

## COPFS draft Equality Outcomes

### Response from the Scottish Council of Jewish Communities

[Click here](#) to read the consultation paper.

The Scottish Council of Jewish Communities welcomes the opportunity to comment on the Crown Office and Procurator Fiscal Service (COPFS) draft Equality Outcomes, and particularly welcomes the commitment “to embed equality in all aspects of [COPFS] work.”

#### **Information and Training**

We strongly support the provision of equality information and training referred to in Equality Outcomes 1, 3, and 4. Education is of immense value in demystifying the unfamiliar, and promoting the development of good relations between an organisation such as COPFS and the communities it serves. However, it is essential that all information is accurate and appropriate, and we would therefore emphasise that all training materials must be referred to the relevant community for checking. When this does not take place errors may be incorporated, and these may result in an inaccurate, and possibly even a negative, impression of the community concerned. In our experience, this has frequently been the case.

It is also important that training should be comprehensive and continuing, not merely an introduction to equality and diversity issues, but providing wide-ranging information about, as well as opportunities for all staff to meet local communities and communities of interest, to hear first hand about the issues that are of concern to them.

#### **Hate Crime**

We welcome the acknowledgement (Equality Outcome 2) that hate crime impacts not only on individual “victims, witnesses, and their families” but also on “different communities and public confidence”. As ACPOS has stated, “any single hate crime can potentially have multiple victims” because “fear of hate crime escalates dramatically in those who share with an immediate victim, the same group identity that has made a victim a target.”<sup>1</sup> That fear was evident in many of the responses to our Scottish Government funded *Being Jewish in Scotland* project<sup>2</sup>, such as the view expressed by one man who told us that he “wouldn’t wear a *kippah* [skullcap] in the street because I’ve seen what happens to people who do.”

We have, sadly, been in the position of supporting victims of hate crime on a number of occasions, and have been impressed by the level of support that COPFS has provided. Following the conclusion of one case, in which the victim was a Jewish student studying at St Andrews University, the Chair of Scottish University Jewish Chaplaincy stated: “We much appreciate the diligence, impartiality and determination of the Scottish prosecution authorities – both in Fife and nationally – in pursuit of

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<sup>1</sup> Hate Crime Guidance Manual 2010

[http://www.acpos.police.uk/Documents/Policies/ED\\_ACPOS\\_HateCrimeManual\\_Sept2010.pdf](http://www.acpos.police.uk/Documents/Policies/ED_ACPOS_HateCrimeManual_Sept2010.pdf)

<sup>2</sup> [http://www.scojec.org/news/2012/12vii\\_bjis/bjis.html](http://www.scojec.org/news/2012/12vii_bjis/bjis.html)

justice. Their care of and communication with the victim of this crime has been an exemplar of best victim focused practice.”<sup>3</sup>

### **Access to services**

We welcome the commitment to ensure that the “COPFS website has up to date information about facilities available at each Procurator Fiscals’ Office” (Equality Outcome 3). However, this alone is not sufficient to ensure that “People have equal opportunity to avail themselves of COPFS services”, so we hope that COPFS will indeed “Make changes ... where equal access to service issues arise”.

For example, Jewish Law requires that burial should take place as early as possible after death. In the Orthodox Jewish community, this would ideally be before sunset on the day that death occurred. However, delays sometimes occur in cases of unexpected death that are referred to the Procurator Fiscal Service, and this situation is particularly acute when such deaths take place out of hours, such as at the weekend or on a bank holiday. Some Procurator Fiscal offices provide access to the duty Fiscal as a matter of course, and he or she generally does his or her utmost to assist, either enabling the funeral to proceed without delay, or, when this is not possible, ensuring that the case is at the top of the list on the next working day. This is, however, not always the case. Some offices do not provide contact information for the duty Fiscal, and some Fiscals are insensitive to the needs of the bereaved. On one occasion on which there was particular urgency, the death took place in an area in which out-of-hours contact information was not provided, and, at the request of the bereaved, we contacted the local police in an effort to speak to the duty Fiscal. The officer concerned was extremely helpful, and himself telephoned the duty Fiscal, expecting that he or she would agree to speak to us about the case. The duty Fiscal, however, refused, and there followed a series of phonecalls in which we informed the police officer of the issues and urgency, he phoned to relay these to the duty Fiscal, and then called us back, each time regretting that the duty Fiscal would not even hear the facts of the case from him, much less consider whether anything could be done to expedite matters.

We therefore welcome the commitment to “Provide all COPFS staff with mandatory learning and development programmes on equality and diversity issues and set standards of behaviour” (Equality Outcome 4. We urge that instructions for all COPFS staff be brought into line with the best practice offered by many, in order to provide all sectors of the community with a consistent, sensitive, and effective service. We welcome the intention for these standards to be enforceable, and trust that this will be made clear by ensuring that failure to meet the required standards should provide grounds for disciplinary action.

### **Responsibility for Implementation**

We very much welcome the draft Equality Outcomes, and believe that these will assist COPFS to become more inclusive in terms both of employment and service provision. Care should, however, be taken that rightly labeling equality issues as everyone’s business, does not cause them to become nobody’s responsibility, and suggest that the document should be amended to identify the lead body or individual for each action point.

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<sup>3</sup> [http://www.scojec.org/news/2012/12v\\_st\\_andrews/chaplaincy.pdf](http://www.scojec.org/news/2012/12v_st_andrews/chaplaincy.pdf)

## **Monitoring**

Only Equality Outcome 2 includes a specific commitment to regular monitoring. Without this, it is simply not possible to know whether or not the Equality Outcomes are being achieved, and to learn from success or adjust the action points to make up for any deficiency. In order to make the strategy successful, we strongly urge that a requirement to monitor progress should be included for every Equality Outcome.

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Note: The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen, and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges. SCoJeC is Scottish Charitable Incorporated Organisation SC029438, and its aims are to advance public understanding about the Jewish religion, culture and community. It works with others to promote good relations and understanding among community groups and to promote equality, and represents the Jewish community in Scotland to government and other statutory and official bodies on matters affecting the Jewish community.

In preparing this response we have consulted widely among members of the Scottish Jewish community.