

WITNESS STATEMENT

MS COLLETTE [REDACTED] PATERSON

Date of birth: [REDACTED]/1981

Scottish Prosecution College
Crown Office and Procurator Fiscal Service
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Your role

- 1. What is your current role in COPFS, and if applicable, your role during the post incident management and investigation into the death of Mr Sheku Bayoh (“the Investigation”)? How long have you been in your current role? What are your duties and responsibilities in this position?**

I am the Director of the Scottish Prosecution College. I am a non-practising Scottish solicitor retained on the roll and career legal educationalist. I am not a criminal lawyer and have never been a prosecutor. I joined COPFS on 23.08.21 and I have been in my role for 32 months. My grade is Band H. I report to the Director of Support Services who is responsible for the Scottish Prosecution College, whose grade is SCS1. They report to the Head of Business Services, whose grade is SCS 1A. They report to the Deputy Crown Agent Operational Support, whose grade is SCS 2. They report to the Crown Agent.

My role is new and I am the first post-holder. I was appointed with duties and responsibilities in two main areas which are (a) to reform and transform all aspects of the strategy, policy and operations regarding the education and learning for all COPFS people and (b) to oversee and uphold the business as usual ('BAU') education and learning provision by the Scottish Prosecution College during reform/transformation.

The College's remit (b) focuses on core learning topics within COPFS which topics are driven by a variety of factors, and in doing so in 2023 delivered 220 face to face training days as well as 15 e-learning programmes. Separately to this and not within the remit of the College is:

- substantial amounts of devolved training delivered by COPFS functions/in-role, tailored to the operational needs of the functions.

- substantial amounts of policy, rules, guidance, knowledge management and learning and development products, produced by the COPFS Policy and Engagement Unit.

In respect of College responsibilities (a) and (b), whilst I inherited some areas of good practice in training delivery by the College a main priority was to establish strategic alignment of high-quality education and learning with COPFS corporate drivers. Therefore, due to its scale, this is a significant, multi-faceted transformation programme spanning a number of years. The transformation programme was scoped and commenced by FY 22/23. As part of this I manage a corporate level risk for COPFS which is *'Insufficiently skilled or experienced COPFS people available to meet current public expectations, and to strengthen our capacity to change and improve services'*. Together with the HR function the College will also launch the new COPFS People Strategy 2024-2027 soon. To ensure we have the right conditions to achieve (a) and (b) above, the College headcount was increased by 68% between late 2022 and late 2023. Our progress to date has been proportionate to resource and we anticipate 2024-2027 to involve proportionately greater progress and ongoing scaling up of training provision and enhancement work.

My Senior Leadership Team ('SLT') and I are core advisors in our respective specialisms, and I am the main advisor, to the Scottish Prosecution College Steering Committee. The Deputy Crown Agent Operational Support is the Chair of the Committee which is comprised of functional representatives from across COPFS, the HR Director whose grade is SCS 1 and both FDA and PCS Union representatives. The Committee was established in April 2022 to support more effective learning needs analysis and College responses, transformation, and also better links with other activities across COPFS. In line with [COPFS Equality Outcomes for 2021-2025](#) and the COPFS corporate plan and its supporting strategies, section 2 of the College Governance Framework (April 2022) states:

'Through prosecutorial education and learning, the College's purpose is to support... the following in modern Scotland: a) the highest standards of independent prosecution and death investigation, and performance and pride in ensuring Scotland is safe from crime, disorder and danger; b) the highest level of social awareness of diversity and equal treatment c) the highest level of standards of the treatment of victims and witnesses; and d) the timeous administration and delivery of justice.'

The College SLT comprises me, the Head of Organisational Development whose grade is F, and two practising solicitors and prosecutors who are Head of Summary Programmes (including trainee solicitor programmes) and Head of Solemn and Specialist Programmes and their grade is G/Principal Procurator Fiscal Depute. In 2022, the College introduced publication of a 'living curriculum' in the form of a biannual (every six months and updated with new products in real time) prospectus setting out course outlines, objectives and learning outcomes for the full range of learning available to all COPFS people from mandatory to developmental. This was a critical step in our transformation journey and, following our 68% increase in headcount, as of late 2023 there are an additional 23 colleagues working in the College across a range of legal, education and learning, policy, operational and administrative disciplines. This supports our ability to resource priority areas for BAU

training which my area of responsibility (b), and reform/transformation education and learning strategy, policies and operations within COPFS which is my area of responsibility (a).

I was unable to answer the full question without ingathering facts and information and ensuring my own understanding regarding what the full scope and timescales associated with the post incident management and investigation into the death of Mr Sheku Bayoh were (“the investigation”). Following this, I confirm that I have had no role in the investigation. In my role, since 2022 I have been aware of requests from the Inquiry, to the College, for information.

Training

2. Please explain the current COPFS training policy and strategy in relation to the following matters:

- (i) equality, diversity and inclusion insofar as relating to race;**
- (ii) investigating race as a factor in a crime;**
- (iii) instructing and conducting post mortem examinations;**
- (iv) instruction of expert witnesses;**
- (v) investigation of deaths in custody;**
- (vi) instruction and liaison with PIRC; and**
- (vii) the role and involvement of the Victims’ Information & Advice service in deaths cases.**

I was unable to answer question 2 (i) and prepare Annex A without ingathering historical facts and information that pre-date me joining COPFS, and ensuring my understanding of the specific detail that explains how the current strategy was devised (it being based on an agile and responsive continuous improvement model to ensure it remains fit for purpose), with our Senior Organisational Development Manager in the College.

I was unable to answer questions 2(ii) to 2 (vii) without ingathering facts and information and ensuring my understanding of the specific detail that explains legal training policy and strategy, as it applies to the specific training subjects noted, with the Head of Solemn and Specialist Programmes Team Leader in the College.

On this basis the below is my explanation of the current training policy and strategy:

(i) equality, diversity and inclusion insofar as relating to race;

This is set out in the document ‘History of Equality and Diversity Learning Relating to Race/VED&I Hub content’ which is Annex A. I had recently required this to be produced to support ongoing FY 24/25 business planning and to assess the possible requirement for a project to review the current training policy and strategy for the VED&I Hub during the FY 24/25 business year.

In addition to the above there is also the following e-learning:

- Becoming Trauma Informed (Part 1)
- Victims and Witnesses

In relation to the remainder of the topics (ii) to (vii) below, I have set out the details of how the separation between central College responsibility for training delivery and devolved functional responsibility for delivery, referred to above, operates. In Table 1 below I have also included a matrix to help set out where matters 2 (ii)-(vii) are referenced in specific central College courses:

(ii) investigating race as a factor in a crime;

The College provides training in broad terms on hate crime. The corporate decision is that the COPFS Policy & Engagement Unit of COPFS, not the College, has led on knowledge cascade and learning and development in relation to the Hate Crime and Public Order (Scotland) Act 2021 coming into force on 1 April 2024. The Head of Policy & Engagement Unit's grade is SCS 1A.

(iii) instructing and conducting post mortem examinations;

The College does not provide training on the instruction of post mortem examinations. I am advised SFIU would be best placed to set out what training involves.

(iv) instruction of expert witnesses;

The instruction of expert witnesses is discussed in broad terms during the Sheriff and Jury Investigative Assistant course and the High Court Case Preparer course within the College. Our training approach is based on the fact that matters will be dependent on the type of case and type of expert and that as such local processes and training will be in place.

(v) investigation of deaths in custody;

I am advised deaths in custody are mandatory FAls and are dealt with by the Deaths in Custody team – part of the SFIU umbrella. The College does not provide training in relation to this.

I understand that COPFS has previously provided the Inquiry with details of the historical and current position in relation to deaths training more generally.

(vi) instruction and liaison with PIRC; and

The College does not provide training on this. Training on liaison with PIRC would be at a specialist casework level, such as SFIU or CAAPD.

(vii) the role and involvement of the Victims' Information & Advice service in deaths cases.

The College does not provide VIA training in relation to their role / involvement during deaths cases. This is taught by colleagues within the relevant function.

Table 1 – where matters 2 (ii)-(vii) are referenced in central College face to face courses listed in Column A:

Column A	Q.2(ii): investigating race as a factor in a crime	Q.2(iii): instructing and conducting post mortem examinations	Q.2(iv): instruction of expert witnesses	Q.2(v): investigation of deaths in custody	Q.2(vi): instruction and liaison with PIRC	Q.2 (viii): the role and involvement of the Victims' Information & Advice service in deaths cases	Additional Comments
Victims and Witnesses	X						COPFS Policy & Engagement Unit provides an input into hate crime.
Case marking	X						Hate crime is discussed in detail in this course
Sexual Offences	X						There is a specific module titled "Abuse and Cultural Barriers faced by Minority Ethnic Children, Young People and Adults"
High Court Case Preparer Course			X				This is considered in general terms
Sheriff and Jury Investigative Assistant Course			X				This is considered in general terms

In addition to the above, in late 2023 the College appointed two new Band D L&D advisors as part of College transformation. They have developed a 'train the trainer' course. The first cohort of COPFS trainers were trained in early 2024 and the next cohort of COPFS trainers will be trained in May 2024. Part of the train the trainer training methodology and one of the objectives of the programme moving forward will be to further develop COPFS trainers' skills in designing and delivering courses in an inclusive way. This objective has a broad reach as it includes supporting equality of access to different forms of learning, and also ensuring course materials (such as scenarios and case studies incorporating protected characteristics) are inclusive and align with COPFS equality outcomes.

In addition to the above, the [COPFS 2021-2023 Equality Mainstreaming Report](#) also provides information that answers this question.

So far as you are aware, has the training policy and strategy changed since 2015.

If this question is limited to matters 2(i) to 2 (vii) rather than the general COPFS training policy and strategy which I have touched on in my answer to question 1, yes the training policy and strategy has changed since 2015:

- In relation to 2 (i), the historical chronology of changes is set out in Annex A. Note at paragraph 10 of Annex A it is also stated that '*a review of future requirement in relation to future changes to training on race is anticipated to form part of a developing Race Strategy in COPFS, which our HR colleagues are leading on.*'
- In relation to Central College training in topics 2 (ii) to 2 (vii) and noted in Table 1, during the pandemic we identified incomplete and inconsistent compliance by new deposes with the face-to-face courses noted as mandatory in my answer to question 3. The strategy was revised corporately to continue to position and promote these programmes as mandatory and provide additional iterations of the courses, pending consultation and review of what is a wider and significant set of mandatory requirements on new deposes. That review concluded in early 2024 and a new policy was recommended to the College Steering Committee in February 2024 and the COPFS Operational Performance Committee in March 2024.
- In relation to 2 (ii) to (vii), my understanding is that the operational separation between central College provision and devolved functional provision described in my answer to question 1 has been in place for some time although exactly what fell into what category may have evolved over time. In relation to 2 (v) specifically I am advised that the College's remit for deaths training was removed and became a devolved functional responsibility in September 2014 and that in late 2014 to early 2015 with College support an e-learning package was developed to maximise the provision of training to relevant staff within HSD and SFIU.

- As part of College transformation, given the nature of COPFS business and learning needs will evolve, the College is increasingly focussed on adding brand new products into our central provision (for example if for an identified reason central COPFS learning needs have emerged out of a currently devolved subject matter) and also business partnering with functions to support introduction of new devolved training products. Therefore, we always have a number of review projects in our pipeline and there has been early scoping work in relation to fatalities and child deaths. The actual content of the separate College/devolved courses will also have naturally developed and been enhanced continuously during that time.

If the question is a general question about changes to the COPFS training strategy since 2015, then the answer is also yes:

- As part of the College transformation programme referred to and commenced in 2022, additional focus has been placed on strategy and our policies around quality assurance, continuous improvement and evaluation work on central College courses. To support this, in late 2023 we launched a new College Educational Philosophy and Evaluation Framework ('CEPEF') that captures current practices and following project planning will be supported by formal implementation activities from FY 24/25. Principle 1 of our educational philosophy is as follows:

'Principle 1 – education, learning and development approaches are guided by the context of our work and the society we serve

We will be guided in everything we do by the social, political, professional, economic and cultural context in which we serve the public ('social context'). We will ensure that social context informs the choices we make around how investment in education and learning can support the organisation, and the design of our learning interventions and programmes. We will ensure that our focus is not only on legal knowledge and skills, but key attitudes, values and ethics relevant to our work in society such as equal treatment, considerations relevant to the education and learning we deliver and decisions we take around management and leadership learning approaches tailored to our needs. We will design transformative learning experiences that support cultural shifts where we require our people to challenge long-held assumptions or fixed beliefs, fostering their ability to be inclusive, open, reflective and emotionally able to change where the criminal justice landscape and societal changes drive that. This will support our ability to become trauma-informed by 2027, for example, as well as cope with other societal and cultural changes that will affect the administration of justice and the management and leadership of our service. We will equally be committed to equality of access to education and learning within COPFS, conducting an EQIA where it is required and ensuring equality considerations are at the forefront internally and in terms of our public service.'

- As part of transformation priorities we will also continue to review the responsibilities for central and devolved functional training and overall training provision in COPFS.

In addition to the above, the COPFS 2021-2023 Equality Mainstreaming Report also provides information that assists with answering this question.

3. Please confirm if attendance at training provided is mandatory if all, or some specific parts of the training, is mandatory for all staff within COPFS. If attendance is mandatory, please can confirm since when this has been the case? Please can you explain how training needs for staff are identified?

I was unable to answer this question without ingathering facts and information and ensuring my understanding of mandatory requirements for items 2 (i) to 2 (vii) with the Senior Organisational Development Manager and the Head of Solemn and Specialist Programmes Team Leader in the College.

If this question is not intended to be limited to matters 2(i) to 2 (vii) referred to in question 2 and is intended to be a general question about central College training, I confirm that within COPFS there are a variety of different rules and corporate drivers that apply as necessary to a variety of different mandatory training courses, for different roles and responsibilities and functions within COPFS.

If this question is intended to be limited to matters to the 2(i) to 2 (vii) referred to in question 2, I am able to comment on the current status of mandatory/not mandatory College provision and have no additional information on the dates these requirements were put in place. Where a later date is not noted, they were in place when I joined the College in August 2021 and I was advised of them:

- VED&I Hub e-learning is mandatory for all COPFS during probation as part of our New Start Hub, with annual refresher learning recommended. Annex A paragraphs 7 and 8 provide the detail on the timelines associated with the mandatory requirement(s).
- Becoming Trauma Informed (Part 1) e-learning was launched in November 2022 and is mandatory for all COPFS people.
- Victims and Witnesses face to face course is mandatory for trainee solicitors and new deposes.
- Case Marking face to face course is mandatory for trainee solicitors and new deposes.
- Sexual Offences face to face course is not mandatory and is designed to support specific roles. The College recommends participation in its Sexual Offences e-learning prior to attending the course (nine modules).
- The High Court Case Preparer course is not mandatory and is designed for case preparers and deposes who are undertaking High Court case preparation.
- The Sheriff and Jury Investigative Assistant face to face course is not mandatory and designed for Investigative Assistants and colleagues aspiring to become an Investigative Assistant.

In respect of devolved functional training, given the separation of responsibilities I am not sighted on the specific position in respect of whether each of devolved functional training products on matters 2(ii) to 2 (vii) is mandatory in full and/or in part and, if mandatory in any respect, for which roles and responsibilities.

In the context of the separation of central College and devolved functional and Policy and Engagement Unit responsibilities, learning needs analysis in COPFS comprises a rolling, multi-faceted series of activities facilitated by College education and learning specialists working with subject matter experts in functions and working with learners. The approach includes annual business planning, outcomes of quarterly meetings of the Scottish Prosecution College Steering Committee a range of other governance forums and structures that routinely identify learning needs, monthly meetings with the Policy and Engagement Unit, consistent operational business partnering, a commitment to ongoing two-way dialogue between functions and the College, the outcomes from informal and formal feedback from learners and evaluation of training that takes place, and the outcomes of continuous improvement work. The learning lifecycle also guides our approach which is that we know we can identify new or emerging or ongoing learning needs at any stage of a specific course (design, delivery, evaluation) and it is also part of our new educational philosophy to be implemented formally from FY 24/25 that (a) learning needs analysis and (b) evaluation of learning delivered is an ongoing iterative process, with (a) and (b) constantly informing each other. As set out above, we launch our living curriculum biannually and use a variety of different 'keys' within that document to support all job holders and line managers with matching personal learning needs with the curriculum available.

There are always a number of course enhancements and new courses under development as a result of the outcomes of learning needs analysis. As part of College transformation, we will be further enhancing this area in FY 24/25 having scaled up our operation as set out in my response to question 1.

In addition to the above, the COPFS 2021-2023 Equality Mainstreaming Report also provides information that assists with answers this question.

4. What, if any, steps are taken to seek training, guidance or expertise in relation to race from outside COPFS?

I was unable to answer the question without ingathering facts and information and ensuring my own understanding with the Head of Diversity, Inclusion and Wellbeing for COPFS. Following this, I know that COPFS sought advice from Silence Chihuri, Chief Executive Officer of Fair Justice System Scotland. COPFS HR Unit met Mr Chihuri about the COPFS draft Race Strategy (Employment). Following my enquiry with HR the draft Race Strategy (Employment) was provided to me. A planned focus group was also advertised on the COPFS internal intranet in early 2024, to incorporate equality impact assessment of the strategy document, which focus group I understand is to be co-chaired with Mr Chihuri.

I noted the draft Race Strategy (Employment) summarises and directly addresses an internal report on COPFS practices and people experiences which made a number of recommendations across a range of employment topics including in relation to seeking training, guidance and expertise in relation to race from outside COPFS. Following that report and pre-dating the draft Race Strategy (Employment), there is a current joint of the College and HR, working with the COPFS Inclusion Network, to procure training for the highest levels of leadership in COPFS to include topics for senior leaders such as unconscious bias, anti-racism, and bystander action. I anticipate that work will now form part of the developing Race Strategy (Employment).

The College will now support scoping the desired benefits and anticipated education and learning products to support the draft Race Strategy (Employment). As stated in Annex A and already referenced above in my answer to question 2(i), a review of training in relation to race is anticipated to form part of this developing race strategy. To further support this work, on Wednesday 24th April 2024 together with HR colleagues the Senior Organisational Development Manager who leads on the VED&I Hub attended the Anti-Racism in the Workplace Scotland Conference. Chaired by Foysol Choudhury MSP, the conference shared guidance, advice and examples of good practice for employers. Objectives stated by the conference organisers included learning how to increase the diversity of the workforce and foster an inclusive workplace culture where employees from all backgrounds feel valued and able to succeed, and understanding how to be a good ally and call out racist attitudes and behaviours at work.

In addition to the above, the COPFS 2021-2023 Equality Mainstreaming Report also provides information that assists with answering this question.

5. What, if any, aspects of training strategy and policy have changed in light of lessons learned following the conclusion of the COPFS investigation into the death of Sheku Bayoh?

My ability to answer this question is limited to the role of the College in delivering training, to which my remit extends. As was the case in response to question 1, I was unable to answer this question without ingathering facts and information and ensuring my own understanding, regarding what the full scope and timescales associated with the investigation into the death of Mr Sheku Bayoh were, including lessons learned. Following this I can confirm that in my role I have not been provided with details of lessons learned following the conclusion of the COPFS investigation. I am also advised that the Senior Organisational Development Manager and Head of Equality, Diversity & Inclusion sit on the COPFS Equality Board and cannot recall the COPFS Investigation or lessons learned being discussed at the Equality Board.

I do refer to past and planned enhancements to training strategy and policy throughout this response and where those are the product of corporate drivers that I am aware of, I have set out those out. I have also made reference to ongoing continuous improvement work that is part of College transformation.

In addition to the above, the COPFS 2021-2023 Equality Mainstreaming Report may provide information that assists with answering this question.

6. What steps are taken to monitor the effectiveness of training? Are staff given an opportunity to provide feedback on the training provided and make suggestions for further training?

Whether or not this question is intended to be limited to training matters 2(i) to 2(vii) referred to in question 2, I was unable to answer this question without ingathering facts and information and seeking to understand how devolved functions monitor the effectiveness of training, and without confirming with my own College colleagues the up to date status of the evaluation enhancement activities within the College regarding our own remit for training.

In relation to devolved functional training, given the operational separation of responsibilities I am not sighted on the specific position on what steps are taken to monitor the effectiveness of training in respect of devolved functional training areas.

In relation to central College training:

- as I set out in my response to question 3 it is part of our new educational philosophy that (a) learning needs analysis and (b) evaluation of learning delivered is an ongoing iterative process, with (a) and (b) constantly informing each other. Yes, analysing and responding to learner feedback on existing and further training required is part of how we work, in the context of wider learning needs analysis that I set out in my answer to question 3. As we know we can identify new or emerging or ongoing learning needs at any stage of a specific course (design, delivery, evaluation), we can capture feedback in the classroom, we encourage feedback and we regularly receive unsolicited emails sent after the event (just by way of some examples).
- Generally, there have historically been a range of informal and formal evaluation practices within the College. As with learning needs analysis, evaluation comprises a multi-faceted range of activities. As set out in my response to question 2, in late 2023 we launched a new College Educational Philosophy and Evaluation Framework ('CEPEF') as part of the transformation programme to formally set out what the data we will commit to capturing and analysing and reporting on. Following project planning and capturing of existing practices, the Evaluation Framework is being formally implemented in phases from early FY 24/25.
- The new Evaluation Framework covers both the efficacy of individual training interventions, but also the efficacy of the role of the College overall. Part of this is deploying within COPFS the Kirkpatrick evaluation of learning impact methodology across its Levels 1-4 (reaction, learning, behaviour, results). Through scoping this work the College identified that existing evaluation practices were not always being applied as we require, and we had in some areas been relying on informal evaluation such as trainers' evaluation and learner feedback. We will now re-establish consistently strong Level 1 and 2 practices before embedding the other levels of the Kirkpatrick evaluation scale which look at successively deeper levels of impact on learners, manager, teams, and organisation.

In respect of VED&I Hub specifically, Annex A at paragraphs 7 and 8 sets out the position. It should also be noted that compliance with the learning is a requirement of all COPFS roles, as set out in the COPFS 2021-2023 Equality Mainstreaming Report, which Report also provides information that assists with answering this question.

Race and Statistics

7. So far as you were aware, do COPFS routinely consider the role of race when dealing with a death in custody or death during or following police contact of a person who was not white?

As I set out in my response to question 1, as College Director I am not operational and have also not practised as a criminal lawyer or prosecutor. I was unable to answer the question without ingathering facts and information to seeking to understand whether COPFS routinely considers the role of race when dealing with a death in custody or death during or following police contact of a person who was not white. Following this, my ability to answer this question and extent of my knowledge is limited to my response to question 2.

In addition to the above, the COPFS 2021-2023 Equality Mainstreaming Report may provide information that assists with answering this question.

8. Is there currently a Diversity Strategy Group and Equality Advisory Group in place at COPFS? If not, is there an equivalent group and what was the reason for the change? What is their current role and remit? Who is the Chair of this group or groups? What is the membership of this group or groups?

There is an equivalent group called the Equality Board and associated structures, networks, ambassadors and roles in the form of Sherifdom Equality Networks (ShENs), Equality Networks for protected characteristics as well as other characteristics, and Equality Ambassadors. I do not sit on the group. My understanding is that membership of the Board flows from those structures, networks, ambassadors and roles. The Equality Board is chaired by one Deputy Crown Agent and another is the Equality Champion (both SCS 2). The Head of Diversity of Inclusion for HR (Band E) and the Senior Organisational Development Manager for the College (Band E) both sit on the Board.

I was not able to answer this question without ingathering facts and information and ensuring my understanding with colleagues who are involved in the Equality Board. Following discussion with the Equality Champion for COPFS and the Senior Organisational Development Manager who sits on the Equality Board for the College, Annex A and the COPFS 2021-2023 Equality Mainstreaming Report provide some information that assists with answering this question including on the current and historical position and chronology of changes.

9. What is COPFS' current policy and strategy in relation to monitoring and reviewing recruitment and retention of black and minority ethnic members of staff? So far as you are aware, do COPFS carry out any "outreach" work to encourage recruitment of more staff from black and minority ethnic groups?

As I have no HR remit, I was unable to answer this question without ingathering facts and information, and ensuring my own understanding, from the Deputy Director, HR. Following this, I am advised that:

- COPFS is bound by the Civil Service Commission rules of fair and open competition based on merit. COPFS is regularly audited by the Commission with no breach of process being recorded.
- COPFS internally monitors its staffing profile on a quarterly basis to assess diversity within its workforce. This is currently based on the 2011 Scotland Census data. The figures demonstrate that COPFS staff is largely representative of the Scottish population. On publication of the 2022 Census detail this will be further analysed to further benchmark our workforce as COPFS endeavour to remain representative of the population of Scotland. This also covers staff leaving COPFS which again is representative of its staffing profile.
- The monitoring strategy includes a quarterly meeting with the Crown Agent to review and discuss outcomes, policy and on-going engagement.
- The majority of COPFS promotions are representative of the distribution of staff and COPFS is currently reviewing this grade by grade for further assurance. Promotions are again based on merit.
- Members of recruitment panels must complete the Civil Service e-learning Inclusion and Diversity assessment before taking part in recruitment campaigns.
- COPFS removes names, gender and ethnicity from application data.
- COPFS has a robust appeal and complaints process should any individual feel they have been treated unfairly. External candidates can also raise a complaint not only with COPFS but directly with the Civil Service Commissions.
- COPFS holds gold 'Tide' membership status.
- COPFS consults with HR networks for views on HR policies and recruitment practices.
- The COPFS People Strategy and HR Recruitment Diversity & Inclusion Strategy set the COPFS approach to achieving a diverse and inclusive workforce. The documents are available on the COPFS website.

Beyond the above, I am not aware of COPFS carrying out any outreach work to encourage recruitment of more staff from black and minority ethnic groups. I am aware of outreach work that COPFS does in schools and universities across Scotland.

Additionally, the Appendix to the Equality Mainstreaming Report 2021-2023 includes data that assists with answering this question.

10. What is COPFS' current policy and strategy in relation to the collection and analysis of data in relation to race? Please include reference to race data in the investigation and prosecution of crime, investigation of deaths and in relation to COPFS recruitment and retention of staff.

As I have no HR remit, I was unable to answer this question without ingathering facts and information, and ensuring my own understanding, from the Deputy Director, HR. As College Director I am not operational and have also not practised as a criminal lawyer or prosecutor, so I was also unable to answer without aiming to ingather facts and information and ensuring my own understanding regarding whether the Equality Board or any other COPFS functions/governance groups have a current policy and strategy in relation to the collection and analysis of data in relation to race in the various areas mentioned in the question. Following this, my ability to answer this question and extent of my knowledge is limited to my answer to questions 2 and 9, and also what is set out in the Equality Mainstreaming Report 2021-2023 that assists with answering this question.

11. What conclusions have been drawn in relation to the data collected on race referred to in question 10? What steps have been taken by COPFS in response to these conclusions?

My response to question 10 applies equally to question 11.

12. By what measure would COPFS, as an organisation, determine if training provided and policies and practices introduced to achieve outcomes in relation to race had been successful? If it is not possible to point towards any statistical data, please explain how a successful outcome would have been observed within the organisation?

In relation to policies and practices, I was unable to answer the question without ingathering facts and information and ensuring my own understanding, in light of the separation of responsibilities of what measures are used to determine if they had achieved outcomes in relation to race. Following this my ability to answer this question and extent of my knowledge is limited is what is set out in the Equality Mainstreaming Report 2021-2023, which Report measures COPFS progress against the COPFS Equality Objectives 2021-2025.

In relation to training, I was unable to answer the question without ingathering facts and information and ensuring my own understanding, regarding any work of the Equality Board and HR to achieve outcomes in relation to race in addition to the College's current and planned work. Following this the extent of my knowledge on the position regarding formal evaluation measures is:

- What is set out in the Equality Mainstreaming Report 2021-2023
- the College position as set out in my response to questions 2, 3 and 6

- additionally, in autumn 2023 following a review of data protection considerations that had previously paused the process of quarterly distribution of completion/non-completion of all mandatory e-learning within COPFS, the process was reinstated. The quarterly distribution is an additional measure that supports functions having the required discussions about compliance with course completion and learning, across all of our mandatory e-learning.

13. Is there a strategy in place to ensure that across the numerous and distinct parts of the organisation there is consistent or uniform implementation of the various training courses, practices and procedures which have been designed to achieve COPFS' objectives in relation to race? If there is no strategy in place for this, please can you explain what other measures have been put in place by the organisation as a whole to monitor this. If it is the responsibility of teams within each area to deliver training and implement practices and procedures locally, is there any centralised oversight function which monitors the success of these local teams?

In light of the separation of responsibilities, I was unable to answer this question without ingathering facts and information and ensuring my own understanding. Therefore, my ability to answer this question, and extent of my knowledge of current as well as developing strategy, is captured by my previous responses which responses cover the various aspects of this question.

Equality Conference

14. Please can you describe the COPFS equality conference? What are the objectives of the conference? What is the format of the conference? Who attends? Is attendance a mandatory requirement for all staff within COPFS or is attendance purely voluntary? Is there an opportunity to provide feedback on the conference and how does that feedback inform future conferences?

The Equality Conference is not a College education and learning initiative and I have no remit in relation to it. I was invited to sit on the judging panel for the 2022 Equality Awards which was part of the 2022 Equality Conference and I have reviewed my invite which did not include specific objectives. I was unable to answer the question without ingathering facts and information and ensuring my own understanding regarding how the Equality Champion/Equality Board/HR run the event (outline/objectives/format/invite list/use of evaluation data). Following this, my ability to answer is based on:

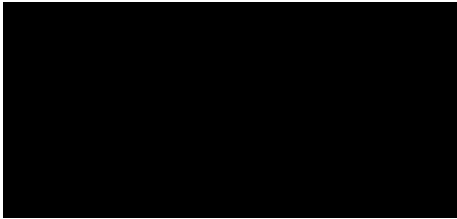
- what is set out in the Equality Mainstreaming Report 2021-2023 regarding the objectives, format, in-person attendance and live-streaming/recording of the Equality Conference in any given year.
- what is additionally set out on the COPFS intranet which included a feedback link for completion by all (after the events) and where it was also stated for 2022 and 2023 (in advance of the events):

- *‘colleagues involved in equality work across COPFS are coming together for the Equality Conference and Awards. The morning session will see a series of speakers taking to the stage and the Staff Equality Networks will share their experiences. After lunch, the Equality Awards will be announced. Both sessions will be streamed, and you will be able to tune in on Teams and support your colleagues.’ (2023)*

Conclusion

15. Given my limited remit as Director of Scottish Prosecution College and length of service in COPFS of 32 months, I required to ingather facts and information and ensure my own understanding in order to prepare my responses, as set out in my responses across 23 numbered pages. I have no reason to question facts and information provided to me. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry’s website.

16.



07.05.24

Attachment – Annex A below

ANNEX A – Chronology of equality and diversity learning in COPFS relating to race 2015 to date.

1. From 2015 to present within COPFS there has consistently been a form of mandatory equality and diversity learning. The strategic and cultural context of training is relevant to its impact as training exists and has impact in those contexts. COPFS has formally ensured informed decisions about training are taken by virtue of consultation with the COPFS Inclusion Network (which focuses on race and religion and incorporates lived experience) and the COPFS Equality Board (which is a collective board ensuring representation of all protected characteristics) since 2015. Equality Board in its current format has been in existence since 2015 and the SPC is represented by a Senior Organisational Development Manager who has been a learning and development adviser to the board since 2016. Previous versions of the equality board have been in place since at least 2005.
2. Since 2010 there has been research and engagement with justice sector partners (e.g. Police Scotland, Scottish Courts Service and Scottish Government). By 2009 COPFS Scottish Prosecution College was adapting the equalities training in line with the proposed changes that the Equality Act 2010 would bring. This included training in relation to the protected characteristic of race, work outsourced to Elisha Training to produce materials for COPFS use, work commissioned by Director of HR at the time and Head of Learning and Development at the time, and was monitored for progress and quality by Learning and Development Manager at the time. A handover of training from the supplier was given to selected College staff to deliver as a mandatory course to COPFS staff. This and previous versions of equalities learning were monitored and recorded in staff records in the then current HR system (Snowdrop)
3. In line with the evolution of the format and delivery of learning interventions since 2015 the content and approaches have not been consistent for the entirety of this period. This is largely because of a continuous improvement agenda that has been rolling throughout the period, based on utilising and maximising both UK Government equality and diversity learning materials and materials developed within COPFS.
4. The UK government new approach (circa 2022) to streamline equalities learning has meant that Civil Service Learning ('CSL') (the main source of Cabinet Office approved Learning) and the approaches in Scotland, England and Wales has been different. The Scottish Government approach was for example to continue with Unconscious Bias/Bias training whereas this was removed from CSL. Reference to unconscious bias and associated training on this continued.
5. By May 2020 COPFS had positioned all equality and diversity training in the form of our Valuing Equality and Diversity Hub ('VED&I Hub'), with reasons for the change included. This is a highly curated/'living' online learning resource that is continuously improved and therefore learning was positioned as COPFS VED&I Hub. There is continuously changing content as content can

be removed from CSL, and a recent change in CSL supplier (2023) has seen wholesale changes to the previous supplier's content offer.

6. The details of the historical content, approaches, timings and evaluation of the various learning interventions in relation to the race related topics can be made available in detail (note some content was embedded within other headings) and Tables 2, 3 and 4 below summarise key aspects.
7. From 2021 it came to the attention of the Equality Board that probation was being signed off without employees completing prescribed mandatory equalities and inclusion learning (VED&I). The equality board on College advice commissioned that two Equality Board members would monitor and report on this for 12 months. In partnership with each COPFS function the number of completions of VED&I learning was increased and in line with the number of new starts coming into COPFS, the monitoring continued beyond 12 months and is still completed on a quarterly basis to ensure that the learning is completed.
8. In February 2022 COPFS launched the mandatory New Start Hub for all new starts, with VED&I included. From that date the mandatory completion requirement for VED&I changed to being mandatory upon commencement of employment with COPFS. New Start Hub compliance has support from the College in respect of some statistics and comms, with functions continuing to have devolved responsibility for compliance and discussing refresher learning during quarterly appraisal and regular employee performance discussions.
9. Over the course of 2021, 2022 and 2023 the UK Government and its supplier of Civil Service Learning (CSL or as it has latterly become known 'Government Campus') removed some equality and diversity learning products, which COPFS had embedded in the VED&I. CSL Programmes relating to race were removed. In response, COPFS focussed improvement efforts on generating new resources and curating existing resources in relation to race related content within the VED&I. We would note that even more resources than what is curated within VED&I are hosted on the COPFS intranet Connect and by Sherifdom Equality Networks (ShENs), which would support informal learning on an ongoing basis. A review of future requirement in relation to future changes to training on race is anticipated to form part of a developing Race Strategy in COPFS, which our HR colleagues are leading on.
10. In summer 2023 COPFS commissioned a review of our policies in relation to all of our mandatory learning products, including how compliance is reported and managed. We recognised the need to enhance this area to ensure our ability to meet service needs as well as ensure we are always fostering the values and behaviours associated with taking a person-centred approach in COPFS.

11. In October 2023, COPFS were awarded the 'Gold' Employers Network for Equality and Inclusion accreditation, building upon our silver award from October 2022. A benchmarking tool was used and our overall score was 87%, which placed us 10th out of 171 organisations. COPFS scored particularly high in our workforce, strategy and planning, and leadership and accountability. We have used feedback from this year's benchmarking exercise to help inform future work needed in relation to training, but areas of improvement in relation to VED&I and employee equality networks were contributors to the increased level attained.
12. In early 2024, we were working on procuring training for the highest levels in COPFS, to include topics for senior leaders such as unconscious bias and anti-racism/bystander action. This work is now anticipated to form part of developing Race Strategy for COPFS which our HR colleagues are leading on.

Tables 2-4 in Annex A complement paragraphs 1-12 above by setting out the learning and development products that comprise the holistic VED&I training strategy.

Table 2 - COPFS VED&I Hub Content 2020 – present

Hub Section	Title	Type	Nov-20	Aug-21	Feb-22	Oct-22	Apr-23
Inclusive Workplace	Ramadan in Lockdown	Article	x	x	x	x	x
Inclusive Workplace	Different value but of equal value	Article				x	
Inclusive Workplace	The Lord Advocates Family Secret	Article	x	x	x		
Inclusive Workplace	Tackling racial inequalities	Article					x
Disability confident	Working in COPFS with a hidden disability	Article	x	x	x	x	x
LGBT Awareness	The LGB perspective	Article	x	x	x		
LGBT Awareness	Becoming a Trans Ally	Article	x	x	x	x	x
LGBT Awareness	Proud in COPFS	Article			x		
LGBT Awareness	Coming out in COPFS	Article				x	x
Race awareness	Tackling racial inequalities	Article		x	x	x	
Equality Diversity & Inclusion	Equality Diversity & Inclusion in the Civil Service	CSL module	x	x	x	x	
Equality Diversity & Inclusion	Why Diversity & Inclusion Matters	CSL module					x
Inclusive Workplace	Menopause awareness	CSL module					x
Inclusive Workplace	Our Inclusive Workplace	CSL module	x	x	x	x	
Disability confident	Becoming Disability Confident	CSL module	x	x	x	x	
Unconscious Bias	Introducing unconscious bias	CSL module	x	x	x	x	
Unconscious Bias	Tackling our unconscious bias	CSL module	x	x	x	x	
Race awareness	Race Awareness	CSL module		x	x	x	
LGBT Awareness	Transitioning Policy	Policy				x	x
Inclusive Workplace	Age	video	x	x	x	x	x

Inclusive Workplace	Gender	video	x	x	x	x	x
Inclusive Workplace	Religion & Belief	video	x	x	x	x	x
Disability confident	Disability	video	x	x	x	x	x
Disability confident	Dyslexia	video					x
LGBT Awareness	Transgender	Video	x	x	x	x	x
Race awareness	Webinar recording	video		x	x	x	

Table 3- Change to Civil Service-Learning Equalities and Inclusion Content 2022-2023

Date	Course Title	Supplied by
Now removed from CSL 2022	Diversity and Inclusion	Civil Service Learning (UK Government)
Now removed from CSL 2022	Mental Health at Work	Civil Service Learning UK Government)
Now removed from CSL 2022	Becoming a Dementia Friend	Civil Service Learning UK Government)
Now removed from CSL 2022	LGBT Awareness	Civil Service Learning UK Government)
Now Removed from CSL 2023	Disability Confident	Civil Service Learning UK Government)
June 2022 – Present	Valuing Equality Diversity & Inclusion Hub (COPFS) *Why Diversity & Inclusion Matters (added CSL approximately' June 2023)	COPFS eLearning linking out to internally produced resources and to Civil Service Learning *Civil Service Learning UK Government) this general overview of diversity, equality and inclusion supersedes previous content removed 2022 – 2023.

Table 4 – COPFS Valuing Equality Diversity & Inclusion Hub – Indicative Content by Protected Characteristic (March 2024)

Characteristic	Age	Disability	Gender reassignment	Marriage and CP	Race	Religion or belief	Sex	Sexual orientation	Pregnancy & maternity
Why diversity and Inclusion Matters	X	X	X	X	X	X	X	X	x
Our Inclusive workplace	X	X					X		
Becoming disability confident		X							
LGBT Awareness			X	X			X	X	
Full Catalogue of E,D & I resources**	X	X	X	X	X – multi**	X	X	X	x
**Full Catalogue of E,D & I resources - Race									
Q&A session on race inequality October 2020	Guest Khadija Mohammed joins the Inclusion in COPFS network to talk about the uncomfortable truth that racism is normal, it's pervasive, it's in society and it is in our institutional settings - it's in the everyday! In this video Khadija talks about the importance of developing a shared language around basic racial literacy so that you can name it, understand it and seek to change practice. Khadija is a senior lecturer and a senior fellow of the Higher Education Academy in the School of Education and Social Sciences at the University of the West of Scotland.								
Black History Month Panel Discussion October 2021	To mark Black History Month, our Lothian and Borders Sheriffdom Equality Network held a panel discussion. The event was chaired by Jonathan Shebioba, Director of Support Services, with input from employees across the organisation in answering and asking some difficult but important questions around race and inclusion in the workplace.								

<p>Show racism the red card</p> <p>September 2021</p>	<p>This training event took place as part of Equality Month. Learn about racial and religious bias with this event for COPFS staff from the UK's leading education charity, Show Racism the Red Card.</p>
<p>My Journey – Lindsey Miller</p> <p>November 2021</p>	<p>Deputy Crown Agent, Lindsey Miller, speaks about her family's cultural background, her experiences with racism, and what has influenced and inspired her in her career</p>
<p>A personal reflection on racial and religious bias</p> <p>December 2021</p>	<p>Read about the experience of one of our colleagues affected by racism and bias in their personal and working life.</p>
<p>Tacking Racial Inequalities</p> <p>2022</p>	<p>Nhabeela Rahmatullah, Equality Ambassador for Race and Gender, shares her experiences of race for this month's 'equalities aware' campaign.</p>