

## Policies and Benefits: Part 1

### Section 1: Policies and Benefits

This section comprises of 7 questions and examines the policies and benefits the organisation has in place to support LGBT staff. The questions scrutinise policy audit process, policy content and communication. This section is worth 7.5% of your total score.

**Below each question you can see guidance on content and evidence. At any point, you may save and exit the form using the buttons at the bottom of the page.**

#### **1.1 Does the organisation have an audit process to ensure relevant policies (for example, HR policies) are explicitly inclusive of same-sex couples and use gender neutral language?**

**GUIDANCE:** The audit process should be systematic in its implementation across all relevant policies. Relevant policies include HR policies, for example leave policies.

Yes

#### **Please describe the audit process:**

State when the process last happened:	The last process was for our revised HR Paternity Leave policy which is awaiting final approval before being published .The audit process concluded on 31 August 2018.
Describe the audit process:	COPFS is a listed public authority therefore we must comply with the public sector equality duty (general duty) of the Equality Act (2010). COPFS is also subject to the specific duties of the Act, which were designed to help listed authorities in Scotland to meet the requirements of the general duty. We use the equality impact assessment (EIA) process to ensure that all of our functions comply with the general equality duty. Our audit process is triggered for any new or revised policy or process that will have a significant impact on either users of the prosecution service or on our staff and we have a rolling programme for revisal of HR policies. We have key gatekeepers in Policy, HR, Learning & Development and Strategic Delivery, who are trained in EIAs, to ensure that all relevant new or revised policies or processes are effectively assessed. The audit process for the revised HR Paternity Leave policy was as follows: Our HR

Division led on the audit process for this protocol and took responsibility for recording and progressing the assessment. The HR lead consulted the 2018 COPFS Toolkit which contains a flowchart on how to complete an EQIA record .In addition they accessed the 2018 COPFS Comprehensive Guidance on EQIAs and concluded that a comprehensive EQIA was required due to the potential impact that this protocol would have on COPFS staff. When scoping the project they used the COPFS quick guide to EQIAs to properly consider the impact on the various groups which would be affected and to ensure that they assembled an appropriate focus group to provide feedback. The group which they assembled included our equality ambassadors for LGB, Transgender, Gender, Pregnancy and Maternity, trade union representatives as well as parents of biological and adopted children. An Equality of Opportunity template is available to all staff as part of the toolkit to help them to consider the equality considerations and, in respect of sexual orientation, it reminds staff of our requirement to use inclusive language and to reference civil partnerships. The template also provides staff with links to other equality data sources such as Stonewall Scotland. Using this guidance and through consulting with an appropriate focus group for the subject matter, the HR lead secured valuable feedback which helped to shape the revised policy and this feedback was recorded in the final EIA record. In particular the EQIA references the following: " Paternity leave is available to members of staff, regardless of their sexual orientation or gender identity". We consulted stakeholders to ensure that the policy was inclusive and used appropriate terminology. We are explicit in the policy that that paternity leave is available to parents in either same sex or opposite sex relationships. Now that the EIA process is concluded, the completed EIA record will be authorised by a manager at Senior Civil Servant (SCS) level and be sent to the Equality & Inclusion policy adviser for monitoring purposes and publishing on our public web site.

Describe any previous outcomes of the audit process:

The process was completed on 18th July 2016 for the COPFS Transitioning at Work policies for line managers and all staff. Lead Equality Impact Assessor, [REDACTED], oversaw the audit process. She accessed the COPFS EIA toolkit to ensure she assembled a broad range of stakeholders to consult throughout the drafting process. She consulted Scottish Transgender Alliance who provided access to transgender people across Scotland. The EIA group also included members of the LGBT Proud in COPFS network, our Transgender ambassador, our senior Equality policy advisor and the PCS and FDA Trades unions. Their feedback was documented and used to shape the policies and the toolkit acted as an aide memoire to remind her to consider issues such as gender neutral language and to consider issues such as the dress code and gender neutral facilities. Most

feedback was around the use of appropriate terminology and our assessor was guided by the transgender community as to what terminology should be used. The completed EIA was published on our external website following publication of the policy.

The audit process for our Joint Protocol on Domestic Abuse between COPFS and Police Scotland was completed on 28th February 2017. Our Policy Division led on the audit process ,taking responsibility for recording and progressing the assessment. The policy lead consulted the COPFS Toolkit which contains a flowchart on how to complete an EQIA record .They accessed our Comprehensive EQIA Guidance and assessed that a comprehensive EQIA was required due to the high impact the protocol would have on domestic abuse victims . When scoping the project they used our quick guide to EQIAs to consider the impact on the various affected groups and to ensure that they assembled an appropriate focus group to provide feedback. The focus group consisted of 18 third sector organisations including LGBT Youth and Abused Men in Scotland (AMIS). An Equality of Opportunity template is available to all staff as part of the toolkit to help them to consider the equality considerations and, in respect of sexual orientation, it reminds staff of our requirement to use inclusive language and to reference civil partnerships. The template also provides staff with links to other equality data sources such as Stonewall Scotland. As a result of using this guidance and through consulting with an appropriate focus group for the subject matter, the policy lead secured valuable feedback which helped to shape the final protocol and this feedback was recorded in the final EIA record. In particular the EQIA references the following: " the Protocol does not discriminate and specifically acknowledges that men can be victims of domestic abuse by women and parties in same sex relationships can also experience and perpetrate domestic abuse....the Protocol specifically acknowledges that transgender and intersex individuals can be victims of domestic abuse .We consulted with stakeholders to ensure that the Protocol was inclusive and used appropriate terminology. We are explicit in the policy that we acknowledge that domestic abuse may take place within both heterosexual and same sex relationships".

## 1.2 Does the organisation have a policy (or policies) which includes the following?

Tick all that apply

**GUIDANCE:** The policy/policies should clearly state that the organisation will not tolerate discrimination against employees on the grounds of sexual orientation, gender identity and/or trans identity. These may be listed along with other protected characteristics. The policy/policies should also demonstrate, through careful wording, a zero-tolerance approach to homophobic, biphobic and transphobic bullying and harassment. They should explicitly include examples of what homophobia, biphobia and transphobia in the workplace may look like.

- A. Explicit ban on discrimination based on sexual orientation
- B. Explicit ban on discrimination based on gender identity and gender expression
- C. Explicit ban on bullying & harassment based on sexual orientation
- D. Explicit ban on bullying & harassment based gender identity and gender expression

**Name the policy and paste the relevant policy excerpt:**

	Policy	Excerpt
A. Explicit ban on discrimination based on sexual orientation	Fair Treatment at Work Policy	<p>The right of every employee to be treated fairly and without fear of bullying ,harassment, victimisation or abuse is protected by law. This policy highlights the responsibilities of us all to ensure that the policy is upheld and what to do should you believe that you or others have been unfairly treated...Harassment, victimisation, discrimination and/or bullying at work can be discriminatory and unlawful. COPFS and/or the individual who discriminates, harasses or bullies may be liable under civil law or subject to criminal prosecution under the following statutes and regulations : The Equality Act 2010 sets out the protected characteristics that qualify for protection from discrimination .A person is protected from discrimination on the basis of ; age, disability, gender reassignment *, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation."</p> <p>Recognising fair and avoiding unfair treatment examples:</p> <p>Sexual Orientation -</p>

		<p>When organising an external recruitment drive aimed at attracting LGBT employees ,all staff members were invited to volunteer to work on the stall at the Pride event ( ticked as correct answer)</p> <p>.An openly gay member of the team is told they can't work on a case as it involves another gay person and that case requires objectivity ( x as wrong answer)</p> <p>.Trevor manages a team and has been accidentally copied in to an e-mail circulated by Susan , a member of his staff ,to everyone else within his team. In her e-mail Susan boasts about an offensive nickname she has come up with for Trevor and is encouraging others to use this name when they refer to Trevor amongst themselves ( x unfair treatment)</p>
<p>B. Explicit ban on discrimination based on gender identity and gender expression</p>	<p>Fair Treatment at Work Policy</p>	<p>The right of every employee to be treated fairly and without fear of bullying , harassment, victimisation or abuse is protected by law. This policy highlights the responsibilities of us all to ensure that the policy is upheld and what to do should you believe that you or others have been unfairly treated...Harassment,victimisation, discrimination and/or bullying at work can be discriminatory and unlawful. COPFS and/or the individual who discriminates, harasses or bullies may be liable under civil law or subject to criminal prosecution under the following statutes and regulations : The Equality Act 2010 sets out the protected characteristics that qualify for protection from discrimination .A person is protected from discrimination on the basis of ; age, disability, gender reassignment *, marriage and civil partnership, pregnancy and maternity, race, religion or belief , sex and sexual orientation.</p> <p>* Whilst the Equality Act 2010 covers discrimination on the grounds of gender reassignment COPFS recognises that this covers gender identity more broadly and this policy applies equally</p>

		<p>to fair treatment for reasons related to gender identity.</p> <p>Recognising fair and avoiding unfair treatment examples:</p> <p>Gender reassignment/gender identity- The new rota to manage the public counter during opening hours includes all suitably qualified staff who express an interest to help (ticked as correct answer). Sam is suitably qualified and expressed an interest in being included in the rota to manage the public counter. Managers considered Sam to be unsuitable because Sam has recently presented at work as the opposite sex ( x wrong answer)</p>
C. Explicit ban on bullying & harassment based on sexual orientation	Fair Treatment at Work Policy	<p>The right of every employee to be treated fairly and without fear of bullying ,harassment, victimisation or abuse is protected by law.This policy highlights the responsibilities of us all to ensure that the policy is upheld and what to do should you believe that you or others have been unfairly treated...Harassment as ACAS describe " can occur when someone engages in unwanted conduct related to a protected characteristic (e.g disability,race or sexual orientation) which has the purpose or effect of violating someone else's dignity or creating an intimidating ,hostile ,degrading or humiliating or offensive environment"...Harassment, victimisation, discrimination and/or bullying at work can be discriminatory and unlawful. COPFS and/or the individual who discriminates, harasses or bullies may be liable under civil law or subject to criminal prosecution under the following statutes and regulations : The Equality Act 2010 sets out the protected characteristics that qualify for protection from discrimination .A person is protected from discrimination on the basis of ; age, disability, gender reassignment *, marriage and civil partnership, pregnancy and maternity, race, religion or belief , sex and sexual orientation."</p>

D. Explicit ban on bullying & harassment based gender identity and gender expression

Fair Treatment at Work Policy

The right of every employee to be treated fairly and without fear of bullying ,harassment, victimisation or abuse is protected by law.This policy highlights the responsibilities of us all to ensure that the policy is upheld and what to do should you believe that you or others have been unfairly treated...Harassment as ACAS describe " can occur when someone engages in unwanted conduct related to a protected characterisitc (e.g disability,race or sexual orientation) which has the purpose of effect of violating someone else's dignity or creating an intimidating ,hostile ,degrading or humiliating or offensive environment"...Harassment, victimisation, discrimination and/or bullying at work can be discriminatory and unlawful. COPFS and/or the individual who discriminates, harasses or bullies may be liable under civil law or subject to criminal prosecution under the following statutes and regulations : The Equality Act 2010 sets out the protected characteristics that qualify for protection from discrimination .A person is protected from discrimination on the basis of ; age, disability, gender reassignment \*, marriage and civil partnership, pregnancy and maternity, race, religion or belief , sex and sexual orientation."

\* Whilst the Equality Act 2010 covers discrimination on the grounds of gender reassignment COPFS recognises that this covers gender identity more broadly and this policy applies equally to fair treatment for reasons related to gender identity

**1.3 Where the organisation has the following policies, do they explicitly state they are applicable to same-sex couples and use gender neutral language? Tick all that apply**

**GUIDANCE:** Where applicable, the policies should explicitly state that they apply to same-sex couples (or same-gender or non-heterosexual couples). Alternatively they should explicitly state that they apply regardless of the gender of an employee's partner. The policies should also avoid unnecessarily gendered language and pronouns, for example, by using the term partner instead of husband or wife (as long as you have previously stated what constitutes a partner).

- A. Adoption policy
- B. Special or Compassionate Leave Policy
- C. Maternity policy
- D. Paternity policy
- E. Shared Parental leave policy

**Provide a brief description of the policy/policies you have uploaded:**

- A:Our Adoption policy is contained within the Staff handbook under " Adoption Leave"
- B: This is our special leave policy
- C:This is our Maternity policy
- D: Our paternity policy is contained in out staff handbook under " Additional Paternity Leave".
- E: this is our Shared Parental Leave Policy

**A. Upload the adoption policy**

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/OkBK41Lrgo/>

**B. Upload the special or compassionate leave policy**

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/tkitMIXhdn/>

**C. Upload the maternity policy**

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/0sGU2ihCky/>

**D. Upload the paternity policy**

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/T3ERPqTNsQ/>



## E. Upload the shared parental leave policy

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

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## Policies and Benefits: Part 2

### Next Steps

**1.4 Does the organisation have a** Yes  
**policy (or policies) which support**  
**employees who are**  
**transitioning?**

**Does the policy (or policies) in place to support employees who are transitioning cover the following?**

**Tick all that apply**

**GUIDANCE:** Evidence submitted should demonstrate how information around organisational support for people transitioning is tailored to different employee groups. For guidance on creating a transitioning at work policy, see Stonewall's resource [here](#).

A. Work related guidance for an employee who is transitioning

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B. Work related guidance on the process for an employee to change their name and gender marker on workplace systems

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C. Work related guidance for HR staff on how to support an employee who is transitioning

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D. Work related guidance for managers on how to support an employee who is transitioning

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E. Work related guidance for employees on how to support a colleague who is transitioning

## **Provide a brief description of the policy/policies you have uploaded:**

We have a Transitioning at Work Policy (TAWP) which provides guidance to all staff on this issue including staff members who are going through the transitioning process. We also have a separate Line Managers Guide and a separate guide for HR staff to support them in implementing the policy in order to ensure that they are providing the correct support to transitioning staff.

Regarding section A-The TAWP includes specific guidance for a transitioning employee at section 10.

Regarding section B-The TAWP includes guidance at section 5 and at section 10.9. Also, the line Managers guide provides information at 3.2 and at 4.1 and at 6.1.6.

Regarding section C-We have a separate guide for HR staff which provides bespoke advice to HR staff on how to support an employee who is transitioning

Regarding section D- We have a separate guide for line managers on supporting an employee who is transitioning.

Regarding section E- guidance for employees on how to support a colleague is contained within the TWAP at section 5, section 6 ,section 8 and section 10.11.

### **A. Upload guidance for members of staff**

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/gA5onlolfq/>

### **B. Upload guidance for making changes on systems**

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

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### **C. Upload guidance for HR staff**

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

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### **D. Upload guidance for managers**

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/ov2czmqo8C/>

### **E. Upload guidance for colleagues**

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

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**1.5 Does the organisation have a** Yes  
**policy (or policies) in place to support all trans employees, including people with non-binary identities?**

**Does the policy (or policies) in place to support all trans employees, including people with non-binary identities cover the following?**

**Tick all that apply**

**GUIDANCE:** Policies submitted should include clear information around how the organisation supports all trans employees, including non-binary people. Guidance on dress code should be offered regardless of whether an organisation has a uniform or dress code policy.

- A. A clear commitment to supporting all trans people, including those with non-binary identities
- B. Information on language, terminology and different trans identities
- C. Guidance on facilities and dress code for non-binary people

**Provide a brief description of the policy/policies you have uploaded:**

We have a Transitioning at Work Policy (TAWP) which is accompanied by a line managers guide and an HR guide to support staff who are transitioning.

Regarding section A-Our TAWP states at section 4 our commitment to "treat all transgender and non-binary employees with dignity and respect".

Regarding section B-the definitions are contained in section 2 (and also in our line managers guide at chapter 2)

Regarding section C-Our TAWP at section 10.7 covers dress codes and 10.8 covers facilities. The dress code guidance is hyperlinked within the TAWP.

**Upload the policy and highlight content relevant to option A**

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/GFKDD3TTgb/>

**Upload the policy and highlight content relevant to option B**

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/amtnaiEWc1/>

## Upload the policy and highlight content relevant to option C

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

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### 1.6 In the past two years, has the organisation communicated that its policies are LGBT inclusive to all employees?

**GUIDANCE:** The communication uploaded should demonstrate the organisation has informed employees that policies are LGBT inclusive. This may be on a post on an intranet system, but any file or screenshot must demonstrate the reach of the communication and the date it was created.

Yes

#### Provide a brief description of the communication you have uploaded:

A post on our staff forum by our Equality Champion [REDACTED] which is freely accessible to all COPFS employees on PF eye which is our internal website. This post was created on 4th September 2017 and alerted staff to the location of our shared parental leave policy within the Staff handbook. While highlighting this policy [REDACTED] took the opportunity to remind staff that all our policies are LGBT inclusive.

#### Upload a communication from the past two years highlighting the relevant content:

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

<https://stonewallsubmit.fluidreview.com/resp/18636919/h6CkZ|bBNu/>

**The following question is for information gathering purposes only and is not scored.**

### 1.7 Does the organisation provide private healthcare insurance to its employees?

No