

**Crown Prosecution Service**  
Delivering justice



**Annual Equalities in Employment  
Report 2016-2017**

# **Crown Prosecution Service Annual Equalities in Employment Report (AEER) 2016-2017**

## **Introduction**

### **Inclusion in the Crown Prosecution Service (CPS)**

1. The CPS is the principal prosecuting authority in England and Wales. As at 31<sup>st</sup> March 2017 the CPS employed 6069 employees in legal, administrative and professional roles.
2. The CPS has committed in its 2020 priorities to develop a diverse workforce that reflects the society we serve. Our wider aspiration is to be one of the UK's most inclusive employers, representative of modern Britain and the public that we serve and attracting the best people irrespective of background. The CPS believes that no one should be defined by the circumstances or characteristics of their birth, or held back by poverty, ethnicity, disability or culture. An individual's background too often influences their future success and we are striving for excellence where equality is achieved for all.
3. The previous CPS diversity and inclusion strategy "removing barriers" (2015-16) identified 3 overarching goals, Diversity, Inclusion and Sustainability and within those goals set key targets. All of those targets have been achieved or are currently being implemented and that success is reflected and built upon in this revised and updated plan.
4. In addition to "removing barriers" there are a number of other drivers that have assisted in identifying the way forward for CPS in relation to Diversity and Inclusion and they are:
  - Civil Service Talent Action Plan 2016;
  - CPS Annual Equalities in Employment Report (AEER) 2015-16; DPP diversity objective which focuses on increased representation, declaration rates and the employment experience;
  - Recommendations from external submissions and benchmarking reports;
  - CPS Conversations and the 2020 Priorities
5. In order to drive progress in this important area 4 key themes for focus have now been identified and they are:
  - Attraction, Recruitment and Selection;
  - Talent and Progression;
  - Developing a more Inclusive Culture;
  - Social mobility.

The CPS Talent Action Plan / Inclusion Strategy links into our People 2020 priorities.

## **About this report**

6. This report provides an overview of equality in employment through data provision and analysis. This enables the CPS to comply with its responsibilities under the Equality Act 2010, identify trends and patterns in relation to different groups and make recommendations for improvement.
7. This report necessarily focusses on analysis of those key data sets that are significant and have a material impact on the overall workforce representation and profile. There is significant data available on gender, age, ethnicity, religion/belief, disability status and sexual orientation and this has been analysed and considered across a number of factors.
8. Our data on marriage/civil partnership, maternity/paternity, social mobility and gender identity is less complete and therefore those characteristics are only referred to if directly relevant and not in relation to each data set. This report covers the CPS and government wide convention of not reporting on groups of less than 10 and therefore for one or two areas no analysis is provided. The data covers the period from the 1st April 2016 – 31st March 2017 (and also includes the data from the 2016 CPS staff survey)
9. The data considered in this report is quantitative and based on employee self-declaration and provided by the HR Business Intelligence Team. For the purposes of this report it has been assumed that this data has been accurately recorded on the various HR systems. Comparisons in this report are with the 2015-2016 AEER report showing a one year trend.
10. Data on the wider Civil Service and UK population is sourced from the Office of National Statistics as recorded from the UK census 2011, except where another source is specifically referenced.
11. A number of recommendations have been made in this report either to conduct further research, or to take immediate action. These recommendations are based on the need to act to address underrepresentation for any given group, to address significant disproportionality and reflect best practice in the area of diversity and inclusion. It should be noted that variations of less than 5% are not deemed statistically significant for the purposes of this analysis.
12. The content of this report has been consulted upon with our recognised trades unions and CPS staff networks.

## **Declaration Rates**

13. Declaration rates indicate the number of CPS employees who have chosen to provide their personal information for the characteristic indicated. For the period 2016/17 declaration rates of sensitive data are as follows:
14. 100% declaration for gender and age, 87% for ethnicity which are the same as the last report in 2015/16, and 91% (up 1%) for disability.

15. Declaration rates for sexual orientation are now at 70% which is up 5% since 2015/16 and the declaration rate for religion/belief is at 69% which is up 3% since the last report.
16. These figures show that there are some small improvements in declaration rates since the publication of the last report. However, there is still room for improvement and the first recommendation (**Recommendation 1**) of this report will be to seek to improve declaration rates in future years to provide an even richer picture in line with the DPP Diversity objective.

### **Analysis of Key Data Sets**

17. This report seeks to identify trends at each stage of the employee life-cycle and through employment practices and each of these are considered in turn.

### **Recruitment**

18. During the reporting period there were 851 internal applications for CPS posts and, from those, 377 appointments were made. There were 7881 external applications and, from those, 951 appointments made.
19. In terms of the 851 internal applications 51% were from women, 18% were from BAME employees, 6% were from staff declared disabled and 5% were LGBT employees. Of the internal appointments made 51% were women, 16% were BAME, 3% were declared disabled and 5% were LGBT.
20. In terms of the 7881 external applications 55% were from women (with 48% of appointees being women), 18% were from BAME (with BAME appointees representing 12% of those appointed) and 6% were declared disabled (with 5% of those appointed declared disabled). This shows that there is a slight falling away of both disabled and BAME candidates in the selection process, despite the introduction of anonymised selection in the previous year. In order to help address this we have taken positive action by developing a CPS attraction strategy which focuses on attracting candidates from different backgrounds and also working with our Inclusion & community Engagement Managers (ICEM`s) considering the most effective way to publish information about our vacancies to the external disabled communities. (**Recommendation 2**) is to ensure that this is effectively implemented and monitor its impact.
21. Those declaring a religion or belief made up 54% of external applicants and 44% of external appointees. 55% of internal applicants declared a religion or belief with 52% of those appointed declaring a religion or belief.
22. Applications and appointments were spread across all age bands with the highest level of external appointments going to those aged 16-29, as with last year this may be due to the predominance of apprenticeships as a recruitment method in support of the social mobility agenda.

## Workforce Representation:

23. In terms of overall representation rates in the CPS workforce 65% are women this remains the same as the last report. This is higher than the Civil Service as a whole (54% female) and the UK population (51% female).
24. 20% of the CPS workforce is BAME up 4% from the last report. This compares favourably with both the wider Civil Service (11.2%) and the UK population (12%). There is a regional variation in BAME workforce representation and while the variation does not indicate a need for immediate action, to ensure that there is no significant disparity between our employee profile and the localised community profile it is recommended (**Recommendation 3**) that a full analysis is carried out by Area Inclusion and Community Engagement Managers (ICEMs) to identify if there are Areas with significant underrepresentation when compared with the local community. This work had already begun in partnership with the CEO, Director of Prosecution, Policy and Inclusion and HR, a discussion is planned with the Senior Leadership Group in September 2017.
25. The number of employees declared disabled is 8% up 2% from the last report 1% lower than the overall Civil Service figure of 9%, however, this is significantly lower than the UK population estimate of 17%<sup>2</sup> (NB – there are a wide variety of sources for this data and there is significant variance in their estimations). 6% of CPS employees declared LGBT which is up 1% from the last report. UK population data shows that only 1% of citizens declared gay or lesbian in the 2011 census. However, many reports estimate that the true figure is more likely to be 5-6% and possibly as high as 10%. Stonewall suggest that a quarter (25%) of LGB employees are not open to colleagues about their sexual orientation (Gay in Britain Report 2013). Due to differences in data capture definitions there is no overall agreed Civil Service representation rates for LGBTi employees. In any event it should be recognised that declared disabled and LGBTi employees appear to be slightly underrepresented in the CPS workforce.
26. Of all CPS employees, 57% declared a religion or belief which is down 8% from the last report; this is broadly comparable with the UK population of whom 67% declare a religion or belief. For CPS, of those declaring a religion 39% were Christian and 11% had no religion. No other religious group exceeded 5% of the overall workforce.
27. The CPS workforce has broadly aged since the last report with an increase in over 50s (37% up from 35.4%). Although there was a reduction in the number aged 35-49 (46% down from 48.2). With reduced resources, changes to pension arrangements and the removal of the compulsory retirement age, it is likely that the average age will continue to increase. It is therefore possible that there will be fewer future employment opportunities for younger people. To help re-balance this situation we have a successful CPS Apprenticeship Scheme for A2s (AO's) and we also participate in the Civil Service Fast Track Apprenticeship Scheme aimed at talented 18 to 21-year-olds – including existing members of staff - who will be appointed to permanent B1 roles in a wide range of work across the organisation. This report therefore recommends that the CPS continues to consider the likely impact of its ageing workforce and how employment practices can be adapted to maximise the contribution of older

workers (**Recommendation 4**). Work has already begun on this with a paper having been discussed by executive group in July 2017.

## **Staff Representation by Grade**

28. Women are represented at all grades. However, there are more women than men in the majority of grades, except for level E and LM2. They are also under-represented in terms of workforce in the Crown Advocate Cadre (including for Senior and Principal Crown Advocate roles) and in Senior Civil Service (SCS) grades.
29. BAME employees are represented at all grades in the CPS in a broadly similar pattern to the overall workforce, but are under-represented in the Crown Advocate Cadre (including for Senior and Principal Crown Advocate roles) SCS and A1(AA) and over-represented in Crown Prosecutor and Paralegal Assistant roles. It should be noted that there are some specific senior job roles (for example Area Business Manager) where there is a complete absence of BAME employees.
30. The concentration of women Disabled, LGBT and BAME employees in the CPS appears to be at more junior and middle management grades, and this report recommends that further research is undertaken to identify any barriers to these employees moving into Crown Advocate and senior roles (**Recommendation 5**). Some early work on this is already underway through employee networks and through diversity champions, for example the Women in the Workplace working group, chaired by the Gender Champion has already undertaken some research on this topic.

## **Employment Policies and Practices**

### **Promotions**

31. Data on permanent promotions is captured in the "Recruitment" section of this report.
32. There were 253 employees temporarily promoted (TP) during this period and of those 67% were female, 19% were BAME, 8% were declared disabled, 6% (up 2% from the last report) declared LGBT and 62% (up 4%) had declared a religion or belief. The majority of employees temporarily promoted during the period were aged 35-54. It should be noted that staff over 55 are less likely be offered a temporary promotion, with only 7% of opportunities being given to employees in this age bracket.
33. The majority of permanent promotions following temporary promotion were in the age group 35-44, with a small percentage in each of the other age brackets. This is a slight improvement on the last report.
34. It is recommended that this is researched further, along with the wider research considering the impact of the ageing workforce on the CPS.

## **Employee Engagement**

35. Overall, the Employee Engagement Index (EEI) for the CPS in 2016 was 59% up 4 percentage points since 2015 and equal to the Civil Service EEI for the first time.
36. In relation to the EEI, male and female employees have broadly similar scores of 56% and 58% respectively. Female EEI increased by 5 percentage points since 2015 and male 4%.
37. The highest EEI by ethnicity was Asian or Asian British (including Chinese) with an EEI of 66% (up 6%) with white, mixed race and black employees scoring between 58-61%. Full and part time staff scored between 56%-59% with the higher EEI being for those who job share at 71%.
38. Heterosexual staff have an EEI of 62% and gay or lesbian employees have an EEI of 60% this is a 2% increase since 2015. Bi-sexual employees have an EEI of 55% an increase of 8% since 2015.
39. Disabled staff scored 53% an increase of 2% with non-disabled staff scoring 61% (up 4% since 2015). In recognition of this disparity working with the Disabled Staff Network (DSN) and supported by the Diversity and Inclusion Strategy 2016-2020 (Talent Action Plan) we will continue to monitor this information and develop strategic initiatives to achieve consistency of EEI between disabled and non-disabled staff.
40. As this disparity is consistent across Civil Service departments we will work closely with the Equality and Inclusion community to identify initiatives to improve engagement levels. This report recommends that further work is done to investigate and improve the engagement levels of declared disabled employees (**Recommendation 6**)

## **Maternity, Paternity and Adoption leave**

41. Of all CPS 161 employees took maternity/paternity or adoption leave during 2016-17. 79% were female and 21% male; 4% declared disabled, 4% BAME, and 1 (0.62%) LGBT employees. There were no significant patterns in take up in terms of religion/belief. The biggest take up of maternity/paternity/adoption leave was for the age groups 30-39 (67%) and 40-49 (24%).

## **Childcare Voucher Scheme**

42. During the reporting period 792 (13%) employees took advantage of the childcare voucher scheme of which 74% were women, 18% were BAME and 6% were declared disabled, which is broadly representative of the overall workforce. No staff declared LGBT signed up for the childcare scheme.

43. There were no significant patterns in terms of religion / belief and the take up of the childcare scheme. 33% of those using the scheme were aged 35-39, with 40-44 at 26%.

### **Flexible Working Patterns**

44. The overall number of employees working flexible work patterns was 1,796, (30% of the workforce), 1% higher than the last report. Flexible working is higher amongst women than men. Male employees working a flexible working pattern is 10% with 40% of the female workforce working flexible working patterns.

### **Development**

45. The number of training days provided per employee shows that women received 57% of the total available training days, BAME 12%, declared disabled employees 6%, LGBT employees 4% these are less than the overall workforce. It is therefore recommended that further research is undertaken to understand whether there are any barriers for employees in accessing training opportunities and take steps to identify appropriate positive action strategies to ensure employees with protected characteristics get the same access to learning as other employees (**Recommendation 7**).

46. In relation to religion and age there was a distribution of training days which is broadly in line with the overall workforce representation, apart from the 16-24 age group who, being predominantly apprentices, are undertaking a level 2 or 3 qualification as part of that apprenticeship and therefore have higher levels of training and development than the general workforce.

47. In relation to the CPS talent scheme (Leading for Success) the CPS has committed to reviewing the overall make-up and offering positive action places as required. The Civil Service have made a similar commitment on cross Civil Service Schemes, Future Leaders and Senior Leaders. The CPS offered more places on the Positive Action Pathway for BAME, Disabled and LGBT employees in 2016-17 than in previous years and this is set to continue into the future.

### **Disability Special Leave**

48. In relation to paid Disability Special Leave (DSL) it would be reasonable to expect that all those taking this leave would be declared disabled or undeclared. However, 58% (down 2% from 2015-16) of employees being granted DSL are declared non-disabled. This follows the pattern in previous years and following research it appears the reason for this is that some disabled employees are choosing not to update their disability status when they become disabled. We are working with DSN to identify ways to rectify this and Recommendation 8 is to continue this work.

49. There was 475 instances of DSL 366 (77%) were women, 97 (20%) were BAME, 7 (1.5%) were declared LGBTi. There was no unexpected or statistically



significant difference arising from analysis of religion/ belief, or age in relation to DSL.

### **Career Break**

50. During this period there were 63 career breaks of which 56 (89%) were female, 18 (29%) were BAME, 2 (3%) declared disabled and 2 (3%) identified LGBT. There are many reasons for taking a career break, including following maternity leave. 26 (41%) career breaks were age 25-39, with 36 (57%) over 40.

### **Loans**

51. During the period 29 employees went on loan of which 59% were female, 17% were BAME, none were declared disabled, 3% were declared LGBT and 28% had declared a religion or belief. These figures do not indicate a need for immediate action.

### **Performance Management**

52. 17 (0.03%) employees were subject to formal poor performance management during this period. Final outcomes are not provided due to the low numbers. Of the 17 employees - 5 (29%) were female, 5 (29%) were BAME, 1 (6%) was declared disabled, 1 (6%) was age 50-59, there were no declared LGBT.

53. There were 5626 (93%) PDRS completed in the reporting year 2015-16, down six percentage points from the previous reporting year. The numbers are representative of the workforce.

### **Disciplinary**

54. 42 employees (0.7%) were subject to formal disciplinary proceedings during this period. Of those 26 (62%) were women, 12 (29%) were BAME, 7 (17%) were declared disabled, 1 (2%) were declared LGBT. 26 (62%) of the 42 employees had a declared religion, or belief. There is no statistically significant pattern for age and discipline.

55. It appears that BAME and disabled employees continue to be disproportionately affected in this process (although BAME employees subject to formal disciplinary proceedings has reduced 9% since the last report). Due to the very small numbers involved it would be inappropriate to take organisational wide action based on this data alone. However, it is suggested that further research is undertaken to better understand this picture.  
**(Recommendation 9)**

### **Attendance**

56. Average Working Days Lost (AWDL) is the overall measure used to reflect sick absence at an organisational level, in the year 2015/2016 AWDL was 7.4, while the Civil Service average was 7.2%.

57. There were 515 employees (8% of the current workforce) subject to formal attendance procedures last year which was down 2% from the previous report.
58. Of those subject to formal procedures 74% were women (which is unsurprising given their overall higher sickness rates), 17% were BAME employees, 13% were declared disabled and 4% were declared LGBT.
59. Therefore, absence proceedings were broadly representative given the workforce make up and absence rates for all groups, including for religion / belief and age.

### **Disputes (Mediation / Grievance / ET)**

60. There were 27 employees who undertook mediation in the period of which 63% were female, 22% were BAME, 15% were declared disabled and 1 (4%) were declared LGBT.
61. Of those undertaking mediation 52% had declared a religion or belief. For the age groups 16-29 no mediation was undertaken. There does not appear to be any significant disproportion in the use of mediation in the CPS for this year, given the small numbers involved.
62. 24 (0.4%) CPS employees raised a grievance during this one year period and numbers for analysis are therefore very low.
63. Of those 24 employees 11 were female, 3 were BAME, 4 declared disabled, 0 were LGBT and 5 had a declared religion / belief. 6 of the 24 were aged over 40. Given the very small numbers involved it is difficult to draw wider conclusions based on this data alone and it therefore no further analysis is recommended at this stage.
64. Employment Tribunals (ETs) – No information for 2016/17

### **Discrimination, Bullying and Harassment**

65. The Civil Service People Survey 2016 results to the questions E01 “During the past 12 months, have you personally experienced discrimination at work?” and E03 “During the past 12 months, have you personally experienced bullying or harassment at work?” showed an overall CPS response of 12% and 11%. This is a reduction of 1% for each question since the 2015 results.
66. Although results show an improvement it is recognised that the work that has been taking place over the past two years should continue. **(Recommendation 10)**. This work is already underway with a specific task and finish group.

## **Leavers**

67. During the period 408 employees left the CPS of which 23 left under the Voluntary Exit Scheme.
68. Of the total 65% were women, 16% were BAME, 7% were declared disabled and 4% were declared LGBTi – which is broadly in line with the overall workforce.
69. 63% of leavers had declared a religion or belief which is largely in line with the overall workforce representation.
70. The age group with the highest number of leavers was 16-24 (17%) and given that they were mostly at level A (AA/AO) this may be because there is increased opportunity externally for administrative posts and may also account for a small number of Apprentices who were unable to secure a permanent role.

## **Conclusions**

71. The CPS has a strong history of adopting a proactive approach to ensuring a diverse and inclusive workforce and the strong positive picture emerging from this data analysis reflects this. However, the journey towards an inclusive workforce is an incremental one and there is still more that can be done to build on a general picture of strong representation across a range of groups.
72. It should be noted that, while there are actions recommended for specific groups, there does not appear to be a picture of one underlying trend of a particular group having continually different treatment than any other. This is encouraging for the CPS.
73. The recommendations made in this report and summarised below are intended to move the CPS from an already strong foundation to an even more positive future position.

## **Summary of Recommendations**

1. To seek to improve declaration rates in future years to provide an even richer picture in line with the DPP Diversity objective.
2. Develop a CPS attraction strategy which focuses on attracting candidates from different backgrounds and also work with our Inclusion & community Engagement Managers (ICEM's) to consider the most effective way to publish information about our vacancies to the external disabled communities to ensure that this is effectively implemented and monitor its impact.
3. A full analysis will be carried out by Area ICEMs to identify if there are Areas with significant underrepresentation of the BAME community when compared with the local community. This work had already begun in partnership with the CEO, Director of Prosecution, Policy and Inclusion and

HR, a discussion is planned with the Senior Leadership Group in September 2017.

4. CPS to continue to consider the likely impact of its ageing workforce and how employment practices can be adapted to maximise the contribution of older workers. Work has already begun on this with a paper having been discussed by executive group in July 2017.
5. Further research is undertaken to identify any barriers to women Disabled, LGBT and BAME employees moving into Crown Advocate and senior roles.
6. This report recommends that further work is done to investigate and improve the engagement levels of declared disabled employees.
7. Further research to be undertaken to understand whether there are any barriers for employees in accessing training opportunities and take steps to identify appropriate positive action strategies to ensure employees with protected characteristics get the same access to learning as other employees.
8. Continue to work with DSN to rectify disabled employees choosing not to update their disability status when they become disabled
9. Further research is undertaken to better understand why BAME and disabled employees are disproportionately affected by the disciplinary processes.

### **Next Steps**

- These recommendations will be incorporated into the new CPS Diversity & Inclusion strategy 2017-2020.
- The recommendations will be enriched and improved by the on-going external benchmarking activity that the CPS is undertaking on a continuous basis.
- Actions will be taken forward by the HR Strategy and Inclusion team in partnership with the staff networks, trades union and other staff groups.

## About the Crown Prosecution Service

The CPS is responsible for prosecuting most cases heard in the criminal courts in England and Wales. It is led by the Director of Public Prosecutions and acts independently on criminal cases investigated by the police and other agencies. The CPS is responsible for deciding the appropriate charge in more serious or complex cases and provides information, assistance and support to victims and witnesses.

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