



# Scottish Courts and Tribunals Service Mainstreaming Equality Report 2017 (Including Progress Report on Equality Outcomes)



## **Purpose**

Section 3 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 ('the Regulations') states that public authorities require to publish a report on the progress that they have made to make equality integral to the exercise of their functions. Mainstreaming reports must be published at intervals of no more than 2 years.

Section 4(4) of the Regulations states that listed authorities must report on their progress in achieving their previously published equality outcomes. The next report must be published no later than 30<sup>th</sup> April 2017.

## Foreword from the Chief Executive



Our Mainstreaming Report, covering the period 2015-17, sets out in detail the significant progress we have made over the course of the past two years towards fulfilling our equality outcomes. It also demonstrates the lengths we go to improve the quality of our service, by making sure we focus on the individual needs of those who rely on the Scottish justice system.

Being half way through our four year equality outcome plan, there of course remains much to do and I am greatly encouraged by the opportunities the future holds for the SCTS. Major changes to the way in which we administer civil court business will help open the doors to those who at present find processes burdensome or incompatible with their specific needs. There is also the valuable work emanating from our Evidence and Procedure Review which seeks to modernise summary criminal justice through digital case management and transform the way we take evidence from children and vulnerable witnesses, by removing them from the court environment and reducing the risk of further trauma.

This work and that portrayed in this report is of course only possible through the passion and commitment of our staff who continue to maintain high levels of quality service delivery for all court users in the face of increasing daily pressures.

We are once again indebted to the members of our Equality Advisory Group who continue to provide wise counsel and help us ensure that our proposals and actions are compatible with the needs of Scotland's increasingly diverse population.

I am looking forward to leading SCTS into this exciting new era and helping to make a significant difference for everyone who uses the services of the courts, tribunals and the Office of the Public Guardian.

***Eric McQueen,***  
*Equality Champion*  
*Chief Executive SCTS*

## Foreword from the Chair of the SCTS Equality Advisory Group



As Chair of the Equality Advisory Group (EAG) I am pleased to provide a foreword for the SCTS Mainstreaming Report 2017.

The EAG has continued its role as a 'critical friend' to the Scottish Courts and Tribunals Service (SCTS), and has continued to provide much guidance and support to the organisation which I feel takes equalities seriously, with a clear commitment towards

improvements within the area. This is very much down to the commitment of SCTS senior management and many dedicated staff within the organisation – all of whom seem to genuinely value the specialist input that the EAG provides to the development of organisational processes around equalities. I have been involved with the EAG for quite a while and personally feel that it has become an integral part of SCTS over the years, with a shared agenda of ensuring that equalities is at the heart of the organisation as opposed to an afterthought which is sometimes the case for public and statutory bodies.

SCTS is on a continuous journey towards improving its approach to equalities and although there is always much work still to be done, is nevertheless very much heading in the right direction. I am therefore delighted, as I am sure that other EAG members are too, to continue on this journey with SCTS to ensure that positive outcomes are achieved for all protected characteristics – for people both within and outwith the organisation.

**Colin Lee**

*Chief Executive  
Council of Ethnic Minority Voluntary Sector Organisations (CEMVO) Scotland  
2017*

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## 1. Our Approach to Equality Duty

The Scottish Courts and Tribunals Service (SCTS) aims to meet the requirements of the Equality Act 2010 and to carry out the equality duties specified within the Act.

Section 149 of the Equality Act 2010 sets out the **general duties** to which public authorities must have due regard. They need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The **protected characteristics** covered are:

- Age
- Marriage or civil partnership
- Disability
- Gender reassignment
- Pregnancy, maternity and breastfeeding
- Race
- Religion and belief
- Sex
- Sexual orientation

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 ('the Regulations') impose **specific duties** to:

- report progress on mainstreaming the general equality duty

We produce our [Mainstreaming Equality Report](#) biennially detailing how we have met our outcomes and the improvements we have made within that period.

- publish equality outcomes and report progress

We produce an [equality outcome strategy report](#) every four years specifying our new outcomes with specific, measurable and realistic actions, and report on progress biennially.

- assess new or revised policies and practices

We aim to carry out equality impact assessments on any new or amended policies and practices which will ensure that protected characteristics are taken into consideration.

- review existing policies and practices

We aim to review policies and practices on a regular basis in order to make sure that they reflect the changing landscape and this is and will be done in consultation with the PCS Union.

- gather, use and publish employee information

We produce an annual [People Scorecard](#) which contains data on the breakdown of the SCTS workforce, recruitment activity, learning and development and average salaries.

- publish gender pay gap information

As the SCTS does not have a difference in the average hourly rate between male and female staff working to the same terms and conditions, there is no gender pay gap.

- publish an equal pay statement

[An Equal Pay Policy statement](#) is published on the SCTS website.

- consider award criteria and contract conditions in relation to public procurement.

The SCTS complies with all relevant equality legislation during the procurement process. Moreover a non-discrimination clause is included in the SCTS's terms and conditions of contract.

## 2. Embedding Equality within the SCTS

We strive to make the SCTS a diverse place to work by empowering staff to take responsibility for the development of equality and inclusion in the workplace.

### Equality E-Learning Package

SCTS created and rolled out a bespoke e-learning package called “One Service” in 2012. This is a mandatory e-learning package that all staff must undertake and successfully pass annually. This package aims to embed equality throughout the organisation by creating scenarios involving persons with protected characteristics, and posing different solutions to each scenario for staff to consider and answer.

In 2014, filming began on a new range of scenarios, including four which relate to protected characteristics, to be integrated into a Dignity at Work (DAW) e-learning package. The new scenarios incorporate the work that has already been done re-launching our DAW policy. These new scenarios were subject to quality assurance by members of our Equality Advisory Group. The DAW e-learning was launched in February 2015 and is mandatory for all staff.

The completion and pass rates for both e-learning packages are monitored locally by management as with other mandatory e-learning packages.

Thanks to this e-learning, SCTS staff have awareness and understanding of equality and appreciate the diverse needs of people who have protected characteristics.

### Dignity at Work Policy



SCTS is committed to having a work environment free of unacceptable behaviour where everyone is treated with courtesy and consideration. Unacceptable behaviour can be constituted through harassment, victimisation, discrimination, bullying and failing to treat people with the appropriate courtesy.

The DAW policy, which was consulted upon with PCS Union representatives, was re-launched on 30<sup>th</sup> October 2013, which was designated as Dignity at Work Awareness Day. A poster campaign was launched to coincide with the re-launch of the policy with the strapline “Challenge It: Change It”. All staff had to attend a briefing session on the policy.

The purpose of the DAW policy is to set out the responsibilities of both managers and staff in helping to ensure that the SCTS is free from any form of unacceptable behaviour. It also details the range of support options available to staff who find themselves subject to unacceptable behaviour and the procedures that should be followed in the event that any complaint of this nature is made.

The SCTS aims to:

- create an environment where people feel valued and respected;
- raise the profile of the judicial process (and the role that SCTS plays) within the local community;
- engage with court users and justice partners and aim to ensure their needs are met;
- ensure all new policies and developments take into account the needs of employees and court users;
- encourage everyone in the SCTS to challenge unacceptable behaviour and language proactively and sensitively;
- ensure SCTS employees value people’s differences and treat all with courtesy and consideration; and
- learn and develop from our experiences.

The SCTS aims to always respect difference and respond to individual needs. All external contacts, partners and members of the public are required to treat all SCTS employees with courtesy and consideration.

### **The Unacceptable Actions Policy**

The SCTS unacceptable actions policy was introduced in December 2014. Its purpose is to formalise procedures for SCTS staff experiencing or dealing with

incidents of unacceptable behaviour by court users. The Policy sets out how the SCTS will interact with the relatively few people we deal with whose actions or behaviour we consider to be unacceptable.

### **Carers' Policy and Conference**

The SCTS is committed to helping staff balance demands of work and home life. It is important that all levels of management play their part in creating an environment in which staff can meet their responsibilities at work while being supported in managing their caring responsibilities.

Our definition of a carer is someone who looks after a partner, child, relative or friend who cannot manage without help because they are physically or mentally ill, frail or disabled. The carer may or may not live with the person they are caring for.

Staff members who are carers can apply to be on the SCTS Carer register. Access to the register offers the following benefits:

- Respite Care Scheme;
- interest free loans up to a maximum of £5000 for the purchase of specialised equipment;
- where possible, purchase discounts for specialised equipment if the purchase can be made by the SCTS;
- access to a mobile phone package to support contact with the individual being cared for;
- additional relocation support to meet the cost of home adaptations, where appropriate;
- the production of a separate report by the Employee Assistance Programme (EAP) in cases where a compulsory transfer option is being considered.

In addition to these benefits, the SCTS also hosts a biennial carers' conference which is an opportunity for SCTS carers to get together and discuss experiences and

issues. The 2015 SCTS carers' conference 'Developing our Community', organised by our carers contact team, took place on 13<sup>th</sup> November at the Westerwood Hotel, Cumbernauld. Invitations were issued to all staff members who were on the SCTS Carer Register.

### **Carers Contact Team**

The SCTS carer's contact team is comprised of SCTS members, Human Resources Unit (HRU) representatives and PCS Union representatives and is an additional support mechanism for staff who have caring responsibilities within the SCTS.

### **Carers Awards**

In March 2016 SCTS was recognised as a Carer Positive Exemplary employer. The Carer Positive award was launched by the Scottish Government in June 2014. It has three levels: Engaged, Established and Exemplary. The SCTS is only the third employer in Scotland to achieve the level 3 Exemplary Award.

The Carer Positive award is operated by Carers Scotland on behalf of the Scottish Government. The award recognises employers in Scotland who have a working environment where carers are valued and supported. Carer Positive Exemplary employers:

- demonstrate creative and innovative approaches to supporting and involving carers;
- engage in wider awareness raising activities;
- encourage carers to lead on the development of new approaches to support carers;
- positively encourage carers in the recruitment process to access employment in the organisation.

In 2015 and 2017 the SCTS won the "Carers Scotland Best for Carers and Eldercare" award which recognises progressive organisations that are excelling in the field of family friendly ways of working. This was organised by Family Friendly Working Scotland and the Scottish Government.

## **Maternity Guidance**

In 2013 the SCTS Human Resources Unit undertook a survey of 50 members of staff who were either on maternity leave or had recently returned to work after a period of maternity leave. 79% of the staff who were contacted undertook the survey. The outputs from the survey and consultation with staff and managers were used to compile the revised maternity guidance which was launched in January 2014.

The guidance is aimed at line managers and provides them with advice and guidance on situations that may arise as a result of an employee's pregnancy or maternity leave.

The guidance is supported by the SCTS Parent's Guide which explains in detail the rights and obligations of members of staff with regard to pregnancy, adoption and paternity leave. Paternity leave and statutory paternity pay (SPP) may be due to someone who is:

- a biological father;
- a partner/husband who is not the baby's biological father (including a surrogate parent);
- a female partner in a same sex couple.

## **Shared Parental Leave**

In March 2013, the SCTS Parent's Guide was updated to include shared parental leave. This was available to parents whose baby was due on or after 5 April 2015, including those involved in adoption. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. Shared parental leave and pay is also available to employees who are adopting children. This gives greater flexibility to either partner in order that the maternity leave can be fulfilled by either party. Since the introduction of the policy one employee has taken the opportunity to have shared parental leave and two other applications are pending.

## Ordinary Parental Leave

Ordinary parental leave applies to all parents and provides leave to care for or make arrangements for the child's welfare. Parents can use it to spend more time with children and improve their work/life balance.

## Well-Being Initiative

The SCTS Well Being Initiative forms part of the SCTS and HRU Business Plans for 2017/18. The purpose of developing the initiative is to ensure that the SCTS has the right employment policies, support, and tools in place to enable all employees to carry out their roles. Its focus is on the whole life cycle of the employee from the recruitment stage to their exit, enhancing employees' engagement and productivity.

The priority areas the well-being initiative is concentrating on are:

- Recruitment and Resourcing - to ensure that all current and future employees are made aware of the types of challenging situations and distressing information/images they may be exposed to within their roles.
- Vicarious Trauma Support (VTS) and Guidance - a guidance document will be produced and a VTS service will provide confidential, one-to-one sessions with a qualified, experienced, external counselling practitioner and will be available to members of staff.
- Well-being Hub - the SCTS already has a number of work/life policies and it will be beneficial to review these policies and develop any additional ones associated with well-being and develop an interactive well-being hub.
- Attendance Management - focusing on developing different levels of support for individuals with mental health conditions and developing learning and development activities for managers and individuals.
- Stress Prevention, Management and developing a Stress Management Policy - the SCTS is concentrating on reducing workplace stress, where employees feel unable to cope with work demands or working environment, which can result in decreased productivity and poorer physical or mental health. The

costs to the SCTS can also be high in terms of reduced productivity, absenteeism, staff turnover and potentially legal cases arising from stress-related claims.

- Learning and Development - a range of new learning and development activities will be required to raise mental health awareness. It will also be important to ensure that well-being underpins all learning and development activities

## **Employees Assistance Programme (EAP)**

The SCTS [Employee Assistance Programme \(EAP\)](#) is a free support programme available to all SCTS staff, their partners and immediate families, which provides them with an extensive range of support on a variety of everyday issues, including health and wellbeing and access to a healthy lifestyles website.

## **SCTS Wellbeing Zone**

[The Wellbeing Zone](#) is a website that contains articles on a variety of topics that concentrates on general wellbeing. It also gives SCTS employees the chance to set up their own wellbeing plan, including a fitness programme, weight management plan, food diary and sleep routine.

## **Mental Health Awareness**

All staff supporting the Mental Health Tribunal for Scotland have completed Mental Health First Aid training. This training was first delivered within the first few years of operation of the tribunal (from 2005) with refresher training delivered in the last few years for new staff and those who had not received the initial training. It is SCTS intention to continue conducting this course and possibly expand it to the other areas of its business.

The Office of the Public Guardian (OPG) has built up a relationship with Falkirk's Mental Health Association (FDAMH). Their community fundraising officer came to OPG to speak about what FDAMH provide following some of the staff doing a charity

climb for the organisation. This has built up direct links to the association and increased OPG staff awareness of mental health.

### **Disability Confident Employer Scheme**

The SCTS has been a valued Disability Symbol 'two ticks' employer for over a decade and is currently in the process of migrating to the new [Disability Confident](#) scheme, which aims to encourage employers to recruit and retain more disabled people. Through this scheme, the government is working with employers to:

- challenge attitudes towards disability;
- increase understanding of disability;
- remove barriers;
- ensure that disabled people have the opportunities to fulfil their potential and realise their aspirations.

### **Recruitment Policies and Procedures**

Following consultation with recruiting managers within the organisation, and analysis of recruitment data, including data on the number and nature of queries being raised with the recruitment team, SCTS made several changes to streamline its recruitment policies and procedures after further consultation with the PCS Union.

The changes implemented were designed to minimise the recruitment pressures managers faced whilst ensuring SCTS recruitment and selection processes remained compliant with the Civil Service Commission's key principles of selection on merit, following open and fair recruitment as well as other legislative considerations.

One of these changes was the introduction of a new online entry test for external recruitment campaigns. Applicants will need to undergo and pass the test prior to gaining access to the application form. This test replaces the existing minimum qualification framework which may be discriminatory to some of our potential employees. The test sets scenarios or situations for the applicant where they are scored on their response.

Another change was creating regionalised recruitment campaigns for courts covering:

- West of Scotland
- East of Scotland
- North of Scotland

These campaigns concentrate on recruitment of our entry level grades - Administrative Assistants, Support Grade Band 2 and Administrative Officers. Senior managers and HRU staff use workforce planning data to develop these regional recruitment campaigns. This approach enabled the organisation to be more active in reaching out to minority communities with its recruitment activity. Along with workforce planning data, senior managers and HRU staff can consider our data monitoring in regards to protected characteristics and produce a strategy for advertising the posts to these targeted communities.

### **Promoting Diversity in Board Membership**

As an independent non-ministerial department the work of the SCTS is led by its Board, which is chaired by the Lord President. The Board has 14 members, a majority of whom are drawn from Scotland's judiciary. As a statutory body appointments to the SCTS Board are governed by specific regulations that the SCTS Board is bound to follow<sup>1</sup>.

Board members recognise that a broad diversity of skills, experience, knowledge and perspectives contribute to effective decision making and scrutiny. To that end the SCTS Board is committed to achieving diversity amongst its membership.

The regulations that provide for appointment of members to the SCTS Board set out that:

- appointments are made by the Lord President – who will be advised by a selection panel (drawn from the Board's membership) where a selection process is required for the vacancy in question;

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<sup>1</sup> The Scottish Courts and Tribunals Service (Procedure for Appointment of Members) Regulations 2015 (SSI No. 53)

- four of the 14 members of the Board are appointed *ex officio* – by virtue of other roles they hold in the justice system;
- a further five members of the Board must hold specific judicial offices as defined under the regulations – this ensures that there is a judicial majority on the Board as required by the legislation that established the SCTS – the Judiciary and Courts (Scotland) Act 2008;
- a further two members of the Board must be members of the legal profession (one a solicitor and one an advocate);
- the final three members of the Board are independent non-executive members.

Between the period 1 May 2015 and 30 April 2017 the SCTS Board had a membership of 14 – the gender split of Board membership has remained constant throughout that period – 9 male members and 5 female members. There was a single vacancy in Board membership during that period. Details on the current Board membership can be found [here](#).

In taking forward future appointments to the SCTS Board members are keen to ensure that greater diversity of membership is promoted. As the categories of Board membership vary the precise action taken in relation to each vacancy that arises may vary. Specific activity to encourage applications from the broadest pool of candidates will include:

- the selection panel in all future appointments being invited to consider the steps that should be taken in relation to promoting applications from those with protected characteristics – ensuring this is consciously considered by those involved in the process and that the specific vacancy in question is taken into consideration;
- using the networks and outreach provided by members of our Equality Advisory Group to ensure that Board vacancies are publicised and shared amongst the broadest range of potential applicants – in addition to publicising these through traditional recruitment channels and via social media.

- a review of the relevant person specifications, skills requirements and general application material used for board recruitment, to ensure that this is not inadvertently creating barriers to application for any group; and
- continuing to support our Board and Committee members as they attend relevant training, events and outreach activity – acting as advocates for the SCTS and increasing interest both in the organisation and the desire to serve on its Board.

### **Stonewall Scotland's Diversity Champions Programme**

In 2014, the SCTS signed up to Stonewall Scotland's Diversity Champions Programme which is Britain's good practice forum for workplace sexual orientation issues. The SCTS will be working with Stonewall to promote diversity and improve our workplace for lesbian, gay, bisexual and transgender staff and court users. As part of this tailored programme SCTS is undertaking on an annual basis the Equality Workplace Index assessment, which is a benchmarking tool to assess each organisation's work on lesbian, gay and bisexual equality against Stonewall's best practice and other organisations in the justice sector.

### **Protected Characteristics Staff Group**

The Protected Characteristics Staff Group (PCSG) is an internal networking group that enables members of staff with protected characteristics, or those with an interest in that area, to identify issues of interest or concern specific to them and to influence SCTS policy and actions. The group is aimed at staff members with protected characteristics, those who wish to be allies and those who have a general interest in equality work. The PCS Union is also represented on the group.

The PCSG was established in August 2014 to provide an in-house staff group which can advise the organisation and its staff on issues concerning staff and court users with protected characteristics. To encourage membership the group is promoting the use of video-conferencing to enable potential members from remote locations to join, and is happy to meet in various locations for convenience and to minimise travel difficulties.

Though currently under review, the remit of the group is:

- monitoring organisational and staff attitudes to equality issues and highlighting trends;
- helping the organisation share best employment practice for staff with protected characteristics;
- providing support by commenting on equality impact assessments (EQIAs) on all new or modified SCTS policies and procedures;
- providing a signposting and support service for SCTS staff with protected characteristics;
- acting as a sounding board in relation to significant organisational proposals which may impact on staff or court users with protected characteristics;
- promoting educational and learning activities related to staff and court users with protected characteristics.

### **Equality Intranet Hub and Forum**

An intranet hub and forum was created where equality information and reports are readily available and allows staff to share their knowledge and experiences. The PCSG is currently looking at ways to promote the work of the group, the use of the hub and staff forum.

### **Equality Advisory Group**

The SCTS established its Equality Advisory Group (EAG) in 2011. The aim of establishing the group was to access objective advice about mainstreaming equality from people who are committed to understanding the role of the SCTS and the challenges it faces in delivering our purpose and outcomes. The main purpose of the EAG is to act as a 'critical friend' to the organisation by giving advice on new and existing policies, procedures and providing fresh insight about developments in the equality sector.

The group is currently comprised of representatives from five equality organisations:

- Council of Ethnic Minority Voluntary Sector Organisations (CEMVO) Scotland
- Trust Housing Association Ltd
- Stonewall Scotland
- Engender Scotland
- National Autistic Society Scotland

The group currently meets three to four times per year and is chaired by Mr Colin Lee, Chief Executive of CEMVO Scotland.

### **Equality Steering Group**

The Equality Steering Group (ESG) is an internal equality group chaired by the Chief Executive and SCTS Equality Champion, Eric McQueen. The group is comprised of approximately five members of staff. It monitors the equality work being undertaken by the organisation in support of the SCTS Equality Outcomes and aims to meet at least four times per year.

### **Public and Commercial Services (PCS) Union**

The PCS Union puts equality at the Heart of Everything it does and in mainstreaming equality within SCTS there are shared values and common goals on which it can work in Partnership with SCTS. This has been shown by PCS Union inclusion in the Carers contact group, the Protected Characteristics Staff Group and the Dignity at Work project team. PCS were also key in the launching of the 'Challenge it, Change it' initiative as well as in the 'No Bystanders' campaign, where it ensured all local Partnership Committees signed up to the 'No Bystanders' pledge. No-one should be subject to detriment, discrimination or abuse at work or anywhere else, so it is important that an organisation like SCTS ensures that staff know where they can turn to ask for help and assistance if ever required, but more importantly are taking steps to eliminate prejudice of any kind in the workplace. There is also the need to ensure that under-represented groups have a voice and that their views, concerns and ideas are listened to and SCTS in setting up the meeting structure they have are striving to achieve this. With the support of the Union, the SCTS is committed to the promotion of equality and equality of opportunity for all and it is and will remain a priority for

SCTS and PCS in ensuring staff, as well as court users, receive the respect and quality of service that meets their needs through continuous improvement.

### **Listening Services**

In December 2016 Edinburgh Sheriff and JP Court has launched a Listening Service to provide help and support to people using the court – the first such service in Scotland.

The idea behind the service is to help people who may feel the need to talk to someone during what can be an unknown and stressful experience of attending court.

The service, run by volunteers from Edinburgh's Multi-Faith Chaplaincy Service, began on Monday 5th December and has been organised by liaising with the Edinburgh Inter-Faith Association – a body made up of religious groups from around the city.

The Edinburgh service is available for families and friends of people attending court and therefore complements what is already available for victims and witnesses. A group of 18 trained volunteers is present in the environs of the court to offer a listening ear and some knowledge of the system with the intention of providing some support when people are feeling helpless.

Persons who are recognised as being in the need of some additional support can be directed to the service by members of SCTS staff.

### **Interpreting, Translation & Transcription Services**

The SCTS is a collaborative partner in the Scottish Government framework for Interpreting, Translation and Transcription Services. The contract covers comprehensive spoken language interpreting services, and transcription and translation from word documentation or electronic media. The interpretation and translation services are engaged by SCTS principally in support of the accused person in criminal proceedings in the High Court of Justiciary, Sheriff and JP Courts.

While SCTS arranges interpretation services for the accused person, it is the responsibility of the Crown Office and Procurator Fiscal Service to provide

interpreting services for all Crown witnesses and for defence agents to ensure an interpreter is in attendance for any defence witnesses.

### **Specialist Telephone Lines**

All courts offer the Language Line service for people whose first language is not English, enabling them to speak to someone in their own language. The Text Relay system enables deaf, hard of hearing and speech impaired people to contact others by telephone.

### **British Sign Language Interpretation Service**

In 2015 the [Contact Scotland video relay service](#) was launched for all public services in Scotland. It involves court users contacting British Sign Language (BSL) interpreters via a webcam-signing service. The interpreters then phone the public service on the person's behalf explaining that they are acting as an intermediary. Outgoing calls can also be made to members of the deaf community and those suffering from a significant hearing impairment, using the same system.

This is the first nationally funded public sector pilot of its kind in the UK and is designed to tackle the barriers and discrimination that BSL users face, while also supporting public services to meet their legal obligations in relation to the Human Rights Act 1998, Equality Act 2010, Patient Rights (Scotland) Act 2011 and British Sign Language (Scotland) Act 2015.

The SCTS took part in a consultation event in March 2017 with BSL interpreters, during which their work in the justice sector was discussed. The event was beneficial for both justice organisations and BSL interpreters and paved the path for closer cooperation after introduction of the BSL National Action Plan in October 2017.

### **Deaf Awareness**

An anniversary event celebrating 125 years of the British Deaf Association took place in February 2016 at the Civic Centre in Livingston. Over 20 people from the Deaf community were in attendance with BSL interpreters, students from Heriot Watt University (who were also honing their signing skills), representatives from Police

Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Legal Aid Board.

Livingston was chosen as a good example of a cross-justice working environment. It also allowed delegates to view and experience newer accessible features such as the infrared hearing loops. The delegates were able to see a presentation on the work of civil and criminal courts in Scotland and adjustments that the SCTS can put in place for deaf or hard of hearing court users.

A deaf awareness e-learning package, developed by Citizens Advice Scotland and Highland Deaf Communication Project, has been assessed by members of the SCTS Equality Steering Group and is to be launched in 2017 as a mandatory course for front line staff.

### **Web Accessibility Initiative Standards**

In creating the current SCTS website we followed [W3C Web Accessibility](#) standards in order to ensure a high standard of accessibility for our disabled users. It is recognised however that requirements can change over time and feedback is encouraged from users [via this page on the SCTS website](#) to inform us about how we might improve matters.

### **Accessibility Audits**

SCTS has carried out accessibility audits of the SCTS estate. We have completed all SCTS site surveys with the exception of two newly acquired buildings. Details of site facilities will be published in an accessible format and placed on the internet for service users to access prior to attendance at court or office facilities.

Equality considerations in the project design process are part of a continuous process rather than a distinct event. The design stage for the Inverness Justice Centre is currently underway and this phase will include consideration of court user requirements across a broad range of disabilities. Initial views of the SCTS Equality Advisory Group have already been sought in this regard.

## **Accessible Services**

An Accessible Services package developed by the Criminal Justice Disability Project Team, of which the SCTS is a member, is being issued to all court locations in the first instance. The package consists of a 'We are here to help' poster which advises court users of the availability of support mechanisms and reasonable adjustments available throughout the building. The poster will be placed at all public facing reception points and a support pack is being developed for staff to assist in the provision of advice to court users.

## **Doors Open Days**

Doors Open Day is a good way for the SCTS to engage with local communities and offer the public a glimpse into what the courts do every day. Every year in September Scotland's courts are opening their doors to encourage people to come and learn more about their history, traditions and daily routine. Court events include tours, mock trials, police dog handling, video link displays and family competitions. Other justice partners also participate including Police Scotland and G4S, the current court custody and prisoner escort service contractor.

In 2015 Glasgow Sheriff and Justice of the Peace Court was presented with an award in recognition of the contribution staff have made to Doors Open Day events. More than 1800 people passed through the doors of the court building on the open day in September 2015 and feedback highlighted just how much people enjoyed the opportunity to see inside the court and, in particular, how informative the event was for children. The award, presented by the Glasgow Building Preservation Trust, recognises the efforts of SCTS staff in making the day enjoyable and educational for visitors of all ages.

## **Council of Ethnic Minority Voluntary Organisations (CEMVO) – Equality Impact Awards**

SCTS sponsored an employment award at the Council of Ethnic Minority Voluntary Organisations ([CEMVO](#)) annual award ceremony held at Glasgow on 12 November 2016. Senior managers invited four members of SCTS staff to attend the dinner event as recognition for the work that they had recently undertaken in relation to promoting equality within the organisation.

## **Keep Safe Initiative**

The Initiative aims to ensure that people feel safe when participating in community life. Many people can feel scared, frightened or vulnerable when out in the community and this can in many cases lead to social isolation.

[Keep Safe](#) aims to offer a network of safe places to encourage people to participate in daily community life free from the fear of harassment and abuse.

Keep Safe places can offer reassurance and assistance to any individual should they become confused, disorientated, distressed or a victim of crime.

A phone app which maps out all Keep Safe places across Scotland and helps people to plan routes, highlighting Keep Safe places along the route, has just been developed.

The app also enables people to report hate crimes directly to the Police if they have been a victim or have witnessed an incident.

The initiative has been rolled out since November 2016 and at the moment 34 SCTS premises around Scotland have been signed up as “Keep Safe” places.

## **SCTS Court User Satisfaction Survey**

The SCTS has run Court User Satisfaction Surveys each year from 2004-07 and thereafter every second year.

The questionnaires, generally completed as part of an exit survey, consist of mostly closed questions with five-point scales to rate court users’ views on usefulness of information provided; helpfulness and politeness of SCTS staff; satisfaction with the comfort, cleanliness, safety and security of a range of court facilities; satisfaction with waiting times; and overall satisfaction. Open questions are used to probe reasons for dissatisfaction, and there is a demographics section at the end.

The surveys provide valuable externally-delivered and impartial evidence about court users’ satisfaction with SCTS service delivery and performance, and results are

reported to the SCTS Board and [published on the SCTS website](#). Although questions do not mention equality and diversity directly, to avoid asking leading questions, respondents can say in their answers to open questions if equality and diversity had any bearing on their satisfaction or dissatisfaction with services.

Overall satisfaction ratings from the last three surveys have been 83% in 2011, 89% in 2013 and 89% in 2015.

The OPG carry out surveys with customers looking at what they do well, what they don't do too well and what they need to improve on. The surveys are carried out as and when required and are broken down into the specific type of service. The OPG have a database of users who have volunteered to assist when looking for feedback on a service. OPG actively seek customer feedback when considering any change to a process or service.

### **Customer Service Excellence**

Customer Service Excellence (CSE) was developed to offer all organisations a practical tool for driving customer-focused change. CSE is an externally-accredited standard comprising assessment against 57 elements, some of which are directly relevant to equality and diversity:

- “we make particular efforts to identify hard to reach and disadvantaged groups and individuals and have developed our services in response to their specific needs”;
- “we ensure that all customers and customer groups are treated fairly and this is confirmed by feedback and the measurement of customer experience”;
- “we provide our customers with the information they need in ways which meet their needs and preferences, using a variety of appropriate channels”.

Assessment involves submitting evidence, which is reviewed and rated by the independent CSE assessors, who subsequently visit courts to observe service delivery, and interact with court staff, users and representatives from justice partner agencies. The SCTS has continuously achieved CSE accreditation as a single organisation since 2013.

The 2016 assessment concluded with the SCTS achieving 42 'fully compliant' ratings, eleven 'compliance plus' ratings and four 'partially compliant' ratings. Court User Satisfaction Survey results are used extensively in evidence, and recent improvements in CSE ratings have been reflected in improved survey ratings in 2013 and 2015.

### **3. Embedding Equality within Criminal Justice**

The SCTS develops an approach to mainstreaming equalities with other justice system organisations at national and local levels to share understanding and co-operate where feasible. We aim to play an integral part in promoting equality in Scottish society by providing services which are of high quality, continuously improving and are efficient and responsive to people's needs.

#### **Justice Equality and Diversity Sub-Group**

The SCTS is a member of this group which reports to the Justice Board and is comprised of representatives from across the justice sector. The group meets every two months and is chaired by the Crown Office and Procurator Fiscal Service Equality Champion. The remit of the group is to:

- report to the Justice Board on the strategic promotion of equality across the criminal justice sector;
- work in partnership to deliver a yearly shared equality objective;
- seek opportunities to develop joint staff training on equality issues;
- seek opportunities to develop joint community and staff engagement initiatives.

In support of this group the Criminal Justice Disability Advisory Group was established. This is comprised of representatives of external support organisations who provide the sub-group with feedback and "critical" advice on equality matters.

#### **Criminal Justice Disability Project Team**

SCTS is represented on this Team which reports to the Justice Equality and Diversity Sub-Group. The group is comprised of representatives from organisations across the justice sector and aims to meet 8 times per year. The remit of the group is to:

- consider the recommendations contained within the reports “Hidden in Plain Sight” and “Out in the Open” and the “Justice Steering Group Report 2009” and consider how these can be implemented across Criminal Justice organisations;
- prepare progress reports for the Justice Equality and Diversity Sub-Group as the Project Board for this work;
- prioritise actions and following consultation with representative groups, prepare and implement an action plan;
- where appropriate, prepare business cases for additional funding in relation to criminal justice organisation initiatives for consideration by the Justice Board;
- implement actions, where appropriate, and evaluate the effect of these;
- prepare a report which captures progress for project closure.

The Team also scopes compliance with Scotland’s international obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

### **Equality Duty Implementation Group**

This group was created by Scottish Government in response to The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. The group is comprised of representatives from organisations across the justice sector. The group provides Scottish Ministers with feedback on progress with implementing the public sector equality duties.

### **Working Group on Interpretation and Translation (WGIT)**

SCTS is a member of this group which meets bi-annually. The group’s members come from organisations serving the justice sector. The remit of the group is:

- to aim to establish common standards for interpreting and translation throughout the Scottish Criminal Justice System and across other areas of the justice sector where appropriate;

- to consider the implications for the criminal justice system of local and European legislation in regards to interpretation and translation and make recommendations;
- to work collaboratively to influence and promote good practice in working with interpreters and translators;
- to share resources and develop joint initiatives in delivery of the WGIT's action plan where appropriate.

## 4. Equality Outcomes

The SCTS published its first set of Equality Outcomes in 2011 and reported on their delivery in 2013. In terms of section 4(b) of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 it was required to review the existing Equality Outcomes and publish a second set by 30 April 2015.

In autumn 2014, a facilitated workshop was held between members of the internal Equality Steering Group and the SCTS Equality Advisory Group to review the first set of outcomes and scope new outcomes, which were [published in April 2015](#).

Each of the outcomes, detailed below, is supported by relevant “supporting outcomes” and actions:

- LGBT employees will have confidence in the SCTS as an employer;
- The SCTS workforce will be more reflective of those in the Scottish population, particularly in relation to BME members;
- The SCTS will increase the confidence of its staff to declare their protected characteristics;
- The SCTS will aim to make its workforce more reflective of those in the Scottish population particularly in relation to young people (age 16-24);
- The SCTS will strive to increase civic participation for people with protected characteristics;
- The SCTS will improve the quality of information it holds in relation to services provided to child and other vulnerable witnesses.

## Equality Outcome 1

### LGBT employees will have confidence in the SCTS as an employer

The SCTS submitted its first workplace equality outcome index application to Stonewall Scotland in September 2014. Whilst the work and initiatives of Stonewall tend to focus primarily on the LGBT community, SCTS is using the exercise and results to gauge performance in support of every protected characteristic. The intention is to submit an application annually building on the previous year's results and learning with the aim of improving the services offered to court users whilst making the SCTS a better, more inclusive place to work.

	Action	Timescale
1.1	<p>Undertake an annual workplace index around September each year.</p> <p>We aim to continually increase our ratings year on year.</p> <p><u>Responsibility:</u> Operations Delivery Business Unit (ODBU)</p>	<p>Sept 2015</p> <p>Sept 2016</p>
1.2	<p>Make adjustments to the organisation's practices following review of the workplace index analysis.</p> <p>We aim to produce an action plan and complete some of the recommendations made by Stonewall such as:</p> <ul style="list-style-type: none"> <li>• Conduct unconscious bias training for senior managers.</li> <li>• Raise awareness of LGBT amongst staff.</li> <li>• Sign up to the '#NoBystanders' campaign.</li> <li>• Include protected characteristics when promoting DAW at corporate induction.</li> </ul> <p><u>Responsibility:</u> ODBU/ HRU</p>	Dec 2015
	<p><b>Evidence base:</b></p> <p>Stonewall Workplace Equality Index 2015</p>	

	<b>Protected characteristics covered:</b>	
	Age, Disability, Gender Reassignment, Pregnancy and Maternity, Race, Religion or Belief, Sexual Orientation, Sex, Marriage and Civil Partnerships	

**Progress to date:**

**1.1**

The SCTS undertakes the workplace equality index and survey annually. The result of the programme in 2016 (application for this was submitted in September 2015) indicated that our standing had improved as a result of work undertaken that year. This success was not repeated in the 2017 standings due to a lack of progress on certain fronts and a change in key personnel in the intervening period. SCTS remains committed to continually increasing our ratings year on year and is working closely with Stonewall colleagues to identify key areas where efforts might best be focussed in future.

**1.2**

The following are actions which followed from the findings of the 2016 programme:

- **Unconscious bias training for senior managers**

All SCTS staff members in senior manager positions and above attended unconscious bias training in June 2016. Due to the cost of the training it was agreed that the training would not be delivered to all staff. However an unconscious bias e-learning resource has been developed and is available for all staff. This new e-learning resource explores the subject of unconscious bias and helps develop greater self-awareness.

The subject of unconscious bias in day-to-day decision making has become very topical and, with an improved understanding of neuroscience and social research, it is leading to an enhanced debate about how bias impacts in the workplace.

This affects all of us and the day-to-day decisions we take:

- Do we have a bias in favour of particular types of people or a bias against other types of people?
- Do we do things unwittingly that cause offence?

HRU is threading the topic through the recruitment policy and process policy work in order to embed awareness of unconscious bias throughout the work we do.

- **Raise awareness of LGBT amongst staff**

The Protected Characteristics Staff Group (PCSG) was formed in 2014 and it is the formal amalgamation of the Staff Disability Group and LGBT staff network. The purpose of the PCSG is to provide the SCTS with an in-house staff group, including PCS Union representatives, which can advise the organisation and its staff on issues concerning staff and court users with protected characteristics. The scope of the group is to monitor organisational and staff attitudes to equality issues and highlight trends, and help share best employment practice for staff with protected characteristics. The group also provides support by assessing and commenting on Equality Impact Assessments (EQIAs) on selected policies and procedures, and provides members of SCTS staff (who have protected characteristics) with a signposting and support service. The PCSG can also act as a sounding board in relation to significant organisational proposals which may impact on staff or court users with protected characteristics, and promote associated educational and learning activities.

In 2016 HRU started work on creation of an SCTS Transgender Policy. The draft of this document is expected to be presented to the Executive Board in the second quarter of this year.

- **Sign up to the '#NoBystanders' campaign**

The ['#NoBystanders'](#) campaign was launched in SCTS in 2015. In July 2015 members of the Dignity at Work Contact Team and PCS union pledged their support to the campaign. The '#NoBystanders' pledge has been signed by a number of our staff members at engagement events. The campaign was launched at the OPG staff engagement event in autumn 2015. PCSG members also signed the pledge. Several

signings of the pledges were communicated to the public via the SCTS and OPG Twitter account. The '#NoBystanders' video is available for all staff to view within the on-line Dignity at Work guidance folder and was last updated in September 2016.

- **Include protected characteristics when promoting DAW at corporate induction**

The new on-line induction training (Smart Start) was introduced in 2016. The Smart Start content is split into sections with progressive access to each section. When completing the training, Smart Start sections must be conducted in the outlined order and any following section cannot be started until the one before is successfully completed. This approach compels compliance and consistent communication of corporate messages. The Dignity at Work (DAW) course, which covers all protected characteristics, is included in the second section of the Smart Start programme, so it is one of the first courses conducted by new members of SCTS staff. In compliance with the SCTS Induction Checklist, the DAW course must be completed no later than by the end of the second week of an induction period.

## Equality Outcome 2

**The SCTS workforce will be more reflective of those in the Scottish population particularly in relation to BME members.**

It has been recognised, using the results from the Annual SCTS People Scorecard, that there is a shortage of representation of BME members employed within SCTS. This is something SCTS seeks to address to ensure a balanced workforce within the organisation. This is fully supported by the Equality Advisory Group and Equality Steering Group. The SCTS aims to increase the proportion of BME employees from 1.8% (declared) to 2.5% by 31 March 2017.

	Action	Timescale
2.1	Provide a recruitment stand at the 2015 Equality Impact Awards Ceremony hosted by CEMVO.  <u>Responsibility:</u> HRU	By end December 2015
2.2	Hold regional recruitment campaigns with increased targeting of BME communities.  <u>Responsibility:</u> HRU	By end March 2016
2.3	Have Courts engaging in community engagement events with a BME focus.  <u>Responsibility:</u> Operations	March 2016
2.4	Identify the scope for introducing specific learning and development opportunities for BME staff.  <u>Responsibility:</u> HRU	By end March 2017
	<b>Evidence Base:</b> Annual SCTS People Scorecard  <b>Protected characteristics covered:</b>  Age, Race, Religion or Belief	

The SCTS carried out a review and update exercise in April 2016 when introducing the new computerised HR Connect system encouraging staff to update their personal and contact details. A communication was issued to all staff explaining that under the Equality Act (2010)(Specific Duties) (Scotland) Regulations 2012 the SCTS were required to capture employee data which would allow the organisation to measure its effectiveness in meeting the Equality Act. This exercise, however, did not provide sufficient data to confirm whether the number of BME employees has increased.

The SCTS is committed and continues to work towards increasing the confidence of staff to declare their personal data. We do this by regularly reminding staff to update their records by internet articles, staff meetings and general awareness when the opportunity arises.

### **Progress to date:**

#### **2.1**

The Council of Ethnic Minority Voluntary Organisations ([CEMVO](#)) launched an employer award ceremony in 2013 to be held annually. SCTS currently supports the ceremony by sponsoring an award each year and in doing so seeks to promote the SCTS as a diverse employer.

In 2015 SCTS decided no longer to present a recruitment stand at the event, which is a celebration of successes and which yielded few enquiries or subsequent contacts.

#### **2.2**

Regional Recruitment campaigns have been introduced for entry level grades. Workforce planning data is used to develop these campaigns and therefore this approach allows the organisation to be more active in reaching out to minority communities. Senior managers and HRU staff monitor protected characteristics and produce a strategy for advertising posts in targeted communities.

The SCTS is looking into the possibility of working with Police Scotland, who produced their own Work Force Diversity Strategy in June 2016, to identify more efficient ways of identifying specific BME communities during its recruitment process.

## 2.3

The SCTS aims to be engaged in various community engagements events with a BME focus. Some examples of this are:

- CEMVO Equality Impact Award

The SCTS aims to sponsor an award at CEMVO Equality Impact Awards Ceremony annually.

- Bridges Programme

The SCTS was involved between 2006 and 2014 in the Bridges Programme, which works exclusively with refugees and asylum seekers in Glasgow, arranging work shadowing and work experience placements across all industry and business sectors. The SCTS has established a robust and meaningful three day training course for Bridges clients who are eligible to take up employment in the UK.

The Bridges training programme addresses the following:

- where to look for job adverts;
- what should an advert contain ('jargon busting');
- writing an excellent application with a focus on transferable skills;
- building a CV;
- building confidence in interviews;
- skills practice through mock interviews.

Due to the changes in the client portfolio of Bridges, and their needs, the training programme has been discontinued, but SCTS is still working closely with Bridges looking at other ways of co-operation.

The new initiative is being formed by the SCTS in order to promote it within young people and BME communities. As part of the widening of the Modern Apprenticeship (MA) programme scoping is currently being undertaken on how the organisation can develop relationships with schools and Further Education colleges to create entry pathways to employment. The Scottish Government policy on targeting MA opportunities to BME groups in particular is something the SCTS will also focus on.

SCTS continue to explore other ways of reaching out to BME communities in order to support delivery of this Equality Outcome.

## **2.4**

All learning and development opportunities within the SCTS are open and available for all employees; therefore SCTS does not consider it necessary to introduce any specific learning and development opportunities for BME staff. This action point is therefore not being pursued further at this time.

## Equality Outcome 3

### We will increase the confidence of our staff to declare their protected characteristics.

As part of the current recruitment process, new members of staff are asked whether they possess any protected characteristics. Historically, this information was not requested at that stage and a subsequent exercise failed to gather accurate relevant information about existing SCTS staff. This information is vital for staff inclusion and for ensuring the proportion of SCTS staff is reflective of the Scottish population.

	Action	Timescale
3.1	<p>Communication strategy to be created to advise staff of the benefits of declaring their protected characteristics.</p> <p><u>Responsibility:</u> HRU</p>	By end August 2015
3.2	<p>Once Myview2 goes live during the summer of 2015, review protected characteristic stats. Aim is to have all staff to complete this by end October 2015 and for the data to be published in the 2016 Annual SCTS People Scorecard.</p> <p><u>Responsibility:</u> HRU</p>	By end July 2016
	<p><b>Evidence base:</b> Annual SCTS People Scorecard and Myview2 (when live)</p> <p><b>Protected characteristics covered:</b></p> <p>Age, Disability, Gender Reassignment, Pregnancy &amp; Maternity, Race, Religion or Belief, Sexual Orientation, Sex, Marriage and Civil Partnerships.</p>	

## **Progress to date:**

### **3.1 and 3.2**

An intranet article prepared by the HRU Director and supported by the Chief Executive was published on 8 February 2016 encouraging staff to update their personal details, including protected characteristics, on HR Connect (the new HRU system that replaced Myview2). Communication was supported by the Chair of the SCTS PCS Union Branch, who reinforced the importance of collection of information to ensure all staff are treated fairly. The Chair of the SCTS PCSG also took the opportunity to emphasise that the SCTS takes the need to be fair and open seriously in order to ensure we can support all staff. The leaflet produced by the LGBT campaign group, Stonewall [What's it got to do with you?](#), was openly communicated, providing valuable information on 10 key reasons why it is considered important that members of staff declare information on protected characteristics.

This notwithstanding, not all staff have completed this part of their personal details by the deadline stated. SCTS remains committed to increasing the number of employees declaring their protected characteristics and further discussion between policy units on positive messaging, and fresh avenues of approach, are underway.

Protective characteristics information was gathered from HR Connect and published in the [HR Annual People Scorecard 2015/16](#).

## Equality Outcome 4

### We will aim to make the SCTS workforce more reflective of those in the Scottish population particularly in relation to young people (age 16-24)

It has been recognised from information contained in the SCTS People Scorecard that the number of 16-24 year olds employed in the organisation is disproportionately low. SCTS are looking at ways to attract young people through recruitment in order to develop a more balanced workforce and for the purposes of supporting future workforce planning.

	Action	Timescale
4.1	Increased use of social media when recruiting.  <u>Responsibility:</u> HRU	By end March 2016
4.2	Hold regional recruitment campaigns with the potential for specific targeting of 16-24 year olds.  <u>Responsibility:</u> HRU	By end March 2016
4.3	Have courts participate in community engagement events with a focus on young people.  <u>Responsibility:</u> Operations	March 2016
	<p><b>Evidence base:</b> SCTS People Scorecard and Myview2 (when live)</p> <p><b>Protected characteristics covered:</b></p> <p>Age, Disability, Gender Reassignment, Pregnancy &amp; Maternity, Race, Religion or Belief, Sexual Orientation, Sex, Marriage and Civil Partnerships</p>	

## **Progress to date:**

### **4.1**

TMP, our service provider under the Scottish Government recruitment framework provides SCTS with advice on the most efficient and effective ways to advertise posts within our organisation e.g. by use of Twitter, Facebook, LinkedIn and LinkedIn Plus. We have used Twitter to advertise a number of posts within the SCTS e.g. specialist posts within Finance, Executive Support and posts within Grampian Highlands & Islands. Use of LinkedIn has also increased recently.

### **4.2**

Modern Apprenticeship recruitment was piloted in July 2016. The posts were advertised using Twitter, Facebook and LinkedIn targeting young people (age 16-24). Six apprentices have been employed throughout the organisation. A report providing recommendations on future of the Modern Apprenticeship programmes is being prepared, in consultation with the PCS Union, on the way forward. Quarterly review reports are also being prepared to monitor the progress of the employees.

The SCTS has made an organisational pledge to offer a minimum of five work experience placements for young unemployed persons each year. The SCTS introduced and coordinated an annual arrangement within a selected number of courts for advertised “work experience” aimed at 16- 24 year olds. These placements have been made through a variety of methods such as the DWP work experience programme, which originated in Edinburgh Sheriff Court, and have resulted in fixed term/permanent appointments. DWP work placements have been introduced throughout the SCTS. Others have been as a result of direct enquiries from individuals and local council/ training providers. This involved planning and promoting placements in advance and creating development programmes for these individuals which would last between one and three months. The primary aim of the placement scheme is to attract and train a pool of staff which would be able to use this experience to successfully apply through fair and open recruitment for positions in SCTS in future.

In 2015 the SCTS was listed as Diversity Champion in Stonewall's "Starting Out" guide. It is the UK's first national directory of LGBT friendly employers. The guide is targeted at the 150,000 lesbian, gay and bisexual students in Britain as well as jobseekers and graduates.

### 4.3

The SCTS is taking part in a number of community engagement events with a focus on young people:

- Young Scotland Programme

The Young Scotland Programme, which is run by two charities, the Young Programme and the Institute of Contemporary Scotland, seeks to:

- develop confidence and communications skills;
- stretch the mind and broaden awareness of issues affecting society;
- encourage research;
- enhance writing and presentational abilities;
- provide a forum for debate and dialogue;
- introduce fresh ideas and creativity.

The SCTS has been engaged in this programme for over a decade.

- The MiniTrials project

In 2002 SCTS began involvement in the organisation of MiniTrials. The idea was instigated by Lord Kinclaven, a High Court Judge, to give pupils the chance to take the law into their own hands, literally, by acting out criminal jury trials. MiniTrials, which are organised by the Faculty of Advocates, aim to demystify the law in an enjoyable way and show young people what really happens in a criminal court. They are made possible by the contribution and input from members of SCTS staff.

- Schools Public Speaking competition

In 2017 SCTS was asked to provide support organising the newly established COPFS Schools Public Speaking competition. This competition is open to all mainstream state secondary and independent schools in Scotland for S2 and S3 pupils and will culminate in a National Final in Edinburgh on 23 May 2017.

Competitors have been invited to speak on topics which seek to raise awareness of equality and diversity issues affecting young people in Scotland. SCTS is providing facilities for this competition and some members of the Judiciary are also acting as judges in the panels.

Other examples of initiatives at a local level include Livingston Sheriff Court cooperation with West Lothian College whereby regular visits are arranged for HNC students in Social Science and Business. The students are provided with a short presentation, a guided tour of the building and the opportunity to sit view a court in session. A number of sheriff courts also organise mock trials in support of law student Legal Diploma assessments.

## Equality Outcome 5

### We will strive to increase civic participation for people with protected characteristics.

We are aware that elements of the SCTS estate may need to be adapted where possible, in order to improve accessibility for potential jurors with protected characteristics, more specifically for those with a disability. There is also a need to manage the expectations of potential jurors through improved communication of available reasonable adjustments, the layout of court rooms and current legislative requirements, which may have a bearing on jury service.

	Action	Timescale
5.1	Scope the potential for increasing accessibility for jurors with protected characteristics.  <u>Responsibility:</u> ODBU/Property Services Unit (PSU)	December 2015
5.2	Incorporate within design specifications for future builds/major renovations provision for improved accessibility for jurors with protected characteristics.  <u>Responsibility:</u> PSU	June 2015
5.3	Engage with external support organisations to improve communication of key information for potential jurors with protected characteristics.  <u>Responsibility:</u> ODBU	August 2015
	<b>Evidence base:</b> Complaints, feedback, open door days, Court User Satisfaction Survey  <b>Protected characteristics:</b> Age, Disability, Gender Reassignment, Pregnancy & Maternity, Race, Religion or Belief.	

## **Progress to date:**

### **5.1 and 5.3**

A working group established by SCTS and chaired by Lord Matthews, a High Court Judge, has been considering the individual needs of persons presenting with disabilities and impairments, and how best those persons might be enabled to fulfil their civic duty as jurors. To date the group has focussed primarily on persons with both hearing and sight impairments, and in doing so has sought the views of a broad range of support organisations including the Royal National Institute of Blind People (RNIB) and the Scottish Council on Deafness (SCOD). The current aim is for an initial report setting out some recommendations on the way forward to be submitted to the Lord Justice Clerk for consideration in April / May 2017.

Guidance information for jurors is currently held electronically on the SCTS website. Where access to the internet is not available, this information is distributed in hard copy. The guidance notes and forms are made available in a wide array of formats on request, and details of how to obtain these is set out on the SCTS website.

We have carried out accessibility audits of the SCTS estate. We have completed all SCTS site surveys with the exception of two newly acquired buildings. Details of site facilities will be published in an accessible format and placed on the internet for service users to access in advance of their planned visits to courts and other SCTS buildings.

### **5.2**

SCTS ensures that equality considerations in the project design process are part of a continuous process rather than a distinct event. The design stage for the Inverness Justice Centre is currently underway and this phase will include consideration of staff and court user requirements across a broad range of disabilities, including physical access to jury rooms and jury boxes. The views of the SCTS Equality Advisory Group have been sought on the early design brief.

## Equality Outcome 6

### Improve the quality of information held by SCTS in relation to services provided to child and other vulnerable witness.

The current biennial SCTS Court User Satisfaction Survey collects information on services provided to court users. It is recognised this does not encompass certain services provided specifically to vulnerable witnesses e.g. where the witness may have given evidence by live TV link from a location out with the court building. Any feedback received in this respect is currently in the form of comments received from key support organisations such as Victim Support Scotland (Witness Service) and Scottish Women's Aid etc.

	Action	Timescale
6.1	To liaise directly with victim and witness support groups with a view to scoping the potential for improving the quality of feedback from vulnerable witnesses.  <u>Responsibility:</u> ODBU	July 2015
6.2	Compile an action plan and implement recommendations.  <u>Responsibility:</u> ODBU	December 2015
6.3	To review the content and quality of returns with support groups.  <u>Responsibility:</u> ODBU	June 2016
	<b>Evidence Base:</b> Complaints and Feedback  <b>Protected Characteristics:</b>  Age, Disability, Gender Reassignment, Pregnancy & Maternity, Race, Religion or Belief, Sexual Orientation, Sex, Marriage and Civil Partnerships	

## **Progress to date:**

### **6.1**

With a view to plugging an obvious gap in the data held by SCTS, managers contacted colleagues in Victim Support Scotland (VSS) in December 2016. The aim is to introduce a new system of gathering information/feedback from victims and vulnerable witnesses, who are receiving assistance from VSS (in the form of support from volunteers in the Witness Service). VSS is currently launching a satisfaction survey for their clients and it has been agreed that questions regarding experience during court proceedings will be included in this survey and helpful information passed discretely to SCTS on the quality of service experienced during the court proceedings.

### **6.2**

In support of this action SCTS is also planning to seek similar feedback directly from Scottish Women's Aid and Rape Crisis Scotland, who provide essential support and advocacy services to victims of serious criminal offences and who may as a result also fall within the category of witnesses giving evidence remotely from the court building.

### **6.3**

Once the views of witnesses are received any action plan will be taken forward in consultation with internal equality groups and the relevant support organisations, with the aim of maintaining a high quality standard of service to this category of particularly vulnerable witnesses and children.

## 5. Going forward

SCTS is constantly working on improving accessibility to its services.

In autumn of 2016 the new Integrated Case Management System (ICMS) was launched for civil court cases. Amongst other things, the system creates the platform to enable on-line interaction with customers - e.g. online submission of cases, case tracking, lodging of productions in digital format and online communication of court interlocutors. It also paved the way for the introduction of the new civil Simple Procedure, which was introduced in November 2016.

Simple Procedure Civil Online will be the external portal on the SCTS website enabling claims to be raised, case documents submitted, court fees paid and cases tracked online. This will be introduced initially for Simple Procedure payment actions and extended to all areas of simple procedure at a future date. In time this means over 60% of all civil business in the sheriff courts will be processed through Civil Online.

The OPG website provides our customers with a wide range of information about the Adults with Incapacity (Scotland) Act 2000, explaining what we do, the options available to them under the Act and the other sources of advice and guidance available. Information is offered in different formats, including the option for customers to listen to audio versions of our publications.

OPG's online Power of Attorney submission service ([EPOAR](#)) provides customers with a secure, accessible and easy to use electronic alternative to submitting their documents for registration via the post. EPOAR is available to be used by members of the public as well as professionals such as solicitors. Of the 71,000 Powers of Attorney submitted for registration during 2016/17, around 60% were received via the EPOAR portal.

The Evidence and Procedure Review Child and Vulnerable Witnesses Project, being led by SCTS at the request of the Justice Board, aims to significantly improve the experiences of child and vulnerable adult witnesses involved in the Scottish criminal justice system. This work is being undertaken in response to the recommendation of the Evidence and Procedure Review Group that 'a new, structured scheme that

treats child and vulnerable witnesses in an entirely different way' should be developed. The Project is focusing both on improving current approaches to taking the evidence of vulnerable witnesses in advance of trial, and on developing a future vision for taking evidence in a completely different way. Provisions already exist for visually recording the evidence of child and vulnerable witnesses in advance of trial through the taking of evidence by commissioner. However, the provisions are not well used and there is little consistency of approach. The Child and Vulnerable Witnesses Project has produced a new High Court of Justiciary Practice Note to govern the procedures for the taking of evidence by commissioner, which should increase the use and effectiveness of this approach, contributing to keeping child and vulnerable witnesses out of court. The future vision will set out proposals for removing certain child witnesses from the court process altogether and significantly increasing the visual recording of evidence in chief and cross examination of vulnerable witnesses in advance of trial.

## 6. Involving Others

With thanks to the following organisations who were invited to comment on the draft of this report:

- CEMVO Scotland
- Engender
- Stonewall Scotland
- Trust Housing Association
- National Autistic Society Scotland
- PCS Union

## 7. Other Languages/ Formats

If you require a copy of this document in another language/ format please contact:

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If you wish to know more about the role of the Scottish Courts and Tribunals Service, please visit its website [www.scotcourtribunals.gov.uk](http://www.scotcourtribunals.gov.uk)