

This template summarises the key decisions/actions taken in the EHRIA, and has been separated from the full EHRIA document for publication on the SPS external website in compliance with statutory requirements.

Background	
Title of the Policy	Moving Forward : Making Changes Programme (Sex Offender treatment Programme) Assessment Centre for SPS Staff
EHRIA Lead Person	Divisional Head of Offender Outcomes and Services, Strategy and Innovation
Date EHRIA completed	15/02/2017
Review date and frequency	15/08/2019
Is this a new or revised policy/practice?	New <input checked="" type="checkbox"/> Revised <input type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	<p>To ensure fairness, compliance with legislation and improve SPS effectiveness when selecting staff to deliver the sex offender programme.</p> <p>To improve our practice and ensure that we can:</p> <ul style="list-style-type: none"> • Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; • Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it and; • Foster good relations between people who share a relevant protected characteristic and people who do not share it;
WHO did you consult with?	Moving Forward, Making Changes Programme Developers. Moving Forward, Making Changes Programme sponsors. Scottish Prison Service HR, Employee Relations and Reward. Scottish Advisory Panel for Offender Rehabilitation as an external assurance body. Scottish Prison Service Trade Union Scottish Government Social Work Scotland Risk Monitoring and Audit

Scoping	
	National Offender Management Service
WHAT did you learn?	<p>There was a need to consider that the assessment centre will take into account differing needs of staff. The need to ask whether staff attending the centre require any additional support.</p> <p>To ensure that the arrangements in place for the assessment centre are widely understood.</p> <p>There was agreement that an assessment centre would be more helpful to staff which set out the requirements of the MFMC programme.</p> <p>That the assessment centre structure should be shared with staff in advance.</p>
HOW will this shape your policy/practice?	<p>Feedback received from the group involved with the Equality and Human Rights Impact Assessment has been useful and has informed the thinking behind the design of the assessment centre and the arrangements that require to be in place.</p> <p>Development of the assessment centre in line with Equality and Diversity guidance will support accessibility to ensure access to the widest spectrum of SPS staff.</p>
What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy/practice?	<ul style="list-style-type: none"> • Data Protection Act 1998 • Information Commissioner Guidance • Human Rights Act 1998 • Equality Act 2010 • Scottish Prison Service Organisational review • Purposeful Activity review • SPS equality policies of age, disability, religion or belief, sexual orientation and Transsexual. • Equality & Human Rights Impact Assessment Audit standards for offending behaviour • Equality & Human Rights Impact Assessment Offending behaviour programmes • Governors and Managers Action MA 14A/14 Transition from good lives to Moving Forward:Making Changes • Moving Forward Making Changes Management Manual and Training manual • In the instance where there has not been staff selected at D Band, a trawl for Programmes Staff would be circulated to C Band staff. <p>Relevant Equality & Diversity data:</p> <ul style="list-style-type: none"> • The majority of employees who belong to an ethnic minority group are located in Band C • 31% of Operations officers (C Band) are female, and 18% of Residential officers (D Band) are female.

Impact Will the impact and outcomes of the new/revised policy/practice:	
Contribute to eliminating discrimination, harassment and victimisation? E.g. <ul style="list-style-type: none"> • Raise awareness of our SPS vision and values for equality and diversity • Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity 	POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	NEGATIVE: It will make discrimination, harassment and victimisation worse <input type="checkbox"/>
Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others participation in public life 	POSITIVE: It will advance equality of opportunity <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on equality of opportunity <input type="checkbox"/>
	NEGATIVE: It will reduce equality of opportunity <input type="checkbox"/>
Foster good relations between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding 	POSITIVE: It will foster good relations <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on good relations <input type="checkbox"/>
	NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/>
Ensure Human Rights Compliance?	It will uphold human rights articles. <input checked="" type="checkbox"/>
	It will breach human rights articles. <input type="checkbox"/>

Please summarise the results of the Equality & Human Rights Impact Assessment, including the likely impact of the proposed policy/practice advancing equality and human rights.

Positive Impacts Protected characteristics affected: Age, Race, Gender Disability, Gender Identity, Religion or Belief, Sexual Orientation Maternity and Pregnancy Marriage and Civil Partnership, Socio-economic Groups, Human Rights Compliance The Policy will advance equality of opportunity through allowing all individuals to be considered for programmes and have the opportunity to participate in programmes. It is recognised that given the nature of the programme content of the Moving Forward Making Changes programme, not everyone will be suitable and may not be successful in the assessment centre.
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Positive Impacts

There will be a clear process for finding out information about Moving Forward Making Changes assessment centres and whether they are right for those who are considering applying. The assessment centre will be developed in line with Equality and Diversity guidance will support accessibility to ensure access to the widest spectrum of SPS staff. In particular this will proactively support identifying and making reasonable adjustments where necessary.

In the instance whereby there are insufficient D band staff applying for a Programmes position, this is widened to C Band operational staff. This has the potential to advance equality of opportunity particularly for women and employees from ethnic minority groups who have greater representation at C band than at D band.

By ensuring the Moving Forward Making Changes assessment centre is made as accessible as possible this will uphold Protocol 1 Article 2 – Right to education and Article 14 - Prohibition of discrimination.

By selecting the right employees to deliver Moving Forward Making Changes, the following positive impacts for prisoners are anticipated:

- The Policy upholds Human Rights Article 14 (Protocol 1, Article 2): right to education. Whereas offending behaviour treatment programmes are not (strictly speaking) education, they provide the opportunity to learn about oneself and all programmes have some psychoeducational components.
- The Policy also upholds Article 10 - Freedom of expression by allowing access to programmes and allowing prisoners the opportunity to express themselves while ensuring they respect the rights of other group members who also have the opportunity to express themselves

Negative Impacts

Protected characteristics affected:

Impact	Mitigation
The group did not foresee any negative impacts of this practice.	

Recommended course of action

Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

Summary of Outcome decision and Recommendations

The Equality and Human Rights Impact Assessment understands that due to the specific needs of delivering a sex offender programme, only staff with certain skills can facilitate this treatment programme.

There is currently no evidence that the criteria for applying to deliver the Moving Forward Making Changes course or the conditions for not achieving the standard in the assessment centre will be discriminatory or will breach any article or protocol in the Human Rights Acts. It has been endorsed by Scottish Prison Service Human Resources and Unions.

However a review of staff who apply and do not meet the criteria are from any particular group of staff or the staff who do not meet standard after completing the assessment centre is kept under review.

Review Impact Assessment in 2.5 years (from the date of this assessment) as this is the time period for reaccreditation of Moving Forward Making Changes.

Next steps

Implement capability to monitor by protected characteristics those who apply to deliver the Moving Forward Making Changes programme and do not fit the criteria, and those who attend and complete or do not complete the assessment centres.

Once the capability is implemented, conduct the monitoring detailed above.

Review Impact Assessment in 2.5 years (from the date of this assessment).

If you require this document in an alternative format, please contact

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