



Scottish Prison Service Equality Outcomes 2017-2020

Copies of this report in alternative formats and community languages will be made available on request.

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Foreword

I am pleased to present the second set of Equality Outcomes Scottish Prison Service (SPS) has developed under the public sector equality duties. This set builds on the solid foundations of our first set of equality outcomes, and challenges our organisation to go further in terms of understanding and meeting the needs of an increasingly diverse landscape of colleagues, prisoners and external partners, all of whom are critical to the delivery of our work.

These equality outcomes will embed our refreshed commitment, vision and principles under equality diversity and human rights which are fundamental to the way we work. As we deliver on the specific areas of work detailed in this report, we will continue to embed equality considerations across all areas of our organisation. I look forward to the positive changes for everyone who comes into contact with SPS that will be brought about by delivering these equality outcomes.

COLIN McCONNELL

Chief Executive, Scottish Prison Service

Introduction

This report sets out how we have met our obligations to develop a set of equality outcomes under the Scottish specific duty¹. In doing so, we have taken into account various reports by the Equality & Human Rights Commission such as their non-statutory guidance on the public sector equality duty, their “Measuring Up?” series of reports and their toolkit on developing outcomes.

Our new outcomes reflect the areas of equality that require the greatest focus from SPS, set against our commitments and obligations under the Justice Strategy and the National Performance Framework, along with other requirements placed on us as a public sector employer and service deliverer. The equality outcomes are designed to support SPS’s strategic themes and outcomes for the next 3 years and progress will be monitored via our internal corporate planning processes.

¹ The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 require each listed authority to publish a set of equality outcomes which it considers will enable the authority to better perform the general equality duty. It must publish a fresh set of equality outcomes within four years of publishing its previous set.

SPS Mission, Vision and Values

Our Vision

The Scottish Prison Service (SPS) has a Vision of:

Helping to build a safer Scotland – Unlocking Potential – Transforming Lives.

Our Mission

The Mission of SPS is:

Providing services that help to transform the lives of people in our care so they can fulfil their potential and become responsible citizens.

In delivering our Vision and Mission, our Operating Task is:

Helping to protect the public and reduce reoffending through the delivery of safe and secure custodial services that empower offenders to take responsibility and to fulfil their potential.

We deliver this through:

- Custody** Managing safe and secure custodial environments;
- Order** Providing stability and order that helps offenders to transform their lives;
- Care** Supporting wellbeing and treating with respect and humanity all in our care; and
- Opportunity** Providing opportunities which develop the potential of our staff, our partnerships and the people in our care.

Our Values are:

- Belief** We believe that people can change.
- Respect** We have proper regard for individuals, their needs and their human rights.
- Integrity** We apply high ethical, moral and professional standards.
- Openness** We work with others to achieve the best outcomes.
- Courage** We have the courage to care regardless of circumstances.
- Humility** We cannot do this on our own, we recognise we can learn from others.

SPS Equality, Diversity and Human Rights Statement

In 2016 we took the opportunity to refresh our approach to equality and human rights and we did so in partnership with the Trade Union Side and in consultation with our staff equality networks. Our new commitment, vision and principles are set out below.

Our Commitment

The Scottish Prison Service (SPS) is committed to ensuring our people, and everyone we work with is treated fairly, with dignity, and with respect for their human rights. This is regardless of their: sex; gender identity; marital and civil partnership status; pregnancy and maternity; race (including ethnic or national origin, nationality or colour); disability; sexual orientation; age; religion or belief; and regardless of any other personal characteristic, such as: social background, working pattern, trade union activity or political opinion.

SPS is committed to fulfilling and, where possible, going beyond our obligations as both an employer and as a public sector service provider under the relevant Equality and Human Rights legislation. SPS also seeks to respect, protect, and fulfil the full range of international human rights obligations, such as the UN Convention on the Rights of Persons with Disabilities and the International Covenant on Economic, Social and Cultural Rights.

Our Vision

SPS will embrace diversity and actively promote human rights in all aspects and areas of our work. SPS will promote fairness by ensuring everyone we engage with is treated with respect and dignity, and promote a culture where everyone in our care, our employees, our partner agencies and the public feel they are treated fairly, equally and according to their needs.

Our Principles

SPS will:

- Recognise that a variety of backgrounds, styles, perspectives and abilities are an asset to our organisation, and therefore build a diverse and inclusive workforce that reflects this.
- Foster a workplace where our diverse working population has equal access to all employment opportunities.
- Develop meaningful and collaborative relationships with diverse community organisations.
- Use robust equality analysis to drive continuous improvement.
- Understand and place the needs and rights of those in our care at the centre of our policies and practices; and empower those in our care to shape decisions which affect them.
- Be sensitive to issues of discrimination, harassment and victimisation across the organisation and take steps to rectify problems and provide satisfactory remedies.
- Ensure our methods of communication are inclusive and accessible.

The SPS statement for the safety and wellbeing of staff states:

“At all times staff working within the Scottish Prison Service have the right to work without fear of intimidation or assault. Harassment against any employee for any reason (including on the grounds of sex, age, disability, gender reassignment, sexual orientation, religion or belief and race) is unlawful and will not be tolerated. Any acts of physical abuse against any staff or discriminatory verbal abuse will be recorded and reported to the police.

“You do not expect to go to work and be physically or verbally abused...Neither do we”.

This reinforces the approach reflected in our mission statement above.

The Public Sector Equality Duty and Equality Outcomes

The Public Sector Equality Duty, also known as the general equality duty, requires the SPS, in the exercise of our functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

The Public Sector Equality Duty covers the following protected characteristics: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. The Public Sector Equality Duty also covers marriage and civil partnerships, with regard to eliminating unlawful discrimination in employment. These functions include those concerned with service provision and with employment.

There are eight Scottish Specific Duties which apply to the SPS, one of which is the duty to publish equality outcomes and report progress. In April 2013 we published our first set of Equality Outcomes which would enable us to improve performance in relation to the general equality duty, and in 2015 we published our progress report against these outcomes. These can be accessed on the SPS website.

Developing Equality Outcomes

Approach

We developed our Equality Outcomes based on evidence collated from a range of data sources including prisoner records, performance indicators, staff records, surveys, inspections, audits and national and regional statistics. This included key messages from previous reports published by Her Majesty's Inspectorate Prisons and Audit Scotland, Scottish Government Statistical Bulletins and various external reports.

They align with, and contribute to, the work of the wider Scottish Government Equality Outcomes; the National Performance Framework and specifically the National Outcomes 'We have tackled the significant inequalities in Scottish society'; and the Justice Strategy for Scotland.

Our new Equality Outcomes also support the delivery of key objectives defined in the Programme for Government 2016 and long-term outcomes articulated in the Fairer Scotland Action Plan 2016-2030. These include, broadly:

- The strategy for youth justice
- The strategy for women in custody
- Tackling violence against women and girls
- Taking action on workplace and occupational segregation and other issues in relation to gender equality
- Embedding human rights across public services
- Developing a justice system that is accessible in all forms to all citizens by fulfilling the Disability Delivery Plan 2016-2020
- Tackling hate crime, intolerance and prejudice and promoting community cohesion
- Fairer working lives, including support for flexible working and ending workplace discrimination
- Reviewing and reforming gender recognition law
- A mental health strategy
- Reducing youth unemployment

Our equality outcomes also seek to anticipate the aims and objectives of the National Plan under the British Sign Language (Scotland) Act 2015. Although this Plan will not be published until autumn 2017, our Equality Outcomes are flexible enough to be able to incorporate any new action that we will need to take.

We have also aligned our Equality Outcomes to our Corporate Planning priorities and processes, which will ensure that equality and human rights are embedded at the heart of all our business planning and support each of the SPS' strategic priorities of Professionalism, Partnership, Purpose and Governance.

Aligning our equality outcomes to our corporate planning will also mainstream outcomes progress reporting across our established corporate reporting processes and ensure that equality and human rights receive the focus they require from all business areas.

Involvement

In accordance with best practice recommendations from the Equality & Human Rights Commission, we conducted a number of exercises to ensure that those who would be affected by our equality outcomes, or who have interest or expertise in the area, could actively participate in shaping them. We held workshops with staff across our directorates and specific engagement with our staff networks; we held focus groups with 80 prisoners in 6 establishments; and we conducted surveys across staff, visitors and external organisations who work with us, including (but not limited to) the Scottish Human Rights Commission, Skills Development Scotland, Stonewall, Scottish Trans Alliance, the Robertson Trust, The Wise Group, NHS, CEMVO Scotland, Turning Point Scotland, BEMIS, Access to Industry, Apex Scotland, Sense Scotland, Scottish Council on Deafness, various faith groups and religious organisations and local councils along with many others.

Stakeholders told us that:

- Meeting the needs of, and enabling access to opportunities for an ageing prisoner population and disabled prisoners is a key challenge going forward.
- We still have work to do to ensure everyone understands and advance our equality and diversity policies, a previous equality outcome, and this should be continued.

- We need to build capacity of staff and managers in relation to reasonable adjustments and disability equality.
- We have made more progress in the previous outcome relating to prisoners (Outcome 1), than the outcome relating to staff (Outcome 5). Key protected characteristics to focus on for employees include disability, age (older staff), sex and gender reassignment.
- We need to improve communications particularly for prisoners whose first or preferred language is not English (whether it is another language or British Sign Language). There is room for improvement in increasing prisoners' understanding of equality and diversity.
- Prisoners are unlikely to make E&D or hate-related complaints because of the stigma of being labelled a 'grass' or a perception that it would not make such difference. A confidential or 'safe' reporting process, with single points of contact, could improve the situation.
- Disabled people, women who have just had babies or are breastfeeding, people with young children and people from disadvantaged backgrounds or who experience poverty are the most likely to face barriers when visiting SPS establishments.

Measuring Success

Being able to measure our progress against these equality outcomes has been key in their development. Against each outcome we have provided success indicators which will give us a clear idea of the progress we are making in delivering against our equality outcomes. The outcomes have been drafted in a way which is intentionally high-level and we will define the specific action we will take through our corporate business planning processes.

Delivering our new Equality Outcomes is explicitly identified in our Corporate Plan 2017-2020 as an action we will take under the Strategic theme 'Governance'. This will ensure it is reflected in all corporate planning and we will monitor Directorate and business areas' progress via the quarterly and annual corporate reporting processes. These reports are submitted to the SPS Executive Management Group and also to the SPS Equality & Diversity Steering Group for scrutiny.

Our Equality Outcomes

On the basis of internal and external evidence, national priorities for equality and justice and stakeholder engagement, we have developed the following equality outcomes.

1. Equality Outcome: Our workforce across all business areas and levels reflects the diversity of wider Scottish society.

There is a wealth of research which shows a correlation between increased diversity in the workplace and improved decision-making. We recognise the benefits of employing individuals from a range of backgrounds, as this creates a workforce where creativity and valuing difference in others thrives. SPS values the wealth of experience within the communities in which we operate and aspire to have a workforce that reflects this. Additionally, we have the responsibility to ensure that public sector employers are accessible to all people across society, regardless of protected characteristic.

Employee information in our Mainstreaming report shows that our workforce is not yet representative of the society we serve although we have made significant improvements in terms of gender in particular. People from ethnic minority groups are underrepresented overall. Although the proportion of applications for recruitment we receive from ethnic minority groups is reasonably representative, our evidence shows that they are not proportionately represented at offer stage. We also identified a lack of applications from Buddhist, Hindu, Jewish or Sikh candidates coupled with low success rates for Muslim candidates.

Women represent 29% of our workforce overall. Data shows that we are attracting and recruiting a high percentage of women applicants and this has resulted in increases in the proportion of women across our workforce. In 2016 more than half of offers made (both internal and external recruitment) went to women and, perhaps unusually compared with other organisations, overall women are more highly represented in senior grades in particular H band and at SCS level where they represent around half of employees. That said on the non-operational side of our business, women are highly represented at the most junior bands (Band B = 57.25%,

Band C = 56.57%), somewhat beyond the overall female average of 29% across the SPS as a whole.

On the operational side women represent less than the overall gender split, particularly at operational band D (18.5%), E (15%), F (22.5%) and G (22%). It is an operational reality that we require a greater proportion of male operational staff to deliver our service due to legal requirements such as same-sex searching. Given that there is a significantly higher number of men in custody than women (95.5% male, 4.5% female) it is reasonable to expect there to be a higher proportion of male Operational employees. However, we acknowledge that the ratio of male to female Operational staff is higher than is necessary (under occupational requirements) to deliver our Operational functions. We can build on the progress we have made over the last few years and take positive action measures to increase the representation of women at key operational bands.

Disabled employees account for 8% of our workforce overall, and over the last 3 years have accounted for around 3% of applications for vacancies and successful offers. Both proportions are well below the wider rate of 23% of adults in Scotland who had a long term limiting health condition or disability. Again, operational realities mean that a majority of our employees will need to demonstrate competence in Control and restraint Training and Personal Protection Training, and these will necessarily preclude certain disabilities or health conditions. However, there is likely to be more that we can do to ensure that our employment is accessible to disabled people. This would Scottish Government's Disability Delivery Plan which aims for disabled people to be visible in employment and for employers to have a greater understanding and a positive attitude amongst employers towards disabled people. It also aims to halve the disability employment gap.

The Equality & Human Rights Commission's report 'Is Britain Fairer?' identifies the need to increase the employment rate of disabled people and that unemployment rates are significantly higher for ethnic minorities, particularly Muslims, Pakistani and Bangladeshi women. These patterns are reflected in our workforce.

Equality Outcome 1: Our workforce across all business areas and levels reflects the diversity of wider Scottish society.

Strategic Theme: Professionalism.

Strategic Outcome: Unlocking Potential: We have the right people, with the right skills, in the right place at the right time.

Relevant protected characteristics: Gender, disability, sexual orientation, race, religion or belief, age.

Relevant General Equality Duty need: Advance equality of opportunity between people who share a protected characteristic and those who do not.

We will ensure the SPS Workforce Plan fully considers equality factors to support the delivery of Equality Outcome 1, including appropriate positive action approaches in our attraction strategies and to tackle occupational segregation. As part of the introduction of values-based recruitment we will include those associated with valuing diversity and introduce Equality and Diversity criteria as essential for our senior vacancies and test this during selection.

We need to ensure that our recruitment processes do not pose any unintentional barriers and we will review them to understand why certain equality groups have a lower rate of success.

We are committed to disability equality and will consolidate our Disability Confident Level 1 and work towards Level 2.

Success Indicators: Increased diversity of our workforce and reducing occupational segregation.

2. Equality Outcome: Our flexible working practices enable staff to achieve a good work life balance and also to progress their career.

In 2014 we conducted a Career Progression Survey of all employees which revealed that just one third of staff say they can take advantage of flexible working, 4 in 10 said they could not and one third did not know whether or not they could. Positively, 90% of those who said they could take advantage of flexible working confirmed that their arrangements met their needs. However, there was a perception amongst many respondents that Management did not genuinely support flexible working because it is seen as 'too difficult' to accommodate. The survey results appeared to show that flexible working was more prevalent amongst women and in non-operational areas and raised potential concerns around equality of access of men to flexible working alternatives, particularly in operational business areas. This was also noted in feedback from staff/external organisations respondents to the equality outcomes survey, commenting that childcare requests by men were not granted at the same rate as those by women, that employees returning to work experienced an inflexible management position on changing work schedules and that our policies should take greater account of the needs of fathers.

We do not yet report detailed data on the variety of flexible working arrangements employees will have in SPS – in part because certain locations, such as Headquarters and the SPS College, operate 'flexi time' as a default position and there is no need to indicate this on the employees' record. We do have clear data on *part-time* working which shows that there has been a 2% increase since January 2015, with over 9% of our employees now working part-time. The patterns of SPS part-time workers do not mirror wider societal figures which see five times more women were part-time employees compared with men². In SPS more men work part-time than women, and whilst part-time working is more prevalent amongst our female workforce than our male workforce there is not as great a disparity between the two groups as across Scottish society as a whole.

² Scotland's census 2011

That said, we acknowledge some key features of our part-time working: firstly, that it is not common in senior Bands G, H and I, and even less so on the operational side of our business at these levels; and secondly that the vast majority of men who work part-time are over 55 years old (and we know that semi-retirement accounts for much of this), whereas just over half of part-time women are aged 25-44 years. This means that on the whole, part-time men and women have very different experiences and drivers for working part-time.

The results of our Employee Survey 2015 showed that disabled people and men felt less positive than the overall average when asked whether they achieved a good work-life balance and if their manager is considerate of their life outside work. Part-time men were consistently more positive than full-time men and part-time women, while part-time women were consistently less positive than full-time women.

Our engagement with external organisations in 2014/2015³ identified increased availability and promotion of flexible working as a factor in overcoming the underrepresentation of disabled people and women, but it also identified the challenge of possible resentment towards those who are granted flexible working and the need to monitor flexible working applications to identify any gender bias and to implement awareness-raising measure for managers and staff in the benefits of flexible working for both men and women and of having a diverse workforce.

SPS has a relatively small turnover and 55% of our workforce is aged 45 years and over. The increase in elder care responsibilities is a feature of our society and we can expect that more employees will be taking on caring responsibilities for older relatives. This, coupled with the increase we are already seeing within our workforce means that we will need to think creatively about how we can accommodate future requests for flexible working, and strategically about the 'critical mass' of non-standard working patterns that we can sustain and how this fits with upcoming changes to our operational landscape in particular.

³ Positive Action Measures to Tackle Underrepresentation in Justice Organisations, April 2015

Equality Outcome 2: Our flexible working practices enable staff to achieve a good work life balance and also to progress their career.

Strategic Theme: Professionalism.

Strategic Outcome: Unlocking Potential: We have the right people, with the right skills, in the right place at the right time.

Relevant protected characteristics: Gender, disability, pregnancy and maternity, age.

Relevant General Equality Duty need: Eliminate discrimination, and other prohibited conduct; Advance equality of opportunity between people who share a protected characteristic and those who do not; Foster good relations between people who share a protected characteristic and those who do not

We will take action to change the culture of how flexible working is perceived, understood and implemented by staff and managers.

We will examine the current and future demand and impact of increases in flexible working to determine the critical mass of non-standard working patterns we can accommodate and will seek creative solutions to ensure, where operationally viable, that our structural arrangements for deployment processes are enablers of flexible working.

In order to understand whether there is equality of access to flexible working and the experiences of staff, we will build monitoring capabilities and used the analysis of the data to improve access.

Success Indicators: Increase in the proportion of staff who say that they can achieve a good work/life balance; increase in the proportion of staff who agree that their manager is considerate of their life outside work; increase in non-standard working patterns amongst operational employees and at Band F and above.

3. Equality Outcome: Employees and people in custody are treated fairly with dignity and respect and according to their needs in an environment which is free of discrimination, harassment or victimisation.

SPS participates annually in the Civil Service People Survey and the results over the last 4 years show that our Inclusion and Fair Treatment rate is reducing slightly year-on-year whilst the proportion of people saying they have personally experienced discrimination or bullying at work is increasing year-on-year, albeit by very small proportions. Positively, 1/3 of those who say they experienced bullying or harassment confirmed they had reported it, which is the same as the Civil Service average.

The groups of SPS employees who have been identified in our research as potentially experiencing higher rates of discrimination are women (in general), part-time women, men, disabled people, carers, young people and older people (for different reasons).

In 2016 the Scottish Parliament's Equal Opportunities Committee⁴ reported that existing employment and recruitment practices should be improved to deal with the underlying racism and discrimination, while the Equality & Human Rights report⁵ on the state of equality and human rights in 2015 found that most claims about discrimination in the workplace relate to either disability or sex discrimination, and that discrimination is also experienced by lesbian, gay, bisexual, transgender people, by people with poor mental health and in relation to pregnancy and maternity.

In early 2017 SPS published our Equality, Diversity and Human Rights Policy Statement, our Dignity at Work Policy and our Equal Opportunities in Employment Policy, along with a revised Grievance Policy to support them. We will take forward work to raise awareness and understanding of these policies under Equality Outcome 7, and as they embed across the organisation this should support our aim to reduce discrimination and bullying. However, we acknowledge that there is work

⁴ The Scottish Parliament, Equal Opportunities Committee, Removing barriers: race, ethnicity and employment, published 28th January 2016 (SP Paper 890)

⁵ Is Scotland Fairer? 2016

to do to fully understand the nature of discrimination and bullying our employees report they are experiencing, and to take action to address both.

The data for prisoners suggests that 10% of prisoners reported experiencing discrimination, and 12% reported experiencing bullying. Around two thirds of prisoners did not report the behaviour. The issue appears to be more acute for ethnic minority and foreign national prisoners, of whom 1/3 reported experiencing discrimination regarding their race and one fifth regarding their religion or belief. In the survey we conducted with staff and external organisations, 18% of respondents identified ethnic minority prisoners as being a key prisoner group that experienced barriers to equality.

According to our records, between May 2014 and October 2016 there were 71 E&D prisoner complaints of which one quarter had no identifiable protected characteristic. Given the aforementioned incidence of discrimination/bullying reportedly experienced by prisoners, low numbers of complaints could point to prisoners not being aware of or not feeling confident in using the complaints process for equality or hate-related complaints. This echoes the views of prisoners in the focus groups we held during the development of these outcomes, in which a theme was the fear of making complaints because of being labelled a ‘grass’ or a belief that doing so would not make much difference.

In terms of hate crime, SPS data shows that in November 2016 11% of prisoners had a marker in their prisoner records risks and conditions which indicates that they are likely to hold discriminatory attitudes, a 9% increase year on year and there is evidence to suggest⁶ that there may well be other people currently in custody who hold discriminatory attitudes but who have not yet been identified on our records.

SPS also seeks to contribute to the delivery of “Equally Safe: Scotland’s Strategy for preventing and eradicating violence against women and girls” (Scottish Government 2016). Equally Safe aims to prevent and eradicate VAW through collaborative working between all partners in the public, private and third sectors.

⁶ Report of The Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion on the demographics of convicted perpetrators

Equality Outcome 3: Employees and people in custody are treated fairly with dignity and respect and according to their needs in an environment which is free of discrimination, harassment or victimisation.

Strategic Themes: Professionalism and Purpose.

Strategic Outcomes:

Unlocking Potential: We have the right people, with the right skills, in the right place at the right time.

Transforming Lives: Our communities are safer because those citizens in our care are supported to build on their assets and return to their communities as productive citizens.

Relevant protected characteristics: Gender, disability, sexual orientation, gender reassignment, race, religion or belief, pregnancy and maternity.

Relevant General Equality Duty need: Eliminate discrimination, and other prohibited conduct; Foster good relations between people who share a protected characteristic and those who do not.

We will work develop a 'whole prison approach' to tackling bullying, including prejudice-based bullying, with a comprehensive programme of training and awareness for staff and prisoners across the SPS.

We will take action to understand and remedy on the causes of discrimination experienced by employees and prisoners. We will implement measures which increase understanding of hate crime, tackle prejudice and promote understanding and which raise awareness amongst employees and prisoners about their equality and diversity roles and responsibilities and the need for respect and dignity and to challenge and address unacceptable behaviours and attitudes. Engagement with staff networks and external criminal justice and third sector partners will be a feature of the delivery of this work where possible.

We will develop an SPS policy on tackling Violence Against Women and Girls and implement parts of the national action plan in partnership with partners in, and beyond, the justice system.

Success Indicators: Increase in fair treatment measures in staff and prisoner surveys; Potential increase in prisoner complaints. Reduction in discrimination, bullying or harassment amongst staff and prisoners.

4. Equality Outcome: Absence due to mental ill-health is reduced and we create a culture of support within the workplace where employees can talk about mental health without stigma and are supported appropriately.

In the UK, 70 million days are lost from work each year due to mental ill health (i.e. anxiety, depression and stress related conditions), making it the leading cause of sickness absence. Mental health absences tend to last longer than those arising from other causes. Workers turning up for work when unable to function effectively costs employers twice that of absence and also increases accident and injury rates as stress at work can lead to five times more accidents.

Work can also have negative effects on mental health, particularly in the form of stress. In general about a fifth of staff turnover is related to stress at work. These risks to health should be identified, managed and reduced as far as reasonably practicable.

In SPS, mental ill health is the single largest cause of absence, with 24% of days lost in 2015-16 (4952 days) being attributed to mental ill health. However, 50-60% of all absences are linked to stress (e.g. stomach upsets, headaches, high blood pressure, heart disease, back pain).

The involvement exercises with staff and external organisations identified the need to improve understanding of mental ill-health and ensure it receives the same priority as physical health.

The report 'Is Scotland Fairer?' identified people with poor mental health as one of the groups that experience discrimination in the workplace.

Equality Outcome 4: Absence due to mental ill-health is reduced and we create a culture of support within the workplace where employees can talk about mental health without stigma and are supported appropriately.

Strategic Theme: Professionalism.

Strategic Outcome: Unlocking Potential: We have the right people, with the right skills, in the right place at the right time.

Relevant protected characteristics: Disability

Relevant General Equality Duty need: Eliminate discrimination, and other prohibited conduct; Foster good relations between people who share a protected characteristic and those who do not.

To ensure visible leadership and senior buy-in in tackling mental health stigma, we will appoint a senior champion for Mental Health. We will then implement Healthy Working Lives' 'Work Positive' process and deliver Mental Health First Aid Training to line managers and trade union representatives.

We will hold awareness raising activities to increase understanding and break down the stigma of mental ill-health and we will review our Managing Attendance and Absence Policy and Procedure to ensure it supports this outcome.

Success Indicators: Initial increase in absence due to mental ill-health because employees are confident in identifying this as the real reason for the absence; evidence of reducing absence due to mental ill-health.

5. Equality Outcome: Our services are delivered in person-centred ways which meet the needs of people in custody.

An SPS strategic assessment identified the need to consider how we engage an ageing prisoner population in purposeful activity, and how we respond to the predicted increase in prisoners with health and social needs with its concomitant implications for the design of our estate.

The needs of disabled and older prisoners was raised by all stakeholders during the involvement exercises we conducted. 'Disability' was identified by 31% of staff/external respondents in the survey they completed, identifying a need for more facilities and opportunities for disabled prisoners and greater patience and understanding on the part of staff. Similar findings emerged from the prisoner focus groups. Participants felt that enhanced employment opportunities were needed for prisoners who are disabled or who do not speak English.

The Scottish Government's Disability Delivery Plan to 2021, 'A Fairer Scotland for Disabled People', wants disabled people to be treated as equal citizens within all elements of the justice and tribunal system, with full access to the physical environment, advocacy and support, information and advice, and communication support. It describes actions which aim to deliver a justice system which is equipped to meet the needs of disabled people in a fair and inclusive way, and within which disabled people are confident that their rights will be protected and they will receive fair treatment at all times.

Following the Scottish Government Strategy: Keys to Life: 'Improving the quality of life for people with learning disabilities (2013)', required all statutory agencies to implement the recommendations of the report: *'No-one Knows'- Prisoners with Learning Difficulties and Learning Disabilities, Scotland*.

The SPS has carried out two pilot projects for learning difficulties/disabilities (LDD), the last at 3 Forth Valley prison establishments. The Executive Management Group (EMG) has instructed a reinstatement of the project at the 3 Forth Valley sites accompanied by a clear corporate mandate for implementation and a procurement process followed for identification and purchase of a suitable screening tool. It is

anticipated that the re-establishment of the project will enable sufficient time to further explore the extent of LDD issues within the SPS population and to determine appropriate care pathways for those requiring additional support. This will help progress the four Scottish Government policy priorities of promoting a healthy life, improving choice and control and preparing individuals for more independence and active citizenship post liberation. The implementation of LDD screening and a pathway for support will assist SPS to inform future policy in this area, improving the quality of life for people in our care with learning difficulties and disabilities.

In the survey conducted amongst SPS staff and external organisations, 24% of respondents identified transgender prisoners as facing the most significant barriers to equality. Comments noted that prejudice from other prisoners made it difficult for trans prisoners to participate in all activities, and that there is the need for increased training for staff and prisoners on trans issues. SPS has done a significant amount of work to support transgender prisoners including introducing in 2014 our Gender Identity and Gender Reassignment Policy for People in Our Custody, which was recognised by Stonewall as progressive and one which potentially saves lives. After 3 years it is appropriate to review the policy and reflect on what we have learnt and how this will shape our work going forward. In particular, the Scottish Government's Programme for Government 2016-2017 also described their plans to consult on reforming the Gender Recognition Act by summer 2017 to ensure Scotland's gender recognition law is in line with international best practice and it would be appropriate to ensure that our policy continues to support legislative requirements.

With the exception of HMP Cornton Vale and the women's unit at HMP Grampian, prison facilities have been designed for male prisoners. Women pose different risks to men and often have different risks and needs. The new estate for women will allow us to respond appropriately to those risks and needs in settings which are only as secure/restricted as women require, allowing us to provide custodial services for women which are gender-specific and trauma-informed, in settings which are custom-designed and reflective of the specific assets, risks and needs of women.

The SPS has taken account of the particular status, stage of development, needs and circumstances of children and young people (aged 16 to 21) in custody in its

'Vision for Young People in Custody' (SPS 2014). This sets out how SPS, with partners, will provide for the children and young people through, for example, specific professional development for staff who work with young people in custody, tailored planning processes, appropriate learning opportunities and support for young people's return to the community. SPS is developing Quality Indicators for the care of young people in custody which enshrine the elements of good practice which SPS and its partners will seek to achieve.

Equality Outcome 5: Our services are delivered in person-centred ways which meet the needs of people in custody.

Strategic themes: Purpose.

Strategic Outcome: Transforming Lives. Our communities are safer because those citizens in our care are supported to build on their assets and return to their communities as productive citizens.

Relevant protected characteristics: Disability, age, sex, and gender reassignment

Relevant General Equality Duty need: Eliminate discrimination, and other prohibited conduct; Advance equality of opportunity between people who share a protected characteristic and those who do not.

We are committed to delivering the Government's vision for women in custody, building a national facility for women and 'Community Custody Units', decommissioning existing units over time when numbers allow.

We will develop a strategy on social care provision in prisons.

We will support young people in custody to increase their participation in learning activities.

We will explore the utility of voluntary screening of those in our care for the possible indication of a learning difficulty or disability (LDD). This will be undertaken at 3 SPS establishments from the autumn of 2017 for one year in partnership with our learning providers and Forth Valley NHS. We will take forward specific actions in relation to people in custody which support the delivery of Scottish Government's plan for a fairer Scotland for disabled people.

We will review our policy on managing transgender prisoners in line with legislative changes.

The needs of people who share protected characteristics should inform the design and delivery of our services, and to complement this we will improve staff knowledge on supporting those needs, in particular identifying and implementing reasonable adjustments.

Success Indicators:

- There is an increase in positive feedback from prisoners, external partners and assessments in inspections reports in relation to the quality of and access to services within SPS.

6. Equality Outcome: Our communications are inclusive and enable everyone to participate fully in the delivery of our services and employment practices. In particular, our communications approach empowers prisoners.

SPS has a contract with interpreting and translation service providers and we make use of these services to support prisoners whose first language is not English. We also have a number of translated materials and are able to translate documents upon request. That said, we acknowledge that various inspection reports have highlighted concern about foreign nationals becoming marginalised and isolated due to a lack of use of translated materials and interpreting services and the high cost of international calls. Similar concerns were echoed in the prisoner focus groups where options such as maintaining family contact by using video link were suggested. The results of the Ethnic Minority and Foreign National Prisoners survey 2014 showed that 12% of respondents said they could not attend education because they did not understand English, and the same problem prevented access to programmes. 25% said they had problems with writing, and 21% said they had problems with reading – both more than the main prisoner survey. Considering 26% may have indicated that they could not read English to an ‘ok’ or better level, there are potential issues around equality of access to services, including programmes due to communication difficulties.

In the surveys we conduct biennially of prisoners, we ask about whether they have received certain information in a manner they understood on matters including: Human Rights/Equality & Diversity; Prison Rules/Complaints; and Freedom of Information. The results show that these issues are generally rated relatively low: in the main prisoner survey, just under half of respondents said they had received information about human rights/equality & diversity or freedom of information in a manner they understood. The proportion of young people agreeing about both these issues was 55% and only 52%, and 58% of ethnic minority and foreign national prisoners agreed about the same issues. 58% of ethnic minority and foreign national prisoners said they received information about Prison Rules/complaints in a manner they understood, the same as the main prisoner survey.

The British Sign Language Act 2015 requires public authorities such as SPS to ensure access to services for people whose preferred language is BSL. Although the number of prisoners who use BSL is low, we must still ensure that those individuals enjoy parity of access to services and we must anticipate and be able to respond to the needs of visitors to our establishments. In the involvement exercises we conducted to develop these outcomes, BSL users were identified as one of the equality groups facing barriers when visiting an SPS establishment. The BSL National Plan is due to be published by October 2017 and will contain further detail on specific action we must take.

One of the ambitions of the Scottish Government's Disability Delivery Plan is 'Active Participation' which will see communication being accessible to, and inclusive of, all. SPS must consider the role we can play to ensure our own communications are as accessible and inclusive as possible.

Outcome 6: Our communications are inclusive and enable everyone to participate fully in the delivery of our services and employment practices. In particular, our communications approach empowers prisoners.

Strategic Theme: Governance.

Strategic Outcome: Our services are efficient, effective and provide value for money.

Relevant protected characteristics: Disability, race.

Relevant General Equality Duty need: Advance equality of opportunity between people who share a protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not.

We will develop an Inclusive Communications strategy which enables meaningful, participatory communication between SPS and everyone engage with. Specifically, this will help us fulfil our obligations under the British Sign Language National Plan.

Recognising the importance of knowledge in fulfilling rights, we will raise awareness amongst prisoners about how to make a complaint and capacity to do so, including specifically on the grounds of prejudice or hate, and increase staff skill and knowledge in responding appropriately to such complaints.

Success Indicators: Increase in the proportion of prisoners who says they received information in a manner they understand across all categories measured in the prisoner survey. Compliance with Prison Resource Library standards 2.2.3 (translation and interpreting) and 3.4.3 (informed about prison life). Increase in the proportion of employees who consider that SPS is supportive of employees with disabilities.

7. Equality Outcome: Everyone understands and advances the SPS vision for equality, diversity and human rights

In the Employee Survey 2016, 78% of respondents indicated that they understood the SPS policies on Equality and Diversity. This is positive, but contrasts with the proportion of employees who say they have experienced discrimination or bullying in the workplace. A Training Needs Analysis undertaken in 2014 identified the needs for SPS to refresh our mandatory E&D training for all staff; to develop enhanced training for managers, and specialist knowledge for subject matter experts; to develop products to support continuous professional development; and to put in place a strategy to ensure all staff received up-to-date training. This work has begun and the review of the mandatory classroom training and the development of an e-learning package are both complete.

The results of the Staff Feedback Questionnaire which formed part of our submission to Stonewall's Workplace Equality Index 2017 revealed that 51% and 53% of LGBT participants felt that SPS diversity training equips staff well with knowledge on sexual orientation and gender identity issues. The figures were similar for heterosexual participants.

Qualitative feedback from our INSPIRE, our staff disability network, identifies the need to upskill line managers and HR teams on their role in effectively supporting disabled staff to ensure they are treated with respect and experience equality of opportunity, and to break down stigma that prevents people from declaring their disability. We recognise the need to refresh our policy on disability equality and develop guidance on reasonable adjustments.

Scottish Government's Disability Delivery plan and Race Equality Framework also challenge public authorities such as SPS to delivery training which promotes diversity as positive goal, breaks down stigma and challenges stereotypes.

Over this period of equality outcomes, we will continue to develop and implement our refreshed approach to equality and diversity training. We will develop a tiered approach to training, ensuring that those who require enhanced knowledge receive it.

Outcome 7: Everyone understands and advances the SPS vision for equality, diversity and human rights.

Strategic Theme: Governance.

Strategic Outcome: Our services are efficient, effective and provide value for money.

Relevant protected characteristics: Sex, disability, age, sexual orientation, race, religion and belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

Relevant General Equality Duty need: Eliminate discrimination and other prohibited conduct; Advance equality of opportunity between people who share a protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not.

Having identified our training needs, we will implement a training strategy and training products, supported by appropriate guidance, that ensure all staff receive the knowledge they need to be deliver SPS's vision for equality, diversity and human rights.

Our policies on disability and gender identity equality are due for review and we will do this, along with developing supporting guidance and awareness for all.

Our staff equality networks are well-positioned to impact on workplace culture and we will enhance the offering from networks and their ability to effect change in the workplace.

We will build on effective communication in Equality Outcome 6 by empowering prisoners to understand their rights and responsibilities in relation to equality and human rights.

Success Indicators: Increase in the proportion of employees who say they understand SPS's policies on equality and diversity; increase in Employee Survey Inclusion and Fair Treatment rate. Increase in the proportion of prisoners who say they have received information about Equality & Diversity and Human Rights in a manner they understand.

8. Equality Outcome: Everyone understands why we collect monitoring data and is confident in providing it. We develop our policies and test the appropriateness of our decisions using accurate data with a clear evidence base.

This equality outcome was identified in our previous set of equality outcomes. We consider that there is still the need to maintain our focus on this area of work for a number of reasons.

In relation to equality monitoring of employees, in autumn 2014 we introduced the capability for our people to be able to input their own equality data into our e-HR system. However, we acknowledge that there is still a significant amount of work to do to increase our employees' trust and confidence in providing their information which many will view as highly sensitive. Although completion rates across some categories are higher than under our previous system of recording such data, there is still a distance to go before we have sufficient data to make analysis meaningful and reliable. Furthermore, qualitative feedback indicates that some disabled employees do not self-declare because of fear of their capability to carry out their role being questioned.

We also recognise the need to improve the **analysis** and subsequent **use** of this data, particularly when conducting Equality & Human Rights Impact Assessments so that our policies and practices do what they intend, *for everyone*.

As regards people in custody, we have made considerable improvements in the recording of equality data for every individual. However, we recognise that we need to ensure that we are asking for this information at the right time and in the right way to ensure prisoners understand what they are being asked to provide and that they feel confident in providing accurate information. Various reports by HM Inspectorate of Prisons for Scotland have identified the importance of conducting full needs assessments for disabled prisoners in accordance with international human rights standards. The 2015 Prisoner Survey shows that 26% of prisoners reported having a disability, yet our Prison Records System shows only 9.5% of prisoners as being disabled. This points to underreporting of disability.

Furthermore, we acknowledge the need to improve the recording and implementation of reasonable adjustments, and the identification of disabilities arising from health conditions which may require reasonable adjustments.

According to our data, at the start of April 2017 prisoners who identified as lesbian, gay, bisexual or 'other' accounted for 2.3% of the overall population. This is below the estimates in wider society of around 6%. Notably, the number of prisoners choosing not to declare was twice the number that have declared themselves as lesbian, gay or bisexual or 'other'. Prisoners who identified as bisexual or gay accounted for 1.6% of the male population, while those who identified as bisexual or lesbian/gay account for 17% of the female population. This suggests a potential underreporting of sexual orientation amongst male prisoners.

We have made significant improvements in the recording of equality data for people in custody. We now need to develop the capabilities to cross reference this information against the delivery of our services in order to understand if there is equality of access for prisoners who share protected characteristics.

Equality Outcome 8: Everyone understands why we collect monitoring data and is confident in providing it. We use accurate equality data to develop our policies and test the appropriateness of our decisions.

Strategic Theme: Governance.

Strategic Outcome: Our services are efficient, effective and provide value for money.

Relevant protected characteristics: Sex, disability, age, sexual orientation, race, religion and belief, gender reassignment, pregnancy and maternity, marriage and civil partnership

Relevant General Equality Duty need: Eliminate discrimination and other prohibited conduct; Advance equality of opportunity between people who share a protected characteristic and those who do not; foster good relations between people who share a protected characteristic and those who do not;

We will take action to raise awareness amongst employees and prisoners of why we collect equality monitoring data, how it is used and protected and also how to use it during policy development. Staff network will play an important role in achieving this.

We will develop enhanced monitoring and analysis capabilities across different data sources (surveys, PR2 monitoring, e-HR data, etc.) and employment or service delivery area.

Success Indicators: Increase in disclosure rates amongst categories which do not include “Prefer Not to Declare”. Positive response to the People Survey question on equality monitoring.