



Crown Prosecution Service

Equality and Diversity Strategy 2005 to 2008

Contents

Introduction	page 1
Background	page 1
What we aim to achieve	page 3
Issues we need to address — the main facts and findings	page 5
Challenges and opportunities that we face	page 6
What we should focus on	page 6
Managing risk	page 9
How we will measure success	page 9
Next steps	page 9



1. Introduction

- 1.1 We are modernising as part of a wider reform of the criminal justice system (CJS). We now have an increasingly good record of delivering our services but have further to go to achieve our vision of a world-class prosecuting service. We have a major opportunity to deliver justice for all, and be valued and respected by the communities we serve and by all our employees.
- 1.2 Improving on equality and diversity – and by this we mean treating people fairly, providing equal chances while respecting people’s differences — is an important test of our overall modernisation. It is a central part of involving communities, and how victims, witnesses and defendants are treated. It is also at the heart of attracting and keeping a high-quality workforce that reflects modern Britain.
- 1.3 This strategy sets out a vision for progress on equality and diversity and the high-level actions needed to achieve it. It builds on the “Equality and Diversity Stocktake” we did in September 2004 — our significant achievements so far. It also builds on the new equality and diversity policy which sets out our overall commitments.

2. Background

- 2.1 Our aims support those of the Criminal Justice System (CJS), namely to:
 - reduce crime and the fear of crime;
 - reduce the social and economic costs of crime;
 - provide a fair and efficient service; and
 - promote confidence in the law.
- 2.2 The CJS has challenging targets to meet, which were set out in the public service agreements (PSA) published in July 2004. These targets include:
 - increasing the number of offences brought to justice by 2007-2008; and
 - increasing public confidence in the CJS — including the confidence of black and minority ethnic (BME) communities and increasing the satisfaction with the service that victims and witnesses feel, while respecting the rights of defendants.

We share responsibility for these PSAs with the Home Office and the Department of Constitutional Affairs.

- 2.3 We have agreed a new vision, developed closely and jointly with the Attorney General.

We aim to be a world-class independent prosecuting authority who deliver a valued public service, and:

- drive change in the criminal justice system;
- strengthen the prosecution process to bring offenders to justice;
- promote justice and the rights of victims;
- inspire the confidence of the communities we serve; and
- are well known for fairness, excellent career opportunities and the commitment and skills of all our people.

2.4 We will deliver this vision by drawing on our values of fairness, independence and honesty.

2.5 This strategy sets out action on equality and diversity to help turn our vision into reality.

The background for equality and diversity within the CPS

The “Equality and Diversity Stocktake” highlights our achievements and areas to focus on in the future. Although we came late to this agenda, we have made significant progress. We now have a positive reputation for some important aspects of this work. These achievements are set out in the Equality and Diversity Stocktake. The stocktake also sets out the major areas for improvement.

Areas for improvement identified within the stocktake

- We need to strengthen how we measure and review the effect of our business on equality and diversity. As a result, this is our highest priority.
- We need to move from setting agendas to delivering outcomes.
- We must develop information systems to provide information on the effect of equality and diversity.
- We also need to tackle under-representation at middle and senior levels.
- We also need to tackle any significant differences in employment processes, including the performance appraisal and review system (PAR), disciplinarys and responses to staff surveys.
- We must deal effectively with employee complaints and tribunal cases, review procedures and learn lessons.
- We must get rid of any inappropriate overcharging through the charging scheme.
- We must put policy into practice consistently and report on all hate crime.
- We need to better measure the levels of confidence from different communities.
- We must develop a strategy to get the community involved with practical tools to support this at a local level.
- We must make sure we focus appropriately on the range of equality and diversity issues including faith, disability, lesbian, gay, bisexual, transgender (LGBT) issues and age.

Equality and diversity outside the CPS

2.6 Outside our organisation, the equality and diversity issue is developing rapidly. This involves public services:

- delivering equality and diversity outcomes;
- placing equality and diversity at their heart with enforceable duties on disability, sex and race;
- creating a new Commission on Equality and Human Rights;
- extending anti-discrimination measures to cover religion or belief, sexuality, age and gender reassignment (see below*); and
- recognising the importance of the relationship between equality, people's differences and wider community relations — balancing rights and responsibilities.

2.7 Taken together, both our own background on equality and diversity and developments outside the CPS, there is obviously a need for a significant change in the equality and diversity agenda. We have set out our commitments in our business plan and the partnership performance agreement with the Cabinet Office. This puts in place equality and diversity outcomes by April 2005 which recognises the need to focus on measuring and reviewing progress. We cannot effectively manage what we do not measure and review.

3. What we aim to achieve

3.1 Our vision is to make a significant change in our performance on equality and diversity outcomes by 2008. We aim to build a public prosecution service trusted and valued by all and will do this partly by delivering equality and diversity outcomes which show real success.

3.2 Broad measures of success – across all communities and groups include:

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

* Gender reassignment is where someone chooses to live as a person of the sex opposite to which they were born.

We will set specific measures against these broad outcomes and include them in our performance review system. We will publicise these measures and report on our performance.

Painting a picture of success

3.3 Success on equality and diversity can seem difficult to measure. Here we picture our organisation in July 2009 — recognised as increasingly successful in this area.

A picture of success — 2009

- A candidate from within the organisation is appointed as DPP or Chief Executive.
- A number of staff who started in administrative posts have become Chief Crown Prosecutors.
- We are held in increasingly high regard by all communities (British Crime Survey and HOCS, 2009).
- An increasing number of CPS staff are appointed to the bench and judicial roles — including women and people from black and ethnic-minority backgrounds.
- Staff report high levels of confidence in how complaints are handled (Staff Survey 2009).
- Staff from all groups report high levels of satisfaction, including with our commitment and achievements on equality and diversity (Staff Survey 2009).
- Charging is a considerable success. In terms of equality and diversity, we find that there are no significant differences in charging decisions on the basis of sex or ethnic background and have virtually got rid of all overcharging and inappropriate reduction in charges.
- On prosecutions for hate crime, the gap between the outcomes of prosecuting hate crimes and non-hate crimes has significantly narrowed.
- The new Justice Inspectorate commends our performance in equality and diversity.
- COMPASS continues to build its positive reputation — now recognised as the best CJS IT system for monitoring equal opportunities.
- We have set up victim and witness care units across the country, with victims and witnesses of hate crimes reporting high rates of satisfaction with the service.
- We now have a range of routes to deal with cases of domestic violence cases – including courts which can deal with both the family and criminal aspects of a case and other alternatives.
- We now support a “witness profiling service” across most areas, so witnesses with special needs can give effective evidence.

4. Issues we need to address — the main facts and findings

4.1 Except for information on employment, our performance information on equal opportunities is weak and evidence highlights the action we need to take.

- We need to make further progress to meet some new senior civil service (SCS) targets on staff under representation in senior levels by 2008. Our current representation is 26.1% of women against a target of 37% for SCS overall. For women in top management (SCS 2 and 3) it is 20% against a target of 30%. For people from ethnic minority backgrounds, it is 5.3% against a target of 4% and on disability 8.7% against a target of 3.2%.
- While there are not significant differences in staff satisfaction levels, staff from different backgrounds tend to report lower levels of satisfaction.
- A costly, time-consuming employee complaints procedure has limited staff and management confidence.
- BME communities have lower levels of confidence in us than the white population. 5% of white people expect us to treat them worse than people of other races (Home Office Citizenship Survey, 2001), compared with 9% of Asian people and 25% of black people.
- We reduced charges inappropriately in cases involving a racial issue highlighted in two inspection reports. This was found in 28% of these cases in 2002 and a review found that it had improved but continued in 21% of cases in 2004.
- Overcharging of BME defendants was also highlighted in two inspection reports. We significantly corrected this in 68% of cases (2004) but did not get rid of it.
- Evidence shows that lesbian and gay people have little confidence in criminal justice agencies. Of 2,500 lesbian and gay people who responded to a national survey, 66% had been a victim of a homophobic incident (1999). Only 18% had reported this and 70% were afraid of reporting future incidents. The reasons given were lack of confidence, they thought they would get a negative reaction, fear of being charged with a “gay offence”, fear of being outed, fear of retaliation, and acceptance of violence and abuse.
- Of the domestic violence (DV) cases which reach us, 28% are discontinued, compared to 13% of all cases – and 11% of DV cases result in an acquittal, compared to 6% in all cases.
- Recent inspectorate reports highlight a gap between making policy and putting it into practice for hate crimes, particularly domestic violence and racist and religiously aggravated crime.
- Hate crime prosecutions have a lower rate of successful outcomes compared to non-hate crimes — the gap is estimated to be around 20%.

5. Challenges and opportunities that we face

5.1 We face a number of major challenges in making further progress on equality and diversity. These challenges include:

- building measures of equality and diversity into our performance review system, identifying what outcomes matter most, and
- developing realistic ways of measuring achievement;
- using measurement and performance review to drive future improvements;
- balancing our different priorities;
- preparing for future developments, including new equality duties on disability and sex and a new focus on age; and
- involving faith communities in particular those at risk of alienation.

5.2 There are also a range of opportunities to achieve further progress. These include:

- refining the area and headquarters performance review system — an opportunity to place equality and diversity in mainstream review processes by early 2005;
- developing the COMPASS case-management system, providing the necessary information on equality and diversity; rolling out statutory charging — significant opportunities to get it right first time and do so fairly, getting rid of reductions in charges and overcharging;
- developing a strategy and tools to involve the public which should help raise public confidence;
- rolling out the victim and witness care programme so we can plan for and provide appropriate care to a wide range of groups and improving their satisfaction and confidence in us;
- putting our Advocacy Programme into practice — with a wide range of talented advocates prosecuting on our behalf in higher courts; and
- “Mainstreaming Plus” — opportunities to improve equal opportunities by supporting the wider business using a flexible approach which can operate on limited resources.

6. What we should focus on

6.1 In line with Mainstreaming Plus we should deliver equality and diversity through our business priorities, as set out in the business plan. Our business plan states that we will:

- lead with others change and delivery in the CJS;
- strengthen the prosecution process;
- promote justice and the rights of victims;

- inspire confidence in the communities we serve;
- be well known for fairness, career opportunities and the commitment and skills of all our people; and
- continuously strengthen our ability to deliver.

We will also review the main aspects of our approach to equality and diversity and, throughout, support the PSA targets.

6.2 ***Drive change and delivery in the Criminal Justice System***

We will:

- include, in our performance review system, an approach to equality and diversity which is based on outcomes; and
- make the most of the COMPASS CMS case-management system.

We will identify the priorities from a long list of possible outcomes so that our goals are achievable and essential. We will focus, where possible, on measuring equality and diversity in our mainstream work rather than by introducing many new measures. Effective information systems are critical to success.

6.3 ***Strengthening the prosecution process***

We will:

- work to improve the prosecution of racially and religiously aggravated crimes, homophobic crimes and domestic violence and
- regularly review policies and practices and update them when necessary;
- put in place hate crime policies in other areas including for disability related crimes;
- work with communities to answer for our performance in handling hate crimes;
- work with the police to develop best practice on equality and diversity when our staff work together in the same place;
- monitor, report on and improve on charging decisions; and
- work to include equality and diversity issues in our major projects including developing advocates, and developing the prosecution aspects of the Serious Organised Crime agency.

6.4 ***Promoting justice and the rights of victims***

We will:

- deliver the domestic violence project including by supporting the development of specialist courts, training and managing performance; and
- include equality and diversity in the wider work with victims and witnesses.

6.5 ***Inspire confidence among the communities we serve***

We will:

- develop a strategy to engage and involve communities, setting out the overall approach to involving the community and supported with guidance, tools and pilots. It will have a central focus on raising public confidence including that of the many different communities we serve;
- make sure we have a balanced approach between working with our CJS partners and carrying out our own specific work on this; and
- make sure we develop, communicate and deliver our equality schemes in areas of disability, sex and race while also working across all other areas.

6.6 ***A reputation for fairness, career opportunities and the commitment and skill of all our people***

Working with and supporting with human resources, we will:

- provide guidance on main equality and diversity issues in employment;
- include equality and diversity in our main training programmes;
- develop workforce representation plans;
- develop the prosecutor and management workforce strategies;
- monitor equality and diversity in employment processes; and
- make sure we have effective employee complaints procedures and keep them under review.

6.7 ***Reviewing the equality and diversity agenda***

We will focus on:

- using a “building-block” approach, having reviewed our equality and diversity agenda, produced the stocktake, a new policy and this strategy;
- make sure we take forward work on all areas of equality and diversity including developing work on age, disability, sexuality and faith;
- review our equality and diversity structures such as how we are governed and staffing; and
- develop a series of checklists - guidance for all areas on topics to do with equality and diversity.

7. Managing risk

7.1 There are a number of risks to successfully delivering this strategy. These include:

- any failure to identify equality and diversity outcome measures in our performance review system;
- any failure to set up essential systems to manage information;
- keeping the spotlight on equality and diversity, when the focus shifts from setting the agenda to the daily demands of delivering through our services; and
- significant cases with the media coverage that goes with them and the negative effect this can have on public and staff confidence.

7.2 We have steps in place to manage each risk. Work is underway between the CPS Equality and Diversity Unit (EDU) and the Business Development Directorate (BDD) to include relevant measures into our performance review system, with the support of the Chief Executive and DPP. The second risk is still present, although we are working closely with Business Information Systems (BIS), and information systems for the most important measures should come on-line from March 2005. Various measures keep the spotlight on equality and diversity. These include:

- the constant leadership of the DPP and Chief Executive; and
- the clear steps taken to include equality and diversity into new Board and committee arrangements and the work of our divisions, including EDU. EDU is involved in developing the public response to significant cases, alongside the Communications team, helping to assess and manage the effect on different communities and staff.

8. How we will measure success

8.1 We will use the broad outcome measures set out in paragraph 3b to see how successful this strategy is. We will track progress through the performance review system. Every six months we will report on how we have delivered the priorities in the strategy.

9. Next steps

9.1 We will:

- finalise this strategy and let people within and outside the organisation know about it;
- support the strategy with specific actions in our business plan and relevant service plans as well as specific measures in our performance review system; and
- set up arrangements to report on our progress and do so every six months.

This publication is available, on request, in Braille, large print format, audio CD and community languages. If you require any of these please contact:

**CPS Communications branch
50 Ludgate Hill
London EC4M 7EX**

Telephone: 020 7796 8442

e-mail: publicity.branch@cps.gsi.gov.uk



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