

Implementing public sector equality duties

Sharing experience from the Public
Prosecution Service for England and
Wales, Seamus Taylor, Maynooth
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Coverage

- Contribution in context
- Public sector Equality Duties in England and Wales
- Crown Prosecution Service (CPS) as a public body
- What we did in the CPS to implement the public sector equality duties
- Opportunities and challenges
- What was achieved
- Concluding points

Contribution in context

- Contribution based on experience as :
- Lead official on roll out of the public sector race equality duty for the Commission for Racial Equality in Britain in early 2000's
- Then lead official on implementation of public sector equality duties for the Crown Prosecution Service
- Now academic teaching on topic ,Maynooth
- Poacher turned gamekeeper , turned academic
- 'Pracademic '– research and teaching influenced by practice

Equality Duties in England and Wales

- Iterative development of equality duties
- Started with race 2002, then gender and disability duties mid 2000's
- Extended to single equality duty 2010
- Duties varied slightly, sometimes significantly
- In summary had General Duty on public bodies to eliminate discrimination , promote equal opportunities and promote good relations

Equality duties in England and Wales

- General Duty to be achieved through:
- 1. Identifying key equality issues related to their functions
- 2. engaging with those affected by their work and at risk of inequality, establishing priorities
- 3. Publishing equality objectives, actions in an Equality Scheme
- 4. considering, addressing impact of the public body's strategic decisions, policies on equality
- 5. monitoring equality impact of key agreed policies
- 6. reporting publicly and regularly on progress

Equality duties in England and Wales

- more varied legal provisions than Ireland
- Some additional positive provisions – involvement and enforcement
- Great opportunity now in Ireland afforded by single equality and human rights duty and potential offered by recently merged IHREC

The Crown Prosecution Service for England and Wales

- Public prosecution service for England & Wales
- Prosecutes approx 1.5 million cases in criminal cases annually. Headed by DPP.
- 8,000 staff approx across 42 area offices
- Key organisation - deciding who is charged based on evidence and public interest tests
- Impartial decisions – constitutional for CPS
- Established 1986 as independent public prosecution service – difficult birth
- Chequered history on equality and community engagement

The Crown Prosecution Service for England and Wales

- Need for independence, impartial decisions got confused in organisation with keeping distance from public
- Early culture – ill at ease with community engagement
- Had equality policy but ‘equality blind’ approach
- Position became unsustainable
- Minority communities expressed concerns – was lawyers decision making potentially biased ?
- Minority staff expressed concerns about appointments
- Women's sector express concerns re : handling of violence against women cases
- Threat of formal investigation
- CPS took action; set up Inquiry; began to set equality agenda

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- CPS leadership used arrival of public duties in early 2000's as opportunity to establish a strategic approach to deliver improvements on equality performance. Pursued a ten step approach :
 - (1).Started with equality stocktake-evidence, gaps
 - (2).CPS Board away days to consider and agree
 - (3).Consulted extensively with diverse communities – strand specific and cross strand
 - (4).Agreed to put in place 4 year Equality Scheme/Plan with common and strand specific actions
 - (5).Established Community Accountability Forum to oversee implementation, ensure accountability

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- Early consensus –improving performance on each equality strand in mainstream of prosecution business was highest priority
- (6).Identified following areas of prosecution business and functions as highest priority for improved outcomes;
- - racist and religious crimes
- -homophobic crimes
- -violence against women crimes
- -monitoring of lawyers charging decisions for bias
- -workforce representation and experiences
- -community engagement with diverse communities

And also to set agendas on

- -prosecution of crimes against older people
- -prosecution of crimes against disabled people

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- CPS operates strategic Performance Review system focussed on Area Offices. Overseen by DPP
- Strategic Performance Review comprises 15 top performance indicators monitored quarterly across 42 areas. Also provides for themed reviews
- (7).Made a case for including equalities indicators in the Performance Review system as best means of mainstreaming equality in line with public duties
- (8)Secured inclusion of number of equality related indicators in top 15 indicators from early 2005 namely:
 - -reducing unsuccessful outcomes in racist, religious crimes
 - -reducing unsuccessful outcomes in homophobic crimes
 - -reducing unsuccessful outcomes in VAW crimes
 - -community engagement measure
 - -workforce representation and experiences themed review

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- (9).Areas rated every quarter on performance on these measures. Areas account for equality performance at quarterly meetings with DPP
- (10).Sustained focus over 8 year period enabled improvements in hate crime outcomes, Violence against women cases ,workforce representation and Community engagement –see what was achieved

What was achieved?

- Sustained focus enabled improvements in :
 - -hate crime outcomes (15% plus)
 - -violence against women cases (15% plus)
 - -workforce representation (35% of Chief Prosecutors of minority ethnic origin, majority women)
- Sustained focus enabled agendas to be set and progressed with varied progress on :
 - -transphobic crime
 - -disablist crime
 - -crimes against older people
- Sustained focus enabled development of innovative community scrutiny of hate crime case files and case handling by community members ;more inclusive policy making
- A public body previously in the shadows has emerged as a more respected, engaged ,trusted and confident public institution

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- Beneath each outcome area lies extensive work programmes to drive improvements . Includes :
- -training
- -Establishing recording , monitoring, reporting systems
- -leadership prioritisation of equality sustained overtime
- -award and recognition schemes
- -programme of community engagement put in place. Deepening of community engagement to focus on community scrutiny of performance on hates crimes and VAW crimes
- -adopting community informed policy making as the norm
- Externally progress checked through:
- -CRE assessments
- -independent criminal justice inspectorate inspections
- Cabinet Office, Capability Reviews and workforce initiatives

Opportunities Challenges encountered

- Some challenges encountered:
 - - mantra of independence and equality blind approach in early years
 - -lack of ease with community engagement
 - -'it's not mainstream business –not volume crime'
 - -lack of confidence and competence on agenda. Fear of issues
- Opportunities:
 - -public duty very helpful lever for prioritising equality
 - -opened up and modernised the organisation
 - -gave for better policy making
 - -increased community and staff confidence
 - -congruent with wider public service reform agenda

Concluding points

- Reflecting on experience identifies ingredients for progress:
- Clear vision , values and policy
- Sustained leadership
- Adopt strategic approach –focus on few areas
- Community engagement is key . Allow for healthy tension.
- Integrate explicitly in organisational planning and performance review
- Training and continuous learning approach
- Work collaboratively with Equality Commission
- Pursue outcomes approach . Avoid process preoccupation. Explicit targets.
- clear public accountability mechanism for reporting progress
- Commend success; support progress; challenge wilful neglect
- Stay the journey. In apparent dullness of daily delivery will get from fair to good and on to great

Concluding points

- Public sector equality duty – valuable lever in mainstreaming of equality
- Congruent with public sector reform .Gives for more rounded reform
- Keep eyes on prize – more equal society through more equal outcomes
- Outcomes, outcomes, outcomes . Otherwise risk formal rather than substantive equality
- Ultimately one lever to help build a more equal Ireland