



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

**CROWN OFFICE
& PROCURATOR
FISCAL SERVICE**

**EQUALITY OUTCOMES
MAINSTREAMING
REPORT
APRIL 2017**

Introduction

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's sole prosecution service. We receive reports about crimes from the police and other reporting agencies and decide what action to take in the public interest, including whether to prosecute. We also examine deaths that need further explanation and investigate allegations of criminal conduct against police officers.

The public interest is at the heart of all we do as independent prosecutors. We take into account the diverse needs of victims, witnesses and communities and the rights of accused persons. As a service, we are committed to eliminating unlawful discrimination, harassment and victimisation.

In April 2013, we set out a series of [equality outcomes](#) which were designed to show the importance of equality in our service delivery; our staff development; recruitment and profile; and in the development of our policies and practice.

In April 2015, we published a progress [report](#) of the actions taken by us to meet our equality outcomes. This latest report will provide you with an update of the actions taken by us from April 2015 until April 2017.

Over the past four years, we have developed and implemented a wide range of activities and initiatives, both internally and externally, with the aim of achieving the general duties of the Equality Act 2010. We have fostered constructive working relations with a variety of community groups, worked in partnership with local authorities and other third sector organisations to deliver equality related messages and developed new policies for prosecutors. We have received national recognition for our dedication and commitment to equality and diversity through awards from [enei](#) and Stonewall.

As Crown Agent, I am proud of our progress and achievements over the last four years but recognise that there is much still to do. I hope you will find this report both interesting and thought provoking. I would like to thank all COPFS staff, community groups and organisations who have contributed to our success thus far and for their ongoing commitment to further improvement in the future.

Please look at the COPFS [website](#) for more information about who we are and what we do.

David Harvie
Crown Agent
April 2017

Foreword

COPFS aspires to be a leading public prosecution and deaths investigation service. It has also stated its commitment to being integral in making Scotland a safer place for all to live. These ambitious goals demand dedication, foresight, motivation and champions on the ground who can sustain the drive for cultural change. The effort and time commitment required should not be underestimated.

The recognition in 2013 of the diversity of stakeholders working with COPFS and those using the services provided by it, was the starting point. Having been part of the process I am confident in saying the appetite for learning, improvement and achieving is impressive and heartening.

Given the enormity of the task COPFS set itself, much has been achieved in a relatively short period of time. The 'We are here to help you' poster is a good example. The aim of the poster is to provide a clear message to the public that justice organisations are happy to make reasonable adjustments and work collaboratively with its justice partners to ensure people with disabilities can have fair and equal access to their services.

Another successful collaboration project produced 'A Guide to Scots Law'. To some people coming to live in Scotland, our customs and laws may be confusing. This publication provides a clear, easy to read summary of legal terms and descriptions that may be helpful. It offers valuable practical advice on Scotland and its laws when adjusting to life in a different country.

COPFS should be proud of the progress made to date. It should also be proud of the high level of enthusiasm and commitment that continues to drive all involved to realise those ambitious goals. I look forward to working collaboratively with COPFS over the next four years as it is in all of our interests that their services are fair and accessible to all.

I am sure you will find this report interesting.

Lesslie Young

CEO of Epilepsy Scotland, and member of the Criminal Justice Disability Advisory Group

About us

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's sole prosecution service. We receive reports about crimes from the police and other reporting agencies and decide what action to take in the public interest, including whether to prosecute. We also examine deaths that need further explanation and investigate allegations of criminal conduct by police officers. Details about our organisational structure and geographical locations are contained in Annex A.

We play a pivotal role in the justice system, working with others to make Scotland safer from crime, disorder and danger. The public interest is at the heart of all we do as independent prosecutors. We take into account the diverse needs of victims, witnesses, communities and the rights of those accused of crime.

Our approach to equality

Equality and Diversity is at the forefront of our work and plays an integral part in the approach to our work and the context of our decision making. Throughout COPFS, staff provide leadership for our equality and diversity agenda, which is delivered with **respect and professionalism**. Our work on equality and diversity is supported by a team of networks throughout the country. This programme is supported by our senior management who regularly engage in both internal and external initiatives.

Leadership on Equality and Diversity

Our strategic direction in respect of equality and diversity is set by the **Equality Board**, which is chaired by John Dunn, Deputy Crown Agent, and includes other senior members of staff.

Delivery is led by our **Equality Champion**, Ruth McQuaid and six **Sheriffdom Equality Network** leads, each of whom is responsible for organising and coordinating local equality engagement.

Our Equality Champion also chairs the Justice Board Equality and Diversity sub group, which includes senior representatives from our Justice partners and is working towards delivering shared justice equality objectives.

COPFS chairs the Criminal Justice Disability Project which was created to improve access to justice for people with any form of disability. Seven criminal justice partners are members of this project. Additionally, COPFS chairs the Disability Advisory Group (DAG) which was created to support the work of this Project. This Group consists of 12 organisations representing disabled people.

We also have an **Equality Advisory Group**, which comprises independent advisers with professional experience of all aspects of equality and diversity and they provide valuable expertise to inform our policies and practices.

COPFS appointed a team of **Equality Ambassadors** to represent all the protected characteristics from the Equality Act (2010). As well as representing staff, all Equality Ambassadors engage with a variety of external groups throughout Scotland, and provide advice to our staff when dealing with victims and witnesses and expert advice on issues relating to prosecution of those who have a protected characteristic.

Our Staff

Staff from around the country, often with an interest or expertise in a particular area of equality and diversity, are members of our **Sheriffdom Equality Networks**, which have been set up in each of the six Sheriffdom areas:

- Glasgow and Strathkelvin
- Grampian, Highland and Islands
- Lothian and Borders
- North Strathclyde
- South Strathclyde, Dumfries and Galloway
- Tayside, Central and Fife

These networks play a vital role in developing links with communities and encouraging staff to help address local issues and promote social responsibility and inclusiveness.

COPFS currently has two staff networks: our **Staff Disability Advisory Group**, which is made up of disabled staff, staff with caring responsibilities and staff with a special interest in disability equality; and **Proud in COPFS**, a network supporting lesbian, gay, bisexual, transgender and intersex (LGBTI) staff. Both networks are actively involved in advancing the equality strategy in COPFS.

Both the Public and Commercial Services Union (PCS) and the First Division Association (FDA) Union for senior managers and professionals in public service support our equality and diversity work.

The COPFS intranet provides guidance on equality and diversity and has an extensive staff forum area with sections on equality, inclusion and staff networks.

Legal Position

The goal of creating a fairer society where everyone can participate and has the opportunity to fulfil their potential is backed up in law. The Equality Act 2010 sets out a general equality duty that requires Scottish public authorities to pay “due regard” to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The general equality duty covers those included in certain groups, known as the protected characteristics:

- Age
- Civil partnership & marriage
- Disability
- Gender reassignment
- Pregnancy & maternity
- Race
- Religion & belief
- Sex
- Sexual orientation.

As part of the responsibility to meet these duties, public authorities must publish a set of equality outcomes based on evidence and informed by reasonable involvement of equality groups.

This report measures our progress towards achieving these equality outcomes.

Raising awareness

Equality Outcome 1

Members of the public and representatives of equality groups have an improved understanding of COPFS role and responsibilities within Scottish Criminal Justice System and the COPFS commitment to advance equality in service provision.

Members of the public and representatives from equality groups know how to contact COPFS and that their enquiries will be handled with respect and individual differences are taken in to account.

Our aim: Raise awareness of COPFS' roles, responsibilities and commitment to the promotion and advancement of equality within Scottish criminal justice sector.

Results

COPFS has appointed 12 ambassadors representing protected characteristics. We currently have ambassadors representing age; gender, pregnancy and maternity; religion and belief; Muslim community; Jewish community; LGB, transgender and non-binary; Travelling Community; disability; mental health; and refugees and asylum seekers, and they each have a role in reaching out to equality groups as a point of contact. For example, our Age Ambassador has made contact with equality groups representing older people and has delivered events on issues such as cybercrime to raise awareness of this crime in older people. Much of what we do is focused on working with communities and in schools in order to raise awareness of our roles and responsibilities as Scotland's prosecution service.

A number of DVDs have been produced to explain the role of the Procurator Fiscal in Scotland and also to highlight our approach to hate crime. The [Our Role in Your Community](#) DVD highlights the work of fiscals, our role in investigating deaths, COPFS' specialist functions and our services for victims and witnesses. A BSL version of this DVD is currently being recorded and will be shortly launched on our public web site.

The hard-hitting anti-sectarian short film, [Them and Us](#) – which featured sectarianism, fire raising, murder and imprisonment – was created in partnership with North Lanarkshire secondary students. The DVD has been promoted to education authorities and other youth groups across Scotland including Youthlink Scotland. A teaching pack was devised to support this DVD and is in use as part of the Curriculum for Excellence in Scottish schools.

A second film and teaching pack has been produced with North Lanarkshire Council called [Just a Laugh?](#) This short film highlights racism, homophobia and disability hate crime as well as the impact this has on the victims and their families and also the perpetrators. External groups such as Autism Scotland, Respect Me and Stonewall Scotland have been consulted in the production of the film.

Both “Them and Us” and “Just a Laugh?” can be located on www.intolerance.scot which received 18,063 hits in its inaugural year.

COPFS have also worked in partnership with I AM ME, Epilepsy Scotland, Dyslexia Scotland, Education Scotland and Renfrewshire Council to produce teaching materials for primary school pupils which aim to educate younger children on the devastating effects of disability hate crime. The resource has been distributed to all 49 Renfrewshire primary schools. A cinebus is also used to deliver the primary school awareness programme and has visited 46 schools from across Renfrewshire, Ayrshire, and the Scottish Borders with 7,000 children participating. 3139 surveys have been returned from children and 92% stated that the day made them more aware of disabilities with 96% stating they would tell someone if someone was being bullied because of their disability.

The teaching resources were created to raise awareness amongst young people about the effects of hate crime on victims and their wider community in the hope of deterring such offensive behaviour. They also encourage the victims of hate crime to report such incidents rather than suffer in silence and raise awareness that some offensive behaviour is actually criminal, and highlights the possible consequences for a young person of having a criminal record. It is hoped that use of the DVDs and associated training packs will prevent some people from committing these crimes in the future.

Other work in schools includes mini-trials which allow pupils to experience mock trials and our **National Public Speaking Competition**, which aims to raise the level of public debate in secondary schools on equality and diversity issues. The number of schools participating in the competition has risen from 12 in 2014 to 74 in 2017, and now culminates in a national final. In fact, 100 teams took part in this year’s competition.

The **Keep Safe Ambassador Programme** has been developed in partnership with the I AM ME project, Police Scotland and COPFS to offer young people the opportunity to become Keep Safe Ambassadors within both their school and the wider community. Training will encourage young people to recognise bullying and harassment and enable them to report incidents safely. The programme is open to young people in Scotland aged 14-18 years.

We attended Pride events across Scotland to promote awareness of our role in prosecuting LGBTI related hate crime. We also supported the United Nations in Scotland celebration day, which was intended to raise awareness of asylum seekers and refugees in local communities in Glasgow.

In March 2016, COPFS co-hosted the 4th biennial **Tackling Prejudice conference** with Police Scotland which focused on challenging racism, sectarianism and homophobia, while also warning that more needs to be done to tackle hate crime against disabled people. To ensure we have a better understanding of the different requirements of people with protected characteristics, customer feedback was gathered at this and other conferences.

COPFS also created a “Talking Heads” video to raise awareness of the effects of hate crime on victims and their wider communities. This video has been incorporated into training programmes for COPFS staff and Police Scotland and is also available to organisations who seek to tackle hate crime.

Our staff meet regularly with representatives of Scotland’s diverse communities, such as the Pakistan Welfare Association and the Scottish Council of Jewish Communities (SCoJeC), who were provided with information about how cultural and religious traditions

are respected during fatalities investigations and post-mortem examinations. By engaging directly with specific communities, we hope to break down barriers and show that we serve all the communities in Scotland.

Our Race Ambassador has worked with a wide variety of groups representing refugees, migrants and asylum seekers. Effective partnership working with New College, Lanarkshire and refugee communities in Scotland has resulted in the production of "[A Guide to Scots Law](#)" to better inform those new to the country of our laws and our prosecution policies. COPFS also translated the booklet into the top 10 languages used by those wishing to make Scotland their home.

COPFS supported important initiatives designed to tackle prejudice and discrimination, for example, the **Equally Safe** strategy to eradicate all forms of violence against women and girls.

The Law Officers make regular use of national media to publicise the COPFS approach to matters relating to prosecution and equality. We also publicise attendance at events and other latest news on our official COPFS [website](#) and Twitter account - @COPFS.

In the past 12 months, our external Equality and Diversity pages have received 2841 unique hits. This is a 209% increase from the number of hits these pages received during the financial year 2013 - 2014.

Our [Strategic Plan 2015-18](#) states that our vision is for COPFS to be the world leading public prosecution and deaths investigation service. It is clear that this can only be achieved through the delivery of excellent customer service. With this in mind, COPFS has recently appointed a Customer Service Champion and is now a member of the Institute of Customer Service (ICS).

We need to establish a service wide baseline/benchmark in order to monitor changes in customer service so that action can be focused in the appropriate areas of work. One area that is currently monitored is analysis of complaints received - feedback suggests that COPFS relies too heavily on written communication rather than supporting oral methods of communication.

Whilst there are many examples of good and indeed excellent service, failure to communicate and respond to correspondence is our highest upheld complaint. Consequently, our first priority will be to improve the way correspondence and telephone communication is dealt with in our offices.

Prosecuting crime

Equality Outcome 2

All incidents of hate crime, domestic abuse and sexual crimes reported to COPFS are properly investigated and there is a strong presumption in favour of prosecution where there is sufficient and reliable evidence

Victims and witnesses are treated according to our publication "Our Commitments to Victims and Witnesses" and any requirements they may have relating to their protected characteristics are taken account of

Our aim: Take a robust approach to the prosecution of hate crimes, domestic abuse and sexual crimes, which will contribute to helping people live lives safe from crime, disorder and danger.

Results

Given the serious impact on victims, families and communities, COPFS takes a robust approach to the prosecution of such crimes. By giving a high priority to cases such as hate crime, domestic abuse and sexual crime, our aim is to build public confidence and tackle the damaging effects of crime and disorder.

Our progress in tackling aspects of hate crime is measured by annual statistics published each June by COPFS and the Scottish Government. The figures for 2015-16 showed that there had been increases in the number of charges reported for offences relating to disability (14%) and sexual orientation (20%).

Prosecution rates for hate crimes remain high at between 88% for offensive behaviour at football to 94% for religiously aggravated offending, and for 2015-16, the number of proceedings and convictions for offensive behaviour at football were the highest recorded.

We worked with partners to develop effective responses to hate crimes, for example, meeting representatives from the Islamic community following offences committed at the Edinburgh Central Mosque and speaking at the AGM of the Glasgow Jewish Representative Council AGM. We also contribute to events such as Hate Crime week where we have worked with Police Scotland on certain aspects of their campaign such as a radio panel discussion on LGBTI hate crime which was broadcast in May 2016.

According to the Scottish Government Criminal Proceedings in Scotland 2015-16 statistical bulletin, published in January 2017, overall the number of people proceeded against for all sexual crimes rose from 1178 in 2012-13 to 1606 in 2015-16, an increase of 36%. The prosecution of sexual offences is complex and challenging. These crimes often occur in private and out with the presence of independent witnesses. In addition, forensic opportunities can be lost where the cases reported are historic in nature.

There was a 27% increase in the total number of domestic abuse charges reported to COPFS between the years 2012-13 and 2015-16. For the year 2015-16, proceedings were taken in 86% of charges compared to only 77% of charges in 2012-13. The number of convictions for offences with a domestic abuse aggravator remains historically high and 33% higher than in 2012-13.

There is no single identifiable reason explaining any of these increases, however it is believed that increased public awareness and victims having greater confidence to report incidents have contributed to these increases in the reporting of domestic abuse, sexual offending and hate crime.

Specialist prosecutors for Domestic Abuse and Stalking have been appointed to oversee these types of cases. They have reviewed policies, practices and training as we understand the impact of these crimes. These crimes can be particularly distressing and damaging for victims and their families. Advances have been made in encouraging victims to report such crimes and we aim to continually improve the way these cases are prepared.

Prosecutors have worked closely with Police Scotland to develop and launch a new case reporting template specifically for use in domestic abuse cases. Police officers are prompted in the template to provide enhanced information on a number of areas, including around risk assessment and the history and dynamics of the relationship.

Training to prosecutors on domestic abuse has been enhanced and now a number of courses are available including a 3.5 day advanced course, Domestic Abuse Accredited Prosecutors Training, developed in consultation with Safe Lives, the national charity responsible for delivering the Independent Domestic Abuse Advocacy training. The course includes specialist training for prosecutors on the nature, dynamics and impact of domestic abuse as well as the legal and evidential considerations in prosecuting these cases. One day is entirely facilitated and led by Safe Lives and another half day involves participants job shadowing at an independent specialist advocacy service.

In March 2017, COPFS renewed its commitment to effectively tackling domestic abuse by working with Police Scotland to review and relaunch the Joint Protocol between COPFS and Police Scotland which sets out the agreed approach to the investigation, reporting and prosecution of domestic abuse in Scotland. Extensive consultation took place with key stakeholders to review the Joint Protocol to ensure it reflected best practice.

Action was taken to address concerns over delays in domestic abuse cases calling for trial which affected both the specialist domestic abuse courts as well as the mainstream summary courts in other parts of the country which deal with domestic abuse cases.

Additional Scottish Government funding has been made available to Scottish Courts and Tribunals Service (SCTS) and COPFS (as part of the additional £20 million given to Justice to tackle domestic abuse and other related violence against women crimes) and this funding has allowed additional courts to be resourced. This has significantly reduced waiting times from first calling of a case to trial.

New Scottish Government waiting time targets were agreed for domestic abuse trials to be set within not more than **8-12 weeks** by the end of 2015-16 and **8-10 weeks** by the end of 2016-17. The most recent figures available for court waiting periods, as at March 2017, show that the overwhelming majority of courts are meeting the target and operating at delays of less than 10 weeks for domestic abuse cases; the national average is now a delay of less than 9 weeks.

Sexual crimes now account for 70% of COPFS work in High Court cases. Consequently, the **National Sexual Crimes Unit (NSCU)** was set up to provide advice and direction at the earliest stages of the investigation of all serious sexual offence cases and all cases involving false allegations of rape. It also ensures that policy and practice in the investigation and prosecution of serious sexual crimes is applied consistently, and that appropriate and timely decisions are taken throughout the life of these cases.

Due to the growth in social media, COPFS produced written policy guidance to clarify when such communications could result in a crime being committed. Following a wide-ranging consultation, our policy document **reassured the public that online offences would be taken as seriously as crimes committed in person**, while ensuring there would be no danger to freedom of speech.

COPFS reviewed its policies and practices after concerns were raised by the **transgender community** around the prosecution of people who are transgender. We adopted a collaborative approach during the review, while also respecting the principles of equality, fairness and access to justice. As a result our policy, which sets out particular equality issues for prosecutors to take account of, when preparing and presenting prosecutions of accused people who are transgender, was the first of its kind in Europe. We are now developing a policy for transgender victims and witnesses.

COPFS understands the physical and emotional effects crime can have on victims and also the vital role witnesses play in the criminal justice system. We are committed to meeting their needs, communicating effectively and recognising any equality and inclusion requirements.

The Victims and Witnesses (Scotland) Act 2014 aims to improve the experience of victims and witnesses in the justice system, ensuring they feel safe, supported and informed. One of the key provisions is that **victims and witnesses now have a legal right to ask for information about the decision to take no action in a case.** This is known as the Victims Right to Review. We provided a dedicated resource attached to our National Enquiry Point to explain this right to victims of particular crimes including hate crimes and domestic abuse.

Some victims and witnesses may be particularly vulnerable because of their circumstances or the nature of the evidence they may be asked to give to the court. **Special measures are in place to help a vulnerable witness give their evidence in court.** These victims and witnesses are supported by the **Victim Information and Advice Service (VIA)** which COPFS provides.

In 2015/16, we concluded and implemented a review of our VIA services to ensure that we were able to fully deliver the provisions of the Victims and Witnesses Act 2014 which provides an automatic entitlement of specific measures for victims of particular crimes including domestic abuse, sexual offences and human trafficking.

Access to our services

Equality Outcome 3

People have equal opportunity to avail themselves of COPFS services within the criminal justice system.

People have COPFS information made available in a format appropriate to their needs.

Our aim: Ensure people have equal opportunity to avail themselves of COPFS services within the criminal justice system.

Results

Equal access to the criminal justice system must be available to all. COPFS plays its part in removing barriers to accessing the justice system and our services.

Although much of our contact from customers is by telephone, e-mail and the internet, we are aware of the need to ensure our buildings are accessible. We have completed surveys for all of our sites and have developed a list of improvements which are currently being considered as part of our estates work programme. We have improved the Hearing Loop systems in 11 of our sites.

Guidance has been prepared to help staff prepare communications for the public. All new or revised guidance is considered for presentation in alternative formats, such as **Easy Read** and plain English and we have appointed an **Easy Read Champion** to oversee this. Examples of material converted into Easy Read include our complaints procedure, a guide

to the investigation of deaths and information about our Victim Information and Advice service.

Currently all leaflets are available in electronic format, allowing changes to be made more easily. The “Being a Witness” and “Going to Court” leaflets are being improved to include more information about facilities at court. We appreciate that PDF documents may not be suitable for all screen reading software, therefore we have additionally provided Word versions on our web site.

In 2016, we created a poster for our public areas “We are here to help you” along with supporting guidance for staff which was shared with our criminal justice partners. The aim of the poster is to provide a clear message to the public that justice organisations are happy to make reasonable adjustments to ensure that people with disabilities and BSL users can access our services.

We also work with our partners in the criminal justice system to ensure that those accused of a crime, as well as victims and witnesses have access to high quality interpreting and translation services. To promote our membership of the **Happy to Translate** (HTT) scheme, posters have been issued to all COPFS reception areas and are now on our website. The HTT logo has been added to our letterheads, publications and leaflets.

In 2016, COPFS collaborated with New College, Lanarkshire law students to produce the booklet [A Guide to Scots Law](#) to explain the Scottish legal system to those new to the country. Policy staff collaborated with the students to ensure the guidance was accurate and also organised the translation of the booklet into 10 foreign languages. All versions of the booklet are now available on our public web site, Police Scotland, Scottish Refugee Council and several universities across Scotland.

Equality Impact Assessment (EIA) is a tool that helps public authorities ensure their policies and practices operate as intended. EIA involves systematically assessing the possible, or actual, effect or impact of policies, functions and delivery of services to those with a protected characteristic. In 2013, COPFS launched a new EIA toolkit and comprehensive guidance for staff. The process identifies both positive and negative impacts of a new policy or procedure on the protected groups and to adapt the new policy or process accordingly. COPFS now routinely works collaboratively with stakeholders at an early stage in policy development to ensure that new policies are fit for purpose and have stakeholder buy-in. An excellent example of collaborative working was our prosecution policy for accused who are transgender where the Scottish Transgender Alliance were major contributors to the creation of the policy. We have published 26 EIAs.

Our website contains information about [access to our offices](#) for those with mobility, visual and hearing impairments. We regularly review and update this section of the website.

COPFS is part of the Working Group on Interpreting and Translation (WGIT) and worked with other justice partners to plan and implement the EU directive on Interpreting, Translation and Transcription which provides accused persons with translated versions of essential information regarding their case. COPFS has made a public commitment to provide translations of documents upon request from any source and proactively translates correspondence with victims and witnesses where a language need has been identified. COPFS also provides interpreters, including BSL interpreters, for victims and witnesses who are required to attend at court. We also organised the translation of several key information documents into the top ten languages used by immigrants to Scotland, all of which are available on our public web site.

The way we work

Equality Outcome 4

COPFS staff agree they have increased knowledge about people with protected characteristics, know how to respond to their requirements appropriately and understand the positive impact this can have in fostering good relations

People engaging with COPFS are treated with respect and in accordance with their different needs

Our aim: Develop a culture where COPFS staff are knowledgeable about equality and diversity issues and demonstrate positive attitudes, in respect of all the protected characteristics, in our work in prosecution, unexpected deaths and in our relationships at work.

Results

To ensure we meet the needs of our diverse communities, equality and inclusion must be a part of all aspects of our work – prosecution, investigation of deaths, ultimus haeres and staff relationships.

COPFS has appointed **12 equality ambassadors** – experts in one or more aspects of a particular protected group – to provide staff with information and advice about equality and inclusion and help to engage with relevant stakeholders. COPFS also aims to create an inclusive workplace and support staff networks for our disabled and LGBTI colleagues. We recognise that some characteristics represent more of our workforce than others and therefore in addition to exploring the creation of more staff networks within COPFS, we are also working with colleagues across criminal justice to make links with associated staff networks to allow staff access to the range of benefits which network membership can provide.

The COPFS annual Equality and Diversity conference focuses on the importance of mainstreaming equality in everything we do – in each prosecution decision taken and every interaction with the public, colleagues and those from partner organisations in the justice system. Delegates hear that equality and inclusion are fundamental rights. At our 2016 conference, the Lord Advocate paid tribute to the equality work carried out by staff, the **Sheriffdom Equality Networks (ShEN)** and the **Equality Ambassadors**. He recognised that many staff give up their own time to engage with local community groups and to raise awareness of equality issues.

The Criminal Justice Disability Project, which COPFS chairs, has developed an action plan which has delivered a number of products which have increased the knowledge of our staff including a public awareness campaign on disability hate crime; agreeing a standard of accommodation and services for each of our buildings; a site audit of member organisation buildings; a review of disability-related training needs and resources to identify gaps; a review of communications for people with disabilities; a review of complaints to identify any themes for services provided to people with disabilities; and, taking a joined-up approach to the implementation of the Victims and Witnesses Act provisions.

The Justice Equality and Diversity Sub Group, which is chaired by our Equality Champion,

has been working together to tackle under representation of people with protected characteristics across our workforces. The Sub Group carried out external consultation and this, combined with information received from staff focus groups and surveys, allowed them to develop a plan of action which has focused on mentoring, staff networks, unconscious bias training, and recruitment and progression processes. COPFS delivered a successful reverse mentoring programme for LGBTI staff which is now to be rolled out to staff with other protected characteristics in order to better inform our wider staff about their particular needs.

Given our commitment to treating everyone with respect and in accordance with their different needs, COPFS reviewed the accessibility of our complaints procedures. All complaints received in the Response and Information Unit with an equality perspective are monitored by our Equality Champion.

COPFS subscribes to the Civil Service Learning resource which hosts a series of award winning equality and diversity e-learning packages. All staff have been given mandatory objectives to complete this suite of training, some on a yearly basis. The e-learning packages used primarily are: Equality and Diversity Essentials; Disability Awareness; Becoming a Dementia Friend; LGBT Awareness; Mental Health Awareness and Unconscious Bias.

Our workforce

Equality Outcome 5

COPFS has a workforce which proportionately represents the diversity of Scottish society

Staff feel respected at work and have an equal opportunity to achieve their full potential

COPFS continues to be recognised as an employer who tackles unfair discrimination and creates an inclusive workplace

Our aim: Build a workforce which proportionately represents the diversity of Scottish society and the communities we serve, and create an inclusive, respectful work environment where staff can achieve their full potential.

The 2011 Scottish census is the main source for our comparison when considering whether our workforce proportionately represents the diversity of Scottish society but we recognise that the results are now somewhat dated. They remain however the best source of comparison.

Gender

The results of the 2011 census disclosed that 51.5% of the Scottish population was female. When the results were restricted to those aged 15-65, to broadly reflect the available workforce, the proportion of females was 50.8%.

In 2015, COPFS statistics revealed that 70.8 % of our workforce was female. Figures produced as at 31 March 2017 disclose that 71% are female so there has been no real change in the gender ratio of our staff. We recruit staff at two entry levels - administrative and legal. The entry level ratio for administrative staff discloses 75.2% are female. For legal staff (including trainees) the proportion is 69.5%. We therefore continue to recruit a

disproportionately high proportion of female staff at entry level. Our legal staff account for 30.6% of our overall workforce and we are required to recruit staff who are fully qualified in Scots Law. However, nearly 70% of law students are female according to the Law Society of Scotland and therefore we require to recruit from a predominantly female pool of resources.

To reach out to all potential future employees, we have invested in our attendance at school career fairs and university events to encourage students to consider a career with COPFS. Some of our staff have become mentors to law students and we work in partnership with the Office of the Advocate General to produce the Your Future in Law programme for schoolchildren in Edinburgh. We also work with schools across Scotland to provide work experience opportunities for secondary school children. In September 2014, we led a weekend event for schools in Lanarkshire with a variety of criminal justice partners to highlight that the criminal justice sector was an inclusive work environment which was welcoming to all. The event addressed stereotyping of certain professions. The Justice Equality and Diversity sub-group is currently pursuing ways to provide careers advisors at schools across Scotland with information on our roles and responsibilities to encourage more pupils to consider a career within criminal justice.

In 2015, the proportion of senior staff at SCS level was 52% female from a total pool of 27 staff. The current figures show that this has reduced to 43.5%, from a current pool of 23 SCS staff so scope for change is limited and a focus on reducing the level of SCS posts across Scottish Government has meant that we have not conducted an SCS recruitment exercise since 2013. Positive action is however being taken to provide mentoring and also to provide the opportunities for staff to access networks across criminal justice such as Police Scotland's Women's Development Forum.

Flexible working opportunities are available to staff at all grades and have been accessed by both men and women including those at SCS level. Staff have also been promoted to levels up to SCS while on maternity leave and whilst pregnant and also on flexible working patterns so we have demonstrated that these issues are not a barrier to progressing within COPFS. We recognise that restrictions on mobility have been a barrier to staff accessing promotion opportunities in the past and have become more flexible about where staff can work by making greater use of technology. We are about to commence a pilot on location neutral working and are reviewing our policies on home working.

Disability

The 2011 census established that 19.6% of the Scottish population disclosed a disability or long-term activity limiting health problem, however this figure reduces to 14.9% when considering the working age population only. In 2015, 4.9% of our staff declared a disability with 1.3% failing to disclose. As at 31 March 2017, 4.1% of our staff declared a disability with 1.4 % failing to disclose. However as 266 of our staff also said they did have medical conditions which have lasted over 12 months (26%) with 15% of the 266 considering themselves disabled, this would increase the number of staff who feel they have a disability to 8%.

COPFS is committed to promoting equality of opportunity for people with disabilities. We have a Staff Disability Advisory Group and chair the Criminal Justice Disability Project and the Disability Advisory Group which acts as the project's specialist external advisors. The project is committed to making our buildings and services accessible to all. We hope this will also encourage people with disabilities to consider us as an employer. The project is committed to improving training for staff to increase their knowledge of the issues affecting

people with disabilities. The training aims not only to improve the experience of our customers but also improve understanding of the needs of our staff to ensure they are effectively supported in the workplace and have an equal opportunity to progress.

Additionally we have a Staff Disability Ambassador and a Mental Health Ambassador and they are responsible for engaging with groups representing people with disabilities and mental health issues and also raising awareness amongst staff. They are encouraged to support campaigns such as “See Me” which highlights mental health issues. Under our Fair Futures programme, we have established a Health and Wellbeing work stream which will focus on supporting staff to deliver to their full potential at work with the right support.

Sexual Orientation

There is limited data and evidence available to accurately identify the proportion of LGBTI people living in Scotland. The Scottish Household Survey from 2014 disclosed that 98.4% of the population declared as heterosexual/straight with 1% declaring as LGB and 0.6% refusing to respond. The Scottish Survey core results from 2014 show the overall proportion of adults identifying as LGBTI was 1.6%. The highest level (3.1%) related to those aged 16-25.

COPFS data from 31 March 2017 shows 2.5% of our staff identifying as LGBTI with 80.3% identifying as heterosexual/ straight. This leaves 17.2% of our staff whose sexual orientation is unknown, of whom 4.1% prefer not to disclose. This is an improvement on our data from 2015 when 1.9% disclosed as LGBTI and 24.8% did not disclose.

While our data demonstrates that our workforce broadly reflects the proportion of LGBTI citizens in Scottish society we aspire to be an inclusive organisation where all our staff feel comfortable about disclosing their identity. We therefore continue to subscribe to the Stonewall Diversity Champion’s programme and maintain our commitment to improve our rating in their workplace index where we currently hold 13th place in the UK and Top Scottish public sector employer. We will therefore continue to support our LGBTI staff network “Proud in COPFS” and our staff ambassadors. We currently have two LGB ambassadors, one transgender ambassador and one non-binary ambassador. We also have an allies programme “Friends of Proud in COPFS” with members wearing customized lanyards to display their support for LGBTI colleagues. We also promote the Stonewall “No Bystanders” campaign which has been endorsed by the Lord Advocate and the Crown Agent.

Ethnic Origin

The 2011 Scottish census disclosed that 4% of the population declared an ethnic background. The majority, at 3%, declared an Asian background.

Our data as at 31 March 2017 discloses that 90% of our workforce identifies as White with 2.4% identifying as BAME and 2.8 % as “Other”. This leaves 4.8% who have not disclosed their ethnic origin. This would suggest that there are at least 5.2% of our workforce who are from an ethnic group which does not identify as White. Our data from 2015 disclosed 93.1% of our workforce identified as White with 3% disclosing as coming from an ethnic minority and 4% not declaring their ethnic origin. The data from 2017 would therefore suggest that the COPFS workforce has become slightly more ethnically diverse over the past 2 years.

We have made a number of outreaches to refugees and asylum seekers in Scotland and

worked in partnership to create “the Guide to Scots Law”. We also liaise regularly with ethnic minority groups such as WESREC and encourage communities from across Scotland to consider a career with COPFS. We have advertised our modern apprentice schemes directly to ethnic community groups and have been highly commended and shortlisted by [enei](#) in a number of categories including Representative Workforce, Inclusive Communications and Inclusive Recruitment.

Belief or Faith

The 2011 Scottish census established that 54% of the population declared themselves to be Christian of whom 32% were Church of Scotland and 16% Roman Catholic. 1% of the population declared themselves to be Muslim.

In 2015 our data disclosed that 43.7 % of our workforce identified as Christian with 0.9% of our workforce identifying as Muslim and 1.3% identifying as belonging to another religious/believe group. 22% declared that they did not follow any faith or belief.

Our data from 31 March 2017 discloses that 42.2 % of our workforce identify as Christians with 17.4 % identifying as Church of Scotland and 13.7 % as Roman Catholic. 1.1% of our workforce identifies as Muslim and 1.3 % identify as belonging to another religious/belief group. 29.6% declared that they did not follow any faith or belief system.

Our figures would suggest that our workforce has a lower level of Christian employees than is represented in Scottish society albeit it has to be recognised that the census results date back to 2011 and relate to the entire population and not just those of working age. Our data would also suggest that our proportion of Muslim staff is broadly in line with the Muslim population in Scotland.

We currently have a staff ambassador for Religion and Belief who is supported by two further ambassadors representing the Muslim and Jewish communities. The ambassadors are responsible for liaising with groups representing these communities such as SCoJeC and also with raising awareness of these faiths to staff members. We are currently exploring the potential to establish either an inter-faith staff network or staff networks catering for particular faiths such as a Christian network or a Muslim network.

Staff are encouraged to be open about their religion or belief and this message has been endorsed by our Equality Champion in her annual speech to staff at our Staff Equality conference. However, with 22.7% of respondents choosing to not provide details of their beliefs, there is still much reassurance work to do.

Age

In 2015, our data disclosed that 53.9% of our workforce was aged between 30 and 49 years with 5.3% aged 60+.

Our data from 31 March 2017 discloses that 51.3% of our workforce is aged between 30 and 49 years with 6.3 % aged 60+ which shows that we have increased the population of staff working beyond 60. There is however a broad spread of ages working for COPFS.

We have developed a number of initiatives to encourage young people to consider a career with COPFS including work placements, attendance at school career fairs and at university recruitment events. We also operate a modern apprentice programme. We are supported by a staff Age Ambassador who is committed to addressing age related

issues within the workplace.

We encourage staff at all ages to progress within the organisation and in analysis carried out between 1/7/2011 and 1/7/2016, we established that staff over the age of 40 had been successful at obtaining promotion at every grade within COPFS with 36 % of promotions being awarded to staff aged 40 or over and 12% to staff aged 50 or over.

Bullying and Harassment

The number of staff who have personally experienced bullying or harassment at work during the last 12 months has remained at 15% in comparison to the 2015 survey.

There are a number of methods we have employed to communicate that COPFS considers bullying and harassment is unacceptable. We have promoted the “No Bystanders” campaign and have featured the issue in successive annual staff conferences where we have highlighted our Fair Treatment policy. All of our managers have participated in a Management Development Programme over the last 2 years which raises awareness of bullying and harassment and how to have constructive conversations.

Fair Futures Project

The COPFS Fair Futures project started in early 2016 and its aim is to continue to develop COPFS as a service where our people feel valued, trusted and supported to contribute to organisational success and lead fulfilling working lives and where this is reflected in our high performance and aspiration. The Fair Futures Project has been built around key concerns of staff as expressed over recent years through various channels, notably the Shaping the Future Project consultation in 2015 and successive Civil Service People Surveys, and also through the Trade Unions and from staff forums. The project has four work areas: People & Performance; Recruitment; Roles & Skills; and Wellbeing.

The underpinning concept of Fair Futures is that COPFS can have a secure and successful future within the limitations set by funding, geography and business demand. The key is to find the balance of resources and priorities that is ‘Fair’ in the circumstances and provides secure and productive ‘Futures’ for COPFS, our people and those who rely on our services.

In conclusion

We continue to aspire to ensure that our workforce reflects the society in which we live. This is a long term strategic aim and while we have made some progress over the last 4 years we will continue to take positive action to ensure that we attract applicants from across all our diverse communities in Scotland and that we will thereafter support them and our existing staff to have equal opportunities to progress and develop within COPFS.

Annex B provides a more detailed statistical analysis of the representation of employees within COPFS under each of the protected characteristic headings and the implications for planning.

Organisational Structure

Our organisational structure is based around 3 work functions and, as at 31 March 2017, we had 1733 staff based in 37 local offices.

COPFS work Functions:

- **Serious Casework** – which comprises of:-
 - **High Court** - deals with the most serious cases, for example homicide, major crime, sex offences and cold cases.
 - **Specialist Casework** - this Function comprises a number of specialist units involved in the delivery of case preparation and the provision of other legal services in support of COPFS core functions where the nature, size and/or complexity of the case or subject matter means that it is most effectively dealt with within Specialist Casework. Units within this function are: Appeals; Criminal Allegations against the Police; Health and Safety Crime (including the Helicopter Incident Investigation Team); International Co-operation Unit; Proceeds of Crime Unit; Scottish Fatalities Investigation Unit; Serious and Organised Crime; Wildlife and Environmental Crime Unit and the Civil Recovery Unit.
- **Operational Support** - supports the day-to-day business of COPFS providing Business Services such as HR, Finance, Estates, Information Systems and strategic business development. This function also includes the Policy & Engagement Division which comprises Media Relations, Corporate Communications, Enquiry Point, Management Information and Victims & Witnesses Team.
- **Local Court** - deals with all Summary and Sheriff and Jury cases. This function is delivered locally through a geographical structure based on the six Sheriffdoms. National Initial Case Processing is also part of the Local Court function.

Each of the Sheriffdom Business Units is headed by a senior prosecutor who has responsibility for all cases prosecuted in Justice of the Peace and Sheriff Courts within that Business Unit. These Sheriffdoms are:

- Glasgow & Strathkelvin
- Grampian, Highland & Islands
- Lothian & Borders
- North Strathclyde
- South Strathclyde, Dumfries & Galloway
- Tayside, Central & Fife

Sheriffdoms and local Offices

CROWN OFFICE

EDINBURGH

GRAMPIAN, HIGHLAND & ISLANDS

ABERDEEN
BANFF
ELGIN
FORT WILLIAM
INVERNESS
KIRKWALL
LERWICK
PETERHEAD
STORNOWAY
TAIN
WICK

NORTH STRATHCLYDE

AYR*
CAMPBELTOWN
DUMBARTON
DUNOON
GREENOCK
KILMARNOCK
OBAN
PAISLEY

SOUTH STRATHCLYDE, DUMFRIES & GALLOWAY

AIRDRIE
DUMFRIES
HAMILTON
LANARK
STRANRAER

GLASGOW & STRATHKELVIN

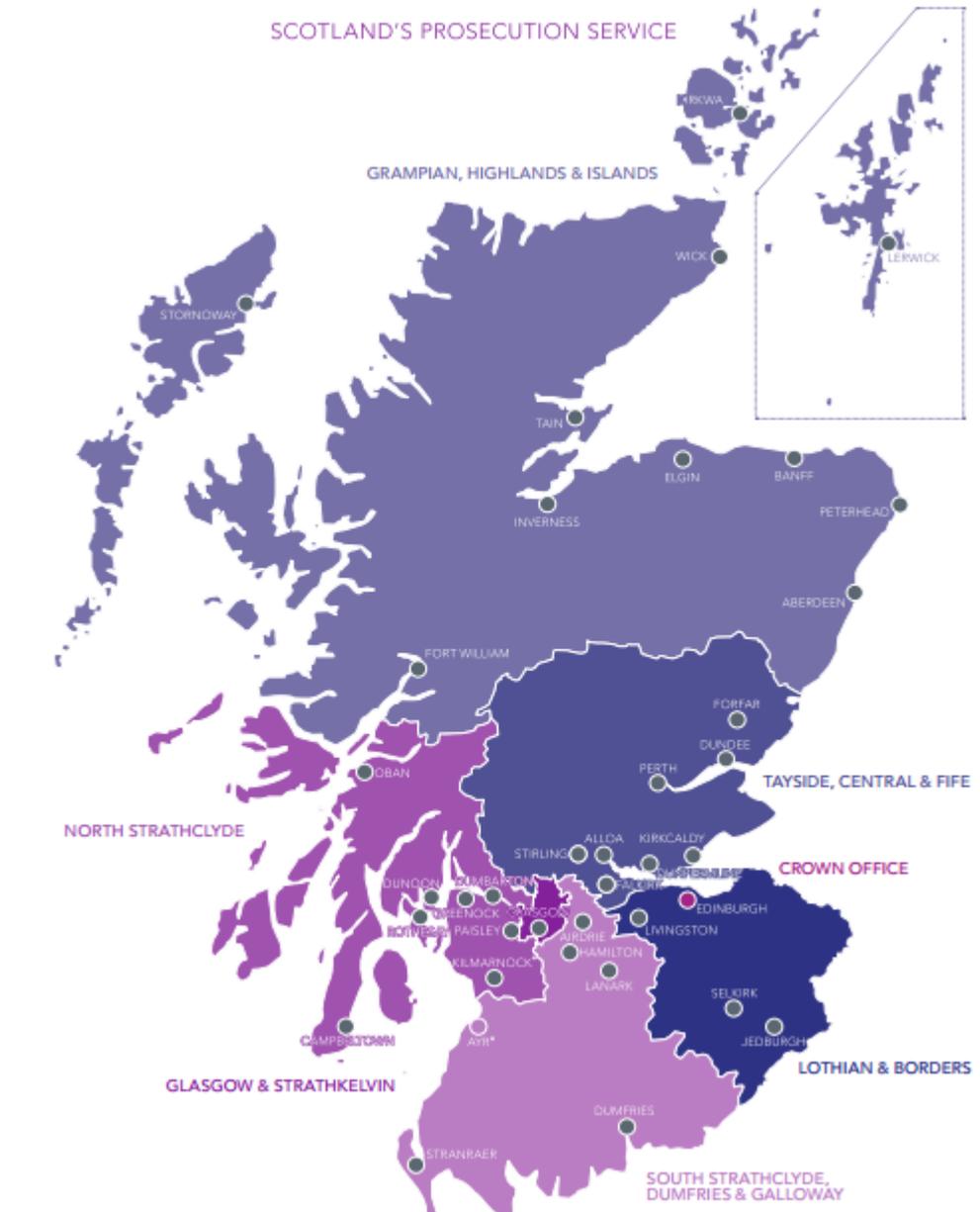
GLASGOW

LOTHIAN & BORDERS

EDINBURGH
JEDBURGH
LIVINGSTON
SELKIRK

TAYSIDE, CENTRAL & FIFE

ALLOA
DUNDEE
DUNFERMLINE
FALKIRK
FORFAR
KIRKCALDY
PERTH
STIRLING



*For COPFS administrative purposes, the PF Office in Ayr is considered part of North Strathclyde.



**CROWN OFFICE
& PROCURATOR
FISCAL SERVICE**

SCOTLAND'S PROSECUTION SERVICE

Annex B – HR Data and Analysis

Our equal opportunities policy commits us to treat all staff equally, irrespective of their sex, marital status, age, race, ethnic origin, sexual orientation, transgender status, pregnancy and maternity, disability, or religion/belief or because they work part-time. Employment and promotion are based solely on merit. Staff on alternative work patterns are assessed on exactly the same basis as those working full time.

COPFS endeavours to ensure that the data we hold is as current and up to date as possible; our most recent internal Equality and Diversity survey being conducted in March 2017. In total, 59% of staff responded to this survey which was an increase of 7% compared with the 52% participation recorded in 2014. We will continue to encourage participation in future surveys. Participants were given the option to remain anonymous if this was preferred. Information is routinely collected from surveys, and recruitment and selection 'applicant detail's' information. In the March 2017, survey 668 or 65.5% of respondents provided information in addition to that already held on our HR systems. Where individuals have provided their identity, their records have been updated within our HR information system to assist in monitoring staff representation. Anonymous responses from this survey will also be considered to ensure all information supplied by COPF staff is considered.

In order to review Equality and Diversity staff profiling and the results of the survey, COPFS has been assisted by a sub-group of our Equality Advisory Group and our Equality Project Board

The data used to produce the tables within Annex B in this report is from COPFS HR and payroll system and was extracted as at 31 March 2017. The number of staff in post at this date was 1733.

Table 1

Pay Band and salary ranges as at 31 March 2017

Tables 2 and 3 – Gender and working pattern by grade

The overall proportion of male and female staff remains similar to the 2015 survey. In Scotland 51% of people are female and 49% are male (Scotland's Census 2011) whilst COPFS gender demographics are: 71% of staff are female, 29% are male. At entry level grades for both legal and administrative staff, there are three times as many females than males. The proportion of women in Bands E, G, PPF and SPFD show an increase while there are reductions within the SCS grade and Trainee Solicitor appointments.

We note that 24.8% of our staff work a part-time pattern. 92.3% of part-time staff are female and 7.7% of part-time staff are male and we continue to monitor the effects of part-time working on future progression

Tables 4 and 5 – Disability declaration by working pattern and grade

4.1% of COPFS staff have declared themselves as disabled, however 266 of 1020 respondents said they did have medical conditions which have lasted over 12 months (26%) with 15% of the 266 considering themselves disabled. In the Scotland 2011

census, 19.6% had declared themselves as having long-term (over one year) activity-limiting health problems.

Table 6 – Ethnicity

5.2% of staff are recorded as BAME or other ethnic background with 2.5% preferring not to provide information relating to their ethnicity. Figures for white background have decreased by 3.1%.

Table 7 – Sexual orientation

The numbers of declared gay, lesbian, bisexual and other sexual orientations recorded with our HR system are *above* national average as recorded in the Scottish Household Survey 2014 – 2.5% against 1%. However, the Scottish Survey core results from 2014 show 1.6% of adults identifying as LGBTI. We note that 80.3% of our staff declared that they were heterosexual with 17.2% of our staff choosing not to declare this information. We continue to work on ways to encourage staff to feel able to declare their information for both recording and monitoring purposes and to aid policy development, however the number of staff who have not declared this information has reduced by 7.6% since the last survey.

Table 8 –Religious belief profile

29.6% of our staff have declared that they do not follow any faith or belief system. This is followed by Church of Scotland at 17.4% and Roman Catholic at 13.7%. 15.5% of those surveyed did not answer and 7.2% preferred not to answer which are still high numbers therefore we will continue to explore with staff why they are reluctant to answer this question.

Table 9 – Age profile

The majority of our staff 51.3% are aged between 30 and 49 with 6.3% over 60 years. However all ages ranges are well represented amongst our staff.

Table 10 –Marital status profile

This table provides details of the marital status of our staff.

Tables 11 to 16 – Leavers by category

These tables provide a breakdown of reasons why staff have left the service.

Table 17 – Occupational Segregation profile

These tables provide a breakdown of staff grade by gender.

Table 18 – Average salary by pay band

The average salary has been calculated on base salary (excluding allowances, on call payments etc). This does not highlighted any issues in relation to equal payment between male and female staff. Further detail will be provided in our full Gender Pay Gap Report due to be published by 4 April 2018.

Tables 19 to 24 – Recruitment and Selection

In the financial year for 2016-2017, COPFS published 86 internal and external adverts filling a total of 214 permanent/fixed term job vacancies with 23 posts still ongoing to be filled as at 13/04/17. The total number of applications received by COPFS was 1043. Tables 19 to 24 give a detailed breakdown.



Equality Paper Final
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