

Robert Martin
DOB – [REDACTED] 1965

Roles and responsibilities

1. Please explain your current role in COPFS, including a summary of your responsibilities.

My current role is Senior Organisational Development Manager, my role profile is to lead digital training and L&D Adviser teams, we design digital learning content such as eLearning and likewise design and deliver face to face learning for Leadership and Management. I am responsible for line management of 5 staff and the assessment of performance and attainment of work objectives, project management and reporting of key data relating to these L&D opportunities within COPFS.

2. Please explain your role(s) in any COPFS Steering Groups, including a summary of your responsibilities.

I am currently a member of the COPFS Equality Board (EB) my responsibilities are to convey information on L&D in both direction to the EB and to the L&D department (the Scottish Prosecution College – SPC) and to give general advice on L&D to the EB. I have also supplied evidence to external awarding bodies such as ENEI (the Employers Network for Equality and Inclusion) which helped COPFS attain a gold award for our approach to equality and Inclusion, my part in this was to supply evidence around E&I training.

3. Please explain your role in COPFS in May 2015.

In 2015 (May) I was an L&D Adviser, I designed internal courses for Leadership, Management and other topics such as coaching, mentoring and other management or leadership learning. I also facilitated training courses and would also have delivered the equalities learning in the SPC alongside other colleagues.

Equality and diversity training in 2015

4. With reference to the undernoted list of training materials provided, what equality, diversity and inclusion (EDI) training relating to race was provided at COPFS throughout 2015?

In 2015 the main EDI training offered by COPFS to employees was Valuing Difference Raising Awareness (VDRA) which ran until approximately May 2015, it was then replaced by Valuing and Managing Difference (VMD) May 2015 onwards. Both of these included elements of learning relating to race.

5. With reference to the undernoted list of training materials provided, what EDI training relating to race was provided at COPFS from 2016 to 2018?

Valuing and Managing Difference (VMD) would have been the main EDI learning offered to COPFS employees between 2016-2018.

6. Which grades and roles within COPFS was EDI training relating to race made available for? What was the reasoning behind this?

The training was intended for all COPFS employees (not grade or role specific) and was mostly accessed by new employees at the point of entry into COPFS during the induction phase covered by a probationary period of 9 months.

7. Was EDI training relating to race available for the Lord Advocate? Do you recall delivering any EDI training relating to race to any Lord Advocate?

- The Lord Advocate could choose to attend the EDI training, however as an LA is not actually an employee of COPFS this would have been down to choice or perhaps through the Scottish Parliament or any other bodies they may be a member or part of they may have gained equivalent learning from other sources.
- No LA attended the COPFS EDI training during the period of time being examined. If a LA attended this would have been supported by their office and everyone involved would have been briefed on the visit.

8. How was EDI training relating to race delivered?

Up until the COVID-19 pandemic and subsequent lockdowns, travel restrictions etc, EDI was delivered in a classroom setting by two trainers.

9. How was EDI training relating to race assessed?

The EDI training was assessed by opening with aims and learning objectives, closed by reviewing learning objectives and had on-going in session feedback and review mechanisms which trainers routinely do in all forms of training. Also, group exercises would be reviewed and commented on in feedback sessions and any mis-understandings or incorrect assumptions addressed by the trainer. Course feedback would also be sought after the training.

10. Were any external organisations or speakers involved in preparing training materials and/or delivering training relating to race?

Yes versions of EDI training were sourced from external suppliers.

VDRA – Was sourced from a company called Elisha Training and VMD was supplied by Skills for Justice.

Prior to May 2015 EDI training was supported by subject matter experts delivering sessions on their protected characteristics usually on day two of the VDRA course, post May 2015 DVD replaced the in-person speakers in favour

of EDI video of scenario-based training which was used to review and comment on by learners.

11. Aside from Jermaine Lee, which is covered specifically in questions below, were any other examples of case studies used in relation to race issues in training from 2015-2018?

Yes within the training race was covered generally under the design of each topic so that the principles of EDI could cover any protected characteristic, however race was covered in a race awareness quiz and people of different race were included in case studies and videos so were visible within the learning support materials.

Valuing Diversity: Raising Awareness

12. What input did you have on what training materials were associated with the “Valuing Diversity: Raising Awareness” course? Insofar as you had input, what was the rationale for including each of the sections in the training materials relating to race?

Yes, stereotyping was boosted by a visual exercise using photographs to explain how stereotyping can be based on what can be seen without knowing. The rationale was to emphasise that stereotyping based on race, disability or age etc only on what can be seen is misleading and incorrect. The answers to this quiz emphasised the point.

13. In the “Valuing Diversity Training Guide” (COPFS-05932) at page 8 it refers to the students seeing or hearing words or expressions that they might object to and requesting that they raise any objections at the time rather than letting it linger and spoil their learning experience. Do you recall any objections being made by any students? Please explain what was objected to and how it was dealt with.

No in the times I delivered this training the “trigger” warning sufficed and further comments on the use of inappropriate or offensive words being in context of 1970’s America (in the case of using the Jane Elliot video) and that these would not be tolerated in today’s society or workplace. I don’t actually recall any objections, in a what if...scenario the person would be allowed to leave to room, but as I don’t ever recall this happening, I can only suggest this.

14. In the “Valuing Diversity Training Guide” (COPFS-05932) at page 8 it refers a contract. Please explain this contract and how it facilitates discussion and reflection on matters of race.

A “contract” at the beginning of any training course would typically cover behaviours of the participants and would be directed generally and where the subject matter may be such that opinions are welcomed, however these have to be professional and respectful in nature.

15. In “Valuing Diversity: Raising Awareness” (COPFS-05770) at slide 8, what training was intended to be delivered in relation to “Ethnocentrism”?

This would be covering the concept that from the viewpoint of people of different cultures and would illustrate that other cultures and one’s own culture should not be a benchmark from which to judge others.

16. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 11 and the “Jermaine Lee Handout” (COPFS-05778), what training was intended to be delivered in this case study?

The Jermaine Lee case study was intended to convey the consequences of bullying and harassment and its effect on individuals who are victim to this. It also served to illustrate the responses to dominance slide (slide 7) and supporting dialogue.

17. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 16, what training was intended to be delivered in the “Dealing with Difference Exercise”?

In relation to the case studies the scenarios were intended to give participants a safe environment in which to consider and receive feedback from peers and facilitators on how they could deal with typical COPFS examples where they may encounter situations where they could put EDI training into practice.

18. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 16, what training was intended to be delivered in relation to “Handout 2 – Stereotyping”? To what extent was this training delivered with reference to the work of Procurator Fiscal Depute? What stereotypes were discussed in this training?

The approach did not concentrate on any one profession, it was a general intention that all learners could translate the learning into their individual roles in COPFS. Handout 2 is a summary of the session and a written statement of the general points raised in discussion or by means of completing the “Who am I? exercise. Also stated in response 12 above.

19. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 19, what training was intended to be delivered in relation to “Handout 2 – Stereotyping”? To what extent was this training delivered with reference to the work of Procurator Fiscal Depute? What stereotypes were discussed in this training?

The intention of page 19 was to give the consequences of the actions illustrated and the impact on an organisation.

With reference to stereotypes these were illustrated as age, race, disability etc, however only looking at pictures and making assumptions or stereotypical judgments of people by what is seen and not know, this was the main discussion points arising from the photographs used.

20. In the “Raising Awareness Delegate Workbook” (COPFS-05774) at page 20 under “Handout 3 – Allport’s Ladder of Prejudice”, the following is stated in relation to “Antilocution”: *“It is commonly seen as harmless by the majority. Antilocution itself may not be harmful, but it sets the stage for more severe outlets for prejudice.”* Please explain this specific aspect of the training further. To what extent was this training delivered with reference to the work of a Procurator Fiscal Depute?

As much of the training is very general in nature the mixed group of staff which often included Procurator Fiscal Deputes, Legal Trainees etc led to discussion from which PFD’s could (and often did) illustrate points or add to discussion by drawing on personal lived experiences and how they had managed these situations and reflection on what they could have done better.

Valuing and Managing Difference

21. What was your role, if any, in the decision to change the course in relation to EDI training? Insofar as you were aware, what was the basis for changing the course?

The decision to change VMD (2018-2019) was not mine to make, this was instructed by one of the senior business managers, [REDACTED]. My colleague at the time [REDACTED] was charged with drawing the materials together into a one day rather than two-day course. I can only assume that the change was made to reduce the amount of time out of the office, however it should also be noted that this time was also the launch of many of the equality networks and an increase in the amount of communications and events hosted by what we call “Equality Ambassadors” so the corporate duty under the Equality Act could be met, however it could also be enhanced by this additional learning offered through these equality networks and ambassador groups, typically this type of approach is deemed to be “blended learning”

22. What input did you have on the training materials associated with the “Valuing and Managing Difference” course? Insofar as you had input, what was the rationale for including each of the sections in the training materials relating to race?

The VMD training 2 day version (2015-18) was a Skills for Justice product, I nor (COPFS) had input to its design. I know that it was devised by Skills for Justice in association with other Justice Sector partners across the UK, however COPFS had no input to its design.

As per Q. 21 the decision to move away from the Skills for Justice 2 day EDI was taken at SMT level. My colleague [REDACTED] who adjusted the course to be delivered in one day, he kept some parts of the 2 day course and in consultation with [REDACTED] (COPFS Senior Business Manager) they

settled on the content designed by [REDACTED] who's rational would not be know to me.

23. In the "Valuing and Managing Difference" trainer guide (COPFS-05788) at pages 12 and 13 under "*Equality v Diversity*", the following is stated:

Ask:

- *What are some of the myths around Equality & Diversity?*

Example Answers:

- *Equality is about treating everyone the same*
- *Diversity means doing everything that suits everyone's needs/beliefs/religion etc*

Please explain this aspect of the introduction further. What was the trainer to explain in response to these example answers?

The emphasis in the exercise was to explain the difference between the terms, and in context to the whole course treating people equally as per the equality Act 2010, where as the diversity emphasis is about understanding, embracing and appreciating diversity (in the workplace) and the value it brings to an organisation (such as COPFS).

24. In the "Valuing and Managing Difference" trainer guide (COPFS-05788) at pages 50 and 51 and "Handout - Jermaine Lee" (COPFS-05796), what training was intended to be delivered in this case study?

As per Q.16 above, the case study was intended to illustrate the consequences of bullying and harassment on individuals. In Jermaine Lee's case study this was linked to responses to dominance

25. In the "Valuing and Managing Difference" trainer guide (COPFS-05788) at pages 59 to 78, what training was intended to be delivered? To what extent was this training delivered with reference to the work of Procurator Fiscal Depute?

The session is about how people can respond to dominance in the workplace and the intention is to equip employees to follow guidelines, policies and procedures when confronting or dealing with unfair treatment. In this case each of the case studies shows examples of different situations and these cover some of the protected characteristics. It also has more of a general "in the workplace" approach to bullying and harassment and this focus is more internal than externally focused.

However, in discussions an external focus on victims and accused would be brought into the concept of responses to dominant behaviour, some of these parallels have been drawn by many differently categories of employee including some who may have been PFD's.

“I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry’s website.”

Signed – Robert Martin



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