

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	Offending Behaviour Programmes
EHRIA Lead Person	Principal Psychologist, Strategy and Innovation
Date EHRIA completed	15/04/2016
Review date and frequency	5 Years
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>All Scottish Prison Service programmes have recently been or are being redeveloped to achieve accreditation. The Management manuals are being updated to ensure consistent and fair practice across the estate and to provide further information on how to work with all individuals on the offending behaviour programmes.</p> <p>Ensuring that programme delivery will be more individualised and focused on what best meets the interests of the individual. This will mean access, understanding, language difficulties and reasonable adjustments are reasonably adjusted for those who have been assessed as requiring to attend and participate in programmes to achieve the aim of addressing and reducing re offending.</p>
WHO did you consult with?	<p>Equality &amp; Diversity Programme Developers            Scottish Advisory Panel for Offender Rehabilitation (SAPOR)            Scottish Prison Service Health &amp; Improvement Managers            SPS Chaplain Advisors            SPS Head of Learning &amp; Skills            SPS Women's Project            SPS Young Person's Project            SPS Trade Union            Association for Real Change and People First</p>

## Scoping

	<p>Scottish Government Stonewall Scotland Scottish Transgender Alliance National Offender Management Scottish Disability Equality Forum Families Outside SPS speech therapist.</p>
WHAT did you learn?	<p>The way in which prisoners are selected for and the reasonable adjustments that are currently being made are deemed reasonable and there is not considered to be a negative impact on the 9 protected characteristics. However, the following suggestions to improve current practice were:</p> <ol style="list-style-type: none"><li>1.Consideration of providing an initial screening to determine the presence of learning disability/difficulty in order to make reasonable adjustments prior to an individual commencing a treatment programme;</li><li>2.Ensuring staff working with females have knowledge of recent research to guide practice when working with female sexual offenders.</li><li>3.There were some specific suggestions for different 'wording' in manuals and associated guidance which have been taken on board.</li><li>4.Consideration of including masculinity and the development of male identify in programmes specifically designed to address offending in young males.</li><li>5.Examples used in sessions should be adapted to consider cultural expectations when a group consists of individuals who are not from a traditional 'white British' background and culture;</li></ol>
HOW will this shape your policy/practice?	<p>Points 2, 3 and 5 will be adopted. Point 4 will be considered by the Youth Justice development team for the Youth Justice programme. Point 1 is being explored. Current practice is to liaise with Education and Health prior to placing a prisoner on a programme so reasonable adjustments can be made if he/she has a disability/difficulty, however, Education and Health may not be aware that the individual has a problem, and in these instances, this is then not usually observed until the individual has started the treatment programme. It is following this observation that reasonable adjustments are put in place to support the individual. Ideally, these</p>

<b>Scoping</b>	
	would be put in place prior to the individual commencing treatment and therefore screening beforehand would be helpful to alert facilitators to any potential difficulties.
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?	Data Protection Act 1998 Information Commissioner Guidance Human Rights Act 1998 Equality Act 2010 Prison (Scotland) Rules 2011 Gender Identity and Gender Reassignment Policy for those in our Custody 2014 Central Scotland Regional Equality Council web site Complaints data (this revealed that over the last two years there has been no complaints relating to programmes and discrimination) Evaluation of high care needs within the SPS SPS Prisoner survey 2013 SPS Review of SPS approved activities Scottish Prison Service Organisational review Equality and Human Rights Impact Assessment on Audit standards for Offending behaviour

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

<b>Impact</b> Will the impact and outcomes of the new/revised policy/practice:	
<b>Foster good relations between those who share a protected characteristic and those who do not?</b> E.g. <ul style="list-style-type: none"> <li>•Tackle prejudice</li> <li>•Promote understanding</li> </ul>	<b>POSITIVE:</b> It will foster good relations <input checked="" type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on good relations <input type="checkbox"/>
	<b>NEGATIVE:</b> It will cause good relations to deteriorate <input type="checkbox"/>
<b>Ensure Human Rights Compliance?</b>	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.**

<b>Positive Impacts</b>
<p>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</p> <p>1.The Policy will advance equality of opportunity through allowing all individuals to be considered for programmes and have the opportunity to participate in programmes.</p> <p>2.The policy eliminates discrimination and fosters good relations by allowing everyone access to programmes regardless of age, race, gender, disability, gender identify, religion or belief, sexual orientation, maternity and pregnancy marriage and civil partnership and socio-economic groups.</p> <p>3.The Policy will uphold Human Rights Article 14: the Prohibition of Discrimination. This is achieved through ensuring all groups (detailed opposite) are enabled to participate in programmes making adjustments as necessary to enable participation.</p> <p>4.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.</p> <p>5.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.</p>

## Negative Impacts

Protected characteristics affected: Age, Race, Gender, Disability, Gender Identity, Religion or Belief

Impact	Mitigation
<p>Under 18 - Certain programmes can only be delivered to an adult (age 18 and over) population and are not relevant for 16 – 18 year olds.</p> <p>Older population – Out with YJP (which has been specifically designed for 16 – 21 year olds), all the programmes can accommodate older individuals. It is recognised that older individuals may have health related needs. These could consist of mental and/or physical problems.</p> <p>Unable to understand English</p> <p>Disability</p>	<p>The Youth Justice Programme (YJP) has been devised to target offending needs of the young population. This will meet the needs of young male offenders who require criminogenic programme work, with the exception of sexual offending. For individuals under the age of 18, who require treatment to address sexual offending, a risk assessment will be undertaken by psychologists who specialise with young people who will determine if the individual's need can be met by Moving Forward, Making Changes. If not, 1:1 work will be considered and (if appropriate) provided. Young females in custody will have their programme needs met through 1:1 work.</p> <p>A full assessment of health needs in conjunction with the health centre will be undertaken. No-one would be excluded from group on health grounds unless he/she was deemed incapable of understanding the material (e.g., experiencing severe difficulties in mental health or cognitive decline due to Alzheimer's or another medical condition). All reasonable adjustments will be considered in conjunction with the health centre such as timing of medication, ability to concentrate for certain periods of time etc. and applied as able. In circumstances where an older individual is unable to attend a group as a result of their health then 1:1 should be considered and (if appropriate) offered. If 1:1 work is not achievable (e.g., the individual would still struggle to retain or understand information) then a risk management plan will be produced via the establishment's Risk Management Team.</p> <p>Refer to Education. In some cases, an interpreter could be considered (this must be commissioned by the Risk Management Team).</p> <p>Consultation with the individual and the health centre will be undertaken to make</p>

## Negative Impacts

Protected characteristics affected: Age, Race, Gender, Disability, Gender Identity, Religion or Belief

Mobility Impairment	<p>all and any reasonable adjustments to accommodate individuals with health needs. The following is not an exhaustive list but some examples include:</p> <p>Only Programme rooms which can accommodate those who require wheelchair access will be used when a participant is a wheelchair user.</p>
Hearing Impairment	<p>If deemed appropriate, consideration for a hearing loop could be explored or a sign language interpreter (this must be commissioned by the Risk Management Team)</p>
Sight Impairment	<p>Various considerations can be made such as having the work provided in Braille or on Audio recordings. Learning Support could be provided through facilitators or peers.</p>
Dyslexia	<p>Use of specific fonts, coloured paper, Learning strategies will be employed such as overlearning techniques;</p>
Autistic Spectrum Disorders	<p>Consultation will be undertaken with experts (health centre staff and/or external experts) to provide advice on how the programme material can be adapted and if it can/should be delivered in a group or 1:1 format.</p> <p>When there is a known or suspected cognitive impairment, Cognitive assessments will be undertaken by Psychology or Health staff to determine where the individual's strengths and weaknesses lie and recommendations will be provided to facilitators outlining how best to work with the individual. Following assessment, if group work is not deemed appropriate for the individual then 1:1 work (if appropriate) should be offered.</p>

## Recommended course of action

**Outcome 1:** Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.



## Recommended course of action

<b>Outcome 2:</b> 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 checked="" type="checkbox"/>
<b>Outcome 3:</b> 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"/>
<b>Outcome 4:</b> 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 (EHRIA) has shown that the aims of these standards will provide a fair and standardised approach across the SPS.

There is no evidence that this standard will be discriminatory or will breach any article or protocol in the Human Rights Acts.

It is expected that the most significant impacts, and the most positive impacts, will be all convicted prisoners and support prisoners who have been unable to participate in purposeful activity because of traditional organisational boundaries. The strategy is part of the Scottish Prison Service preventative approach to reducing reoffending, assisting service users into desistance and community recovery – focussing on improved identification of prisoner needs by asset-based management plans.

Non engagement of Offenders could be a possible negative effect and have an impact on the desistance model the SPS are attempting to introduce, monitoring of the reason for non-engagement will be vital in identifying possible areas that has not been thought off.

These Standards do not relate to an area where there are known inequalities, although monitoring of prisoners that are older or have mental health and behavioural problems and potentially deemed incapable of understanding the material (e.g., experiencing severe difficulties in mental health or cognitive decline due to Alzheimer's or another medical condition).

It should not therefore have a detrimental effect on any protect characteristics in the Equality Act or any Human Rights Articles.

Liaise with the Education department in Glenochil, Polmont and Barlinnie who are piloting a screening tool which will screen for Learning difficulties and cognitive difficulties. This work is scheduled to be evaluated later this year and following evaluation, it is hoped that the tool will become available across all prisons. Protocols need to be established with these pilot prisons so that the information from these assessments are fed back to Programme staff.

Review Impact Assessment in 5 years (from the date of this assessment) as this is the time period for reaccreditation of programmes.

## Next steps

End of contract review

## Next steps

Review Non Engagement and 1-1 Support option instead of group work

Review complaints linked to protected Characteristics

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