Monthly discussions are held with both COPFS Trade Unions to discuss people impacts. The Programme Board will provide the route to sense check proposals that impact on people and ensure consistency of approach across the projects. The Executive Board, with its responsibility for organisational resource will ultimately be required to agree any proposals with people impact.

Preparing the initial EQIA highlighted the potential that staff may be moved as a result of this programme of work. As a result the Shaping the Future Programme liaised with

Human Resources who are now in the process of preparing an updated Redeployment Policy. This policy review will ensure that there is clarity, consistency and equity around potential staff moves. This issue was highlighted by the Equality Network at the COPFS Equality and Diversity conference at which time the policy review was already underway.

External

The benchmark for progress will be to ensure that services to victims and witnesses are not adversely impacted by any changes to structure. The approach will be to consult with relevant interest groups to identify where the structure currently supports / or impedes service delivery. This will be used to ensure that good practices are retained while any opportunities identified, which may be exploited through structural change are captured in the delivery approach.

Changes made to new / revised Policy

Within the strategic plan two key deliverables were identified - moving to a national initial case processing hub and a national High Court unit. The EQIA assessment concluded that these projects will be beneficial to certain groups, as there will be a greater degree of consistency and specialism within those functions, leading to an improvement in quality.

Review Process for Policy

The initial EQIA was prepared in May at the launch of the project and subsequently reviewed in November 2015.

The Programme Board will continue to review this assessment throughout the life of the Programme.

SEND THIS COMPLETED FORM TO DiversityTeam@copfs.gsi.gov.uk

For further information about this impact assessment, please contact: Equality Team, Policy Division, Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA

Alternatively send an email to DiversityTeam@copfs.gsi.gov.uk.

Assessment records can be made available in alternative formats or languages on request.