

## 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 this firstly through our VIA (Victim Information and Advice) Review conducted in 2015 . The review was part of the Victims and Witnesses ( Scotland) Act implementation project (VWIP) established to ensure we could provide service users with the additional provisions introduced by the Act- namely automatic special measures and victims' right to review.

The VIA review/VWIP looked at end-to-end processes from initial information provision to victims/witnesses following submission of a police report until case conclusion , looking from call centre provision to the final victim notification service which provides offender release dates. We consulted from the outset with our Equality Advisory Group including [REDACTED] representing the Equality Network. He was co-opted as consultee on the VWIP project. We also consulted widely with groups representing victims( including LGBT) on their service user experience and conducted a customer service survey to coincide with the review. Hate crime victims/ witnesses are a specific category of service user eligible to receive VIA's support so we included Stonewall in our consultation to establish if our service met LGBT victims /witnesses' needs. Our VIA review fed into the 2016 Review of Victim Care in the Justice Sector in Scotland by [REDACTED], our [REDACTED] who examined the longer journey for victims/witnesses including interaction with police, public authorities and third sector as well as our internal processes. [REDACTED] was consulted and provided LGBT specific information to Dr Thomson's team garnered from the VIA/VWIP 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 through our Victims Forum. Most recently we consulted this year on letter template changes concerning our VIA service.

We also examined the service user journey as members of the Justice Board's Equality and Diversity (JED) sub-group whose ongoing focus since 2013 has been access to justice and improving equality for protected characteristics across criminal justice workforces.

The JED sub-group mapped out the disabled service users' experience to review barriers to justice. We reviewed the physical journey considering access issues at police stations, PF offices, courts etc and also communication barriers - where/ when on the journey to intervene/communicate e.g third party reporting sites, public transport, hospitals etc. We engaged a bespoke advisory group and involved our LGBT ambassadors throughout to highlight specific LGBT issues, most recently on our site audit template review which resulted in our 2017 gender neutral facility guide.

The sub-group, led by [REDACTED], also undertook external consultation to examine barriers preventing LGBT jobseekers from accessing our organisations and reviewed the recruitment journey to establish where best to intervene and raise awareness of employment opportunities. The Scottish Prison Service facilitated consultation in 2015 with 33 third sector groups for the sub-group including LGBT Health and Wellbeing, the STA and Stonewall Scotland, holding a specific LGBT workshop which led to 8 LGBT specific proposals.

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

While the VIA review produced 60 recommendations to improve our VIA service, consultation with the LGBT community did not uncover any LGBT 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. Additional bespoke training for VIA staff was also recommended and a training group was set up to address this which produced fresh training materials this year. These have been reviewed by our LGBT ambassadors to ensure they are inclusive of LGBT service users . They also revised our correspondence templates for sexual offences victims to ensure language was LGBT inclusive and gender neutral.

The VIA review also recommended wider support services to victims should be re-evaluated following consultation with external stakeholders and this was taken forward in ██████████ 2016 review which made recommendations including an updated programme of mandatory staff training on the impact of crime on victims. Wider recommendations included a co-ordinated service to bring together all criminal justice partners and third sector groups as a multi-disciplinary team operating a "one front door" model including counselling services.

The outcome of the JED sub-group's review was a comprehensive report on Access to Justice for the Disabled published in July 2018. Criminal justice organisations including COPFS 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 has been used by COPFS in 2018 to deliver its estates strategy where we have moved staff and offices to other locations .As a consequence of the site audits being in place we were confident that the changes being introduced would not impact adversely on LGBT customers or employees. We have also influenced our Estates Strategy project Board and criminal justice partners to include gender neutral facilities in the plans for our new office premises within the Inverness Justice Centre.

The 2015 external consultation exercise commissioned by the JED sub-group on recruitment produced 8 suggested improvements for LGBT communities including raising the profile of our organisations, making public commitments to LGBT equality, reviewing our corporate image, highlighting role models, looking at advertising and marketing and opening up staff networks. Since the publication of this report COPFS has invested in bespoke LGBT marketing materials for our Pride stalls, used Pride events as recruitment opportunities, advertised job vacancies on Stonewall, better employed social media by tweeting LGBT supportive messages, highlighted LGBT role models and opened up our LGBT staff network to other employers. All these efforts not only encourage the LGBT community to view us as an inclusive prospective employer but also as an LGBT friendly organisation in whom they can have confidence as a customer of our services and have increased the diversity of our recruitment which now includes openly transgender staff.

**9A.2 Does the organisation collect LGBT 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

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

## Describe the options selected:

|  |   |
|--|---|
| A. Assess whether LGBT people are accessing your services:                           | .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. 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. 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. 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 which areas of the country.   |
| B. Assess the satisfaction of your LGBT service users in comparison to other groups: | 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. We record all complaints and whether they have been upheld. Any customer providing feedback or a complaint who identifies as LGBT 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. 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 .Our Equality Champion reviews all equality related feedback. In the past year COPFS received no complaints from LGBT customers. An extract of this analysis, containing the relevant information, has been provided for this application. |

### Upload analysis reports for option A:

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<https://stonewallsubmit.fluidreview.com/resp/18636935/K3TydBnOsG/>

### Upload analysis reports for option B:

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<https://stonewallsubmit.fluidreview.com/resp/18636935/SepQ8PMrob/>

# 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?**

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

**Complete the following:**

|                                       |  |
|---------------------------------------|--|
| A. Describe the consultation process: | <p>COPFS GUIDANCE FOR PROSECUTORS IN RELATION TO VICTIMS AND WITNESSES WHO ARE TRANSGENDER</p> <p>In Sept and Dec 2015, our Proud Network Lead organised two community engagement events with Police Scotland, one in Edinburgh and one in Galashiels, to raise awareness of how we treat hate crime, and to improve user confidence in the criminal justice system. The events were open to all sections of the LGBT community and included gay, lesbian, transgender and non-binary people within the audience and two different venues were chosen to obtain both urban and rural issues affecting LGBT communities. People attending both events were asked for their feedback about access to the justice system and , in particular, the reporting mechanisms for hate crime, the journey times from reporting to resolution, and the availability and suitability of support mechanisms. People were asked to comment about barriers which prevented them from reporting homophobic and transgender hate crime and we also sought feedback on our planned transgender witness support policy. In discussions one issue in particular was raised as a concern and indeed very often as a barrier to crimes being reported by members of this community, namely, the fear that the press will report the case which may amount to effectively "outing" that person in a very public and sensational way. This was predominately mentioned by transgender attendees but LGBT attendees also made reference to this concern. Attendees at both community events also revealed that a vast majority of them experienced hate crime on a regular basis, but do not report it. Requests for feedback about barriers to engaging with the criminal justice partners were also sent to a number of key stakeholders, including the Scottish Transgender Alliance, the Equality Network and LGBT Youth Scotland and comments were also sought from partner agencies such as the Crown Prosecution Service and</p> |
|---------------------------------------|--|

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

Police Scotland.

At the conclusion of the events attendees were invited to provide written feedback on the reporting of hate crime and on barriers to reporting and this feedback was collated and analysed following the events.

In recognition of our duty in terms of the Equality Act 2010, bespoke guidance has subsequently been produced to provide assistance and to ensure that transgender victims and witnesses are dealt with appropriately and with dignity and respect.

A person's transgender status may have nothing to do with the reason they are in contact with COPFS therefore there is no reason to question or comment on it.

Transgender victims and witnesses should be treated as they present. If however a mistake is made when addressing a transgender person, either with their name or the pronoun used to refer to them, a simple apology should be given and then you should move on from the error. There is a danger of making matters worse by either continually apologising or failing to correct the error once it is made.

All correspondence with a transgender victim or witness should also be addressed in accordance with how the person self-identifies. However, it should be borne in mind that people who are still in the process of transitioning may not be living in their self-defined gender all the time and therefore it is possible that those they are living with will not be aware of the person's chosen identity. Best practice is to ask the witness how they should be addressed, both in person and in correspondence.

In recognition that many within the LGBT community are deeply fearful of the consequences of "coming out", prosecutors are now made aware of legislation which prevents the reporting of anything that would lead to the identification of a person under 18 years of age in relation to criminal proceedings and therefore if the LGBT victim or witness is under the age of 18 reporting restrictions will apply.

However, no statutory provisions exist to protect adult witnesses in cases other than those of a sexual nature.

Where a prosecutor is aware that there are concerns about giving evidence in public or in relation to the press reporting the criminal proceedings, these concerns should be explored and prosecutors should identify any measures that may be put in place to assist the witness give evidence. This should include whether a request should be made to the court to use its common law powers to exclude members of the public from proceedings and thus withhold matters from the public. It should be noted that the Press would still be entitled to be in court.

Only where it is essential for the proof of a charge should evidence be led to establish the gender history of a victim or witness.

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 should be suitably redacted. Prosecutors should consider that the LGBT person MAY be vulnerable. This is something that should be explored sensitively, where possible using Victim Information and Advice staff, in order to identify whether any special measures ought to be sought for the victim/witness.

#### **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:**

After attending the face to face course or completing an e-learning package, our Learning and Development team update an individual's training record. As at 7 September, 1715 colleagues out of a possible 1752 have completed our mandatory one day course (98% of our workforce) and 1463 colleagues have completed the Civil Service Learning 'Equality and Diversity Essentials' e-learning module (85% of our workforce) and 810 colleagues have completed the Civil Service Learning 'LGBT Awareness' e-learning module (46% of our workforce). These figures represent a completion snapshot of the annual and bi-annual requirements for each package respectively.

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

All colleagues are required to attend our mandatory face to face course called 'Valuing and Managing Difference'. In the last year, this course has been rationalised from a two day course to one day, following feedback from staff regarding repetition with the e-learning packages. This review afforded the opportunity to carry out a refresh of the material, and now includes a session referring to Transgender issues to illustrate learning points, in addition to a session regarding discrimination on grounds of Sexual Orientation. The course is very much activity and discussion based, facilitated using various media to prompt dialogue around each session. Our Equality and Diversity Essentials and LGBT Awareness e-learning are mandatory programmes, which are used across the Civil Service and incorporate real life stories, policy information and knowledge tests to check understanding.



### Upload training content:

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### Upload training content:

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(No response)

**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 uses Twitter to publicise its commitment to LGBTI equality and inclusion. In the past year, we have issued 39 LGBT/gender violence/hate crime related tweets and numerous tweets about our national public speaking competition, which focuses on equality and social inclusion themes exclusively. The speaking competition tweets resulted in 180000 hits. A recent example of a tweet was published on 19 June 2018, regarding our support for Edinburgh Pride and stated: "At COPFS we have no tolerance for hate crime motivated by prejudice. There is no room for bigotry or intolerance in Scotland" and included our equality hashtag #COPFSrespect.

This tweet had 2560 impressions, 234 total engagements, 165 media engagements, 23 likes, 6 link clicks, 5 retweets and an engagement rate of 9.1%.

Two of the 'retweeters' were anonymous but the other three had around 450 followers in total

Upload an example communication:

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