

# Workplace Equality Index Application

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## Routing question Section 9

### **Section 9: Clients, Customers and Service Users**

This section comprises of between 3-5 questions and examines how the organisation engages with clients, customers, services users or partners. This section is worth 8.5% of your total score.

**In order to begin this section, choose which sector best describes the organisation below.**

**Please choose the option that best describes your organisation:**      A. Public or third sector with service users

## Clients, Customers and Service Users: PS SU P1

### **Public or third sector with service users**

**9A.1 In the past 3 years, has the organisation examined the service user journey to ensure there are no barriers to access for LGBT people?**      Yes

**GUIDANCE:** This should be a formal mapping process of the touch points of the service user and the service.

## **Describe the process by which you examined the service user journey:**

COPFS commenced a review of the service user journey for victims through our VIA (Victim Information and Advice) Review in 2015 but with implementation ongoing through 2017. This was the start of an ongoing, interlinked, process of reviewing the victim's journey, which included consideration of the needs of victims from LGBT communities.

The review looked at end-to-end processes from initial provision of information to victims/witnesses until case conclusion, looking from call centre provision to the final victim notification service which provides victims with offender release dates.

We consulted with our Equality Advisory Group, including Nathan Gale representing the Equality Network. They were co-opted as a consultee on the project. We also consulted widely with groups representing various categories of victims on their service user experience and also conducted a customer service survey. Stonewall Scotland was included in our consultation.

Our VIA review fed into the *Review of Victim Care in the Justice Sector in Scotland* by Dr [REDACTED], who examined the longer journey for victims/witnesses including interaction with police, public authorities and third sector as well as our internal processes. This review was published on 11 January 2017.

[REDACTED] provided LGBT specific information to [REDACTED] team, garnered from the earlier consultation process and from her consultation with Scottish Transgender Alliance (STA) on our Transgender prosecution policy.

We continually seek advice from our LGBT ambassadors on policy/process changes as we implement the 60 VIA review recommendations.

The Inspectorate of Prosecutions for Scotland conducted a number of related inspections resulting in further examination of the service user journey – particularly their review of the Investigation and Prosecution of Sexual Crimes (Nov 2017), Victims Right to Review (VRR) and Complaints Handling (May 2018) and their review of the Investigation and Prosecution of Sheriff Solemn Cases (July 2019).

Each review has caused COPFS to conduct a further examination of our processes as a consequence. For example the 2017 Sexual Offences Inspection investigated our contact with victims of sexual offences to identify weaknesses in procedures, processes and victims. It included consultation with a variety of groups representing victims of sexual crimes and 16 victims were spoken to individually. While we are unaware of the sexual orientation of the individual victims, we took the evidence provided from this inspection and asked for an LGBT perspective. This was provided by our LGBT ambassadors and Policy advisors, who have direct links to groups representing LGBT service users and we used their input to tailor our response to the Inspectorate based on their feedback.

As a consequence of the Sexual Offences Inspection, in 2018 we updated all VIA correspondence which was quality assured by our LGBT ambassadors and policy adviser on equality and inclusion.

The Inspection of VRR and Complaints Handling review led to the creation of our Service Improvement Strategy, Service Improvement Board and Service Improvement Office (2018) which has led to improved customer service training and a clear corporate commitment to provide a level of customer service which takes account of individual needs and characteristics.

### **Describe the outcome and impact:**

While the VIA review produced 60 recommendations to improve our service, consultation with the LGBT community did not uncover any specific concerns regarding VIA services. However the review did introduce direct benefits including the provision of a dedicated Enquiry Point member to personally explain decisions not to prosecute LGBT hate crime. The impact of this has been monitored regularly with positive feedback from service users.

A training group produced fresh training materials and courses for VIA staff in 2018/2019. These were reviewed by our LGBT ambassadors to ensure they are inclusive of LGBT service users.

The 2017 Inspectorate Review of sexual offences recommended a review of all VIA correspondence. These were also quality assured by our LGBT ambassadors and shared with service users to ensure all were inclusive and used gender neutral language.

The 2018 Inspectorate report on VRR and Complaint Handling recommended a business plan for service improvement, emphasising a focus on individual needs and characteristics. Consequently front line staff received refreshed customer service training to ensure we meet the bespoke needs of LGBT customers.

This review also recommended COPFS revise how we inform victims that we are taking no action on cases. Consequently we set up a working group in 2018 which has looked at an automated means of communicating these decisions to victims. Our LGBT ambassadors ensured that appropriate language was used when there was any uncertainty about the gender or sexual orientation of the individual victim which was unclear from the police report.

The VIA review also recommended collaboration with justice partners so that wider support services to victims could be made available. A "one front door" model has been adopted by the

partners, which include access to counselling services.

The outcome of the Justice Equality & Diversity (JED) sub-group's work was a comprehensive 2018 report on Access to Justice for the Disabled. All the partners reviewed the way customers access our services, from third party reporting sites to prison facilities. This resulted in a standardised site audit – which specifically directs users to consider the needs of LGBT service users - and was used by COPFS in 2018/2019 to deliver its estates strategy when merging offices. It also influenced our Estates Strategy project Board to include gender neutral facilities in the plans for our new office premises within the Inverness Justice Centre.

The external consultation on recruitment, commissioned by the JED sub-group, produced eight suggested improvements for LGBT communities. Since publication, COPFS conducted a further review of career fair strategy in 2017/2018 to ensure that it was inclusive of all characteristics.

Following consultation with LGBT users and Allies, we invested in bespoke LGBT marketing materials for our Pride stalls, used Pride events as recruitment opportunities, advertised job vacancies with Stonewall, used social media to tweet LGBT+ supportive messages, highlighted LGBT role models and opened up our LGBT staff network to other employers. In Oct 2018 we created the Pride in Justice Network to connect LGBT+ staff working in the justice sector.

**9A.2 Does the organisation collect sexual orientation and gender identity monitoring information for service users to allow for the following analysis? Tick all that apply.**

**Tick all that apply**

**GUIDANCE:** You should demonstrate how you collect the data and how it is analysed.

A. Assess whether LGBT people are accessing your services ✓

B. Assess the satisfaction of your LGBT service users in comparison to other groups✓

## Describe the options selected:

<p>A. Assess whether LGBT people are accessing your services:</p>	<p>COPFS compiles hate crime statistics on a yearly basis which provide us with information on how many LGB people are reporting sexual orientation hate crime and how many transgender people are reporting transgender hate crime. These statistics are obtained through our management information team which provides the total number of hate crimes reported to us by the police, the breakdown in type of hate crime and the geographic spread.</p> <p>We also compile data on the action we take in each case. For example, the number of cases we prosecute in court and the number we cannot proceed with. We also breakdown the reasons why we don't take action.</p> <p>All this information allows us to assess which areas of Scotland are receiving the highest level of reports of hate crime from LGBT+ service users and how many we are then supporting through the criminal justice process.</p> <p>This information is also compiled for other hate crime types and this allows us to analyse which types of hate crime are most prevalent in Scotland and what areas of the country are most affected.</p>
<p>B. Assess the satisfaction of your LGBT service users in comparison to other groups:</p>	<p>The main method for us to assess the satisfaction of our customers is through our customer feedback policy. We analyse all the feedback we receive from customers through our Respond and Information Unit and have a specific category for equality issues which is then broken down into specific characteristics of complainer/complaint.</p> <p>We record all complaints and whether they have been upheld. Any LGBT+ customer providing feedback or makes a complaint is logged in our equality category. This information is provided monthly to our Chief Executive and the top two tiers of senior managers below him.</p> <p>The analysis is considered at our Operational Performance Board and is distributed to our Local Court Leadership Board. Each piece of feedback which highlights a local issue is directed to local managers to resolve. Feedback which highlights systemic issues are dealt with at a more senior level.</p> <p>Our Equality Champion reviews all equality related feedback. In the past year COPFS received no complaints from LGBT+ customers.</p> <p>An extract of this analysis, containing the relevant information, has been provided for this application.</p>

## Upload analysis reports for option A:

please be aware only **one** file is allowed per answer



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Crime 2018-19 - publi

## Upload analysis reports for option B:

please be aware only **one** file is allowed per answer



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Equality monitoring of

# Clients, Customers and Service Users: PS SU P2

**9A.3 Has the organisation consulted with LGBT service users in the past 3 years to tailor the services to their needs?**

Yes

**GUIDANCE:** The consultation should have involved all LGBT identities.

**Complete the following:**

A. Describe the consultation process:

## **2017 REVISED JOINT DOMESTIC ABUSE (DA) PROTOCOL BETWEEN THE POLICE SERVICE OF SCOTLAND AND COPFS**

There have been significant developments to both the police and COPFS response to domestic abuse since the protocol was last reviewed in 2013. An extensive consultation exercise has been carried out with prosecutors, police and stakeholders to update the protocol to ensure that it remains reflective of best practice and fully incorporates developments in our understanding and approach to cases involving DA.

In addition to carrying out extensive consultation within COPFS and Police Scotland, we have consulted with the following organisations in revising the Protocol, many of whom support victims from LGBT+ communities:

**ASSIST, Rape Crisis Scotland, Scottish Women's Aid, Children 1<sup>st</sup>, SHAKTI Women's Aid, [REDACTED], EDDACS** (domestic abuse advocacy service working in Edinburgh), **DASAT** (domestic abuse advocacy service working in West Lothian), **Victim Support Scotland, [REDACTED], LGBT Youth, RESPECT, DAAS** (domestic abuse advocacy service working in the Borders), **Abused Men In Scotland (AMIS), SACRO, SafeLives** and ZeroTolerance.

We held a stakeholder event in May 2017 where discussions revolved around the implications of the Criminal Justice (Scotland) Act 2016 including presumption in favour of liberty, prosecution approach to initiating proceedings, presumption against discontinuation and counter allegations.

To raise awareness of the Joint Protocol we issued a considerable number of tweets and delivered presentations at a variety of events, including the 2017 and 2018 16 Days of Activisms campaigns.

B. Describe the outcome and how services were tailored to the needs of LGBT people:

The Protocol specifically acknowledges that transgender and individuals with variations in sex characteristics (VSC) can be victims of domestic abuse. We consulted with stakeholders to ensure that the Protocol was inclusive and used appropriate terminology. In our definition of domestic abuse we state that "the relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners." Statistically, more women than men are victims of domestic abuse. However the Protocol does not discriminate and specifically acknowledges that men can also be victims of domestic abuse by women and parties in same-sex relationships can also experience and perpetrate domestic abuse. It is acknowledged that domestic abuse is chronically under-reported and there can be reporting barriers for all victims. DA victims who are transgender or VSC, or victims in non-heterosexual relationships, face additional barriers. Such barriers include the fear of being judged for their trans identity; the fear of not being taken seriously, either because they don't fit the norm or of previous and unsatisfactory experiences with the police; a lack of confidence in system (perhaps due to historic criminalisation of homosexual activity or other examples of historic police discrimination) and a fear of being outed by the criminal justice process. We also recognise that LGBT+ people are at greater risk of being cut off from familial support (due to conflict over their gender identity or sexuality) so the typical reporting / support mechanisms may not be available to them. The Protocol commits prosecutors to treating all victims including those who identify with protected characteristics in a fair, sensitive and ethical manner. We will ensure there is consistency in our approach and acknowledge that many victims will have multiple protected characteristics that need to be considered and supported. We consider that the revised Protocol will help to advance equality by providing greater protection to victims of DA whom available evidence suggests are disproportionately likely to be either cis-female or trans female. Additionally, recognising that many within the LGBT community are deeply fearful of the consequences of "coming out", prosecutors use legislation which prevents the reporting of information identifying a person under 18 years of age, involved in criminal proceedings, i.e. reporting restrictions will apply.

However, no statutory provisions exist to protect adult witnesses except cases of a sexual nature. If there are concerns about giving evidence in public or about possible press reporting, these concerns will be explored and prosecutors should identify any measures to assist the witness give best evidence. Only where it is essential for the proof of a charge should evidence be led to establish the gender history of a victim.

Any such documentation/paperwork which refers to the gender assigned at birth rather than how the person self- defines should not be unnecessarily disclosed. Where possible, documentation will be suitably redacted.

The changes made to the Protocol offer meaningful improvements to the way cases involving domestic abuse are investigated, reported and prosecuted which will benefit **all** victims of domestic abuse.



## **9A.4 What percentage of frontline employees have been trained on reducing bias and discrimination towards LGBT service users?**

### **Select the completion rate for the training**

**GUIDANCE:** The training should reach as many frontline employees as possible. Training content should explicitly mention examples of discrimination and bias towards LGBT service users. Content should also include the steps frontline employees can take in eliminating this discrimination and bias. Examples of content you could upload are case studies, e-learning screenshots or powerpoint presentations.

A. 76 - 100 per cent

### **Describe how you estimate completion rates:**

Following the completion of either a face to face course or completing an e- learning package, a registration is delivered to our Learning and Development team and they update an individual's formal training record on the HR system.

As at 4 September 2019, based on an average headcount of 1800, 1543 (86 %) of the current workforce have completed either or a combination of Equality, Diversity & Inclusion e learning, LGBT Awareness e learning and Valuing & Managing Difference facilitated course. 1227 (68% of current workforce) has attended Valuing & Managing Difference – significant numbers of new starters from January 2019 so completion rates will increase as there are 6 courses running for a further 100 people in the next few months. 1090 (61% of current workforce) has completed Equality, Diversity, and Inclusion e learning. 720 (40% of current workforce) has completed LGBT Awareness e learning.

All colleagues are required to complete COPFS corporate e learning package (post 2019 new starters), Civil Service e learning Equality, Diversity, and Inclusion 2019, Civil Service e learning LGBT awareness and attend a mandatory face to face, facilitated and instructor led course called Valuing and Managing Difference.

COPFS corporate e learning package is designed to inform and communicate important organisational information in their first few weeks. Civil Service learning solutions are accessible across the wider Civil Service, they are interactive with built in knowledge checks throughout and the content includes descriptions, real life stories and case scenarios. Real life stories specifically address sexual orientation and transgender cases.

### **Describe the format of the training and the content you have uploaded:**

All colleagues are required to attend our mandatory two day face to face course called 'Valuing and Managing Difference', this two day course is very much discussion based and the facilitator using the training script to prompt discussion around each session. Our Equality and Diversity Essentials and LGBT Awareness are e-learning programmes which are used across the Civil Service and incorporate real life stories, key information and periodically check for understanding. Specific reference is made in the training to customers as well as staff. Section within Equality and Diversity essentials is specific in relation to customers. It gives an example of a transgender customer. An LGBT staff member states 'our customers may also identify as LGBT and they have the same rights and entitlements to respect as civil servants. Everything you have learning in this course can be applied when you are in a customer facing role.'

The Valuing & Managing face to face course builds on the e learning by examining bullying and harassment on the grounds of difference, which specifically includes a DVD (Skills booster - Transgender)

followed by a facilitated group discussion eg how they would support their colleagues in these situations and what action they would take to challenge the behaviours of actions acting in ways illustrated in these videos.

### **Upload training content:**

please be aware only **one** file is allowed per answer



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Evidence.docx

**9A.5 In the past year, has the organisation communicated its services as being explicitly LGBT inclusive?** Yes

**GUIDANCE:** The communication can be digital or physical.

**Describe the reach of the communication:**

COPFS is a member of enei – the Employers Network for Equality and Inclusion. On 29 November 2018, we hosted a Scottish network group event focusing on sharing best practice between the public and private sectors. [REDACTED], Policy Adviser on Equality and Inclusion, gave a presentation on supporting LGBT+ staff in COPFS, efforts to promote COPFS as an employer of choice and efforts to widen engagement with LGBT+ groups across Scotland. The event was publicised several times to all enei members using their weekly newsletter, which has a UK wide distribution. The enei Scotland account manager, [REDACTED], also publicised the event on several of her weekly catch up emails. Several organisations, both from the public and private sector, attended the event including City of Edinburgh Council, Police Scotland, Scottish Natural Heritage, Scottish Power, Scottish Children’s Reporter Administration, Scottish Government, Shepherd & Wedderburn LLP, Burness Paull LLP.

**Upload an example communication:**

please be aware only **one** file is allowed per answer



2018 11 02 email re  
enei Network Meeting