



Single Equality Scheme

2006-2010

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Foreword by the Attorney General



I warmly welcome the publication of the Crown Prosecution Service's first Single Equality Scheme.

Promoting equality and respecting people's differences must be at the core of an open, impartial and trusted criminal justice system. The Crown Prosecution Service has a crucial role to play in building the confidence of the diverse communities it serves.

Promoting equality is more than just a statement of how the Crown Prosecution Service will meet statutory requirements. It is an integral part of the way the Crown Prosecution Service conducts its business.

Lord Goldsmith QC

This is why this scheme sets out how the Crown Prosecution Service will build equality and diversity in respect of race, gender, disability, sexuality and gender identity, religion or belief and age into policy development, employment practices, and the provision of services to victims, witnesses and the wider public. This approach, which builds on minimum requirements, is one that I strongly endorse.

The Crown Prosecution Service is accountable to the public. Every decision made by prosecutors, caseworkers and other staff has a real impact on the lives of local people. The implementation of this Single Equality Scheme will demonstrate that the Crown Prosecution Service takes fair decisions, takes account of people's diversity and so helps build trust and confidence amongst all communities.

Implementation of the Single Equality Scheme will take place over the next three years. Delivery on the actions contained in this scheme will be vital to maintaining the confidence of all communities in the Crown Prosecution Service. I am committed to supporting the Crown Prosecution Service in this task and through my Attorney General's Equality and Diversity Advisory Group, which I established last year, I very much look forward to tracking progress.

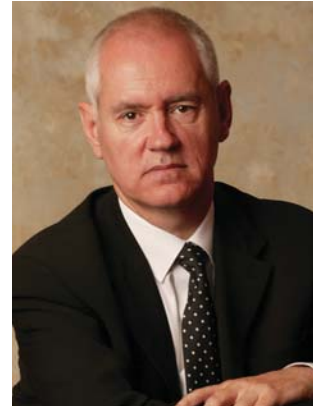
Introduction by the Director of Public Prosecutions and Chief Executive

We are pleased to introduce our first Single Equality Scheme for 2006-2010. This Scheme builds on our Race Equality Scheme 2005-2008 and also sets our Disability Equality Actions which we have developed in order to meet our statutory duty under the Disability Discrimination Act 2005. We are also pleased to set out our Gender Equality Actions, in advance of the April 2007 deadline.

Crime affects people in all communities and our central role in the prosecution of crime has an impact on all communities. We recognise that our key task and our greatest challenge is to provide a prosecution service which commands the confidence and trust of all communities. We believe that in order to become truly world class we must ensure that diverse communities trust that we will take fair and just decisions, irrespective of race, disability, gender, sexuality and gender identity, religion or belief and age. This is why we have taken the decision to produce a Single Equality Scheme. We intend to move beyond simply meeting our statutory requirements.

We hope that this Single Equality Scheme shows just how far the Crown Prosecution Service has come. Our workforce is globally representative of the communities we serve; we are increasingly recognised for the quality and range of our community engagement, not only in framing our prosecution policies but also in activities undertaken by our Areas and HQ Divisions. However, we are not complacent and we recognise that there is still a great deal to achieve. That is why we have set out exactly what we will do during the next three years in the Action Plans contained in this document. We want to focus on better outcomes for communities and staff both in relation to our prosecution work and also in our role as an employer.

We are indebted to a number of community partners who have been instrumental in the production of this Scheme: not only the members of the Project Reference Group who are listed overleaf, but all those who took the time to comment on our draft Scheme. Many people gave their time freely and willingly and we acknowledge and thank them for their contribution. It has been invaluable in ensuring that the Single Equality Scheme better reflects the priorities and concerns of diverse communities. We intend to build on this involvement by the establishment of a Community Accountability Forum, a key role of which will be to ensure that we deliver on our commitments and report back to communities.



Ken Macdonald QC

**Ken Macdonald QC
Director of Public
Prosecutions**



Richard Foster

**Richard Foster
Chief Executive**

Single Equality Scheme Project Reference Group

Haqeeq Bostan, Bostan Adderley
Holly Dustin, The Fawcett Society
Phil Greasley, Galop
Safina Haleema, Enable
Tessa Harding, Consultant – Age Reference Group
Chris Hartley, LGBT Network
Kate Hughes, LGBT Network
Ruona Iguyovwe, National Black Crown Prosecution Association
Ranjit Kaur, Rights of Women
Barney Leith, Religion and Belief Consultative Group
Barry Mussenden, Department of Health
Alan Wardle, Stonewall
Hannah Terrey, Disability Rights Commission (observer)

Single Equality Scheme Standing Group on Disability

Debbie Arthur, Respond Helpline
Haqeeq Bostan, Bostan Adderley
Mark Brookes, Values into Action
Stephen Brookes MBE
Barbara Gladwish, CPS
Safina Haleema, Enable
June Patterson, Respond Action Group

Chapter 1

Introduction to the Single Equality Scheme

This is the first Single Equality Scheme to be produced by the Crown Prosecution Service (CPS). It builds on the success of our earlier Race Equality Schemes. The Single Equality Scheme is basically a strategy and set of actions to promote equality in the CPS business and employment over the period December 2006 to January 2010.

We at the CPS provide an independent public prosecution service for criminal cases in England and Wales referred to us by the police. Crime affects all communities, as does our work. We must have the public's trust and be seen by all communities as their prosecution service. We must act fairly at all times in the interests of justice. To be trusted to make fair prosecution decisions, we realise that our workforce needs to reflect the population we serve and to treat all employees with respect. For both the public and for us, equality and diversity – and by this we mean treating people fairly, providing equal chances while respecting people's differences – in employment and in the prosecution process are firmly linked.

For the CPS, equality and diversity is about more than just meeting our statutory requirements. Equality and diversity is fundamental in delivering fair prosecutions, achieving equitable employment practice and essential if we are to command the confidence of all the communities we serve.

However, the CPS Single Equality Scheme is also a strategy which has been prepared under the requirements of a number of statutory duties to promote equality summarised below. These duties consist of general duties and specific duties, the purpose of the duties are to help public bodies like the CPS address institutional and systemic inequalities that some groups face.

The duties are as follows:

- 5 Under the Race Relations (Amendment) Act 2000 the CPS is required to produce a Race Equality Scheme and to review it every three years. The first was produced in 2002 and we produced our second Race Equality Scheme in 2005 for the period 2005-08. It has now been incorporated into this Single Equality Scheme
- 5 Under the Disability Discrimination Act 2005 the CPS is required to produce a Disability Equality Scheme. This must be produced by 4 December 2006
- 5 Under the Equality Act 2006 the CPS is required to produce a Gender Equality Scheme. The first must be produced by 6 April 2007

This document encompasses our Disability Equality Scheme, our Gender Equality Scheme and our Race Equality Scheme.

Our decision to produce a Single Equality Scheme

We published our second Race Equality Scheme in 2005, for the period 2005-08. When it became clear that we would be required to publish a Disability Equality Scheme and a Gender Equality Scheme we decided to take advantage of these two opportunities to develop a single equality scheme.

The Race, Disability and Gender Equality Duties require public bodies such as the CPS to have 'due regard' to the need to eliminate discrimination and to promote equality. There are many similarities in the requirements under each of these equality duties, for example, shared duties to assess and consult on the impact of proposed policies, monitoring existing policies and monitoring key employment processes. There also are a number of specific equality requirements, for example, a requirement under the race equality duty to promote good race relations; a requirement under the disability equality duty to treat disabled people preferentially if necessary in order to deliver equality; a requirement to involve disabled people in developing the Disability Equality Scheme and a requirement to promote positive attitudes towards disabled people and a requirement under the gender equality duty to address the causes of any gender pay gap. The Equality Commissions currently have the role of enforcing the duties but this role will lie with the Commission for Equality and Human Rights from October 2007.

We explain all of these specific requirements, and how we will meet them, in this document.

How we will ensure that we fully comply with the Disability Equality Duty

Whilst we recognise the benefits of producing a Single Equality Scheme the CPS is mindful of the need to ensure that the specific requirements of each duty are addressed in an explicit and discernible way. We have done this in respect of the Disability Equality Duty by:

1. including a distinct section on gathering and analysing the evidence of disability equality and inequality in employment and prosecution practice in Chapter 5;
2. addressing identified gaps in disability equality by producing a separate Disability Equality Action Plan which identifies how and when these gaps are to be closed;
3. formally involving disabled people in the development of the Single Equality Scheme by establishing a distinct Standing Group on Disability which has been responsible for establishing the priorities and actions in the Disability Equality Action Plan; and
4. developing our approach to equality and diversity impact assessments which considers the impact on disability, gender and race equality separately.

How we will ensure that we fully comply with the Race Equality Duty

We have done this in respect of the Race Equality duty by ensuring the scheme is compliant with the Commission for Racial Equality's (CRE's) Statutory Code of Practice on the Duty to Promote Race Equality and with the CRE's template for assessing Race Equality Schemes.

How we will ensure that we fully comply with the Gender Equality Duty

We will do this in respect of the Gender Equality Duty by ensuring we address the specific requirements announced in October 2006.

There are also developing legal obligations in respect of what are called the 'new' equality strands for religion or belief, sexuality and gender identity and age. Whilst there are no current statutory equality duties in respect of these three strands, there may be in the future. Therefore, the CPS has decided that our first Single Equality Scheme should address the three statutory strands of race, disability and gender and the three newer strands of religion or belief, sexuality and gender identity and age. However, we have not followed exactly the same approach with the newer

strands as we have in respect of race, disability and gender as some of the specific duties may not be relevant or applicable in the same way.

In taking equality issues forward in this way we recognise that there are a number of challenges which need to be recognised and addressed in producing the Single Equality Scheme. These include:

- 5 the timescales and life span of our first Single Equality Scheme; and
- 5 tracking progress and demonstrating success on strands where monitoring and targets may neither be in existence or underdeveloped nor appropriate as exist for other strands

Timescales for the Single Equality Scheme

Our second Race Equality Scheme runs from 2005-08 when it must be reviewed. The Disability Equality Duty requires a scheme from December 2006 for three years and the Equality Act requires a Gender Equality Scheme from April 2007 which would also need to be reviewed within three years.

In order to address this issue, this Single Equality Scheme will run from December 2006 – January 2010 and will however be reviewed and updated in 2008, in particular the race equality aspects and this will enable the CPS to place our timetabling on a shared cycle across the different equality duties.

Tracking progress and demonstrating success

With regard to the issue of tracking progress and demonstrating success on strands where monitoring and targets may be non-existent and inappropriate, this is an issue that will have to be addressed in the life cycle of the Scheme. For some strands this may in part be addressed in employment issues via the CPS participating in a Cabinet Office pilot on monitoring on faith and sexuality which is due to commence in January 2007 and conclude in autumn 2007 (which can inform the implementation of the Single Equality Scheme).

Chapter 2

The Crown Prosecution Service – about us

The Crown Prosecution Service (CPS) was set up in 1986 to prosecute criminal cases investigated by the police in England and Wales. The CPS is a department of central government which acts independently from the Government in accordance with statute¹.

The head of the CPS is the Director of Public Prosecutions (DPP), who has overall responsibility for the Service and its prosecutions. The Chief Executive, who is responsible for the administration of the CPS, assists the DPP. The DPP is superintended by the Attorney General who is accountable to Parliament for the CPS.

The CPS is a public authority for the purposes of the Human Rights Act 1998. In carrying out its role of criminal prosecutions, the Service must apply the principles of the European Convention on Human Rights in accordance with the Act.

The CPS is organised into 42 Areas across England and Wales matching police force boundaries. Each Area is headed by a Chief Crown Prosecutor who is responsible for the delivery of a high quality prosecution service to his or her local community. Each Chief Crown Prosecutor is supported by an Area Business Manager, and their respective roles mirror, at a local level, the division of responsibilities between the DPP and Chief Executive.

An organisational chart for the CPS can be found at Annex 2.

As the principal prosecuting authority in England and Wales, we are responsible for:

- 5 Charging offenders in all but the most minor offences
- 5 Providing advice on cases submitted by the police
- 5 Where the decision is to prosecute, determine the charge in all but minor cases
- 5 Preparing cases for court
- 5 Presentation of cases at court

The CPS works to prosecute cases firmly, fairly and effectively, where there is sufficient evidence to provide a realistic prospect of conviction and when it is in the public interest to do so. This is done by reviewing each case against the Code for Crown Prosecutors. The Code gives guidance on the principles to be applied when making decisions about prosecutions. It is designed to make transparent the principles applied when prosecuting crimes. The Code is a public document and is available in community languages, alternative formats and on our website

<http://www.cps.gov.uk/>

Although the CPS works closely with the police, we are independent of them. The independence of Crown Prosecutors is of fundamental constitutional importance. Casework decisions taken with fairness, impartiality and integrity help deliver justice for victims, witnesses, defendants and the public.

¹ Prosecution of Offences Act 1985

More information about the CPS can be found at <http://www.cps.gov.uk/> or by writing to: Communications Branch, Crown Prosecution Service, 50 Ludgate Hill, London, EC4M 7EX • Tel: 020 7796 8442

The CPS is an integral part of the criminal justice system which includes agencies such as the Police, the Courts, and the Probation Service. More information on the criminal justice system can be found at <http://www.cjsonline.gov.uk/>

The Crown Prosecution Service – The people we serve

The communities we serve are increasingly diverse and reflect diverse experiences, aspirations and needs. We value this diversity and acknowledge that the experiences of traditionally under-represented groups and target groups are different from the supposed majority. We also recognise that experiences vary between groups, individuals and localities. We know that some groups are at particular and increased risk of exclusion and/or discrimination. These groups include (but are not limited to):

- 5 Black and minority ethnic communities
- 5 Disabled people
- 5 Gypsy and Traveller communities
- 5 Lesbian, gay, bisexual and transgender (LGBT) communities
- 5 Older people
- 5 Young people
- 5 Women
- 5 Carers/Dependants
- 5 Religious or faith groups
- 5 People on low income
- 5 Asylum seekers or refugee communities
- 5 Prisoners and ex-offenders

CPS Vision

The CPS is working to become a world-class, independent prosecuting authority that delivers a valued public service by:

- 5 **Strengthening the prosecution process to bring offenders to justice:** providing an independent prosecution service, working with the police from the outset of a case to its disposal; advising the police before charge; building and testing the strongest possible prosecution case and presenting that case fairly in the courts on behalf of the public. The CPS has two key reforms underway to deliver this enhanced prosecution process; first embedding statutory charging, and second increasing the use of higher court advocates through our Advocacy Strategy Programme.
- 5 **Championing justice and the rights of victims:** assessing the needs of victims and witnesses and their likely evidence from the outset and throughout the life of the case; making sure their experience of the CPS and the Criminal Justice System (CJS) encourages them and others to come forward in future to play their part in bringing offenders to justice. The CPS is embedding a network of professional Witness Care Units across the country
- 5 **Inspiring the confidence of the communities we serve:** being visible, open and accountable for our decisions; being responsive to the needs of the community and providing a valuable public service; being seen as the decision-makers who decide which cases should be brought to court and bringing them to justice

- 5 **Driving change and delivery in the Criminal Justice System:** as a self-confident leader; influential in delivering local criminal justice and in shaping the CJS of the future
- 5 **Being renowned for fairness, excellent career opportunities and the commitment and skills of all our people:** where everyone is treated on merit; where people of ability can rise to the top and where all our people are renowned for their commitment, skills and dedication to justice. The CPS is rolling out a new integrated performance management system providing clear links between the overall service strategy and the work of each individual employee
- 5 **Having a strong capability to deliver:** by transforming HQ support to frontline delivery; securing value for money and efficiencies to reinvest in frontline prosecution services; improving the management of prosecution costs; harnessing IT to support CPS business; and delivering through effective programme and project management. The CPS continues to develop the COMPASS Case Management System with over 3 million recorded cases and increasing equalities recording and functionality.

Working together with Criminal Justice Service partners

The CPS is an independent organisation but we work with a range of agencies. In working with partners in the criminal justice system and beyond, we will make equality and diversity central to what we do. We are committed to spreading good practice to all of those organisations we come into contact with, including other branches of the criminal justice system. Therefore, in our work with other agencies we will look at the experience of the many different communities we serve.

Chapter 3

The CPS Equality Scheme in context

The development of a Single Equality Scheme provides a framework to integrate planning for equality and diversity so that it becomes an integral part of how the CPS undertakes its day to day work.

Our vision for equality and diversity

Our vision is to make a significant change in our performance on equality and diversity outcomes by 2009-2010. We aim to build a public prosecution service trusted and valued by all and will do this in large part by delivering equality and diversity outcomes which show real success.

Our goals and measures of success – across all communities and groups include:

- 5 increased levels of public confidence across all communities and groups, including improvements among communities and groups with lower levels of confidence
- 5 increased levels of satisfaction with our services for victims and witnesses across all communities and groups
- 5 prosecution decisions free from any discrimination
- 5 increased success in prosecuting hate crimes including violence against women
- 5 increased employee satisfaction
- 5 a workforce which represents communities and groups at all levels
- 5 a workforce where there are no differences in employees' experiences which we cannot justify; and
- 5 creating a service that involves communities and staff and uses this involvement to improve how we work

Painting a picture of success

Success on equality and diversity can seem difficult to measure. Here we picture our organisation in 2009-2010 – an organisation recognised as increasingly successful in this area.

- 5 A candidate from within the organisation is appointed as DPP or Chief Executive
- 5 A number of staff who started in administrative posts have become Chief Crown Prosecutors
- 5 We are held in increasingly high regard by all communities (British Crime Survey and HOCS, 2009)
- 5 An increasing number of CPS staff are appointed to the bench and judicial roles – including disabled people, women and people from Black and ethnic minority backgrounds
- 5 Staff report high levels of confidence in how complaints are handled (Staff Survey 2010)
- 5 Staff from all groups report high levels of satisfaction, including satisfaction with our commitment and achievements on equality and diversity (Staff Survey 2010)
- 5 Charging is a considerable success; in terms of equality and diversity, we find that there are no significant justifiable differences in charging decisions on the basis of disability, sex or ethnic background and have virtually eliminated all overcharging and inappropriate reduction in charges
- 5 On prosecutions for hate crime, including violence against women, the gap between the

- outcomes of prosecuting these crimes and non-hate crimes has significantly narrowed
- 5 COMPASS, a national computer network on which the CPS records electronic data, continues to build its positive reputation – now recognised as the best CJS IT system for monitoring equal opportunities
 - 5 We have set up Witness Care Units across the country, with victims and witnesses of hate crimes reporting high rates of satisfaction with the service
 - 5 We now have a range of routes to deal with cases of violence against women – including courts which can deal with both the family and criminal aspects of a case and other alternatives.
 - 5 We now support a 'witness profiling service' across most areas, so witnesses with special needs can give their best evidence.

Specific areas of measurement – our equalities indicators

We have embedded the measurement of equalities outcomes within CPS performance management. Equality performance measures for all 42 CPS Areas have been integrated within the CPS Area Performance Review system since April 2005. Two of the top 15 performance measures which directly relate to equality and diversity are:

1. A measure on Hate Crime Prosecutions² – our target is to reduce the percentage of hate crimes that do not result in a conviction to 36% by the end of 2006-07. The target at Area level is to reduce the percentage to within 15% points of the individual Area 2006-07 targets. By the end of Quarter 2 (September 2006) the percentage of hate crimes that did not lead to a conviction was 32.5% - the lowest recorded level since the introduction of the Hate Crime measure in April 2005. By September 2006, 81.9% of homophobic crimes resulted in a conviction (the national average for all defendants was 83.1%); 78% of racist and religious crime cases resulted in a conviction and 65.3% of domestic violence cases resulted in a conviction. In view of this improved performance in tackling hate crime, we will set a further challenging national hate crime target for all Areas in 2007-08.
2. A measure on community engagement – this is a qualitative assessment of Areas' community engagement activities. Areas are required to undertake an annual programme of engagement activities including engagement with a diverse range of communities, evaluate its impact and use some of this engagement to inform service improvement. We will retain this measure in 2007-08.

Area Performance Reviews and Themed Reviews

The Area Performance Review system is a national framework for performance management of CPS Areas. This was put in place in 2005 in order to provide an assurance mechanism for the delivery of CPS business objectives. CPS Areas are assessed against 15 key aspects (two of these key aspects are described above – the hate crime measure and the community engagement measure) and a number of secondary measures. Detailed performance reports are agreed with approximately half of the 42 Areas each quarter on a rolling schedule. Each quarter, about 14 of these Areas attend a meeting with the Director of Public Prosecutions, the Chief Executive of the CPS and the Director of Business Development in order to assess Area performance, support strategic delivery and share good practice. A condensed summary of Area performance against the 15 key aspects is published each quarter and is available on the CPS website.

² The Hate Crime Measure records cases of domestic violence, homophobic crime, racist and religious crime and from April 2007, disability aggravated hate crime.

We also undertake special themed reviews which include an explicit focus on equality and diversity. The themed reviews allow a more drilled down analysis of factors affecting the performance of a particular service delivery area and allows Areas to identify action to be taken to improve outcomes. In 2005-06, we conducted themed reviews on workforce representation and the handling of rape and homophobic crime. Each of the 42 Areas were required to develop and implement an actions plan to improve outcomes for workforce representation and homophobic crime in 2006-07 and progress made will be evaluated during 2007-08. A themed review focussing on the Staff Survey is due to take place in 2006-07.

Leadership and responsibility for delivering equality and diversity

The Director of Public Prosecutions and Chief Executive directly champion the equality and diversity agenda. Their specific responsibilities are:

- 5 Providing leadership on the agenda, acting as overall champions to ensure the policy is developed and put into practice
- 5 Making sure we develop our vision and plans within which our equality and diversity policy and strategy are included
- 5 Communicating our plans to others both within and outside the organisation
- 5 Answering to the public for what we do and what we achieve in terms of equality and diversity
- 5 Holding Directorates and Areas to account by reviewing performance and tackling poor performance

Implementing equality and diversity actions at the local level

In CPS Areas, Chief Crown Prosecutors with assistance from Area Business Managers provide commitment and leadership in addressing equality and diversity issues and implementing the equality and diversity policy and strategy in prosecutions and employment. This Single Equality Scheme is integral to this and relevant equality and diversity actions arising from this scheme will be incorporated into Area Business Plans from 2007.

Chapter 4

Key functions of the CPS

The key business functions in relation to service provision are:

Advice to Police and Statutory Charging

Following the implementation of the Criminal Justice Act 2003, the Crown Prosecution Service is now responsible for making the Charging Decision under Statutory Charging arrangements, instead of the police, in all but the most minor of cases (those likely to be contested in the magistrates' court and all Crown Court Cases). Statutory Charging covers approximately 30% of these cases with the police retaining the decision to charge in the remaining 70%

Statutory Charging means that the CPS and the police work together on cases from start to finish. Duty prosecutors advise police officers on the lines of enquiry; advise on the evidence that should be gathered and then decide on the charge in all but the most minor of cases. It brings police and prosecutors together as never before, working effectively towards the common goal of bringing offenders to justice by building strong cases from the start and ensuring that cases with no prospect of bringing a successful prosecution are weeded out as quickly as possible.

Statutory Charging is supported by CPS Direct, an out of hours charging and advice service, staffed by experienced prosecutors to provide a service during evenings, weekends and bank holidays.

Diversion

The CPS also has an increasing role in terms of conditional cautioning. The Conditional Caution is a new statutory form of pre-court diversion requiring decisions to be made by a Crown Prosecutor. It is designed to provide prosecutors (acting in partnership with frontline police officers) with a means of making a positive impact on offending behaviour while securing more effective use of formal court procedures by diverting from prosecution a range of suitable cases. Conditional Cautions are intended to allow prosecutors, acting in consultation with police officers, to obtain rehabilitative and reparative outcomes which are beyond those of the simple caution. It is also about diverting low level offenders out of the system and towards services that meet their needs.

In considering conditional cautioning, CPS prosecutors exercise care as to the cases in which it is considered appropriate. Hate crimes (racist and religious crimes, domestic violence and homophobic crimes) are not considered for conditional cautions. In addition, we will analyse who gets diversionary measures applied to their case compared to those eligible for consideration for diversionary options.

Key Equality Issues

5 Correct advice on cases for possible prosecution and correct decision-making under Statutory Charging

- 5 Ensuring advice given and decisions made on cases is free from bias or discrimination
- 5 Systematic equalities monitoring (by ethnicity, gender, disability and age) of charging decisions and regular impact assessments of charging decisions is required together with analysis and publication of data. Corrective action would be required if unjustifiable disproportionality was detected
- 5 Linking into community services which have expertise in meeting the needs of specific groups of offenders so that, for example, where a conditional caution is given, the offender can be linked into services appropriate for their needs
- 5 Effectively communicating CPS decisions to victims and listening to their concerns and those of diverse communities. This includes the CPS and the counsel that CPS instructs.
- 5 Extending the Direct Communications with Victims Scheme whereby if the CPS prosecutor takes a decision not to charge (following the provision of a full evidential report by the police) or to substantially alter or drop any charges, then the prosecutor will explain the decision in writing and will offer to meet the victim to explain why this has happened to victims of all hate crime
- 5 Possible employment issues resulting from CPS staff being co-located in police stations
- 5 Possible employment issues resulting from the phasing in of the 24-hour Statutory Charging scheme and the need for some staff to work out of hours to provide 24-hour cover

Reviewing and Deciding on Cases

Before proceeding with a prosecution, the CPS reviews each case submitted by the police in accordance with the Code for Crown Prosecutors. The Code is designed to make clear the principles the CPS applies when we carry out our work. Those principles are:

- 5 whether there is enough evidence to provide a realistic prospect of conviction against each defendant on each charge, and, if so,
- 5 whether a prosecution is needed in the public interest.

Key Equality Issues

- 5 Applied fairly, independently and objectively and with correct application of the Code for Crown Prosecutors
- 5 Ensuring the application of the Code is free from bias or discrimination and does not have a disproportionate impact on particular groups and that safe convictions are achieved for guilty defendants.

Preparing Cases for Magistrates' Courts and Crown Courts

The CPS prepares cases for both the Magistrates' and the Crown Courts. This can involve working with specific community groups that can support victims and witnesses attending court; arranging court familiarisation visits for victims and witnesses; enabling vulnerable or intimidated witnesses to give their best evidence through the use of special measures and liaising with the court and defence about victim and witness requirements. Case preparation also encompasses the use of Victim Personal Statements. This helps to obtain a clear sense of the impact of the crime on the victim.

Key Equality Issues

- 5 Ensuring that the Code for Crown Prosecutors is applied independently and with respect to

- human rights and equalities obligations
- 5 Effectively supporting victims and witnesses of crime, including victims and witnesses of hate crime
- 5 Equalities monitoring of the take up of services for defendants, victims and witnesses
- 5 Ensuring that there is sufficient information about the defendant to take account of circumstances, such as mental health issues and caring responsibilities, when preparing cases
- 5 Equalities monitoring of service user satisfaction
- 5 Enabling vulnerable or intimidated witnesses to give best evidence
- 5 Use of Victim Personal Statements
- 5 Ensuring defendants' rights are not compromised
- 5 Offering and organising court familiarisation visits to Magistrates' and Crown Courts through the Witness Service

Presenting Cases in Court

The majority of cases in the Magistrates' Courts are prosecuted by CPS in-house advocates who may be lawyers or specially trained caseworkers known as Designated Case Workers (DCWs) whereas Crown Court cases are prosecuted by advocates instructed by the CPS or by CPS Higher Court Advocates (HCA) – CPS lawyers qualified to practise in the Crown Court.

The CPS Advocacy Strategy Programme sets Area targets to encourage CPS Areas to increase the use of in-house advocates in both the Crown and Magistrates' Courts. Higher Court Advocates are taking on a greater number of cases as well as increasing the range of cases they cover to include trials of serious and complicated cases. There is therefore an increase in appointment, mainly from existing staff, to the HCA and DCW roles.

The prosecutor has an important role to play in assisting the court at the point of sentence. The CPS worked closely with the Attorney General's Office in the development of new Guidelines "The Acceptance of Pleas and the Prosecutor's Role in the Sentencing Exercise". The Guidelines were introduced by the Attorney General in October 2005 and apply to all those who prosecute before the courts.

Key Equality Issues

- 5 Presenting cases fairly, firmly and effectively in court
- 5 Continuing to track any disproportionality due to gender and ethnicity in bail decisions
- 5 Procurement and selection of counsel, both in relation to diversity as well as in relation to their expertise to prosecute a case
- 5 Assessment process for identifying and training potential HCAs, to monitor successful applications by gender, race and disability
- 5 Ensure that there is an equitable allocation of work to HCAs based on gender, race and disability

Working with our partners to improve the effectiveness and efficiency of, and public confidence in, the criminal justice system

The CPS works with partner agencies in the criminal justice system such as the police, courts, the Home Office, the Office for Criminal Justice Reform and voluntary organisations in order to improve effectiveness and efficiency through joined-up working at national and local level. At a

local level, the CPS is increasingly working with criminal justice partners as well as the voluntary and community sector through Local Criminal Justice Boards (LCJBs). We will work with partners where appropriate to promote equality and diversity through our leadership and partnership roles.

Building public confidence, including that of diverse communities, in the criminal justice system without compromising fairness is a key priority for the CPS and the wider criminal justice system. A range of work is being undertaken to improve confidence at both national and local level.

Key Equality Issues

Contribute to the targets to raise public confidence of target groups in the CPS and the criminal justice system as a whole through:

- 5 A Communications Strategy to improve internal and external communication
- 5 Programmes such as No Witness, No Justice
- 5 Community engagement strategy and programme to improve engagement with diverse communities including Black and minority ethnic communities for whom there are specific targets
- 5 Improving outcomes in hate crime prosecutions, including working with LGBT communities to raise confidence levels in reporting crime following a national review of homophobic crime in 2006

The CPS Picture – Overall

Compared to other parts of the Criminal Justice System (CJS) the CPS has reasonably good evidence on disability, ethnicity and gender equality and inequality in employment. In terms of prosecution practice the CPS has reasonably good evidence on gender and ethnicity in terms of prosecution decisions. Indeed the CRE has commended the CPS Annual Equalities in Employment Report for its comprehensive coverage compared to other parts of the CJS. Alongside this, independent reports have commended the quality of data available from the CPS COMPASS Case Management System on the ethnicity and gender of defendants.

Chapter 5

Gathering the evidence

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Gaps in the Evidence Base – Overall

Notwithstanding this increasing availability of equality data there are significant gaps in the evidence base both in prosecution practice and in employment. The key gaps in employment include the lack of systematic evidence on equality by age, religion or belief and sexuality. The key exception here is the analysis of staff survey results by these categories. In terms of prosecution practice, key gaps in the evidence base include data on defendants, victims and witnesses by disability, religion or belief, sexuality and gender identity and age. Other key gaps relate to the evidence base on hate crimes and include gaps in evidence on disability aggravated crime; religiously aggravated crime, and elder abuse.

Disability Equality and Inequality – the Evidence Base

Employment

- 5 As at March 2005 the CPS had 4.5% of staff identifying as disabled. This was higher than the Civil Service benchmark which was 3.5%. The grade band with the highest representation of disabled employees was the SCS band with 12.5% and the grade band with the lowest representation was C1 with 1.8%
- 5 In 2004-05, disabled people constituted 2.9% of job applicants; 2.5% of those interviewed and 2.4% of those appointed
- 5 In terms of recruitment methods (i.e. either recruitment, internal selection or temporary promotion) in 2004-05 disabled people constituted 2.3% of those appointed via recruitment; 3.9% of those appointed via internal selection and no disabled people were appointed via temporary promotion. Disabled people constituted 2.6% of all appointments in 2004-05. Generally, 1 in 3 of all applications from disabled candidates will lead to an appointment compared to just 1 in 4 for non-disabled candidates
- 5 In terms of working patterns, in 2004-05 22.7% of disabled staff worked alternative work patterns compared to 20% of non disabled staff
- 5 In terms of workforce experiences, the experience of disabled staff in relation to performance appraisal has fluctuated in recent years. An impact assessment of the performance appraisal ratings in 2004-05 found that disabled staff were likely to have more, but lower level, objectives than non disabled employees, and were less likely to receive a box mark 1 rating. In 2004-05 however the Performance Appraisal Report (PAR) results found that in that year, disabled staff were more likely to gain box 1 mark and box mark 2 ratings than non disabled staff, with 27.6%

of disabled staff gaining box mark 1 and 72.4% gaining box mark 2 (compared to 9% and 37.2% respectively for non disabled staff)

- 5 In terms of workforce representation by employee groups disabled staff are represented in all groups in 2004-05 comprising 7.4% of Chief Crown Prosecutors (CCPs); 12.5% of Area Business Managers and Business Centre Managers; 6.6% of Unit Heads; 5.6% of Higher Court Advocates (HCA) and 9.2% of Designated Case Workers
- 5 Although the level of representation of disabled staff is generally above the Civil Service average it remains below the Labour Force Survey (LFS) benchmark. The LFS benchmark is 15.4%; the CPS comparison is 4.5% and the Civil Service benchmark in 2004-05 was 3.5%
- 5 In terms of employee complaints from a total of 29 equality and diversity complaints lodged in 2004-05, two cited disability discrimination as part of the grounds for complaint. One of these complaints was ongoing and the other did not realise issues requiring an investigation. In the same year, disability discrimination was cited as part of the grounds of complaint in two out of 15 employment tribunal cases. One of these tribunal cases was struck out and the other was withdrawn
- 5 In terms of outcomes of disciplinary actions in 2004-05, there were a total of nine serious misconduct cases and 11% of these (one case) involved a disabled employee. In terms of gross misconduct cases there were eight cases and none of these cases involved disabled staff in 2004-05
- 5 In terms of learning and development opportunities in 2004-05 based on the data available from the Annual Equalities in Employment Report there was a lack of representation of disabled staff in learning and development activities. Only two of the staff trained in 2004-05 are identified as disabled
- 5 It is in terms of staff perceptions and satisfaction that there are the most significant differences between disabled and non disabled staff. Disabled staff are more likely to be dissatisfied with their job (37%) in the CPS than non disabled staff (28%). Disabled staff are also more likely to be dissatisfied with their job than Black and minority ethnic staff, staff identifying as Lesbian, Gay, Bisexual and Transgender (LGBT) staff and women staff (Staff Survey 2006)
- 5 Disabled staff are less proud to work for the CPS (52%) than non disabled staff (60%). Disabled staff are also less likely to recommend the CPS as a good place to work (32%) compared to 43% for non disabled staff. Disabled staff are also less likely to recommend the CPS as a good place to work than Black and minority ethnic staff, LGBT staff and women staff (Staff Survey 2006)
- 5 Disabled staff tend to have less positive views than average across the board, particularly on satisfaction with safety and comfort in the workplace and believing that the CPS is working towards equality and diversity (Staff Survey 2006)
- 5 Notwithstanding these less positive views, the majority of disabled staff intend to be working for the Service in two years time (64%) similar to non disabled staff (67%)
- 5 In terms of physical access to the CPS estate, the Service has undertaken a comprehensive access audit of all premises prior to October 2004 and this led to a programme of access adjustments and enhancements totalling approx £2m. The necessity of work to enhance access to buildings continues to be reviewed although there are some constraining factors including lease terms, listed buildings etc.

Defendants, Victims and Witnesses and Hate Crimes

- 5 There are at present significant gaps in the evidence base on disability monitoring in prosecution policy and practice. Some of these will be closed in the next year. To date the CPS has not had a disability hate crimes policy in place, although the under the Criminal Justice Act 2003 new section 146 provisions, the criminal courts now have a duty to treat any offence as

- being more serious where there is evidence that the accused person demonstrated hostility, or was motivated by hostility to the victim because of the victim's actual or perceived disability
- 5 In November 2006, the CPS will start monitoring defendants and victims by disability by introducing a disability category into the COMPASS Case Management System and the Witness Management System
 - 5 In order to record disability hate crimes, a disability aggravated crime flag will be introduced to the COMPASS Case Management System in November 2006 in time for the new disability hate crime policy coming into effect early in 2007

Race Equality and Inequality – the Evidence Base

Employment

- 5 As at March 2005 14.8% of staff identified as Black and minority ethnic. The grade bands with the highest representation of Black and minority ethnic employees were legal trainees (46.4%), C1 lawyers (32.9%) and A2 (17.9%). The grades with the lowest representation were B3 (8.2%)
- 5 Significantly, as at March 2005 13% of Chief Crown Prosecutors (CCPs) were of Black and minority ethnic origin. This is amongst the most ethnically representative senior levels for any CJS agency. Alongside this 12.5% of the Senior Civil Service (SCS) including CCPs are of Black and minority ethnic origin. Excluding CCPs this amounts to 8.7% of the SCS
- 5 In 2004-05, Black and minority ethnic people comprised 14.1% of job applicants; 16.3% of those interviewed and 12.5% of those appointed. Whilst the CPS overall attracts reasonable levels of applications from Black and minority ethnic applicants and they are slightly more successful at being called for interview than their white counterparts they are less successful at securing appointment following interview than they were at the other two stages of the recruitment process
- 5 In terms of recruitment methods (i.e. either recruitment, internal selection or temporary promotion) in 2004-05 Black and minority ethnic people constituted 15.9% of those appointed via recruitment; 13.1% of those appointed via internal selection and no Black and minority ethnic staff were appointed via temporary promotion. Black and minority ethnic staff constituted 14.8% of all appointments in 2004-05
- 5 In terms of working patterns in 2004-05, 16.2% of Black and minority ethnic staff worked alternative work patterns compared to 21.2% of White staff
- 5 In terms of workforce experiences, the experience of Black and minority ethnic staff in relation to performance appraisal has fluctuated in recent years. An impact assessment of the performance appraisal ratings in 2004-05 found that there were no significant differences in box mark ratings by ethnicity. However evidence from Annual Equalities in Employment Reports showed fluctuations from year to year. There has been a significant move in box mark ratings between 2003-04 and 2004-05. In 2003-04, 34.8% of Black and minority ethnic employees received a box mark 2 performance appraisal rating and in 2004-05, 39.1% of Black and minority ethnic employees received a box mark 2 performance appraisal rating. In 2003-04, 64.5% of Black and minority ethnic employees received a box mark 3 rating and in 2004-05, 60.8% received box mark 3. The Annual Equalities in Employment Report for 2004-05 concludes that the gap between ratings for Black and minority ethnic and White staff is beginning to close
- 5 In terms of workforce representation by employees groups Black and minority ethnic staff are represented in all groups in 2004-05 comprising 13% of CCPs; 10% of level Ds; 8.7% of the SCS and 46.4% of legal trainees. Black and minority ethnic staff are least well represented at SCS and B3 levels

- 5 The CPS exceeds the overall Labour Force Survey (LFS) benchmark for representation of Black and minority ethnic employees in the workplace. The LFS identifies the economically active Black and minority ethnic population as 10.44% in 2004-05. The CPS Black and minority ethnic workforce at 14.8% in 2004-05 exceeds the LFS benchmark by 4.36%
- 5 However there is considerable variation in Black and minority ethnic origin representation between CPS areas. There are five areas where there were no Black and minority ethnic staff in 2004-05, and in a further eight the Black and minority ethnic staff composition was below the local LFS benchmark
- 5 In terms of employee complaints, of a total of 29 equality and diversity complaints lodged in 2004-05, seven cited racial discrimination or harassment as part of the grounds for complaint. Six of these complaints were ongoing and in respect of the other complaint the investigators were yet to decide whether to investigate. In the same year in terms of employment tribunal cases out of a total of 15 cases, four cited racial discrimination as part of the grounds for complaint. Of these four cases, one was struck out, one was settled and two were ongoing
- 5 In terms of outcomes of disciplinary actions in 2004-05 there were a total of nine serious misconduct cases and 11% of these (one case) involved a Black and minority ethnic employee. In terms of gross misconduct there were eight cases and 25% (two cases) of these involved a Black and minority ethnic employee in 2004-05
- 5 In terms of learning and development opportunities in 2004-05 on the basis of available management information there were increases in the proportion of Black and minority ethnic employees participating in legal and para legal training with Black and minority ethnic staff comprising 27% of law scholarships trainees; 22.8% of advocacy trainees; 16% of HCA trainees and 6.4% of DCW extended role trainees. Black and minority ethnic staff were also represented on a range of management and non legal training as follows; Lawyer induction 28.7%; general induction 17%; caseworker induction 13.6% and Transform 13%. The non legal training on which Black and minority ethnic staff had lowest level of representation was performance appraisal (5.4%) and recruitment and selection (8.2%). The legal training on which Black and minority ethnic staff had lowest level of representation was No Witness, No Justice (2.5%)
- 5 In terms of staff perception and satisfaction the Staff Survey (2006) reveals mixed results amongst Black and minority ethnic origin staff. Black and minority ethnic staff tend to be more likely to recommend the CPS as an employer than White staff whilst tending to be less satisfied with their job than White British staff. There are also interesting and some significant differences between staff of different ethnic origins. Black and minority ethnic staff hold some of the more positive views across a range of criteria compared both to other Black and minority ethnic staff and to White British staff. Chinese staff tend to have the least positive views across a range of criteria. Black staff are the group most likely to recommend CPS as a good place to work (63%), followed by White staff (44%) Asian staff (43%) and Chinese staff (15%). Black³ staff are also the group most likely to say they are proud to work for CPS (73%) followed by mixed origin staff (71%), followed by Chinese staff (62%) and followed by White staff (61%). Black and minority ethnic staff tend to be less satisfied with their job compared to White staff (53%) satisfied and Mixed origin (59%) satisfied. In terms of the equality and diversity commitment of the CPS 72% of Black staff believe the CPS is committed to equality and diversity compared to 68% of White staff; 64% of Asian staff and 54% of Chinese staff and 66% of staff overall

Defendants, Victims and Witnesses and Hate Crimes

- 5 The CPS has the potential to record ethnic data on defendants via the COMPASS Case

³ This refers to the category "Black and Black British" which covers staff who have ticked Caribbean, African and Any other Black background.

Management System. An impact assessment of charging decisions in 2004-05 concluded that COMPASS records ethnicity better than other CJS agencies and national analysis is possible for all main ethnic categories. However there is scope for improvement of data quality, in particular increasing the proportion of cases for which an ethnicity code is recorded. The impact assessment of charging decisions found that an ethnicity code was only available for 65% of 225,000 recorded cases. In 17% of cases the suspect chose not to provide his/her ethnicity and in 18% of cases ethnicity was not recorded. The reasons for this are more likely to be linked with police recording. Nonetheless there is a need to improve ethnicity recording of defendants. This compares with gender data where the impact assessment found over 99% recording of gender data

- 5 In terms of data on defendants of diverse ethnic origins and the impact of the prosecutions process, the impact assessment above (undertaken in 2004-05) involving an ethnic and gender analysis of the distributions of 225,000 charging decisions found the following variations by ethnicity:
 - 5 There were no significant differences across different ethnic groups in the proportion of cases finalised by a charge. However cases with Black suspects were finalised by a charge in slightly more cases (48.9%), as were cases with mixed ethnicity suspects (47.8%). Cases with White (45.2%), Asian (44.1%), or other suspects (45.2%) were similar
 - 5 There were no significant differences across different ethnic groups in the proportion of cases finalised by a decision, although cases with suspects of other (2.2%) and mixed ethnicity (2.3%) were slightly lower than for White suspects (3%). There were no differences in the wider 16+1 classification
- 5 There were some differences by ethnicity in cases finalised by No Further Action (NFA) on evidential grounds. 25.4% of cases nationally with White suspects were so finalised; cases with Black, Mixed or other suspects were less likely to have their cases finalised by NFA on evidential grounds (all significantly lower than White at around 19% – 20%). There were also some other differences within the 16+ categories e.g. cases with other White, mixed White/Black African or mixed other suspects were much less likely to have their cases finalised by NFA evidential (all below 18%)
- 5 The impact assessment also allowed variations by ethnicity and gender to be analysed. It found considerable variation in the different patterns of charging of females by ethnic category. Much of this is due to the small numbers involved. On average 40.3% of White British females were charged compared with 26.4% of Pakistani females, to 48% for mixed other females; 46.7% for Black Caribbean females and 45.6% for White Irish females. In this analysis, the difference of approx 8% with the White British category are significant, so the issues needing further consideration are why Pakistani females have such a low charge rate and why Mixed (other) females have such a high rate
- 5 The proportion of females for whom no further action was taken on evidential grounds was also varied. This was 30% for White British females, but 21% for Mixed (other) females and 22% for those classified as Asian (other), and 42% for Pakistani females
- 5 There is also considerable variation in the proportion whose cases were finalised by a decision such as a caution or a final warning. This varied significantly from 9.3% for Black (other) to 2.6% for Black Caribbean females and is an issue that should be considered further when further data is available
- 5 Issues relating to the severity and types of crimes would need to be taken into account to assess fully the implications of all the above data. This was not possible with the data available in this impact assessment. It will be important to consider this in future impact assessments

- 5 The findings of this impact assessment can be compared to some extent with the previous Race for Justice study by Professor Gus John on variations in the treatment of suspects by ethnicity. This study looked at more aspects of charging and court processes. However it looked at the situation pre statutory charging and involved a much smaller sample than in this assessment. However the Race for Justice study did analyse the charging process with regard to offence group. It found a number of different patterns by offences and ethnicity e.g. that half of all men, but two thirds of all White and African Caribbean women received a dishonesty charge; and that a grievous bodily harm charge was twice as common among White male suspects as among African Caribbean suspects. As far as the charging process is concerned Gus John found that percentage differences between ethnic groups were too small to be statistically significant but there is a tendency for NFA on evidential and public interest ground to be more common for African Caribbean suspects than those from other ethnic groups
- 5 The CPS has had a Racist and Religious Crimes Policy in place since July 2003 although the policy now requires updating and review to reflect more recent legal developments. The service records racist and religious crimes on the COMPASS Case Management System. More recently, since April 2005 the Service has introduced a Hate Crime Measure to reduce unsuccessful outcomes in the prosecution of Hate Crimes. The target is to reduce unsuccessful outcomes from 42% (March 2005) to 36% by March 2007. HMCPSI Inspectorate reviewed CPS performance on handling of cases with a minority ethnic dimension (including racially aggravated crime) in 2002 and 2004
- 5 The COMPASS Case Management System recorded 8,868 racist and religious crimes in 2005-06 with 6,577 (74.2%) resulting in a successful outcome and 25.8% in an unsuccessful outcome. This lags behind the national average of successful outcomes for all defendants of 82.3%. It compares with a 71% successful outcomes rate for homophobic crimes and 59.7% in Domestic Violence Cases in 2005-06
- 5 All CPS Areas and Headquarters Divisions monitor prosecution decisions and outcomes in all racist and religious incident cases that are referred to them by the police. A case is monitored if it meets the Stephen Lawrence Inquiry definition of a racist incident (extended to cover religious incidents). In respect of each defendant charged, a racist incident data sheet is completed. This data sheet captures no information about the victim and nothing more than the name of the defendant; the form is focused upon the charging decision and the outcome of the case. This information forms the basis of the statistical information contained in the Annual Racist Incident Monitoring Scheme (RIMS) Report which is published each autumn

Racist incidents – RIMS Report 2005-06

- 5 The number of defendants increased by 28%, from 5788 defendants in 2004-05 to 7430 defendants in 2005-06. Charges increased by 26%, up from 8706 charges to 10,940 charges in 2005-06
- 5 73% of the 8114 offences prosecuted were charges under the Crime and Disorder Act, with the majority (45%) being racially aggravated public order offences
- 5 The number of defendants pleading guilty increased by 2% from 69% in 2004-05 to 71% in 2005-06.
- 5 The overall conviction rate was 87%, up from 84% in 2004-05
- 5 Custodial or community sentences were imposed for 63% of charges convicted
- 5 When the HMCPSI reviewed the handling of cases with a minority ethnic dimension in 2002, one of the issues highlighted was that of CPS counsel inappropriately reducing the charge in racially aggravated cases. They found this in 28% of cases sampled in 2002. When they revisited the issue in 2004 they found this practice in 21% of cases, an improvement on 2002, but with considerable scope for further improvement

- 5 The CPS Counter Terrorism Division deals with all cases of incitement to racial hatred (as well as terrorism, war crimes, crimes against humanity, official secrets, hijacking and any other state crime). This reflects the seriousness with which the CPS considers such cases
- 5 There is a CJS Public Service Agreement (PSA) on Confidence in the Criminal Justice System. One aspect of this PSA deals with raising the confidence of Black and minority ethnic communities. This is measured in two ways. The first aspect measures Black and minority ethnic communities' views as to whether the CJS is effective in bringing offences to justice. The second aspect measures whether Black and minority ethnic communities consider they would be treated less fairly by a range of CJS agencies, including CPS. On the first measure Black and minority communities are more confident than White British people that the CJS is effective in bringing offences to justice. On the second measure, the perceptions of CPS held by Black and minority ethnic communities has improved in recent years and CPS has already met the target set for 2008 (11.8%)

Gender and Gender Identity Equality and Inequality – the Evidence Base

Employment

- 5 As at March 2005, 66.8% of staff were women and 32.2% of staff were men. The grades with the highest representation of women were A1 (78.3%), A2 (77.9%), B1 (74%), legal trainee (72%), C1 (69.7%) and B2 (67.7%). The grades with the lowest representation were CCP (24.5%), Level E (30.9%) and SCS (33.3%). Whilst women constitute the majority of the workforce they are underrepresented in senior grades. This is changing and these changes are likely to be evidenced in the next Annual Equalities in Employment Report, particularly at SCS level
- 5 In 2004-05 women comprised 61.4% of job applicants; 67.8% of those interviewed and 69.5% of those appointed to posts. This compares with 38.6% of applications received from men, 32.2% of men interviewed and 30.5% of appointments
- 5 In terms of recruitment methods (i.e. either recruitment, internal selection or temporary promotion) in 2004-05, women comprised 71.7% of those appointed in recruitment, 69.5% of these appointed via internal selection and 85.7% of those appointed via temporary promotion appointments. Women comprised 71.4% of all appointments in 2004-05
- 5 In terms of working patterns in 2004-05, 28.5% of women staff worked alternative working patterns compared to 3.3% of men
- 5 In terms of workforce experience, the experience of women staff in relation to performances appraisal is broadly similar to men. The 2004-05 data show that women tended to receive slightly fewer positive ratings than men. The overall ratings for 2004-05 by gender are box mark 1 women (1.2%) and men (1.8%), box mark 2 women (37%) and men (40.7%), box mark 3 women (60.8%) and men (57.3%) and box mark 4/5 women (1%) and men (2%).
- 5 In terms of workforce representation, by employee groups women are represented in all staff groupings in 2004-05, comprising:

Staff Grade	A1	A2	B1	B2	B3	Legal Trainees	C1	C2	D	E	CCP	SCS
%	78.3	77.9	74	67.7	57	72.7	69.7	54.6	43.3	30.9	24.5	33.3

- 5 The CPS exceeds the overall Labour Force Survey (LFS) benchmark for representation of women employees in the workplace. The LFS identifies the economically active women population as 48.4% in 2004-05. The CPS workforce comprises 66.6% women, exceeding the LFS benchmark by 18%

- 5 In terms of employee complaints, of a total of 29 equality and diversity complaints lodged in 2004-05, three cited sexual discrimination or harassment as part of the grounds for complaint. All three of the complaints were ongoing as at March 2005. In the same year in terms of employment tribunal cases, out of a total of 15 cases, five cited sexual discrimination as part of the grounds of complaint. Of these five cases, two were dismissed; one was a withdrawn; one was struck out and one was ongoing
- 5 In terms of outcomes of disciplinary actions in 2004-05 there were a total of nine serious misconduct cases and 33% of these cases (three cases) involved female staff. In terms of gross misconduct there were eight cases and 50% (four cases) involved female employees
- 5 In terms of learning and development opportunities in 2004-05 on the basis of available management information women were reasonably well represented on the following non-legal training courses: Transform (70.5%); Caseworker induction (80.6%); Lawyer induction (64.4%); General Induction (66%). Women were also reasonably well represented on the following legal training courses: HCAs (84%); DCWs extended roles (69.9%); Law Scholarship Scheme (69.2%); and NWNJ (73.4%). Women were less well represented on performance appraisal training (56%) and recruitment and selection training (56.7%) perhaps reflective of women's under representation in management positions. Women were also less represented on Direct Communications with Victims training and Criminal Justice Act training
- 5 In terms of staff perception and satisfaction the Staff Survey (2006) reveals broad similarities in views between women and men staff with women slightly more likely to recommend the CPS as a good place to work (46% women; 42% men); with slightly more women indicating that they are proud to work for CPS (63% women; 60% men), and with similar proportions indicating that they are satisfied with their job (53% women; 52% men). Women and men agree in similar proportions that the CPS is working towards equality and diversity (68% women; 67% men). There is also broad similarity between men and women employees on the aspects of employment where improvement is required including CPS valuing its staff; overall management of CPS; confidence in senior management; opportunities for personal development and growth; information on matters affecting employees and safety in speaking up and challenging how things are done
- 5 The CPS has an Employee Domestic Violence Policy in place. At present we monitor only referral of employees to Care First Counselling Service who identify Domestic Violence as a concern. We are currently working on a revision of the Employee Domestic Violence Policy and addressing training for management and improved monitoring of cases

Defendants, Victims, and Witnesses and Hate Crimes

- 5 There are a range of factors impacting on women in the Criminal Justice System and they include women having a disproportionately high level of mental health problems, substance misuse, histories of poverty and victimisation. The majority of women in prisons are mothers and many are single parents
- 5 CPS has the potential to record gender data on defendants in the COMPASS Case Management System. The impact assessment of charging decisions in 2004-05 found over 99% recording of gender data
- 5 In terms of gender data on defendants and the impact of the prosecution process, the impact assessment mentioned above (undertaken in 2004-05) involving an ethnic and gender analysis of the distribution of 225,000 charging decisions found the following variations by gender:
 - 5 Men (39.5%) are more likely than women (34.8%) to receive a charge – without further analysis of factors such as offence type it is difficult to assess the reason for this – however, there is evidence from elsewhere that women generally commit less serious offences than men

- 5 Women (5.3%) are more likely than men (3.3%) to have their case finalised by a decision to caution, reprimand or issue a warning – this could well be related to women committing less serious offences, as such offences would be more likely to be eligible for cautions, reprimands and warnings. It may also reflect other factors such as women being less likely to request a lawyer
- 5 Women (35.7%) are more likely than men (32%) to receive a charging decision of No Further Action on evidential grounds – likewise this could be related to the gender-based seriousness of offences or other factors including likelihood of arrest
- 5 These results should be considered in the context of wider data on gender and the CJS and also recognising that they did not include any analysis by offence category. Women and the CJS (2003, Home Office) shows a number of aspects where women have different patterns from men:
 - 5 women are far less likely to commit offences than men and their pattern of offending is very different, generally committing less serious offences
 - 5 women's criminal careers are far shorter than men's
 - 5 women are more likely than men to be cautioned
 - 5 women are more likely to plead guilty as charged
 - 5 women are less likely to use a Lawyer and use their right to silence; and
 - 5 women are more likely to be discharged or given a community sentence and less likely to be fined or sentenced to custody
- 5 More recent data indicates that the courts are using custody for women far more frequently and between 1995 and 2005 the female prison population rose by over 100% compared to an increase in the male prison population of 46% (NOMS 5 year plan). The single most common reason for women to be sent to prison is shoplifting
- 5 The impact assessment in 2004-05 did not claim to comment on how these different patterns might influence the results of the charging decisions outlined above. Because the data did not analyse the offence with which it was charged it is not possible to answer questions that include such a variable. Future impact assessments will attempt to address this by including analysis by offence categories
- 5 The CPS is responsible for the prosecution of criminal offences of violence against women, covering a range of issues from domestic violence, rape and other sexual assaults, human trafficking, prostitution, child abuse and elder abuse. Forced marriage, so-called honour based violence and female genital mutilation are all addressed under the umbrella of domestic violence
- 5 There is not yet a co-ordinated strategy on Violence against Women (VAW) work in the CPS. However, all of the policy work on VAW issues is cross-referenced in terms of formulation, implementation and dependencies. The overlap between the issues is recognised and dealt with by the policy advisors. For example, trafficked women and sex workers may experience domestic violence, sexual abuse and rape. Children who experience or witness domestic violence may run away from home and may end up being the victims of sexual abuse or being forced into prostitution. The CPS domestic violence guidance specifically refers to children and sex workers
- 5 The CPS has developed guidance for prosecutors on prostitution and there are 'lead' prosecutors who deal with issues involving human trafficking. The CPS also works across Government with the Home Office Prostitution Review Team, REFLEX and the Home Office's Sexual Violence Reduction Team
- 5 The CPS has had a Domestic Violence Policy in place since 2001. It was revised and re-

launched in February 2005. Domestic Violence impacts on both women and men as victims. However the available evidence indicates that approximately 90% of victims are women and 89% of those experiencing multiple and serious assaults are women. This is not to diminish male victims – it simply recognises the gendered nature of this complex and serious crime. CPS records domestic violence cases on the COMPASS Case Management System and in 2005-06 49,782 domestic violence cases were recorded. The Service also operates a manual Domestic Violence Snapshot on which an annual report is produced each summer. More recently since April 2005 the Service has introduced a Hate Crime Measure to reduce unsuccessful outcomes in the prosecution of Hate Crimes. The target is to reduce unsuccessful outcomes from 42% (March 2005) to 36% by March 2007. CPS has also run a two year Domestic Violence project piloting a range of innovative approaches to the prosecution of domestic violence, developing training resources and programmes and introducing performance review of domestic violence cases

- 5 The COMPASS Case Management System recorded 49,782 domestic violence cases in 2005-06 with 29,719 (59.7%) resulting in a successful outcome and 20,063 (40.3%) resulting in an unsuccessful outcome. This lags significantly behind the national average of successful outcomes for all defendants of 82.3%. It compares with 74.2% successful outcomes rate for racist and religious crimes in 2005-06 and 71% successful outcome rate for homophobic crime
- 5 Performance on reducing unsuccessful outcomes in domestic violence cases, whilst significantly behind overall convictions and also significantly behind other hate crimes, has seen a significant trend improvement in performance over the past year – in fact the largest percentage improvement in hate crime outcomes has been in respect of domestic violence cases from 55% (April 2005) to 59.7% (2005-06), albeit from a low baseline
- 5 The CPS has a public policy statement on rape and a network of rape co-ordinators in place. However, the performance of the CJS as a whole, including the CPS, in dealing with cases of rape requires significant improvement. In 2005 there was a conviction rate of 5% for rape cases. The CPS has a programme in a development to radically improve performance in rape cases. This programme includes the appointment of a team of specialist rape advocates together with a focus on pro-active prosecution and performance review. A project to draft comprehensive guidance and training for rape specialist prosecutors is currently being undertaken. It has been agreed with the Bar that all counsel who wish to prosecute rape cases must attend an accredited CPS training course and be monitored by 1 October 2007. Thereafter, there will continue to be a rolling programme of training and monitoring for new members of the Bar

Religion or Belief

Employment

- 5 The CPS does not currently record workforce profile data by religion or belief. The Service has however indicated its willingness to participate in a Cabinet Office led pilot on religion or belief monitoring. This project is at the early stage of scoping and the outcomes will inform the implementation of the Equality Scheme
- 5 The CPS has however undertaken a biennial staff survey, and this survey included a question on religion or belief and the survey results are analysed by religion or belief. The survey reveals mixed results. Muslim staff are the group most likely to recommend the CPS as a good place to work (47%), and to be proud to work for CPS (68%). These compare with overall CPS results of 43% of staff likely to recommend CPS as a good place to work and 60% of staff who are proud to work for CPS. Muslim staff (66%) also tend to have similar views to CPS staff overall and to Christian (69%) and Jewish (69%) staff that CPS is working towards equality and

diversity. Muslim staff are the religion or belief group with the highest reported feeling of having been treated unfairly in the past two years. 11% of Muslim staff expressed this view. The next highest reported feeling of having been treated unfairly by other CPS staff within the past two years was Jewish staff (5%). No Buddhist, Sikh or Hindu staff reported such views. 1% of Christian and Agnostic staff reported such views

Defendants, Victims and Witnesses and Hate Crimes

- 5 As mentioned earlier in the section on race the CPS has had a Racist and Religious Crimes Policy in place since July 2003. The service currently records both racist and religious crimes in a combined category on COMPASS. Also as mentioned previously the service operates a manual Racist and Religious Incidents Monitoring Scheme (RIMS)
- 5 As the COMPASS system combines racist and religious crimes in a single recording category it is not possible at present to disaggregate the specific religious crimes within COMPASS records. However as part of the current Hate Crimes Monitoring Project we have prioritised the recording of racist crimes and religious crimes separately on COMPASS from April 2007. In the meantime the manual RIMS report provides the best available data on religious crimes at present

Religious incidents – RIMS Report 2005-06

- 5 During the reporting year 2005-06, 43 cases were finalised and recorded as religiously aggravated incidents under the RIMS Scheme, an increase of 26.5% on 2004-05. Of these 43 cases, 41 defendants (95.3%) were prosecuted compared to 71.4% last year
- 5 A total of 58 charges were brought against 43 defendants
- 5 There has been an increase of 18.6% in the number of charges prosecuted, up from 43 charges to 51 in 2005-06. Of these 51 charges, 84.3% were prosecuted under the Crime and Disorder Act 1998, with the majority being public order (41.2%), assault (17.6%) or criminal damage (19.6%)
- 5 The overall conviction rate for religiously aggravated offences was 98%, up from 76.7% in 2004-05. There was also a significant rise in the number of guilty pleas, from 46.5% in 2004-05 to 70.5% this year
- 5 Custodial or community sentences were imposed for 72% of charges convicted, increasing from 48% in 2004-05.
- 5 In 2004-05, 30% of convicted charges resulted in an absolute discharge in dropping to 8% in 2005-06
- 5 Also in 2005-06, there has been a decrease of 46.2% in the number of charges dropped, down from 13 charges last year. Of the seven cases where charges were dropped four were dropped due to witnesses failing to attend court or refusing to give evidence. Only one charge out of seven was dropped in the public interest, compared with six charges out of 13 in 2004-05
- 5 The actual or perceived religion of the victim was unknown or not stated in 48.8% of cases reported this year.
- 5 In 18 out of the 22 known cases where the victim's religion was identified 81.8% were identified as Muslim, 13.6% (3) were identified as Christian and in 1 case (4.5%) of the victims was Sikh
- 5 In December 2005, the CPS provided a written submission to the All-Party Parliamentary Inquiry into Antisemitism. The Inquiry report, published in September 2006 and the two particular recommendations for the CPS; to investigate the reasons for the low number of prosecutions and report back to Parliament, and to conduct a review of cases (of incitement to racial hatred) where prosecutions have been brought in order to see what lessons can be learned

5 We accept the Inquiry's recommendations to look at the reasons for antisemitic incidents not resulting in prosecution and to examine incitement to racial hatred prosecutions and we will work with criminal justice system partners on how best to take those recommendations forward. Details of how we intend to proceed are contained in the Religion or Belief Equality Action Plan contained in Part 2

Age

Employment

- 5 The CPS does not currently monitor and publicly report on its workforce profile by age. The Service however has comprehensive age data on its workforce and is currently considering how it might include such data into its future Annual Equalities in Employment Reports. The development in age related monitoring will inform the implementation of the Equality Scheme
- 5 The biennial CPS staff survey has however included a question on age groups and the survey results are analysed by the following age groups: <30; 30 – 39; 40 – 49 and 50 years plus. The survey reveals the following mixed results with some views tending to contrast in the younger and older age groups. Those over 50 years are most likely to agree that their job makes good use of their skills and abilities (68%), compared to 51% of those under 30 years and with a CPS overall response of 65%. Those over 50 years were also the group most likely to state that their job gives them a sense of personal accomplishment (64%) compared to 48% of these under 30 years and with a CPS overall response of 58%. Similarly those over 50 years were also the group most likely to state that they feel satisfied with the amount of responsibility in their job (60%) compared to 45% for those aged under 30 and a CPS overall response of 54%. In contrast those aged under 30 were most likely to say that they are treated with fairness and respect within CPS (69%) compared to 64% of those aged 50+ and 61% of those aged 40 – 49 years
- 5 In terms of recommending the CPS as a good place to work those aged under 30 years were most likely to recommend CPS as a good place to work (48%), followed by those aged 50+ years (43%) and those aged 40 – 49 years (41%) with a CPS overall response of 43%. In terms of intentions to still be working for CPS in 24 months time those aged under 30 were least likely to hold those intentions (53%) compared to 72% of those aged 50+ and those aged 40 – 49 years, and against an overall CPS response of 76%. In terms of pride in working for CPS those aged under 30 years are most likely to be proud to work for CPS (65%) followed by those aged 50+ years with the lowest level of pride in the 40 – 49 age group (56%) and against an overall response of 60%. In terms of satisfaction with their current job those aged 50+ were most likely to indicate satisfaction with their job (56%) and those least satisfied were the under 30 age group (45%) against an overall CPS response of 51%
- 5 Those aged under 30 were most likely to believe that CPS is working towards equality and diversity (72%), followed by those aged 50+ (65%) and against an overall CPS pattern of 66%
- 5 In terms of feeling unfairly treated by any CPS staff as a result of their age, those aged 50+ were most likely to indicate holding such a view (11%), followed by those aged under 30 (10%), with those aged 30 – 39 (2%) and 40 – 49 (3%) against an overall CPS position of 6%. In terms of feeling unfairly treated therefore, there was little difference between older (those aged 50+) and younger workers (those aged under 30)
- 5 The staff survey results for 2006 as indicated above are available by four age blocks: – <30; 30 – 39; 40 – 49 and 50 years plus. The CPS is committed in future surveys to dividing the category 50+ into 50-59 and 60 plus.

Defendants, Victims and Witnesses and Hate Crimes

- 5 In June 2006 the CPS published 'Children and Young People', a public statement of our commitment to work together with others to safeguard children in the spirit of the cross-government initiative 'Every Child Matters: Change for Children'. This CPS policy on prosecuting criminal cases involving children and young people as victims and witnesses focuses on the criminal investigation and trial process from the point of view of those who support child victims and witnesses. It sets out the approach that CPS takes to supporting child victims and witnesses in all types of cases and it was developed in close liaison with major children's organisations.
- 5 In September 2006 a cross-directorate working group was set up to ensure the effective implementation and monitoring of 'Children and Young People' by:
 - 5 producing legal guidance to complement 'Children and Young People'
 - 5 creating child-friendly versions of 'Children and Young People'
 - 5 examining how existing training programmes can be adapted to incorporate ideas about safeguarding children;
 - 5 Encouraging community engagement through establishing an external reference group
 - 5 Involving children wherever appropriate
- 5 The CPS has network of Area Youth Justice Co-ordinators and youth specialist prosecutors in each of the 42 CPS Areas. The Policy Directorate publishes a quarterly Youth Newsletter which advises on changes in the law regarding the prosecution of cases involving young people and which includes case studies and good practice examples from the youth specialist prosecutors
- 5 In January 2006, the CPS produced guidance on the prosecution of cases involving looked after children. This guidance was developed following consultation with a range of agencies working with children and young people.
- 5 Also in January 2006, guidance was issued instructing CPS prosecutors that Crown Court trials for youth offenders should be reserved for exceptional cases and as far as possible trials involving youth offenders should be held in specialist youth courts
- 5 The CPS holds an annual interagency youth conference for CPS youth specialists and youth specialists in other criminal justice agencies, youth defence solicitors, the police and the judiciary
- 5 The CPS is committed to bridging the gap between the criminal and family jurisdictions by working through the Family Criminal Interface Committee with criminal justice partners, the Courts Service, including judges, magistrates. Initiatives discussed includes a protocol to enable information about criminal prosecutions to be passed to local authorities where family proceedings are also being conducted (piloted in 2005 and a report published on its workings in March 2006) and joint directions for concurrent family and criminal proceedings
- 5 The COMPASS Case Management System does record age of defendants although the data has not been subject to monitoring, analysis and reporting. It is proposed that in future impact assessments of charging decisions that analysis by age be undertaken as well as analysis by ethnicity and gender
- 5 The CPS does not currently have a hate crime policy in place that deals with elder abuse and there is no category for elder abuse on the COMPASS Case Management System. There are plans however to develop an elder abuse policy in 2007-08 and the introduction of a monitoring category will need to follow to coincide with implementation of the policy

Sexuality and Gender Identity

Employment

- 5 The CPS does not currently record workforce profile data by sexuality and gender identity. The

Service has however indicated its willingness to participate in a Cabinet Office led pilot on sexuality monitoring

- 5 The biennial CPS staff survey has however included a question on sexuality and the survey results are analysed by the following groupings: heterosexual; lesbian; gay and bisexual. The survey reveals the following results. Staff identifying as lesbian hold amongst the most positive views on a range of criteria including recommending CPS as a good place to work (58%) compared to 37% of staff identifying as gay and 44% of heterosexual staff and 43% of staff overall. Staff identifying as lesbian are also more likely to indicate an intention to be working for CPS in 24 months time (71%) compared to 61% of staff identifying as gay, 68% of heterosexual staff and 67% of CPS staff overall. Staff identifying as lesbian also indicate high levels of pride in working for CPS (75%) compared to staff identifying as gay (58%), heterosexual staff (62%) and 60% of CPS staff overall. Staff identifying as lesbian also report the highest level of satisfaction with their job (63%) compared to 48% of staff identifying as gay, 52% of heterosexual staff and 51% of CPS staff overall. In terms of treatment with fairness and respect within the CPS, 73% of staff identifying as gay feel they are treated with fairness and respect, 67% of staff identifying as lesbian think likewise, as do 66% of heterosexual staff
- 5 In terms of believing that CPS is working towards equality and diversity 73% of staff identifying as gay hold this view; compared to 71% of staff identifying as lesbian, 68% of heterosexual and 66% of CPS staff overall
- 5 In terms of feeling unfairly treated by CPS, 21% of staff identifying as lesbian have felt unfairly treated in the past two years; 18% of staff identifying as gay have felt unfairly treated; 5% of bisexual staff and 1% of heterosexual staff compared to 1% of CPS staff overall

Defendants, Victims and Witnesses and Hate Crimes

- 5 The CPS has had a homophobic crime policy in place since November 2002 although the policy now requires updating and review to reflect more recent legal developments and it needs to explicitly refer to transphobic crimes. The service records homophobic crime on the COMPASS Case Management System. The service has had, previously mentioned, a Hate Crime Measure in place since April 2005 which aims to reduce unsuccessful outcomes in hate crimes from 42% to 36% by March 2007. The position overall as at March 2006 was 38%
- 5 In 2005-06, there were a total of 600 recorded homophobic crimes with 426 leading to successful outcomes (71%) and 174 leading to unsuccessful outcomes (29%). This compares with national average successful outcomes (all defendants) of 82.3% and 17.7% unsuccessful outcomes
- 5 In 2005-06, the service also undertook a Homophobic Crime Themed Review of the handling of Homophobic Crime across all 42 CPS areas. The themed review involved an assessment of Areas performance on outcomes in these cases together with an assessment of improvement plans. Areas were given a traffic light rating against set criteria and 5% of Areas were rated green; 59% of Areas were rated amber green and 36% of Areas were rated amber red

Addressing significant gaps – areas for focus via actions plans

The available evidence on each of the six equality strands provides the basis for planning future actions including actions to close gaps in evidence. The following is a synopsis based on the above evidence of the key areas for future focus under each strand. These key areas are reflected in the Action Plans which form part of this Equality Scheme

Race equality

Key gaps and areas for action include:

- 5 Update of Racist and Religious Crimes policy
- 5 Improving case handling
- 5 Addressing under representation in certain grades (SCS, ABM, B3) and Areas
- 5 Address impact of disciplinary process
- 5 Improve recording of ethnicity of defendants, victims and witnesses
- 5 Continue to address impact of charging decisions including analysis by offence categories
- 5 Address fluctuations in PAR ratings and experiences
- 5 Workforce satisfaction

Disability equality

Key gaps and areas for action include:

- 5 Development of disability crimes policy
- 5 Monitoring of disability hate crimes
- 5 Monitoring of defendants, victims and witnesses by disability
- 5 Addressing significant differences in the views of disabled staff
- 5 Addressing under representation of disabled staff in Learning and Development programmes
- 5 Addressing fluctuations in experiences of PAR
- 5 Addressing workforce under representation

Gender equality

Key gaps and areas for action include:

- 5 Addressing under representation in senior grades (Level D and above)
- 5 Continue to address impact of charging decisions including analysis by offence categories and gender and ethnicity
- 5 Continue to focus on reducing unsuccessful outcomes in domestic violence cases and monitoring the impact of the Domestic Violence policy
- 5 Focus on reducing unsuccessful outcomes in rape cases and monitoring the impact of the rape policy
- 5 Developing policies on other forms of violence against women and integrating these policies into a more strategic approach to ensure effective outcomes
- 5 Development of an overall violence against women strategy

Religion or belief

Key gaps and areas for action include:

- 5 Monitoring of religious crimes separate from racist and religious crimes
- 5 Workforce monitoring by religion or belief
- 5 Addressing significant differences in views of staff based on religion or belief

Age

Key gaps and areas for action include:

- 5 Development and implementation of an elder abuse policy
- 5 Monitoring of elder abuse crimes
- 5 Monitoring of defendants and prosecutions decisions by age groups and addressing significant differences
- 5 Monitoring of victims and witnesses by age groups
- 5 Address significant differences in views of staff by age group
- 5 Analysis of staff survey data by age groups is limited to four categories at present, one of which is 50+ and future surveys should be analysed by age groups 50-59 and 60+

Sexuality and Gender Identity

Key gaps and areas for action include:

- 5 Update of Homophobic Crime Policy and production of a Homophobic and Transphobic Crime Policy
- 5 Continue to focus on reducing unsuccessful outcomes in cases of homophobic crime
- 5 Workforce monitoring by sexuality
- 5 Addressing significant differences in views of staff identifying as gay
- 5 Checking progress on the implementation of the Homophobic Crime Themed Review

Chapter 6

Involvement and consultation in developing the Scheme

The CPS recognises that community engagement and working in partnership with communities is fundamental to creating a prosecution service which everyone can trust and value. In developing the Single Equality Scheme we have committed to and secured a wide range of community input and have built in consultation and involvement at various levels. This has been done as follows:

Single Equality Scheme Project Board

The Project Board has been responsible for the overall project guidance, steer and assistance to ensure that the project achieves the expected benefits within the agreed costs, quality and timescale. We successfully secured membership from leading experts in the fields of race, gender, disability, religion or belief, sexuality and age. These external representatives have played a critical role in shaping the Single Equality Scheme by providing knowledge and expertise from the organisations they represent.

Single Equality Scheme Project Reference Group

This is a consultative group and is comprised of further leading representatives in the fields of race, disability, gender, religion or belief, sexuality and age. CPS members of the Project Reference Group consist of the Chair, the Senior Responsible Officer and the Project Manager. Representatives of the CPS staff networks; the National Black Crown Prosecutors Association, Enable and the LGBT Network were also invited to attend this wider consultative group in order to bring the interests of their networks to a wider audience and to ensure transparency of internal CPS equality and diversity issues when promoting equality and diversity (and public confidence) with external stakeholders. The external representatives of the Project Board have also been invited to sit on this consultative group in order to act as a direct conduit to report the development and shaping of the scheme to this wider external audience.

The Project Reference Group meetings have been held after each Project Board meeting so that each amended draft version of the scheme can be presented to the wider consultative group for comments.

Disability Equality Scheme's Standing Group on Disability

In order to address the specific requirement to involve disabled people in the development of the Disability Equality Scheme the CPS established the Standing Group on Disability at the outset of the project. This group has consisted of both external members, representing a range of impairment groups and people who face multiple discrimination. In order to provide appropriate internal scrutiny of the CPS as an employer of disabled people, disabled CPS staff were invited to become members of the group.

The Group has:

- 5 identified issues from disabled people's perspectives;
- 5 identified barriers to making progress;

5 proposed actions to promote disability equality in employment, prosecution policy and practice;
and
5 overseen the drafting of the Disability Equality Action Plan.

Interactive Workshop

In addition to the consultations provided by the Project Board, the Project Reference Group and the Standing Group on Disability, the CPS held an interactive workshop in October with representatives of organisations in the field of race, disability, gender, religion or belief, sexuality and gender identity and age. The CPS appointed MORI as consultants to facilitate this half day workshop.

At this workshop a wide range of stakeholders were brought together in order to gather a range of views relating to the overall equality scheme. By using breakout sessions we were also able to gather the views of those with specific expertise in the field of race, disability, gender, religion or belief, sexuality and gender identity and age separately in order to ensure a fuller depth of understanding of specific issues in those equality areas.

All members of the workshop were provided with a draft version of the Single Equality Scheme prior to attending the workshop.

Key issues raised at the workshop

Initial reactions to the CPS scheme: General reactions to the document were positive. Many participants were encouraged by the fact that the CPS is investing public money into the equality scheme demonstrating a commitment to the issues.

Resources: It was felt that the document needs to make explicit the organisational commitment to resourcing the scheme, and ensuring sufficient staff time to be able to implement it successfully.

The Single Equality Scheme will be implemented within the cash limited budget of the overall Service and individual budgets over the next three years. This may involve some reprioritisation within existing budgets.

Policy statement at beginning of document: One of the key recommendations made by workshop attendees was the inclusion of a policy statement at the beginning of the document. This would specifically move beyond talking in terms of statutory requirements and set out the moral and business case for implementing the scheme. ***The foreword by the Director of Public Prosecutions makes clear that our commitment goes beyond merely meeting statutory requirements.***

Role of the CPS within the CJS and government more broadly: Some of the key criticisms of the document focussed on areas that are clearly outside the remit of the CPS (and relate to other branches of the CJS); these comments were justified by participants arguing that if the CPS really wants to take equality seriously it needs to spread good practice to all of those organisations it comes in contact with, including other branches of the CJS. ***We are committed to working with our partners in the criminal justice system by sharing experiences and influencing partners that equality and diversity needs to be central to our work in order to serve diverse communities.***

Procurement: Participants felt that the CPS needs to ensure that the document has a specific section relating to its procurement procedures. **Procurement is addressed in Chapter 13.**

Consistent referral to data: Some participants feel that more statistical data should be included and clearly sign-posted and where data is currently felt by the CPS to be missing or inadequate, this needs to be consistently noted. **We have included most recent data on employment and data regarding a range of aspects of prosecution outcomes. In Chapter 9 we set out a range of additional data sets that will come on stream in COMPASS from April 2007.**

Equality in employment practices: While quantitative analysis of employment data/staff surveys was felt to be vital to measuring progress in employment practices across all six strands, qualitative research was seen to be equally important as it would help to uncover the reasons why certain members of staff are less positive and would provide actionable levers on which the CPS could act to affect change. **We will build in more qualitative analysis in the next Staff Survey.**

Terminology in relation to sexuality: Varied views were expressed on the use of the terms sexuality and sexual orientation. **Following consultation and appraisal of the results the CPS has settled on using the terms Sexuality and Gender Identity.**

Consultation with the Attorney General's Equality and Diversity Advisory Group

The CPS was also provided with the opportunity to consult with the Attorney General's Equality and Diversity Advisory Group in October.

Key issues raised at the Equality and Diversity Advisory Group

- 5 Feedback from members of the Group was positive and there was there was strong endorsement of the decision by the CPS to develop a single equality scheme.
- 5 There are some evidence gaps for certain strands, for example, whilst the CPS can present significant amounts of evidence on progress made on race equality issues, there is a less evidence on progress made on other issues, for example, age equality issues. **This was acknowledged and actions to address this are included in the Age Equality Action Plan in Part 2.**
- 5 Hard targets tended to be weighted towards race equality issues, and less so on the three non-statutory equality strands. This also raises the issue of public confidence as some groups, for example, LGBT groups would probably not feel that they would be treated fairly by criminal justice agencies. **As explained in Chapter 5, 'Gathering the Evidence' the hate crime measure covers racist and religious crime, domestic violence and homophobic crime – and from April 2007, disability hate crime. We acknowledge that we need to publicise the prosecution outcomes of all hate crime. This will be addressed when we publish the first Annual Hate Crime Report in 2008.**
- 5 However, where there are positive news stories, these should be published widely, for example, for the conviction, and the life sentences imposed on of the killers of Jody Dobrowski. Outcomes such as this help reassure LGBT communities that the CPS is committed to tackling homophobic crime. **We issued a press release following the sentencing in June.**
- 5 There is an urgent need to develop a policy on elder abuse as these crimes are under reported and under recorded. **We plan to develop a policy on prosecuting cases of elder abuse**

in 2007-08 and an initial meeting with Help the Aged took place in October.

5 In work in community engagement, gaps were identified in the engagement of older people and younger people. ***We intend to address these gaps by securing the involvement of both older people and younger people in the Community Accountability Forum which will help oversee the implementation of the Single Equality Scheme.***

Targeted consultation

A draft version of the Single Equality Scheme was posted to each member on our National Community Database in September. We received a small response to this method of consultation. Some comments focussed on the length of the draft document. ***We acknowledge that the decision to produce a single equality scheme and the need to cover the specific statutory requirements for each strand has resulted in a necessarily detailed document as we wish to clearly set out the actions we intend to take to progress equality and diversity in our employment and service delivery functions across the six equality strands. However, with this in mind, we will undertake to produce an executive summary of the single equality scheme in January-March 2007.***

Public consultation

A draft version of the Single Equality Scheme was placed on the CPS website for a period of six weeks during September to November in order to provide an opportunity for interested individuals or other organisations to respond. We received a very limited response to this method of consultation and acknowledge that this was a period where many public authorities would have been working on, and consulting on, their own schemes.

On-going consultation and accountability

We propose to set up an on-going Community Accountability Forum between January and March 2007 which will include community partners to oversee the implementation of this Scheme. A key role of the Forum will be to oversee and support the conduct of impact assessments, to consider the results of monitoring exercises and to oversee annual reports on progress to key committees and to place on the CPS website.

Chapter 7

Identifying and assessing CPS functions and policies for relevance to equality

Methodology which the CPS used for prioritising functions and policies

A prioritised list of CPS functions and policies and proposed policies that are relevant to the equality duties and equality agendas are listed in Annex 5.

Feedback received through engagement and consultation has been a key criterion in the prioritisation process resulting in a community informed view of our priorities. This consultation has included: the Single Equality Scheme being subject to consultation at the drafting stage in order to take on board feedback (especially in relation to policy priorities) from representatives from community organisations working in the equalities field of race, disability, gender, religion or belief, sexuality and age and including groups working in the criminal justice sector. In addition, an interactive workshop was facilitated by independent external consultants.

The following key priorities were raised following the earlier consultation which took place as part of the development of the Race Equality Scheme 2005-08 and are included in this Scheme:

- 5 Effective handling of racist crime, to include the elimination of inappropriate down grading of charges and increase successful outcomes
- 5 Effective handling of religious crime, to include the elimination of inappropriate down grading of charges and increase successful outcomes
- 5 Monitoring of terrorism related cases
- 5 Assuring communities of the independence of the CPS in the context of Statutory Charging
- 5 Charging of ethnic minority offenders
- 5 Community Advocacy

What are the issues of most concern to our community partners?

The Single Equality Scheme Project Reference Group has been the key consultative group in the development of this Scheme and included representatives across the six equality strands. Their input in relation to priorities and many other factors has been incorporated within this Scheme.

What are the issues fed into our leadership by diverse communities?

The Director of Public Prosecutions has met with key community organisations in face-to-face meetings to listen to the priorities and concerns of communities. Meeting have been held with groups representing:

Faith Groups; Black and minority ethnic Groups; Women's Groups; Muslim Community Organisations and Representatives; Secular Groups/Humanist Groups; Lesbian, Gay, Bi-sexual and Transgender Groups; and Disabled People's Groups. The issues raised at these meetings have been incorporated within the priorities in this Scheme.

What are the priorities for focus identified by our staff networks?

The Single Equality Scheme Project Board included representation from the National Black Crown Prosecution Association (NBCPA) – the CPS staff network for Black and minority ethnic staff; from Enable – the CPS staff network for disabled staff and from the LGBT staff network – the CPS staff network for lesbian, gay, bisexual and transgender staff. NBCPA, Enable and the LGBT staff network have assisted in shaping this Scheme including its priorities.

NBCPA – What are the priorities for focus?

- 5 Mainstreaming equality and diversity: to continue the focus on mainstreaming equality and diversity into training on recruitment, selection and performance appraisals including the training of staff on interview and selection panels on equality and diversity
- 5 Ensuring equality in employee engagement: to consider how visible and diverse role models in the organisation support Black and minority ethnic staff issues, including rewards and recognition, work life balance, flexible working initiatives and support for Black and minority ethnic staff returning to work
- 5 Training and development: to continue to encourage Black and minority ethnic staff participation in recruitment and in leadership programmes and consider whether there are identifiable links between Black and minority ethnic staff failing their probation due to poor induction and lack of support
- 5 Workforce representation: to improve workforce diversity at SCS and ABM levels, and at E and B3 grades, and in all CPS Areas to identify positive action initiatives to develop Black and minority ethnic talent in traditionally under-represented grades or CPS Areas
- 5 Recruitment and progression: Monitor compliance with the CPS Equal Opportunities Policy in filling vacancies, keep under review the personnel policies and practices regarding recruitment, selection, appraisal, temporary promotion, grievance and harassment to ensure that they are open and transparent and non-discriminatory. Monitor and openly challenge breaches of the recruitment procedures by individual CPS Areas or Headquarters Divisions, whether or not individual staff members affected by such breaches make complaints or not. This will maintain staff credibility and confidence. Monitor the procedures and arrangements for temporary promotion, substitution or acting up
- 5 Effective and trusted Disciplinary and Complaints procedure: to monitor complaints against and by Black and minority ethnic staff (from internal or external sources) and to consider the need for independent and external scrutiny of the CPS disciplinary and complaints mechanism
- 5 In carrying out any disciplinary procedure, there should be a measured and proportionate response. The emphasis should not be on technical compliance with the very minimum standards adhered to but emphasis should be on good employment practice and fairness for all involved including the person complained against.
- 5 Grievance Procedures: Monitor proceedings for timeliness, efficiency and outcome of investigations and secure independent and external scrutiny of such outcomes.
- 5 Monitor and investigate complaints of discriminatory treatment or bullying of Black and minority ethnic staff deployed in charging centres by non-Black and minority ethnic Police officers in Police stations. Ensure that there are adequate protocols in place for joint working arrangements and line management support.
- 5 Equality and diversity impact assessment: to ensure that CPS functions or policies (actual or proposed) do not impact adversely on individuals in respect of race, gender, disability, religion or belief, sexuality or age.
- 5 Prosecution process: narrowing the justice gap for victims of racist and religious crimes; monitor

the ethnicity of those charged with terrorism related offences and the handling of such cases and safeguard community concerns that members of particular communities may be unjustifiably targeted under the Terrorism legislation.

- 5 Improve recording of the ethnicity of defendants, victims and witnesses and continue to address impact of charging decisions including analysis by offence categories
- 5 Community Engagement: Build positive relationships with people from ethnic minority communities and seek to change their negative experiences and views of the criminal justice system. This is particularly important for young ethnic minority people and Muslim communities at present
- 5 Monitor and address the disproportionality against Black and minority ethnic suspects and defendants in the criminal justice system. A senior Police Officer from the Metropolitan Police commented that young Black men, are much more likely than their White counterparts to be stopped and searched and prosecuted for the same offence, in particular drug offences. Although Home Office data shows that White men form 95% of drug users in England and Wales, they make up only 70% of people imprisoned for drugs. The Black community on the other hand, make up only 2% of drug users but account for 16% of those incarcerated
- 5 Monitor at CPS Area level the disproportionality facing young Black men in particular with regard not just to arrest and conviction for cannabis but to remands in custody, probation and cautioning
- 5 Monitor victims and witnesses by ethnicity and seek to improve trust and confidence of Black and minority ethnic victims and witnesses in the criminal justice system

Enable – What are the priorities for focus?

- 5 Ability Advisers: should be a specialist role and should be accessible, transparent and have a budget.
- 5 Training: for management on disability issues including the Disability Equality Duty
- 5 Marketing: advertising the Enable staff network to existing staff and to target new members of staff to explain the role of the network
- 5 Committee members having designated responsibility, for example, being a contact for the area, providing articles for the newsletter
- 5 Training for members – relevant to the network and organisational objectives, for example, facilitator training in order to speak at community engagement events as representatives of CPS and the staff disability network
- 5 Ensuring adequate equipment: text telephones, Braille, interpretation facilities

LGBT staff network – What are the priorities for focus?

- 5 Raising staff awareness of LGBT issues in relation to both colleagues and the public
- 5 Set targets for raising LGBT staff confidence in the CPS
- 5 Monitoring staff by sexuality
- 5 Include LGBT issues within Impact Assessments of all new documents and policies
- 5 Set targets for raising LGBT public confidence in the CPS
- 5 Appropriately resourcing and empowering all accredited staff networks in order to effectively achieve their business plans
- 5 Set up a forum of community representatives with whom to engage on a regular basis on LGBT issues

For all CPS staff networks – What are the medium to longer-term issues?

- 5 Prosecution policy and practice: continued monitoring of all hate crimes and focus on improving unsuccessful outcomes and the elimination of inappropriate downgrading of charges. Improved recording of ethnicity of defendants, victims and witnesses and the implementation of the Attorney General's Race for Justice Taskforce recommendations
- 5 Grievance and disciplinary procedures: monitoring proceedings for timeliness, efficiency of investigators and outcomes of investigations and providing adequate counselling and support for staff who become involved in grievance procedures or disciplinary action
- 5 Performance appraisal: to monitor the performance appraisal process, eliminate any scope for subjectivity and consult with CPS staff networks and Trade Unions at each phase of the performance appraisal review process.
- 5 Obtain better funding for staff networks
- 5 Improve profile and image of staff networks
- 5 Cross interaction of disabled people, for example, as trainers or internal investigators
- 5 Monitoring LGBT staff, Black and minority ethnic staff and disabled staff distribution and progression across all grades
- 5 Measuring and raising LGBT staff, Black and minority ethnic staff and disabled staff confidence

Chapter 8

Conducting equality and diversity impact assessments and consultation on proposed policies

An Equality and Diversity Impact Assessment (EDIA) is a way of systematically and thoroughly assessing the effects that a function or policy (actual or proposed) is likely to have on a groups of individuals in respect to specific equality categories, that is, race, disability, gender, religion or belief, sexuality and gender identity and age.

For the CPS the main purpose of conducting an EDIA is to pre-empt the possibility that any of our functions or policies could affect some groups unfavourably and to consider alternative ways of achieving the same ends that either cause none or less adverse impacts. It is also a key mechanism by which we can ensure that we meet our priority objective of moving from agenda setting for equality and diversity to focussing on results and outcomes. Also, an EDIA seeks to identify impacts in terms of promoting good community relations, for example, impacts that affect relations between groups and those that may affect relations between the CPS and different community groups.

Building on our work on the Race Equality Scheme, we have decided to take a multi-strand approach and to develop an impact assessment toolkit and template which can be used to assess impact across a range of different equality strands. The benefit of having this integrated approach means that we can look fully at the potential impacts of our policies and avoid duplication of time, effort and resources being expended on different processes.

Our toolkit is in place and from April 2006 we have rolled out training to key people in the Policy Directorate, Human Resources, Business Development Directorate as well as other parts of the Service.

The EDIA toolkit addresses the following key areas:

- 5 What is an equality and diversity impact assessment?
- 5 The benefits of an equality and diversity impact assessment
- 5 What are functions and policies?
- 5 Deciding which functions and policies are relevant
- 5 The stages of impact assessments – initial, partial, full
- 5 Who should undertake the impact assessments?
- 5 Guidance notes on completing the assessment pro formas

Undertaking impact assessments

When we undertake equality and diversity impact assessments of functions or policies, we take the following key steps:

- 5 Identify who has responsibility and ownership of the function or policy and who is intended to benefit, or who are the main stakeholders?
- 5 Consider the specific aims and objectives of the function or policy – what is it trying to achieve, what are the desired outcomes or success measures and who is intended to benefit?

5 Consider and assess all the evidence for discrimination, promotion or equality or good relations

We use a range of the following sources of evidence:

- 5 COMPASS – routine monitoring data
- 5 CPS Area Performance Review Data
- 5 Surveys – staff, victim, witnesses and public satisfaction surveys
- 5 Evaluations – service evaluation reports
- 5 Census and demographic data
- 5 Feedback from CPS/other CJS Departments' community engagement activities and consultations
- 5 Employment monitoring data
- 5 HMCPSI Overall Themed reviews and Area inspection reports

We also use national benchmarking data, for example:

- 5 British Crime Survey
- 5 Section 95 Statistics
- 5 CJS public confidence data

- 5 Assess the likely impact of the function or policy – does the available evidence indicate an adverse impact? If so, is it justifiable or unjustifiable?
- 5 Consider alternatives where unjustifiable adverse impacts have been identified following a partial or full impact assessment
- 5 Where proposed amendments have been made, developing an action plan which sets out how the changes will be made, by who and by when
- 5 Consulting formally on the proposed policy
- 5 Develop monitoring arrangements for the policy – we will monitor impact across a range of equality strands, by user/non-user consultation or by other means.
- 5 Publish results of the impact assessments

Consultation as part of impact assessments

For the CPS consultation is an increasingly integral part of our policy development in key areas. We are committed to publishing the results of assessments, consultations and monitoring as this will increase our openness, allow us to demonstrate our commitment and enable stakeholders to monitor our performance.

We will ensure that this information will be made available in a range of accessible formats on request.

The extent of our consultation and involvement will be matched to the degree of impact and level of proposed policy changes and the range of groups that may be affected. Although CPS has a national community engagement database on target groups our process of consultation will be characterised by flexibility and responsiveness within a broad process of communication and building relations with the public and affected groups. In this we will ensure that we engage with a range of different groups within communities in order to avoid consulting solely with community leaders.

As our Single Equality Scheme comes into effect from December 2006 (when the Disability Equality Duty comes into force), Year 1 will run from December 2006 to March 2008

Year 1 (December 2006 – March 2008)

Proposed policies for impact assessment – prosecution policies

Violence Against Women

The CPS currently monitors performance on hate crime, this includes domestic violence, racist and religious crime and homophobic crime. There is an increasing trend to record domestic violence, rape, child abuse, so called honour crimes, forced marriages, prostitution/human trafficking of women and children and female genital mutilation under a category of 'Violence Against Women' (VAW). In Year 1 an impact assessment will be undertaken in relation to the development of a strategic approach to Violence against Women with coordinated actions plans on all forms of VAW.

Prosecution of cases involving the sexual transmission of infections which cause grievous bodily harm

The CPS has developed a draft policy statement which explains the way we will deal with cases involving the intentional or reckless sexual transmission of infections which cause grievous bodily harm. We have consulted members of sexual health community organisations with professional knowledge in the fields of crime reduction and victim and witness support in drafting this policy.

We recognise that those affected by the sexual transmission of infections often face many difficulties in reporting the incident to the police and then supporting any prosecution at court that may follow that report. We acknowledge that barriers exist which mean that some people are less likely to report offences. People from Black and minority ethnic communities may fear that they will not be believed and/or that they will not be treated properly. Cultural and religious beliefs may also prevent people from reporting offences or supporting a prosecution. In cases involving a same sex relationship, victims may fear that their cases will not be dealt with sensitively by the CPS or the wider criminal justice system as well as being "outed" by the system. Securing the confidence of those affected is an essential part of our approach to dealing effectively with cases where there is sexual transmission of infection.

The draft policy statement was available for public consultation from 1 September to 1 November and a final statement and guidance for prosecutors will be published in early 2007.

Disability Hate Crime Policy

In April 2005 the law was changed by section 146 of the Criminal Justice Act 2003 (CJA). Section 146 imposed a duty upon courts to increase the sentence for any offence aggravated by hostility based on the victim's disability (or presumed disability). Section 146 is designed to ensure that these offences are treated seriously by the police and the courts, in line with offences that are aggravated by racial or religious hostility or hostility based on sexual orientation.

The CPS has developed a draft policy statement to explain the way that we will deal with cases of

disability hate crime. This policy statement has been developed and taken forward by a Steering Group with representatives from disability organisations with professional knowledge in the fields of disabilities, crime reduction and victim and witness support.

This policy statement also makes reference to the support that some disabled victims may need to give evidence in court and support any prosecution. For example, in our policy statement we explain how the needs of the disabled victim and any disabled witnesses will be assessed at the earliest opportunity in order to see what special measures may be available and suitable to support them in court, so that they can give the best possible evidence. Securing the confidence of those affected by disability hate crime and those that are targeted because of their perceived vulnerability because they are disabled is an essential part of our approach to dealing effectively with such cases.

This policy statement will be available for public consultation from 30 October to 8 December 2006 and a final policy statement and guidance for prosecutors will be published in early 2007.

Revised Homophobic Crime Policy

The CPS policy on prosecuting homophobic crime cases was published in 2002. This policy statement and guidance for prosecutors is due to be revised in 2006-07 to take into account section 146 of the Criminal Justice Act 2003 (CJA). Section 146 imposed a duty upon courts to increase the sentence for any offence aggravated by hostility based on the victim's sexual orientation (or presumed sexual orientation). The revised policy will also explicitly refer to transphobic crime and we will produce a policy statement and guidance to prosecutors on prosecuting cases of homophobic and transphobic crime.

This revised policy will also take into account other recent legislation including:

- 5 **Section 46 Youth Justice and Criminal Evidence Act 1999** (in force 7 October 2004) which gives courts power to restrict reports about certain adult witnesses when satisfied that the quality of evidence or the level of cooperation given by the witness is likely to be diminished due to the witness's fear or distress about being identified by members of the public as a witness in the proceedings.
- 5 **Gender Recognition Act 2004** (this is described in Annex 4 in Part 2)
- 5 **Civil Partnership Act 2004** (in force 5 December 2005) which allows same-sex couples to make a formal commitment to each other by signing a registration document, giving them parity of treatment in a wide range of legal matters with those opposite-sex couples who enter into a civil marriage.
- 5 **Sexual Offences Act 2003** (in force 1 May 2004) which repealed, amongst other things, sections 12 and 13 Sexual Offences Act 1956 (buggery and indecency between men) which had criminalised certain consensual same-sex activities which would not be illegal for opposite-sex couples.
- 5 **Equality Act 2006** (due to come in effect in April 2007), Section 81 of the Act makes unlawful discrimination (including direct and indirect discrimination, victimisation and harassment) on the ground of sexual orientation in the provision of goods, facilities and services and the exercise of public functions.

Revised Racist and Religious Crime Policy

The CPS policy on prosecuting cases of racist and religious crime was published in 2003. This policy statement and guidance for prosecutors is due to be revised in 2006-07 to take into account the recent legislation on incitement to religious hatred.

Policy on prosecuting cases of elder abuse

The CPS intends to put in place a public policy statement and issue guidance for prosecutors explaining how we will deal with cases of elder abuse. We are working towards publishing our policy statement in 2007-08 and part of the project will include an equality and diversity impact assessment.

Diversion through Conditional Cautioning and Simple, Speedy Summary Justice proposals

Conditional cautioning provides an alternative to prosecution. Offenders are cautioned for their misconduct with a condition that they undertake some specific activity that may reduce the likelihood of them re-offending and/or provide some recompense to the victim. Failure to perform the condition will almost certainly mean that the offender will be prosecuted through the courts.

Guidance has been issued to prosecutors as to the type of case in which it might be appropriate (sexual offences and hate crimes - domestic violence, racist and religious crime and homophobic crime) are not eligible for conditional cautioning), the offenders' background and the need to be sure that the victim and offender have willingly agreed to take part.

Following the Simple, Speedy Summary review's findings the CPS has set targets for:

- 5 Improving the speed and effectiveness of the magistrates' courts;
- 5 Improving performance in the Crown Court;
- 5 Focusing on the management of very high cost cases in the Crown Court;
- 5 Implementing measures to improve the compliance and enforcement of court orders;
- 5 Extending the community justice approach to ten new Areas; and
- 5 Moving more low level offences out of the magistrates' courts

Year 1 (December 2006 – March 2008)

Proposed policies for impact assessment – employment policies

Advocacy Strategy Programme (employment aspects)

The Advocacy Strategy Programme is designed to develop and promote in-house advocacy, which will drive progress towards making the service one that routinely conducts its own high-quality advocacy in all courts.

The impact assessment is focussed on the potential equality in employment impact of the Advocacy Strategy Programme and examines both workforce diversity and work allocation issues. The results of this impact assessment are due to be published in early 2007.

Implementation of recommendations of the review of staff networks

An independent review of CPS Staff Networks is underway and the review report is due in autumn 2006. The report and recommendations will be considered by senior management later in 2006-07. The outcome will form the basis of actions to put in place a robust structure which will ensure that staff networks provide the best possible support for both CPS staff and the business. The plan will be implemented from April 2007 onwards by the HR Directorate in conjunction with the Equality and Diversity Unit.

Development of a joint CPS/ACPO protocol for co-located workers to support Statutory Charging

As a result of Statutory Charging, CPS prosecutors are increasingly working in police stations. The Human Resources Directorate and the Equality and Diversity Unit will work with the Association of Chief Police Officers (ACPO) to develop and promote a protocol on managing employment issues for co-located workers. The purpose of the protocol is to develop a framework within which individual police forces can develop a local protocol with CPS Areas. The CPS protocol will be standard across the Areas.

The protocol will cover such issues as acceptable standards of behaviour and the development of effective ways of working together in order to ensure that individual rights are protected in accordance with their employee contract. Once implemented, the protocol will be monitored for adverse impact and necessary action taken if unjustifiable adverse impact is found.

E-learning and Prosecution College

The Prosecution College provides the focus for learning and development across the CPS. The Prosecution College offers a number of e-learning programmes, which are available for staff on critical areas of business.

We will be assessing the impact of new content and any updated delivery methods that are introduced in each of years 1, 2 and year 3.

Year 1 (December 2006 – March 2008)

Policies for impact assessment – other policies

Procurement

In 2006-07 the CPS will commence an equality impact assessment of procurement following an invitation to tender and the appointment of external consultants in July 2006.

Current CPS standard documents on procurement include questions relating to supplier track record on race equality and compliance with race relations legislation and procurement processes have been reviewed in light of 'Race Equality and Public Procurement' guidance issued by the Commission for Race Equality.

Procuring external legal services from the Bar

The CPS invests over £130m annually in securing legal services from the Bar. As a public body, the CPS is committed to ensuring that this expenditure supports and furthers the Service's public sector aims including its equality and diversity aims. The CPS is undertaking two key developments:

5 a review of the preferred sets system in London and the South East; and

5 putting in place an Equalities Expectations Statement with the Bar.

We will assess and consult on the impact on equality and diversity of the new proposals in particular the review of the preferred system.

Year 2 (April 2008 – March 2009)

Proposed policies for impact assessment – prosecution policies

Pre-trial Interviews with Witnesses

The CPS is piloting pre-trial interviews with witnesses in four CPS Areas. The pilots in Cumbria, Greater Manchester, Lancashire and Merseyside began in January 2006 and will run for nine months. A Code of Practice has been developed in consultation with the Bar, the Law Society, the Association of Chief Police Officers and Victim Support, and approved by the Director of Public Prosecutions. Following evaluation, consideration will be given to national roll-out which will be informed by an impact assessment to ensure that witnesses are treated equitably by the new process.

The purpose of the interview is to allow prosecutors to reach a better informed decision about proceedings by clarifying or assessing the reliability of a witness's evidence or to understand complex evidence. There is also an opportunity to explain the prosecution process to the witness. An interview can be held either pre or post charge.

The pilot breaks new ground as historically prosecutors were not permitted to speak with witnesses about evidential matters.

Year 2 (April 2008 – March 2009)

Proposed policies for impact assessment – employment policies

Invest Programme – A Review of Performance, Grading and Reward

The >invest< programme has been identified as a key CPS priority within the HR Service Plan 2005-2006 and is fundamental to our corporate vision of becoming a world class prosecuting authority. In order to achieve this vision, we need a diverse, well motivated and skilled workforce capable of managing and handling change which has a focus on delivery, victim and witness needs, strategic management and strong leadership. This must be supported by professional human resources functions such as workforce planning, effective recruitment and retention processes, performance management and reward systems that ensure business objectives are achieved and individual potential is unlocked.

Consequently, >invest< is looking at the jobs the CPS expects its staff to do, how those jobs are

organised and how performance and individual development is managed. The programme will also look at how the CPS expects its staff to behave in doing their jobs, what skills staff need to do their jobs and how they are rewarded for their contribution. A key output of the programme will be the identification of fully detailed career progression paths for both lawyers and administrators to provide all staff with a clear idea of how they may progress through the organisation from the most junior to the most senior grades enabling them to map their own individual careers against the requirements of the organisation.

The >invest< programme will include an assessment of equality and diversity issues and impact of any newly developed strategies and/or structures. The programme will be monitored and reviewed for unjustifiable adverse impact as strategies and/or structures are implemented. Necessary corrective action will be taken if unjustifiable adverse impact is found.

Transform

A management development route for non-lawyer managers at Level B will be introduced during 2007 to provide them with the correct level of skills and knowledge to carry out their management duties. This will be reviewed in line with the Single Equality Scheme when it is introduced and the programme will be reviewed during year 2 (2008-09).

The Equality and Diversity Complaints Procedure

The Equality and Diversity Complaints Procedure was reviewed in 2005 and, following endorsement by the People and Equality Committee, a new procedure is to be rolled out over the period 2006 to 2008 and a full impact assessment will be undertaken in Year 2.

Year 3 (April 2009 – January 2010)

Proposed policies for impact assessment – prosecution policies

Effective Trial Management Programme (ETMP)

The Effective Trial Management Programme (ETMP) aims to improve case preparation and progression so that delays are reduced and cases go ahead as planned. ETMP has been rolled out across all criminal justice areas and is presently undergoing a process of post implementation review, being undertaken by the Criminal Case Management Delivery Unit (CCMDU). ETMP remains a key element of criminal justice reform, and subject to the normal trilateral governance arrangements supporting the National Criminal Justice Board. Allied to ETMP is the maintenance of the Criminal Case Management Framework, which defines the roles and responsibilities of all agencies in the process from the point of charge through to trial or earlier conclusion.

Year 3 (April 2009 – January 2010)

Proposed policies for impact assessment – employment policies

Through the >invest< programme, the CPS will have created a Career Family structure in which jobs with similar characteristics are linked together to better describe and illustrate career development paths. The opportunity for career progression created by this approach will be examined to ensure no adverse impact on particular groups of staff within the Department.

E-learning and Prosecution College

See year 1

Chapter 9

Monitoring policies for adverse impact on equality

The CPS is committed to gathering and monitoring data in order to assess the impact of our policies and functions on victims, witnesses, staff and defendants and we monitor through a variety of mainstream and specific structures and systems.

Collation of statistical information through IT-based and paper systems:

- 5 Workforce representation data using the Personnel Management Information System
- 5 Training through the CPS Training Management System
- 5 Staff perceptions, attitudes and satisfaction through a bi-annual staff survey
- 5 Racist and Religiously aggravated crime through the Racial Incidents Monitoring System and through the COMPASS Case Management System
- 5 A range of prosecution functions through COMPASS Case Management System, including the recording of defendants by race, gender and from November 2006, disability
- 5 Management information on services provided to victims and witnesses through the CPS Witness Management System, including the recording of victims and witnesses by race, gender and from November 2006, disability
- 5 Domestic Violence crime data through the COMPASS Case Management System and the annual Domestic Violence Snapshot
- 5 Homophobic crime data through the COMPASS Case Management System
- 5 From November 2006 we will be recording disability hate crimes on the COMPASS Case Management System

Hate Crimes Monitoring Project

In January 2006 we established a Hate Crimes Monitoring Project to improve the electronic recording of hate crime and to enable us to publicly report annually on hate crime data in a single annual report. This annual report would include data on our performance in tackling racist and religious crime (and would therefore replace the RIMS Annual Report which is published each autumn), homophobic crime, domestic violence and disability hate crime (which we will monitor from April 2007). We intend to publish our first Annual Hate Crimes Report in autumn 2008.

We consulted both internally within the CPS and externally with a wide range of community partners, including members of the Attorney General's Diversity Advisory Group, in order to establish the priorities of diverse communities in relation to the monitoring of hate crime. Following this consultation, the following additional data will be recorded electronically:

- 5 Religion and belief of all defendants and all victims
- 5 Recording racist crime separately from religious crime
- 5 Recording the dropping of the aggravated element (of racist and religious crime, homophobic crime and disability hate crime)
- 5 Sentencing monitoring for aggravated offences (i.e we will record the uplift of sentences for aggravated offences)

- 5 Victim retraction
- 5 Support for victims
- 5 Relationship between the victim and the defendant
- 5 Honour crimes and forced marriages

Consultation

- 5 Qualitative methods such as staff focus groups
- 5 Surveys such as WAVES which tracks victim and witness satisfaction
- 5 Analysis of complaints
- 5 British Crime Survey provides a range of statistics and analysis on crime and ethnicity and Section 95 Statistics provide specific data on crime and ethnicity
- 5 A range of data such as public confidence at national and local level is provided through the Home Office.

Where monitoring data shows adverse impact we will ask the following questions and take appropriate action:

- 5 If a policy is leading to unlawful discrimination, can we find another way of meeting those policy aims?
- 5 If a policy is adversely affecting particular groups who are protected by legislation, can we justify the policy because of its overall objectives? If we adapt the policy, could that compensate for any adverse effects?
- 5 If the policy is harming good race relations, what action do we need to take?
- 5 If the policy is preventing positive attitudes towards disabled people, preventing their participation in public life or failing to consider disabled people's disabilities, what action do we need to take?
- 5 Will changes to the policy be significant and will we need to consult about them?

Our current highest priority policies to monitor include (but are not limited to):

Prosecutions

- 5 Charging Decisions – we have undertaken two impact assessments, an initial and a fuller exercise, and will continue to monitor charging decisions
- 5 Prosecution of Hate Crimes including racially and religiously aggravated crime, disability hate crime, domestic violence and other violence against women crimes and homophobic crime
- 5 Terrorism Prosecutions
- 5 Anti-social Behaviour Orders
- 5 Human trafficking/Immigration crime
- 5 Prosecution Process/Casework Quality Assurance
- 5 Direct Communications with Victims
- 5 Victim and Witness satisfaction
- 5 Support for victims and witnesses
- 5 Incitement to Racial Hatred
- 5 Community engagement/Public confidence in CPS/CJS
- 5 Translation and Interpretation – languages translated and interpreted

Employment

The CPS monitors by disability, ethnicity and gender in accordance with statutory duties:

- 5 Staff in post
- 5 Applications for employment
- 5 Applications for promotion
- 5 Applications for training
- 5 Those that receive training
- 5 Those that benefit or suffer detriment as a result of performance assessment procedures
- 5 Those involved in grievance procedures
- 5 Those that are subject to disciplinary procedures
- 5 Those that cease employment

The Service will also monitor:

- 5 Workplace benefits and facilities
- 5 Distribution of female/male employees in particular areas of work
- 5 Management of flexible working
- 5 Management of alternative working patterns (including part-time work)
- 5 Management of leave for parents and carers
- 5 Management of pregnancy/and maternity leave
- 5 Management of transsexual/potential transsexual staff
- 5 Conduct of Equal Pay reviews
- 5 Redundancy
- 5 Retirement

The areas above reflect the priorities as identified through the development and refinement of our prioritised list of policies detailed at Annex 5. These priorities will be reviewed annually to ensure that they reflect community concerns and ensure we meet the statutory duties.

The section on the following pages considers the policies which will be monitored in year 1, 2 and 3 to identify whether they are having an adverse impact on the promotion of race, disability, gender, religion or belief, sexuality and gender identity and age equality.

Note

As our Single Equality Scheme comes into effect from December 2006 (when the Disability Equality Duty comes into force), Year 1 will run from December 2006 to March 2008

Year 1 (December 2006 – March 2008)

Monitoring existing policies for adverse impact – prosecution policies

Monitoring Cases of Racist and Religious Crime

The CPS policy on prosecuting Racist and Religious Crime, which was launched in July 2003, explains how the CPS prosecutes cases. The aim of the policy is to ensure a consistent approach to prosecuting racist and religious crimes through:

- 5 A published policy statement supported by operational guidance
- 5 Delivery of a nationally designed training course
- 5 Monitoring performance through the COMPASS Case Management System and via a Hate Crime indicator to reduce unsuccessful outcomes

Monitoring Cases of Homophobic Crime

The CPS policy on prosecuting Homophobic Crime will be updated in 2006-07 and will ensure a consistent approach to prosecuting homophobic and transphobic crimes through:

- 5 A published policy statement on homophobic crime and transphobic crime supported by operational guidance
- 5 Delivery of a nationally designed training course with external facilitators
- 5 Appointment of Homophobic Crime Co-ordinators in each of the 42 CPS Areas
- 5 Monitoring performance through the COMPASS Case Management System and via a Hate Crime indicator to reduce unsuccessful outcomes

A themed review on handling cases of homophobic crime was undertaken in January 2006 and following this each Area has developed an Action Plan to improve performance in tackling cases of homophobic crime. We monitor cases of homophobic crime, analyse levels and take corrective action as necessary.

Monitoring cases of Disability Hate Crime

Building on the policy assessment described earlier in Chapter 8 we will monitor the implementation of the Disability Hate Crime policy for any adverse impact by equalities groups.

Monitoring of cases involving the sexual transmission of infections which cause grievous bodily harm

Building on the policy assessment described earlier in Chapter 8 we will monitor the implementation of the policy for prosecuting cases involving the sexual transmission of infections which cause grievous bodily harm for any adverse impact by equalities groups.

Monitoring Cases of Domestic Violence

The revised CPS Policy and Guidance on prosecuting cases of domestic violence and the national training programme were launched in March 2005. The aim of the policy guidance and the training programme is to ensure a consistent approach to prosecuting cases of domestic violence through:

- 5 A published policy statement supported by operational guidance for prosecutors
- 5 Delivery of a nationally designed training course, which would see all staff trained by 2008
- 5 Appointment of Domestic Violence Co-ordinators in each of the 42 CPS Areas who have both operational and strategic responsibilities
- 5 Implementing the good practice findings from the two CPS Domestic Violence pilot sites in Caerphilly, Gwent and Croydon, London
- 5 Working with the Home Office and DCA to develop Specialist Domestic Violence Courts
- 5 Monitoring performance through the COMPASS Case Management System and via the Hate Crime Indicator to reduce unsuccessful outcomes

Terrorism Prosecutions

We will continue to monitor the ethnicity of those charged with all terrorist related offences.

We recognise that terrorist prosecutions are of interest and concern to communities and our handling of these cases goes to the heart of issues of public trust and confidence in CPS decision making for some communities. We will continue to monitor all terrorist prosecutions by ethnicity, analyse the data, and where we find unjustifiable adverse impact on particular groups we will take necessary action. Monitoring in these cases will be facilitated by the effective sharing of ethnicity records data by the Police.

Prosecution of breaches of Control Orders under the Prevention of Terrorism Act (2005)

There is a concern that members of particular communities may be unjustifiably targeted under the Prevention of Terrorism Act (2005) in respect of control orders. Control orders may be made by the Secretary of State or the High Court upon the application of the Secretary of State. The Prevention of Terrorism Act creates two criminal offences; contravening a control order without reasonable excuse and intentionally obstructing a person enforcing a control order. The CPS will continue to review and when appropriate prosecute any such offences. The CPS will continue to monitor these cases for any unjustifiable adverse impact.

Selection of charges by CPS in relation to terrorist funding under the Terrorism Act (2000)

There exists a concern, amongst some communities, that individuals have been targeted under the terrorist legislation but are subsequently prosecuted for other offences. This is particularly so in relation to financial crime. The CPS will continue to monitor the selection of charges in these specific instances for any unjustifiable adverse impact.

Monitoring cases of Deaths in Custody

To continue to deliver the key recommendations of the Attorney General's Review of Death in Custody cases. This includes:

- 5 All reviews of Deaths in Custody cases are referred to the Director of Public Prosecutions
- 5 Increased engagement with bereaved families
- 5 Using a pool of specialist counsel to deal with these cases and increasingly using those with human and civil rights expertise
- 5 Close working with the Independent Police Complaints Commission
- 5 Training all lawyers designated to deal with Death in Custody cases – including the awareness of the requirements for meetings with the bereaved
- 5 Increasing attendance of reviewing lawyers at inquests

In addition, in 2005 the CPS has produced a leaflet which can be used by those affected by deaths in custody. It explains the role of the CPS in deaths in custody cases and was produced following consultation with members from the United Friends and Family Campaign.

Monthly case reports of death in custody cases are prepared by the Special Crime Division.

Monitoring cases of Gun Crime

Section 51A of the Firearms Act, which came into force in 2004, introduced a mandatory minimum sentence of five years imprisonment for adults (and three years for 16 and 17 year olds) for possession of most prohibited weapons. These include items such as sawn off shotguns, revolvers, machine guns, rocket launchers and guns disguised as other items for example, pen guns.

The CPS legal guidance on firearms was reviewed to reflect these changes in 2004. The legal guidance is clear that where there is sufficient evidence to charge a person for a prohibited weapon offence that carries the mandatory minimum that the person should be charged.

Given the potential for very serious consequences that can follow a conviction, it is important therefore that prosecutions are undertaken fairly and we will undertake to monitor these cases.

Anti Social Behaviour Orders (ASBOs)

Following the launch of the Home Office Action Plan on Tackling Anti-Social Behaviour, the CPS appointed 14 specialist Prosecutors in "hot spot" Areas to concentrate on prosecuting anti-social behaviour and low level disorder offences and to support local authorities in the application and enforcement of any breaches of those orders. As identified during national consultation on this Scheme, we will monitor by equalities categories (by race, gender and from November 2006 by disability) who gets ASBOs and for what offences and seek to establish any disproportionate and unjustifiable impact.

Prosecution Process/Casework Quality

CPS is routinely using a new self-assessment process for providing managers with assurance

about the quality of casework being produced in their Area or Operational Unit. The Casework Quality Assurance scheme requires sample case files to be examined each month and tested against a range of standard questions focusing on key stages of the prosecution process. The scheme helps to identify casework, which fails to meet a satisfactory standard and where further staff training or development is required.

Community Engagement/Public Confidence in the CPS

Public awareness and confidence in the CPS is central to creating a public prosecution service which all communities see as theirs – an independent, fair service consistently taking decisions in the interest of justice. This means being an engaged service, building trust particularly amongst diverse communities, particularly with those who have felt excluded in the past.

We have engaged with communities at national and local level, for example, in developing our policies on hate crime such as our policy statement on racially and religiously aggravated crime, domestic violence, homophobic crime and disability hate crime.

We are now building on this through:

5 A series of 'Listening, Reassurance and Information' evenings for Muslim communities. These events have already taken place in London, Birmingham, Cardiff, West Yorkshire, Leicester, Blackburn, Luton and Manchester. A key aspect of these events has been to encourage attendance from a wide cross-section of local Muslim communities.

The purpose of each event has been to:

1. Provide information on three key issues: (i) the prosecution of terrorist cases; (ii) the prosecution of incitement to racial hatred cases and the new laws on incitement to religious hatred (iii) the prosecution of racially and religiously aggravated crime.
2. Reassure Muslim communities about key issues of CPS independence, the steadfast adherence to the Code tests in all cases, human rights principles, and the aim of securing safe convictions which hold communities confidence.
3. Listen to Muslim communities' concerns, answering questions and each CPS Area taking away issues to consider in terms of future work and further engagement.

5 A national Community Engagement Strategy (endorsed May 2005)

5 Three Community Engagement Pilots which will be evaluated by October 2006

5 Community Engagement Guidance which is available from July 2005 on a phased basis

5 Measurement of Community Engagement undertaken by CPS Areas each quarter from April 2005

5 Community Engagement Handbook from October 2006

The above work on community engagement is overseen by a Community Engagement Project Board.

We will build a picture of communities' confidence in the CPS (and wider CJS) through the Office for Criminal Justice Reform and the effectiveness of the community engagement indicator to assess its impact on engagement with different communities that the CPS serves. We will take action to address any significant differences in confidence levels.

Translation and Interpretation

The use of translation and interpretation is often important in ensuring public access to information and services for those people for whom English is not a first language. A review of the translation and interpreting services policy commenced in December 2005 and concluded in September 2006. During Year 1 of this Scheme we will be undertaking the implementation of the review's findings and recommendations and monitoring of the translation and interpretation services policy in order to assess the effectiveness of current services compared to needs in terms of languages and when translation and interpretation is required.

Year 1 (December 2006 – March 2008)

Monitoring existing policies for adverse impact – employment policies

Staff Survey 2006 – Results analysis

A full biennial survey of all CPS staff was carried out in March 2006. The survey, picking up on issues highlighted in the 2004 survey as well as exploring current staff satisfaction and other business issues, tracks the opinions of all staff and provides the organisation with a record of improvements achieved and areas for further development. The survey monitors staff perceptions and satisfaction by ethnicity, gender, religion or belief, disability, sexuality and age and potentially allows for full demographic analysis which would identify significant differences that may require further research and monitoring. The survey provides a rich source of data for examining a wide range of equality and diversity issues in detail. A Corporate Action Plan, including equality and diversity issues will be developed from the results of the survey. A further survey will be carried out during the life of this Scheme in 2008. The areas identified for development through the 2006 survey will include assessment and measurement through equalities monitoring of perception and satisfaction levels of different staff groups. A corporate action plan will be put in place in the autumn of 2006. In addition CPS Areas and HQ Directorates are putting together their own action plans which will be monitored through the corporate Performance Review system.

The Review of Reward and Grading Structure

The Human Resources Directorate will monitor and review the reward and grading structure of the organisation to ensure that the structures and strategies in place fully support the needs of the business in becoming an employer of choice for a diverse workforce. The review will include an assessment of equalities to ensure that any new structure does not adversely impact on any groups within the CPS. The operation of the new structure will be continuously monitored for unjustifiable adverse impact – necessary corrective action will be taken if this is detected.

Equal Pay Review

The Equal Pay Act introduced nearly thirty years ago prohibits discrimination against women and men in relation to pay. Subsequent research has shown that there continues to be a gender pay gap across all sectors of the workforce, including the public sector. In response to this, the CPS has committed to review its pay systems and then address any equal pay gaps. Our equal pay audit will also look at any problems that might have arisen in relation to the way in which we pay staff from minority groups.

The principle of fairness is fundamental to the conditions of service for staff in the CPS. Equal pay is a complex area and the issues surrounding it may have important implications for pay systems. The CPS last carried out an equal pay review in 2003 and has plans to repeat this exercise in 2006-07. We are in the first stages of planning the review process, have consulted with the Equal Opportunities Commission and will report on information broken down by grade, gender, ethnicity, disability and age. We would envisage the whole review will take approximately 3-4 months to complete, during which time we will consult fully with interested parties.

We will gather the necessary information to ascertain if there is a gender pay gap in the CPS. We will also gather the information needed to identify the causes of any gap. We will give full consideration to whether pay objectives are needed and what these objectives may need to address.

We will ensure that the equal pay review takes into account the recent legislation that came into force regarding age equality and will scrutinise our benefits and policies to check whether any need updating or amending to take into account the changes.

In particular, we will be looking at our approach to annual holiday entitlements to ensure compliance with recent age legislation. We will also be looking at the way in which flexible starting salaries are used in recruitment practice across the CPS as this was highlighted in the Annual Equalities in Employment Report 2004-2005 as a potential concern.

Evaluation of the revised Recruitment and Selection Policy and Processes (introduced in June 2004)

In accordance with the 2002 Race Equality Scheme, Recruitment and Selection policies and processes, from advertising and selection methods to appointment procedures were reviewed and improved extensively in 2004. The object of this exercise was to ensure that the CPS recruits the best and most appropriately diverse workforce to meet the continuing challenges of the organisation as quickly and efficiently as possible.

An initial evaluation of the new recruitment policies and procedures took place in 2005. This resulted in further development of the application form, person specifications, job simulation exercises and guidance on the process. The evaluation also recommended that statistics for all recruitment exercises should be monitored quarterly to understand whether any disproportionate impact was occurring. The results of monitoring were included in the 2004-2005 Annual Equalities in Employment Report, published in December 2005. The report included a number of recommendations that should be implemented to help the CPS build an increasingly diverse and representative workforce, particularly at senior levels. These recommendations have been incorporated into the 2006-2007 work programme.

Revision of existing policies relating to: discipline, capability, home working, staff mobility, childcare and age retirement.

The Human Resources Directorate has a planned rolling programme of revision of people policies. For this period these include discipline, capability, home-working, staff mobility, childcare and age retirement. These policies have had an initial impact assessment as part of their revision. The underpinning processes for each policy will be monitored, as appropriate. Necessary action will be taken if any unjustifiable adverse impact is found. All people policies have been impact assessed for adverse impact relating to age. A programme covering impact assessment of people policies will be developed in Year 1, setting out which policies will undergo comprehensive impact

assessment in Years 2 and 3. As any policy is developed or reviewed, it will undergo an initial assessment as part of the standard policy development/review procedure.

Evaluation of the outsourced Counselling and Support Service provision

A new outsourced counselling and support service provided by Care First was introduced on 1 July 2005. In addition to one-to-one, face-to-face and telephone counselling, Care First provide a range of other support for CPS staff and their close families including advice on such things as debt, elder care etc. They are also responsible for the provision of personal support to those handling sensitive casework.

Quarterly management information is provided by Care First. This information is completely anonymised but gives a full breakdown of the issues with which Care First deal when contacted by CPS staff which is then analysed by the various staff groupings. This enables us to see if there are particular problems arising within particular groups of staff so that we can take appropriate action.

At the end of the first full year of operation of Care First, a full review and evaluation will be carried out which will include evaluation in relation to equality and diversity issues. Necessary action will be taken if any unjustifiable adverse impact is found.

Transform

Transform is the name given to a broad range of leadership development programmes available in the CPS. To date 2493 training days have been delivered to various levels of managers. Since its launch in 2003 a total of 130 of our Unit Heads (lawyer managers) have attended a specialist development programme.

During 2006-7 the main emphasis has been on providing managers with the skills to support the pro-active prosecutor programme and charging initiatives with a programme of development for all lawyer managers.

The future strategy for Transform will be reviewed in Year 1 and any necessary action will be taken if unjustifiable adverse impact is found in either the development programmes themselves or their potential impact on working practices.

Equality & Diversity training

Equality & Diversity training is currently delivered to all new staff by an e-learning programme. A review of this is a priority for 2006-7 and will take on board any recommendations arising from the HMCPST inspection of Equality and Diversity in Employment which was carried out in the spring of 2006. The delivery of this revised and updated training will be assessed for adverse impact on introduction and at intervals thereafter and any necessary action will be taken following assessments.

Proactive Prosecutor Programme

Training for the successful implementation of the Pro-active Prosecutor Programme has been taking place during 2006-7. This training has been delivered to all lawyers within the service and

aims to bring about fundamental changes to the way that cases are reviewed and prosecuted. The effectiveness of the training will be reviewed during 2007-08 and any necessary action will be taken if any unjustifiable adverse impact is found.

Induction

All new staff to the CPS, and all job changers, receive a comprehensive induction – this will be reviewed in line with the Scheme and any recommendations which arise from the HMCPSI inspection into Equality & Diversity Action will be taken to remedy any unjustifiable adverse impact during Year 1.

E-learning and Prosecution College

The Prosecution College provides the focus for learning and development across the CPS. The Prosecution College offers a number of e-learning programmes, which are available for staff on critical areas of business. We will be assessing the impact of the college in terms of accessibility to learning and development of policy during Year 1

Year 2 (April 2008 – March 2009)

Monitoring existing policies for adverse impact – prosecution policies

Monitoring cases of Violence Against Women

Building on the policy impact assessment described earlier in Chapter 8, we will monitor the implementation of our Violence Against Women action plans for any adverse impact by equalities groups.

Data will be monitored in terms of defendants, victims and witnesses. The data will be disaggregated by both gender and ethnicity and will therefore be able to be cross correlated to examine not just gender, but also the relationship between gender and ethnicity, to discover the areas where individuals might be experiencing multiple discrimination. This level of monitoring will not be available for all the offences that fall under the banner of violence against women, it is anticipated that changes will have to be made to the way that some data is collected in the future.

Direct Communications with Victims (DCV)

Sir Iain Glidewell's recommendations arising from the independent review of the CPS and the recommendations of Sir William Macpherson's report into the death of Stephen Lawrence, proposed that the CPS should take responsibility to communicate decisions direct to victims rather than the police. Following a successful pilot study, a phased programme of national implementation commenced in April 2001, and was completed by October 2002. The CPS now communicates any decision to drop or substantially alter the charge directly to the victim and in certain categories of offence will offer to meet with the victim if a further explanation is required. This development is further underpinned by the introduction of the Code of Practice for Victims of Crime which was introduced in April 2006, and places DCV commitments on a statutory footing.

We will monitor CPS practices provide an effective and equitable service to all victims through the Direct Communication with Victims scheme.

Year 2 (April 2008 – March 2009)

Monitoring existing policies for adverse impact – employment policies

People Policies

See Year 1 Statement

Special Bonus Scheme

The Special Bonus Scheme was Introduced to support the recognition of exceptional contribution or the demonstration of model behaviour, this scheme provides small rewards following individual or manager sponsored nominations. To ensure equity in the distribution of special bonus payments, the impact of the scheme will be assessed to ensure it operates fairly and transparently with no adverse impact on groups within the CPS.

Legal Trainee Scheme

The Legal Trainee Scheme is a flagship scheme for developing new lawyers both from within and external to the CPS. This involves supporting trainees through their legal training to the point where they are able to become a fully fledged prosecutor. The policies and practices of the scheme will be reviewed in line with the SES and any necessary remedial action will be taken where necessary.

Law Scholarship Scheme

The Law Scholarship Scheme helps internal CPS staff to qualify as lawyers, the requirements and operation of the scheme will be reviewed in line with the Scheme and any necessary remedial action will be taken where necessary.

Year 3 (April 2009 – January 2010)

Monitoring existing policies for adverse impact – prosecution policies

Speaking Up for Justice/Special Measures

Speaking Up for Justice is the report of an interdepartmental working group on the treatment of vulnerable or intimidated witnesses in the criminal justice system. Some people find the process of giving evidence in court particularly difficult or daunting, for reasons such as the nature of the crime or their relationship with the defendant. These people, including children, (described as vulnerable or intimidated witnesses) may be allowed to use “special measures” to help them give their evidence in the best possible way. The special measures include: evidence being given through video link, screening the witness from the defendant, evidence given in private, removal of wigs and gowns by judges and lawyers so that the court feels less formal. The use of special measures to improve witness attendance at court and improve successful outcomes in cases with an equality and diversity dimension is monitored and reported on.

Year 3 (April 2009 – January 2010)

Monitoring existing policies for adverse impact – employment policies

People Policies

See Year 1 Statement

Transform/Professional Skills for Government.

CPS strategies to meet the Professional Skills for Government agenda will be reviewed during Year 3 and this will include a review of all management development, including that for SCS grades.

The Equality and Diversity Complaints Procedure

The impact of the new procedure will be monitored by equalities strands in Year 3.

Chapter 10

Publishing results of assessments, consultations and monitoring

We are committed to publishing the results of assessments, consultations and monitoring as this will increase our openness, allow us to demonstrate our commitment and enable stakeholders to assess our performance.

We have various means of making such information available including:

- 5 Our Annual Equalities in Employment Report available on our website and as a published document, provides details and analysis of our workforce monitoring data
- 5 CPS website www.cps.gov.uk where for example, our employment data, hate crime data and specific research such as the Race for Justice report are available
- 5 Internal intranet where this information is available
- 5 Publications such as the CPS Strategic Plan and Business Plan
- 5 CPS Area Business Plans
- 5 Service specific publications, newsletters and leaflets
- 5 Circulation to external stakeholders on our national contacts database

Our reports are also available at national and local conferences.

We will on a six monthly basis place reports of assessments, monitoring and consultations produced in the previous six months on our website. We will also make hard copies available upon request. These reports will be on the website for six months and will then be updated with the most recent reviews.

CPS Areas will incorporate actions arising from the Single Equality Scheme into their Area Business Plans for 2007-08 and will report on progress against the six equality strands as relevant to the Area's local context and priorities.

Chapter 11

Arrangements for ensuring public access to information and services

We are aware that members of the public may experience barriers to accessing information and services.

We currently have arrangements in place to enable us to identify the information needs, service needs and service experiences. These include but are not limited to:

- 5 The Witness and Victims Evaluation (WAVES) Survey which is national
- 5 Local CPS Area victim and witness satisfaction surveys and feedback from Witness Care Unit service users
- 5 Face to face, telephone, correspondence and Internet contact
- 5 Complaints monitoring
- 5 Outreach work with community groups, schools and colleges
- 5 Community engagement, consultation and research with public, voluntary and community organisations and forums to identify service experience/satisfaction
- 5 A proposed CPS opinion poll

Our arrangements to enable access through local offices and partner organisations includes but is not limited to:

- 5 Targeting our information through local offices and partner organisations
- 5 The CPS website www.cps.gov.uk
- 5 Specific publications and leaflets in relation to the services the CPS provides such as our policy statement on the prosecution of racist and religious crime and services to support victims and witnesses
- 5 Use of interpretation and translation to improve access

Where barriers in accessing information and services are identified, we will take necessary action to review and remove these which will include reviewing the mechanisms by which we provide information/services and where appropriate providing new/different means of information service provision. In doing this we will consult with communities to identify their particular needs for accessing information and services and tailor our information and services taking account of identified needs.

Chapter 12 Equality in employment

Starting from a low base the CPS has made very significant progress on some key aspects of equality in employment in recent years. 14.2% of staff are of Black or minority ethnic origin; 66.99% of staff are women and 4.49% of staff identify as disabled. This positions the CPS amongst the more diverse Whitehall departments. Workforce diversity is also increasing at senior levels in particular for Black and minority ethnic staff with 12.5% of SCS staff of Black and Minority Ethnic origin. For disabled staff the percentage at SCS level is 6.8% and for women 27%. Whilst this is an improving position The CPS is not complacent. We have identified both targets for further improvement on workforce representation and a number of broad outcome areas on which we aim to make further progress by 2008. These include:

- 5 A workforce which represents communities at all levels
- 5 Increased employee satisfaction
- 5 A workforce where there are no differences in employees experiences which are not justified
- 5 Creating a service which engages with and involves staff and communities and uses this to improve how we work to deliver our business objectives

Meeting the duties on Equality in Employment

The CPS has set targets for 2008 based on the current representation of key groups published in the most recent Annual Equalities in Employment Report (2004-2005).

The table below shows current Black and Minority Ethnic staff representations by pay band and our targets for April 2008.

Grade A1 is lowest grade in CPS and SCS the highest	April 2005 % BME staff in post	April 2008 % BME target
A1	11.8%	Maintain performance
A2	18.1%	Maintain performance
B1	14.3%	Maintain performance
B2	14.1%	Maintain performance
B3	7.2%	9.0%
B Trainee	44.4%	Maintain performance
C1	32.8%	Maintain performance
C2	12.2%	Maintain performance
D	9.2%	10.0%
E	8.79%	Maintain performance
CCP	13.09%	15.69%
SCS	8.7%	15.69%

We will be focusing our work on:

5 Levels B3, D and SCS.

5 Specific careers, professions and occupations where there is under representation.

5 Specific CPS Areas where there is under representation.

The table below shows current disabled staff representation by pay band and our targets for April 2008.

Grade	April 2005 % disabled staff in post	April 2008 % disabled target
A1	4.3%	4.4%
A2	4.3%	Maintain position
B1	4.5%	5.0%
B2	5.6%	5.8%
B3	4.4%	4.7%
B Trainee	0	0
C1	1.9%	3.5%
C2	4.2%	5.0%
D	4.9%	4.8%
E	2.7%	3.3%
CCP	4.1%	9.5%
SCS	11.1%	9.5%

We will be focusing our on work:

5 Levels C1, C2, B3, B2 and B1

5 Any specific career families and areas where there is under representation

This table shows current women staff representation by pay band and our targets for April 2008.

Grade	April 2005 % women staff in post	April 2008 % women target
A1	77.7%	No target required
A2	77.4%	No target required
B1	72.8%	No target required
B2	66.9%	No target required
B3	56.6%	No target required
B Trainee	71.4%	No target required
C1	69.1%	No target required
C2	53.49%	No target required
D	42.5%	45%
E	30.9%	33%
CCP	24.5%	37%
SCS	33.3%	37%

We will be focusing our work on:

5 Levels D, E, CCP and SCS

5 Any specific career families and areas where there is under representation

The CPS has also set specific targets for Senior Civil Service grades and for feeder grades (Levels D and E) up to 2008. These specific targets are required by each department to help meet the Civil Services overall diversity targets for the senior civil service. These specific targets are supported by a Diversity Delivery Plan which sets out the CPS strategy for achieving the targets including initiatives to bring on and bring in diverse talent, together with setting out how we will measure progress and account for delivery.

The following are the SCS and feeder grade targets for The CPS for 2008.

Workforce groups	% at April 2005	% target for April 2008
Proportion of women in SCS	27%	37%
Proportion of women at SCS pay band 2 and above	20%	40%
Proportion of BME staff in SCS	12.5%	15.6%
Proportion of disabled staff in SCS	6.8%	9.5%
Proportion of women in feeder grades (Level D and E)	39.5%	40.7%
Proportion of BME staff in feeder grades	8.6%	10.0%
Proportion of disabled staff in feeder grades	4.3%	4.5%

The Service has built on its national work on target setting and reporting via an initiative whereby all 42 CPS Areas set local targets and on Action Plans to increase workforce diversity up to 2008. This will be progress checked in 2007-08.

In terms of reporting progress the CPS produces an Annual Equalities in Employment Report which has detailed information on progress against overall workforce targets. In terms of reporting progress against the Senior level targets and the Diversity Delivery Plan the Service will produce an annual progress report each autumn which will be presented to the CPS People, Equality and Resources Committee. The CPS annual progress report will then be subject each year up to 2008 to an external peer review check led by the Cabinet Office.

In terms of measuring workforce satisfaction, the CPS undertakes, as mentioned in the earlier chapter on Gathering the Evidence, a biennial staff survey. The results of this survey are analysed by a range of equalities categories including age, disability, ethnicity, gender, religion or belief and sexuality. Any significant differences are identified and the Action Plans on the respective equality strands will include actions to address any significant differences that emerge.

The CPS monitors by disability, ethnicity and gender in accordance with statutory duties:

- 5 Staff in post
- 5 Applications for employment
- 5 Applications for promotion
- 5 Those that applied for training
- 5 Those that receive training
- 5 Those that benefit or suffer detriment as a result of performance assessment procedures
- 5 Those involved in grievance procedures

- 5 Those that are subject to disciplinary procedures
- 5 Those that cease employment

The Service will also monitor:

- 5 Workplace benefits and facilities
- 5 Distribution of female/male employees in particular areas of work
- 5 Management of flexible working
- 5 Management of alternative working patterns (including part-time work)
- 5 Management of leave for parents and carers
- 5 Management of pregnancy/and maternity leave
- 5 Management of transsexual/potential transgender staff
- 5 Conduct of Equal Pay reviews
- 5 Redundancy
- 5 Retirement (We currently have a retirement age of 65, to ensure compliance with the Employment Equality (Age) Regulations 2006 and will start to monitor the number of employees who wish to work beyond retirement)
- 5 Relocation and efficiency plans (in particular the impact that this may have on Black and minority ethnic staff)

The IT monitoring system used for collecting, collating and employment data is the Personnel Information Management Monitoring System (PIMMS).

The IT monitoring system used for collecting, collating and analysing training and development data is the Training Information Management Monitoring System (TIMMS).

Data from the above sources is analysed annually to set and review workforce targets to address any significant under-representation.

Additionally, the monitoring data is used to identify areas for further monitoring and/or impact assessment which will inform any necessary action to be taken where unjustifiable adverse impact is found as a result of analysing data.

The Annual Equalities in Employment Report provides details on data and analysis regarding the above monitoring categories including targets and actions. For example, the latest report covers the period 2004-2005. This is available from our website <http://www.cps.gov.uk/>

Chapter 13 Procurement

Relevant legislation with reference to procurement:

Race Relations (Amendment) Act 2000 (RRAA) and procurement

To comply with their duty under the amended Race Relations Act, all public authorities must take race equality into account when procuring goods, works, or services from external providers. Public authorities must build relevant race equality considerations into the procurement process to ensure that all of their functions meet the requirements of the Race Relations Act, regardless of who is carrying them out.

The CPS is about to commence, following the appointment of external consultants a race impact assessment of procurement. Any relevant recommendations arising from this impact assessment will be implemented.

The Disability Equality Duty and procurement

The Disability Equality Duty applies to bodies carrying out public functions or to contractors carrying out public functions on behalf of a public authority. If a contractor is merely providing services on behalf of a public authority then the obligation to comply with the duty remains with the public authority that contracts out the function.

The Gender Equality Duty and procurement

Under the Gender Equality Duty, where a contractor is carrying out a public function on behalf of a public authority, the legal liability for the gender duty in relation to that function remains with the public authority which contracts out that function.

OVERVIEW

The CPS spends over £60m a year on externally purchased goods and services. Most contracts at the CPS are for services. The procurement function has been assessed as relevant to the public duties to promote equality. The aim is to ensure that from the initial planning stage issues relating to how the goods, works or services to be procured should be related to the RRAA and DDA and the gender public duty provisions are considered.

The CPS draws up a tender list each year which is regularly reviewed and updated. This list helps procurement staff identify where equality issues (race, disability, ethnicity, gender, age, religion or belief, sexuality) may need to be integrated into the process.

Equality and Diversity considerations would carry a high rating in the evaluation of any tender, given the importance of equality and diversity to CPS business.

GUIDANCE NOTES

CPS Procurement Policy guidance informs internal managers that within the approach the CPS takes to contracting with suppliers it looks to building business relationships with those suppliers who support and apply similar principles of equality and diversity to those of the CPS. This then forms part of the overall evaluation criteria when selecting suppliers. A five-point summary of the main steps the CPS takes is set out below.

1. Promotion of consistency in the approach to equality at each stage of the procurement process, including contract monitoring
2. Considering all potential equality elements of a contract
3. Consulting users on their requirements for particular services
4. Ensuring that there is a level playing field for all potential contractors regardless of size, ethnicity, disability or gender of ownership
5. Factoring equality into all service reviews and option analysis

In the Guide to the Essentials of Contract Management, there is a checklist of factors that need to be considered when planning contract management. Included in the checklist is a section on Equality and Diversity and six points that those with responsibilities for planning for contract management should consider, namely:

1. Ensuring equality and diversity issues are considered and included;
2. Ensuring the contractor understands that the CPS delivers to equality and diversity standards and contractors are expected to do likewise;
3. Including equality and diversity issues on the agenda of review meetings with contractors;
4. Checking that any equality elements of the contract, and the management of these have been agreed with the contractor;
5. Verifying that contractors understand their responsibilities for promoting equality; and
6. Verifying that, where the specification calls for yearly improvements in outcomes, these have relevant improvement measurements agreed with the contractor.

THE PROCUREMENT PROCESS

EU Procurement Rules

If the EU thresholds are likely to apply then potential suppliers are invited using the published Official Journal of the European Union Notice to complete a customised Pre-Qualification Questionnaire (PQQ). CPS's standard tender documents include questions relating to the suppliers track record on equality and compliance with equality legislation. In general at the PQQ stage, questions are asked about contractor's equality policies. The CPS plan to move towards an e-tendering process and is looking at how this will impact on the volume of documentation including the diversity questionnaire.

Identifying the Need and Developing an Outline Specification

The extent to which equality considerations are included at this stage depends on the relevance of the issues to the contract. The general rule is that each individual contract needs to be considered on its own merit. However if a contract relates directly to equality matters, the CPS will ensure that this is explicit in any advertisement.

Identifying Prospective Suppliers/Contractors/Consultants

The CPS does not operate an approved list of contractors. There are a number of routes for identifying potential contractors. The first is through government frameworks such as CATALIST. The second is through CPS end-user staff using an advertisement placed in the relevant publication and on the CPS website, or through the use of CPS contractors' database.

Evaluating Tenders

During this process evaluation templates are used which contain suitably weighted criteria, including those relating to equality considerations, to reflect the requirement. The CPS will expect suppliers to explain how they will meet, where relevant, the equality related outputs as set out in the specification.

Awarding, Managing and Monitoring Contracts

The CPS uses a diversity monitoring questionnaire as part of the procurement process in order to monitor and assess the effectiveness of its equality promoting initiatives taken to open up procurement to a wider supplier base. This aim is clearly stated in the questionnaire in the CPS's commitment to maximising the diversity of its supplier base as means of achieving its statutory responsibilities.

The data collected includes questions on the profile of ownership, the ethnic, gender and disabled composition of supplier's workforce and any targets potential suppliers may have in this regard.

Key areas for action:

- 5 Revise any standard terms and conditions for contracting services to include information about the new legislative requirements
- 5 Ensure the relevant Office for Government Commerce and government-wide guidance on social issues or equality issues in procurement is considered
- 5 Include a requirement in every contract that the contractor must comply with the anti-discrimination provisions of the new Acts
- 5 Where relevant, specify what evidence the contractor may need to gather for the Service to demonstrate its compliance with the general or specific duties arising from the new legislation
- 5 Ensure that equality requirements specified under the new legislation are given due weight in the specification, selection and award criteria, and the contract conditions, in a way which is consistent with EU and UK procurement rules
- 5 Ensure that contractors fully understand any new equality legal requirements of the contract
- 5 Monitor performance of new equality legal requirements where relevant to the contract
- 5 Provide training for all staff involved in procurement work so that they understand the provisions of the Acts and the relevance of the new equality legislation to their area of work

Annexes to Part 1

Annex 1

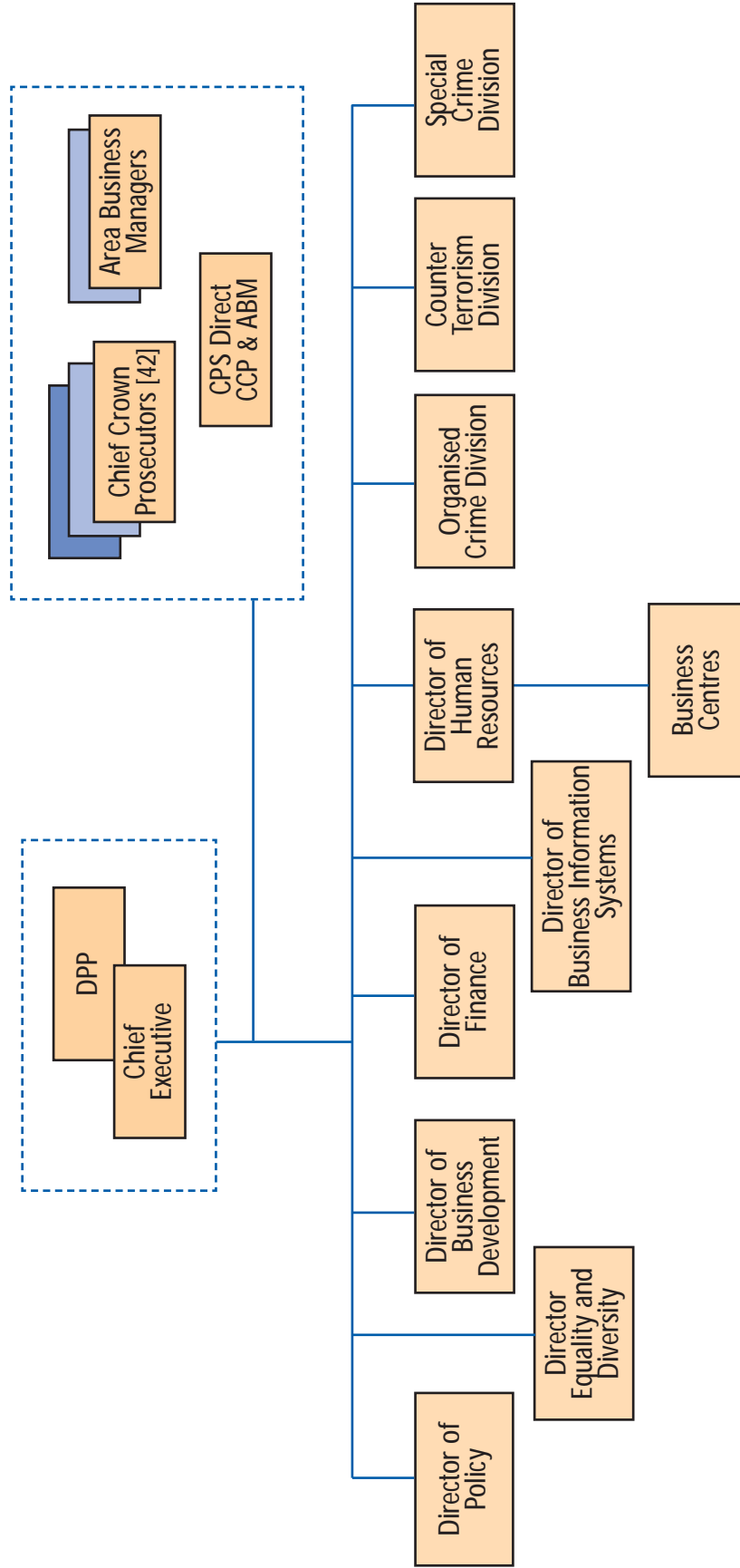
List of Abbreviations

ABM	Area Business Manager
ACPO	Association of Chief Police Officers
APR	Area Performance Review
BDD	Business Development Directorate
BDD-BIS	Business Development Directorate – Business Information Systems
BME	Black and Minority Ethnic
CCMDU	Criminal Case Management Delivery Unit
CCP	Chief Crown Prosecutor
CJA	Criminal Justice Agency
CJS	Criminal Justice System
CMS	Case Management System
CPS	Crown Prosecution Service
COA	Casework Quality Assurance
CRE	Commission for Racial Equality
CTD	Counter Terrorism Division
DCW	Designated Case Worker
DDA	Disability Discrimination Act
DPP	Director of Public Prosecutions
DV	Domestic Violence
DVC	Domestic Violence Co-ordinator
EDIA	Equality and Diversity Impact Assessment
EDU	Equality and Diversity Unit
ETMP	Effective Trial Management Programme
GRA	Gender Recognition Act
GRC	Gender Recognition Certificate
HCA	Higher Court Advocate
HMCPSI	Her Majesty's Crown Prosecution Service Inspectorate
HOCS	Home Office Citizenship Survey
HR	Human Resources
LCJB	Local Criminal Justice Board
LFS	Labour Force Survey
LGBT	Lesbian, Gay, Bisexual, Transgender
NBCPA	National Black Crown Prosecution Association
NCJB	National Criminal Justice Board
NFA	No Further Action

NWNJ	No Witness, No Justice
OCJR	Office of Criminal Justice Reform
OGC	Office of Government Commerce
PAR	Performance Appraisal Report
PDR	Performance Development Review
PID	Project Initiation Document
PPP	Proactive Prosecutor Programme
PSA	Public Service Agreement
RARA	Racist and Religiously Aggravated
RIMS	Racist Incident Monitoring Scheme
RRAA	Race Relations Amendment Act
SCS	Senior Civil Servant
SES	Single Equality Scheme
TIMMS	Training Information Management Monitoring System
WAVES	Witness and Victims Evaluation Survey
WMS	Witness Management System

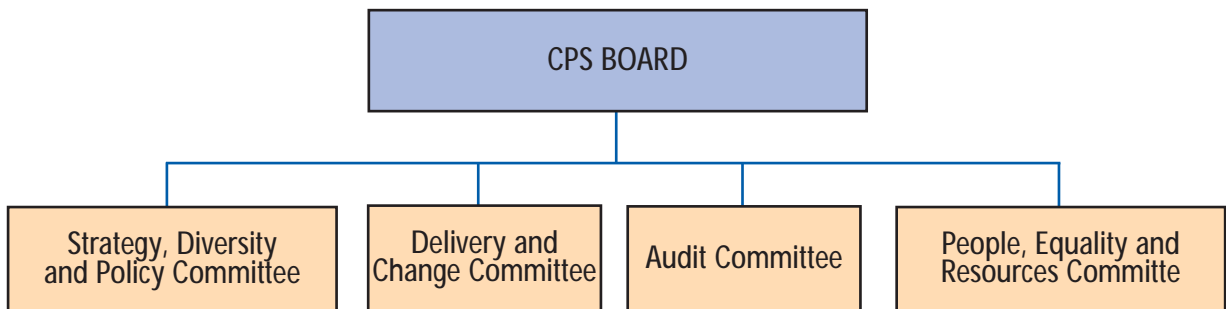
Annex 2

CPS organisation chart



Annex 3

CPS governance chart



Equality and Diversity issues are mainstreamed within the terms of reference of the CPS Board and all Committees.

Two committees have an explicit focus on equality and diversity – the Strategy, Diversity and Policy Committee and the People, Equality and Resources Committee.

The Director of Equality and Diversity is a member of the CPS Board and sits on two main committees – the Strategy, Diversity and Policy Committee and the People, Equality and Resources Committee.

Annex 4

The Legal Context for the CPS Single Equality Scheme

The CPS Single Equality Scheme (SES) covers the public sector equality duties under the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 1995 (amended by the Disability Discrimination Act 2005), and the Equality Act 2006 (Gender Duty). The Scheme has been developed to look at a number of equality strands, including those for which legislation is currently in place, those for which legislation is soon to be in place, and those strands for which there is emerging legislation.

The Race Relations (Amendment) Act 2000

The Race Relations (Amendment) Act 2000 was the Government's response to the Stephen Lawrence inquiry. That inquiry introduced the concept of 'institutional racism' within public bodies and the detrimental effect that it had on the way that public bodies carried out their functions.

The general duty under the Act requires public bodies, such as the CPS, to pay due regard to the need to:

- 5 eliminate unlawful racial discrimination
- 5 promote equality of opportunity between persons of different racial groups; and
- 5 promote good relations between persons of different racial groups.

The elements of the duty are complementary and therefore all three aspects need to be addressed in order to show that the duty is being complied with.

There is also a specific duty on public bodies, such as the CPS, to publish a Race Equality Scheme which sets out how we intend to meet the general duty outlined above and to review the scheme every three years.

In addition, the Act places specific duties on the CPS including:

- 5 assessing and consulting on the likely impact of proposed policies on the promotion of race equality
- 5 monitoring policies for any adverse impact on promoting race equality
- 5 publishing the results of any assessments, consultations and monitoring
- 5 ensuring public access to information and services provided; and
- 5 training staff on the Race Equality Duty.

There is also a specific duty in relation to employment issues which requires the CPS to monitor:

- 5 staff in post
- 5 applicants for employment, training and promotion
- 5 staff receiving training
- 5 staff who benefit or suffer detriment as a result of Performance Assessments
- 5 staff involved in Grievance Procedures
- 5 staff subject to Disciplinary Procedures; and
- 5 staff ceasing employment.

The CPS has produced two Race Equality Schemes; our first scheme was published in 2002 and covered the period 2002-05 and we produced our second Race Equality Scheme in 2005 to cover the period 2005-08. As this Single Equality Scheme will run from December 2006 – January 2010 and will be reviewed and updated in 2008, we have incorporated outstanding actions from our Race Equality Action Plan into the Equality Action Plan 2006-10 in Part 2 with specific actions detailed in the separate Race Equality Action Plan.

Disability Discrimination Act 1995

The Disability Discrimination Act 1995 has been amended by the Disability Discrimination Act 2005, so that there is now a duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- 5 promote equality of opportunity between disabled persons and other persons
- 5 eliminate discrimination that is unlawful under the Act
- 5 eliminate harassment of disabled persons that is related to their disabilities
- 5 promote positive attitudes towards disabled persons
- 5 encourage participation by disabled persons in public life; and
- 5 take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

There is also a specific duty on public bodies, such as the CPS, to publish a Disability Equality Scheme which sets out how we intend to meet the general duty outlined above and to review the scheme every three years. Our Disability Equality Scheme is encompassed within this Single Equality Scheme. We have set out the following:

- 5 a statement of the way in which we have involved disabled people in the development of the scheme
- 5 our methods for carrying out impact assessments
- 5 the steps we will take to fulfil our general duty (our Disability Equality Action Plan)
- 5 our arrangements for the gathering of information in relation to employment; and
- 5 our plans for effectively utilising the information that has been gathered, in reviewing the effectiveness of our action plan and in preparing subsequent Disability Equality Schemes.

The overarching aim of the general duty is to promote equality of opportunity for disabled people, in a society where they are often excluded and marginalised. Disabled people are often constrained in their life choices, socially and economically. They often experience poverty and social exclusion, not as the inevitable result of their disabilities, but as a result of attitudinal and environmental barriers. Where the general and specific duties are discharged, disabled people are able to participate equally in society.

The Equality Act 2006

The Equality Act will introduce a duty on public bodies to promote gender equality. Discrimination on the basis of a person's gender is already prohibited in relation to employment and the provision of goods, facilities and services, under the Sex Discrimination Act 1975. However, with the introduction of the gender equality duty (due to come into effect on 6 April 2007), public bodies will be required to actively promote gender equality as they undertake their key functions. This has particular relevance for the activities and services carried out by criminal justice agencies.

The general Gender Equality Duty will require public authorities to have due regard to:

- 5 eliminate unlawful discrimination with regard to obligations under the Sex Discrimination Act 1975 and the Equal Pay Act 1970 and to take steps to ensure compliance with these Acts; and to
- 5 promote equality of opportunity between men and women and take active steps to promote gender equality when carrying out functions and activities.

There are also specific duties in many public bodies, including the CPS, to help them meet their obligations under the general duty. The specific duties include:

- 5 Publishing gender equality schemes, including equal pay policies, in consultation with employees and stakeholders
- 5 Monitoring progress and publishing progress reports every three years
- 5 Conducting and publishing gender impact assessments on major new legislation and policy

Our gender equality scheme is part of this Single Equality Scheme.

Gender inequality exists in all aspects of life; women are significantly under-represented in senior decision-making positions, women's average income is half that of men's, and almost one in two women experience domestic violence, sexual assault or stalking. The Gender Equality Duty is intended to address these deep-rooted inequalities and will radically transform the sex discrimination law that was introduced in the 1970s by shifting the burden from the individual having to make a complaint to the public body having to show it is taking positive steps to promote equality. Women and men, including transgender people may experience multiple forms of discrimination, depending on their age, ethnicity, sexuality, religion or belief and whether or not they are disabled. We are also mindful of the impacts that socioeconomic status and power can have and which can often exacerbate other forms of inequality. In order to understand and address the issue of gender equality – and race equality and disability equality – we will address these issues holistically in recognition of the multiple forms of discrimination that women and men face.

The CPS is committed to developing policies that are sensitive to gender differences, delivering services that are tailored to meet the different needs of men and women, employment practices that challenge workplace discrimination and procurement practices that promote equality.

There are also recent and developing legal obligations in respect of the 'new' equality strands of religion or belief, sexuality and gender identity and age. Whilst there are currently no statutory equality duties in respect of these strands, such legislation may be enacted in the future. The legislation listed below provides a context for the inclusion of religion or belief, sexuality and gender identity and age in our Single Equality Scheme.

Equality in Employment Regulations (Religion or belief)

These Regulations (made under the European Communities Act 1972 and which came into force in December 2003) apply to vocational training and all facets of employment, including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful on the grounds of religion or belief to discriminate directly or indirectly against anyone; subject someone to harassment, victimise someone because they have made or intend to make a complaint or allegation or intend to give evidence to a complaint of discrimination on the above

grounds or to discriminate or harass someone in certain circumstances after the working relationship has ended.

At the time that these Regulations came into force, CPS policies already included religion as an area for potential discrimination. However, the regulations brought this within the equalities in employment legislative framework. Management Guidance was published in 2004 providing staff with guidance on recruitment, employment practices, monitoring and religious observance in the workplace.

Equality in the provision of goods, facilities and services (Religion or belief)

Part 2 of the Equality Act 2006 makes it unlawful for a public authority involved in providing goods, facilities or services to discriminate on grounds of religion or belief by:

- 5 refusing to provide a person with goods, facilities or services if they would normally do so to the public, or a section of the public to which the person belongs; and
- 5 providing goods, facilities or services of an inferior quality rather than those which would normally be provided, or in a less favourable manner (for example, hostile or less courteous) or on less favourable terms than would normally be the case.

Part 2 of the Equality Act 2006 is due to come into effect in by April 2007.

Equality in Employment Regulations (Sexual Orientation)

These Regulations (also made under the European Communities Act 1972 and which came into force in December 2003) apply to vocational training and all facets of employment, including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful on the grounds of sexuality to discriminate directly or indirectly against anyone; subject someone to harassment, victimise someone because they have made or intend to make a complaint or allegation or intend to give evidence to a complaint of discrimination on the above grounds or to discriminate or harass someone in certain circumstances after the working relationship has ended.

At the time that these Regulations came into force, CPS policies already included sexuality as an area for potential discrimination. However, as with the regulations regarding religion or belief, the regulations brought this within the equalities in employment legislative framework. Management Guidance was published in 2004 providing staff with guidance on staff recruitment, employment practices and staff monitoring.

Equality in the provision of goods, facilities and services (Sexual Orientation)

Section 81 of the Equality Act 2006 makes it unlawful for a public authority involved in providing goods, facilities or services to discriminate on grounds of sexual orientation by:

- 5 refusing to provide a person with goods, facilities or services if they would normally do so to the public, or a section of the public to which the person belongs; and
- 5 providing goods, facilities or services of an inferior quality rather than those which would normally be provided, or in a less favourable manner (for example, hostile or less courteous) or on less favourable terms than would normally be the case.

Section 81 of the Equality Act 2006 is due to come into effect in by April 2007.

Age Equality Regulations October 2006

From 1 October 2006, the Employment Equality (Age) Regulations make it unlawful to discriminate against workers, employees, job seekers and trainees because of their age. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training.

In preparation for this legislation, the CPS has reviewed existing Human Resource policies to ensure that they are compliant with the new Age Regulations.

Gender Recognition Act 2004

The Gender Recognition Act 2004 (GRA 2004) provides for the legal recognition of the transsexual person in their acquired gender and their opportunity to acquire a new "birth" certificate for their new gender. This is called a Gender Recognition Certificate (GRC) and this will replace the originating birth certificate in all official documentation.

This also creates an offence of unauthorised disclosure in Clause 22 of the Act. It is now an offence for a person to disclose information acquired in an official capacity about the gender history of the holder of a Gender Recognition Certificate (GRC) as this is "protected information". The holder of a GRC is not obliged to inform their employer that they have one, but if they choose to do so this information on their gender history must be clearly established as "protected information".

It is not possible to hold a GRC until two years "post transition" and even then valid reasons exist for some transsexual people not to apply for legal recognition in their acquired gender. They may be married, for example and not intending to divorce. Nonetheless, in respect of either situation, it is good practice and in keeping with the letter of the law to regard all those who have transitioned gender identity as if a GRC is held, from the point of social (or presenting) gender change onwards.

Human Rights Act, Article 14

Article 14 refers to the prohibition of discrimination and states that the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Commission for Equality and Human Rights (CEHR)

The Equality Act (2006) will establish a new Commission for Equality and Human Rights (CEHR) to take over the work of the existing equality Commissions and take responsibility for the new discrimination strands – religion or belief, sexual orientation and age – as well as human rights. The CEHR will commence work in October 2007.

Annex 5

Lists of functions assessed for relevance to equality and which aspects of equality

In taking forward our work to promote equality in our prosecution policies and practices and in employment it is important to identify the policy areas and functions where equality and diversity are relevant and the extent of their relevance. This allows us in implementing the Single Equality Scheme to prioritise and focus on issues in a planned and proportionate way. Identifying policies and functions for relevance to equality is a statutory requirement given particular emphasis in the Race Equality Duty.

Consistent with available guidance on the equalities duties we have applied five key questions when considering our policies for relevance to equality. The answers to these five questions in turn informs what we prioritise in the Action Plans which follow.

The questions, tools and evidence used to prioritise the list of policies are detailed below. The numbers 1 to 5 in the last column in the table headed "Questions tools and evidence used" identify which of the five criteria below are relevant to the assessment.

1. Is it relevant to the general duty in respect of race, disability and/or gender? Is it relevant to our commitments in respect of age, religion or belief and/or sexuality and gender identity?

Is there evidence or reason to believe that some groups could be differently affected?

2. How relevant is it?

How much evidence is there? None or a little, some or substantial.

Is there any public concern that the function or policy is being carried out in a discriminatory way? None or a little, some or substantial

3. What is the feedback from the community engagement and consultation which informs this Scheme?

4. What are the wider issues, agenda, opportunities and challenges over the next three years?

5. How do the priorities match/fit with overall organisational priorities?

List of Functions Assessed for Relevance to the General Duty

Function	Policy	Relevance	Questions tools and evidence used
Prosecutions	Domestic Violence prosecutions	Higher	1, 2, 3, 4, 5
	Prosecutions for rape	Higher	1, 2, 3, 4, 5
	Violence Against Women prosecutions	Higher	1, 2, 3, 4, 5
	Racially and Religiously Aggravated Crime	Higher	1, 2, 3, 4, 5
	Incitement to Racial Hatred prosecutions	Higher	1, 2, 3, 4, 5
	Incitement to Religious Hatred prosecutions	Higher	1, 2, 3, 4, 5
	Homophobic and Transphobic Crime	Higher	1, 2, 3, 4, 5
	Disability Hate Crime	Higher	1, 2, 3, 4, 5
	Elder Abuse prosecutions	Higher	1, 2, 3, 4, 5
	Sexual transmission of infections which cause grievous bodily harm prosecutions	Higher	1, 2, 3, 4, 5
	Terrorism Prosecutions	Higher	1, 2, 3, 4, 5
	Gun Crime	Higher	1, 2, 3, 4, 5
	Deaths in Custody	Higher	1, 2, 3, 4, 5
	Anti-social Behaviour Orders	Higher	1, 2, 3, 4, 5
	Pre-trial Interviews with Witnesses	Higher	1, 3, 4, 5
	Effective Trial Management Programme	Lower	1, 4, 5
	Diversion through Conditional Cautioning and Simple, Speedy, Summary Justice Proposals	Higher	1, 3, 4, 5
	Prosecution Process/Casework Quality	Medium	1, 2, 3, 5
	Direct Communication with Victims	Higher	1, 2, 3, 4, 5
	Speaking Up for Justice/Special Measures	Medium	1, 2, 3, 4, 5
Statutory Charging	Higher	1, 2, 3, 4, 5	
Code for Crown Prosecutors	Higher	1, 2, 4	
Employment	Advocacy Strategy Programme (employment practices)	Higher	1, 2, 3, 4, 5
	Implementation of recommendations of the reviews of CPS Staff Networks	Higher	1, 2, 3, 4, 5
	Joint CPS/ACPO protocol for co-located workers to support Statutory Charging	Higher	1, 2, 3, 4, 5
	e-learning and Prosecution College	Higher	1, 2, 3, 4, 5
	Invest Programme – Performance, Grading and Reward	Higher	1, 2, 3, 4, 5
	Equal Pay Review	Higher	1, 2, 3, 4, 5
	Transform	Higher	1, 2, 3, 4, 5

Single Equality Scheme 2006-2010

	Equality and Diversity Complaints procedure	Higher	1, 2, 3, 4, 5
	Staff Survey	Higher	1, 2, 3, 4, 5
	Recruitment and Selection Policy and Processes	Higher	1, 2, 3, 4, 5
	Discipline, Capability and Grievance Policies	Higher	1, 2, 3, 4, 5
	Home working Policy	Higher	1, 2, 3, 4, 5
	Flexible working and alternative working patterns	Higher	1, 2, 3, 4, 5
	Leave and attendance (incl. annual leave, special leave, sick leave, maternity and paternity and adoption leave, hours of work)	Higher	1, 2, 3, 4
	Staff mobility	Higher	1, 2, 3, 4
	Childcare Policy	Higher	1, 2, 3, 4
	Age Retirement, early retirement and severance	Higher	1, 2, 3, 4
	Counselling and Support Service	Medium	1, 2, 3, 5
	Equality and Diversity Training	Higher	1, 2, 3, 4, 5
	Pro-active Prosecutor Programme	Higher	1, 2, 3, 4, 5
	Induction	Higher	1, 2, 3, 4, 5
	Special Bonus Scheme	Higher	1, 2, 3, 4, 5
	Legal Trainee Scheme	Higher	1, 2, 3, 4, 5
	Law Scholarship Scheme	Higher	1, 2, 3, 4, 5
	Tackling Domestic Violence at home and work	Higher	1, 2, 3, 4, 5
	Ability Advisors	Higher	1, 2, 3, 4, 5
Other	Community Accountability Forum	Higher	1, 2, 3, 4, 5
	Community Engagement/Public Confidence in the CPS	Higher	1, 2, 3, 4, 5
	Listening and Reassurance events with Muslim communities	Higher	1, 2, 3, 4, 5
	Translation and Interpretation	Higher	1, 2, 3, 4, 5
	Procurement	Higher	1, 2, 3, 4, 5
	Procuring External legal Services from the Bar	Higher	1, 2, 3, 4, 5

PART 2 – Equality Scheme Action Plan 2006-10

In this section we set out our Common Action Plan and the individual Equality Action Plans across the six equality strands. However, this is a 'live' Scheme and each of the individual Equality Action Plans will be kept under active review and will be cross checked against our list of policies and functions in Annex 5.

We will report annually on our progress against the Common Action Plan and the six individual Equality Action Plans to both the Community Accountability Forum (which will have oversight of the implementation of the Scheme) and to the People, Equalities and Resources Committee.

All CPS Areas will integrate equality and diversity actions arising from the Scheme into their business planning process. Initial actions arising from this Scheme will be incorporated into Business Plans for 2007-08. CPS Areas will be advised on how to publicly report on progress made to communities during January to March 2007.

Common actions

Equality Scheme Common Action Plan 2006-10

Action	Responsibility	Timescale
SES and Annual Reports		
Produce Equality Scheme for 2006-10	Equality Scheme Project Board/ Equality and Diversity Unit	4 December 2006
Produce Equality Scheme Annual Progress Reports	EDU	By December annually
Local Reporting		
Local CPS Areas address key equality issues in local CPS Business Plans	All CPS Areas	Annually in line with Business Planning Area timescales
Develop a CPS Community Accountability Forum		
Involvement of forum to support implementation of the Equality Scheme	EDU	January – March 2007

Assessing CPS Functions and Policies for Relevance to Equality

Identify functions and policies	Equality Scheme Project Board/EDU	Completed November 2006 – see Annex 5
Review and update list of functions and policies annually as part of the production of the annual Progress Report on the Equality Scheme: 5 Actively review list of prioritised functions and policies adding new and removing old functions and policies 5 Review current priorities in terms of higher, medium and lower and amend as appropriate. 5 Update list of priorities (Annex 5) and Action Plan as a result of amendments	Equality Scheme – Accountability Forum/EDU	January 2008, January 2009, January 2010

Arrangements for Assessing and Consulting on the likely Impact of Proposed Policies on the Promotion of Equality – future impact assessments

Disseminate CPS Equality and Diversity impact assessment pro forma and guidance	EDU	Autumn 2006
Assess policies identified for action in Year 1 and take action:	Relevant Directorates	Throughout 2006-2010

Year 1 – Prosecution Policies for impact assessment

Violence against women strategy	Director of Policy and Director of Equality and Diversity	2007-08
Prosecution of cases involving the sexual transmission of infections which cause grievous bodily harm	Director of Policy and Director of Equality and Diversity	2006-07
Disability Hate Crime Policy	Director of Policy and Director of Equality and Diversity	2006-07
Revised Homophobic Crime Policy	Director of Policy and Director of Equality and Diversity	2006-07
Revised Racist and Religious Crime Policy	Director of Policy and Director of Equality and Diversity	2007-08

Prosecution of cases of elder abuse	Director of Policy and Director of Equality and Diversity	2007-08
Diversion through Conditional Cautioning	Director of Business Development and Director of Equality and Diversity	2007-08
Year 1 – Employment Policies for impact assessment		
Advocacy/Higher Court Advocates (HCA) strategy – Employment Aspects	Director of Business Development and Director of Equality and Diversity	2006-07
Implementation of the recommendations from the Review of Staff Networks	Director of Human Resources and Director of Equality and Diversity	2006-07 and 2007-08
Development of joint CPS/ACPO protocol for co-located workers to support Statutory Charging	Director of Human Resources and Director of Equality and Diversity	2007-08
E-learning and Prosecution College	Director of Human Resources	2006-07
Year 1 – Other Policies for impact assessment		
Procurement Procuring external legal services from the Bar	Director of Finance CCP – CPS London and Director of Equality and Diversity	Quarter 2, 2006-07 2006-07 and 2007-2007-08
Year 2 – Prosecution Policies for impact assessment		
Pre-trial interviews with witnesses	Director of Policy	2008-09
Year 2 – Employment Policies for impact assessment		
Invest Programme – A Review of Performance, Grading and Reward	Director of Human Resources	2008-09
Transform	Director of Human Resources	2008-09
Equality and Diversity Complaints Procedure	Director of Human Resources	2008-09
Year 3 – Prosecution Policies for impact assessment		
Effective Trial Management Programme	Director of Business Development	2009-2010

Year 3 – Employment Policies for impact assessment

E-learning and Prosecution College Director of Human Resources 2009-2010

Monitoring of Existing Policies including setting up systems, as appropriate

Year 1 – Prosecution Policies – monitoring of existing policies

Monitoring cases of racist and religious crimes	Director of Business Development and Director of Equality and Diversity	2006-07 and ongoing
Monitoring cases of homophobic crime	Director of Business Development and Director of Equality and Diversity	2006-07 and ongoing
Monitoring cases of disability hate crime	Director of Business Development and Director of Equality and Diversity	2006-07 and ongoing
Monitoring cases involving the sexual transmission of infections which cause grievous bodily harm	Director of Business Development and Director of Equality and Diversity	2006-07 and ongoing
Monitoring cases of domestic violence	Director of Business Development and Director of Equality and Diversity	2006-07 and ongoing
Terrorism Prosecutions: 5 Ethnicity of those charged with terrorists related offences	Head of Counter Terrorism Division	2006-07 and ongoing
5 Prosecution of breaches of control orders under the Prevention of Terrorism Act 2005	Head of Counter Terrorism Division	2006-07 and ongoing
5 Selection of charges by CPS in relation to terrorist funding under Terrorism Act (2000)	Head of Counter Terrorism Division	2006-07 and ongoing
Monitoring cases of Deaths in Custody	Head of Special Crime Division	2006-07 and ongoing
Monitoring cases of gun crime	Director of Policy	2006-07 and ongoing
Anti-Social Behaviour Orders	Director of Business Development	2006-07 and ongoing
Prosecution Process/ Casework Quality	Director of Business Development and Director of Policy	2006-07 and ongoing

Community engagement/ public confidence in the CPS	Director of Finance and Director of Equality and Diversity	2006-07 and ongoing
Translation and Interpretation	Director of Business Development and Director of Equality and Diversity	2007-08
Year 1 – Employment Policies – monitoring of existing policies		
Staff Survey 2006 – Results analysis	Director of Human Resources	2007-08
Review of reward and grading structure	Director of Human Resources	2006-07
Equal Pay Review	Director of Human Resources	2007-08
Evaluation of revised recruitment and selection policy and processes (introduced in June 2004)	Director of Human Resources	2007-08
Revision of existing policies relating to discipline, capability, , home working staff mobility, childcare and age retirement	Director of Human Resources	2007-08
Evaluation of the outsourced Counselling and Support Service provision	Director of Human Resources	2007-08
Transform	Director of Human Resources	2007-08
Equality and Diversity Training	Director of Human Resources	2006-07
Proactive Prosecutor Training	Director of Human Resources	2007-08
Induction	Director of Human Resources	2007-08
E-learning Prosecution College	Director of Human Resources	2007-08
Year 2 – Prosecution Policies – monitoring of existing policies		
Monitoring cases of Violence Against Women	Director of Business Development	2008-09
Direct Communications with Victims	Director of Business Development and Director of Equality and Diversity	2008-09

Year 2 – Employment Policies – monitoring of existing policies

Special Bonus Scheme	Director of Human Resources	2008-09
Legal Trainee Scheme	Director of Human Resources	2008-09
Law Scholarship Scheme	Director of Human Resources	2008-09

Year 3 – Prosecution Policies – monitoring of existing policies

Speaking up for Justice/ Special measures	Director of Business Development and Director of Policy	2009-2010
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Year 3 – Employment Policies – monitoring of existing policies

Transform/Professional Skills for Government	Director of Human Resources	2009-2010
Equality and Diversity Complaints Procedures	Director of Human Resources	2009-2010
Review results at the end of each year of the SES and re-visit priorities for monitoring and address any adverse impact.	Equality Scheme Accountability Forum/Director of Equality and Diversity	Dec 2007, Dec 2008, Dec 2009
Review progress in service improvements at the end of the Scheme	Equality Scheme Accountability Forum/Director of Equality and Diversity	December 2009 – January 2010

Arrangements for Publishing the results of Assessments, Consultations and Monitoring

Publish results of Assessments, Consultations and Monitoring on a six monthly basis – on website and hard copy.	Relevant Directors supported by Equality and Diversity Unit	June 2007 and December 2007 June 2008 and December 2008 June 2009 and December 2009
Publish Equality Scheme annual progress report as hard copy and on website to inform stakeholders of progress made on equality – contains results of assessments, consultations and monitoring	Director of Equality and Diversity	December 2007 December 2008 December 2009

Publish employment monitoring data through the Annual Equalities in Employment Report – also contains results of assessments, consultation and monitoring	Director of Human Resources	October 2007 October 2008 October 2009
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Arrangements for Ensuring Public Access to Information and Service

Ensure arrangements are in place to enable identification of information and service needs	Relevant Directors supported by EDU	2007-08
Ensure arrangements are in place to enable access and services	Relevant Directors supported by EDU	2007-08
Monitor Translation and Interpretation – to assess the effectiveness of current services compared to needs in terms of languages and when translation and interpretation is required	Director of Business Development and EDU	2007-08

Arrangements for Training Staff in relation to the Equality duties

E-based briefings for staff to equip them with the appropriate understanding of their role and obligations under the Equalities Duties and Related Equalities legislation	Director of Human Resources and Director of Equality and Diversity	December 2006 onwards
Specific training on impact assessments and monitoring for key staff such as Policy Advisors, Programme and Project Managers, Centre of Excellence staff and key BDD staff	Director of Human Resources and Director of Equality and Diversity	2006-07 and annual course thereafter
Integration of duties in relation to the equalities and the CPS Equality Scheme in core training programmes such as induction and the Transformation Management Development Programme	Director of Human Resources and Director of Equality and Diversity	As and when training programmes are reviewed

<p>As part of the development and consultation undertaken on the national learning and development plan, on an annual basis identify and evaluate the training needs of staff as they relate to the duty to promote equality</p>	<p>Director of Human Resources and Director of Equality and Diversity</p>	<p>January 2007, January 2008 and January 2009.</p>
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Meeting the Specific Duty on Employment

<p>Continue to monitor:</p> <ul style="list-style-type: none"> 5 Staff in post 5 Applicants for employment, training and promotion 5 Applications for training 5 Staff receiving training 5 Staff who benefit or suffer detriment as a result of Performance Assessment procedures 5 Staff who are involved in grievances procedures 5 Staff ceasing employment <p>Extend monitoring in employment to cover:</p> <ul style="list-style-type: none"> 5 Workplace benefits and facilities 5 Distribution of female/male employees in particular areas of work 5 Management of flexible working 5 Management of alternative working patterns 5 Management of leave for parents and carers 5 Management of pregnancy and maternity leave 5 Management of transsexual and potential transgender staff issues 5 Conduct of Equal Pay Reviews 5 Redundancy 5 Retirement 	<p>Director of Human Resources</p>	<p>Annually – publish in Annual Equalities in Employment Report</p> <p>October 2007 October 2008 October 2009</p>
<p>Set targets to address significant under-representation</p>	<p>Director of Human Resources</p>	<p>October 2007 October 2008 October 2009</p>

Take action if unjustifiable adverse impact found	Director of Human Resources	As required
Publish employment data through the Annual Equalities in Employment Report	Director of Human Resources October 2007	October 2006
		October 2008

Explanation of initial, partial and full impact assessments

An initial assessment or screening is normally based on existing data. It may only produce estimates or signs of unequal impact, but it is useful for developing new policies, or considering changes to existing policies.

A partial impact assessment builds on an initial assessment, outlines risks and benefits, and includes advice from experts and interested groups.

A full impact assessment would include the results of external consultation, a final recommendation, and arrangements for monitoring and evaluating the policy and its impact in practice.

DISABILITY EQUALITY ACTIONS

DISABILITY EQUALITY ACTION PLAN

Gaps addressed:

Outcome areas:

<ul style="list-style-type: none"> 5 Lack of disability crimes policy 5 Lack of monitoring of disability crimes 5 Lack of monitoring by disability of defendants, victims and witnesses 5 Significant differences in staff perceptions 5 Workforce under representation 5 Significant differences in workforce experiences in particular fluctuating experiences in relation to PAR 	<ul style="list-style-type: none"> 5 Increased success in prosecuting hate crimes 5 Increase public confidence 5 Increase employee satisfaction 5 Increase workforce representation 5 Reducing differences in employee experiences 5 Involving communities and staff in service improvement
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Actions	Timescales	Lead Responsibilities
<p>1. Put in place a CPS Disability Crimes Public Policy Statement.</p> <p>Elements of disability duty addressed:</p> <ul style="list-style-type: none"> 5 Promoting equality of opportunity elimination of discrimination; elimination of harassment 	<p>Project Steering Group in place involving external stakeholders from disabilities sector 2006-07 Project plan produced and agreed 2006-07</p> <p>Draft Disability Crimes Public Policy Statement produced 2006-07 Consultation undertaken externally and internally 2006-07</p> <p>Public Policy Statement on Disability Crimes finalised and launched 2006-07 Supporting legal guidance produced 2006-07 Implementation underway 2007-08</p> <ul style="list-style-type: none"> 5 Briefing and training to support implementation 2007-08 	<p>EDU Policy Directorate</p>
<p>2. Implement disabilities monitoring of key aspects of prosecution practice in relation to defendants, victims and witnesses</p>	<ul style="list-style-type: none"> 5 Introduce flag for disability aggravated crime into COMPASS COMPASS CMS 2006-07 5 Introduce disability monitoring of defendants into COMPASS CMS 2006-07 5 Introduce disability monitoring of victims and witnesses into WMS 2006-07 	<p>BDD EDU</p>

Actions	Timescales	Lead Responsibilities
	<ul style="list-style-type: none"> 5 Decide on performance monitoring of disability crimes via the APR Hate Crime Measure or separately 2006-07 	
<p>3. Analyse the 2006 CPS Staff Survey results by disability and act on any significant differences</p>	<ul style="list-style-type: none"> 5 Analysis of Staff Survey results by disability 2006-07 5 Identification of any areas of significant difference 2006-07 5 Identify draft corporate actions to address significant differences 2006-07 5 Consult on draft actions on disability with disabled staff 5 Include corporate actions on disability in wider corporate action plan 2006-07 5 Implement corporate actions on disability 2006-07, 2007-08 5 Check for any significant changes in perception in 2008-09 staff survey 	<p>HR EDU</p>
<p>4. Review the role of Ability Advisors and address the need for specialist advice on disability issues</p> <p>Elements of disability duty addressed:</p> <ul style="list-style-type: none"> 5 Taking steps to take account of disabled persons' disabilities; promoting equality of opportunity; elimination of discrimination of harassment. 	<ul style="list-style-type: none"> 5 Scope review of Ability Advisors' role 2007-08 5 Review underway 2007-08 5 Review completed 2007-08 5 Review considered 2007-08 5 Management response implemented 2007-08, 2008-09 	<p>HR EDU</p>
<p>5. Review the progress in implementing the Action Plan following the 2004 Access Audit. Update as required</p>	<ul style="list-style-type: none"> 5 Progress review undertaken 2007-08 5 Progress outstanding actions 2007-08 5 Review need for further access audit end 2007-08 	<p>Finance</p>

Actions	Timescales	Lead Responsibilities
<p>Elements of disability duty addressed:</p> <p>5 Taking steps to take account of disabled persons' disabilities; promoting equality of opportunity eliminating unlawful discrimination</p>	<p>5 Undertake access audit as required 2008-09</p> <p>5 Address access audit gaps on a prioritised and resourced basis 2008-09 onwards</p>	
<p>6. Enhance the Service's capacity to respond appropriately to reasonable adjustment requests</p> <p>Elements of disability duty addressed:</p> <p>5 Taking steps to take account of disabled persons' disabilities; promoting equality of opportunity; eliminating unlawful discrimination</p>	<p>5 Review current trends and issues</p> <p>5 Consult key stakeholders including disabled staff</p> <p>5 Develop programme to improve Service response</p> <p>5 Implement programme</p> <p>5 Evaluate programme including impact on employee complaints</p>	<p>HR</p>
<p>7. Promote positive attitudes towards disabled people</p> <p>Elements of disability duty addressed:</p> <p>5 Promoting positive attitudes towards disabled persons</p>	<p>5 Regular positive attitude pieces in <i>CPS News</i> and other CPS publications</p> <p>5 Correspondence to outside agencies to contain a statement alerting the reader that the contents could be made available in alternative formats upon request, 2007-08</p> <p>5 Awareness raising initiatives on disability hate crimes internally and externally, 2007-08</p> <p>5 Recruitment panels to reflect a range of diversity including disability, ongoing</p> <p>5 Disabled staff, disability related needs and the disability sector to be considered in the procurement of external services, 2007-08</p>	<p>EDU HR Communications</p>

Actions	Timescales	Lead Responsibilities
<p>8. Analyse workforce data set and implement targets to address workforce under representation</p> <p>Elements of disability duty addressed: 5 Promoting equality of opportunity; encouraging participation by disabled persons in public life</p>	<p>5 Analysis of workforce representation data 5 Targets set 5 Focus recruitment efforts 5 Progress Reports</p>	<p>HR EDU</p>
<p>9. Analyse workforce data and use results to address significant differences in workforce experience</p> <p>Elements of disability duty addressed: 5 Elimination of unlawful discrimination; elimination of harassment; promotion of equality of opportunity</p>	<p>5 Analysis of workforce experience data 5 Identify areas for future action including learning and development 5 Implement improvement actions 5 Progress reports</p>	<p>HR EDU</p>

Gender and Gender Identity Equality Actions

GENDER AND GENDER IDENTITY EQUALITY ACTION PLAN

Gaps addressed:

- 5 Continue to address the impact of charging decisions, by gender, ethnicity and offence category
- 5 Continue to focus on reducing unsuccessful outcomes in domestic violence cases
- 5 Continue to focus on reducing unsuccessful outcomes in rape cases
- 5 Monitor and evaluate existing policies and initiatives on domestic violence and rape
- 5 Development of an overall Violence against Women strategy
- 5 Collection of disaggregated statistics for offences that constitute Violence against Women
- 5 Collection of disaggregated statistics on all employment policies and procedures
- 5 Analysing workforce representation data and setting targets to address the under representation of women in senior grades (Level D and above)
- 5 Analysis of staff survey results, by gender and actioning any differences
- 5 Analysis of workforce data to identify and action any differential in relation to workforce experience such as the PAR system and disciplinaries, by gender
- 5 Monitor and evaluate the CPS Employee policy on domestic violence

Outcome areas:

- 5 Higher public confidence in CPS work addressing gender inequalities
- 5 Reduce unsuccessful prosecutions for all forms of domestic violence against women
- 5 Reduce unsuccessful prosecutions for rape and sexual assaults
- 5 Higher public confidence in CPS work addressing gender inequalities
- 5 Development of a co-ordinated strategy on all forms of violence against women
- 5 Increase in the number of women in senior grades (level D and above)
- 5 No significant differences in staff satisfaction by gender
- 5 No significant differences in staff experiences by gender

Actions	Timescales	Lead Responsibilities
Develop a co-ordinated Violence Against Women strategy	<ul style="list-style-type: none"> 5 Gather in action plans from rape & other serious sexual offences team, prostitution and human trafficking team as well as domestic violence team Q2 2006-7 	DV Team EDU
	<ul style="list-style-type: none"> 5 Review action plans across gender issues and co-ordinate overall action plan for all violence against women crimes Q4 2006-7 	Policy Directorate DV Team EDU
	<ul style="list-style-type: none"> 5 Develop and impact assess Violence against Women strategy by Q3 2007-8 	

Action	Timescales	Lead Responsibility
Reduce unsuccessful prosecutions of all domestic violence cases	<ul style="list-style-type: none"> 5 Development of further 28 Specialist DV courts in partnership by Q1 2007-8 5 Train all CPS prosecutors, caseworkers and designated caseworkers by Q4 2007-8 	DV Team EDU Learning and Development
Monitor and evaluate the domestic violence policy	<ul style="list-style-type: none"> 5 Monitor domestic violence prosecution courts, including specialist domestic violence courts, with disaggregated data – quarterly 5 Develop flag for forced marriage and so-called “honour crimes” 5 Monitor implementation of Good Practice Guidance with DVCs by Q4 2006-7 	DV Team EDU outcomes in all EDU DV Team EDU
Reduce unsuccessful prosecutions in rape cases	<ul style="list-style-type: none"> 5 Develop in-depth guidance and training programme for rape specialist prosecutors 5 Accredit suitable training courses for the independent Bar and ensure that counsel are quality monitored 5 Develop Action Plan to take forward HMCPSP's recommendations when published in Quarter 4, 2006-07 	BDD/Policy Directorate
Monitor and evaluate the Rape policy	<ul style="list-style-type: none"> 5 Finalise cross-government Sexual Violence and Abuse Action Plan, with specific CPS actions by Q4 2006-7 5 Monitor rape prosecution outcomes Quarterly from April 2007 	Policy Directorate/ BDD BDD
Increase support for victims of domestic violence and sexual assaults	<ul style="list-style-type: none"> 5 Work with newly provided Independent DV Advisors in specialist DV courts by Q1 2007-8 5 Work with newly provided Independent Sexual Assault Advisors by April 2007 	Areas Areas

Action	Timescales	Lead Responsibility
Analyse staff survey results and action any significant differences	5 Collect disaggregated data	HR
Analyse workforce representation and set targets to address the under- representation of women in senior grades (level D and above)	5 Collect disaggregated data	HR
Analyse work force data for any significant differentials in workforce experiences, such as PARs and disciplinaries	5 Collect disaggregated data	HR
Monitor employment policies and procedures, such as pay, flexible working and access to training and action any differentials	5 Collect disaggregated statistics	HR
Disseminate and promulgate Management Guidance on Transgender issues	5 Guidance produced 2006-07 5 Guidance disseminated 2006-07 5 Guidance promoted via Infonet, <i>CPS News</i> and <i>Inform</i> 2006-07 5 Guidance kept under review	HR HR EDU
Monitor and evaluate the CPS Employee policy on Domestic Violence	5 Collect disaggregated statistics on number of referrals to counselling service quarterly	HR

Race Equality Actions

RACE EQUALITY ACTIONS

Gaps addressed:

- 5 Outdated racist and religious crimes policy
- 5 Need to review and update training
- 5 Improving handling of racist crimes
- 5 Significant differences in staff perceptions of inequality
- 5 Significant differences in Workforce experiences
- 5 workforce under representation
- 5 Improving monitoring of prosecution policies and practices
- 5 Increased success in prosecuting hate crimes
- 5 Involving Black and Minority Ethnic communities and staff in engagement linked to service improvement

Outcome areas:

- 5 Increased success in prosecuting hate crimes
- 5 Reduced significant differences in staff perceptions of inequality
- 5 Reduced significant differences in the quality of employee experiences
- 5 Increased workforce representation
- 5 Increased public confidence amongst Black and minority ethnic communities

Action	Timescales	Lead Responsibility
<p>1. Review and update the Racist and Religious Crimes Policy to reflect legal developments and the lessons learnt/good practice gained from the handling of the murder of Anthony Walker</p>	<ul style="list-style-type: none"> 5 Project plan developed, 2006-07 5 Project steering group involving externals in place, 2006-07 5 Review underway, 2007-08 5 Involvement of RARA co-ordinators in policy update 5 Draft updated policy and guidance produced, 2007-08 5 Consultation undertaken and completed, 2007-08 5 Updated public policy statement launched, 2007-08 	<p>Policy Directorate</p> <p>EDU</p>
<p>2. Review and update Racist and Religious Crimes Policy training programme to align with policy update</p>	<ul style="list-style-type: none"> 5 Project scoped, 2006-07 5 Review underway, 2006-07 5 Updated programme produced, 2007-08 5 Updated programme piloted, 2007-08 5 Updated programme finalised based on pilot, 2007-08 5 Update training programme implemented, 2007-08 	<p>Policy Directorate</p> <p>Learning and Development</p>

Action	Timescales	Lead Responsibility
<p>3. Review the role of the Racist and Religious Crime Co-ordinator/ lead tutor and address the need for specialist advice and a network on Racist and Religious Crimes</p>	<ul style="list-style-type: none"> 5 Project scoped, 2006-07 5 Review underway, 2007-08 5 Review consultation undertaken, 2007-08 5 Draft review report produced, 2007-08 5 Consultation on draft review, 2007-08 5 Final review report produced, 2007-08 	<p>Policy Directorate</p>
<p>4. Steer implementation of issues in terms of good practice and lessons learnt from the report on the handling of the racist murder of Anthony Walker</p>	<ul style="list-style-type: none"> 5 Publication and dissemination of lessons learnt and good practice report 2006-07 5 Integration of key lessons learnt and good practice into CPS proactive prosecutor training programme and into updated 5 Racist and Religions Crimes Policy and training programme, 2007-08 5 Integration of key aspects of good practice into the CPS Area Performance Review System, 2007-08 5 Progress check on Area's response to the issues raised via CQA and APR process 	<p>EDU</p> <p>Policy Directorate</p> <p>EDU</p>
<p>5. Deliver recommendations of the Attorney General's Race for Justice Taskforce aimed at improving CJS handling of Racist crimes</p>	<ul style="list-style-type: none"> 5 OCJR led Delivery Board in place 2006-07 5 Implementation of CPS recommendations on monitoring and training 2007-08 5 Support implementation of cross CJS recommendations 2007-08 5 Progress report on implementation of Taskforce recommendations 2007-08 	<p>EDU</p>

Actions	Timescales	Lead Responsibilities
<p>6. Enhance monitoring of Racist crimes by recording key data on victims and witnesses building on available defendant data</p>	<p>5 Progress Hate Crimes Monitoring Project 2006-07 and 2007-08</p> <p>5 Consultation undertaken externally 2006-07</p> <p>5 Prioritisation list of area for future monitoring produced 2006-07</p> <p>5 Priority proposals to improve monitoring of victim and witness details by ethnicity from 2007-08</p>	<p>BDD</p> <p>EDU</p>
<p>7. Extend and implement ethnic monitoring of key aspects of prosecution practice including in relation to victims and witnesses</p>	<p>5 Implement separate and distinct Racist crimes monitoring and Religious crimes monitoring 2007-08</p> <p>5 Implement victim and witness monitoring by religion or belief 2007-08 Implement defendant monitoring by religion or belief 2007-08</p> <p>5 Analyse results of monitoring</p> <p>5 Identify and address any significant differences based on analysis of results</p>	<p>BIS</p> <p>BDD</p> <p>EDU</p>
<p>8. Continue to focus on reducing unsuccessful outcomes in Racist crimes</p>	<p>5 Reduce unsuccessful outcomes from 42% to 36% by April 2007</p> <p>5 Targets for 2007-08 to be set based on 2006-07 performance at year's end</p> <p>5 Targets for 2008-09 to be set on 2007-08 performance at year's end</p>	<p>BDD</p>
<p>9. Continue to monitor and assess charging decisions for any adverse impact</p>	<p>5 Charging impact assessments to be undertaken annually in 2006-07, 2007-08 and 2008-09</p> <p>5 Actions taken to address only significant adverse impacts</p>	<p>EDU</p> <p>BDD</p>

Actions	Timescales	Lead Responsibilities
<p>10. Continue to focus on raising Black and Minority Ethnic communities' confidence in the CPS as part of the overall target to raise Black and Minority Ethnic communities' confidence in the CJS</p>	<ul style="list-style-type: none"> 5 CPS involved in CJS wide delivery and reporting structures on the Black and Minority Ethnic confidence target 5 CPS activities identified including hate crime prosecutions; community engagement and wider communications 5 CPS progress reported regularly to OCJR 5 CPS secures significant shift in percentage of Black and Minority Ethnic people who feel the Service would treat them less favourably during the time period for the target 	EDU
<p>11. Analyse the biennial Staff Survey and action any areas of significant difference</p>	<ul style="list-style-type: none"> 5 Staff Survey results analysed 2006-07 5 Identification of any areas of significant difference in 2006-07 5 Identify draft corporate actions to address significant differences in 2006-07 5 Consult on draft actions 5 Include corporate actions on race equality in wider corporate action plan in 2006-07 5 Implement corporate actions on race equality in 2006-07 and 2007-08 5 Check for any significant changes in perceptions in the 2008 Staff Survey 	HR
<p>12. Include race equality within all future equality and diversity impact assessments implemented as part of this scheme with the aim of addressing any unjustifiable disparities in experiences</p>	<ul style="list-style-type: none"> 5 Please see the common actions sections of the Single Equality Scheme for more detail. Priority assessments and monitoring to include disciplinaries and grievances, equal pay, special bonuses, new PDR process under Invest, Recruitment and progression 	HR

Actions	Timescales	Lead Responsibilities
<p>13. Address workforce under representation of Black and Minority Ethnic staff in certain grades and Areas with remaining under representation. Identify Areas with under representation</p>	<p>5 Identify grades with under representation. SCS, ABM, B3, Level E</p> <p>5 Set stretching and realistic targets for under represented grades and Areas</p> <p>5 Focus recruitment efforts</p> <p>5 Progress reports and progress checks on existing Area workforce representation plans</p>	<p>HR</p>

Sexuality and Gender Identity Equality Actions

SEXUALITY AND GENDER IDENTITY EQUALITY ACTION PLAN

Gaps addressed:

Outcome areas:

- 5 Outdated Homophobic Crime Policy
- 5 Varied responses between CPS Areas to homophobic crime
- 5 Workforce monitoring
- 5 Differences in staff views

- 5 Increased success in prosecuting Hate Crimes.
- 5 Increased public confidence
- 5 Involving communities and staff in Service improvement
- 5 Increased workforce satisfaction

Actions	Timescales	Lead Responsibilities
<p>1. Participate in Cabinet Office Pilot Monitoring Exercise on Sexuality</p>	<ul style="list-style-type: none"> 5 Pilot Scoped 2006-07 5 Pilot Underway 2006-07 5 Pilot completed 2007-08 5 Pilot evaluated 2007-08 5 Decision taken on 2007-08 wider sexuality monitoring 	<p>HR EDU</p>
<p>2. Review and update the CPS Homophobic Crime Policy including the focus on transphobic crime</p>	<ul style="list-style-type: none"> 5 Project Plan developed, 2006-07 5 Project steering group involving externals in place, 2006-07 5 Review underway, 2007-08 5 Draft updated policy and guidance produced, 2007-08 5 Consultation undertaken and completed, 2007-08 5 Updated policy – launched, 2007-08 	<p>Policy Directorate EDU</p>
<p>3. Enter and seek to improve the CPS ranking in the Stonewall Equality Index on an annual basis</p>	<ul style="list-style-type: none"> 5 Prepare submission for index June – Sept. 2006 5 Submit entry Sept. 2006 5 Receive ranking early 2007-08 5 Prepare submission for Index June – Sept. 2007. 5 Receive ranking early 2008-2009 	<p>HR EDU</p>
<p>4. Undertake a progress check on the implementation of the Homophobic Crime Themed Review via the APR process in 2007-08</p>	<ul style="list-style-type: none"> 5 Progress Check TOR agreed 2007-08 5 Guidance to Areas 2007-08 5 Progress checks undertaken 2007-08 	<p>EDU BDD</p>

Action	Timescales	Lead Responsibilities
<p>5. Convene Homophobic Crime Co-ordinators on an annual basis to help maximise effectiveness of the role</p>	<p>5 Annual co-ordinators workshop on themed basis 2007-08 5 and in 2008-09 5 and in 2009-10</p>	<p>Policy Directorate EDU</p>
<p>6. Review and update the Homophobic Crime Co-ordinators Course</p>	<p>5 Review scoped, 2006-07 5 Review underway, 2006-07 5 Updated course produced, 2006-7 5 Links to PPP training established, 2006-07 5 Updated course underway, 2006-07</p>	<p>HR EDU</p>
<p>7. Run the Homophobic Crime Co-ordinators Course on a 6 monthly basis</p>	<p>5 Courses run 6 monthly 5 Courses evaluated 5 Course refined as necessary</p>	<p>HR EDU</p>
<p>8. Produce and disseminate guidance for prosecutors on handling cases of homophobia in the media, jointly with ACPO</p>	<p>5 2006-07</p>	<p>Policy Directorate EDU</p>
<p>9. Support the LGBT Staff Network following the staff networks review</p>	<p>5 Staff Networks Review reported autumn 2006 5 Review recommendations implemented 2007-08 5 LGBT Business Plan produced aligned to outcomes of review and resourcing agreed 2007-08</p>	<p>HR EDU</p>
<p>10. Analyse the biennial staff survey results by sexuality and action any areas of significant difference</p>	<p>5 Analysis of 2006-07 results undertaken 5 Areas requiring action identified 5 Actions underway 5 Analysis undertaken, actions identified and actions implemented for next staff survey in 2008-09</p>	<p>HR EDU</p>

Action	Timescales	Lead Responsibilities
<p>11. Review and update management guidance on Equality in Employment Regulations (Sexual Orientation) in light of pending legal developments on anti discrimination in goods, facilities and services</p>	<p>5 Guidance Reviewed 2007-08 5 Guidance updated 2007-08 5 Updated guidance drafted 2007-08 5 Updated guidance launched 2007-08 5 Guidance promoted via Infonet, <i>CPS News</i> and facilities and services <i>inform</i> 2007-08</p>	<p>HR EDU</p>
<p>12. Include sexuality within future equality and diversity impact assessments where relevant and where monitoring data enables inclusion</p>	<p>This will link to the list of future impact assessments included in the Equality Scheme</p>	<p>HR EDU</p>
<p>13. Include sexuality within future CPS monitoring both in employment and in prosecution practice where relevant</p>	<p>5 Decision on monitoring in employment to follow Cabinet Office Pilot 2007-08. 5 Introduction of monitoring category for defendants in CMS subject to agreement with ACPO and BDD – BIS prioritisation exercise 5 Introduction of monitoring category for victims and witnesses in WMS subject to agreement with ACPO and BDD-BIS prioritisation exercise</p>	<p>HR BDD EDU</p>

Religion or Belief Equality Actions

RELIGION or BELIEF ACTION PLAN

Gaps addressed:

- 5 Monitoring of Religious Crimes
- 5 Monitoring of victim and witness details
- 5 Workforce monitoring
- 5 Differences in staff views

Outcome areas:

- 5 Increased success in prosecuting religious hate crimes
- 5 Increased public confidence
- 5 Increased employee satisfaction

Action	Timescales	Lead Responsibilities
<p>1. Participate in Cabinet Office pilot monitoring exercise on Religion or Belief</p>	<ul style="list-style-type: none"> 5 Pilot scoped 2006-07 5 Pilot underway 2006-07 5 Pilot completed 2007-08 5 Pilot evaluated 2007-08 5 Decision taken on wider religion or belief monitoring 2007-08 	<p>HR EDU</p>
<p>2. Undertake a programme of Information, Listening and Reassurance events in areas of the country with the largest Muslim communities addressing community concerns on: Racist and Religious crimes; incitement to hatred prosecutions, and the prosecution of terrorist cases Evaluate the programme of Information, Listening and Reassurance events. Wider roll out of the programme of events informed by evaluation</p>	<ul style="list-style-type: none"> 5 Project scoped 5 Initial programme of eight regionally based events held 2006-07 5 Initial events evaluated 2006-07 5 Wider roll out planned 2006-07 5 Wider roll out underway 2007-08 	<p>EDU CTD Relevant CPS Areas</p>
<p>3. Analyse the biennial Staff Survey by religion or belief and action any areas of significant difference</p>	<ul style="list-style-type: none"> 5 Analysis of 2006-07 survey results undertaken 5 Issues requiring actions identified 5 Actions underway 5 Analysis undertaken, actions identified and actions implemented for next staff survey in 2008-09 	<p>HR</p>

Action	Timescales	Lead Responsibilities
<p>4. Review the Racist and Religious crimes policy in light of development on Incitement to Religious Hatred</p>	<p>5 Project scoped and project plan developed, 2006-07</p> <p>5 Project steering group involving external stakeholders in place, 2007-08</p> <p>5 Review underway, 2007-08</p> <p>5 Draft updated policy and guidance produced, 2007-08</p> <p>5 Consultation undertaken, 2007-08</p> <p>5 Updated policy launched, 2007-08</p>	<p>Policy Directorate EDU</p>
<p>5. Enhance monitoring of hate crimes by religion or belief by recording separately from racist crimes, and by recording key data on defendants and victims and witnesses</p>	<p>5 Progress Hate Crimes monitoring project 2006-07 and 2007-08</p> <p>5 Consultation undertaken externally 2006-07</p> <p>5 Prioritised list of areas for future monitoring produced</p> <p>5 Priority proposal to record separately ethnicity and religion or belief of defendants and victims on COMPASS from April 2007</p> <p>5 Priority proposal to record religiously aggravated cases and incitement to religious hatred cases by religion or belief details of defendants and victims from 2007</p>	<p>BDD BIS EDU</p>
<p>6. Implement the recommendations that relate specifically to the CPS of the report by the All-Party Parliamentary Inquiry into Antisemitism: 1) to investigate the reasons for the low number of prosecutions and report back to Parliament; and 2) to conduct a review of cases (of incitement to racial hatred) where prosecutions have been brought in order to see what lessons can be learned</p>	<p>5 Produce a detailed paper that will provide:</p> <ol style="list-style-type: none"> 1. an explanation of roles and responsibilities; 2. an explanation of the prosecution decision-making process. In particular, this will include a detailed explanation of the tests in the Code for Crown Prosecutors (including as much information as possible on the public interest test and how it is applied); 	<p>Policy Directorate EDU</p>

Action	Timescales	Lead Responsibilities
	<p>3. an explanation of current monitoring arrangements regarding antisemitic crime (and the limitations of the current system) and future plans for improvement;</p> <p>4. an assessment in general terms of the reasons for the gap between incidents and prosecutions;</p> <p>5. some illustrative case examples</p> <p>5 This will include liaison with ACPO to obtain some empirical data about the reasons for 'the gap' between incidents and prosecutions</p>	
<p>7. Update the Equality in Employment (Religion or Belief) Management Guidance in light of extension of legal provisions to cover service provisions and disseminate and promulgate guidance within the Service.</p>	<p>5 Guidance reviewed 2007-08</p> <p>5 Guidance updated 2007-08</p> <p>5 Updated guidance drafted 2007-08</p> <p>5 Updated guidance launched 2007-08</p> <p>5 Guidance promoted via Infonet, <i>CPS News</i> and <i>inform</i> 2007-08</p>	<p>HR EDU</p>
<p>8. Implement the agreed recommendations of the Staff Networks Review.</p>	<p>5 Staff Networks Review Final Report Dec 2006</p> <p>5 Review recommendations implemented as agreed by CPS from 2007-08.</p>	<p>HR EDU</p>
<p>9. Include religion or belief within future equality and diversity impact assessment where relevant and where monitoring data enables inclusion</p>	<p>5 This will link to the list of future impact assessments included in the equality scheme</p>	<p>HR EDU</p>

Age Equality Actions

AGE EQUALITY ACTION PLAN

Gaps addressed:

- 5 Lack of elder abuse policy
- 5 Lack of defendant, victim and witness monitoring by age
- 5 Lack of workforce monitoring
- 5 Differences in staff perceptions
- 5 Differences in workforce experiences
- 5 Differences in workforce representation

Outcome areas:

- 5 Prosecution of Hate Crimes
- 5 Increased public confidence
- 5 Involving communities and staff in engagement linked to service improvements
- 5 Increased workforce satisfaction
- 5 Reduced significant differences in employee experiences
- 5 Representative workforce

Action	Timescales	Lead Responsibilities
<p>1. Review and age equality proof relevant HR policies in light of the Age Equality legislation</p>	<ul style="list-style-type: none"> 5 Identify long list of relevant HR policies 2006-07 5 Review the key HR policies against Age Equality 2006-07 legislation requirements 5 Equality proof the key HR policies on a phased priority basis 2006-07 5 Extend the review and age proofing exercise to other relevant HR policies 2006-07 	HR
<p>2. Review the CPS provisions on retirement age in light of the Age Equality legislation</p>	<ul style="list-style-type: none"> 5 Research the issue of retirement age including benchmarking in Whitehall 2006-07 5 Produce an initial issues and options paper 2006-07 5 Secure CPS Board agreement to a change in CPS retirement age 2006-07 5 Communicate any change positively throughout the organisation 2006-07, 2007-08 	HR and EDU
<p>3. Introduce age monitoring as an integral part of equalities in employment monitoring and include in the CPS Annual Equalities in Employment Reports</p>	<ul style="list-style-type: none"> 5 Scope the project 2006-07 5 Identify possible age groups for monitoring and publication of data purposes 2006-07 5 Consult on identified age groups internally and with relevant external stakeholders 2006-07 	HR and EDU

Action	Timescales	Lead Responsibilities
	<ul style="list-style-type: none"> 5 Decide on age groups for publication data purposes 2006-07 5 Trial run the inclusion of age monitoring data in Annual Equalities in Employment Report for 2007-08 produced in 2008-09 5 Refine and include all 2008-09 and 2009-10 reports 5 Analyse the results of age monitoring over three years 2007-08, 2008-09 and 2009-10, and identify any significant differences in experiences and representation 5 Based on analysis above, identify age based workforce targets as necessary 2009-10 	
<p>4. Produce, disseminate and promulgate Management Guidance on Age Equality issues</p>	<ul style="list-style-type: none"> 5 Guidance researched 5 Guidance produced 5 Guidance disseminated 5 Guidance promoted via Infonet, <i>CPS News</i> and <i>inform</i> 5 Guidance kept and/or reviewed 	<p>HR and EDU</p>
<p>5. Analyse the biennial staff survey results by age group and action any areas of significant difference. Build on analysis of 2006 survey to analyse future survey results by further age groups</p>	<ul style="list-style-type: none"> 5 Analysis of 2006-07 results undertaken 5 Areas requiring action identified 5 Actions underway 5 Analysis undertaken, actions identified and actions implemented for the next staff survey in 2008-09 5 Build analysis into 2008 survey by age groups 50-59 and 60 plus 	<p>HR</p>
<p>6. Engage with age equality groups to establish views and begin to build an ongoing dialogue with these groups</p>	<ul style="list-style-type: none"> 5 Senior level meetings held in advance of work commencing on Elder Abuse Policy 2007-08 5 Views to inform future policy development 	<p>Policy Directorate EDU</p>

Action	Timescales	Lead Responsibilities
<p>7. Produce and implement an Elder Abuse public policy statement</p>	<ul style="list-style-type: none"> 5 Scope the project, produce PID project team in place, 2007-08 5 Involve key external stakeholders in project team 2007-08 5 Produce issues paper 2007-08 5 Undertake initial consultation 2007-08 5 Produce draft public policy statement 2007-08 5 Consult on draft public policy statement 2007-08 5 Finalise public policy statement and secure CPS endorsement 2007-08 5 Issue public policy statement 2007-08 5 Produce relevant supporting legal guidance 2007-08 5 Prepare for implementation of policy including: 5 Introduction of relevant monitoring categories in COMPASS Case Management System 2008-09 5 Learning and Development specific courses 2007-08, 2008-09 5 Inclusion in wider PPP training programme 2007-08 and 2008-09 5 Performance monitoring and review of elder abuse cases 2008-09 5 Track case outcomes over time and decide on any targets required to support successful outcomes 5 Decide on relationship to wider Hate Crimes target 	<p>EDU and Policy Directorate</p>
<p>8. Include age equality within future equality and diversity impact assessments where relevant and where monitoring enables inclusion</p>	<p>5 This needs to link to the list of future impact assessments included in the Equality Scheme</p>	<p>EDU</p>

Action	Timescales	Lead Responsibilities
<p>9. Include age monitoring within future monitoring of prosecution practice, victim and witnesses where relevant</p>	<p>5 Introduction of monitoring category for defendants in CMS subject to agreement with ACPO and BDD-BIS prioritisation exercise</p> <p>5 Introduction of monitoring category for victims and witnesses in WMS subject to BDD-BIS prioritisation exercise</p>	<p>EDU and BDD</p>
<p>10. Steer the implementation of the CPS policy on prosecutions involving children and young people as victims and witnesses</p>	<p>Phase 1: Policy Implementation (September 2006 to June 2007)</p> <p>5 Establish a cross-directorate project board drawn from PD, BDD, EDU and CCP representatives from Areas to ensure effective implementation and monitoring of the policy and a permanent link between the directorates</p> <p>The immediate objectives will be to:</p> <p>5 Produce legal guidance to complement 'Children and Young People'</p> <p>5 Establish mechanism for providing day-to-day guidance and advice via helpdesk/bulletin boards</p> <p>5 Examine how existing training programmes can be adapted</p> <p>5 Introduce monitoring of performance on major aspects of policy</p> <p>5 Establish a broadly based external reference group to advise on children's issues</p> <p>5 Propose safeguarding objectives for inclusion in business plans</p>	<p>Policy Directorate BDD EDU</p>

Action	Timescales	Lead Responsibilities
	<p>Phase 2: Continuing delivery (June 2007 onwards)</p> <p>Provide a permanent framework to:</p> <ul style="list-style-type: none">5 Advise and guide areas on policy/casework/inspection issues5 Maintain written guidance.5 Identify continuing training needs5 Develop and share best practice5 Develop and maintain community engagement5 Monitor performance	
