

Cross Justice Working Group on Race and Workforce

Progress Report

October 2021

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Introduction

The issue of race equality has long been recognised as essential to ensuring the effective and fair operation of Scotland's justice system. In 2020 and 2021 events in the UK and internationally have brought this into even sharper focus. Concerns raised by the Black Lives Matter movement, as well as the differential impacts of COVID-19 on people from minority ethnic backgrounds, evidence the need for an increased focus on issues of race to understand and improve the experience of minority ethnic individuals in Scotland, in relation to the justice system in 2020.

The establishment of an Expert Reference Group on COVID-19 and Ethnicity demonstrates the Scottish Government's concern about reports from England and the USA that people from minority ethnic backgrounds may be disproportionately impacted by COVID-19, both in terms of adverse health outcomes and in a wider context, including economically. The work of this Group will help to ensure there is an accurate understanding of COVID-19's impact on minority ethnic communities in Scotland, and that our policy responses reflect this.

It is within the wider context outlined above that the Justice Board agreed in Summer 2020, to establish two groups; Cross Justice working group on Race and Workforce and Cross Justice working group on Race, Data and Evidence.

This report provides an overview of the progress from the Cross Justice working group on Race and Workforce (the Group). The membership of the group, the terms of reference and an overview of the Justice organisations that make up the Justice sector in Scotland are set out at Annexes A, B and C.

Purpose of the Group

The purpose of the Group was to provide a strategic and cohesive approach to tackling barriers to employment across the justice system and to support cross system learning. The Group also intended to provide a comprehensive picture of the current activity to address recruitment, retention and promotion across the sector. The Group was set up as a short life working group and had its first meeting in October 2020. Since then, the Group has met four times with the last meeting held on 29 March 2021. The membership of the Group included representatives from all of the main justice organisations, from community groups and from academia.

Progress to date

A baseline audit was carried out to understand the effectiveness of past and current initiatives undertaken within the Justice sector in relation to race and workforce. The audit serves as a snapshot of the current position and supports our understanding of what we know about race and our workforce across the Justice sector. The audit demonstrates areas of good practice, which can offer peer learning across the

Justice sector in Scotland. At this early stage, the Group focused on Scotland and recognises that there is evidence from other parts of the UK and Internationally that will add value. In addition, the Group is cognisant of the wider public sector work being done in this area. The snapshot of the current position in Scotland and the wider public sector work is set out in the Annexes to this report.

To support this work, evidence was provided by the Justice organisations. The evidence shows that each organisation has its own equality and diversity framework to reflect the needs and requirements of their individual organisation.

Understandably, these frameworks are being managed and delivered over different timeframes. This has highlighted both the different stage that each organisation is at in delivering its commitments and the different approaches being taken. However, it is clear from this evidence, that all Justice organisations aspire to have a workforce which is representative of the people and communities of Scotland that they serve.

Further evidence was provided by the Justice organisations as part of a mapping exercise to determine what support networks are in place within each Justice organisation for minority ethnic groups. This has provided an overview of the sector and identifies where gaps in support provision exist, and where support needs to be strengthened. This overview provides an opportunity to provide support and guidance for those organisations that have limited capacity.

A research sub-group was established to undertake some focus groups to ascertain how people from minority ethnic backgrounds experience being employed by a justice organisation in Scotland. The research took place in May and June of this year, and included BME volunteers from the following Justice organisations: Police Scotland; Crown Office and Procurator Fiscal Service, Scottish Prison Service, Scottish Fire and Rescue Service and Scottish Courts and Tribunal Service. The research is expected to conclude during the summer and published thereafter. The outcomes from the research will feed into the next phase of this work.

Alongside the research a literature review has been carried out. This is preliminary literature review based on an initial search on literature pertaining to Race and the Workforce in Scotland and is at Annex F. This was completed through using institutional and internet search engines. An audit of literature by a concurrent cross-justice working group on Race Data and Evidence group indicated that in relation to the organisational issues or workforce limited research or evidence was currently available on critical issues on race and workforce diversity. The audit identified two key research/reports of relevance (item 1 and 2 in the table at Annex F).

A broader search identified relevant documentation about workforce diversity in the UK. A more extensive literature review is required but there was limited research about many sectors with little information found about legal and court services, there was also limited information on the prison service. More was available in the police and fire service. The studies/reports identified here however did highlight some key

issues that were deemed of relevance to ensuring workforce diversity in the justice sector in a Scottish Context. The list is not exhaustive but aims to provide some initial analysis of the current situation and future requirements. A broader literature search could include studies from other jurisdictions' and these are available but not included here.

Most literature recognises the progress made in some areas of the justice sector in relation to increased recruitment and increased number of BME staff in organisations. Key messages are that while numerically the overall picture has improved and diversity is more embedded into organisational policies and processes, gaps remain in knowledge/research in particular areas. Most notably these are in relation to decision making processes over why people decide to stay or leave the organisations (retention). Often initiatives to recruit more diverse workforces go unevaluated, so there is limited knowledge of why people apply and then fail to progress any further into the organisation. Most of the literature reviewed here identified issues with progression and promotion within the justice system and the lack of BME staff in leadership positions and roles. The reasons for the lack of progression, retention and leadership are often related to organisational culture and other organisational barriers. There is a lack of available research overall into why these challenges exist or what programmes and support are effective to improve the progression, retention, and promotion of BME staff.

Challenges

By looking across the Justice sector as a whole, this work has ascertained that each organisation within the Justice sector is at a very different stage in relation to both how they are focusing upon and, how they are addressing issues around equality, diversity and inclusion within their workforce. The data and evidence currently collected for both workforce, and more broadly on equality, diversity and inclusion is varied in nature and source. Whilst this has presented challenges, it is a positive step forward to have a greater understanding of the landscape and of the diverse approaches being taken.

Whilst a commitment to addressing equality, diversity and inclusion issues has remained throughout the term of the Group, it is apparent that challenges can present when organisations need to respond to other immediate priorities within their own organisations. As a result, resource and attention may be directed to those areas, which removes the focus away from equality and diversity within their workforce. As the work progresses, a strong strategic direction will need to be established to support the Justice sector to deliver on both their own commitments as individual organisations and their collective commitments as a sector. The outcome being of great benefit to the organisation with a more diverse and valued workforce.

The Group has engaged and worked with a range of community groups to ensure that the questions being asked make sense, are relevant and a wide range of perspectives are received. Given other pressures on partners, as discussed above, the work has progressed slower than originally intended. It should be emphasised that in order to improve the needs of each organisation, the needs of the justice sector and the needs of society, it will take time. This work is complex and challenging and requires collaboration and advice from minority ethnic partners to ensure that meaningful change can take place.

The challenges of this work and those highlighted above are not new. The varied structure, purpose and size of each organisation within the Justice sector needs to be acknowledged alongside the potential that this offers for cross-sector learning, development and collective initiatives. The Group welcomes the commitment shown, the on-going work and the positive and diverse range of policies already in place to sustain momentum going forward.

Next Steps

The Group agreed that it would finalise this progress report and draw together the research findings to support the next steps of this work. The intervening period will offer an opportunity to reflect and consider how this work should be taken forward and the structure of the Group and its priorities will be reviewed as part of this process. This will inform a discussion with Justice sector partners to set a strategic direction for the next phase of work, with a continued focus on what the Justice sector can do collectively.

Conclusion

The progress set out above is a summary of the work that has been progressed collectively by Justice partners. Working collectively has facilitated greater consistency, and has provided opportunities for shared learning, which will help the Justice sector to fulfil their shared aspiration that they are more reflective of the population they serve. It is encouraging to see a number of initiatives already ongoing within individual organisations in relation to equality, diversity and inclusion, which will complement and align with the work of this group. The work currently underway within public sector is a good example of this and is set out in the Annexes.

The Group recognise that addressing equality, diversity and inclusion within the workforce across the Justice sector is challenging and the Group have only begun to un-pick some of the issues that need to be resolved. Continued leadership from all organisations within the Justice sector is essential and will be required to maximise the impact of this work.

Annex A: Membership of the Group

Chair: the Group is jointly chaired by Jude Helliker, Police Scotland and Stephen McGowan, Deputy Crown Agent, Crown Office and Procurator Fiscal Service.

Secretariat: is provided by Police Division, Scottish Government

The work of the group involves the following Justice organisations;

- Police Scotland
- Scottish Police Authority
- Crown Office and Procurator Fiscal Service
- Scottish Court and Tribunal Service
- Scottish Prison Service
- Scottish Legal Aid Board
- Law Society Scotland
- Faculty of Advocates
- Community Justice Scotland
- Scottish Fire and Rescue Service
- Scottish Government – Police Division
- Scottish Government – Justice Analytical Services

The work of the Group involves the following BAME organisations;

- Coalition for Racial Equality and Rights (CRER)
- Council for Ethnic Minority Voluntary Organisations (CEMVO)
- Semper Scotland

The work of the Group involves the following academic organisations;

- Scottish Institute for Policing Research (SIPR)
- University of the West of Scotland (UWS)

Focused Academic Engagement - Thanks to Professor Denise Martin, Abertay University who contributed to an initial literature search and review.

Thanks to Fiaz Khan (CEMVO), Khadija Mohammed (UWS), Dr Steve O'Rawe (SPS) and Professor Denise Martin, who conducted and analysed the cross-justice pilot focus groups.

Annex B: Terms of Reference

Role and purpose of the Group

The aim of this Group is to:

‘provide a strategic and cohesive approach to tackling barriers to employment across the justice system and to support cross system learning. The group will also ensure there is a comprehensive picture of the current activity to address recruitment, retention and promotion across the sector’

To do this, the Group will work with Justice partners, representatives from minority ethnic groups and individuals to:

- conduct a baseline audit of past and current initiatives and their effectiveness;
- identify the barriers to employment and the experiences of employees working in the Justice system;
- determine what support networks are in place for employees across the Justice system, and identify any gaps;
- establish a clear mechanism for sharing good practice across the sector and an approach to enable peer challenge;
- determine clearly defined measures of systemic racism in the workforce;
- establish a process to monitor the implementation of equality strategies, with a clear link made between outcomes, action and impact;
- ensure that action plans are developed, with a focus on continued improvement, for employment at all levels of seniority in relation to minority ethnic groups;
- establish that fair work practices are in place across the Justice system and identify any gaps;
- put in place effective and sustained systems to record the ethnicity of the workforce and analyse workforce data and surveys to show the variation in experience of employment by ethnic group, and;
- develop a process to monitor the completeness of the data and to report regularly on any gaps in relation to Justice workforce issues for minority ethnic staff.

Term of the Group

There is a need to make a real difference – and at pace. Therefore, the Group will function as a short-life working group with the proposed life-span of 6-months.

This Terms of Reference is effective from October 2020 and continues until March 2021 or will continue until terminated by agreement between the members of the Group.

The inaugural meeting of the Group will be held in early October. The meetings will be monthly thereafter, as follows:

- **02.12.20** – 1300 - 1500
- **16.12.20** – 1000 - 1200
- **25.01.21** – 1300 - 1500
- **01.03.21** – 1300 - 1500
- **29.03.21** – 1300 - 1500

The Group will provide progress reports to the Cabinet Secretary for Justice and the Justice Board on a monthly basis.

The intention of the Group is to publish a report, with findings and recommendations by March 2021, which will detail any ongoing work.

The membership of the Group will commit to:

- attending all scheduled Group meetings where possible, and nominating a representative in their absence, and;
- making timely decisions and taking action as necessary.

Members of the advisory group will expect:

- that the Group may commission tasks from its members or potentially establish sub-groups to bring together the deliverables needed;
- that each member will be provided with complete, accurate and meaningful information in a timely manner;
- to be given reasonable time to make key decisions;
- to be alerted to potential risks and issues that could impact the work, as they arise, and;
- open and honest discussions.

Annex C: Overview of the Justice Sector Organisations

Police Scotland

Police Scotland's purpose is to improve the safety and wellbeing of people, places and communities in Scotland, focusing on Keeping People Safe in line with our values of Integrity, Fairness and Respect.

The Fairer Scotland Duty (Part 1 of the Equality Act 2010) requires Police Scotland to actively consider how to reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. Human Rights is at the heart of our decision. The Service incorporate Human Rights into our Equality Impact Assessment. The Service works to ensure that its values and Code of Ethics are understood by all officer and staff and they are at the heart of every decision made as individuals and as a service. In addition the Code of Ethics is a set of guiding principles that define how Police Scotland perform its duties. Encompassing the values of the service and its commitment to human rights, the code is designed as a guide to help officers and staff provide positive outcomes in line with the policing purpose.

The Service is led by Chief Constable Iain Livingstone QPM, supported by a command team of three Deputy Chief Constables, a Deputy Chief Officer, Assistant Chief Constables and Directors.

There are 13 local policing divisions, each headed by a Chief Superintendent who ensures that local policing in each area is responsive, accountable and tailored to meet local needs. Each division encompasses response officers, community officers, local crime investigation, public protection and local intelligence.

Scottish Police Authority

The Police and Fire Reform (Scotland) Act 2012 created the Scottish Police Authority (SPA) and set out its five core functions:

- to maintain the Police Service;
- to promote the policing principles set out in the 2012 Act;
- to promote and support continuous improvement in the policing of Scotland;
- to keep under review the policing of Scotland; and
- to hold the Chief Constable to account for the policing of Scotland.

These five functions demonstrate the dual, integrated responsibilities of the SPA: its oversight role in scrutinising policing in Scotland and holding the Chief Constable to

account; and its supportive role in maintaining and improving the police service. The SPA is also responsible for the management and delivery of Forensic Services in Scotland.

The Authority aims to increase public trust and confidence in the policing of Scotland in the way it carries out its functions and through the quality of its governance arrangements.

Crown Office and Procurator Fiscal Service

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service. We receive reports about crimes from the police and other reporting agencies and then decide what action to take, including whether to prosecute someone. We also look into deaths that need further explanation and investigate allegations of criminal conduct against police officers.

COPFS plays a pivotal part in the justice system, working with others to make Scotland safe from crime, disorder and danger. The public interest is at the heart of all we do as independent prosecutors. We take into account the diverse needs of victims, witnesses, communities and the rights of those accused of crime. We support the Strategy for Justice in Scotland and, in particular, its priorities of:

- Reducing crime, particularly violent and serious organised crime
- Tackling hate crime and sectarianism
- Supporting victims and witnesses
- Increasing public confidence and reducing fear of crime

Our values are:

- Being professional
- Showing respect

Our aim is to meet the Law Officers' strategic priority of achieving operational effectiveness in all cases.

The main roles and responsibilities of COPFS are to:

- investigate, prosecute and disrupt crime, including seizing the proceeds of crime
- establish the cause of sudden, unexplained or suspicious deaths
- investigate allegations of criminal conduct against police officers.

Our Key Objectives are:

- to secure the confidence of our diverse communities by improving the delivery of justice through the timely, efficient and effective prosecution of crime;

- to give priority to the prosecution of serious crime, including drugs trafficking and persistent offenders;
- to provide services that meet the information needs of victims, witnesses and next-of-kin, in co-operation with other agencies;
- to ensure that all deaths reported to the Procurator Fiscal are investigated appropriately and speedily.

Scottish Court and Tribunal Service

The Scottish Courts and Tribunals Service (SCTS) is an independent body corporate established by the Judiciary and Courts (Scotland) Act 2008.

Its function is to provide administrative support to Scottish courts and tribunals and to the judiciary of courts, including the High Court of Justiciary, Court of Session, sheriff courts and justice of the peace courts, and to the Office of the Public Guardian and Accountant of Court.

Scottish Prison Service

The Scottish Prison Service (SPS) is an Executive Agency of the Scottish Government and was first established in April 1993. Our Framework Document sets out the policy and resources framework set by Scottish Ministers within which the SPS operates. As an Executive Agency, the SPS is funded by the Scottish Government.

The SPS is responsible for those who are committed to its care by the Courts and is accountable to the Scottish Parliament for the delivery of custodial care in accord with The Prisons and Young Offenders Institutions (Scotland) Rules 2011.

Scottish Legal Aid Board

Our mission is to fund and deliver services that enable people to enforce and protect their rights, defend themselves and manage their personal affairs and relationships.

By fulfilling our mission and strategic objectives, both we and legal aid will better contribute to the achievement of Scottish Government aims, an efficient justice system and improved outcomes for those who need services supported by legal aid.

Law Society of Scotland

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors and was established in 1949. We have an overarching objective of leading legal excellence, and strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. As part of our regulatory duties, we set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's legal profession.

The Law Society also has a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective legal profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through active engagement with the Scottish and United Kingdom governments, parliaments, wider stakeholders and our membership.

Faculty of Advocates

The Faculty of Advocates ensures that the people of Scotland, regardless of wealth, background or location, have access to the very best independent, objective legal advice. The Faculty has been at the forefront of legal excellence since 1532 and regulates the training and professional practice, conduct and discipline of advocates.

As well as ensuring excellence in the specialist field of courtcraft, the Faculty is constantly evolving and is at the forefront of innovations in alternative dispute resolution methods such as arbitration and mediation.

Members of the Faculty have access to the country's finest legal resource - the [Advocates' Library](#) and the Faculty provides a collegiate atmosphere which allows advocates to exchange views in a way that gives them a unique insight into the law and helps ensure that they are always at the leading edge of analysis.

Community Justice Scotland

Community Justice Scotland works to change the conversation about justice. We believe that smart justice based on the best evidence of what works will prevent offending, repair lives and improve communities. We want Scotland to be the safest country in the world.

Community justice focuses on [reducing offending and further offending](#) by addressing the needs of people affected by the justice system. It is founded on the

belief that most crime is preventable, and that it can be managed in a positive way, which benefits communities and allows them to move on from harm caused.

Community justice requires local and national agencies to work together in partnership with communities to ensure the right services and interventions are available in the right places, and at the right time. Approaches must be effective, efficient and equitable, while maintaining safety and minimising risk.

Scottish Fire and Rescue Service

We are the world's fourth largest fire and rescue service, committed to ensuring the safety and wellbeing of the people of Scotland.

We are a national organisation delivering our front-line services locally from three strategically positioned hubs based in the North, West and East of the country.

You may think that our role is pretty straightforward – to prevent and control fires but, we do so much more than that.

We respond to many different emergency incidents including road traffic collisions, rope rescue, water rescue, hazardous materials and flooding as well as assisting our partner agencies to keep our communities safe.

The best way to deal with an emergency is to prevent it from happening in the first place, and our role starts long before any 999 call is made. We work in closely with our key partners right across Scotland to deliver crucial fire safety messages and create safer communities for our people.

As part of our prevention programme, we offer everyone in Scotland a free home fire safety visit. We also fit smoke alarms free of charge if your home requires them.

When emergencies do occur, our staff are ready and equipped to respond to many different types of incidents within our communities.

Our high service standards have demanded an ever increasing commitment to development and our firefighters continue to be amongst the best equipped and most highly trained in the world.

Our aspiration is that by working together for a safer Scotland, we can help reduce the incidence of fire and continue to play a key role in ensuring the safety and wellbeing of the people of Scotland.

Annex D: Justice Sector Equality Strategies

Organisation	Strategy	Publication
Scottish Government	Scotland's Equality Evidence Strategy 2017-2021	Scotland's Equality Evidence Strategy 2017-2021 (www.gov.scot)
Police Scotland	Equality Mainstreaming and Outcomes progress report 2019 – 2021 Joint Equality Outcomes for Policing 2021. Police Scotland People Strategy	Equality and Diversity - Police Scotland https://www.scotland.police.uk/spa-media/dfrlxtn3/people-strategy-2018-2021.pdf
Scottish Prison Service	Scottish Prison Service Equality Outcomes 2020 - 2022	www.sps.gov.uk
Crown Office and Procurator Fiscal Service	Mainstreaming Equality Update Report 2019 COPFS Equality Outcomes FOR 2017 - 2021	Equality and Diversity (copfs.gov.uk)
Scottish Courts and Tribunals Service	Scottish Courts and Tribunals Service Mainstreaming Equality Report 2021 (Including Progress Report on Equality Outcomes)	http://www.scotcourts.gov.uk/docs/default-source/aboutscs/reports-and-data/reports-data/mainstreaming-equality-report-2021.pdf?sfvrsn=2
Faculty of Advocates	Equality and Diversity Code	Microsoft Word - Equality and Diversity Code Jan 2011.doc (advocates.org.uk)
Scottish Legal Aid Board	Equalities Mainstreaming and Equality Outcomes Progress Report 2020 Equalities Outcomes Plan 2021-23	Equalities-Mainstreaming-and-Equality-Outcomes-Progress-Report-Oct-2020-FINAL.pdf (slab.org.uk) www.slab.org.uk/app/uploads/2021/03/Equality-Outcomes-Plan-2021-23.pdf

Organisation	Strategy	Publication
Law Society of Scotland	Leading Legal Excellence Interim Strategy 2020-2022	https://www.lawscot.org.uk/research-and-policy/equality-and-diversity/building-a-more-inclusive-profession/
Scottish Fire and Rescue Service	Mainstreaming and Equality Outcomes Report 2021	www.firescotland.gov.uk/media/2279998/mainstreaming-equality-outcomes-report-2021_v1.pdf
SEMPER Scotland	SEMPER Scotland Strategy	www.semperscotland.org.uk/wp-content/uploads/2016/08/Semper-Brand-Strategy-Document.pdf

Annex E: Past and current initiatives undertaken within the Justice Sector

Police Scotland

Police Scotland has developed an Equality, Diversity and Inclusion (Employment) Framework which is based on engagement sessions with key stakeholders including representatives from People and Development (P&D), diversity staff associations and the Scottish Police Authority (SPA).

The Framework aligns to the PSoS People Strategy – Empower, Enable and Develop Our People (2018-2021) which has EDI employment considerations mainstreamed into the Strategy and the supporting delivery plans.

The Framework sets out how the organisation should deliver its business and the parameters within which decisions can be made. Fundamentally it sets out the organisational commitment towards an inclusive culture that attracts, develops and retains a diverse and representative workforce.

The employment focused Joint Equality Outcomes for Policing (5-8) were developed to align with and support the delivery of the EDI Employment Framework.

The Framework was approved by Police Scotland’s Strategic Leadership Board in December 2020 and progressed through the SPA People Committee in May 2021.

The delivery of this framework is being supported by work that is ongoing to mainstream relevant actions into all levels of Police Scotland’s planning activity including the Annual Policing Plan, DCC/DCO Delivery Plans, Divisional/Departmental Annual Delivery Plans, Local People Plans and Diversity Action Plans, which are being developed.

The Diversity Action Plans are being developed through ‘Talk Truth to Power’ sessions with diversity staff associations. In these sessions attendees are invited to openly discuss their personal experiences in a safe space and to express what action they feel could support the organisation in creating a more inclusive culture. The approach is to listen first and act second; to understand the experiences of people who are facing barriers in the organisation and to develop plans setting out specific actions Police Scotland will take to address concerns and deliver its’ inclusion agenda.

In addition, Police Scotland have many on-going initiatives and activities to further support the recruitment, retention and development of a diverse and representative workforce:

The Positive Action Team (PAT) form part of Police Scotland’s People and Development, Recruitment Department where it plays a key role in attracting under-represented groups to join the police service. The PAT’s original remit was

exclusively to promote the organisation to those from an ethnic minority background; however the team now support recruitment across other protected characteristics. One of a number of events held by the PAT is the flagship race diversity event; the 'Introduction to Policing Programme.' It is designed to support members of minority ethnic communities learn more about policing through awareness events and on-going support through the recruitment process.

Furthermore work is on-going to undertake a full review of the Standard Entrance Test (SET) with a view to reducing any adverse impact on minority ethnic candidates, particularly those for whom English is not their first language. The review is being led by an external provider who are leaders in educational and occupational assessments. The revised SET is currently in the testing phase.

A number of training and development programmes are being designed and piloted by Police Scotland. One such programme is the RISE Programme (Raise, Improve, Support and Empower). It was designed by Leadership, Training and Development (LTD) to support 15 BME females from various ranks and roles across policing. The programme included Clarity 4D assessments for all participants, support and coaching from leadership and talent specialists and bespoke CPD sessions. The programme pilot concluded on 31 March 2021 and it is being formally evaluated with a view to further role out.

Senior Leadership Programmes are also being developed, 'Your Leadership Matters' launched on the 12 April 2021 for superintendent and staff equivalent roles across Police Scotland and SPA. EDI is a key theme throughout the 3-month programme. The programme recently concluded and will be evaluated with a view to providing similar programmes in future.

Scottish Fire and Rescue Service

Scottish Fire and Rescue Service (SFRS) aspires to have a workforce which is representative of the people and communities of Scotland that we serve and this is reflected in the Fire & Rescue Framework for Scotland 2016 and SFRS Strategic Plan 2019-22.

Underpinning this strategic corporate commitment is the SFRS Balancing the Workforce Strategy and Action Plan.

The Balancing the Workforce Action Plan outlines the benefits of diversifying the workforce and details the priorities and actions the Service is currently taking to address the underrepresentation of minority groups and women in the workforce. Actions being implemented include targeted campaigning and open days tailored to specific community groups including ethnic minority communities.

SFRS's Equality and Diversity Charter sets out the strategic direction for mainstreaming equality, including race equality into governance and culture, service provision and employment practice.

SFRS works closely with its partner organisation the Asian Fire Service Association to raise awareness of issues specific to ethnic minority communities including intersectionality between race and other characteristics such as sexual orientation and mental health. Our senior leadership Equality Champions for Race complement our education and engagement activities by providing visible senior management commitment to our equality priorities.

SFRS shares the Scottish Government's ambitions for an inclusive economy and equality of employment opportunity for all. This Strategy supports the Scottish Government's National Performance Framework and National Outcomes.

Scottish Prison Service

We have continued our commitment to equality and diversity through activities being taken forward under the Public Sector Equality Duties, seeking to tackle and eliminate all forms of discrimination against SPS' staff and those in custody, including multiple and intersectional discrimination and racial discrimination against people of colour. We have published our commitment through both our Equality Outcomes, and through the development of our 2020 – 2023 Diversity Action Plan, which forms the framework for all our diversity activities.

Our Corporate Plan took forward our commitment to Equality and Human Rights stating *“Underpinning everything that we do, is our commitment to fulfilling and, where possible, going beyond our obligations under Equality and Human Rights legislation, both as an employer and as a public sector service provider. We place the needs and rights of those who work for us, those in our care and their victims at the centre of our policies and practices. In doing so we aim to create an inclusive environment which, through accessible communication, empowers individuals to participate in and shape the decisions which affect them”*.

We continue to take opportunities to challenge recruitment and selection bias, and have taken steps, including the removal of minimal qualification requirements where unnecessary, to reduce potential barriers to recruitment. In 2021 we introduced external recruitment routes to our middle operational management roles, and a review of the associated activities within this campaign will be undertaken to ensure the selection processes used, as far as possible, removed any barriers to attracting and recruiting a diverse workforce.

All new and revised SPS policies continue to be subject to an Equality and Human Rights Impact Assessment (EHRIA) prior to implementation, ensuring we meet the statutory duties imposed under the Equality Act 2010, by assessing if any new or

revised policy may have a differential impact on a particular protected characteristic in relation to equality, diversity and human rights.

Employees leaving SPS are offered the opportunity to participate in the organisational exit interview process, providing us with feedback on the employee experience of working for SPS, enabling the organisation to build their understanding of the lived experiences of employees.

We continue to support the mental wellbeing of our employees, and we have published our employee Health and Well-being plan, encompassing a wide range of actions to support positive mental health, improve wellbeing and tackle stigma associated with mental health. A key deliverable under our plan was the creation of a new employee Attendance Management policy, and this was launched in April 2021.

We have committed to increasing the completion rates of employees providing their diversity monitoring information, and we will explore the ability to export candidate information from our electronic system (ATS) into our HR system (e-HR) as part of the HR Digital Transformation work.

To assist our understanding of the barriers to entry and progression for specific groups within society, we have encouraged our staff to participate in the research being undertaken by the Cross Justice Working Group, and feedback from that research will inform the diversity actions we will take forward.

Crown and Procurator Fiscal Service

COPFS created the Equality Ambassador role in 2012 which has now grown to over 50 ambassadors. COPFS equality ambassadors are volunteers from across our workforce who represent the protected characteristics within the Equality Act (2010) Ambassadors are a source of support for our employees. They are also responsible for engaging with external groups across the country, providing our employees with guidance when dealing with victims and witnesses, raising awareness and providing expert advice on issues relating to cases involving those who have a protected characteristic. They also are part of our two-way mentoring programme, which matches up staff with leaders in COPFS.

There are six Equality Ambassadors for race, including ambassadors with a specific interest in race and how it intersects with other protected characteristics, including dyslexia, gender and LGBT issues.

Two-way Mentoring Programme

Each of the COPFS ambassadors has been provided with the opportunity to engage in a two-way mentoring programme, commenced in 2018, whereby they are partnered with a senior member of staff. This programme was developed to increase senior staff awareness of protected characteristics whilst the ambassadors receive senior staff mentoring for their future development. We have formally captured feedback on the programme with 100% of the participants stating that the programme is worthwhile and thought provoking and that their knowledge of equality matters had increased as a result of participation. Each participant also stated they would recommend the programme to another colleague. Plans are in place to further roll out this programme to a wider pool of senior managers.

The ambassadors have also created an internal video that explains the two-way mentoring programme.

COPFS has been a member since 2012 and in 2014 won awards for Representative Workforce, Inclusive Communications, Inclusive Recruitment and the Equalities and Inclusion Champion of the Year Award for our staff member who set up our Proud in COPFS Staff Network. In 2020 COPFS completed their TIDE (Talent Inclusion & Diversity Evaluation) benchmarking questionnaire and achieved a Bronze award.

The TIDE mark allows an organisation to measure progress in equality, diversity, and inclusion both year on year and in comparison, with their peers. We were 2nd ranked within the legal sector. Plans are already in progress to complete the TIDE mark in 2021 so that we assess how we have performed during a year where the majority of our staff have worked from home.

To quote from the enei TIDE mark:

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

Law Society of Scotland

Past (and ongoing) initiatives

- We have supported the Scottish Ethnic Minority Lawyers' Association since before it formally came into being (i.e. we met with one of the founders prior to launch). We have hosted their events, promote their events, suggest speakers for events, and our staff team and office-bearers routinely speak at events.

- We have supported Fair Justice System For Scotland for a number of years and staff and office-bearers have spoken at their events which we also promote to our membership.
- We have represented individuals and groups of members when it comes to matters of equality within the justice sector. This includes Baptised Sikh members not being able to enter certain premises with a Kirpan. We worked with stakeholders to find a positive way forward.
- We have held a focus group (and also ingathered some evidence from people who were keen to attend but could not do so in person) with law students, trainees and newly qualified solicitors from a BAME background to learn about their experiences of the route to qualification. An [article about this work is here \(a follow-up building on this by one of our members, Rupa Mooker of MacRoberts, was published yesterday\)](#).
- Since the publication of our last major census of the profession '*Profile of the Profession*' in late 2018 we have met with nearly 1,000 solicitors by offering CPD and direct meetings about equality always including a focus on race.
- In 2019/20, we worked closely with the Scottish Government as they hosted three roundtables of members on areas of diversity in the legal profession. Each meeting was chaired by Ash Denham MSP, the Minister for Community Safety. The first related to gender & sexual orientation and the last one on widening access. The middle roundtable, however, focused on ethnicity, race and religion.
- We have recently built in unconscious bias training to the Practice Management Course – the mandatory course that all new partners must undertake. This will continue going forward.
- We have a commercial tie-up with [Rare Recruitment](#). This is a software system that contextualises recruitment processes for traineeships. More information can [be found here](#). A small number of firms took part last year via our tie-up – this gets them access to Rare's software for a much cheaper price than they would otherwise get. We know that via our tie-up or separately over 20% of traineeships in Scotland use this software.
- Rare contextualises the achievement of all candidates. It is quite clear though from feedback from participating firms that this leads to a greater diversity of applicant, interviewee, and successful candidates. This will benefit future trainees from BAME backgrounds and, also, white future trainees from less advantaged backgrounds.

- We operate an inclusion calendar highlighting important festivals, events and celebrations. This has included video campaigns for Eid, Diwali, and Bandi Chhor Divas; a series of blogs for Black History Month, Rosh Hashanah, and Chinese New Year. We also held an Eid lunch earlier in 2021.

Current

- We run a role models campaign called "One profession, many journeys". These cover people from various backgrounds including one LGBTQ+ solicitor; one care-experienced trainee; a Sikh solicitor; a disabled solicitor; and a solicitor who has become a partner at a large firm having been the first in her family to go to university. We intend to add to this in early course.
- Our wider Careers & Outreach work necessarily covers a wider remit than simply careers advice. Many of the schools we work with via our Street Law (which is Scotland's largest public legal education programme) have higher than average populations of BAME pupils.
- In 2020, we hosted a "Celebrating Inclusion" law fair. This brought together students from all of Scotland's LLB providers and many law firms. We also ensured that all of the major organisations with an interest in equality (e.g SEMLA, Women in Law Scotland, the Glass Network etc) had time to speak to the law students.
- The LawScot Foundation is a charity we established which gives grants, and provides mentors, for students from disadvantaged backgrounds. We are working with small numbers at this stage (25 total grants) but over 20% of those who have received monies from the Foundation are from a BAME background.
- Last year we collated diversity data for the first time at practising certificate renewal. The biggest change we will make this year is at PC renewal September through October. This is the process where members renew their practising certificate. We now know that at least 3.38% of our membership are from a BAME background and for solicitors under the age of 30 this is 6.9%. This information is available on our website and may well be useful to many in the sector as a benchmarking tool.
- We have recently met with Black Professionals Scotland and hope to host an event with them in early course.
- To better understand the experience of our BAME members we have established a Racial Inclusion Group. They are undertaking a literature review, discussions with members and future members, and speaking to justice sector stakeholders. The group will report its findings later in the year.

Scottish Courts and Tribunal Service

SCTS has an Equalities Outcomes Action Plan 2019 – 2023 which currently includes the following equality outcomes:

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

- promoting the value of submitting and collecting appropriate equality monitoring data;
- introducing Inclusion Ambassadors with specialist knowledge of the protected characteristics;
- supporting and developing the function of the SCTS Staff Equality Engagement Network (SEEN);
- offering awareness sessions for members of our staff and introducing bespoke e-learning;
- introducing a Reverse Mentoring scheme.

We will improve the accessibility of our services by:

- creating a bespoke page on our website that deals entirely with accessibility information and guidance;
- scoping the use of online interpreting and support services at public counters to facilitate ad hoc general enquiries, payment of financial penalties etc
- 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;
- implementing recommendations from the Enabling Jury Service Report
- 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.

We will improve accessibility to our employment by:

- 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;
- introducing the SCTS Recruitment and Resourcing Strategy with a particular focus on developing SCTS as a socially inclusive employer;
- improving accessibility to the recruitment section of our website;
- introducing an inclusive work placement scheme in order to assist people to gain work experience; and in preparation for same to raise associated.

Scottish Legal Aid Board

SLAB's current equality outcomes for 2021-23 include:

1. People with disabilities and people who speak languages other than English can access our services and funding of appropriate communication support with ease
2. SLAB gathers and uses equality data to inform our policies and improve our services
3. SLAB employees maintain good mental and physical health during the covid-19 pandemic and recovery phase.

Within our Equality Outcomes Plan 2021-23 SLAB stated the following in relation to Race Equality: In November 2020 the Scottish Parliament's Equalities and Human Rights Committee published a report on its Race Equality, Employment and Skills inquiry. Although the timing of the inquiry report and SLAB's strategic planning has not aligned, SLAB is able to commit to three actions that we believe will help us to set more concrete outcomes in 2023. The actions we will take include:

- We will review our recruitment procedures and practice using the Scottish Government's recruitment toolkit designed to support employers to better recruit more people from minority ethnic backgrounds and make the necessary changes.
- We have already committed to a review of our people related policies and our recruitment policy has been identified as a priority. We will use the Scottish Government's toolkit to inform this review. Priority policies will be reviewed over an initial two year period and by early 2023.
- Our review of our people related policies and setting of measures to better understand the equality impact of those policies will inform future action and outcomes to achieve race equality.
- This work will lead to improved measurement of the impact of our policies that we will use to inform future employee equality outcomes. We will deliver this through our equality impact assessment process which includes race equality. As noted above, priority policies will be reviewed over an initial two year period and by early 2023.
- We will voluntarily record and publish our ethnicity pay gap and produce an action plan to deliver identified outcomes.
- We currently monitor our ethnicity pay gap and will publish this with our next equality outcomes report in April 2023. Alongside this we will identify outcomes we can take as appropriate.
- As well as being involved in the Cross Justice Working Group on Race and Workforce, SLAB is also involved in the Cross Justice System Working Group on Race Data and Evidence which aims to improve data collection and the

analysis of this data in understanding the experience of different ethnic groups within the Justice system.

Community Justice Scotland

CJS is currently running three projects; Diversity and Inclusion, EQHRIA and Performance Management, all of these projects aim to increase CJS awareness, understanding and deliver on changes to encourage a more diverse and inclusive organisation.

Background: CJS workforce could be more diverse, as an organisation we need to work to understand the reasons behind this and identify what else we should be doing across all aspects of the business. CJS is a very small organisation with less than 40 employees, we have been steadily growing since being established in 2017. CJS is committed to being representative of the community we serve and while we are representative across other protected characteristics, we are not where we would like to be in terms of race diversity. The projects will enable CJS to understand the reasons behind this and identify what we can do better, we would like to identify what the barrier are and make changes to remove these.

Our Diversity and Inclusion Project aims are:

1. The D&I Project would seek to understand what are the current barriers for D&I within CJS processes, particularly focused on; Recruitment; attracting candidates from minority ethnic backgrounds to apply for posts, application and interview, selection phases.
2. Identify internally what CJS could do more of to be more inclusive and encourage diversity; Particularly; internal support mechanisms, reviewing of internal policies and procedures and aligning these with our D&I policy and People Strategy, identify possibilities for D&I groups/networks who promote diversity across the organisation to grow awareness, to identify gaps and where relevant make recommendations for improvement.
3. Create a CJS D&I pledge.

Deliverables:

1. Recommendations paper for recruitment and selection processes.
2. Recommendations paper for internal networks and support mechanisms.
3. A D&I pledge, with smart objectives.

The above project will have crossovers with establishing a new EQHRIA process, and developing a new way to manage performance internally. CJS hopes to deliver on all three projects 2021 – 2022.

Annex F: Literature Review

Name and Year of Publication	Type of Publication	Overview	Key Findings
Maier Barcroft, K., 2014. Diversity management and the political economy of policing (Doctoral dissertation, University of Stirling).	PhD Thesis	This thesis explores police diversity training in the context of broader political and policy changes in the policing field in the Scottish context.	Shifts identified in the delivery and embeddedness of diversity training in police training, and how it has changed to consider the emotional ecology of policing as defined by the occupational culture and how this is defined by the broader changes in the political field. Recognises the changes in broader organisational values but the continued challenges and demands of policing.
Police Scotland Equality and Diversity 2021 Mainstreaming and Equality Outcomes Progress Report	Official Report		Outlines key progression made in relation to Equality outcomes and demonstrates an increasingly diverse workforce and outlines initiatives being taken to encourage recruitment and progression.
Bury, J., Pullerits, M., Edwards, S., Davies, C. and DeMarco, J., 2018. Enhancing diversity in policing. Report prepared by NatCen Social Research for the National Police Chiefs Council and the Police Transformation Fund. Report	Commissioned Research Report NPCC	Based on a Landscape review, Rapid Evidence Review and Empirical Research	While progress has been made this report identified continued barriers in recruitment, retention, promotion, and progression in relation to diversity. Also stated one major issue was a lack of evaluation on these initiatives. Makes recommendations about embedding equality and diversity into the service, outlines practical measures that can be taken and the requirement for strong leadership to ensure changes occur.

Name and Year of Publication	Type of Publication	Overview	Key Findings
<p>Rowe, M., and Ross, J.I., 2015. Comparing the recruitment of ethnic and racial minorities in police departments in England and Wales with the USA. <i>Policing: A Journal of Policy and Practice</i>, 9(1), pp.26-35.</p>	<p>Academic Article</p>	<p>Comparative policy analysis</p>	<p>This article explores police attempts to recruit minority ethnic groups in the US and in England and Wales and finds that despite progress, targets in the UK were missed. Furthermore, it suggests that while progress has been made other factors that impact on recruitment need to be considered to make further progress such as the police as an attractive career</p>
<p>Zempi, I., 2020. 'Looking back, i wouldn't join up again': the lived experiences of police officers as victims of bias and prejudice perpetrated by fellow staff within an English police force. <i>Police practice and research</i>, 21(1), pp.33-48.</p> <p>Linked Reference Zempi, I., 2021. Nottinghamshire police: experiences of Black, Asian and Minority Ethnic (BAME) police officers as victims of hate crimes/incidents (externally) and of bias and prejudice (internally).</p>	<p>Academic Article/Original Research</p>	<p>A small Qualitative Study in one police force</p>	<p>This research in conjunction with Nottingham Police (see linked reference) this discussed BAME officers experiences of both external and internal prejudice. There was some evidence of positive experiences of some BAME officers but other reported experience of prejudice and discrimination and barriers to retention, progression and promotion were also made, the reports made a series of recommendations also.</p>

Name and Year of Publication	Type of Publication	Overview	Key Findings
Wankhade, P. and Patnaik, S., 2020. Collaboration and Governance in the Emergency Services. Springer International Publishing.	Book	Mostly literature based	This discusses aspects of diversity and culture and explores all the blue light services including fire, police, and ambulance services.
Andrews, R. and Ashworth, R., 2018. Feeling the heat? Management reform and workforce diversity in the English fire service. In Fire and Rescue Services (pp. 145-158). Springer, Cham.	Book Chapter	Review of literature and quantitative analysis of existing performance data	This article used existing data to assess the extent to which diversity had improved in the Fire Service using quantitative multi-variate analysis. The conclusion was that while increased representation or particular groups had occurred this tended to be at entry levels, with gaps continuing in higher levels of the organisation. Existing organisational cultures perceived as a barrier to progression for BAME groups.
Hasan, M., 2021. Racist bullying of BAME (Black and Asian Minority Ethnic) women within police services in England: Race, gender, and police culture. International Journal of Police Science & Management, 23(2), pp.182-195.	Article	Qualitative Research	Explores the issues of intersectionality but specifically the experience of BAME women in the English Police Service, it provides accounts of negative organisational experiences including around promotion and progression.

Annex G: Wider public sector work

Scottish Government

Through our [Race Equality Framework for Scotland](#) (REF) we aim to create a fair and equal nation, tackling institutional and systemic racism to ensure we improve outcomes for our minority communities, including our Muslim communities. As part of the commitment to continued implementation of the REF, we will soon publish an Immediate Priorities Plan for race equality, setting out the actions being taken by the Scottish Government on race equality for the 18-month period from July 2021 to December 2022. This plan also aims to fully implement [the data and systemic recommendations of the Expert Reference Group for COVID-19 and Ethnicity](#), as agreed to by the Scottish Government in November 2020.

A key priority for the Scottish Government is to initiate, run and complete development of a long-term, multi-year anti-racist plan to implement the Race Equality Framework over the years following the conclusion of the Immediate Priorities Plan. We are currently working to develop a deeper understanding of how systemic racism creates racial inequality, to inform longer-term systemic change.

Creating more diverse and inclusive workplaces is a key theme in the Fair Work Action Plan. Fair Work applies to all groups of society and aims to ensure those with protected characteristics can access and progress in work and enjoy the benefits from working, as others do. Our Fair Work First approach asks employers to commit to fair work criteria, including action to tackle the gender pay gap and create more diverse and inclusive workplaces.

We published a Minority Ethnic Recruitment toolkit at the end of September 2020. The toolkit draws on effective practice identified and aims to support employers to improve the recruitment of minority ethnic people. The toolkit refers to diverse recruitment panels and name blind sifting of applications as some of the approaches that employers can take. An evaluation of the toolkit will be conducted later this year.

Recently in March we held the Public Sector Leadership Summit on Race Equality in Employment in response to the Equalities and Human Rights Committee report: Race Equality, Employment and Skills: Making Progress? The Summit unveiled a joint commitment which pledges the Scottish Government and public sector leaders to take action to tackle racial inequality in the workplace. As part of our post-Summit work we are engaging with key sectors to discuss organisations' progress against the joint commitment as well as recruitment and retention practices, and the gathering and application of ethnicity workforce data. This work will take an intersectional approach and help organisations identify and tackle compounded barriers on account of ethnicity and other protected characteristics, including religion.

The John Smith Centre

A new [development programme](#) aimed to remove barriers that can be faced by minority ethnic people moving into leadership positions in society will be delivered by the John Smith Centre.

Up to 50 people will benefit from a nine-month professional and personal development programme backed by mentoring, and living wage placements across the public, third and private sectors.

The programme will focus on young people, and will be delivered by the John Smith Centre, backed up by £470,000 of Scottish Government funding. The programme will focus on developing the professional and personal skills of participants, including negotiating and communication.



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