



HR Equality Impact Assessment (EQIA): Anti-Bullying and Anti-Harassment Policy

EQIA Record

Name of new policy:	Anti-bullying and anti-harassment policy
Aims and desired outcomes of the policy:	The Crown Office and Procurator Fiscal Service (COPFS) is committed to building a workplace culture that is diverse, fair, and inclusive. This commitment is central to all our work and the environment we aim to create and protect. To maintain this positive culture and protect our staff, we work to prevent and address all forms of bullying and harassment. The purpose of the Anti-Bullying and Anti-Harassment Policy and Procedure is to set out COPFS commitment to preventing all forms of bullying and harassment at work, including the procedure for raising and investigating complaints of bullying and harassment. COPFS has a duty to eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010 This policy explains: • How we investigate complaints about bullying or harassment • The steps we take to resolve these issues • How we support everyone affected Mandatory E-learning is being developed to accompany this policy to underpin these aims, ensuring all COPFS employees and managers are aware of their responsibilities when managing a complaint from an employee and that all employees understand how someone with a protected characteristic may be subject to bullying, victimisation, and harassment. The E-learning is based on policy aims but also draws on employment law where appropriate and has an overall target to encourage a culture of respect for all. This will give

	us valuable, ongoing feedback from all employees in a variety of ways. The E-learning will be available to all staff from April 2026
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Team / Function:	HR Diversity, Inclusion and Wellbeing Team
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Others involved:	Rosie Haswell (Deputy HR Director) Fiona MacDonald (Head of HR Policy and Projects) Ian Hanlon (Head of HR Employee Relations) Fiona Eadie (Trade Union Representative) Stephen Murray (Trade Union Representative)
Date EQIA completed:	28 th February 2026
Assessment record authorised by:	

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

Background Details about new policy/ process

From 26 October 2024, under the [Worker Protection \(Amendment of Equality Act 2010\) Act 2023](#), employers have a new legal duty to take “reasonable steps” to prevent sexual harassment of employees whilst at work. This covers any unwanted conduct of a sexual nature. The law applies equally to all genders.

In addition, the Employment Rights Act 2025 strengthens this obligation by requiring employers to take “all reasonable steps” to prevent sexual harassment.

Employees can bring claims for breach of this preventative duty to the Employment Tribunal in certain circumstances. If an employee succeeds in a harassment claim involving sexual harassment and the employer is found to have breached this duty, the Tribunal may increase compensation by up to 25%. This uplift applies to all harassment-related compensation and is uncapped.

The Equality and Human Rights Commission (EHRC) can also enforce this duty using its existing powers, including investigations.

As this is a new law, it is not yet clear what Employment Tribunals will consider “reasonable steps.” However, it is likely that [EHRC technical guidance](#) will be influential. COPFS should therefore follow the practical steps outlined in that guidance, which include:

- Assessing the risk of sexual harassment in the workplace
- Identifying measures to reduce those risks
- Deciding which measures are reasonable
- Implementing those measures

The key principle is that this duty is anticipatory, and COPFS must act to prevent sexual harassment before it occurs and take steps to stop it from recurring if it does happen. While sexual harassment is the focus, COPFS should also work to prevent all forms of harassment at work.

To meet our legal requirements, COPFS have introduced a new Anti-Harassment and Anti-Bullying Policy and a Sexual Harassment Risk Assessment, supported by education and training to ensure effective implementation.

Summary of research and consultation conducted:

Details of evidence	Source of Evidence	Gaps Identified and Action Taken
COPFS Equality, Diversity and Inclusion Mainstreaming Report 2023-2025	Equality, diversity and inclusion mainstreaming and equality outcomes progress report 2023-2025	
Equality and Human Rights Commission (EHRC)	Sexual harassment and harassment at work: technical guidance EHRC	The EHRC guidance discussed in detail the following headings as a start for our research into this policy: • What is harassment? • What is victimisation? • Obligations and liabilities under the Act • Taking steps to prevent and respond to harassment.
Brightmine	Anti-harassment and anti-bullying policy Policies and procedures Tools HR & Compliance Centre.co.uk Sexual harassment risk assessment form Letters and forms Tools HR & Compliance	Brightmine model policy and sexual harassment risk assessment template were reviewed as part of the research on this policy. Brightmine checklist of what must be included as part of the legislation changes was considered.

	Centre.co.uk New sexual harassment prevention duty: 10-point checklist for HR Commentary and insights Tools HR & Compliance Centre.co.uk	
Law Society of Scotland	Preventing bullying and harassment Law Society of Scotland	This guide from the Law Society provided practical and relevant advice, and sources of support to individual and employers, to prevent bullying and harassment occurring and deal effectively with any instances which do occur.
Chartered Institute of Personnel and Development (CIPD)	Harassment and bullying at Work Factsheets CIPD	This fact sheet from CIPD covered the following areas to support the draft of this policy: • What are harassment and bullying? • The UK legal position • Responsibilities of employers and employees • Dealing with complaints • Useful contacts and further reading.
Acas	Discrimination and bullying Acas	Acas had the following areas for advice: • Discrimination at work • Bullying at work • If you have been discriminated against at work • Handling bullying and discrimination. • Witnessing discrimination • Preventing discrimination • Questions about discrimination at work

		Hate crime at work.
COPFS Internal Policies and Guidance	Disciplinary Policy and Procedure Equal opportunities Grievance Resolution Policy and Procedure Lone Working Policy Standards and conduct Unacceptable actions from service users - a guide for employees COPFS People Survey Results 2024 COPFS People Survey Results 2025	Reviewed internal existing policies and guidance to ensure continuity.
Scottish Government Legal Department outsourced to Anderson Strathern	Emails	Reviewed to ensure the policy was legally compliant with the new legislation.

Equality Ambassadors contacted:

If none, please give reasons why.

All Equality Ambassadors were asked to submit feedback on this policy. Feedback on the policy from Equality Ambassadors included:

- Emphasising the legal definition of disability.
- Emphasising the duty of making reasonable adjustments.
- To include carers, family members and colleagues of disabled individuals who may harassment due to association.
- Clarifying how cases of bullying and harassment will be recorded and how action will be taken.

This policy has been developed in consultation with COPFS recognised Trades Unions, FDA and PCS who represent all staff throughout the organisation.

Key impacts identified:

Please note here the research and consultation you have identified and their potential impact (indirectly or directly) on some or all the following protected characteristics:

Also, please note here if you conclude there are no equality issues relating to the

The COPFS Equality Mainstreaming Report provided information on workforce demographics.

Disability

Work Pattern	Disabled	Disabled %	Not Disabled	Not Disabled %	PNA	PNA %	Not Known	Not Known %	All Employees	All Employees %
Full Time	184	8.80%	1798	85.99%	56	2.68%	53	2.53%	2091	100%
Part Time	39	8.48%	398	86.52%	14	3.04%	9	1.96%	460	100%
All Employees	223	8.74%	2196	86.08%	70	2.74%	62	2.43%	2551	100%

Positive Impact

Employees who are neurodivergent may sometimes communicate or behave in ways that are direct, highly structured, or inflexible. These behaviours can occasionally be interpreted as bullying or harassment. Where this is a possibility, COPFS will take steps to understand whether the behaviour may be linked to a disability or neurodivergent condition. This does not excuse inappropriate behaviour, but it ensures that any concerns are managed fairly. Support, reasonable adjustments, coaching, or changes to communication methods may be considered before formal action is taken.

Those with disabilities are found in society to suffer higher levels of discrimination. This policy makes it clear what actions will be taken where those staff are bullied or harassed.

Gender/Sex

Work Pattern	Male	Male %	Female	Female %	Unknown/ PNA	Unknown/ PNA %	Non-Binary & Other	Non-Binary & Other %	All Employees	All Employees %
Full Time	681	32.57%	1376	65.81%	33	1.58%	*	0.05%	2091	100%
Part Time	43	9.35%	410	89.13%	7	1.52%	0	0.00%	460	100%
All Employees	724	28.87%	1786	70.88%	40	0.21%	*	0.04%	2551	100%

Positive Impact

The policy addresses sexual harassment and gender-based bullying and promotes gender equality and safer reporting channels.

Race

Work Pattern	White	White %	Ethnic Minority	Ethnic Minority %	PNA	PNA %	Other	Other %	Not Known	Not Known %	All Employees	All Employees %
Full Time	1895	90.63%	97	4.64%	42	2.01%	33	1.58%	24	1.15%	2091	100%
Part Time	416	90.43%	15	3.26%	15	3.26%	6	1.30%	8	1.74%	460	100%
All Employees	2311	90.59%	112	4.39%	57	2.23%	39	1.53%	32	1.25%	2551	100%

Positive Impact

The policy outlines the organisation's position on racial slurs, microaggressions, and cultural stereotyping and promotes diversity and inclusion training.

Age

Work Pattern	16-29	16-29 %	30-39	30-39 %	40-49	40-49 %	50-54	50-54 %	55-59	55-59 %	60+	60+ %	All Employees	All Employees %
Full Time	512	24.49%	627	29.99%	433	20.71%	220	10.52%	192	9.18%	107	5.12%	2091	100%
Part Time	24	5.22%	81	17.61%	115	25.00%	47	10.22%	74	16.09%	119	25.87%	460	100%
All Employees	536	21.01%	708	27.75%	548	21.48%	267	10.47%	266	10.43%	226	8.86%	2551	100%

Positive Impact

The policy protects older and younger employees from age-related jokes or exclusion and encourages intergenerational respect and reduces stereotypes.

Gender Reassignment

COPFS does not report on figures less than 5. The number of employees who have undergone or are undergoing gender reassignment is not known but is thought to be less than 5

Positive Impact

The policy provides safeguards for trans and non-binary employees from bullying during or after transition and supports inclusion through clear reporting mechanisms.

Sexual Orientation

Work Pattern	Gay & Lesbian	Gay & Lesbian %	Bisexual	Bisexual %	Heterosexual /Straight	Heterosexual /Straight %	Other	Other %	PNA	PNA %	Not Known	Not Known %	All Employees	All Employees %
Full Time	88	4.21%	54	2.58%	1764	84.36%	6	0.29%	113	5.40%	66	3.16%	2091	100%
Part Time	5	1.09%	6	1.30%	386	83.91%	0	0.00%	28	6.09%	35	7.61%	460	100%
All Employees	93	3.65%	60	2.35%	2150	84.28%	6	0.24%	141	5.53%	101	3.96%	2551	100%

Positive Impact

The policy reduces homophobic or biphobic bullying and encourages LGBTQ+ inclusion and allyship.

Religion and Belief

Work Pattern	Agnostic	Agnostic %	Atheist	Atheist %	Christian - Protestant	Christian - Protestant %	Christian – Roman Catholic	Christian – Roman Catholic %	Christian - Other	Christian - Other %	Humanist	Humanist %
Full Time	61	2.92%	111	5.31%	317	15.16%	333	15.93%	14	0.67%	8	0.38%
Part Time	12	2.61%	18	3.91%	118	25.65%	79	17.17%	0	0.00%	*	0.22%
All Employees	73	2.86%	129	5.06%	435	17.05%	412	16.15%	14	0.55%	9	0.35%

Positive Impact

The policy protects employees from harassment about religious practices or beliefs and encourages respect for cultural observances.

Pregnancy and Maternity

Positive Impact

The policy protects against harassment related to pregnancy or parental leave and encourages a supportive culture for new and expectant parents.

Marriage and Civil Partnership

Positive Impact

The policy prevents derogatory comments about marital status or relationship choices.

Recommended changes/ new steps/ implications made to new policy

Updates to this policy have been in line with current legislation guidance and advice from EHRC.

Conclusion and review process for policy

The policy has a **strong positive impact** on equality by safeguarding all protected characteristics. Potential negative impacts can be mitigated through proactive communication, training, and monitoring.

This policy will be reviewed annually or sooner if legislation changes, to ensure it remains effective and up to date.

Please send this completed form to [Karen Kennedy](#).