

# CROWN OFFICE AND PROCURATOR FISCAL SERVICE (COPFS)

## EQUALITY OUTCOMES AND MAINSTREAMING REPORT

APRIL 2013



HAPPY TO TRANSLATE

[www.copfs.gov.uk](http://www.copfs.gov.uk)

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## 1. Introduction from Catherine Dyer, Crown Agent and Chief Executive

As the Crown Agent and Chief Executive of the Crown Office and Procurator Fiscal Service (COPFS) I am delighted to introduce our interim report on mainstreaming equality which reflects the further progress we have made since the introduction of the Equality Act in 2010.

As Scotland's sole prosecution service it is vital that the public interest is at the heart of everything we do as independent public prosecutors. The diverse communities we serve need to be confident that we understand their needs and can deliver an accessible, fair and effective prosecution service that secures the confidence of all communities as well as that of every individual coming into contact with us whether as a victim of crime, a witness or an accused person.

We play a pivotal role within the criminal justice system and as part of the Scottish Government we share the objective of creating a safer and stronger Scotland where we can all live our lives safe from crime, disorder and danger. We are committed to making Scotland a safe place in which to live through our robust prosecution policies which recognise the critical importance of working with others to eliminate prejudice from our society.

Our duty to promote equality is fundamental to the administration of justice and to the role which we fulfil as prosecutors. We are committed to ensuring that we have fully trained staff, confident in their ability to understand and anticipate the needs of the communities they serve and who remain responsive to the ever changing needs of our society.

As an employer COPFS is also committed to ensuring that all our functions, policies and procedures are inclusive and non-discriminatory and that we provide equal opportunities in employment, development and promotion for all staff within a workforce which aims to reflect the demographics of the people of Scotland. We will continue to use the employee information included in this report to assist us in demonstrating that we can be recognised as a fair and inclusive employer.

It is, of course, a work in progress but I hope that this report will demonstrate the commitment which COPFS has to implementing the requirements of the Equality Act. I am grateful to all those who have contributed to the development of our plans over the past two years. We will continue to consult and engage, reviewing our progress over the forthcoming years to maintain focus on these fundamentally important requirements which underpin all of our work.



Catherine Dyer  
Crown Agent and Chief Executive of COPFS  
April 2013



## **2. Foreword from Marsha Scott, Chair of the COPFS Equality Advisory Group**

This first Mainstreaming Equality Report marks several milestones in COPFS: provision of the richest COPFS data on equality we've ever had alongside a newly focused scrutiny process. As chair of the organisation's Equality Advisory Group, I am happy to predict that the next few years will bring improved planning and practice within and outwith the organisation as a result.

Mainstreaming equality-sensitive policy and practice is not a new concept or even a particularly new task. Delivery of mainstreaming in the public sector, however, is still very much a work in progress, and this report must be seen in that context. Mainstreaming of equality requires culture change throughout all levels of an organisation, and that scale of change requires a systematic, sustained, and evidenced effort that delivers system change. The Equality Advisory Group is committed to helping COPFS deliver that level of change, and I look forward to reporting on that system change as we go forward.

Dr. Marsha Scott

Chair, Equality Advisory Group

April 2013

### **3. Purpose of the Report**

COPFS is a listed public authority as defined in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and therefore is obliged to publish a report on its progress on mainstreaming the equality duty by 30<sup>th</sup> April 2013. The specific duties were designed to help listed authorities meet the general equality duty.

This report will be available both on our internal web site and our public website [www.copfs.gov.uk](http://www.copfs.gov.uk) and in alternative formats on request.

This report is supported by our Equality Outcomes Report which is included at Part II and also available on these websites.

#### **The Equality Act 2010**

The general duty of the equality act requires COPFS, in the exercise of its functions, to have due regard to the need to:

- (a) Eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010
- (b) Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not.

The public sector equality duty covers the following protected characteristics:

- Age
- Disability
- Gender
- Gender Reassignment
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sexual Orientation.

The public sector equality duty also covers marriage and civil partnership in relation to eliminating unlawful discrimination in employment.

### **4. About The Crown Office and Procurator Fiscal Service**

#### **4.1 Our Role and Function**

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's sole prosecution service. We are also responsible for the investigation of deaths that require further explanation, and for investigating allegations of criminal conduct against police officers.

We receive initial crime investigation reports from the police and all other reporting authorities in Scotland, and if there is a sufficiency of evidence, we decide what action should be taken in the case in the public interest.

In Scotland, the decision whether to take prosecutorial action in any case is one for the prosecution service alone. The Procurator Fiscal takes a proactive role where necessary in directing police enquiries, particularly in the investigation of serious crime.

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.

We recognise the critical need to work with others, including specialist organisations, to create a criminal justice system where victims and witnesses can feel confident in contributing their evidence, and to meet their information and support needs.

We work with others across the criminal justice system to make Scotland a place where all can live their lives safe from crime, disorder and danger. We support the [Strategy for Justice in Scotland](#) and in particular its priorities of:

- Reducing crime, particularly violent crime and serious organised crime
- Tackling hate crime and sectarianism
- Supporting Victims & Witnesses
- Increasing public confidence and reducing fear of crime.

## 4.2 Our Organisation

Our organisational structure is based around 4 geographical Federations – North, East, West and National and we have approx 1670 staff based in 47 offices.

### North Federation

With Offices at: Aberdeen, Stonehaven, Elgin, Peterhead, Banff, Dundee, Perth, Arbroath, Forfar, Inverness, Dingwall, Fort William, Kirkwall, Lerwick, Lochmaddy, Stornoway, Tain, Dornoch, Wick and Portree.

### East Federation

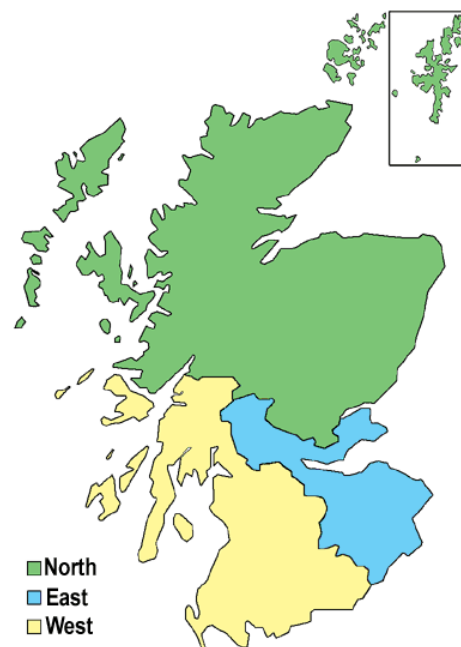
With Offices at: Edinburgh, Livingston, Haddington, Jedburgh, Selkirk, Cupar, Dunfermline, Kirkcaldy, Alloa, Falkirk and Stirling.

### West Federation

With Offices at: Glasgow, Campbeltown, Dumbarton, Dunoon, Greenock, Rothesay, Oban, Paisley, Ayr, Kilmarnock, Dumfries, Kirkcudbright, Stranraer, Airdrie, Hamilton and Lanark

### National Federation

This Federation includes all of our national units including the Scottish Fatalities Investigation Unit, Serious and Organised Crime, Appeals, Civil Recovery Unit, Ultimus Haeres Team, HR, Learning and Development, Finance, Health and Safety Division, Criminal Allegations Against the Police (CAAPs), and the International Cooperation Unit.



### **4.3 Our commitment to Victims and Witnesses**

COPFS is committed to treating all individuals, including those with protected characteristics, with sensitivity, dignity and respect. This includes groups defined by age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex, and sexual orientation, as defined within the Equality Act 2010.

Our commitments to all victims and prosecution witnesses are as follows: -

We will: -

- Give you respect and a professional service at all times.
- Communicate with you clearly and effectively.
- Give you the information you need at the time you need it.
- Deal with your case as quickly as possible.
- Require you to give evidence in court only when we have to.
- Ensure you can communicate with us if your first language is not English.
- Make sure we take account of any extra support you may need.
- Give the judge information about the effect of the crime on you.
- Advise you how to claim expenses and deal with your claim as quickly as possible.
- Work with other agencies to help you get the services you need.

We recognise that some victims or witnesses may be vulnerable in terms of the Vulnerable Witnesses (Scotland) Act 2004 and may require help giving evidence or may have additional needs due to their circumstances or personal characteristics. These can include, but are not restricted to:

- Asylum seekers
- Dependents abusing parents/carers, or parents/carers abusing adult dependents
- English not as a first language
- Learning difficulties
- Mental health issues
- Physical disabilities
- Sexual orientation/gender identity
- Terrified of accused and / or of reprisals

In particular, our Victim Information and Advice Teams provide support to those identified as vulnerable victims and witnesses. Due to the integral role that they play in supporting such victims and witnesses, one of the products which we are developing is an additional bespoke training package for these teams to aid and assist them in providing a sensitive and responsive service in terms of the Equality Act 2010.

### **4.4 Our Aims**

- To serve the public interest while maintaining public confidence in the system, and to prosecute cases independently, fairly and efficiently
- To work closely with other agencies in the criminal justice system to make Scotland a safer place
- To engage with local communities and respond to their needs and priorities

### **4.5 Our Values**

- Being Professional

- Showing Respect

#### **4.6 Our Objectives**

- To investigate, prosecute and disrupt crime
- To seize the proceeds of crime
- To investigate deaths that require an explanation



## PART I

### 5. COPFS Approach to Mainstreaming Equality

“Mainstreaming the equality duty is an organisational responsibility and leadership and staff awareness will be central to success”

EHRC published guidance, May 2012

#### 5.1 Background

In order to implement the Equality Act 2010, we reviewed our organisational structure to support our work to mainstream equality. The Crown Agent appointed a Senior Legal Manager, Ruth McQuaid, as our Equality Champion to lead on this implementation process throughout COPFS. This provided an opportunity for us to conduct an extensive review of our policies and processes and to further integrate equality into our organisation, both in terms of our public duties and in terms of our duties as an employer.

Our progress towards achieving our outcomes includes: -

#### 5.2 Equality Champion

The Equality Champion has been appointed as a member of the COPFS Management Board, which is collectively responsible for delivering our Equality Outcomes. This allows her to challenge our actions and behaviour at the most senior level.

#### 5.3 Strategic Leadership

The Lord Advocate, Frank Mulholland QC, provides strategic direction of the equalities agenda for COPFS overall. He is the Chair of our Equality and Diversity Strategy Group. This group now meets 3 times per year (previously twice). This increased commitment will enable this Group to be actively involved in monitoring the progress of COPFS towards our equality outcomes. The leaders of the 4 Federations are members of the Strategy group, along with the Heads of Policy and HR, and the Equality Champion and they help shape the strategic way forward for the equality agenda within the service.

#### 5.4 Equality Act Implementation Team

We created an Equality Implementation Project team which was led by our Equality Champion to conduct this review and implement actions. This team has met on 21 occasions over the past 2 years.

In order to reflect COPFS diverse and varied organisational structure, the team is made up of staff from various grades, functions and geographical locations. The work of the team is governed by a Project Board, chaired by the Crown Agent. This Board has met on 9 occasions over the last 2 years. The activities of the team are managed using project management principles and cover 34 different workstreams. Several products have already been delivered and the remainder are progressing, as planned for delivery over the next 2 years.

## 5.5 Federation Equality Networks

We have created Equality Network within each of our four Federations to ensure that our equality responsibilities are not only identified at a national level but also realised at a local level. Each of these groups consists of members of staff at all grades who are committed to promoting equality and liaising with local community groups.

## 5.6 Equality Ambassadors

We have appointed COPFS Equality Ambassadors – these employees have volunteered to represent COPFS employees who have a protected characteristic at a national level. These Ambassadors may or may not have the particular characteristic themselves but they all are passionately committed to representing such groups.

A brief description of the role and responsibilities of our Ambassadors is attached at Annex A.

## 5.7 COPFS Equality Team

This small dedicated team is based in Policy Division, Crown Office in Edinburgh and will provide advice and expertise to our Equality Groups and Ambassadors in the delivery of our equality outcomes. Their role has been expanded to include membership of the Implementation Group and more recently, to ensure that Equality Impact Assessments are completed for all of our major Projects.

## 5.8 Staff Networks

Stonewall Scotland has been working closely with COPFS since 2006, to develop a positive workplace environment for their lesbian, gay, bisexual and transgender employees and service users. This year we are delighted that COPFS achieved the highest score from any public sector employer in Scotland in our Workplace Equality Index, demonstrating true commitment to workplace equality.

In the last seven years we have seen COPFS show leadership and LGB&T equality by raising awareness in communities of hate crime legislation which provides protection for LGB&T individuals as well as ensuring all their policies meet the needs of LGB&T employees and service users. The introduction of Proud in COPFS in 2010 to support LGB&T employees and raise general awareness of LGB&T equality was an important step towards developing inclusive workplaces.

We look forward to continuing our work with COPFS and supporting initiatives such as Proud in COPFS, Friends of Proud in COPFS and the Equality Ambassadors

Nicola Swan, Client Account Manager, Stonewall Scotland

Staff networks have been established by two of our equality ambassadors to date; Proud in COPFS and the Staff Disability Action Group: -

### 5.8.1 PROUD

Proud in COPFS is a group which represents LGBT staff – it has its own meeting structures, web-pages, events and promotional activities. Proud in COPFS has been a highly effective forum for our LGBT staff to discuss issues of mutual importance. By

working closely with Stonewall we believe we have created an inclusive working environment for LGBT staff. We have gained greater appreciation of the employment concerns most affecting staff under a protected characteristic (from the availability of career opportunities to addressing poor managerial attitudes and behaviours). COPFS has gained 45<sup>th</sup> place in the prestigious national 'Stonewall Top 100 UK Employers' for 2013 and was named 'Best Public Sector Employer in Scotland' in 2013 by Stonewall Scotland. We are also about to engage in a programme of reverse mentoring in which our senior managers will be offered a mentor from the Proud in COPFS network to improve their appreciation of the challenges they face.

#### 5.8.2 STAFF DISABILITY ADVISORY GROUP

We also run a Staff Disability Advisory Group (SDAG), run by employees with disabilities on behalf of COPFS. This has been in operation since 2006 and is an important forum (along with the EAG) in contributing to effective Equality Impact Analysis of any new employment policies or changes to existing ones. As well as fulfilling this role, this group provides a means for staff to comment on access issues to buildings, documents and all other forms of communication.

5.8.3 One of the roles of the new Ambassadors is to explore the possibility of setting up similar network groups for the other protected characteristics, should there be sufficient demand from staff.

### 5.9 Criminal Justice Equality Strategy Group

Our Equality Champion chairs a strategic group of criminal justice equality leads from criminal justice partners which was set up in 2012. This group is working towards delivering a shared criminal justice equality objective.

### 5.10 Additional Support

Our work on mainstreaming equality within COPFS is supported by:-

- The COPFS Equality Advisory Group (See Annex B for a list of members / role and remit). Our engagement with this group has been revisited over the last few months to ensure that we are targeting their expertise towards more strategic priorities including the implementation of our revised Domestic Abuse Protocol, our Workforce Strategy and the Victims and Witness Bill.
- Stonewall Scotland – we have strengthened our links with this organisation over the last year
- enei – Employers Network for Equality and Inclusion – we became members of this Network during 2012
- Happy to Translate – we renewed our membership for this service in 2012
- Both Trades Unions (FDA and PCS) are represented on many of our internal equality groups
- We remain committed to the pledge which the Crown Agent signed in 2011 as part of the national "See Me" campaign against discrimination and stigma of mental ill-health.

## 6. General Equality Duty

On 5 April 2011, the Equality Act 2010 introduced a new public sector general equality duty. The general equality duty requires Scottish public authorities to pay due regard to the need to:

**(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act**

**(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**

**(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it**

## **7. COPFS Progress in Mainstreaming Equality**

In addition to setting out our Equality Outcomes (Part II), we have made the following progress under each of these duties: -

**(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act**

### **7.1 FAIR TREATMENT POLICY**

All employment policies were reviewed by the COPFS HR Department with our trade union partners Public and Commercial Services (PCS) and First Division Association (FDA) to conform to the new Equality Act. The *Grievance Procedure* has been rewritten to allow quicker and more flexible processes to deal with conflict in the workplace. We have introduced a new *Fairness at Work* policy as part of this overall grievance policy. In this new policy staff can find greater resource to deal with harassment, bullying, discrimination and victimisation. The use of trained COPFS mediators has proven to be a particularly useful innovation in resolving grievances early. In relation to this we have evidence to suggest that employees use the independent *Employee Assistance Programme* as a source of advice and support on a range of issues.

### **7.2 EQUALITY TRAINING AND AWARENESS IN STAFF**

The Implementation Project Team identified several training initiatives to not only educate but engage employees in thinking for themselves, about what diversity as a concept means to them and how individually and collectively we can enhance the work experience of everyone at COPFS, in the acknowledgement that we are all different in some way. We revised our two day diversity programme for all new staff and which all staff are expected to complete to incorporate the requirements of the new Act. We have also introduced an on-line Diversity training package designed by Skills For Justice but augmented for COPFS' own requirements, to refresh all employees' awareness of current Diversity and Equality ideas. In addition, we are designing tailored training to meet the needs of staff in our Victims Information and Advice teams and Customer Enquiry Point staff (based in Dumbarton).

### **7.3 EQUALITY IMPACT ASSESSMENT TOOLKIT AND AWARENESS TRAINING**

We have redesigned our EIA Toolkit to ensure that it is much more user friendly. This Toolkit will support managers in assessing the impact of changes in our policies etc on people covered by the protected characteristics in the Equality Act. All of our policies, projects and change initiatives will be subject to an EIA review.

## 7.4 PROSECUTION POLICIES

### i) Domestic Abuse

Tackling domestic abuse is a strategic priority for COPFS. Extensive guidance is available to prosecutors dealing with domestic abuse cases. This guidance is subject to continual review and improvement and makes clear that a wide range of crimes can amount to domestic abuse, including contraventions of sections 38 and 39 of the Criminal Justice and Licensing (Scotland) Act 2010 (threatening and abusive behaviour and stalking), breach of the peace, vandalism, breaches of bail and civil orders, and seeking non-harassment orders following conviction when appropriate. Any allegation of domestic abuse, including those which do not involve violence, is approached in accordance with the robust policy set out in the joint ACPOS/COPFS protocol, "In Partnership, Challenging Domestic Abuse".

The definition of domestic abuse adopted by COPFS and ACPOS recognises that domestic abuse is not limited to physical abuse, and specifically includes sexual, mental and emotional abuse which might amount to criminal conduct and which takes place in the context of a relationship. COPFS takes action in reported matters of domestic abuse where there is a sufficiency of evidence, regardless of the sex, sexual orientation, gender identity, disability or ethnic minority of the persons involved.

COPFS is mindful throughout the prosecution process of the pressures that victims may be subject to and will seek to reduce these where possible. All victims of domestic abuse are referred to our specialist VIA service (as referenced above), which provides information to victims and some witnesses about the criminal justice system in general, the progress of the case against them, and discusses the special measures which may be made available to them at the court's discretion. VIA also signposts victims of domestic abuse to other agencies which can provide specialist support or counselling.

### ii) Forced Marriage

COPFS regularly engages with colleagues with ACPOS and Scottish Government on forced marriage and honour-based violence issues through the ACPOS HBV working group.

### iii) Same-sex Marriage

The Lord Advocate has undertaken to publish a Note of Prosecution Guidance in relation to offences which involve persons opposed to same-sex marriage. The content of that guidance will reflect that COPFS recognises the sensitivity of the issues and the strength of opinion surrounding same-sex marriage, and also that it recognises that a balance has to be struck between freedom of thought, conscience, religion and expression.

### iv) Offences Aggravated by Prejudice ("Hate Crime")

"Nil By Mouth enjoys a good relationship with COPFS and has run workshops and seminars with staff. We were delighted to be asked to provide a speaker for the bi-annual hate crime conference in 2012 and assist with the delivery of workshops to pupils in the North Lanarkshire area earlier this year.

It is clear from the work that they do, COPFS take sectarianism seriously and we look forward to deepening our partnership work in the future."

Dave Scott, Nil By Mouth Campaign Director.

COPFS recognises that criminal behaviour fuelled by prejudice should have no place in Scotland due to the harm it inflicts on victims and the corrosive effect it has on communities. Since 2011, the Law Officers have made tackling offences aggravated by prejudice one of COPFS' key strategic priorities and the [Lord Advocate's Guidelines](#) on Offences Aggravated by Prejudice are available to the public on our website. By adopting a strong prosecution policy and by working with communities, including focusing on young people, COPFS endeavours to maintain a strong role within Scottish society in tackling hate crime. COPFS prosecutors ensure that all forms of hate crime are highlighted throughout the criminal justice system and that instances of such crimes are met with an appropriate response at all stages.

The Lord Advocate is supportive of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, and is committed to ensuring that all offences committed under this Act are dealt with seriously. However, the Lord Advocate is also committed to ensuring that proportionality underpins COPFS' policy in relation to all such reported offences and as such Lord Advocate's Guidelines on the Act were published in February 2012. Specialist Football Liaison Prosecutors were appointed to ensure that COPFS delivers a consistent and robust response to football related cases.

COPFS has a very robust policy in place in relation to all recognised hate crime offences, with a strong presumption in favour of prosecution where there is sufficient evidence of racial aggravation or prejudice based on grounds of religion, disability, sexual orientation or transgender identity.

To ensure that the implementation of this policy was being properly monitored and assessed, COPFS published an analysis of prosecutions of these offences and aggravations in "Hate Crime in Scotland, 2011-12." This publication provided details of hate crime reported to COPFS in 2011-12 and earlier years. It brought together figures on race crime as well as crimes reported with an aggravation related to religion, disability, sexual orientation or transgender identity. A further Hate Crime Statistical report will be published by COPFS in June 2013.

"The Equality Advisory Group provides an extremely useful opportunity to engage with key COPFS staff on equalities issues and ensure that matters affecting our communities are considered in light of the expert insight that we can provide. The Scottish Transgender Alliance provided such expertise when working with COPFS to produce guidance and training on the hate crime aggravation relating to sexual orientation and transgender identity. Being a member of the EAG has enabled us to discuss the concerns of trans people with those in COPFS who are best placed to bring about change."

Nathan Gale, Scottish Transgender Alliance

Our VIA service produce information for the victims of, and witnesses to, hate crime. This information is available in hard copy for victims and witnesses, and is also available on the COPFS website for victims, witnesses and the general public.

#### v) Sexual Offences

The Sexual Offences (Scotland) Act 2009 widened the scope of the common law crime of rape and other sexual offences, in respect of offences committed on or after 1 December 2010, meaning that such offences can be committed against a male or female complainer. COPFS will prosecute whenever there is a sufficiency to do so and it is in the public interest to do so, regardless of the sex, sexual orientation, gender identity,

disability or ethnic minority of the persons involved. Following the introduction of this Act, in June 2009, the National Sexual Crimes Unit was established. This unit consists of a team of dedicated Crown Counsel who direct criminal investigations in all serious sexual offences from the earliest stage and personally prosecute all those that proceed in the High Court. Victims can have confidence that their cases are being handled by skilled prosecutors able to deal with the profound challenges, complexities and pitfalls inherent in the prosecution of sexual crimes.

Over the past couple of years, we have proactively and extensively revised our internal guidance documents so as to provide staff with a more robust policy to assist them in handling cases involving sexual offences in terms of the said new Sexual Offences Act. The resultant guidance produced is neutral and gender-balanced. The guidance was written with a cautious and all-encompassing approach aiming to challenge and eliminate stereotypes, prejudices and common perceptions surrounding victims and perpetrators of sexual offences.

#### vi) Age

COPFS is in the process of developing a robust policy specifically focussing on the prosecution of offences committed against older people. This policy will recognise the types of offences that are likely to be experienced by older people and identifies COPFS' commitments towards older people. The policy will also reflect the special consideration which must be given to the elderly victims of such crime.

If it is felt that a witness or victim is particularly vulnerable due to their age, VIA may be able to provide additional support and assistance.

#### vii) The Investigation of Deaths

The Procurator Fiscal has a duty to investigate all sudden and unexplained deaths, as well as deaths where there may be suspicious circumstances. Where a death is reported, the Procurator Fiscal will investigate the circumstances of the death, attempt to ascertain the cause of death and consider whether criminal proceedings or a Fatal Accident Inquiry is appropriate.

During the last two years work has begun to revise the existing COPFS guidance on informing nearest bereaved relatives of the role of the Procurator Fiscal in the investigation of deaths. This guidance is to be considered in conjunction with the existing information available within COPFS in relation to death customs of specific minority ethnic communities to ensure that, where appropriate, the specific needs of the different traditions in many cultures to bury or cremate the body of a deceased within particular timescales are reflected in the revised guidance. A number of external stakeholders have been identified and will be invited to comment on the terms of any revised publication. It is intended that translated versions of this guidance will be available on the COPFS website. In addition, COPFS is in the process of arranging a one day national conference in the autumn of 2013 for COPFS staff, external stakeholders and community groups focusing on COPFS' duty to investigate sudden deaths and the interaction with those with protected characteristics. It is anticipated that the revised information booklet for nearest relatives will be available ahead of this conference.

In August 2012, COPFS also produced information on crimes aggravated by prejudice for inclusion in the Scottish Government Homicide information booklet which is provided to all nearest relatives affected by a criminal death. This publication is distributed to families of homicide victims by police family liaison officers during the immediate stages

of a criminal investigation. This guidance complements information available within COPFS Victim Information and Advice (VIA) booklets in relation to hate crime and advice for bereaved nearest relatives in cases of crime related deaths.

#### viii) Guidance for Victims and Witnesses

With a view to improving the service we offer to victims and witnesses and to aid their understanding of roles and responsibilities and to ensure we meet their needs, we have produced various booklets. These booklets include –

- A deaths booklet for bereaved nearest relatives which explains the role of the PF and the processes to be factored taking into account the specific needs of different traditions in many cultures to bury or cremate and the associated timescales
- The development of a disability and mental health handbook for COPFS staff to help them engage with people with disabilities and mental health difficulties, and
- The production of a suite of leaflets in an easy read format which are not only available hard copy but also electronically on our public website. To assist victims and witnesses whose first language is not English we have arranged for our most popular VIA leaflets to be translated into 8 different languages, namely Czech, Lithuanian, Mandarin, Polish, Punjabi, Romanian, Russian and Urdu.

## **7.5 PROCUREMENT**

In late 2012, the Scottish Government created a national collaborative Framework Agreement for Supported Factories and Businesses to provide products and services to the Scottish public sector. A supported factory or business is one where more than 50% of its workers are disabled persons who, by reason of the nature or severity of their disability, are unable to take up work in the open labour market.

The Supported Business framework agreement allows organisation to procure a variety of products and services ranging from Furniture, Textiles, Document Management and Signage without carrying out a full tendering exercise.

To support this initiative and to increase the diversity of our supplier base, COPFS procurement has selected 4 supported businesses in Scotland to place orders with during the coming financial year. The firms chosen supply either furniture or signage products.

Supported Factories and Businesses play a valuable role in assisting people with disabilities to integrate into the labour market and in helping to improve their overall independence and wellbeing, which is crucial in building a more inclusive, healthier and fairer Scotland. COPFS is proud to support this positive action.



**(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**

**8. DATA MONITORING**

**8.1** COPFS utilises our HR Information System to store and summarise data to understand the representation of those staff with protected characteristics and we adapt our workforce planning priorities in line with our findings.

**Annex D** provides a detailed statistical analysis of the representation of employees within COPFS under each of the protected characteristic headings and the implications for planning. Our planning objectives form part of our Equality Outcomes.

It will be seen from the analysis in Annex D that COPFS needs to address several employment policy issues including

- Encouraging disabled people to declare their disabilities and assisting them to progress within the organisation
- Encouraging LGBT staff to declare their sexual orientation and assisting them to progress within the organisation
- Providing information to female employees to encourage their selection and promotion into senior management positions

**8.2 RECRUITMENT**

In 2012, we recruited 22 Modern Apprentices. Although many organisations targeted these opportunities at the younger age group, we considered applications from all ages and 21% of the applicants were above the 16-25 years age group.

**8.3 POSITIVE ACTION FOR A DIVERSE WORKFORCE**

In Feb 2013, we worked in partnership with the Attorney General's office to present a week long programme of activities for school children from different backgrounds across Edinburgh to consider a career in law.

**(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it**

**9. COMMUNITY ENGAGEMENT**

COPFS have a number of initiatives which assist in raising public awareness of the issues surrounding hate crime, aiming especially to raise awareness with the young. These include:

- Every 2 years, a Hate Crime Conference is hosted jointly by the COPFS and APCOS. The theme of the conference in 2012 was the "Challenge of Tackling Prejudice".
- Every 2 years, COPFS holds an Equality Conference for staff involved in equality related work to encourage them to promote better relations internally within our workforce and also to encourage and foster better relations between COPFS staff and community groups representing protected characteristics. The latest conference was held on 25 April 2013.
- COPFS now sponsor an annual Glasgow Schools speaking competition based on equality themes. The topic of the debate at the recent competition was "Hate crime, its causes, and how we can tackle it". The aim of the competition is two-fold: - to improve pupils' public speaking ability and confidence; and to eliminate discrimination, harassment and victimisation by improving understanding of hate crime. The competition is designed to engage young people from across Glasgow, in particular from schools which did not have a tradition of competing in public speaking or debating tournaments. We have now extended the competition to schools in Edinburgh and Dundee. In the future, we have plans to extend this across the country.
- North Lanarkshire Anti-Sectarian Project was a novel project, where pupils at Bellshill Academy and Cardinal Newman High School worked in partnership to make an educational DVD entitled 'Them and Us' in relation to hate crime. COPFS were actively engaged in this project and encouraged the children to work in partnership. The launch of the DVD attracted positive press coverage and support from a wide cross section of the community. North Lanarkshire is currently using this DVD as a teaching tool using I-Pads and our aim is to have the programme and product used as a national teaching tool.
- There have been a number of presentations by COPFS together with Grampian Regional Equality Council to Secondary School pupils in Aberdeen designed to increase awareness and understanding of all aspects of hate crime. This initiative is set to continue.
- COPFS and Lothian and Borders Police are working on a restorative approach to hate crime project. The aim of this project is to deliver a model of policing which deals with victims and perpetrators of hate crime in an innovative manner, responding to victims' needs and educating offenders in a way which is proved to reduce re-offending.
- COPFS supports and participates in the Edinburgh and Glasgow "Mini-Trials" events for 5th and 6th year school pupils and a similar event was run in Tayside targeted at hate crime.
- COPFS support and participate in the Mini-Trial Outreach Programme, which is a project run in conjunction with Scottish Prison Service and the Police, where a mini-trial event is run over the course of a day in deprived areas.
- In Partnership with South Lanarkshire Council, we launched an art competition for school children to Promote Equality through Art. This concluded in February 2013 and the winning sculpture will be displayed in the Scottish Parliament building later this year.

- We have prepared briefing packs for the members of our Equality Network groups to identify in one location, details of the resources and advice that they can access in carrying out community engagement activities.
- In order to encourage 2-way feedback from local community representatives, we launched a community newsletter to provide a vehicle for us to provide updates on the work we are doing and to provide a platform from which future suggestions can be made. The initial edition was issued in Autumn 12 and future editions will be issued twice per year.

## 10. PROSECUTION TRAINING

COPFS has an extensive programme of training which includes a particular focus on the dynamics of domestic abuse. This training is for all prosecutors dealing with domestic abuse cases, whether or not they deal with those cases within a specialist court. Our training includes inputs from groups which specialise in working with male, LGBT, BME, and female victims of domestic abuse. Such an approach helps prosecutors gain a wider perspective of domestic abuse and specifically addresses the difficulties which minority victims of domestic abuse, in particular, may face in reporting domestic abuse and engaging in the prosecution process.

Our robust approach to domestic abuse cases recognises the peculiar pressures to which victims of domestic abuse may be subject, and recognises that these pressures can result in an apparent reluctance on the part of the victim. Our policies make clear that the decision to initiate or discontinue proceedings in domestic abuse cases is taken by the prosecutor alone, in the public interest. Such an approach removes pressure from victims of domestic abuse, and recognises that fear or pressure from the perpetrator or from others can explain an apparent reluctance.

### Part II

11. Over the last year, COPFS has developed our **Equality Outcomes** to reflect feedback we have received from various organisations. Having drafted these, we issued them to over 25 representative groups for comment and have adjusted our report to reflect those comments where possible.

The full COPFS Equality Outcomes Report 30 April 13 is included at **Annex C**. These outcomes will provide the focus of our efforts for the next 4 years to mainstream equality throughout our organisation.

## **Equality Ambassadors**

So far, our Ambassadors will represent the following groups: -

LGBT; Disability; Gender; Travelling Community; Race; Religion; Civil Partnership; Marriage, Pregnancy and Maternity; and Age and will: -

- Be expected to explore the opportunity of setting up a network group for the characteristic which they represent.
- Have a full understanding of the importance and benefits of equality within the workplace and the duties of the public sector under the Equality Act 2010.
- Raise awareness of equality issues to colleagues in COPFS and at all times promote the importance of a diverse workforce.
- Where appropriate, support the Equality Champion at external networking events.
- Engage with Federation Equality Networks throughout the organisation to raise awareness, offer support and guidance and if appropriate, facilitate informal discussions within these groups.
- Foster good working relationships with other staff network groups e.g. Staff Disability Advisory Group and Proud in COPFS.
- Provide advice and guidance to the Equality Champion.
- Where relevant, participate in appropriate Equality meetings.
- Liaise with the Crown Office Equality Team who can provide current information on equality matters relating to the department.
- Engage with PCS/FDA unions and the Staff Welfare Service as and when appropriate.
- Meet quarterly with the COPFS Equality Champion to discuss progress, areas for concern and plans for future progress.
- Be visible within the service – as part of your role, you may require to be photographed for corporate publications.
- Attend the Valuing and Managing Difference event at the Scottish Prosecution College.

Established in June 2003, the Equality Advisory Group comprises members of COPFS staff and external members each with a special interest in one or several areas of equality and diversity – age, disability, gender and gender identity, race, religion and belief, and sexual orientation. In order to ensure its independence, the EAG is chaired by one of its external members. The EAG meets quarterly in order to discuss and advise on COPFS policy and practice relating to service delivery and employment matters so that COPFS can treat all of Scotland's communities with fairness and in accordance with their needs.

The minutes of EAG meetings are published on the COPFS website so as to ensure maximum transparency.

**Remit**

"To provide independent and informed advice to the Crown Office and Procurator Fiscal Service in relation to the impact of existing and future policies and practices on diversity and the promotion of equality and fairness in service delivery and employment."

**Membership**

**Chair:** Marsha Scott, West Lothian Council Health Policy & Planning, and Engender

**Vice Chair:** Tim Hopkins, Equality Network

**Committee Members:**

Bill Gray, Fife Disability Trainers

Bushra Iqbal, West of Scotland Regional Equality Council

Pramila Kaur, Solicitor

Susan Anderson, Mental Health Act Facilitator, NHS Fife

Monica Lee-MacPherson, Reciprocal Exchange Network Development Officer

Alan McCloskey, Victim Support Scotland

Liz O'Neill, Organisational Development Consultant

Heather McVey, YouthLink Scotland

Diego Quiroz-Onate, Scottish Human Rights Commission

Peter Matthews, School of the Built Environment, Heriot-Watt University

Nathan Gale, Scottish Transgender Alliance

Nico Juetten, Scotland's Commissioner for Children and Young People

**Independent Observers**

Joe O'Donnell, Independent Inspectorate of Prosecutions

Nicola Dean, Scottish Court Service

**Internal Members**

Ruth McQuaid, Deputy Head of North Federation and COPFS Equality Champion

Sandy Mackie, COPFS HR Business Partner

Karen Kennedy, Policy Adviser, Crown Office

The COPFS Equality Outcomes 2013 – 2017 is published on both our internal and external web sites.

## **COPFS Equality Policies and Practices in the Workplace**

### **Introduction**

The following describes the degree to which employees with protected characteristics, as defined in the Equality Act 2010 (The Act), are represented in COPFS. It includes the following reports showing numbers of people with protected characteristics:

- overall COPFS employees headcount at December 31<sup>st</sup> 2012
- the number of people who applied for vacancies at COPFS in 2012
- a breakdown of those employees who were promoted at COPFS in 2012
- the numbers of people who attended training courses held by COPFS in 2012
- the numbers of people who left COPFS including the reasons why in 2012
- an equal pay report, and
- an occupational segregation report at 31<sup>st</sup> December 2012

This information is provided in accordance with section 149 of the Act and by analysis of it, will show how COPFS will meet its General Duty, to have 'due regard' to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In this way it will show that COPFS employment policies are aligned to those in the Mainstream Equality report and the accompanying 'COPFS Equality Outcomes 2013'. In short, it provides a general description of the whole employment situation at COPFS and the plans it has developed in order to deal with possible shortfalls there may be in relation to the minimum standards expected by the Act. It also provides a detailed analysis, as part of this overall description, of its equal pay, gender gap analysis and occupational segregation position and progress made towards the Specific Duties as required by the Act.

## PROFILE REPORTS

### COPFS' Salary Structure

COPFS' salary structure is detailed below. Apart from Senior Civil Service grades, each is negotiated annually by either the First Division Association (FDA) for legal staff, or the Public and Commercial Services union (PCS) for administrative staff.

Pay Bands with salary ranges are as follows:

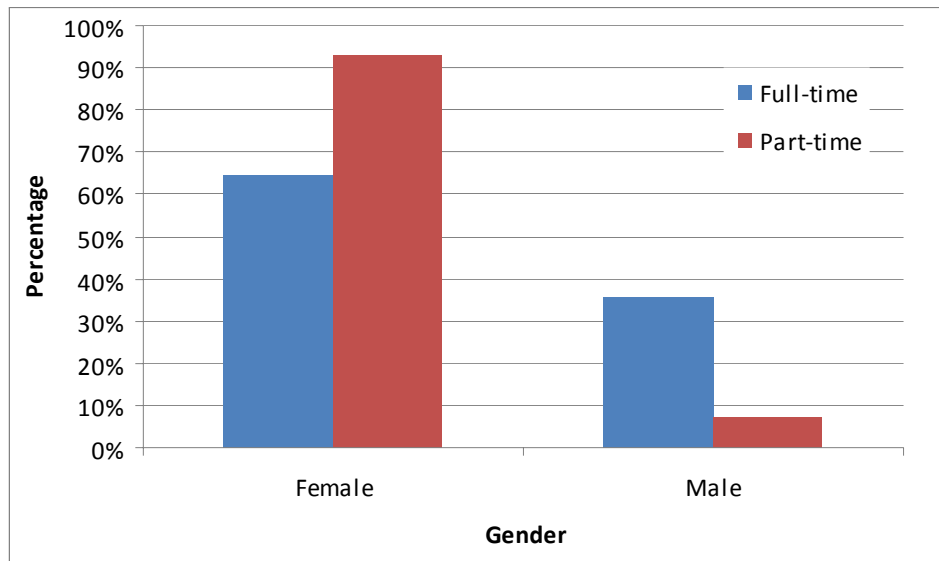
<b>Pay Band</b>	<b>Salary Range</b>
B	£16,036 - £18,217
C	£20,573 - £25,285
D	£24,707 - £29,736
E	£33,072 - £40,364
F	£44,263 - £52,847
G	£53,060 - £64,733
PFD (Procurator Fiscal Depute)	£34,150 - £46,365
SPFD (Senior Procurator Fiscal Depute)	£45,084 - £52,540
PPFD (Principal Procurator Fiscal Depute)	£48,899 - £60,489
SCS (Senior Civil Service) Pay Band 1	£65,000 - £117,750
SCS (Senior Civil Service) Pay Band 1A	£75,000 - £128,900
SCS (Senior Civil Service) Pay Band 2	£93,000 - £162,500
SCS (Senior Civil Service) Pay Band 3	£99,960 - £208,200
PFD Training Year 1	£30,098
PFD Training Year 2	£31,256
Trainee Solicitor Year 1	£18,667
Trainee Solicitor Year 2	£20,837



## COPFS Headcount

### Gender

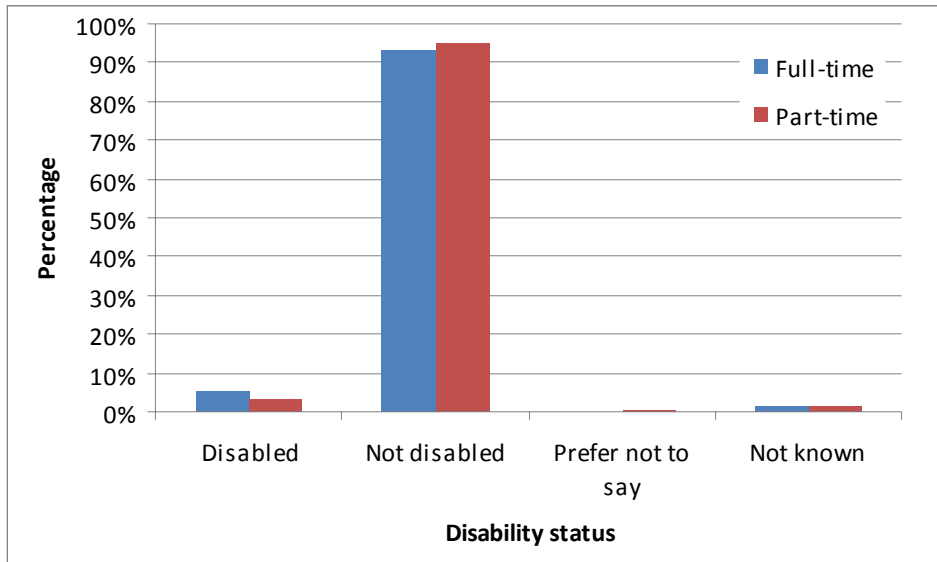
Work pattern	Gender					
	Female		Male		All employees	
Full-time	854	64.4%	473	35.6%	1327	100.0%
Part-time	321	92.8%	25	7.2%	346	100.0%
All employees	1175	70.2%	498	29.8%	1673	100.0%



## Disability

Work pattern	Disability status									
	Disabled		Not disabled		Prefer not to answer		Not known		All employees	
Full-time	65	4.9%	1241	93.5%	2	0.2%	19	1.4%	1327	100.0%
Part-time	11	3.2%	329	95.1%	1	0.3%	5	1.4%	346	100.0%
All employees	76	4.6%	1570	93.8%	3	0.2%	24	1.4%	1673	100.0%

No disclosure control has been applied to this table because the only small numbers are in the 'Prefer not to say' column.



## Ethnic Origin

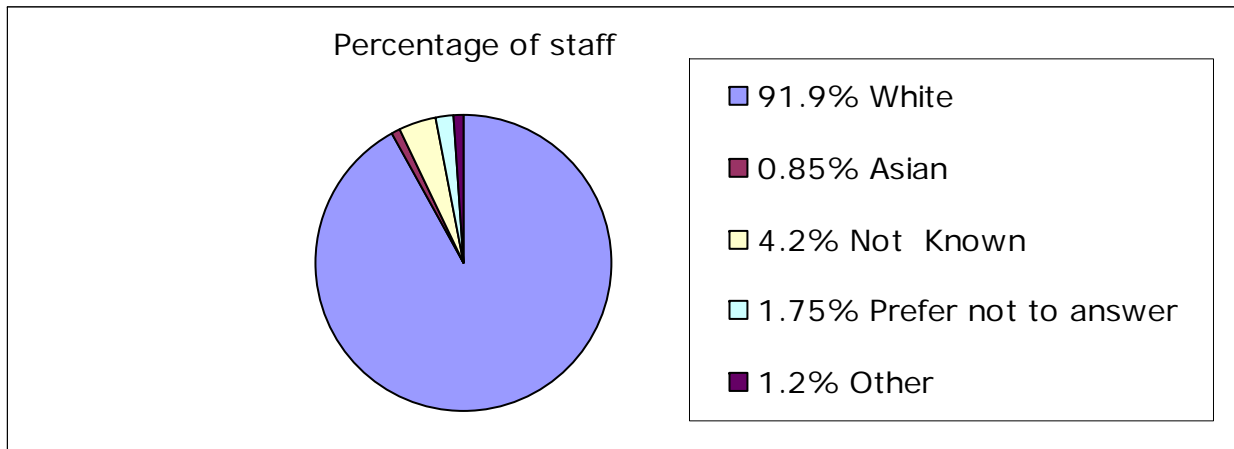
Work pattern	Ethnic Group										All employees	
	#White		##Asian		Not known		Prefer not to answer		###Other			
Full-time	1215	91.6%	*	*	56	4.2%	27	2.0%	*	*	1327	100.0%
Part-time	323	93.4%	*	*	14	4.0%	2	0.6%	*	*	346	100.0%
All employees	1538	91.9%	22	1.3%	70	4.2%	29	1.75%	14	0.85%	1673	100.0%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals.

# White includes Scottish, Other British, Irish, Gypsy / Traveller, Polish and any other ethnic group or background.

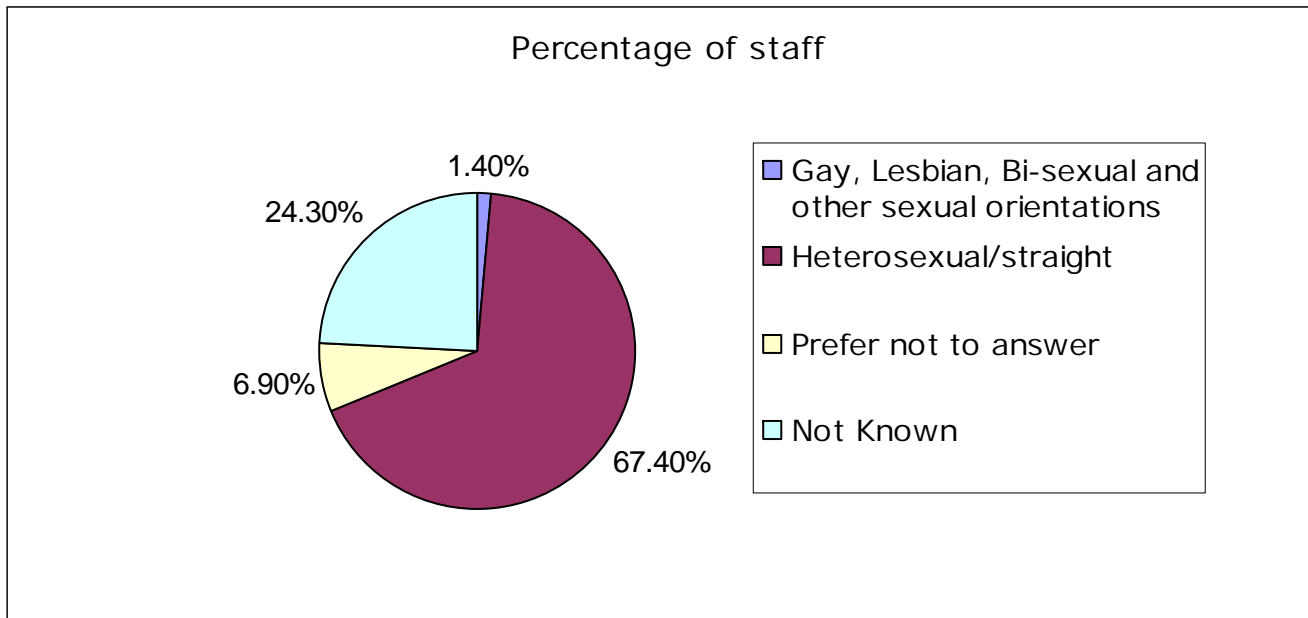
## Asian includes Asian, Asian Scottish or Asian British

### Other includes Arab, Arab Scottish or Arab British and any other ethnic origin not separately recorded.



## Sexual Orientation

Work pattern	Sexual Orientation									
	Gay, Lesbian, Bi-sexual and other sexual orientations		Heterosexual/straight		Prefer not to answer		Not known		All employees	
Full-time	23	1.7%	900	67.8%	97	7.3%	307	23.2%	1327	100.0%
Part-time	0	0.0%	228	65.9%	18	5.2%	100	28.9%	346	100.0%
All employees	23	1.4%	1128	67.4%	115	6.9%	407	24.3%	1673	100.0%



## Belief or Religion

Work pattern	Religion or Belief									
	Agnostic		Atheist		Church of Scotland		Other Christian		Humanist	
Full-time	*	*	66	5.0%	113	8.5%	284	21.4%	10	0.8%
Part-time	*	*	11	3.2%	38	11.0%	85	24.5%	0	0.0%
All employees	20	1.2%	77	4.6%	151	9.0%	369	22.1%	10	0.6%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals

Muslim		None		Roman Catholic		No Response		Prefer not to answer	
*	*	220	16.6%	126	9.5%	322	24.3%	153	11.5%
*	*	46	13.3%	43	12.4%	98	28.2%	16	4.6%
13	0.8%	266	15.9%	169	10.1%	420	25.1%	169	10.1%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals

Other		All employees	
*	*	1327	100.0%
*	*	346	100.0%
9	0.5%	1673	100.0%

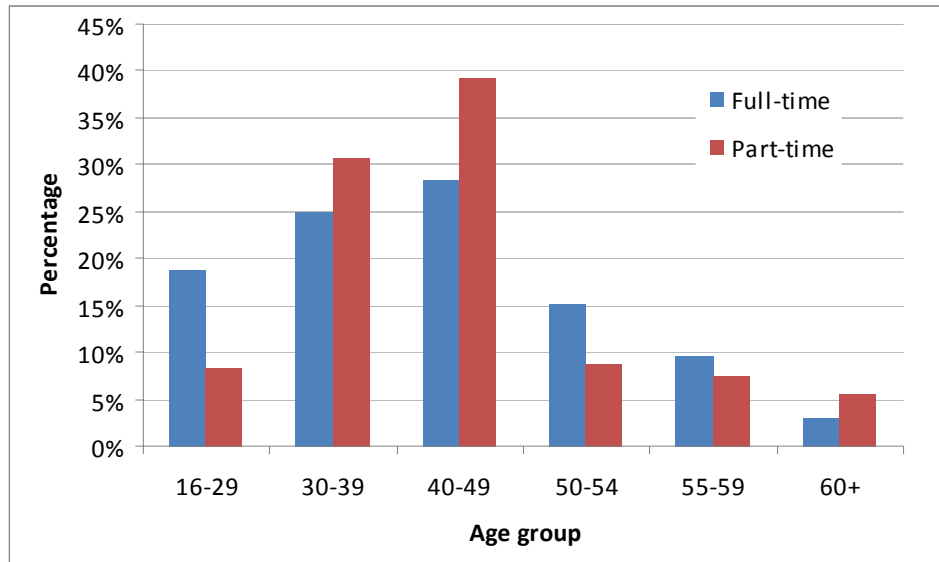
Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals

## Gender Reassignment

There are no records for COPFS employees under this protected characteristic.

## Age

Work pattern	Age Group													
	16-29		30-39		40-49		50-54		55-59		60+		All employees	
Full-time	250	18.9%	332	25.0%	376	28.3%	201	15.1%	127	9.6%	41	3.1%	1327	100.0%
Part-time	29	8.4%	106	30.6%	136	39.3%	30	8.7%	26	7.5%	19	5.5%	346	100.0%
All employees	279	16.7%	438	26.2%	512	30.6%	231	13.8%	153	9.1%	60	3.6%	1673	100.0%



## Marital Status

Work pattern	Marital Status					
	Divorced		Married/ Civil Partnership		Not known	
Full-time	75	5.6%	614	46.2%	46	3.5%
Part-time	11	3.2%	243	70.2%	10	2.9%
All employees	86	5.2%	857	51.2%	56	3.3%

Prefer not to answer		Separated		Single		Widowed		All employees	
24	1.8%	*	*	532	40.1%	*	*	1327	100.0%
3	0.9%	*	*	72	20.8%	*	*	346	100.0%
27	1.6%	33	2.0%	604	36.1%	10	0.6%	1673	100.0%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals

## 2. Recruitment and Selection

In 2012, COPFS published 139 internal and external adverts filling a total of 280 permanent/fixed term job vacancies. The total number of people who applied for an advertised job opportunity in COPFS was 1956. The number of applicants can be broken down in terms of protected characteristics as follows:

### Recruitment – Gender

Female		Male		No Response		Prefer not to answer		Total	
1237	63.2%	683	34.9%	27	1.4%	9	0.5%	<b>1956</b>	<b>100%</b>

### Recruitment - Age

<20		21 -25		26-30		31-35		36-40		41-45			
208	10.6%	693	35.4%	378	19.3%	178	9.1%	121	6.2%	115	5.9%		
46-50		51-55		56-60		61 +		No Response		Prefer not to answer		Total	
97	5%	62	3.2%	*	*	*	*	53	2.7%	24	1.2%	<b>1956</b>	<b>100%</b>

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals  
Secondary data suppression has also been necessary to prevent the calculation of the suppressed values by differencing (also shown as \*).

### Recruitment - Sexual Orientation

Gay/Lesbian/Bisexual		Heterosexual/Straight		No Response		Prefer not to answer		Total	
47	2.4%	1723	88.1%	48	2.4%	138	7.1%	<b>1956</b>	<b>100%</b>

### Recruitment - Belief or Religion

Agnostic		Atheist		Church of Scotland		Other Christian		Hindu		Humanist		Muslim	
63	3.2%	135	6.9%	174	8.9%	518	26.5%	6	0.3%	11	0.6%	48	2.5%

None		Other		Roman Catholic		No response		Prefer not to answer		Total	
637	32.6%	28	1.4%	181	9.2%	26	1.3%	129	6.6%	<b>1956</b>	<b>100%</b>

### Recruitment – Ethnic Origin

White		Caribbean or Black Background		Not known		Prefer not to answer		Other		All employees	
1115	57%	6	0.3%	749	38.3%	59	3%	27	1.4%	<b>1956</b>	<b>100%</b>

### Recruitment - Disabled

Yes		No		Prefer not to answer		Unknown		Total	
61	3.1%	1818	93%	41	2.1%	36	1.8%	<b>1956</b>	<b>100%</b>



## Modern Apprenticeships

In 2012, COPFS introduced a Modern Apprenticeship programme with a focus on vocational training, core skill development and recognised qualifications. Government initiatives have been introduced to specifically target youth unemployment, particularly those aged 16-25 and of 460 total applications received for our apprenticeship, 79% of those successful were grouped within this age bracket.

We are unable to provide the full breakdown in terms of all protected characteristics for reasons of data protection, given that some of the categories have particularly small numbers.

This data will continue to be analysed as the Modern Apprenticeship programme progresses in future.

## 3. Promotions

The number of employees promoted into permanent positions at COPFS in 2012 was 22. The protected characteristics of this group are as follows:

Gender					
Female		Male		Total	
<b>14</b>	<b>63.6%</b>	<b>8</b>	<b>36.4%</b>	<b>22</b>	<b>100%</b>

For reasons of data protection, given the relatively small numbers involved, we have not included figures relating to age, ethnic origin/nationality, religion and belief, or sexual orientation.

## 4. Training and Development

In 2012 1080 of COPFS employees attended at least one training course. On average employees received 1.83 days of training. The protected characteristics of this group are detailed below:

T&D - Gender					
Female		Male		Total	
751	69.5%	329	30.5%	<b>1080</b>	<b>100%</b>

T&D - Sexual Orientation									
Bisexual Gay/Lesbian		Heterosexual/Straight		Prefer not to answer		Unknown		Total	
17	1.6%	706	65.4%	76	7.0%	281	26%	<b>1080</b>	<b>100%</b>

T&D - Religion or Belief											
Agnostic		Atheist		Church of Scotland		Other Christian		Humanist		Unknown	
11	1%	49	4.5%	101	9.3%	231	21.4%	6	0.6%	247	22.9%

Muslim		Other		Roman Catholic		None		No response		Prefer not to answer		Total	
11	1%	3	0.3%	93	8.6%	178	16.5%	47	4.4%	103	9.5%	<b>1080</b>	<b>100%</b>

T&D - Ethnic Origin									
White		Other		Prefer not to answer		Not known		Total	
958	88.7%	31	2.9%	50	4.6%	41	3.8%	<b>1080</b>	<b>100%</b>

T&D - Disabled				
Yes		No		Total
35	3.2%	1045	96.8%	<b>1080</b>
				<b>100%</b>

## 5. Leavers

In 2012, 191 people left COPFS. They left for the following reasons (resignation, dismissal, early severance, ill health...). The following table shows this per protected characteristic:

Reason	Gender					
	Female		Male		All leavers	
Resignation	31	63.3%	18	36.7%	49	100.0%
Retirement	*	*	*	*	16	100.0%
Voluntary exit	32	69.6%	14	30.4%	46	100.0%
End of fixed-term appointment	38	61.3%	24	38.7%	62	100.0%
Transfer to OGD	5	50.0%	5	50.0%	10	100.0%
Other	*	*	*	*	8	100.0%
All leavers	124	64.9%	67	35.1%	191	100.0%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals

Reason	Age Group												All leavers	
	16-29		30-39		40-49		50-54		55-59		60+			
Resignation	13	26.5%	15	30.6%	8	16.3%	6	12.2%	*	*	*	*	49	100.0%
Retirement	*	*	*	*	*	*	*	*	5	31.3%	11	68.8%	16	100.0%
Voluntary exit	*	*	*	*	8	17.4%	8	17.4%	22	47.8%	*	*	46	100.0%
End of fixed-term appointment	44	71.0%	6	9.7%	*	*	*	*	*	*	5	8.1%	62	100.0%
Transfer to OGD	*	*	*	*	*	*	*	*	*	*	*	*	10	100.0%
Other	*	*	*	*	*	*	*	*	*	*	*	*	8	100.0%
All leavers	60	31.4%	27	14.1%	27	14.1%	18	9.4%	33	17.3%	26	13.6%	191	100.0%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals

Reason	Sexual Orientation									
	Gay, Lesbian, Bi-sexual and other sexual orientations		Heterosexual/straight		Prefer not to answer		Not known		All leavers	
Resignation	*	*	33	67.3%	*	*	14	28.6%	49	100.0%
Retirement	*	*	8	50.0%	*	*	7	43.8%	16	100.0%
Voluntary exit	*	*	15	32.6%	*	*	27	58.7%	46	100.0%
End of fixed-term appointment	*	*	43	69.4%	*	*	17	27.4%	62	100.0%
Transfer to OGD	*	*	*	*	*	*	*	*	10	100.0%
Other	*	*	*	*	*	*	*	*	8	100.0%
All leavers	2	1.0%	107	56.0%	8	4.2%	74	38.8%	191	100.0%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals. Secondary data suppression has also been necessary to prevent the calculation of the suppressed values by differencing (also shown as \*).

Reason	Religion or Belief													
	Church of Scotland		Other Christian		None		Other		Prefer not to answer		Not known		Total	
Resignation	8	16.3%	6	12.2%	10	20.4%	8	16.3%	3	6.1%	14	28.5%	49	100%
Retirement	*	*	*	*	*	*	2	12.4%	1	6.2%	7	43.6%	16	100%
Voluntary exit	*	*	8	17.4%	*	*	3	6.5%	6	13.1%	26	56.5%	46	100%
End of fixed-term appointment	7	11.3%	11	17.7%	16	25.8%	12	19.4%	1	1.6%	15	24.2%	62	100%
Transfer to OGD	*	*	*	*	*	*	1	10%	1	10%	4	39.9%	10	100%
Other	*	*	*	*	*	*	0	0.00%	1	12.5%	5	62.5%	8	100%
All leavers	21	11.0%	31	16.2%	29	15.2%	26	13.6%	13	6.8%	71	37.2%	191	100%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals

Reason	Ethnic Origin									
	White		Other		Prefer not to answer		Not known		Total	
	Resignation	43	87.8%	5	10.20%	*	*	1	2%	49
Retirement	13	81.3%	*	*	*	*	3	18.8%	16	100%
Voluntary exit	41	89.1%	*	*	*	*	1	2.2%	46	100%
End of fixed-term appointment	57	91.9%	*	*	*	*	1	1.6%	62	100%
Transfer to OGD	9	90%	*	*	*	*	0	0%	10	100%
Other	7	87.5%	*	*	*	*	1	12.5%	8	100%
All leavers	170	89%	11	5.7%	3	1.6%	7	3.7%	191	100%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals. Secondary data suppression has also been necessary to prevent the calculation of the suppressed values by differencing (also shown as \*).

Reason	Disability status					
	Disabled		Not disabled		All leavers	
Resignation	*	*	*	*	49	100.0%
Retirement	*	*	*	*	16	100.0%
Voluntary exit	*	*	*	*	46	100.0%
End of fixed-term appointment	*	*	*	*	62	100.0%
Transfer to OGD	*	*	*	*	10	100.0%
Other	*	*	*	*	8	100.0%
All leavers	7	3.7%	184	96.3%	191	100.0%

Counts of less than 5 have been suppressed and shown as \* to prevent the possible disclosure of information about individuals. Secondary data suppression has also been necessary to prevent the calculation of the suppressed values by differencing (also shown as \*).

## 6. Disciplinary Cases

The number of Disciplinary cases processed in 2012 was 11. We have omitted protected characteristic definitions for reasons of data protection, given the relatively small numbers involved.

Breakdown

<b>Totals</b>	<b>11</b>
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Gender

Male		Female		Total	
5	45.5%	6	54.5%	<b>11</b>	<b>100%</b>

## 7. Equal Pay Report and Gender Gap Analysis

Please see Appendix 1 for a detailed report of numbers of in terms of employee pay progression. The following analyses shows male to female pay differences in average pay per grade. Overall the review shows there is no gender bias.

Pay Band	Female's average hourly pay	Male's average hourly pay
B	£8.23	£8.11
C	£11.01	£10.88
D	£13.37	£13.34
E	£17.73	£17.90
F	£22.11	£21.68
G	£29.04	£28.42
PFD	£18.68	£19.01
SPFD	£22.11	£22.60
PPFD	£27.04	£27.02
SCS	£33.42	£35.14

## 8. Occupational Segregation

In general grades describe occupational categories, allowing occupational segregation to be analysed:

Grade	Male	Female	Total	% male	% female
B	175	503	678	25.8	74.2
C	45	162	207	21.7	78.3
D	68	143	211	32.2	67.8
E	15	15	30	50.0	50.0
F	4	10	14	28.6	71.4
PFD	43	136	179	24.0	76.0
SFPD	54	96	150	36.0	64.0
PPFD	46	58	104	44.2	55.8
G	16	13	29	55.2	44.8
SCS	14	18	32	43.8	56.3
TS	16	23	39	41.0	59.0
<b>Totals</b>	<b>496</b>	<b>1177</b>	<b>1673</b>	<b>29.6</b>	<b>70.4</b>

### Vertical Segregation

COPFS has a 30:70 split of males to females across the organisation. The statistics show that there is a disproportionately high level of female employees in junior administration and a disproportionately low level of female employees in the more senior management grades (Band E and above for Admin staff and SPFD and above for legal staff).

The implications for employment policy about this are discussed below.

### Horizontal Segregation

There is no evidence of female employees being restricted in career opportunity into stereotypical female roles by analysis of grades. Female employees are represented at all grades from entry level through to senior management level.

## **ANALYSIS OF PROFILE REPORTS**

### ***Background***

COPFS has gathered equality data of its employees over several years in order to fulfil basic reporting duties as a civil service agency. By utilising our HR system, we are continuing to develop our range of management information to inform strategic and mainstreaming types of decision making. COPFS also uses equality monitoring surveys for employees, based on census definitions, which are completed every two years, the last taken at the start of 2012.

### ***Analysis***

Representation of Asian employees seems to reflect Scottish population norms (Muslim Council of Scotland and Census 2001) at 0.875% of headcount (against a national norm of 0.9%).

It is recognised that disclosure may be an issue for COPFS disabled employees and we continue to focus on developing a culture of trust to allow employees to state their disabilities and participate in making it a better working environment for all disabled employees. The COPFS equality survey response rate was just over 60% which is relatively high. COPFS has resources in place to assist disabled people in our workplaces (professional Health and Safety advisers and occupational health resources to inform how best to introduce reasonable adjustments). For example COPFS continues to run its Employee Disability Advisory Group allowing disabled employees to voice their point of view and influence access issues; there is a COPFS Disability Ambassador and Disability would be a feature of the agenda in the four COPFS Federation equality network meetings.

The same issues of disclosure apply to our LGBT employees. The successful creation of the COPFS LGBT network, 'Proud in COPFS', should lead to a greater willingness by employees to participate in promotion and education in LGBT rights across COPFS. This is most obviously seen by our placing of 45<sup>th</sup> on the Stonewall 'Top 100 Employer' in the UK. We continue to learn from Stonewall not only how to apply HR policies with LGBT employees in mind but across the protected categories generally.

It is also noted that there was a high level of non-disclosure in respect of religion and belief. A Religion and Belief Ambassador has been appointed with a remit to explore the potential to set up staff network groups to encourage staff to be open about their beliefs.

### **Family Friendly Employment Policies in COPFS**

One reason for COPFS having high levels of part time employees lies in our efforts to be a family friendly organisation. In fact nearly one third of our operational legal employees (Deputes and Senior Deputes) are on part time contracts— by managing this approach and



allowing flexibility of contracts, we are being competitive in the labour market and our aim is to retain and motivate high quality employees by doing so.

We have part time male and female staff working in all grades including Senior Civil Servants.

### **Gender Balance In Senior Management**

The gender balance in senior management (Band E and above for Admin staff and SPFD and above for legal staff) does not proportionately reflect the overall male/female workforce. This is something which COPFS are aware of and will analyse further. We have appointed a Gender ambassador to support this approach.

### **How Analysis of Employee Reports Informs the General Duty**

From the 'COPFS Equality Implementation Project' , several products will be realised which will allow our employees to understand the degree to which we are willing to invest in promoting protected characteristics and which we hope will develop a climate of trust to allow their career ambitions to be realised. These products include training and development in understanding the Equality Act 2010 (all employees, from two day courses to e-learning refresher modules) and the development of employee network groups nationally across COPFS (both to allow internal communication between people with similar protected characteristics and community engagement). The action plan for all this is described under part 4 of the COPFS Equality Outcomes.

Scrutiny of our employee profile reports will also ensure that where necessary, we will encourage applications for recruitment and career development from under-represented groups. This is dealt with more fully in part 5 of the COPFS Equality Outcomes. We will continue to promote senior management development opportunities to female staff.

## Appendix 1

<b>Pay Band G – (£53,060 to £64,733)</b>			
<b>Salary</b>	<b>No of employees in Range</b>	<b>Male</b>	<b>Female</b>
<b>Total</b>	<b>29</b>	<b>16</b>	<b>13</b>
<b>Average Pay</b>	<b>£62,673</b>	<b>£62,059</b>	<b>£63,428</b>
<b>Pay Band PPF D – (£48,899 to £60,489)</b>			
<b>Salary</b>	<b>No of employees in Range</b>	<b>Male</b>	<b>Female</b>
<b>Total</b>	<b>103</b>	<b>41</b>	<b>54</b>
<b>Average Pay</b>	<b>£59,032</b>	<b>£59,012</b>	<b>£59,047</b>
<b>Pay Band SPFD – (£45,084 to £52,540)</b>			
<b>Salary</b>	<b>No of employees in Range</b>	<b>Male</b>	<b>Female</b>
<b>Total</b>	<b>152</b>	<b>55</b>	<b>97</b>
<b>Average Pay</b>	<b>£48,682</b>	<b>£49,360</b>	<b>£48,301</b>
<b>Pay Band PFD – (£39,000 to £46,365)</b>			
<b>Salary</b>	<b>No of employees in Range</b>	<b>Male</b>	<b>Female</b>
<b>Total</b>	<b>148</b>	<b>36</b>	<b>112</b>
<b>Average Pay</b>	<b>£43,178</b>	<b>£43,670</b>	<b>£43,021</b>
<b>Training Band 3 £34,150 to below main PFD Scale</b>			

Salary Range	No of employees in Range	Male	Female
Total	1	*	*
Average Pay	£35,000	£0	£35,000

**Training Band 2  
£31,256**

Salary Range	No of employees in Range	Male	Female
Total	4	2	2
Average Pay	£31,256	£31,256	£31,256

**Training Band 1  
£30,098**

Salary Range	No of employees in Range	Male	Female
Total	26	5	21
Average Pay	£30,098	£30,098	£30,098

**Pay Band F – (£44,263 to £52,847)**

Spinal Point	Salary	No of employees in Range	Male
Total		15	5
Average Pay		£47,974	£47,353

**Pay Band E – (£33,072 to £40,364)**

Spinal Point	Salary	No of employees in Range	Male
Total		31	15
Average Pay		£38,905	£39,100

<b>Pay Band D – (£24,707 to £29,737)</b>			
<b>Spinal Point</b>	<b>Salary</b>	<b>No of employees in Range</b>	<b>Male</b>
	<b>Total</b>	<b>213</b>	<b>68</b>
	<b>Average Pay</b>	<b>£29,185</b>	<b>£29,130</b>
<b>Pay Band C – (£20,573 to £25,285)</b>			
<b>Spinal Point</b>	<b>Salary</b>	<b>No of employees in Range</b>	<b>Male</b>
	<b>Total</b>	<b>206</b>	<b>45</b>
	<b>Average Pay</b>	<b>£23,976</b>	<b>£23,752</b>
<b>Pay Band B – (£16,036 to £18,217)</b>			
<b>Spinal Point</b>	<b>Salary</b>	<b>No of employees in Range</b>	<b>Male</b>
	<b>Total</b>	<b>678</b>	<b>174</b>
	<b>Average Pay</b>	<b>£17,915</b>	<b>£17,723</b>
<b>Trainee Solicitors - Year 1 £18,667</b>			
<b>Salary Range</b>	<b>No of employees in Range</b>	<b>Male</b>	<b>Female</b>
<b>Total</b>	<b>19</b>	<b>10</b>	<b>9</b>
<b>Average Pay</b>	<b>£18,667</b>	<b>£18,667</b>	<b>£18,667</b>
<b>Trainee Solicitors - Year 2 £20,837</b>			
<b>Salary Range</b>	<b>No of employees in Range</b>	<b>Male</b>	<b>Female</b>
<b>Total</b>	<b>20</b>	<b>6</b>	<b>14</b>
<b>Average Pay</b>	<b>£20,837</b>	<b>£20,837</b>	<b>£20,837</b>

