

STATEMENT OF:

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Para 1: My Role

I am currently the interim Deputy Crown Agent for High Court with responsibility for our units preparing high court level sexual offences, major crime, road traffic fatalities investigations and homicides and for the indicting of all high court cases. I took on this role in March 2023 and I have not been involved in post incident management or investigation into the death of Mr Sheku Bayoh.

Between April 2013 and February 2022, I had responsibility for casework related to initial case processing of summary level casework and the preparation of summary and sheriff and jury level proceedings. I was not involved in the investigation of deaths during that period. I moved to become PF for High Court proceedings in February 2022 and became interim Deputy Crown Agent for High Court in March 2023. In my High Court roles, I now have operational responsibility for our Homicide and RTFIU (Road Traffic Fatalities Investigation) units which investigate deaths where there is potential criminality in respect to these types of offending. Between 2022 and 2023 I had line management responsibility for a staff member who has given evidence at the Inquiry, but my role was purely pastoral.

I am also our Equality Champion and have been in this role since 2011. This is a corporate activity which I have combined with my full-time operational posts which have varied over the 13-year period. In this Champion role I initially had responsibility primarily for leading the Equality Act Implementation team which was established to implement the Equality Act 2010 within COPFS. This was a 4-year project which delivered over 30 products to assist COPFS in meeting its statutory duties under the Act.

Following the completion of the project in 2015 I have remained as Equality Champion and my role is primarily to motivate and inspire staff in the promotion of equality which includes overseeing completion of the bi-annual Mainstreaming report, delivery of our annual staff equality conference and the appointment of our equality ambassadors.

The Equality Act Implementation project (2011-2015) combined with COPFS's Shaping the Future restructure in 2016 led to the creation of 6 Sheriffdom Equality Networks (SHENs) which are now responsible for promoting equality in their geographic communities. They replaced former Area and latterly Federation Diversity teams and reflected the new Sheriffdom structure which COPFS adopted in 2016. The chairs of the SHENs report on their activities to the Equality Board of which I am a member. This is chaired by Stephen McGowan, Deputy Crown Agent. The Equality Board was created in 2015/16.

The Equality Act implementation project also established Equality Ambassadors (we now have 100+ staff members in this role) and, as Champion, I oversee their appointment and provide them with support and encouragement in their role. Each ambassador provides a unique input but in general this relates to promoting better understanding of their protected characteristic. Some have gone on to create Staff Networks of which we now have 12 where staff from specific protected characteristics come together to promote understanding of their characteristic and to support one another. Our Equality Ambassadors can engage in our two-way mentoring programme with a senior manager and I sign-post them to this option which provides an opportunity for the senior leader to increase their understanding of the protected characteristic of the ambassador and offers the ambassador access to coaching and mentoring from the senior leader. I have participated regularly in this programme since it was introduced in 2018.

Equality Ambassadors opinions are sought on the equality impact assessment of any new or revised policies. Staff network leads (who are appointed by their network members) also attend the Equality Board and individual ambassadors attend on occasion depending on the subject under discussion. The activities undertaken by Equality Ambassadors and by SHEN and Staff Network members are mostly voluntary however it is expected that SHENs and Staff Networks will have business plans and there is an expectation that the SHEN chairs will deliver a Sheriffdom-wide public speaking competition and that both SHEN and Staff Network leads will contribute to the annual staff conference. There is also an expectation that they will deliver training in their sheriffdom and engage in community outreach work. The Network leads report on their activities to the Equality Board and have the option there to contribute to the development of new strategies or policies which are brought to the Board for consideration. The work of the SHENs is overseen by one of our Sheriffdom Procurator Fiscals who, as a senior civil servant, has functional responsibility across our Local Court function for the promotion of Equality and Diversity. Any personal objectives of ambassadors or network members with respect to their activities are monitored by their individual line managers who are expected to provide support for their staff to engage in activities associated with their promotion of equality and those attending the Equality Board are encouraged to share details of their activities and share good practice.

Para 2: Training

I have never been responsible for COPFS's training policy and strategy and cannot advise you on the specifics of their policy or strategy in 2015 in respect of the matters outlined in para 2 of the questions provided to me however I assisted in the compilation of our Mainstreaming report in 2015 and at that time our report recorded that all COPFS staff had a mandatory objective to complete a suite of training on equality and diversity. Also, in 2013 all Enquiry point staff were required to undergo mandatory skills for justice e-learning on equality and diversity and in 2014 face to face training was provided on EQIAs. I have for many years provided, and still continue to provide, an introductory one hour talk on Equality and Diversity to all new legal entrants to COPFS which includes our robust prosecution policy in respect of hate crime, the importance of taking into account the personal characteristics of both accused and victims in decision making/support provision and also the importance of understanding diverse needs and being culturally sensitive in the investigation of

deaths which includes the instruction of post mortems. I believe I was providing this talk prior to and including during 2015 and my talk does specifically reference race but does not cover the instruction of expert witnesses, deaths in custody, instruction and liaison with PIRC or the role and involvement of VIA in deaths cases.

Para 3: Training

Our Director of Learning and Development is best placed to provide details in respect of external input on training however as the lead on the Equality Act Implementation project I can advise that the project created four training products between 2011 and 2015 when the project was live. These were an e-learning package, a revised 2-day diversity course, a training course for EQIAs and role specific training for our Enquiry Point. Each of these products was quality assured by our Equality Advisory Group which was made up of external representatives including Bushra Iqbal, WESREC and Diego Quiroz-Onate, EHRC.

I also know that our Area/Federation Diversity teams (which were replaced by SHENs in 2016) did seek advice and training from local experts. For example, I have it noted that our West based teams sought advice, training, and cultural awareness from WESREC and Bushra Iqbal was involved in providing this. COPFS also part-funded Bushra Iqbal to assist our Equality Act Implementation team which was in operation from 2011-2015.

I am also aware that Domestic Abuse training delivered by COPFS in 2012/2013 involved direct input from groups specialising in BME victims.

In October 2013 I assisted the Head of Deaths investigations to deliver a conference on Communicating with the Procurator Fiscal in the Investigation of Sudden Deaths at which a diverse range of communities were represented including those from ethnic and religious communities during which views from communities were sought in relation to race in the investigation of deaths. Delegates included [REDACTED] the Edinburgh and Lothians Regional Equality Council, [REDACTED] WESREC, [REDACTED] the Grampian Racial Equality Council, [REDACTED] the Muslim Council of Scotland, Ephraim Borowski from of the Scottish Council of Jewish Communities (SCoJeC) and Diego Quiroz-Onate from EHRC. This conference launched a COPFS booklet on the investigation of deaths which I understand was developed in consultation with a number of stakeholders including those from ethnic communities.

COPFS also at that time held bi-annual conferences on Tackling Prejudice in partnership with Police Scotland at which a range of external stakeholders were invited to attend and share their experiences. These were co-hosted by the Lord Advocate. The first took place in 2010 and I participated in these conferences in 2012, 2014 and 2016 which were attended by ethnic minority communities who were encouraged to participate and contribute their expertise, lead workshops, and provide stalls. At the 2010 conferences speakers included [REDACTED] the Scottish Refugee Council and Ephraim Borowski representing SCoJeC. In 2014 we had workshops led by SCoJeC presented by Ephraim Borowski and a workshop on Older BME communities by Rohini Sharma Joshi of Equality Scotland. Members of

our Learning and Development team would have been in attendance at these conferences and Feedback was sought from all delegates.

By 2015 we had 10 Equality Ambassadors covering all protected characteristics including race and they engaged with external groups representing their communities. At that time, we regularly engaged with the Pakistan Welfare Association, West of Scotland Regional Equality Council (WESREC) and the Scottish Council of Jewish Communities (SCoJeC) and we specifically sought the views and expertise from local Islamic communities. When I was appointed to my post as Equality Champion in 2011, I visited a wide range of organisations representing protected characteristics including race and from different parts of the country. I specifically recall myself and the then Crown agent, Catherine Dyer, visiting Grampian Racial Equality Council and the West of Scotland Regional Equality Council. I also worked with North Lanarkshire education authority to produce a film and teaching materials aimed at secondary school children on hate crime and this included a section on racial abuse, and I invited Bushra Iqbal of WESREC to provide input at a workshop for the schoolchildren who were helping create the materials. The finished product "Just a Laugh" was delivered in 2015.

Para 4: Training

Our Director for Learning and Development is best placed to provide specific information on training strategies and policies however all new or revised policies are required to undergo equality impact assessments (EQIAs) and should be sent to our 100 + Equality Ambassadors -we currently have 8 ambassadors representing race and a further 2 representing EU nationals. These EQIAs are published on our external website. For example, our Value and Managing difference training course was equality impact assessed and is published. Our Policy Division also seeks feedback on all new and revised policies from a range of external groups representing ethnic communities including WESREC, BEMIS, SCoJeC, ELREC, CRER, The Scottish Refugee Council and Happy to Translate. The Equality Board also undertakes scrutiny of new policies, and the Board includes representation from our Inclusion network for BAME staff as well as our Learning & Development Division and our Policy Division. Our HR Equality rep on the Board updates on progress on our forthcoming Race strategy which has been sent to our equality ambassadors and Network members for review and we are being assisted by Silence Chihuri, the founder, and CEO of the Fair Justice system for Scotland (FJSS)with our research including focus groups.

Para 5: Training

I have not been involved in the investigation into the death of Sheku Bayoh or any lessons learned from it. Any changes to training strategy or policy are best directed to our Director of Learning and Development.

Para 6: Race and Statistics

I was not operationally responsible for deaths in custody or indeed for any deaths in 2015. At that time, I was operationally responsible for summary prosecutions in West

Scotland. My only involvement in deaths around that time was assisting the Head of Deaths investigations in delivering a conference on Communicating with the Procurator Fiscal in the investigation of Sudden Deaths in October 2013 which was focused on consideration of issues affecting ethnic and religious communities so clearly COPFS did consider race when dealing with deaths and this related to all deaths so would include deaths in custody or deaths following police contact albeit deaths in custody /following police contact was not the particular focus of the conference in my recollection. In 2022 I transferred to the High Court and had operational responsibility for homicide investigations and road traffic fatalities so can speak to our current position in respect of those types of death investigations which can involve parallel investigations with colleagues in the Scottish Fatalities Investigation Unit (SFIU) and Criminal Allegations Against the Police Division (CAAPD). If any death is as a consequence of a crime known to the law of Scotland, then it is the duty of our Homicide/RTFIU prosecutors to consider whether a hate crime aggravation should be included, and this is a routine consideration. We must also act in a way that is compatible with the European Convention on Human Rights. The Homicide/RTFIU prosecutor should also consider public interest considerations which include the age, background or personal circumstances of the accused or the age and personal circumstances of the victim in any crime. It is also the duty of any prosecutor investigating a sudden, unexpected, or suspicious death to take into consideration any specific cultural requirements of the next of kin regarding arrangements for a postmortem and the release of the body for burial or cremation. Our Heads of SFIU and CAAPD are best placed to speak to the position pre and post 2015 in respect to SFIU and CAAPD considerations.

Para 7: Race and Statistics

Our Equality and Diversity Strategy group which was chaired by the Lord Advocate was still in existence in 2015 and was replaced by our Equality Board by 2016 which is chaired by a Deputy Crown Agent, currently Stephen McGowan. The membership currently consists of the chair Stephen McGowan, our Equality Champion, our Head of Policy and Engagement, our HR Director, our Equality and Inclusion Policy Advisor, our HR lead for Equality, our 6 SHEN chairs, our 12 Staff Network leads, our FDA and PCS union secretaries, our corporate communications rep, our Two-Way Mentoring lead, our National Public speaking competition lead, our senior organisational development manager from Learning and Development, and a Head of Business Management rep. Individual Equality Ambassadors will also attend when appropriate. The Equality Board was initially set up to replace the Equality Act implementation Project Board which concluded in 2015. It was intended to have wider staff representation than the Equality and Diversity Strategy Group and both groups effectively merged to reflect the new Equality structure which had been introduced as a consequence of both the Equality Act Implementation project and also COPFS's "Shaping the Future" restructure. The remit of the Equality Board was created in 2015 and it was to: share good practice at a local and national level on equality and diversity, ensuring subject matter was embedded into day-to-day processes and practices; advise on the creation of business plans for local networks; monitor performance; review evidence for future mainstreaming reports and oversee consistent representation of all characteristics in local networks. There was an Equality Advisory Group of external advisors established in 2003 which was still in

place in 2015 and which was chaired in 2015 by Marsha Scott from Engender, but this was disbanded in 2017 as by that time COPFS had put in place alternative ways of engaging with stakeholder groups and experts, many of whom wanted to engage directly with us. All new policy work is now informed by stakeholder engagement which from a race perspective includes WESREC, BEMIS, ScoJeC, CRER, ELREC, the Scottish Refugee Council and Happy to Translate.

Para 8: Race and Statistics

In our 2013 Mainstreaming report it is stated that the COPFS Management Board was collectively responsible for delivering our Equality Outcomes. I was appointed a member of this Board in my role as Equality Champion to challenge their actions and behaviour at the most senior level but this has been replaced by the Executive Board in 2014. It is my understanding that no-one was individually assigned overall specific operational responsibility for compliance with all internal policies and procedures on equality and diversity-this was a shared/collective responsibility with each senior leader responsible for the compliance of their own staff with respect to relevant policies. From 2012- 2016 COPFS was structured into Federations and each Federation Head/Deputy Crown Agent attended the Equality and Diversity Strategy Group chaired by the Lord Advocate, Frank Mulholland. He provided strategic leadership and the Federation Heads accounted to him for their progress in promoting equality in their Federations however each of the Federation Heads /DCAs would also be accountable to the Crown Agent for their own Federation's performance in all aspects of their work. I'm not personally aware of who signed the Certificate of Assurance for COPFS at that time which I anticipate would have included compliance with statutory duties. The Crown Agent in 2015 was Catherine Dyer. The Federation Heads/DCAs in 2015 were David Harvie, [REDACTED], John Logue and [REDACTED]. The Crown Agent was the Project Executive of the Equality Act Implementation project which concluded in 2015 and she signed the Mainstreaming report which includes our Equality Outcomes. These are broad outcomes which staff across COPFS have a responsibility to contribute evidence of compliance. The ethos of the Equality Act 2010 was to mainstream equality therefore COPFS had taken the approach that accountability did not sit with a specific individual or unit within the department but rather every COPFS Management Board member had responsibility for ensuring their staff were compliant with internal policies and procedures with respect to equality and diversity. For example, it was the responsibility of the Management Board member in charge of the unit creating or revising a policy to ensure it was equality impact assessed. There was training and support available for them to do this but ultimately it was their responsibility. It was the responsibility of the Management Board member in charge of HR to ensure compliance with data monitoring etc. My role as Equality Champion in 2015 was to head up the delivery of work by the Equality Implementation Act project team and when the project concluded later in 2015 my role was to encourage and promote the ongoing mainstreaming of equality across COPFS and encourage delivery across our Equality outcomes to ensure we were able to evidence progress in our bi-annual Mainstreaming report.

Para 9: Race and Statistics

Responsibility for monitoring and reviewing recruitment sits with our Director of HR who is best placed to advise on changes since 2015 however I know that COPFS complies with our statutory duties in respect of data monitoring and report bi-annually in our Mainstreaming report. There is no specific strategy to monitor recruitment of ethnic minorities into COPFS but COPFS compiles data in respect of the proportion of staff who are BAME and HR monitor staff exits, breaking this down to consider the proportion of leavers from BAME communities. COPFS carries out outreach work across Scotland in terms of raising awareness in general terms of career opportunities within COPFS -one of our Equality outcomes (outcome 6) is to ensure that COPFS is an inclusive employer with a workforce which proportionately reflects the diversity of Scottish society and where employees have an equal opportunity to achieve their full potential. We reach out to all communities via school and university career fairs, through our national public speaking competition, mini-trials programme, the Your Future in Law programme and many other community outreaches. This pre-dated 2015 and continues. I note from 2013 we were working with the Grampian Regional Equality Council on jointly presenting to Aberdeen secondary schools on hate crime. There are many pupils from ethnic minorities who participate in our national public speaking competitions, and we have produced a documentary and engaged widely on social media to encourage participation from schools across all of Scotland. This competition introduces pupils directly to prosecutors who encourage participants to consider a career with COPFS. For a number of years, we had an Equality Ambassador for Refugees and Asylum Seekers who did outreach work to make communities aware of COPFS as an inclusive employer. Our Race ambassadors engage in outreach work to encourage more ethnic minority lawyers to consider a career in COPFS. One of our Race Ambassadors is a committee member of SEMLA -the Scottish Ethnic Minorities Lawyers Association which was launched by the Lord Advocate in 2017 with the support of the Law Society and the Faculty of Advocates. Its objectives are to support and guide ethnic minority lawyers in the early stages of their career and encourage better and more diverse representation across the Scottish legal profession. Our Inclusion staff network in conjunction with the Lothian and Borders SHEN hosted an event in January 2024 Celebrating People of Colour in Law where speakers included Sheriff Principal Aisha Anwar and Vinit Khurana KC.

I have also been engaged in wider work across criminal justice to encourage more diverse representation. For a number of years both pre and post 2015 I was the Chair of the Justice Boards' Equality and Diversity sub-group which addressed under-representation and promoted initiatives such as cross -justice mentoring opportunities and cross-justice staff networks to support staff from under-represented communities. I have also recently joined the Judicial Appointments Diversity Reference Group. The work I will be engaged in with here will hopefully increase diversity in judicial appointments and be of benefit to our BME staff who have such aspirations .

Para 10: Race and Statistics.

Our Director of HR is the most appropriate person to advise on COPFS policy and strategy in relation to the collection and analysis of data in relation to recruitment and retention of staff and how this has changed since 2015 but I am able to confirm that COPFS collects and analyses data on our workforce in line with our specific

statutory duties under the Equality Act 2010 and this is evidenced in our bi-annual Mainstreaming reports which we have been publishing since 2013. We also publish annual hate crime statistics which consider if there has been a rise or fall in respect of race aggravated hate crimes and this pre-dated 2015. We do not compile race data in respect of the investigation and prosecution of crime which does not have a hate crime aggravator nor, to my knowledge, do we compile data on race in relation to the investigation of deaths. Until recently the ethnicity of an accused or complainer was not routinely provided in standard police reports except for those considered racially motivated however with the implementation of the Hate Crime and Public Order (Scotland) Act 2021 in April 2024 we anticipate being able to obtain more data on ethnicity/national origins of both perpetrators and victims which will allow for more analysis.

Para 11: Race and Statistics

Our Hate Crime in Scotland statistics are published annually. The most recent report reflected that race crime remains the most reported hate crime. In total 3145 charges were reported in 2022-23, a decrease of 2% compared to 2021-22. The 2022-23 total is the lowest figure since 2019-20 and is 31% lower than the peak in such charges in 2011-12 when 4547 were reported. We recognise that under-reporting is a key issue which we cannot address in isolation but can work in partnership to tackle. COPFS have for many years been represented on multi-agency working groups committed to addressing hate crime including the Hate crime strategic Partnership group and the Cross-Justice Working group on Race Data and evidence. I was a member of the Scottish Government's Tackling Prejudice and Building Connected Communities Group which was a multi-agency group with representation from ethnic minority groups including BEMIS and CEMVO. We produced an Action plan in December 2021 which focused on key areas including raising awareness of hate crime, encouraging reporting, and ensuring the availability of better and more robust data. We supported the Hate Crime strategy for Scotland (published March 2023). We remain committed to support a range of activities which are focused on promoting awareness of hate crime and encouraging communities to have confidence to report.

In respect of our workforce data, we know that 3.57 % of our workforce was BAME when the last data was published in 2023 compared with 90.68 % White, 2.26 % "other" and the remainder not disclosed or not known. We await the results of the most recent census however the 2011 census recorded Asian, African, Caribbean, or Black, Mixed or Other ethnic groups at 4%. We await the results of the most recent census however in the interim we have continued with our community engagement activities which promote awareness of COPFS as an inclusive employer. Our lawyers comprise 31.4 % of our workforce if we exclude Advocates deputes and 33.2 % if we include them. They all require a degree in Scots Law and according to the latest data from the Law Society of Scotland from 2022/23 the proportion of Scottish solicitors who are white is 86%. The requirement to have a degree in Scots Law restricts our ability to recruit prosecutors from more racially diverse parts of the UK, but we continue to invest in attendance at school career fairs and with universities to promote awareness of COPFS as an inclusive employer.

Para 12: Race and Statistics

COPFS policy and strategy in 2015 in relation to identifying race as a factor in the commission of crime was primarily focused on hate crime and related to identifying if there was a racial motive in order to consider if a hate crime aggravator should be attached. Police reports did not include, as standard, reference to the ethnicity of perpetrators or victims in all police reports and we relied upon them to identify race as a factor in the first instance, but this did not preclude prosecutors from instructing further enquires if appropriate. Our Prosecution code has been updated since 2015 but there had, to my knowledge, always been a requirement to consider public interest considerations which included the personal circumstances of both accused and victim, the motivation for the crime and any public concerns or local community concerns. We had, and still have, a reviewing process for solemn level proceedings, the preparation of which are reviewed by a solemn legal manager and which are then sent to Crown Office for consideration by Crown Counsel. A case cannot be indicted without a level of review and without the necessary authority of Crown Counsel. All those involved in this process will be considering if the crime which has been reported has been identified appropriately as a hate crime.

COPFS engaged for a number of years in comprehensive monitoring of racially aggravated crime reports but this was suspended around 2009. In 2003 and 2009 there had been further additions to hate crime aggravations to include religious prejudice, disability, sexual orientation and transgender and the Equality Act of 2010 was in anticipation. By 2009 when monitoring was suspended, I understand there was a very high level of compliance. Our National Initial Case Processing unit has recently introduced a monitoring exercise of hate crime reports following the implementation of the Hate Crime and Public Order (Scotland) Act 2021.

Para 13: Race and Statistics

There is an Inspectorate of Prosecutions and their first thematic report in 2004 was in respect of COPFS's response to race issues. They can determine if training provided, and policies and practices introduced are successful.

The Director of Learning and Development is best placed to provide feedback obtained on outcomes from specific training courses, but I anticipate that delegate feedback will be obtained by them.

Our two-way mentoring programme is evaluated, and feedback sought from participants on whether they consider the programme to be worthwhile.

The Civil Service people survey which is completed annually provides an assessment on Inclusion and Fair Treatment and we know from the 2023 survey that our score for Inclusion and Fair Treatment increased by 2% to 83% in the 2023 survey. Questions include "I think my organisation respects individual differences". We also obtain information from this survey in respect of staff who feel they have been discriminated against. In 2023 87% of staff declared they had not experienced discrimination compared with 86% in 2022. Staff are asked questions about the type of discrimination they have experienced but any fewer than 10 responses for a

category are suppressed. There was no specific information on race in this year's survey which would suggest between 0-9 responses related to racial discrimination.

Feedback forms have been used in respect of our bi-annual Hate Crime Conferences, our annual staff equality conferences, and our death conference from 2013. We also conducted an Equality and Diversity customer survey in 2014.

We have monitored complaints received as a consequence of our customer feedback policy into types of complaint but have never specifically broken this down to monitor complaints about race, but our Equality and Inclusion Policy Advisor has close links to staff in our Response and Information Unit (RIU) who I would anticipate referring any complaint of this nature to her for advice and guidance and she would retain the details.

Our data monitoring demonstrates the extent to which we make progress on Equality outcome 6 relating to the diversity of our workforce. The data also demonstrates the extent to which staff now feel able to disclose their identity without fear of discrimination.

We seek external assessment on how we are rated as an Inclusive employer. We have been a member of the Employers Network for Equality and Inclusion (ENEI) since 2012 and have won awards for UK team of the Year in 2015 for our Equality Act Implementation team and were highly recommended for our entries in 2014 for Representative Workforce, Inclusive Communications, and Inclusive Recruitment. We have for the last few years undertaken ENEI's Talent, Inclusion and Diversity Evaluation and were awarded the Gold Standard in 2023, having progressed from bronze and silver status. This evaluation is assessed across all protected characteristics including race.

Para 14: Race and Statistics.

In 2015 we were in the process of moving governance from the Equality and Diversity Strategy group chaired by the Lord Advocate to the Equality Board chaired by the Deputy Crown Agent. The Federation Heads had oversight of their Federation Diversity teams and were accountable to the Lord Advocate for their performance and for the evidence which they could provide in relation to our Equality outcomes. Our outcomes were designed to be inclusive of all protected characteristics. We had introduced mandatory equality and diversity training by this time and successful completion of this would have been monitored by line managers but I believe our Learning and Development also had the ability at that time to advise on national compliance with mandatory training however they would be best placed to confirm this and would also be best placed to advise if they have information relating to courses which included reference to race. Any EQIAs were submitted to our Equality and Inclusion Policy Advisor to allow COPFS to monitor levels of completion and the toolkit which was produced to assist staff in completion specifically considered race.

Para 15: Legal Duties

No-one was individually delegated overall operational responsibility for compliance with the Equality Act in 2015. In our 2013 Mainstreaming report it was stated that the

COPFS Management Board had collective responsibility. This Management Board was replaced in 2014 by an Executive Board and the Mainstreaming report of 2015 does not explicitly state if this collective responsibility continued. In 2015 I was responsible for creating and delivering products under the Equality Act Implementation project to support COPFS to meet its statutory duties and was answerable to the Crown Agent as she was the Project Executive, but I was not responsible for individual compliance levels in relevant units. It was for each Federation/DCA to ensure their units were compliant e.g., HR, Procurement, Learning and Development etc. My role was to increase awareness and encourage promotion of equality. Each Senior leader was responsible for compliance in their own respective section.

Para 16: Legal Duties

COPFS set up a 4-year project in 2011 to ensure it was in a position to comply with the Equality act and this project created over 30 products to support staff to do so. These were all delivered by 2015. We were invited to present at a COSLA event for public sector employers on our approach. The ENEI awarded the Equality Act Implementation team the UK Team of the Year for 2015 for its efforts to ensure compliance with the Equality Act 2010. This came after being highly commended in 2014 by ENEI for our submissions on Representative Workforce, Inclusive Communications and Inclusive Recruitment. Our LGBT equality ambassador won ENEI's Equality and Inclusion Champion of the Year in 2014.

We believe in continuous improvement and have since 2015 continued to seek feedback on how to improve our performance as an Inclusive employer from ENEI through their TIDE evaluation and until January 2022 through Stonewall who by 2015 had three times awarded COPFS the title of Top Scottish Public Sector Employer of the Year and evaluated COPFS as 8th out of 397 UK employers in their Workplace index. Their feedback encouraged us to build bridges between our staff networks to better support intersectional staff e.g Muslim staff who also identified as part of the LGBT community. This led to Equality ambassadors representing more than one protected characteristic. Much of the advice we were given by Stonewall was translated to other protected characteristics. For example, the reverse mentoring programme we introduced for LGBT staff was expanded out to all characteristics as our two-way mentoring programme which has been utilised by our race equality ambassadors.

The Equality Act places a duty upon all public bodies to publish equality outcomes and to bi-annually produce a mainstreaming report to show how they are demonstrating the public sector equality duty and its three requirements. Compliance with the Act is overseen by the EHRC. If the evidence we provided, and continue to provide, in these bi-annual reports was considered inadequate then EHRC is the regulatory authority who I would expect to advise us to take remedial action.

Para 17: Diversity within COPFS

Our equality outcome in respect of our demographics is to proportionately reflect the diversity of Scottish society. In that regard 3.57 % of our workforce was BAME when

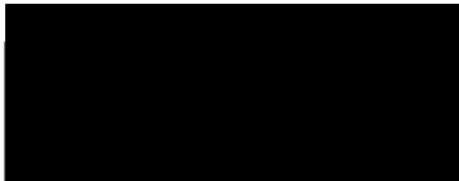
the last data was published in 2023 compared with 90.68 % White, 2.26 % “other” and the remainder not disclosed or not known. We await the results of the most recent census however the 2011 census recorded Asian, African, Caribbean, or Black, Mixed or Other ethnic groups at 4% and White/Scottish at 91.8% and the Scottish Crime and Justice Survey’s pooled samples from 2008-2020 suggests Scotland is 93% White Scottish with 4.2% White Ethnic. The combination of Asian, African /Caribbean/Black/Mixed accounted for 2.2%. Our lawyers who comprise between 31-33% of our workforce require a degree in Scots Law. This restricts our ability to recruit from more racially diverse parts of the UK.

Para 18: Diversity in COPFS

Our Mainstreaming report from 2015 provided data that our workforce was 93.1% White with 1.9% Asian, 1.1% “other” and the remainder not disclosed or not known. There was 0% Afro-Caribbean representation. The current data would suggest that COPFS is more diverse as the proportion identifying as BAME and the proportion identifying as “other” have both increased whereas the proportion identifying as White has decreased.

Conclusion

“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.”

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Ruth McQuaid
7.5.24