



# Scottish Courts and Tribunals Service Mainstreaming Equality Report 2021 (Including Progress Report on Equality Outcomes 2019-23)



The SCTS is a member of, or accredited by, the above initiatives in support of its equality aims and outcomes.

## Purpose

Section 3 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 ('the Regulations') states that public authorities are required to publish a report on the progress that they have made to make equality integral to the exercise of their functions. Mainstreaming reports must be published at intervals of no more than two years.

Section 4(4) of the Regulations states that listed authorities must report on their progress in achieving their previously published equality outcomes. [The previous report](#) was published in April 2019, so this report must be published no later than 30<sup>th</sup> April 2021.

## Foreword from the Chief Executive



Welcome to this mid-term progress report on our four year Equality Outcomes which were published in April 2019. This report sets our current position and reflects upon the progress we have made in the last two years. It also reaffirms our commitment to fully embed equality, diversity and inclusion within the Scottish Courts and Tribunals Service (SCTS) in order to achieve real and demonstrable change.

Our values of respect, service and excellence guide all that we do. They ensure that we always focus on the people whom we serve. And they ensure that we do not become complacent in driving improvement. The purpose of SCTS is supporting justice.

Scotland's courts and tribunals have a long and proud tradition of supporting justice and, whilst it can be easy to take this for granted, it is a function that every strong, successful, democratic nation needs to value and uphold. In doing so, the SCTS will ensure that the services provided by Scotland's courts, tribunals and OPG match the expectations of its people.

Whilst we look back over the first two years of this reporting period, it is also important for us to look forward. The progress we have made so far is only possible thanks to the continuous efforts, passion and commitment of our workforce and partners to drive greater opportunity for all who work for SCTS and for those who require to use the services of the courts, tribunals and the Office of the Public Guardian.

Special acknowledgment goes to our Equality Advisory Group for their unswerving support and wise counsel: ensuring that our proposals and actions are compatible with the needs of Scotland's increasingly diverse population.

However, we are aware that more can be done to reach our goal of being an organisation that provides world-leading access to justice.

The administration of justice must reflect our changing society. Over the coming two years, we will continue to develop and innovate, in order to meet those needs: there will be particular focus on:

- improving the accessibility of our services; and
- increasing the diversity of our workforce.

The global pandemic has presented many challenges but also opportunities to rethink our equality priorities when delivering our strategies, policies and operating plans.

We look forward to continue supporting this work and the wider equalities agenda, making a tangible difference and contributing to an increasingly inclusive and resilient Scotland.

***Eric McQueen,***  
*Equality Champion*  
*Chief Executive SCTS*

## Foreword from the Chair of the SCTS Equality Advisory Group



As Chair of the Equality Advisory Group (EAG) I am pleased to once again provide a foreword for the SCTS Mainstreaming Equality Report 2021 and Progress Report on Equality Outcomes 2019-23

I am sure that the past year has been a real challenge for the SCTS having to not only deal with continuing operations during the COVID-19 pandemic but also, needing to progress the equality outcomes. I can see however from the report that some progress has been made in certain areas which is good to see, particularly around BSL outcomes. However, it would be good to see work progressing on increasing the diversity of the SCTS workforce.

It is also good to see the SCTS signing up to various equality schemes, such as Stonewall Scotland's Workplace Equality Index and Employers Network for Equality and Inclusion (Gold Award) which shows that the organisation is committed to developing good equality practices.

The membership of the Equality Advisory Group (EAG) has increased in recent months which is great to see, and I am sure that existing and new members will contribute positively in the coming year to the SCTS's work towards equality and diversity.

On behalf of the SCTS, I would like to thank all EAG members for their time and commitment to the advisory group.

**Colin Lee**

*Chief Executive*

*Council of Ethnic Minority Voluntary Sector Organisations (CEMVO) Scotland*

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## 1. Introduction

By supporting Scotland's courts, devolved tribunals and the Office of the Public Guardian (OPG), the work of the Scottish Courts and Tribunals Service (SCTS) touches the lives of many people on a daily basis at the same time that it focuses on improving their access to justice.

Lessons learned from this regular interaction with the communities that we serve influenced the design of our current set of [equality outcomes](#) that were published in 2019. These outcomes show our commitment to the promotion of equality and diversity as an employer and public body.

This report provides an update on the actions taken by us during the last two years to meet our equality outcomes. It also shares the developments we have made in our work to mainstream equality throughout our organisation.

It is important to mention that the last 12 months have been particularly challenging for everyone following the exit of the UK from the European Union and the COVID-19 global pandemic. In such times of change we recognise it is now more crucial than ever to take forward initiatives that advance equality of opportunity, support a fairer society and ensure the credibility of Scotland's justice system.

Nevertheless the pandemic has presented many challenges and our services have been affected. Supporting the public health response to the outbreak – protecting the life and safety of all staff and users of the courts, OPG and devolved tribunals – has taken priority.

While we continue to adopt new ways of working through digital solutions and virtual hearings to maintain and transform our business, some of the initiatives we had started prior to March 2020 needed to be paused and others we were planning to start later that year had to be postponed.

In addition, the first lockdown interrupted a campaign to recruit a new Equality and Diversity (E&D) Manager, leaving the post vacant until the necessary arrangements were put in place to complete the process. The successful candidate finally took up post in November 2020.

This has however, paved the way for us to resume the activities of our Equality Advisory Group (EAG) and Equality Steering Group (ESG). The ESG has welcomed five new staff members representing a broad range of teams across the SCTS, while five new members from external Equality organisations representing a number of protected characteristics have strengthened the EAG which now has 12 core members. These groups have also resumed their pivotal role in helping to mainstream practices that advance equality, diversity and inclusion, right across the wider SCTS community.



## 2. Our Organisation

The Scottish Courts and Tribunals Service is a non-ministerial department established by the Judiciary and Courts (Scotland) Act 2008. Its statutory function is to provide administrative support to the Scottish courts, devolved tribunals, the judiciary of the courts and devolved tribunals and the OPG.

The SCTS has a presence in communities across Scotland. Court and tribunal business is conducted daily across the country in over 40 locations and, in the case of tribunal business, some 70 further remote locations.

In addition to administering Scotland's courts and tribunals the SCTS supports the Office of the Public Guardian and Accountant of Court. The OPG provides guidance and undertakes investigations to protect vulnerable people under the terms of the Adults with Incapacity (Scotland) Act 2000. The Public Guardian is also the Accountant of Court.

The SCTS also provides the staff and administrative support to:

- the Scottish Civil Justice Council, which drafts rules of procedure for the civil courts and advises the Lord President on the development of the civil justice system;
- the Scottish Sentencing Council, responsible for promoting consistency in sentencing, assisting the development of sentencing policy and promoting greater awareness and understanding of sentencing through, among other things, the preparation of sentencing guidelines for the Scottish criminal courts.

The SCTS provides support to Scotland's courts, devolved tribunals and the OPG by assisting the general public through formal court or tribunal business, fulfilling their civic duty as jurors, paying fees or fines, seeking help in managing the affairs of an incapable adult or dealing with the estate of a loved one who has passed away.

The SCTS deals with over a quarter of a million cases each year. Behind each one of these is an individual – looking to the system to help them assert their rights, address wrongs or provide support in a time of need. It is this work – which takes place every day in our courts, tribunals and administrative centres across Scotland – that consumes most of the time, energy and skill of our staff. We take a pride in working as one team and providing high levels of service to all those who use the courts, tribunals and OPG.

We are always looking to improve the services we provide, through innovation and development. Whilst delivering our core services is the top priority, considering how we can improve and develop is also crucial if we are to keep delivering the highest quality service.

**Our purpose of supporting justice** is translated into seven **strategic priorities** that help us organise the work we do in the most effective way:

- A Well Supported Judiciary
- Satisfied Service Users
- Skilled and Motivated People
- Sustainable Buildings and Business
- Digital Services
- Efficiency and Best Value
- Purposeful Collaboration

This work is underpinned by our core **values** of **respect, service** and **excellence**:



Respect	Service	Excellence
Be courteous Be open & fair Work as one	Deliver a professional service	Innovate Collaborate Be accountable

The equality work discussed in this report is set within the broader context of our commitment to support Scotland’s national performance framework by:

- Supporting dignity, compassion and upholding the rule of law
- Providing a trusted, respected and continually improving service
- Supporting victims and witnesses ensuring their voice is heard
- Ensuring human rights are protected and can be asserted
- Reducing inequalities by promoting diversity

### 3. Legal Context – Our Responsibilities as a Public Body

[The Equality Act 2010](#) harmonised over 100 pieces of existing equality legislation into one single Act in an effort to promote equality, diversity, inclusion and a fairer and more equal society.

The Act places a general equality duty on public bodies, which requires that while carrying out their activities they must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

The Act also aims to protect all individuals against unfair treatment related to their protected characteristics listed below.

The **protected characteristics** are: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Public authorities in Scotland are also required under [The Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#) to:

- report on mainstreaming the equality duty;
- publish equality outcomes and report progress;
- assess and review policies and practices;
- gather and use employee information;
- publish gender pay gap information;
- publish statements on equal pay;
- consider award criteria and conditions in relation to public procurement; and
- publish in a manner that is accessible.

[The Equality and Human Rights Commission](#) monitors and regulates compliance with the public sector equality duty and relevant regulations in Scotland.

In 2019 we produced a new set of equality outcomes identifying specific, measurable and realistic objectives in an action plan which shapes our equality and diversity strategic work for the period 2019-2023.

In addition to this core equality legislation, a range of other Scottish Government strategies and policies impact and inform our work on equality. These include the [Fairer Scotland Duty](#), the [Race Equality Framework](#), the [Race Recruitment and Retention Action Plan](#), the [Recruitment and Retention Plan for Disabled People](#), [A Fairer Scotland for Women](#) and [British Sign Language \(Scotland\) Act 2015](#) among others. Where these documents, or our own response to them, have generated specific actions or targets for the SCTS, we have aimed to reflect these in our equality action plan.

In line with the aforementioned reporting requirements, our [employee information](#), [Gender Pay Gap Report](#) and [Equal Pay Statement](#) are published separately and can be accessed by following the hyperlinks.

In this report, we measure our progress to date towards achieving our equality outcomes.

## 4. Embedding Equality within the SCTS

Only by mainstreaming and integrating equality in our day to day processes and decision making can we succeed as an organisation at exercising our functions in a fairer and more equal way.

At the SCTS we consider equality as part of everything we do, making it integral to the way in which we conduct business as an employer and when planning and delivering services. Everyone working for, or with, the SCTS has a responsibility to promote equality of opportunity, eliminate discrimination and build positive relations between different groups.

This section provides detail of our continuing approach to mainstreaming equality, including information on new initiatives and those standing ones where progress has been made since our last report in 2019.

Further information on measures and initiatives taken by the SCTS to mainstream equality can be found in previous reports published in [2017](#) and [2019](#).

### Equality Advisory Group (EAG)

This group contributes to mainstreaming equality within the SCTS. Its remit and functions were explained in our 2017 report. Since that publication we have taken the opportunity to expand the membership of the group making sure that a cross section of equality groups representing all protected characteristics are included.

The group is currently comprised of representatives from 12 equality organisations:

- Council of Ethnic Minority Voluntary Sector Organisations (CEMVO) Scotland
- Stonewall Scotland
- Minority Ethnic Carers of People Project (MECOPP)
- British Deaf Association Scotland
- Scottish Trans Alliance
- Royal National Institute for Blind People
- Inter-Faith Scotland
- Close the Gap
- YouthLink Scotland
- Age Scotland
- Disability Equality Scotland

- The National Autistic Society

The group meets three to four times per year and is chaired by Colin Lee, Chief Executive of CEMVO Scotland.

Following a hiatus triggered by the challenges of the pandemic, the work of the group has recently resumed.

### **Equality Steering Group (ESG)**

The Equality Steering Group (ESG) is an internal equality group chaired by the Chief Executive and SCTS Equality Champion, Eric McQueen. This cross-business group also contributes to mainstreaming equality within the SCTS. Since the last reporting period in 2019 we have managed to fill a gap in representation from operational staff welcoming to the group four colleagues from different areas of the business such as the Supreme Courts, Tribunals, Office of the Public Guardian and Sheriff Courts. The group is currently comprised of eight members of staff and a Public and Commercial Services Union (PCS) Representative. It monitors the equality work being undertaken by the organisation in support of the SCTS Equality Outcomes and aims to meet at least four times per year

Similarly to the EAG, the work of this group resumed in December 2020 following a period of inactivity triggered by the Covid-19 pandemic.

### **Employers Network for Equality and Inclusion - Gold Award**

The SCTS won the Employers Network for Equality and Inclusion (enei) Gold Award in the 2019 Talent Inclusion and Diversity Evaluation (TIDE) benchmarking exercise.

Enei is the leading employer network promoting equality and inclusion in the workplace. The organisation seeks to influence government, business and trade unions campaigning for real practical change in equality, diversity and inclusion.

We were ranked fifth out of the 79 organisations which took part, scoring a rating of 88% across the eight categories measured: Workforce; Strategy and Planning; Leadership and Accountability; Recruitment and Attraction; Training and Development; Other Employment Practices; Communication and Engagement; and Procurement.

We scored particularly well in the Leadership and Accountability and Procurement categories where we achieved first place. We also managed to progress from the 'Embed' level to the 'Sustain' level in our journey to diversity and inclusion.

This is a significant improvement since 2018, when we first took part in this exercise and achieved the Silver Award with a score of 75%.

Our Equality and Diversity Manager said: "This is a great achievement and we have worked really hard to progress in our journey to diversity and inclusion. We managed to

reach the 'Sustain' level, but it is crucial that we keep working hard to maintain this standard."

Eric McQueen, CEO and Equality Champion said: "This success was only possible through the passion and commitment of our staff who continue to improve the quality of our service, by ensuring we focus on the individual needs of those who rely on the Scottish justice system. This work is supported by our continuous commitment to provide an inclusive workplace where all employees feel valued for who they are regardless of their age, religion or belief, race, disability, sexual orientation, sex, marriage and civil partnership, pregnancy and maternity, and gender reassignment."

### **Stonewall Scotland's Diversity Champions Programme & Workplace Equality Index 2020**

In 2014, the SCTS signed up to Stonewall Scotland's Diversity Champions Programme which is Britain's good practice forum for workplace sexual orientation issues.

As part of this tailored programme, we undertake the Workplace Equality Index (WEI) annually.

The WEI is an annual benchmarking exercise to determine and showcase the UK's top employers for LGBT. It assesses organisations in all sectors against specific equality and diversity criteria.

This allows us to compare our work on LGBT+ matters against Stonewall's best practice and against other organisations in all sectors. Assessing our progress and learning from successful approaches in other organisations are important in making sure that we provide a high level of service and support to both court users and staff, respecting their different and unique characteristics. We have made this a clear equality commitment and Stonewall Scotland's Diversity Champions programme supports us in meeting this. The SCTS made its first submission to the WEI in September 2014, with results announced early the following year, and has made four further submissions since then. In January 2020, the SCTS climbed 19 places, to 302 out of 503 UK companies who took part in the WEI. The staff involved in preparing these submissions, by attending formal 'lessons learned' and feedback meetings organised by Stonewall, have supported the SCTS consistently improving its score and ranking through the years.

Whilst Stonewall's work and initiatives tend to focus primarily on the LGBT+ community, the SCTS has also used the exercise to gauge its performance in support of other protected characteristics as well. The intention is to build on the previous year's results and learn, with the aim of improving the services offered to court, tribunal and OPG service users whilst making the SCTS a better, more inclusive place to work. The WEI application process is also used to identify areas where diversity and inclusion can be

improved. For example, a number of policies have been reviewed and amended to incorporate more inclusive language.

## **Disability Confident Scheme**

In 2020 the SCTS migrated to the Disability Confident scheme after a decade being a valued Disability Symbol 'two ticks' employer. We applied for and secured 'Disability Confident Employer' status which is level 2 on the scheme that aims to encourage employers to recruit and retain more disabled people. Through this scheme, the government is working with employers to:

- challenge attitudes towards disability;
- increase understanding of disability;
- remove barriers;
- ensure that disabled people have the opportunities to fulfil their potential and realise their aspirations.



To achieve level 2 an organisation is required to offer and make reasonable adjustments in the workplace and in their application and assessment processes, as well as taking core actions to get the right people for the business such as internships, apprenticeships, student placements, etc. The application takes account of the advertising methods the SCTS use and the inclusivity of our approaches like targeted advertising with disability specific media.

In continuing our Disability Confident journey, the SCTS is ensuring that disabled people and those with long term health conditions have the opportunities to fulfil their potential and realise their aspirations.

## **Policy Package**

The SCTS has a comprehensive package of policies and guidance, agreed with the PCS Union, which support mainstreaming equality and inclusion in the organisation. An audit process ensures that policies are up to date with regard to legislation, inclusive language and all other changes in the approach to equality, diversity and inclusion. In addition to reviewing existing policies we ensure that we take into account best practice and develop new policies when this is required by employment legislation or other factors. For example, the Restarting Solemn Trials Project (which led to the creation of Remote Jury

Centres), the introduction of Virtual Summary Trials, and the Civil Online policies and processes.

The impact that the coronavirus has had on our society and the operation of our courts and tribunals has been reflected in our policies. The challenges faced have given us new insights and experience, all of which we are using to change and adapt the system for the better.

To continue to move with these trying times and to meet people's needs, new policies have been created and processes have been reviewed. These approaches have supported us in allowing more business to be conducted digitally and remotely.

For instance, the Restarting Solemn Trials Project allowed solemn trials to be resumed after their suspension during the pandemic restrictions. Further expansion is planned to deal with the backlog of cases.

The Project was developed and taken forward under the auspices of a working group, led by the Lord Justice Clerk, involving representatives from a range of justice organisations, the legal profession and third sector support services.

Prior to the formation of the working group, initial ideas on the resumption of solemn trials were developed by engaging with stakeholders in a series of Ministerial-led roundtables to consider the views from justice organisations, legal professionals, third sector and human rights organisations.

More broadly, the Justice Board established a Criminal Justice Board to lead a programme of work for system recovery. The Recover, Renew and Transform Programme (RRT) aims to deliver a more effective and efficient justice system which is fundamental to protecting rights and freedoms and addressing inequality.

Each of the six workstreams – High Court Trials; Sheriff and Jury Trials; Virtual Summary Trials; Virtual Custody Courts; Summary Criminal Processes and Community Justice Preventing Offending, is focused on enabling the justice system to operate again at pre-COVID-19 levels and preparing for future transformation. Much of this transformation will build on the emergency response, which has seen innovative approaches to processing court business virtually and case information and evidence being shared digitally. The Board's supporting workstreams involve a range of valued partners, including COSLA (Confederation of Scottish Local Authorities) and representatives from the legal profession and support services for victims, to help to ensure that this Programme is truly collaborative and impactful.

The effective consideration of human rights and equalities issues is central to this work and an Advisory Group, which sits across the Programme, has been established. The Advisory Group provides information and insight into the varied rights and needs of those impacted by the justice system and will consider how best to reflect the views of individuals with lived experience. The group will also assist in informing equality and



human rights impact assessments across the programme, comment on further evaluation/monitoring requirements, and provide guidance on mitigations required and trauma-informed approaches that could be adopted.

The Virtual Summary Trials Project is an important step in finding imaginative ways to deal with the backlog in summary crime caused by the pandemic. It will improve the experience for witnesses but, crucially, the court will ensure that the rights of accused persons are protected during the trials whilst, at the same time, gathering evidence on what works and what does not work in the virtual world.

Civil Online is a customer facing portal which allows users to check the progress of a simple procedure case online and to submit and respond to simple procedure claims electronically at any time of the day at the location that suits them best. It offers users more choice in the way in which they can conduct their civil business.

This is an enhancement to the existing paper based system and all current support mechanisms, such as the ability to contact court staff for advice and assistance which remains.

Equality Impact Assessments were completed alongside the work involved in developing these policies.

Additionally one of the roles of the Equality and Diversity Manager is to review the policies and ensure that their language is inclusive. This is an ongoing process conducted as a part of the work to embed equality in the organisation.

### **Promoting Diversity in Board Membership**

As an independent non-ministerial department the work of the SCTS is led by its Board, which is chaired by the Lord President. The Board has 14 members, a majority of whom are drawn from Scotland's judiciary. As a statutory body, appointments to the SCTS Board are governed by specific regulations that the SCTS Board is bound to follow<sup>[1]</sup>.

The SCTS Board recognise that a broad diversity of skills, experience, knowledge and perspectives contribute to effective decision making and scrutiny. To that end the SCTS Board is committed to achieving diversity amongst its membership.

The regulations that provide for appointment of members to the SCTS Board set out that:

- appointments are made by the Lord President – who will be advised by a selection panel (drawn from the Board's membership) where a selection process is required for the vacancy in question;
- four of the 14 members of the Board are appointed ex officio – by virtue of other roles they hold in the justice system;

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<sup>[1]</sup> The Scottish Courts and Tribunals Service (Procedure for Appointment of Members) Regulations 2015 (SSI No. 53) as amended.

- a further five members of the Board must hold specific judicial offices as defined under the regulations – this ensures that there is a judicial majority on the Board as required by the legislation that established the SCTS – the Judiciary and Courts (Scotland) Act 2008;
- a further two members of the Board must be members of the legal profession (one a solicitor and one an advocate);
- the final three members of the Board are independent non-executive members.

In 2019-20 the gender split of the (14 member) Board was six female members and eight male members and included one member from the BME community.

In 2019-20 one vacancy arose for a non-Executive member of the Board. A recruitment round commenced on 19 December 2019 and closed on 21 January 2020. Notices inviting applications were advertised on the SCTS website, the Scottish Government's Public Appointments website, the S1 Jobs website and the "Women on Boards" website. In addition notification of the vacancy was shared with the Council of Ethnic Minority Voluntary Organisations in Scotland.

Seventy-two applications were received, with 30 of them from females. The successful candidate was female.

In 2020-2021 two judicial vacancies arose (Office of Sheriff or Summary Sheriff). A recruitment exercise commenced in July 2020, as per section 2(3)(a) of the Scottish Courts and Tribunals Service (Procedure for Appointment of Members) Regulations 2015. A total of 12 applications were received, with seven of them being from females. Two female candidates were appointed.

At the time this report was published, the gender split of the (14 member) Board was seven female members and seven male members and includes one member from the BME community.

In taking forward future appointments to the Board, members will continue to ensure that diversity of membership is promoted. As the categories of Board membership vary the precise action taken in relation to each vacancy that arises may vary. Specific activity to encourage applications from the broadest pool of candidates will include:

- the selection panel in all future appointments being invited to consider the steps that should be taken in relation to promoting applications from those with protected characteristics – ensuring this is consciously considered by those involved in the process and that the specific vacancy in question is taken into consideration;
- using the networks and outreach provided by members of our Equality Advisory Group to ensure that Board vacancies are publicised and shared amongst the broadest range of potential applicants – in addition to publicising these through traditional recruitment channels and via social media;

- a review of the relevant person specifications, skills requirements and general application material used for board recruitment, to ensure that this is not inadvertently creating barriers to application for any group; and
- continuing to support our Board and Committee members as they attend relevant training, events and outreach activity – acting as advocates for the SCTS and increasing interest both in the organisation and the desire to serve on its Board.

## **Wellbeing Initiative and Mental Health Awareness**

The SCTS Wellbeing Initiative is designed to enable our employees to function to their maximum capacity in a supportive environment, without prejudice or discrimination, in balance with the needs of the wider organisation. To reflect this, our wellbeing strapline is: *“Supporting you to be your best”*.

Wellbeing underpins everything we do and the purpose of the initiative is to ensure that we have the right employment policies, support and tools in place to enable all our employees to carry out their role. We are committed to providing a healthy working environment and improving the quality of working lives for all employees and we work in Partnership with the PCS Union to achieve this. The Wellbeing Initiative aims to support our core values of respect, service and excellence and the recognition that our employees are our greatest asset.

In 2019 we launched our Wellbeing Initiative over a five week period which included: a new Commitment to Wellbeing; an enhanced Employee Assistance Programme; our collaboration with See Me, the mental health charity, to develop a Mental Health at Work Plan and ensure our policies and practices provide a mentally healthy workplace; our approach to trauma, including a dedicated Trauma Support Service; our drive to improve wellbeing at the local level which included a case study on how to establish a local wellbeing group; a Wellbeing Toolkit for Line Managers, to provide advice on how to support wellbeing in teams; and introduced our Work and Wellbeing Passport, developed to facilitate discussions between line managers and employees to explain and record the impact of personal and work circumstances on them at work, and an accompanying video on why we brought it in and how to use it. We also launched our updated Wellbeing Hub with information and advice on a variety of areas associated with wellbeing.

Since then, we have continued to train the majority of our line managers in Mental Health Awareness; introduced our mental health awareness training for all employees pilot; ran a successful survey on mental health across the organisation to take views on mental health to inform our collaboration with See Me, the mental health charity; and completed our Strengthening Resilience workshop pilot to train our frontline operational court staff in trauma and resilience.

The unprecedented pandemic and public health restrictions have had a negative impact on our employee wellbeing, physical and mental health, in common with the general population. Different protected groups have been particularly affected in this respect. Our focus at this time has been to raise awareness of wellbeing, physical and mental health, provide enhanced digital training opportunities and signpost effectively to support options. We have created guidance to support our employees on Covid-19 and

wellbeing, home working and wellbeing, returning to work and wellbeing, and guidance for managers on how to support their teams at this challenging time. We have also introduced a monthly newsletter on wellbeing and regular weekly updates to raise awareness of wellbeing to be discussed as standing agenda items across our teams and units. We are also introducing workshops on resilience and wellbeing, to provide our employees with the tools they need at a time of unprecedented change.

## **The Fairer Scotland Duty**

The Fairer Scotland Duty, contained in part 1 of the 2010 Act, came into force in Scotland in April 2018. It is one of several duties placed on the public sector to tackle socioeconomic disadvantage – which can be defined as living in less favourable social and economic circumstances than others in the same society.

The duty requires that public authorities ensure their strategic decision making takes into account those who experience such disadvantage, to ensure that, where possible, the actions of public authorities minimise both the incidence and impact of such disadvantage.

As a public body with a significant presence in communities across Scotland, the SCTS adopts a progressive stance, seeking to tackle inequality both for its people and its surrounding communities where possible. This, however, must be achieved within the statutory duties placed upon SCTS as an independent non-ministerial department by the Judiciary and Courts (Scotland) Act 2008. Our founding legislation limits our functions to the provision of the property, services, officers and other staff necessary for the administration of justice in Scotland's courts and devolved tribunals; the judiciary of those courts and tribunals and the Office of the Public Guardian.

Our services are for all those who seek redress before the law. We have no control over those who use or access our services. The participants in criminal cases are determined by the Crown based on reports submitted to them. Civil and tribunal business is commenced by the parties. The scope for SCTS to interact with defined socio-economic groupings is, therefore, limited – compared to organisations with universal service delivery duties. In relation to the majority of our activity it is not possible to give precedence to the Fairer Scotland Duty, as our focus must be on the provision of a fair and impartial environment for court, tribunal and OPG business. In delivering that we ensure that Scotland demonstrates compliance with certain key rights included in the Human Rights Act 1998 – such as the Article 6 right to a fair trial.

Over the course of the last couple of years the SCTS has actively considered its duty in strategic decision making processes where it can. We have maintained Living Wage Employer accreditation from the Poverty Alliance, which ensures not only that SCTS staff receive the Scottish Living Wage but that those with whom we contract do so also. Where we engage in major procurement activity we ensure it engages positively with local communities; and throughout development of our three-year [Corporate Plan](#) we had due regard to the duty, ensuring that the key outcomes it contains would not adversely impact on those already suffering from socioeconomic disadvantage

## **SCTS User Satisfaction Surveys**

The SCTS runs Court User Satisfaction Surveys every second year to capture court users' views on various aspects of service provision including staff, facilities and waiting times. Whilst there are no specific questions about protected characteristics other than in a demographics section, reasons for dissatisfaction are probed. To date very few responses have specifically referenced protected characteristics other than in relation to accessibility issues in some locations.

As with previous sweeps of the survey, the last survey in 2019 provided mostly positive results. Overall satisfaction remained consistent with the 2017 level, at 92%. These represent the highest satisfaction levels since the survey began in 2005. The majority of respondents also remained positive in relation to the majority of service elements. The 2019 survey also provided a number of helpful comments from court users which have assisted the SCTS in making further improvements to its services, with the most prevalent issue focusing upon improving waiting times and increasing efficiency in the system, as well as providing better/more communication about delays, timing of cases, and what is happening.

The SCTS is dedicated to constantly improving accessibility to its services and the feedback from these surveys is of great value to that exercise.

The survey results are reported to the SCTS Board and published on [the SCTS website](#).

## **Customer Service Excellence**

Customer Service Excellence (CSE) is an externally-accredited standard involving assessment against 57 elements, some of which are directly relevant to equality and diversity:

- 'we make particular efforts to identify hard to reach and disadvantaged groups and individuals and have developed our services in response to their specific needs' (rated compliance plus 2016-18);
- 'we ensure that all customers and customer groups are treated fairly and this is confirmed by feedback and the measurement of customer experience' (rated fully compliant 2016-18);
- 'we provide our customers with the information they need in ways which meet their needs and preferences, using a variety of appropriate channels' (rated fully compliant 2016-18).

[The last assessment in 2019](#) accredited the SCTS once again to the CSE Standard. It concluded with the SCTS maintaining 42 'fully compliant' ratings from the previous assessment, gaining one additional 'compliance plus' rating, bringing the total to 14. In addition, the number of 'partially compliant' ratings was reduced from two to one, as the assessors were satisfied with the arrangements for recording informal complaints. Re-accreditation demonstrates our continuous commitment to providing quality services and follows on from great satisfaction rates following the 2019 Court User Satisfaction Survey.

## 5. Partnership Work within the Public Sector and the Justice System

We continue to work with justice partners, other public bodies and the third sector groups on joint equality issues and to share knowledge. We are a member of the Justice Board and the Justice Leaders Network. Together we are committed to work towards delivering the Justice in Scotland vision and priorities ensuring best practice is achieved and shared across the justice sector.

### **The Non-Departmental Public Bodies (NDPB) Equality Forum**

The NDPB Equality Forum is a collaboration of Scottish public sector bodies who each have a responsibility for responding to the Public Sector Equality Duties. The E&D Manager has joined the forum which draws expertise and resources from a range of partners to influence and support the development and implementation of policy and practice on equality, diversity and inclusion in Scotland. The forum is involved in the Scottish National Equality Improvement Project (SNEIP) led by Scottish Government. The SNEIP is one of the main ways in which all public authorities can share knowledge and practice on equality and input to the current review of the public sector equality duty in Scotland.

### **Fair Justice System for Scotland Group (FJSS)**

The SCTS is now collaborating with this grassroots-led legal charity. The organisation works towards creating greater equality and diversity in the Scottish justice system. Key stakeholders in the Scottish justice system; senior HR executives and heads of policy and implementation with remit on diversity and equality; minority community led organisations with interest in equality and diversity in the Scottish justice system and the Scottish Government are also part of the group.

The remit of this group is:

- to assist organisations raising awareness, showcasing best practice and increasing diversity;
- to disseminate information about the structure, management and recruitment processes of organisations among under-represented communities;
- to help overcoming the challenges and barriers to increased workforce diversity.

The SCTS attended an equalities workshop organised by FJSS in March 2021. We presented our diversity recruiting strategy and discussed the challenges to diversification of our workforce with colleagues from SG, the Law Society of Scotland and various University Law Schools.

## **Working Group on Interpretation and Translation (WGIT)**

SCTS is a member of this group whose membership includes the Crown Office and Procurator Fiscal Service, Scottish Prison Service, The Law Society of Scotland, Police Scotland, Scottish Children's Reporter Administration (SCRA), and Scottish Legal Aid Board (SLAB).

The group aims to work collaboratively to establish common standards for interpreting and translation throughout the Scottish Justice System.

Since the end of 2018 the group's work supports the Scottish Government in delivering the following long term goal of the British Sign Language National Plan 2017-2023:

- BSL users will have fair and equal access to the civil, criminal and juvenile justice systems in Scotland.

Alongside Queen Margaret University, the group has contributed to create online training modules on the Scottish justice sector for BSL interpreters wishing to work in this area.

One of the main projects which has originated from this group collaboration is the development of a BSL Interpreting Framework which is now live and available to all participating authorities. This is a bespoke BSL/English and deaf/blind interpretation services framework which helps regulating the provision of interpretation services, and also encourages new interpreters to work in the justice sector.

## **BSL Justice Advisory Group**

The SCTS has joined the recently established BSL-led justice advisory group which is chaired by the Scottish Government. The remit and terms of reference of the group are to be agreed. The group is expected to play a key role in developing and delivering a programme of improvements to help the justice agencies better meet the needs of BSL users. This group has been on hold since March 2020 due to the impact of COVID-19.

## **Cross Justice Working Group on Race and Workforce**

Our Director, HR is a member of the Cross Justice Working Group on Race and Workforce. The focus of this group is to ensure there is a comprehensive picture of the current activity to address recruitment, retention, progression and promotion across the Justice sector; to provide a strategic and cohesive approach to tackling barriers to employment across the justice system at all levels of the workforce, and to support cross system learning within the justice sector. The group has a number of outcomes and these include having an improved understanding of the barriers to individuals from ethnic minorities in recruitment, retention, promotion and leadership to justice organisations and the development of policies to respond to these and for the justice system, and each organisation within it, to be more representative of the communities they serve.

## **The National Advisory Council on Women and Girls (NACWG)**

The NACWG is a group that helps drive forward action to tackle gender inequality. This group provides annual reports to the first minister making recommendations based on the findings from engagement with their supportive allies – known as ‘the circle’. The circle act as public champions for gender equality.

The SCTS is a circle member and ally of the NACWG.

In January 2021 the NACWG launched a new ‘Make your Pledge’ webpage where organisations can share their commitment/s to making gender equality a historical curiosity in Scotland by producing a statement/pledge. This is a new way they have established for their ally organisations to make their #generationequal commitments.

Organisations making a pledge are committing to accelerate progress on gender equality and are willing to be held accountable.

We have submitted our pledge committing to a number of actions – see below, around removing gender bias, reducing the gender pay gap and improving gender equality, designed to help accelerate this progress over the next 3 years.

- Action around reducing the gender pay gap.
- Action around zero tolerance of discrimination and harassment.
- Action around removing gender bias in recruitment and career development.
- Action around encouraging women and girls (of diverse lived experience) to pursue a career in the sector.
- Action around improving the gender balance of board/leadership teams.

By sharing these commitments, we will help the NACWG build a picture of what’s changing for the better in Scotland, and what needs more work.

Key measures of success:

- Our Pay Gap Report demonstrates that we have reduced our gender pay gap.
- SCTS has established networks and partnerships across Scotland including schools, academic institutions and specialist organisations to help to promote SCTS as an employer of choice to women and girls of diverse lived experience.
- Our range of recruitment metrics demonstrate that we attract women and girls applicants.
- We have a recruitment scorecard that details recruitment management information that is analysed and reported on a quarterly basis and the information is used to continuously improve and develop our recruitment processes.
- We carry out regular recruitment surveys and we receive positive feedback on our internal and external recruitment campaigns from women and girls applicants and recruiting managers;
- All recruiting managers are trained or coached in recruitment and selection before they manage a recruitment campaign.



- We have recruitment and selection processes in place that provide clear links to realising our women and girls employees' potential and succession planning;

Our pledge:

*“The SCTS is committed to equality in all our policies and practices enabling us to deliver tangible results and making our organisation a great place to work for everyone”.*

## 6. Equality Outcomes 2019-2023 – Progress to date

In our 2019 Mainstreaming Report we set out the three equality outcomes we would focus our efforts on achieving over the period 2019 – 23. The following section looks at the progress towards achieving each of these outcomes since 2019.

### Equality Outcome 1

**We will promote awareness and understanding of equality and diversity within our organisation by:**

**Supporting outcome 1a):** Promoting the value of submitting and collecting appropriate equality monitoring data.

Actions:

- Relevant set of monitoring questions to be incorporated in HR systems;
- People System (iTrent) to feature those monitoring questions; and
- Staff Communication campaign to be published promoting value of disclosure.

### iTrent – New SCTS’s People Portal

In November 2020 we launched a new self-service people system that provides staff access to view pay and personal details information. A key priority following the launch of this system is to encourage our employees to share sensitive data on all their protected characteristics. This allows us to know the composition of our people and use this information to shape our recruitment and people management practices.

The E&D manager has worked in partnership with colleagues from Operations and HR to review the sensitive information sections within iTrent, with the aim of ensuring that the categories match industry standards in monitoring data and ensuring the language used is universally acceptable. The categories and descriptions that are currently identified are those that need to be reported to Cabinet Office. The team is also looking at the possibility of incorporating other categories such as Gender Reassignment, that are not currently Cabinet Office reportable, to make the system more inclusive. This piece of work is scheduled to be progressed in spring 2021.

Similarly, the E&D manager is working with HR colleagues on producing relevant narrative to communicate to the staff why compiling diversity “sensitive information” is important and what it is used for. This can encourage staff to provide information which will be collected on iTrent. This staff campaign has the dual key objectives of both improving the low percentage of data that we currently hold, and raising awareness of equality, diversity and inclusion in SCTS.

Other organisations have been approached in order to share best practice and to learn helpful tips that could help with the success of this campaign. We are closely reviewing suggestions made by those organisations that have recently launched similar campaigns with positive results. News updates on the intranet, the launch of a new training module available in our Learning Management System – both providing reassurance to employees about how their data is stored and used – and manager reminders to talk to teams about updating their equality information through weekly bulletins following the initial launch of the new self-service people system, are among the options we are considering.

Additionally, Employee Monitoring Guidance developed by the NDBP Equality Forum has been shared with the team together with the basic principles of influencing individuals’ decisions to disclose equality information and examples of diversity monitoring exercises.

The HR Team, working closely with the E&D manager, will produce a communications approach to promote equality, diversity and inclusion in the SCTS and encourage our staff to share their information. This communication will be issued to staff in spring 2021.

Separately, equality and diversity metrics are recorded for all our recruitment activities and are reported annually in our People Scorecard which is used internally and published on our website. The metrics have helped to inform the SCTS’ Recruitment and Resourcing Strategy 2020:2023 commitments and priorities with Diversity as one of the key themes.

The Equal Opportunities Monitoring form that applicants are required to complete when applying for vacancies in the SCTS includes a range of questions regarding sensitive equality and diversity information that falls into the undernoted categories, plus a question on gender identity and caring responsibilities.

- Marital Status
- Ethnicity
- Religion
- Sexual Orientation
- Identify as having a disability

People have the option not to answer any or all of the questions asked.

**Supporting outcome 1b):** Introducing Inclusion Ambassadors with specialist knowledge of the protected characteristics.

The Equality Steering Group is currently reviewing the concept of 'Inclusion Ambassador'. They have liaised with equality leads on their network about best practice and potential value added. To encourage staff involvement in advancing the equality strategy in the SCTS, the remit of the "ambassador" role has been redefined and going forward, members of equality employee networks will act as champions without the formal title. They will play a vital role championing the organisation's commitment to progress equality in the workplace, identifying and raising diversity and inclusion related issues in relevant meetings. They will provide a listening ear for staff, attend staff network meetings and represent protected groups collectively acting as voices for equality. They will also raise awareness of staff responsibilities and keep the E&D manager informed of their activities by having informal catch ups.

Members of our Staff Equality Engagement Network (SEEN), which represents all the protected characteristics, will promote equality and diversity in the workplace like an ally would do. The allies and members of SEEN will monitor opportunities of engagement in local community projects and they will have the opportunity to manage an online diversity calendar which, in turn, will encourage self-learning/personal development as an added incentive.

**Supporting outcome 1c):** Supporting and developing the function of the SCTS Staff Equality Engagement Network (SEEN).

We have been unable to make meaningful progress against this supporting outcome due to dependencies on other pieces of work and underlying objectives in Equality Outcome 1.

Both the departure of the Chair of the group from SCTS in June 2019 and the impact of COVID-19 also mean that the SEEN has not met for a number of months and its activity has diminished. The E&D Manager and HRU are revisiting the purpose of SEEN and planning a new approach for the group that will aim to maximize the promotion of equality, diversity and inclusion in the SCTS.

## Equality Outcome 2

**We will improve the accessibility of our services by:**

**Supporting outcome 2a):** Creating a bespoke page on our website that deals entirely with accessibility information and guidance.

**Supporting outcome 2b):** Scoping the use of online interpreting and support services at public counters to facilitate ad hoc general enquiries, payment of financial penalties, etc.

**Supporting outcome 2c):** Promoting use of online support services e.g. the [Next Generation Text Service](#), [contactSCOTLAND-BSL](#) and telephone interpreting, by updating our website pages and raising awareness among members of SCTS staff.

Work started on the upgrading of the SCTS website and intranet in 2019. This work was paused for a period while appointment of the E&D manager was arranged. The work resumed at the end of 2020 following the filling of the cited vacancy.

The SCTS is currently considering a range of measures to improve the accessibility of its web pages and services including the use of assistive technology, the translation of key documents into BSL/other languages, the installation of an app for the facilitation of interpreting at public counters, and the proactive promotion of services such as contactSCOTLAND-BSL. We are also reviewing other approaches to digital assisted technology and how to best support those who are offline. It is expected that relevant changes will be made incrementally by spring 2023 following consultation with user researchers, equality organisations, other public bodies and website users who may benefit from these improvements.

Given the immediate requirement for the SCTS to establish the current accessibility status of our websites and to add an Accessibility Statement to each website, the SCTS has commissioned accessibility audits of our websites to identify the work required to comply with the expected accessibility standard.

**Supporting Outcome 2d):** Implementing recommendations from the Enabling Jury Service Report.

A Working Group lead by Lord Matthews was set up in 2018 to consider how the SCTS might best enable members of the public to fulfil their civic duty as jurors.

In its deliberations the group identified steps which could be taken to permit the participation of as wide a group of jurors as possible, regardless of any disability, impairment or communication difficulties, ensuring that all reasonable adjustments be made so that no unnecessary hurdles will lie in their way.

A report was published by Lord Matthews [Enabling Jury Service](#) that reflected the work of the group and made a series of recommendations, including what reasonable adjustments and measures the SCTS could put in place to widen the accessibility for as many people as possible to serve on juries.

The report covered a broad range of disabilities and made nine key recommendations, seven of which envisaged no requirement for legislative change and two where some legislative provision would be necessary.

The SCTS' initial focus has been on supporting those persons with sight and hearing impairments as Phase 1 of the overall project to address the recommendations made. More complex impairments, such as mental health and language difficulties, as well as legislative changes, will require to be taken forward in future project phases.

This phase of the project was concerned with Recommendations 1, 3, 6 and 7 of Lord Matthews' report:

- Provide an information sheet and British Sign Language (BSL) video for jurors (recommendation 1)
- Identify and train Jury Liaison Officers (JLOs) provide an online JLO e-learning package (recommendation 3)
- Purchase two handheld electronic magnifiers and three portable hearing loop units (recommendation 6)
- Ensure the judiciary are prepared and able to decide on the suitability of a particular case, for reasonable adjustments to be made, at the earliest opportunity when approached by a JLO on a juror's requirements regarding their impairment (recommendation 7)

This phase of the project has succeeded in terms of producing the deliverables:

- JLOs have been appointed and trained covering all courts and main Supreme Courts.
- Engagement with the Royal National Institute for the Blind and Deafscotland on training JLOs. These organisations played a pivotal role in developing and delivering training given specific insights into their respective areas of expertise.
- Digital training content also provided, hosted by the SCTS's Learning and Education system to augment JLOs' training experience.
- Information sheet and BSL video created for the SCTS [website](#).
- Equipment has been purchased: portable, easy-to-use magnifiers and hearing units.
- Appraise judiciary of JLO role and possibility for judicial decisions. Engagement with the Judicial Institute throughout the project was crucial to ensure full sight of the project plans and communication strategy, enabling alignment with their communications.

Delivery of future project phases will require to be determined as part of the SCTS business planning round, in line with emerging priorities.

**Supporting outcome 2e):** Working with other justice agencies to increase the pool of qualified and suitably experienced BSL/English and deaf/blind interpreters working in the justice system.

The SCTS was a participating authority in the development of the BSL Interpreting Framework. This Framework for the provision of British Sign Language Services is now live and available to use by all participating authorities. The BSL contract for the SCTS has been awarded to Deaf Action and was effective from 12<sup>th</sup> February 2021. Procurement colleagues have developed and arranged for guidance and internal communications to be issued to all staff by the end of April 2021.

Deaf Action also offered free Deaf Awareness training webinars during the month of March 2021 which the E&D Manager attended and promoted among the Equality Steering Group to maximise dissemination and participation.

## Equality Outcome 3

**We will improve accessibility to our employment by:**

**Supporting Outcome 3a):** Engaging with a variety of local communities in order to raise awareness of the critical role the Scottish Courts and Tribunals Service plays in the justice system.

The SCTS collaborates with a broad range of local communities and external partners including the Scottish Government common citizenship agencies and black, Asian and minority ethnic organisations including CEMVO Scotland. By working and engaging with these organisations and communities we are able to continuously improve and develop our working practices and policies and identify issues and opportunities for change and improvement.

Progress on working within our local communities is currently slower as a result of the Coronavirus pandemic. However, as education establishments and local communities open up going forward, the SCTS will strengthen the level of its engagement to further raise its profile and promote the career opportunities available.

The current situation has, however, presented increased networking opportunities which have allowed the organisation to reach a wider audience and increase awareness of its role as an employer of choice. The SCTS is represented by the Director, HR on the Cross Justice Working Group on race and workforce. The focus of this group is to ensure there is a comprehensive picture of the current activity to address recruitment, retention, progression and promotion across the Justice sector; to provide a strategic and cohesive approach to tackling barriers to employment across the Justice system at all levels of the workforce, and to support cross system learning within the Justice sector.

Our Strategic, Partner, Recruitment & Resourcing is a member of the Scottish BAME Career Progression Group on LinkedIn and has taken advice from Professor Kay Hampton (Public Appointments Assessor, Commission for Ethical Standards in Public Life, Lay Member, Scottish Solicitor's Disciplinary Tribunal and a Non-Executive Director of the Scottish Prison Service Advisory Board) regarding social inclusion and how progress can be made.

Insight into career opportunities within the SCTS has been shared with all members as well as offering the provision of 1:1 support to many members of the group in relation to applying for traineeships and jobs across various professions. The E&D manager has now also joined this group.

Our E&D Manager attended an Equalities Workshop (March 2021) hosted by the FJSS Group and our Strategic Partner, Recruitment & Resourcing hosted one of the breakout sessions to explain what SCTS is doing in relation to Recruitment and Resourcing.

Overall the SCTS has heightened its use of Social Media as it recognises that this is an excellent and widely used platform for people to access and learn about our business

and job vacancies that are in the pipeline or live. The SCTS is also developing ways of providing more information in a visual manner through video footage on platforms like LinkedIn. A suite of videos has been posted on the SCTS LinkedIn and Twitter pages providing insight into opportunities within our Finance and Procurement Unit from the Director Finance and various members of her team.

The Strategic Partner, Recruitment & Resourcing attended the Race in the Workplace Conference (January 2021) hosted by Government Events in order to hear what other employers are doing and to learn from relevant subject matter experts.

The SCTS continues to work in collaboration with CEMVO Scotland and sponsors an employability award annually – Ethnic Minority Impact Awards.

**Supporting Outcome 3b):** Introducing the SCTS Recruitment and Resourcing Strategy with a particular focus on developing SCTS as a socially inclusive employer.

Our Recruitment and Resourcing Strategy 2020:2023 is a vital component of the overall SCTS [People Strategy 2018-2023](#). It outlines the direction in respect of the Recruitment and Resourcing initiatives within SCTS over the next 3 years. It recognises that our organisational success depends upon the recruitment and retention of committed, professional and enthusiastic people from entry level roles through to senior roles. It has been designed with a commitment to continually develop the best policy and practice to recruit a diverse and inclusive workforce.

The SCTS Recruitment and Resourcing Strategy focuses on four key themes:



The Diversity theme's focus is "the SCTS attracts the broadest range of applicants, is inclusive and draws on all the potential available".

A number of goals and activities have been set up as part of this strategy to ensure that we attract the broadest range of applicants, and that our approach is inclusive and draws on all potential available. Technology provides the opportunity to improve the diversity and flexibility of our workforce. It provides opportunities to change the way we advertise,

select and carry out on-boarding. Positive action is being taken including increased use of social media outlets and our recruitment and resourcing commitments include:

- Developing and communicating a strong, distinctive employer brand.
- Promoting SCTS as an employer of choice and identifying the best places and ways to advertise our vacancies.
- Working in partnership with local communities; specialist organisations and academic institutions to develop SCTS as a socially inclusive employer and consider developing “inclusion champions” across SCTS.
- When appropriate we will consider using target recruitment campaigns to attract people from under-represented groups.
- We will introduce a new e-recruitment module allowing easier access and greater flexibility for all people applying for our job vacancies. This will be implemented by the end of March 2022 in line with our Business Plan 2021-22 and as part of our people technology transformation journey focused on building great experiences for our people.
- We recognise that prospective applicants feel more comfortable applying for a role when they have a better understanding of the process and a view of what it’s like to work on a day to day basis within an organisation and we are considering ways to develop virtual guidance and testimonials from employees across the SCTS.

Key measures of success:

- Our range of recruitment metrics demonstrate that we attract diverse applicants;
- The SCTS has established networks and partnerships across Scotland including schools, academic institutions and specialist organisations to help to promote the SCTS as an employer of choice to all diverse communities;
- We have developed a strong social media presence for promoting the SCTS as an employer of choice;
- The SCTS is well known as an employer of choice within and beyond Scotland and this is measured by the number of applicants we receive across the SCTS.

The Strategy will be reviewed regularly to ensure the activities remain relevant, are properly prioritised and achievable.

The impact of the COVID-19 pandemic has not stopped our progress with these commitments but has meant we have not progressed as quickly as we had hoped in the last 12 months. However, our new E&D Manager has already made great progress taking a lead role in helping to deliver these commitments within our equality and diversity agenda.



**Supporting Outcome 3c):** Improving accessibility to the recruitment section of our website.

Improvements in the accessibility to the recruitment section of our website are closely connected to progress on the measures being taken in relation to Equality Outcome 2 – ‘We will improve accessibility of our services’.

The provision of guidance and information for all candidates is being improved to remove recognised barriers that can detract candidates from applying for the SCTS job vacancies. This means that information regarding the recruitment process and guidance for candidates will be provided in more accessible ways recognising that currently candidates are required to navigate the SCTS website and read through information and guides. The following approaches will also enable all candidates to gain greater insight into the SCTS culture, career opportunities and the benefits of working in our organisation:

- provision of information regarding recruitment process in Plain English;
- recruitment process explained through Video;
- provision of videos supported by mechanisms that improve access for people with visual and / or hearing loss, and for people that are Deaf and / or BSL users;
- testimonials from current employees across the SCTS business functions;
  - Written and Photo’s; and
  - Video
- increased utilisation of social media platforms regarding activities, initiatives and vacancies (accompanied by current employee testimonials) – LinkedIn and Twitter;
- heightened awareness of the SCTS as an employer on Social Media Groups (including the Scottish BAME Career Progression Group);
- collaborative working with Skills Development Scotland and participation in career videos for school, college and university career advisors.

**Supporting Outcome 3d):** Introducing an inclusive work placement scheme in order to assist people to gain work experience; and in preparation for same to raise associated awareness among members of staff.

The SCTS launched a ‘Modern Apprenticeship Scheme Social Inclusion’ scheme in October 2019 designed to offer opportunities to a number of young adults from challenging backgrounds in partnership with Barnardo’s. This initiative is one that the Civil Service Commission endorsed and encouraged by recognising it as the creation of a pathway to create opportunities. The Civil Service Commission also recognised this initiative as one that helps to strengthen the diverse workforce of the SCTS but also contributed to the Civil Service Diversity and Inclusion Strategy. The Modern Apprenticeship Scheme specifically underpins the two main priorities at the heart of the strategy, which is to continue to increase the representation of currently under-represented groups across all levels of the Civil Service and to focus on inclusion to build

our culture and reputation as a place that attracts, develops, retains and fully engages all diverse talent across our organisation.

The scheme has ultimately provided Modern Apprenticeship positions with the SCTS for individuals who would struggle to be recruited through our standard assessment process. The introduction of a similar scheme that would ensure that individuals from minority ethnic backgrounds would secure the position is being considered although this would also require endorsement from the Civil Service Commission as well as the provision of supported vacancies within the SCTS business.

## 7. Going Forward

The administration of justice must reflect our changing society. Over the coming two years, we will continue our work to improve the accessibility of our services, in order to meet those needs: there will be particular focus on:

- Reform of the way in which criminal cases are managed, which will improve the experience for victims and witnesses; and respond to increasing levels of sexual offending and explore how best to resolve cases in the most effective, efficient and compassionate way.
- Work to transform the way in which evidence is captured from child and vulnerable witnesses will expand to cover a greater proportion.

### Family Law

The Scottish Government introduced the Children (Scotland) Bill in 2019. As part of its Family Law Modernisation Strategy this will make substantial changes to the operation of family proceedings in Scotland's courts. It aims to ensure that the views of the child are heard in contact and residence cases, that there are provisions in place to further protect victims of domestic abuse and that the best interests of the child are at the centre of cases.

Legislation will also be introduced to incorporate the United Nations Convention on the Rights of the Child into domestic law. In addition, the Family Law Committee of the Scottish Civil Justice Council is considering a number of changes to court rules, including the extension of Simplified Divorce applications to families with children under 16 and the development of active judicial case management in family actions to ensure these cases are resolved efficiently and effectively.

## **Wider Civil Reforms**

As part of a wider review of mental health legislation, the Scottish Government are considering changes to existing adults with incapacity legislation. The roles and responsibilities of the OPG, the Mental Health Tribunal and the sheriff courts in this area of law, particularly in relation to guardianship orders, are likely to change.

## **Improving the Experience for Victims and Witnesses**

The criminal justice system cannot fulfil its functions unless witnesses come forward to give evidence. However, there is a risk that witnesses – especially child and other vulnerable witnesses – may be reluctant to do so if the process is daunting. There is also a risk that they may be re-traumatised by participating in the process. Giving evidence in court long after events have taken place does not support a witness being able to provide their best evidence, which could diminish the ability of the court to ensure a fair and just outcome.

From January 2020 the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act introduced a presumption in favour of pre-recording the evidence of children and vulnerable witnesses. Child witnesses in a range of High Court cases will now have their evidence pre-recorded (rather than appear at trial) ensuring that the best quality of evidence can be obtained well in advance of trial. Having evidence captured, disclosed, and cross examined earlier in the process will assist all parties in making decisions that deliver fair and just outcomes.

Over the course of this plan we will work to ensure that this approach is rolled-out to a wider range of cases – expanding from the High Court to solemn cases in the Sheriff Court. This will help minimise the trauma of giving evidence – using purpose-designed facilities such as the evidence and hearings suite opened in Glasgow in 2019. A further three such suites are currently in development in Edinburgh, Aberdeen and Inverness.

By increasing the use of this approach we will be able to improve the quality of evidence captured whilst supporting witnesses to conclude their involvement with the justice system within a much shorter timeframe.

## **Responding to the Level of Sexual Offence Cases**

Levels of sexual offence cases are at their highest since current records began. This growth has changed the balance of work in Scotland's criminal courts – particularly the High Court. We must ensure that the system adapts to manage the business it faces in the most efficient and effective way.

For this reason a review group, led by the Lord Justice Clerk (Lady Dorrian) was established in 2019 with the remit to examine how sexual offences cases are managed by courts and whether there is a better way these cases can be dealt with to improve the experiences of all participants. The multi-agency group considered what distinguishes sexual cases from other criminal cases and how court processes, including the experiences of victims and witnesses, could be improved without compromising the

rights of an accused. The review included potential changes to court and judicial structures, skills development and trauma informed procedure and practices.

The work of the review has led to a number of proposals for change and improvement. We will work with our partners across the justice system over this reporting period to ensure that the court process for sexual offending is reformed in line with any recommendations, ensuring that the way in which cases are managed is fair, efficient and compassionate.

## **A Diverse Nation and Organisation**

As the range of services we administer has grown in recent years the diversity of the organisation has changed to match. The justice system must reflect the society that it serves – for it to do so we must ensure that SCTS remains a great place for people from all walks of life to work. Our approach to workforce planning will continue to develop so that we can offer attractive careers – balancing flexibility, mobility and opportunities to develop.

It is only by maintaining a skilled, engaged and diverse workforce that we can provide a high-quality, innovative and compassionate service – recognising that, behind every case, are individuals with their own expectations and needs. Our work to improve the service provided to the most vulnerable people in the system will continue – backed up by the development of a trauma-informed workforce, able to appropriately respond and support the broad range of people who find themselves involved in the system – often through no fault of their own.

## **8. Involving Others**

The SCTS would like to thank the following organisations who were invited to comment on the draft of the Equality Mainstreaming Report 2019-2021:

- Age Scotland
- British Deaf Association Scotland
- CEMVO Scotland
- Close the Gap
- Disability Equality Scotland
- Scottish Trans Alliance
- Interfaith Scotland
- MECOPP
- National Autistic Society Scotland
- PCS Union
- RNIB Scotland
- Stonewall Scotland
- YouthLink Scotland

## 9. Other Languages/Formats

If you require information from this document in another language/format please contact:



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If you use British Sign Language (BSL) and wish to phone us using a sign language interpreter, you can use the online video relay interpreting service.



Contact us through an online  
**Sign Language Interpreter**

**BSL** **contactSCOTLAND-BSL**

If you have a text phone you can contact us using [Text Relay](#)



**Relay UK**

If you wish to know more about the role of the Scottish Courts and Tribunals Service, please visit our website [www.scotcourtribunals.gov.uk](http://www.scotcourtribunals.gov.uk)