



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Crown Office and Procurator Fiscal Service (COPFS)

Equality Mainstreaming Report 2019-2021

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Published April 2021

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Message from the Crown Agent and CEO of COPFS

As Scotland's sole prosecution service, the Crown Office and Procurator Fiscal Service (COPFS) recognises the trust placed in us as independent prosecutors to protect people from discrimination, harassment, and victimisation. That trust needs to be earned not only through our actions as prosecutors, but also our behaviour as an employer towards our colleagues. Never has this been more important than in the past year when we, like the rest of global community, have faced up to the unprecedented challenge of the Covid-19 pandemic.

The public interest remains at the heart of all we do as an independent prosecution service, taking professional and respectful consideration of the diverse needs of victims, witnesses, communities, bereaved relatives and the rights of accused persons when we take decisions on whether to prosecute; when we prepare and present cases for trial at court; when we examine deaths that need further explanation; and when we investigate allegations of criminal conduct against police officers. Our role requires us to act fairly and without bias at all times and we remain fully committed to fulfilling our duties under the Equality Act 2010 as both prosecutors and as employers. We recognise that our colleagues are integral to our success and have an equal right to protection from discrimination in the workplace, something which has never been more important than this year where the lives of our employees have been so significantly altered as a consequence of the pandemic.

Our current [equality outcomes](#), revised and expanded in April 2017, were designed to demonstrate the importance of equality in our service delivery; our colleagues development; recruitment and profile; and in the development of our policies and practice. This report will provide you with an update on the actions we took between April 2019 and April 2021 to meet our current equality outcomes and will provide you with our new revised version for 2021 onwards.

I am proud that we have continued to develop and implement a wide range of activities and initiatives, both internally and externally, with the aim of achieving the general duties of the Equality Act 2010, adapting where necessary to continue our efforts virtually when face to face interaction was no longer possible.

We introduced an additional equality outcome in 2017 on collaborative working as we recognised the importance of fostering constructive working relationships not only with our justice partners, but with a wide variety of government agencies, local authorities, community groups, educational establishments and other third sector organisations to advance equality. We have continued to work with them to ensure that equality and inclusion has been fully considered and promoted throughout all

our partnership working to retain, restore and recover our services to the public during the pandemic.

Since the introduction of the Equality Act, we have received national recognition for our dedication and commitment to equality and inclusion from organisations including enei (Employers Network for Equality and Inclusion) and Stonewall.

In 2020, our first year of completing the TIDE mark from enei (Talent Inclusion and Diversity Evaluation), we achieved a Bronze award. I am equally delighted that we have consistently retained our Top 100 employer status with Stonewall since 2012 as I know how important this recognition is to maintain the confidence of our LGBT+ communities. I was also delighted to continue our partnership working with I AM ME Scotland, a registered charity which we are represented on the Board of Trustees and which is focused on raising awareness of disability hate crime and keeping vulnerable people safe in their communities. I am pleased that COPFS has been able to contribute to their initiatives including the continued promotion of 17 of our offices as Keep Safe premises.

As Crown Agent, I am proud of the progress made by colleagues to advance equality and inclusion despite the limitations of pandemic restrictions over the past 14 months. So much so that we now have in place annual Equality Awards to recognise the achievements of the many colleagues who go out of their way to promote equality within COPFS and also work to foster good relations between ourselves and the diverse communities we serve. I am delighted by the significant growth we have seen in staff coming forward to volunteer as Equality Ambassadors, with over 60 now promoting characteristics and providing important quality assurance in the review and development of our policies and practices.

We have been able to restart our National Public Speaking competition for 2021 which began as a Glasgow based competition in 2012 and is now a national event, encouraging secondary schoolchildren to focus on topics of equality and diversity whilst introducing them to the possibility of a career in criminal justice. We also continue to support a wide range of Career Fair events at schools with the same focus on encouraging children from a diverse range of communities to consider a future career with COPFS.

We recognise the many challenges faced by our colleagues during the pandemic and have supported them to work in a way that meets their unique personal needs, including the technology to work from home and the flexibility to work within a timeframe suitable for them. We have maintained a strong focus on Mental Health, with a growing employee Mental Health network which has provided a wide variety of activities to support staff during this challenging time.

I very much hope the report provides an assurance of our strategic approach aimed at building a sustainable framework in which to promote equality for all members of

our workforce and the diverse communities we are entrusted to serve. I hope it will also provide you with an assurance that COPFS is an inclusive employer and that we remain firmly committed to advancing equality across Scotland for all those requiring of our services.

I would like to thank all COPFS colleagues, justice partners, community groups and organisations who have contributed to our progress thus far and for their ongoing commitment to further improvement in the future. I would like to extend particular thanks to Nancy Darroch, former Head of Business Management for Local Court. Nancy, who retired in March 2020 after a long and distinguished career with COPFS, did so much to provide authentic senior leadership on equality and diversity, leading by example by treating all her colleagues and criminal justice partners with the utmost respect and professionalism. We will miss her personal commitment and her enormous contribution to this very important work.

I would also like to take this opportunity to remember a dear friend and colleague John Dunn, Deputy Crown Agent, who sadly passed away in September 2019. John was the first chair of our Equality Board and throughout a long and distinguished career with COPFS was the epitome of fairness and inclusivity, a role model to all in COPFS on how to treat one another with respect and dignity.

Please look at the COPFS [website](#) for more information about who we are and what we do. Our aim is to make Scotland a fairer and more just society. If you would like to work with us to achieve this then please get in touch. We would be very happy to hear from you.



David Harvie Crown Agent
April 2021

Foreword

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's sole prosecution service. It is committed to making Scotland safer from crime, disorder and danger and aspires to be a leading public prosecution and deaths investigation service. In its efforts to achieve these goals it constantly strives to ensure that its workforce reflects the society we live in and work for.

For these goals to be achievable, COPFS recognises that it must continue to embrace equality, diversity, and inclusion, applied equally to its service provision and those who use it, as well as to the people providing those services, our workforce.

I have had the privilege of working alongside a number of our organisation's Equality Ambassadors, mainly through the Two-Way Mentoring programme. This engagement has given me a far greater and deeper understanding of what it is like to work in COPFS, and about a number of protected characteristics. This understanding is the more valuable coming from the personal insights of colleagues. This programme is hugely important and valuable and is a major commitment from both senior leaders (including our non-executive directors) and equality ambassadors ensuring information and support is widely shared across the service.

I attended my first COPFS Equality Conference in 2019 and I was impressed with the enthusiasm and commitment demonstrated by many in relation to this work, and to the extent of the equalities activity and support offered by both the organisation, and, importantly, through voluntary staff input. It was also an honour to be part of the first ever Equality Awards within COPFS. This commitment demonstrated to me that equality matters within COPFS. It matters to its people and also to the diverse community which it serves.

Despite the challenges of the pandemic, COPFS has continued to demonstrate its commitment to equality and inclusion. I am confident that COPFS will continue to ensure equality and inclusion is at the forefront of everything that it does.

As a Non-Executive Director, I am heartened and inspired by this report. I look forward to being part of the future development of our work on equality and inclusion.

I commend this report to you and hope that you enjoy reading it.

Robert Tinlin

COPFS Non-Executive Director

Introduction

About COPFS

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's sole prosecution and death investigation authority.

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.

The Lord Advocate is head of the systems for the prosecution of crime and investigation of deaths in Scotland, functions which are exercised independently of any other person. As such, the Lord Advocate has Ministerial responsibility, together with the Solicitor General for Scotland, for the work of COPFS. The Crown Agent is the head of the Service and also performs the roles of chief executive and legal advisor to the Lord Advocate in respect of the Service's work.

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 consider the diverse needs of victims, witnesses, bereaved relatives, protected communities, and the rights of those accused of crime.

We respect the European Convention on Human Rights and the public sector equality duty in the Equality Act 2010 in all areas of our work. Through our published Equality Outcomes, we demonstrate the importance of equality in service delivery, staff development, recruitment and profile and in the development of our policies and practice.

Details about our leadership and organisational structure are contained in Annex A.

Our responsibilities as a public authority

This Equality and Inclusion Mainstreaming Report provides an update on progress made against our [2017 – 2021](#) set of Equality Outcomes. It will show how COPFS is working to embed equality, diversity and inclusion throughout our organisation and meet our responsibilities as a public authority.

The goal of creating a fairer society where everyone can participate and fulfil their potential is protected by law. As set out in the Equality Act (2010), all public sector organisations have a duty 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.

As a public authority led by a Scottish Minister (the Lord Advocate) COPFS must also comply with the Specific Duties (Scotland) Regulations 2012. COPFS also has a duty to:

- publish a biennial report on progress on mainstreaming the general equality duty
- publish a set of equality outcomes every four years
- make equality impact assessments and review policies, procedures, and practices
- annually gather and use employee information
- publish gender pay gap information every two years
- publish statements on equal pay and occupational segregation every four years, specifically in relation to sex, disability, and race
- consider award criteria and conditions in relation to public procurement
- publish information in a manner that is accessible
- consider other matters, as specified by Scottish Ministers
- (since 2016), publish diversity information on Board level membership.

Our approach to mainstreaming

Equality and inclusion underpin all that we do at COPFS. It is integral to our approach to our work and provides context for our decision-making. Our employees lead our equality and inclusion agenda in line with our organisation's core values of respect and professionalism.

Our work on equality and inclusion is supported by a range of internal staff networks lead by equality ambassadors representing a range of protected characteristics across the country. This structure is supported by our senior management who regularly engage in both internal and external initiatives.

Leadership on equality and inclusion

Our strategic direction in respect of equality and inclusion is set by the Equality Board, which is chaired by Stephen McGowan, Deputy Crown Agent, and includes representatives from all aspects of the organisation.

Delivery is led by our Equality Champion, Ruth McQuaid, supported by eight staff network leads, 60 National Equality Ambassadors representing specific protected characteristics and six Sheriffdom Equality Network leads, each of whom is responsible for organising and co-ordinating local equality engagement.

Our Equality Champion is a member of the Scottish Government's Tackling Prejudice and Building Connected Communities working group, which includes senior representatives from our Justice partners and key stakeholder groups, all of whom are working towards delivering shared justice equality objectives around hate crime and prejudice. She also represents COPFS as a Trustee on the Board of I AM ME Scotland.

Our staff

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

- 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 locally based communities and encouraging employees to help address local issues and promote social responsibility and inclusiveness.

COPFS currently has eight employee networks:

- **Staff Disability Advisory Group** - which is made up of employees living with a disability and employees with a special interest in disability equality.
- **Proud in COPFS** - a network supporting lesbian, gay, bisexual, transgender and intersex (LGBT+) employees as well as parents and carers of LGBT+ children.
- **Believe in COPFS** - a network for employees to discuss and consider faith and belief issues.
- **COPFS Carers Network** - supporting employees who have caring responsibilities.
- **COPFS Mental Health Network** - supports employees with mental health conditions by raising awareness of and signposting to support mechanisms.
- **Inclusion in COPFS** - supports employees from Black, Asian and minority ethnic communities and raises awareness of race and cultural issues.
- **Gender Equality Network** - a network for employees to discuss and consider gender issues
- **Neurodiversity Support Network** - provides advice and guidance on all aspects of neurodiversity including autism, ADHD, epilepsy and dyslexia for employees who experience these conditions or who is a parent or carer of someone who does.

All eight networks are actively involved in advancing the equality strategy in COPFS and contribute to the equality impact assessment process for new policies and procedures.

COPFS also has a team of 60 national Equality Ambassadors, representing all the protected characteristics under the Equality Act 2010 and specific elements within those characteristics. As well as representing employees, all Equality Ambassadors engage with a variety of external groups throughout Scotland, and provide advice to colleagues when dealing with victims and witnesses, raising awareness of their

chosen area and providing advice on issues relating to cases involving those who have a protected characteristic.

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 inclusion work and are represented on our Equality Board.

The COPFS intranet provides guidance on equality and inclusion, from both a personal and a professional perspective, and has an extensive employee forum area with sections on equality information and dedicated pages for all our staff networks.

Progress against our Equality Outcomes for 2019 – 2021

This is our fifth mainstreaming report and fulfils our reporting requirements under the Scottish specific duties. Our employee and gender pay gap information is published in Annex B of this document.

Equality Outcome 1 - Raising awareness

People who live or work in Scotland are aware of the role of the prosecution service in the Scottish criminal justice system.

Our aim

To raise awareness of COPFS' roles, responsibilities and commitment to the promotion and advancement of equality within the Scottish criminal justice sector.

Outcomes

In the most recent Scottish Crime and Justice Survey (published in March 2021), 73% of all adults surveyed had heard of COPFS but were not always sure about its role. Younger adults were less likely to have heard of COPFS – only 48% of 16-24 years old compared to 87% of 45-59 years old.

Of those adults who were aware of COPFS, 71% correctly identified our role in the investigation and prosecution of crime, but only 48% were aware of our role in investigating sudden and unexplained deaths.

Of more concern is the number of people who thought that COPFS decided on sentences for those found guilty of crime (47%) while 41% thought that COPFS

represented the victims of crime in court. Clearly these are areas where much more public messaging is required.

Over the last two years, COPFS has welcomed an additional number of equality ambassadors and currently have 60 staff members fulfilling this role, representing a protected characteristic. We now have ambassadors representing Age; Gender, pregnancy and maternity; Religion and belief; BAME communities; Jewish community; LGB, Transgender; Travelling Community; various aspects of Disability; Carers and Refugees and Asylum Seekers, and they each have a role in reaching out to community groups as a point of contact.

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 and to highlight the implications of offensive behaviour as part of our prevention efforts.

Other work with schools and colleges include mock-trials, which allow students to experience the court process in a safe environment, and our [National Public Speaking Competition](#), which aims to raise the level of public debate in secondary schools on equality and inclusion issues. The number of schools participating in the national competition has risen from 12 in 2014 to 54 in 2020. In fact, 78 teams took part in 2020.

Unfortunately, due to restrictions imposed by the Covid-19 pandemic, the national stages of the 2020 competition had to be cancelled. In response to the current Covid-19 restrictions, the 2021 competition is being run online, via video conferencing, on a national basis. 14 teams from 11 schools across Scotland are taking part in online heats which will culminate in a grand final in June 2021 and will be chaired by the Lord Advocate.

Moving forward, it is hoped that the use of video conferencing technology will enable more schools from geographically distant parts of the country to take part in the competition in future years.

COPFS uses Twitter to provide updates about the competition. Up to March 2020, there were 65,112 impressions and 3774 engagements with the updates we shared.

The [Keep Safe Ambassador Programme](#), developed in partnership with I AM ME Scotland, Police Scotland and COPFS, offers young people the opportunity to become Keep Safe Ambassadors within both their school and the wider community is still continuing with a total of 1042 Keep Safe Ambassadors trained across Scotland and 470 in active service. Training encourages young people to recognise bullying and harassment and enables them to report incidents safely. The programme is open to young people in Scotland aged 14-18 years.

As of April 2021, 17 COPFS offices and 37 SCTS buildings are members of the Keep Safe programme.

We continue to attend Pride events across Scotland to promote awareness of our role in prosecuting LGBT+ related hate crime. Employees also engage with local schools, colleges, and community groups to raise awareness of the effects of hate crime, both on victims and their communities but also for potential offenders, by highlighting the life consequences of having a criminal record on future work opportunities.

Our employees meet directly with representatives of Scotland's diverse communities, such as the Centre for Inclusive Living in Perth & Kinross, Scottish Transgender Alliance, and the Scottish Council of Jewish Communities (SCoJeC), so that meaningful stakeholder engagement can take place.

By continuing our longstanding engagement with specific communities, we continue to focus on breaking down barriers and providing reassurance that we serve all the communities in Scotland. In the most recent Scottish Crime and Justice survey (March 2021), 75% of respondents thought that "everyone has access to the justice system if they needed it" while 77% of respondents were confident that "the system allows all those accused of crimes to get a fair trial."

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

From 21 March 2019 to 21 March 2021, the [Equality and Diversity](#) pages on our public website have received 2,459 unique views; the section [In Your Community](#) has received 6,432 unique views and our [Victims and Witnesses](#) section has received 17,318 unique page views.

In 2020, we published our [Strategic Plan](#) which describes what we aim to deliver over the period 2020-2023 and our underlying priorities. These are set against the backdrop of legal reforms, both past and planned, changes in the patterns of criminal behaviour, recovery from the Covid-19 pandemic and developments in our business practices.

Our goals are:

- [Deliver high quality casework](#) – we will secure justice through independent, robust, fair, and effective professional decision-making, case preparation and presentation. We will explain our decisions, be open about our work and conclude our investigations as quickly as possible.

- **Support our people** – we will build a skilled, engaged, and diverse workforce, invest in staff development, and strengthen our capacity to deliver an improved service.
- **Improve our service** - will continue to digitise and modernise the way we work, supporting wider reform of the criminal justice system, securing efficient and effective justice, and putting the public at the heart of all we do. We will communicate courteously, promptly, and effectively with victims, witnesses, accused persons and bereaved relatives and deal professionally with enquiries and complaints.

By establishing a service-wide benchmark to monitor changes in customer service, action can now be focused in the areas of work giving rise to the majority of complaints. One area that has been monitored is analysis of complaints received: feedback suggests that COPFS relies too heavily on written communication rather than supporting oral methods of communication. In 2018, the Inspectorate of Prosecution in Scotland published its follow-up report on our complaints handling process.

While there are many examples of good and indeed excellent service, failure to communicate and respond to correspondence is our highest upheld complaint. Consequently, we are taking steps to increase the number of complaints being dealt with by face to face or telephone communication directly with the correspondent.

One of our Disability Ambassadors has forged links with disability organisations across Dundee to heighten awareness of COPFS and the challenges faced by their members when interacting with the criminal justice system.

Our Inclusion in COPFS network was formed in October 2019. It's aims are to provide support and information to colleagues on equalities issues relating to race and ethnicity. They are also forging links within their own respective communities to raise awareness of the role of the prosecution service and to break down barriers to engaging with us, including considering a career with COPFS.

Equality Outcome 2 - Prosecuting crime

Our prosecutors will act fairly and without bias towards all victims, witnesses and accused persons, and be sensitive to individual needs, to ensure that the prosecution service we provide, delivers an equal opportunity to everyone to access justice.

Our aim

To take a robust approach to the prosecution of hate crime, domestic abuse, and sexual crimes, which will contribute to helping people live lives safe from crime, disorder, and danger

Outcomes

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.

Hate Crime

Hate crime and prejudice threaten community cohesion and have a corrosive impact on Scotland's communities as well as broader society.

COPFS publishes an [annual report of all hate crime charges reported by the police](#) in June of each year. The report brings together figures on race crime and on crime motivated by prejudice relating to religion, disability, sexual orientation, and transgender identity.

The figures for 2019-20 showed that there had been an increase in the number of charges reported for all categories of hate crime, compared to 2018-19: disability charges increased by 29%, religious prejudice by 24%, sexual orientation by 24%, racial prejudice by 4%, transgender identity by 2.5%.

There is no single identifiable reason explaining any of these increases however it is believed that increased public awareness of what constitutes a hate crime and victims having greater confidence to report incidents have contributed to these increased figures.

It should also be noted that crimes relating to racial hatred accounted for 54% of all reported hate crime. Crimes relating to racial hatred have dominated hate crime statistics since records began.

There is a broad consensus that disability hate crime continues to be grossly under reported compared to other forms of hate crime. Both Police Scotland and COPFS have worked collaboratively with other justice partners and the Scottish Government on a variety of activities aimed at increasing the level of awareness of disability hate crime and encouraging people to report incidents.

This has especially focused on working with organisations that support people with disabilities, and on encouraging those targeted to report incidents to the police or to

use Third Party reporting agencies. The large increase in reported disability charges may be partially due to increased awareness of what constitutes a disability hate crime and of the support available to report such crime.

Prosecution rates for hate crimes remain very high: between 85% for transgender identity to 94% for disability related crime.

COPFS is a member of the Tackling Prejudice and Building Connected Communities Action Group, chaired by the Cabinet Secretary for Communities and Local Government. The key priorities identified by the Action Group are legislation and guidance, improving data collection and reporting and encouraging reporting of hate crime, including through third party reporting centres.

In March 2021, the Hate Crime and Public Order (Scotland) Bill was passed by the Scottish Parliament and will be enacted some time in 2022. COPFS will be involved in efforts to raise awareness of the new offences and will be issuing public guidance about the new legislation.

Sexual crime

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. According to the Scottish Government's [Criminal Proceedings in Scotland 2018-19](#) statistical bulletin, published in March 2020, overall the number of people proceeded against for all sexual crimes increased to 1762, the highest level in a decade, up 89% since 2010-11.

According to these most recently available statistics, the total number of convictions for sexual crimes increased by 9% on the previous year, from 1,112 in 2017-18 to 1,215 in 2018-19.

The National Sexual Crimes Unit (NSCU) provides 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.

The conviction rate for rape and attempted rape increased by 4% (from the previous year) to 47% in 2018-19 with the total number of convictions increasing by 43% from 107 in 2017-18 to 152 in 2018-19. This reflects a 32% increase in the total number of rape and attempted rape prosecutions from 246 in 2017-18 to 324 in 2018-19.

In the last two years, the number of High Court level sexual offences reported to the Crown increased by approximately 50% and has remained at that level while the number of major crime cases being investigated increased in 2019 by 40%. Offences such as these require teams of highly skilled prosecutors and intensive joint working with law enforcement agencies in Scotland, the United Kingdom and abroad.

Domestic Abuse

Specialist prosecutors for Domestic Abuse and Stalking are in place to oversee these types of cases. They have reviewed policies, practices and training on dealing with such cases as we understand the impact these crimes can have. They are 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.

The Domestic Abuse (Scotland) Act 2018 has now been in force since 1 April 2019. The Act introduces a bespoke offence of engaging in a course of abusive behaviour towards a partner or ex-partner and criminalises patterns of abusive behaviour within the context of a relationship/former relationship, including non-violent coercive and controlling behaviour. The Act also introduced a statutory child aggravation, where an offence involves a child, and new provisions aimed at enhancing victim safety, including enhanced Non - Harassment Order provisions. COPFS continues to monitor the application of this legislation.

The Act recognises that domestic abuse frequently involves patterns of repeated and often long-term abuse and also that it can involve many different types of abuse, which can have a very detrimental, cumulative impact on victims. The new offence reflects the true nature of victim's lived experiences of abuse and provides an effective tool for prosecutors to tackle this behaviour and hold more perpetrators to account.

All prosecutors and case preparers, including Advocates Depute prosecuting in the High Court, have completed bespoke training and guidance on the new legislation. An e-learning pack remains as a legacy product for the new legislation and includes training on the nature and effect of coercive control on both the victim and also on any children affected by the abuse.

In addition, training provided 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 involved 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.

There was a 1% increase in the total number of domestic abuse charges reported to COPFS between the years 2017-18 and 2019-20. The number of charges reported in 2019-20 is the highest number reported since 2015-16. For the year 2019-20, proceedings were taken in 92% of charges compared to 89% of charges in 2017-18.

COPFS understands the physical and emotional effects crime can have on victims and 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 and request a review of that decision. This is known as the Victims Right to Review (VRR).

We continue to provide a dedicated resource attached to our National Enquiry Point to explain this right to victims of particular crimes including hate crimes and domestic abuse and are reviewing our processes to consider how we can improve the provision of information on VRR to a wider range of victims.

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 our Victim Information and Advice (VIA) service and we have a Victims Forum, chaired by our Victims Champion, to support those employees to enhance the service they provide and to share best practice across Scotland.

COPFS is a member of the Scottish National Stalking Group and works with other organisations to respond to stalking offences in Scotland, to raise awareness of stalking and its impact and to enable improvements in practices by services responding to and supporting those affected by stalking behaviour.

The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 includes new measures to increase the number of cases in which the evidence of children and vulnerable witnesses is pre-recorded to avoid them having to give evidence during a subsequent trial. The first implementation phase began on 20 January 2020 which

means that the evidence of all child witnesses aged under 18 in High Court cases for certain specified offences must be pre-recorded.

COPFS has a long-standing relationship with the [SOLD](#) network (Supporting Offenders with Learning Disabilities). In 2019, COPFS worked with them to update their Practice Guide for Support Staff and in 2020 we contributed to their publication Practice Guide for Defence Solicitors in Scotland.

Equality Outcome 3 - Access to our services

The services provided by COPFS are suitable and accessible to all who need to use them.

Our aim

To ensure people have equal opportunity to avail themselves of COPFS services within the criminal justice system.

Outcomes

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

In the most recent [Scottish Crime and Justice Survey](#) report, published in March 2021, 75% of adults were either fairly or very confident that “everyone has access to the legal system, if they need it.”

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 our sites and have developed a list of improvements which are currently being considered as part of our estates work programme.

All new or revised guidance is considered for presentation in alternative formats, such as [Easy Read](#) and Plain English and an [Easy Read Champion](#) was appointed to oversee this. There is now a dedicated [Easy Read section](#) on our public website, where all of our Easy Read documents can be viewed and downloaded. 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 (VIA) service.

Currently all our leaflets are available electronically on our public website. This allows any updates to be made quickly and easily, ensuring our service users have the most up to date information. The “Being a Witness” and “Going to Court” leaflets were improved to include more helpful information about facilities at court.

We appreciate that PDF documents may not be suitable for screen-reading software, therefore we also provide Word versions on our website that work better with assistive technology. We are also working on making all our publications more accessible in line with new accessibility regulations.

As a public sector organisation, COPFS is bound by the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 which affects all web and intranet content published after September 2020. In response to changes in legislation and the need for a better user experience for both our service users and our employees, COPFS is developing a new website and intranet which will both be launched in 2021.

The new sites will improve the accessibility of the information we share internally and externally. Our Corporate Communications team is leading our transition to accessible communications and is working with content creators throughout COPFS to let them know about their responsibilities and explain what they should do to be more accessible.

Our new website and intranet will ensure that all users can access published information in a format that works for them. We are building our site to government-recommended accessibility standards to support those who need adjustments to access our information. Our new sites will support those who:

- use a keyboard instead of a mouse
- change browser settings to make content easier to read
- use a screen reader to ‘read’ (speak) content out loud
- use a screen magnifier to enlarge part or all of a screen
- use voice commands to navigate a website

Information is also displayed in the public areas of our buildings advising that “We are here to help you” along with supporting guidance. This was created in partnership with our criminal justice partners and the criminal justice Disability Advisory Group and is displayed in the public reception areas of all our offices. The aim of the poster is to provide a clear message to the public that justice

organisations are happy to offer reasonable adjustments to ensure that people with disabilities and BSL users can access our services without barriers.

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 when accessing our services. This includes the provision of interpreters for both spoken languages and British Sign Language. We also provide translations of our documents and correspondence as well as a transcription service for video recordings.

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 2019, we published a revised EIA toolkit and guidance for staff.

Carrying out an EIA identifies both potential positive and negative impacts of a new policy or procedure on protected groups. Any potential negative impacts can be then dealt with and the new policy or process can be adapted accordingly. COPFS now routinely works collaboratively with stakeholders, including our network of equality ambassadors, at an early stage in policy development. This ensures that new policies are fit for purpose and, more importantly, have stakeholder buy-in from an early stage of development.

An excellent example of collaborative working was the COPFS response to working during the Covid-19 pandemic, where several key stakeholders contributed to the consultation process. To date we have published 39 EIAs on our public website.

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. As part of our continuous estates strategy, we regularly review all our estates to ensure they remain accessible to our employees and the wider public.

COPFS chaired the Criminal Justice Disability Project until its conclusion in 2018. As part of the legacy of this important project, which introduced a number of jointly implemented initiatives including the Reasonable Adjustments poster, Easy Read Champions, Standardised Site Assessments, joint BSL training and a revised Complaints procedure, COPFS continues to work collaboratively with justice partners to ensure that we share best practice, and consider the whole journey of people through the criminal justice system and not just our own, specific, section of the process when implementing any changes.

COPFS has made a public commitment to provide translations of documents upon request from any source and proactively translates correspondence with victims, witnesses, and bereaved relatives where a language need has been identified.

COPFS also provides interpreters, including British Sign Language interpreters, for victims, witnesses and bereaved relatives who are required to attend at court or wish to follow proceedings during an FAI (Fatal Accident Inquiry). We also arrange for 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 website. Any additional requests for specific documents or leaflets to be translated will also be carried out.

COPFS is committed to the thorough and timely investigation of deaths and to improving its performance in this important area of work, including in the provision of information to bereaved relatives. We appreciate the impact the time taken to complete death investigations can have on all those involved. We also recognise the particular importance that early decision making on the release of bodies for burial or cremation can have for certain ethnic and faith groups and the need to provide an accessible and timely service for our diverse communities.

COPFS has made significant changes to its working practices in relation to the investigation of deaths by the Scottish Fatalities Investigation Unit (SFIU) through a modernisation project. Additional resources have been brought in, and there has been a focus on concluding older cases. Revised practices have also resulted in new death reports being dealt with more effectively. Some cases will necessarily take longer to conclude than others, but these changes reflect the commitment of COPFS to the timely and thorough investigation of deaths.

In May 2020 the Lord Advocate decided that two categories of Covid-19 (or presumed Covid-19) deaths should be reported to COPFS: Covid-19 deaths in employment (e.g. care home workers, public transport employees, health service staff) and Covid-19 deaths of residents in care homes. This was on the basis that these two categories of death were giving rise to significant public anxiety.

Accordingly, we established a Covid Deaths Investigation Team (CDIT). The team works closely with agencies including the Health and Safety Executive, Local Authorities, Care Inspectorate and the Police Service of Scotland. Monthly statistics are produced and published on the [COPFS website](#) under Covid-19 death investigations. These arrangements will ensure that the circumstances of each death can be fully considered by this dedicated team, and appropriate decisions made about whether further investigation is required.

At all times, we remain sensitive to the needs of bereaved relatives at this distressing time and, in accordance with the [Family Liaison Charter](#), it is our aim to keep relatives informed about any deaths that COPFS is investigating.

Equality Outcome 4 - The way we work

COPFS employees are knowledgeable about equality legislation and treat all victims, witnesses, accused persons and colleagues with dignity and respect.

Our aim

To develop a culture where COPFS employees are knowledgeable about equality and inclusion 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 and with justice partners.

Outcomes

To ensure we meet the needs of our diverse communities, upholding dignity, respect and professionalism must play key roles in all aspects of our work – prosecution, investigation of deaths, Ultimus Haeres (relating to persons who die without leaving a will and have no known or traceable relatives), employees relationships and stakeholder engagement.

COPFS also aims to create an inclusive workplace and supports eight staff networks including networks for our employees living with a disability and LGBT+ colleagues and for those with an expressed interest in caring, gender, neurodiversity, mental health, race and religion and belief. 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 their associated staff networks to allow employees access to the range of benefits which other network membership can provide.

Our Sherifffdom Equality Networks have continued to engage with both employees and external stakeholders, despite the restrictions imposed by the pandemic, to raise awareness of who we are and what are our roles and responsibilities.

Based on the exchange of information with stakeholders, we can raise awareness, educate, and inform our employees on the work of third sector organisations to assist them in their role and support their colleagues. To do this, we regularly create information pages on our intranet so our employees can access guidance easily.

We recently created a series of pages offering guidance on neurodiverse conditions such as Autism, Asperger's, Autistic Spectrum Disorder (ASD), epilepsy and

migraine. The pages also provide understanding, guidance, and support for anyone who encounters people with these conditions as part of their work at COPFS.

COPFS now has **60 equality ambassadors** – staff with a high level of knowledge in one or more aspects of a particular protected group – to provide staff with information and advice about equality and inclusion and to facilitate engagement with a variety of stakeholders.

The ambassadors are now routinely part of our equality impact assessment process. They recently equality impact assessed our revised [Sensitive and Personal Records policy](#), providing helpful advice on issues such as gender neutral language and easy read formats.

As a core part of the ambassador role, each ambassador can engage in a two-way mentoring programme, whereby they are partnered with a senior member of staff. The programme was developed to increase senior staff awareness of protected characteristics whilst also enabling the ambassadors to benefit from senior staff mentoring opportunities.

We have formally captured feedback on the programme with 100% of the participants stating that the programme is worthwhile and thought-provoking and that their knowledge of equality matters had increased as a result of participation. Each participant also stated they would recommend the programme to another colleague.

In our recent phase of the programme, engagement was high and both senior staff and Equality Ambassadors found participation in the programme to be beneficial in terms of increased knowledge and support for both parties.

With most of our employees working from home since March 2020, video conferencing facilities like Microsoft Teams have become essential in helping our staff interact and stay connected during Covid-19 restrictions.

Without the geographical barriers that usually prevented staff from joining in, we've noticed an increase in staff taking part in meetings and group sessions remotely. We've also increased our digital offerings by creating video channels where recorded group sessions can be accessed by those who couldn't attend live on the day. This has further removed barriers to information for our employees by helping them take part at a time and place that suits them. We have a dedicated Equality and Inclusion channel that we promote regularly in other equality communications.

The COPFS annual Staff Equality and Inclusion conference has been running since 2012 and focuses on the importance of mainstreaming equality in everything we do.

Delegates share knowledge and best practice and the conference is used to launch fresh initiatives. For example, the 2019 conference saw us launch the first ever COPFS equality awards in which we formally recognised the contribution and achievement of our people in relation to raising awareness of protected characteristics and creating links with external organisations.

In 2020, we hosted our second equality awards ceremony. Due to Covid-19 restrictions we were unable to host the event in person, so the event was moved online. Feedback from the event was extremely positive and a higher number of employees joined in than attended in person in 2019. Again, the use of Microsoft Teams meant that the geographical barriers we always face when organising in-person events were circumvented using technology. The use of Microsoft Teams will be incorporated into all our future events to make sure they are accessible to all our employees.

We now have a group of 20 Mental Health Ambassadors, who have created their own network to actively promote awareness of mental health within the workplace and have carried out a vast range of activities across COPFS. This network was particularly pro-active during the Covid-19 pandemic to support the health and wellbeing of all employees.

Activities included promoting articles about healthy working lives, coping with remote working, tips on how to make the most of your new working situation, prompts to take regular breaks, ideas to help keep kids busy at home, supporting teenagers and children's mental health, suicide prevention talks and much more.

Many of our mental health ambassadors also shared their own experiences of mental health during the pandemic through a series of articles called 'Lockdown Diaries'. The popular series run by our Corporate Communications team gave our employees the opportunity to share their lived experience of working during the pandemic.

Our Neurodiversity Support Network was launched in March 2021, during Autism Awareness Week. This was in recognition of the number of employees who either had lived experience of neurodiversity or was a parent / carer of someone with a neurodiverse condition. The network will provide advice and guidance on all aspects of neurodiversity, including autism, ADHD, epilepsy, migraine, dyslexia, and other learning difficulties.

In the most recent [2019 Civil Service People's Survey](#) results (published in March 2020), 79% of COPFS employees felt their organisation respects individual differences and cultures. 86% of employees feel that they are treated with respect by the people they work with.

In the last two years we have utilised [Update](#), our internal employee blog, to actively promote a wide range of equality and inclusion initiatives, events and key dates including:

- Stress awareness
- Religiously significant events including Easter, Christmas, and Ramadan
- LGBT History Month
- International Women's Day
- Trans Day of Visibility
- Mental Health awareness events
- Parenting and life transition events
- Neurodiversity awareness
- Black History Month including virtual staff events
- Promotion of our Employee Assistance Programme
- Awareness of gender-based violence and online events
- Promotion of our Equality Awards and the achievements of colleagues
- Menopause awareness and resources
- Variation in Sexual Characteristics (formerly called intersex) awareness
- Age Scotland pre-retirement courses
- Gender awareness including sharing resources like the Scottish Feminist Judgement podcasts
- Promotion of inclusion in video calls
- Ideas for parents looking after children at home during school closures

- Carers awareness week

This employee blog has proved to be a popular and effective way to raise awareness and understanding of specific aspects of protected characteristics.

In August 2019, we launched Equality Month. This was a month of the year in which our Equality Networks and Ambassadors had an opportunity to produce a structured programme of events to raise awareness of all protected characteristics. In 2020, our Equality month was adapted to include virtual events and more digital content.

COPFS has a Valuing Equality, Diversity, and Inclusion eLearning hub, which makes use of the best of all equalities learning offered by the UK civil service. We combine this with personal stories from our employees who have shared their experiences of their lives and inclusion in COPFS through our employee blog. Within the VED&I hub we encourage engagement with our diversity ambassadors and provide details of further engagement options. We ask that our employees complete this eLearning during their probationary period if new to the organisation and encourage regular visits to the VED&I Hub for continuous professional development and refresher training, use of the hub is monitored and evaluated in terms of content and compliance with learning deemed to be a requirement of all COPFS roles.

All new staff joining COPFS receive a presentation from our Equality Champion which emphasizes the importance of Equality in everything that we do-both as a prosecution service and as an employer.

We also offer additional role specific learning which incorporates case studies where protected characteristics have been a factor in criminal cases and give training to our VIA and Legal employees who interact with victims and witnesses with protected characteristics.

COPFS has a National Enquiry Point for members of the public and defence solicitors to contact with queries about the prosecution service or cases they are involved in. Sometimes these calls can be quite traumatic, both for the caller and staff member. Some callers talk about contemplating suicide. To deal with such conversations, all Enquiry Point staff and managers must complete SafeTALK (Tell; Ask; Listen and Keepsafe). This provides our advisers with practical tools and the confidence to help callers in distress and also provides support for the advisers themselves, to enable them to deal with the emotional fall out from a traumatic conversation.

In total, 23 of our people have completed the Mental Health First Aid qualification. The 12-hour accredited qualification provides participants with the knowledge to recognise a wide range of mental health conditions and learn about the support/therapy provided by professional healthcare providers. They are taught how to start a supportive conversation and when and how to signpost a person to seek

appropriate professional help. Participants discover the impact of substance abuse and learn how to recognise and manage stress. Participants also learn about the first aid action plan for mental health, how to put it in place and understand how to implement a positive mental health culture in the workplace.

Our Epilepsy Ambassador has worked with Epilepsy Scotland to achieve their Epilepsy Friendly Award for our Hamilton office. We are now working with colleagues to roll this out to additional offices and so far, two further offices have achieved this award.

To highlight the intersectionality of protected characteristics, our Proud in COPFS and Believe in COPFS networks published a series of articles about their commitment to working together to promote COPFS' core values of being professional and showing respect. This collaboration between these two networks highlighted the potential for those of different opinions to understand one another by listening without judgement and seeing the world from a perspective other than our own.

These articles also touched upon the expression of closely held opinions, and how freedom of expression interacts with other rights. In short, readers were encouraged to be thoughtful of others when expressing their views and were invited to consider both their own motivation for doing so, in addition to their intended audience.

In summary, we regularly utilise internal communication platforms such as our intranet and employee blog as well as stakeholder interaction to build our employees' knowledge of equality and inclusion issues. Through effective communications and staff network activity, we actively promote positive attitudes towards the lived experiences of our service users and our colleagues.

Equality Outcome 5 - Collaborative Working

Scotland will be a safer place for everyone as a result of our collaborative working with other organisations.

Our aim

To work collaboratively with our justice partners, third sector groups and key stakeholders to provide a coordinated approach to the provision of criminal justice and to ensure best practice is achieved and shared across the justice sector.

Outcomes

COPFS recognises that to provide an effective prosecution and deaths investigation service, it does not operate in a vacuum and effective collaborative working with other organisations provides a structured criminal justice response to both the prosecution of crime and how victims and witnesses are dealt with throughout the criminal justice process.

Victims and witnesses

The Lord Advocate is the Co-chair of the Scottish Government's Victims Taskforce. Its primary role is to co-ordinate and drive action to improve the experiences of victims and witnesses within the criminal justice system, whilst ensuring a fair justice system for those accused of crime. Some of their objectives include:

- Reduce and, where possible, eliminate the need for victims to retell their story to different organisations as they seek help.
- Widen the range of serious crimes where the victim can make a statement to the court about how the crime has affected them.
- Establish a new support service for families bereaved by murder and culpable homicide.
- Improve the experience of victims of rape and sexual assault.

Our Equality Champion, Ruth McQuaid, is currently a member of the Tackling Prejudice and Building Connected Communities Action Group chaired by the Cabinet Secretary for Communities and Local Government and works in partnership with Scottish Government and organisations including Police Scotland, SCTS, COSLA, BEMIS, Interfaith Scotland, Disability Alliance, RespectMe, CEMVO and the Equality Network to address hate crime and offensive behaviour and has been consulted on a number of hate crime campaigns over the last two years.

Ruth is also the COPFS trustee for I AM ME Scotland, a charity which works collaboratively with a range of partners including Police Scotland and Renfrewshire Local Authority to develop new and innovative ways of raising awareness of disability hate crime.

The charity has two key initiatives: I AM ME and Keep Safe. We continue to promote the I AM ME Scotland educational resources and 17 of our offices are designated as Keep Safe premises which are safe places where vulnerable people can seek refuge and support, guided by the Keep Safe app.

We are currently working with the charity and Police Scotland on a new series of videos aimed at secondary school students, about how hate crime is dealt with in the criminal justice system.

In collaboration with the Scottish Courts and Tribunals Service (SCTS), Police Scotland and Victim Support Scotland, COPFS undertook a review of the Joint Protocol entitled “Working Together for Victims and Witnesses” to ensure that it continues to be fit for purpose and enables the provision of the best possible service for victims and witnesses.

Following the introduction of the Domestic Abuse (Scotland) Act in 2019, COPFS renewed its commitment to robust and effective multi-agency efforts in 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.

COPFS has collaborated with Police Scotland to develop and publish Interim Joint Guidance on the Investigation, Reporting and Prosecution of Offences of Forced Marriage which operates alongside existing guidance in relation to this complex issue.

Equally Safe is Scotland's national strategy for preventing and eradicating violence against women and girls and COPFS is a key partner in the multi-agency work flowing from the strategy to prevent further abuse and improve justice responses to tackling this type of violence and abuse.

COPFS also is a member of the Criminal Justice Agencies Victims meeting which has input from Police Scotland, SCTS, Scottish Prison Service (SPS), the Parole Board for Scotland and Scottish Government. In addition to publishing the annual report on Standards of Service to Victims and Witnesses, this group also provides input into and receives feedback from the Victims Organisations Collaboration Forum Scotland allowing direct feedback from victim’s organisations.

Reciprocal training

As part of our ongoing commitment to training and development of our employees, COPFS accepts training input from a number of third sector groups and key stakeholders. This includes training input from Abused Men in Scotland, Age Scotland, ASSIST, Cairns Trust, Epilepsy Scotland, Rape Crisis, SCRA, Scottish Women’s Aid, Safe Lives, Shakti, Social Work Services Glasgow, Women's Aid, and the Witness Service.

In a reciprocal manner, COPFS has provided training input to numerous organisations including the Judicial Institute of Scotland, Police Scotland, Caledonian Project, NHS Scotland Forensic Network and Queen Margaret University.

COPFS continues to provide input and training to Police Scotland's Domestic Abuse Investigators course relating to the 2018 Domestic Abuse (Scotland) Act and its implementation.

COPFS has also provided input and training for Police Scotland's Hate Crime Tactical Advisers training course.

British Sign Language

COPFS is part of the Working Group on Interpreting and Translation (WGIT) whose remit is to establish common standards for interpreting and translation throughout the Scottish justice system. The current membership includes COPFS, SCTS, SPS, The Law Society of Scotland, Police Scotland, Scottish Children's Reporter Administration (SCRA), and Scottish Legal Aid Board (SLAB).

The WGIT worked with Scottish Government to shape and progress their British Sign Language National Plan 2017-23 for the justice sector. The long-term goal for the justice sector is: BSL users (which includes D/deaf and/or Deafblind people whose first or preferred language is BSL) will have fair and equal access to the civil, criminal and juvenile justice systems in Scotland.

The group has already worked with Queen Margaret University to create online modules on the Scottish justice sector for BSL interpreters wishing to work in this area. All members are currently reviewing their provision of services for BSL users, including access to online material and effective communication formats.

COPFS is a member of BSL Justice Advisory Group whose work was paused during the Covid-19 pandemic. However, once restrictions on group meetings are eased, it is anticipated that this group will be reconvened by the Scottish Government.

Autism and Asperger's

All the justice partners recognise that we need to improve the services we provide to people with autism spectrum conditions who are travelling through the justice systems. Working with Autism Network Scotland, we have started work on a justice pathway for people with autism conditions, to identify gaps in service provision and tailor our respective services to the needs of people with autism and Asperger's.

To this end, we have improved the volume and variety of information available to our employees about autism and have delivered numerous presentations on autism to

those dealing directly with people with autism and Asperger's, whether they are victims, witnesses, bereaved relatives or accused persons. Led by our Ambassador for autism, COPFS has created a series of pages offering guidance on neurodiverse conditions such as Autism, Asperger's, Autistic Spectrum Disorder (ASD), epilepsy and migraine. The pages also provide understanding, guidance and support for anyone who encounters people with these conditions as part of their work at COPFS.

Female Genital Mutilation (FGM) Group

COPFS is a member of the Scottish Government's FGM National Action Plan implementation group. Our work in this area contributes to the criminal justice and child protection responses to FGM, ensuring they are robust, swift, consistent and coordinated. We work primarily with Police Scotland to identify opportunities for early and effective interventions in respect of victims and perpetrators of FGM within Scotland and also for Scottish residents abroad.

Pride in Justice (PiJ)

COPFS has been a Stonewall Diversity Champion for several years and has its own LGBT+ staff network called Proud in COPFS. Not all of the justice partners are as fortunate so, in September 2018, the Pride in Justice group was launched.

All employees working in the justice sector may join the group, including both public organisations and private law firms. The focus of the network is on how we can work together to increase inclusivity, raise awareness of LGBT+ issues and share best practice in supporting folk from LGBT+ communities working in the justice sector.

Pride in Justice hope that by bringing LGBT+ employees and their allies together to make those business and social connections, this will help provide the foundation for a healthy, happy work life which we all aspire to achieve.

Justice partners take turns in organising PiJ events. The networking events provide a platform where LGBT+ people can support one another to be open in their workplaces, share ideas and best practice to promote sexual orientation and transgender equality and hopefully break down any barriers which currently prevent them from accessing an equal opportunity to career success. COPFS hosted an event in Aug 2019.

Equality Outcome 6 - Our workforce

COPFS is an inclusive employer with a workforce which proportionately reflects the diversity of Scottish society and where employees have an equal opportunity to achieve their full potential.

Our aim

To build a workforce which proportionately represents the diversity of Scottish society and the communities we serve, and create an inclusive, respectful work environment where our people 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. The next census is planned for Spring 2022.

External validation – TIDE Benchmark and Stonewall Workplace Equality Index (WEI)

COPFS has been a member of Stonewall Scotland since 2006. Our rationale was to develop a positive workplace environment for LGBT+ employees and service users. We first completed their employer Workforce Equality Index (WEI) in 2009. COPFS has consistently scored in their Top 100 UK employers for the past 10 years, including 2020. Unfortunately, the WEI for 2021 was cancelled because of the Covid-19 pandemic.

COPFS has been a member of ENEI (Employers Network for Equality and Inclusion) since 2012. In 2020 COPFS completed their TIDE (Talent Inclusion & Diversity Evaluation) benchmarking questionnaire for the first time and achieved a Bronze award.

The TIDE mark allows us to measure progress on equality, diversity and inclusion, both year on year and in comparison, with our peers. COPFS was ranked 2nd within the UK legal sector. Plans are already well advanced to complete the TIDE mark in 2021 which will allow us to assess how we have performed for 14 months when most of our employees have worked from home.

To quote from the enei TIDE mark:

“Full inclusion is a temporary state few organisations will ever achieve. However, the best recognise this and understand that a drive for continuous improvement is in the best interest of the organisation, their employees and stakeholders.”

Gender

The results of the 2011 census established 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 2017, COPFS statistics revealed that 71% of our workforce was female. Figures produced as at 31 March 2019 disclose that 71.5% are female so there has been a small change in the gender ratio of our employees in favour of females. No one at that time declared themselves as non-binary. In 2020, our data gathering exercise showed that 71.34% of our workforce is female. There is a very small decrease in this figure from our data one year previously.

We recruit staff at two entry levels - administrative and legal. The ratio for administrative staff discloses 74.1% are female. For legal staff (including trainees), the proportion is 73.7%. We continue to recruit a disproportionately high proportion of female staff at entry level. However, the process of recruiting staff is assessed through an anonymous sift.

Our legal staff account for 33.4% of our overall workforce and an essential requirement to work as a lawyer at COPFS is the successful completion of a Scots Law degree.

According to the Law Society of Scotland, in 2020 more than two-thirds of new entrants to the legal profession were women and therefore we are recruiting from a predominately female pool of candidates. Consequentially, our proportion of legal staff fairly accurately reflects the male/female ratio of legal graduates in Scotland.

To reach out to all potential future employees, we are continuing to invest in our attendance at school career fairs and university events to encourage students to consider a career with COPFS. We also work with schools across Scotland to provide work experience opportunities for secondary school children through Career Ready.

We have a network of transgender ambassadors who are engaged in making positive outreaches to the Scottish transgender community. They are also in active contact with the Mermaids Charity which works to raise awareness about gender non-conformity in children and young people. Our ambassadors provide updates to our employees, increasing their knowledge on gender matters. In November 2020, our transgender ambassadors celebrated trans awareness week by publishing an article on our employee blog.

We continue to raise awareness of gender matters internally through our employee blog – UPDATE, and we recently published an interview with Ruth McQuaid, our Equality Champion speaking about her personal experience as a senior female leader in COPFS to mark International Woman's Day. She was joined by Becky Kaufmann, Policy Officer for Scottish Trans Alliance, who was interviewed by our Trans and Gender ambassadors to mark International Women's Day and Transgender Day of Visibility.

In 2021, the number of senior staff at SCS level was 39% female from a total pool of 28 employees. Positive action to provide mentoring and opportunities to access networks across criminal justice is continuing. We currently have four gender equality ambassadors raising awareness of this characteristic across COPFS, all of whom are actively engaged in mentoring activities.

Shortly after the commencement of nationwide lockdown, we introduced a change to our approach to flexible working bandwidths. Our employees could now work their contracted hours over seven days rather than five, and a removal of the bandwidth of when work could be done. This significant change was made to enable our employees to balance caring responsibilities with their core role in the organisation.

Flexible working opportunities are available to our employees at all grades and have been accessed by all colleagues, including those at SCS level, demonstrating that alternative work pattern is not a barrier to progressing within COPFS. Employees have also been promoted whilst on new parent leave and thus demonstrating that these circumstances are not a barrier to progressing within COPFS. We also now have pregnancy / breastfeeding ambassadors to support staff.

We have a suite of family friendly policies including Adoption Leave, Maternity Leave, Shared Parental Leave and Additional Paternity Leave.

We recognise that restrictions on mobility have been a barrier to our employees accessing promotion opportunities in the past and have become more flexible about where employees can work by making greater use of technology and are continuing to explore and expand opportunities for remote working including location neutral and homeworking. In fact, the COPFS response to the Covid-19 pandemic resulted in a very sudden shift from working in an office to the vast majority of employees working from home.

The coronavirus pandemic has already provided a significant insight into the flexibility we are able to offer our employees. This includes the ability to appear in court via video link rather than in person. This has greatly benefitted staff who work in some of our remote island communities, making full use of every virtual option available.

In the coming months, we will build on the lessons learned from the pandemic through our Future Ways of Working project. The FWOV project will improve working lives by encouraging employees to work as flexibly as possible, subject to business need. Benefits include improvements in wellbeing, reduced travel requirements, and a better work-life balance.

Disability

The 2011 census established that 19.6% of the entire Scottish population disclosed a disability or long-term, activity-limiting, health problem. However, this figure decreases to 14.9% of the working age population.

In 2019, 4.7% of our employees declared a disability with 1.1% choosing not to disclose this information. As at 31 December 2020, 5.1% of our employees declared a disability while 3.6% of employees chose not to disclose such information. In addition, 281 of our employees also said they have a medical condition which has lasted over 12 months but did not consider themselves to be disabled.

It should be noted that of the 117 people who joined COPFS in 2020, 5.1% declared a disability during the recruitment process.

COPFS is committed to promoting equality of opportunity for people with disabilities. We have four staff support groups that focus on disability: Staff Disability Advisory Group, COPFS Carers Network, Neurodiversity Support Network and COPFS Mental Health Network. This is complimented by ambassadors for a variety of disability related issues including migraine, acquired brain injuries and visual impairments. All Ambassadors have played a pivotal role in awareness-raising. Some of our staff have also completed the Mental Health First Aider programme.

Additionally, the last two years have seen us reach a record level of 30 staff ambassadors who represent various aspects of disability including mental health, physical disabilities and neurodiversity. They are responsible for engaging with external expert groups and also raising awareness of disability related issues amongst staff. They are encouraged to support campaigns such as “See Me” which highlights mental health issues and actively highlight Mental Health related events including World Bipolar Day and World Suicide Prevention Day and provide SafeTALK training events to support employees dealing with this issue, either in their workplace or personal life.

COPFS has a strong tradition of partnership working on Disability. We chaired the Justice Boards’ Equality and Diversity group which commissioned the Criminal Justice Disability Project – a four-year endeavour which was led by one of our Heads of Business Management.

As part of this project, which ended in June 2018, COPFS now publishes detailed information about the accessibility of our offices and buildings. We also created detailed guidance for staff about disability issues and created a poster for reception areas regarding the type of reasonable adjustments available to people visiting our offices. We also revised our complaints procedures and introduced an Easy Read champion to ensure all relevant publications are available in this format.

We hope these initiatives will also encourage people with disabilities to consider us as a future employer. We also provide training for our employees 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 employees to ensure they are effectively supported in the workplace and have an equal opportunity to progress.

We launched a Workplace Adjustments Passport in 2019 to support our employees as they move to new roles and responsibilities. The passport captures all workplace adjustments for those who need them, whether to support their mental or physical health, disability, or wellbeing. It also encourages dialogue with line managers so they can better understand their employees' needs.

We have established Health and Wellbeing networks across each of our sheriffdom units and all employees are actively encouraged to engage in the activities. These networks have played a pivotal role in supporting our people during the Covid-19 pandemic by awareness-raising.

Sexual orientation

There is limited data and evidence available to accurately identify the proportion of LGBT+ people living in Scotland. The 2017 Scottish Household Survey, published in September 2018, disclosed that 97.9% of the population declared as heterosexual/straight with 1.6% declaring as LGB and 0.5% refusing to respond.

COPFS data from 31 March 2020 shows 2.7% of our employees identifying as LGBT+ with 85.3% identifying as heterosexual/straight. This leaves 10.7% of our employees whose sexual orientation is unknown, of whom 5.1% prefer not to disclose.

While our data demonstrates that our workforce more than reflects the proportion of LGBT+ citizens in Scottish society who are willing to disclose, we aspire to be an inclusive organisation where all of our employees 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 were listed at number 85 in the 2020 Top 100 UK Employers.

We continue to support our LGBT+ staff network "Proud in COPFS" and our team of LGBT+ staff ambassadors. We also have an allies programme "Friends of Proud in COPFS" with members wearing customized lanyards or displaying badges at their work desk. LGBT+ History badges and displaying rainbow desk flags were used to demonstrate support for LGBT+ colleagues and our employees in Ayrshire have raised funds for LGBT Youth through bake sales whilst raising awareness of LGBT issues. We also promote the Stonewall "No Bystanders" campaign which has been

endorsed by the Lord Advocate and the Crown Agent and is promoted annually to employees at our staff equality conference.

In addition, COPFS hosted information stalls at a number of Pride events across Scotland during 2019. As part of the virtual celebrations of Pride 2020, the lead of the Proud in COPFS network recorded a podcast for the Law Society of Scotland about what it is like to be gay in a legal organisation. A further podcast was recorded with The Glass Network in relation to being LGB in the legal profession. Our staff network also held bisexual awareness raising sessions and assisted networks from other organisations to share best practice.

Ethnic origin

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

Our data as at 31 March 2020 discloses that 93.3% of our workforce identifies as White with 3.2% identifying as BAME and 0.4% as “Other”. This leaves 3.1% who have not disclosed their ethnic origin. Figures for white background have decreased by 0.2%.

We continue to liaise regularly with ethnic minority communities across Scotland to consider a career with COPFS and currently have four race ambassadors focused on this work.

Our ambassadors formed the Inclusion network and in 2019 launched COPFS first annual Black History Month Awareness Event and did this again in 2020. The network has been engaged in a host of activities both internally and externally to raise awareness of matters associated to race.

The network has a communication strategy in place to engage employees in its activities and events and has exploited the use of TEAMS technology to host events and discussions in-house.

A member of Inclusion in COPFS is also a member of the [Law Society Racial Inclusion Group](#), which is a short-term group formed by the Law Society of Scotland to provide a better understanding of the lived and professional experiences of its BAME members and to offer recommendations on how to improve racial inclusion across the profession. The Group will report its findings to the Law Society’s Council, along with recommendations, later in 2021.

One of our Race Ambassadors was named ‘Best New Equality Ambassador’ at the 2020 COPFS Equality Awards.

Belief or faith

The 2011 Scottish census reported that 54% of the population declared themselves to be Christian. This is sub-divided to 32% identifying as Church of Scotland and 16% as Roman Catholic. 1% of the total population declared themselves to be Muslim.

This contrasts significantly with the 2019 Scottish Household Survey results (published in Sept 2020) where only 41% of respondents declared themselves to be Christian. This was sub-divided to 20% of respondents described themselves as being Church of Scotland, 13% Roman Catholic while 56% did not share any religious belonging. These statistics reflect the continuing downward trend in religious belonging since the 2009 survey, the first survey to collect such data.

Our data from 31 March 2019 discloses that 42.6% of our workforce identifies as Christian with 17.6% identifying as Church of Scotland and 15.5% as Roman Catholic. 1.6% of our workforce identifies as Muslim and 1.5% identify as belonging to another religious/belief group including 0.5% humanist. 30.8% declared that they did not follow any faith or belief system.

New data from our 2021 staff survey discloses that 41.2% of our workforce identifies as Christian with 19.2% identifying as Church of Scotland and 16.5% as Roman Catholic. 5.5% identify as belonging to Other Christian faiths, which are broadly similar to our 2019 figures. These staff figures are also very similar to the 2019 Scottish Household Survey findings.

Also in 2021, 3.5% of our workforce identified as Agnostic with 6.9% identifying as Atheist. 0.5% declared as Humanist and 4.6% identified as Muslim. This figure for Islamic belief is significantly higher than for the Scottish population as a whole – according to the Office for National Statistics figures for 2018/19, Muslims make up only 1.8% of the Scottish population, (the UK figure is 5.4%).

A total of 28.6% employees stated they had no religion or belief whilst 16.2% chose not to declare any belief or religion.

It is worth noting that there has been a reduction in the number of employees preferring not to answer this question.

We currently have a staff ambassador for Religion and Belief who is supported by three further ambassadors representing the Muslim and Jewish communities. The ambassadors are responsible for liaising with groups representing these communities, for building connections with other faith groups and also for raising awareness of these faiths to all employees. Our Jewish Ambassador spoke at a

meeting of the Glasgow Jewish Representative Council in Oct 2019 and has also provided assistance in relation to death queries and social media posts.

In 2018, COPFS started a faith group called Believe in COPFS and they have posted a number of articles for staff raising awareness of different religious beliefs. Our Ambassadors have produced a number of articles around religious events internally and have worked in partnership with our LGBT network and Race network.

Staff are encouraged to be open and “out” about their religion or belief and this message was endorsed by our Equality Champion in her annual speech to employees at our staff equality conference in August 2019 where she presented a short film on Christianity and was open about her own faith.

Age

Our data from 31 March 2021 discloses that 47.68% of our workforce is aged between 30 and 49 years with 8.01% aged 60+ which shows that we continue to increase the population of employees working beyond 60. There is however a broad spread of ages working for COPFS. This reflects the Scottish working pattern of more people continuing to work well into their 60s and that Scotland ‘s population is an ageing one. COPFS recognises that people at every age have something to offer as an employee and this workforce will assist us to better represent our communities.

We have developed a number of initiatives to encourage young people to consider a career with COPFS including giving presentations at schools and colleges, work placements, attendance at school career fairs and at university recruitment events. We also currently operate a modern apprentice programme that was open to all age groups and offered the opportunity of permanent employment with COPFS at its conclusion. We are supported by two Age Ambassadors who are committed to addressing age related issues within the workplace. We offer all our employees a pre-retirement course to support them in making the right decision on this important issue.

We continue to encourage employees at all ages to seek development and promotion within the organisation.

Bullying and harassment

The number of employees who have personally experienced bullying or harassment at work has decreased from 12% in 2019 to 7% in 2020 according to the 2020 Civil Service People Survey Results. Some of this bullying is from users of our service and is directed at frontline staff, who are often having to convey information that the user does not want to hear or disagrees with. According to the People Survey

results, most of the bullying reported comes from other colleagues within the organisation.

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.

Our Equality Ambassadors, staff networks and sheriffdom networks also communicate the departments zero tolerance approach to bullying, harassment and discrimination.

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 eight 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 employees 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.

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Annex A

Our leadership and organisational Structure

COPFS is organised into three distinct functions. Each function specialises in a specific part of our work. Serious Casework and Local Court handle specific types of crime. Operational Support handles essential business tasks.

Our leaders

Law Officers

Together, the Lord Advocate and Solicitor General are known as the Law Officers.

The Law Officers set the strategic priorities for COPFS, set prosecutorial priorities and approve the Strategic Plan and Objectives for COPFS.

Lord Advocate

The Lord Advocate is the ministerial head of COPFS, leading the system of criminal prosecutions and the investigation of deaths. All prosecutions on indictment run in the Lord Advocate's name. The Lord Advocate also has a number of statutory functions, including in relation to extradition and mutual legal assistance with other jurisdictions.

The Lord Advocate is a Minister of the Scottish Government and acts as principal legal adviser, but decisions by them about criminal prosecutions and the investigation of deaths are taken independently of any other person. In that way, they are not subject to the ordinary rules about collective ministerial decisions.

The Lord Advocate is appointed by the Queen on the recommendation of the First Minister, with the agreement of the Scottish Parliament.

The current Lord Advocate is James Wolffe QC, who was appointed in June 2016.

Solicitor General

The Solicitor General is the Lord Advocate's deputy. They assist the Lord Advocate to carry out their functions. They are also a Minister of the Scottish Government.

The Solicitor General is appointed by the Queen on the recommendation of the First Minister, with the agreement of the Scottish Parliament.

The current Solicitor General is Alison Di Rollo QC, who was appointed in June 2016.

Crown Agent

The Crown Agent is the principal legal advisor to the Lord Advocate on prosecution matters and the Chief Executive of COPFS.

The Crown Agent is accountable to the Law Officers for the delivery of efficient and effective prosecution of crime and investigation of deaths, in accordance with their priorities and prosecutorial policies. The Crown Agent is the Accountable Officer for COPFS and, as such, answerable to the Scottish Parliament for the regularity and propriety of COPFS' finance and the stewardship of public monies.

The current Crown Agent is David Harvie, a Solicitor Advocate who joined COPFS in 1996. David was promoted to Crown Agent in April 2016.

Governance

Executive board

The Executive Board provides strategic leadership to COPFS and is collectively responsible for delivering COPFS's vision, aim and objectives.

The Executive Board's role is the provision of advice, challenge, support and assurance to the Crown Agent. The board focuses on a range of areas including:

- performance and outcomes
- people and capability
- finance and risk
- organisational efficiency
- corporate wellbeing

The Board is chaired by the Crown Agent and includes senior members of staff and non-executive directors.

Reporting to the board are committees focusing on resource management, business improvement, operational performance, and audit and risk.

Our functions

- Serious Casework
- Local Court
- Operational Support

Serious Casework

Teams in Serious Casework investigate and prosecute cases that need specialist knowledge or experience. Examples include environmental crime, organised crime, the investigation of sudden or unexplained deaths, and appeals.

Serious Casework also includes High Court teams. The most serious crimes in Scotland are dealt with by the High Court. These include murder, sexual offences, and cold cases.

Local Court

The Local Court function handles cases that are prosecuted in Justice of the Peace and Sheriff Courts.

Local Court teams work in offices across Scotland. Offices are grouped into six Sheriffdoms:

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

A specialist team within Local Court, known as our National Initial Case Processing Unit makes initial decisions on all crimes below solemn sentencing levels which are reported to COPFS.

Operational Support

Teams in Operational Support complete essential business tasks. The function's work is divided into two areas. Policy and Engagement includes media relations, policy and our Enquiry Point. The Business Services teams include Finance, HR and IT specialities.