

Equality and Human Rights Impact Assessment
 Protocols for Marriage and Civil Partnership Requests in
 the Scottish Prison Service



To be completed by the person leading the EHRIA	
Title of Policy or Practice:	
Lead Author/Reviewer:	Vince Fletcher
Date EHRIA Commenced:	5 March 2014
Version number:	2.3
Date EHRIA Completed:	02/08/2014
Date New/revised policy/practice signed off by Management:	
Date EHRIA actions due for review on:	

Revision History			
Revision Date	Version	Summary of Changes	Authoriser
14/07/17	2.2	<ul style="list-style-type: none"> • Transferred to new EHRIA form. • Changed Quality Assessor to J Streeter. • Expanded section of positive impacts. • Updated 'Those involved' to include Gordon Pike who attended the working group meetings and had sight of the original EHRIA and Joanne Streeter who has been involved in the most recent review of the EHRIA. • Noted that the Inter-Prison visits policy may require to be altered to ensure marriage/civil partnership is accepted as a reason for allowing an inter-prison visit. • Reworded narrative in Scoping section particularly to include feedback from most recent consultation exercise with GICs. • Noted in 'Recommendations' section that Operations Directorate give consideration to the need to develop guidance and a clear SPS position on cell-sharing for same-sex people in custody who are married or have entered into a civil partnership; and 	J Streeter, Equality & Diversity Business Partner (Acting)

		also potentially on conjugal visits. These matters are outwith the scope of these Protocols.	
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EHRIA Tracker Number:	60
Quality Assessor name:	Joanne Streeter
Date Quality Assessed:	17/07/17
Publication date:	

Remember! When completing the Equality and Human Rights Impact Assessment 'policy/practice' must be interpreted in the widest possible sense to include the full range of SPS policies, provisions, criteria, functions, procedures, practices and activities for employment and service delivery.

Stage 1: Background information

What is the title of the new or revised policy/practice?
Protocols for Marriage and Civil Partnership Requests within the Scottish Prison Service

What is it?
<input checked="" type="checkbox"/> A new policy/practice
<input type="checkbox"/> A revised policy/practice

Are there any other SPS policies that will be altered by the proposed changes?
If so they will also need to be impact assessed separately
<input checked="" type="checkbox"/> Yes (Please provide details) Inter-prison visits policy may require to be altered to allow attending a marriage/civil partnership ceremony to be considered an exceptional reason in the circumstances where two prisoners are getting married.
<input type="checkbox"/> No

Who is leading the developing and/or implementing the new or revised policy/practice?	
This is the person who should lead the impact assessment as they are the decision maker for the changes to be implemented.	
Name	Vince Fletcher

Role	E&D Manager (Prisoners)
Business Area	HQ Equality and Diversity Team

Who else is involved in the Equality and Human Rights Impact Assessment?

Those involved must have a detailed understanding of the policy/practice area and must be in a position to ensure that changes can be made to a developing policy/practice where they are required. It is advisable to seek the support of an Equality & Diversity Manager or practitioner for expert input. The Trade Union Side should be involved in support of the SPS Partnership agreement. Add additional boxes as necessary.

Name	Bill Taylor
Role	Church of Scotland Religious Advisor
Business Area	HQ
Name	Brian Gowans
Role	Roman Catholic Religious Advisor
Business Area	HQ
Name	Mohammed Ajmal
Role	Muslim Religious Advisor
Business Area	HQ
Name	Karen Watson
Role	Registrar
Business Area	Edinburgh Council
Name	Jane Mathieson
Role	Registrar
Business Area	Edinburgh Council
Name	Bryan Wallace
Role	E&D Manager
Business Area	HMP Cornton Vale
Name	Lynne McKenzie
Role	Residential First Line Manager
Business Area	HMP Glenochil
Name	Lisa Purdie
Role	Diversity and Inclusion Advisor
Business Area	HMP Addiewell
Name	Priscilla Marongwe
Role	E&D Business Partner
Business Area	SPS HQ
Name	Paul Duffin
Role	Workforce Planning Manager
Business Area	SPS HQ
Name	Joanne Streeter
Role	Equality & Diversity Business Partners (Acting)
Business Area	HQ Equality and Diversity Team
Name	Gordon Pike
Role	Trade Union Side Secretary
Business Area	SPS HQ

Stage 2: Scoping and evidence gathering

Scoping	
<p>Why are you introducing the new policy/practice, or why are you revising an existing policy/practice?</p>	<p>The protocols were initially developed in response to their being no standard guidance on how to meet requests from people in custody requesting to be married or enter into a civil partnership. A number of prisons had guidance for Chaplains on how to proceed but these focused mainly on only one form of marriage, religious marriage. With the changes brought about by the Marriage and Civil Partnership (Scotland) Act 2014 new categories of marriage came into being and there was a need in the SPS to provide consistent up-to-date guidance to meet the changed environment. The protocols take into consideration requests for Civil Marriage and Civil Partnership, Religious Marriage and Belief Marriage, noting that same sex marriage, though not a separate category, was a provision of the 2014 Act.</p>
<p>What is the intended outcome(s) and impact of the new policy/practice, or making the changes to an existing policy/practice?</p>	<p>That requests for marriages and civil partnerships are given fair and appropriate consideration, and are arranged in a lawful and inclusive way which provides for a person's Article 12 Right to marry whilst also taking into account issues of public protection.</p>

Evidence gathering
<p>WHO did you consult with? (Have you consulted/involved equality groups or other groups who will be affected by the new/revised policy/practice? The Trade Union Side should be always consulted in support of the SPS Partnership agreement. The PGA (Prison Governor's Association) should be consulted as well. It may also be useful to consult with staff via support networks (e.g. Prism, Race Support Network, Disability Support Network, and Women's Development Network) or with people in custody via focus groups.)</p> <p>SPS Chaplaincy Advisors; SPS E&D Managers; Prism (SPS LGBT staff support network); Governors in Charge; GIC lead for E&D in SPS; Assistant Director of</p>

Prisons; prisoner focus groups; and Trade Unions; Scottish Registrars; Scottish Government; Stonewall (Scotland); Equality Network; Scottish Transgender Alliance; Families Outside; National Offender Management Service.

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? How did it shape your policy/practice? (This could be in-house or external information such as monitoring data; research; surveys; reports; previous impact assessments; complaints; demographics or best practice relating to equality groups.)

SPS Prison Rules 2011

Equality Act 2010

Gender Recognition Act 2004

Civil Partnership Act 2004

Marriage and Civil Partnership (Scotland) Act 2014

NOMS PSI 14/2016 – ‘Marriage of Prisoners and Civil Partnership and Civil Partnership Registration’

<https://www.nrscotland.gov.uk>

<https://www.gov.uk/apply-gender-recognition-certificate/overview>

WHAT did you learn from your evidence-gathering exercises?

- There is not a clear process to support requests for marriage or to enter a civil partnership.
- Governors are approving or not approving the request without the relevant information
- Registrars have a process for ceremonies in the community that people in custody can access
- Rumours on costs and licensed places are not founded
- There is a requirement for a risk assessment, including public protection considerations, as part of the application process.
- There is a requirement for the partner need to be interviewed separately
- Partnership forbidden by law will not be allowed in the SPS
- There is a lack of guidance on arranged marriages
- SPS staff should not be in photographs of the wedding in order to protect their identity as it is not known how the photos will subsequently be used.
- Staff should not be asked to be witnesses as this would require naming their personal address on the marriage certificate.
- Guidance needs to be provided in the circumstances where two prisoners have requested to be married/enter into a civil partnership. This should include consideration of the operational implications such as cell-sharing requests and conjugal rights.
- SPS must make every effort possible to facilitate the person in custody’s exercise of the right to marry, except in circumstances where there are concerns about it being a forbidden partnership or there are insurmountable risks to public protection.
- Same-sex marriage may be viewed in a negative light by some people in custody and there is the potential for this to impact on good relations between

people who share a protected characteristic and those who do not, and to potentially increase harassment or discrimination against same-sex couples. However, such potential reaction justifies the needs for clear direction and guidance which grants equal access to marriage to same-sex couples. SPS will use existing monitoring/complaints procedures to identify and take appropriate action against anyone who engages in discriminatory, harassing or other hostile behaviour towards same-sex couples.

- SPS Legal Policy team are content that the Protocols are compatible with the SPS Inter-Prison Visits policy.

HOW will this shape your policy/practice?

The information gained through consultations and evidence gathering has provided the foundation to provide a fair and informative process in dealing and managing requests to be married or enter into a civil partnership in the SPS. It will give staff and managers clear direction on process which is compliant with the Equality Act and Marriage and Civil Partnership (Scotland) Act 2014. Same sex, civil, religious, belief and arranged marriages will be respected and treated equally.

The Article 8 Rights of SPS staff will be respected throughout.

Sections are included on security and public protection considerations and includes a risk assessment as a requirement for GIC consideration alongside the marriage/civil partnership request.

Guidance is also offered on the process implications of inter-prison requests for marriage/civil partnerships. However, the scope of this document does not allow for guidance to be offered on aspects of cell-sharing or conjugal rights. There is a need for SPS to develop a clear position on these matters and to develop appropriate guidance.

Stage 3: Identifying impact/outcomes

The Public Sector Equality Duty

Will the impact and outcomes of the new/revised policy/practice:

(Consider for people in custody in terms of the equality risk assessment of the prisoner journey with us which includes admission, residential care, establishment regime, health and wellbeing, through care, people in custody management, visits etc.

Consider for staff in terms of the equality risk assessment for the staff journey with us which includes recruitment, retention, progression, promotion, training etc.)

Contribute to eliminating discrimination, harassment and victimisation?
E.g.

POSITIVE:
It will contribute to eliminating discrimination, harassment, victimisation

The Public Sector Equality Duty	
<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 	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"/>

Human rights	
Will the new/revised policy/practice breach the human rights articles? : Consider for people in custody in terms of the equality risk assessment of the prisoner journey with us which includes admission, residential care, establishment regime, health and wellbeing, through care, people in custody management, visits etc. Consider for staff in terms of the equality risk assessment for the staff journey with us which includes recruitment, retention, progression, promotion, training etc.	
Consider:	
Article 2	Right to life (e.g. suicide prevention)
Article 3	Prohibition of torture (e.g. person unable to consent)
Article 4	Prohibition of slavery & forced labour (e.g. safeguarding vulnerable people)

Human rights	
Article 5	Right to liberty & security (e.g. security procedures)
Article 6	Right to a fair trial (e.g. disciplinary procedures)
Article 7	No punishment without law (e.g. disciplinary procedures)
Article 8	Right to respect for private & family life (e.g. access to family)
Article 9	Freedom of thought, conscience & religion (e.g. sacred space)
Article 10	Freedom of expression (e.g. whistleblowing procedures)
Article 11	Freedom of assembly & association (e.g. trade union recognition)
Article 12	Right to marry (e.g. pregnancy)
Article 14	Prohibition of discrimination (e.g. protected characteristic groups)
Protocol 1 Article 1	Protection of property (e.g. staff/prisoner property)
Protocol 1 Article 2	Right to education (e.g. accessible information)
It will uphold human rights articles. <input checked="" type="checkbox"/>	
It will breach human rights articles. <input type="checkbox"/>	

When considering all your responses to Stage 3 if you selected <u>POSITIVE</u>:	Please move on to stage 4 where you will be asked to provide details of the equality group(s) affected, the impact and evidence you considered.
When considering all your responses to Stage 3 if you selected <u>NEGATIVE</u>:	Please move on to Stage 4 where you will be asked to provide details of the equality group(s) affected and the impact and strategies to mitigate the impact to a reasonable level, or to remove the impact altogether.
When considering all your responses to Stage 3 if you selected for ALL areas <u>NO EFFECT</u>:	Please justify your conclusions here and move directly to Stage 5 .

Stage 4: Analysis of impact/outcomes

You have indicated that this new/revised policy/practice will have an impact/outcome on one or more of the 3 main duties of the Public Sector Equality Duty and Human Rights articles for people in custody or staff. Use these sections below to indicate whether the impact is positive or negative, and justify your assessment using the data and evidence you have already gathered (via statistics, consultation, etc.)

What are the positive impacts?

Does the new/revised policy or practice: Advance equality of opportunity? Remove discrimination? Remove harassment? Remove victimisation? Foster good relations? Encourage participation by disabled people? Uphold human rights articles?

Detail the positive impact here:

The Protocols will ensure SPS is compliant with the Marriage and Civil Partnership (Scotland) Act 2014 and the Equality Act 2010.

The Protocols provide a fair process for people in custody to be married or enter into a civil partnership and provide the Governor in Charge with the appropriate information to make a fair and defensible decision in relation to such requests. People in custody refused permission will be informed of the decision which will be only based only on eligibility, security and other public protection issues. There is an appeal mechanism via the Prisoner Complaints process.

Please select which group(s) will be affected by the positive impact, and provide details below each category:

Age (e.g. older people or younger people):

The Protocols support the broad SPS family strategy aims by enabling people in custody to establish a family life whilst in custody.

The Protocols include guidance on 'Near End of Life' procedures to ensure that people who not expected to live for more than 29 days can still be married or enter into a civil partnership.

The Protocols' Risk Assessment requires consideration of offences against children when considering a request to be married or enter into a civil partnership.

Race (e.g. people from black or any minority ethnic groups):

The Protocols have a positive impact on the protected characteristic of Race by making clear that a person's immigration status is not an automatic barrier to marriage/civil partnership and by providing guidance on forced marriage and guidance for survivors.

An Easy Read version of the Protocols has been developed to support people in custody who have learning difficulties/disabilities, communication needs, reading difficulties or for whom English is not their preferred language, to understand the process of requesting to be married or enter into a civil partnership.

Gender (e.g. women or men):

The Protocols make clear that forced marriages and sham marriages are forbidden partnerships and provide guidance on action to take if either is suspected.

Because of the make-up of the population of people in custody (95% male), the majority of marriages are likely to be between a male person in custody and a female partner in the community. The Protocols' Risk Assessment requires consideration of sexual offences, domestic violence, and offences against children when considering a request to be married or enter into a civil partnership. It also provides guidance on what to do if it is suspected that the person in custody might pose a risk to the intended partner.

Disability (e.g. people with visible or non-visible disabilities, physical impairments):

The Protocols provides for exceptional reasons to be given for High and Medium Supervision prisoners to be considered for a venue in the community for their ceremony if their partner is unable to attend the establishment because they are near the end of their life or have a long-term limiting health condition or disability. This ensures that people in custody who are associated with disabled people are not prevented from being married/entering into a civil partnership. The Risk Assessment process would still apply.

An Easy Read version of the Protocols has been developed to support people in custody who have learning difficulties/disabilities, communication needs, reading difficulties or for whom English is not their preferred language, to understand the process of requesting to be married or enter into a civil partnership.

Gender Identity (e.g. changed/changing gender from that assigned at birth):

The Protocols are compliant with the Marriage and Civil Partnership (Scotland) Act 2014 and the changes this introduced in relation to people who had reassigned their gender. The Protocols use inclusive language throughout (e.g. 'partner') rather than referring to bride or groom. The Protocols explicitly remind readers that individuals who have a Gender Recognition Certificate can acquire a new birth in their new gender, for the purposes of submitting to the Registrar.

Religion or Belief (e.g. belonging to a particular religion/belief or no affiliation):

The Protocols cover religious marriages (including Christian Reformed Tradition Roman Catholic, Muslim and other faiths), belief marriages, arranged marriages, same-sex marriages, civil marriages and civil partnerships (including how to change a civil partnership into a marriage).

People in custody who do not wish to have their civil marriage or civil partnership in the Multi-Faith centre are not required to do so.

Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual):

The Protocols are compliant with the Marriage and Civil Partnership (Scotland) Act 2014 and equal status is given to civil partnership throughout. The Protocols use inclusive language throughout (e.g. 'partner') rather than referring to bride or groom. This ensures it does not indirectly discriminate against same-sex couples.

Maternity and Pregnancy (e.g. pregnant/on maternity leave/breastfeeding):

Marriage and civil partnership:

The Protocols are compliant with the Marriage and Civil Partnership (Scotland) Act 2014 and equal status is given to civil partnership throughout. The Protocols use inclusive language throughout (e.g. 'partner') rather than referring to bride or groom. This ensures it does not indirectly discriminate against same-sex couples.

Socio-economic groups:

An Easy Read version of the Protocols has been developed to support people in custody who have learning difficulties/disabilities, communication needs, reading difficulties, low literacy levels or for whom English is not their preferred language, to understand the process of requesting to be married or enter into a civil partnership.

Human rights compliance (e.g. civil, political, economic, social, and cultural rights):

- Article 12 (Right to Marry)
- Article 8 (Right to respect for private & family life – by providing the mechanism for people in custody to be married; by stating that SPS employees and those who work in a prison must not be asked to be witnesses or appear in photographs of the wedding.
- Article 9 (Freedom of thought, conscience & religion – as the Protocols cover religious, belief, arranged, civil marriages and civil partnerships);
- Article 14 (Prohibition of discrimination – as civil partnerships are given equal status throughout the document).
- Article 3 (Prohibition of torture) by explicitly outlining the circumstances in which partnerships are forbidden.
- Article 4 (Prohibition of slavery & forced labour) and protects vulnerable people by requiring public protection issues to be taken into account and ensuring that the partner to the request is willing to be married / enter into a civil partnership.
- The Protocols include guidance on 'Near End of Life' procedures to ensure that people who not expected to live for more than 29 days can still be married or enter into a civil partnership.

Inclusive Communications. What consideration have you given to the communication needs of those who will be impacted by your policy/practice, and what steps are you taking to ensure your policy/practice will be easily understood by them? For example, accessible formatting of document, alternative formats such as Plain English, Easy Read, foreign language translations, BSL translation, etc.

An Easy Read version of the Protocols has been developed to support people in custody who have learning difficulties/disabilities, communication needs, reading difficulties, low literacy levels or for whom English is not their preferred language, to understand the process of requesting to be married or enter into a civil partnership.

What are the negative impacts?

Does the new/revised policy or practice: Create any barriers or issues for people from an equality group? Discriminate against any equality group? Have a negative impact on community relations internally and/or externally? Reduce any equality groups' access to a service or any other aspect of prison life? Reduce any equality group entry or progression as a member of staff, breach human rights articles?

Any aspect of the policy/practice that has a negative impact must either be mitigated to a reasonable, objectively justifiable level, or abandoned altogether if this is not possible

Detail the negative impacts here:

Please select which group(s) will be affected by the negative impact, and provide details of the negative impact and how you will mitigate against it below each category:

Age (e.g. older people or younger people):

Race (e.g. people from black or any minority ethnic groups):

Gender (e.g. women or men):

Disability (e.g. people with visible or non-visible disabilities, physical impairments):

Gender Identity (e.g. changed/changing gender from that assigned at birth):

Religion or Belief (e.g. belonging to a particular religion/belief or no affiliation):

Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual):

There is no guidance nor clear SPS position on cell-sharing for same-sex people in custody who are married or have entered into a civil partnership. There is a potential risk of claims of discrimination from same-sex couples if they are located separately for reasons relating only to their relationship. Were same-sex couples in custody allowed to be located in the same establishment or to share a cell, there could be a risk of claims of discrimination from mixed-sex couples in custody who cannot avail themselves of the same opportunity. SPS also does not permit conjugal visits. These matters should be considered by SPS to determine how to address the operational implications (and human rights impacts) of people in custody who get married or have entered into a civil partnership.

Maternity and Pregnancy (e.g. pregnant/on maternity leave/breastfeeding):

Marriage and civil partnership:

There is no guidance nor clear SPS position on cell-sharing for same-sex people in custody who are married or have entered into a civil partnership. There is a potential risk of claims of discrimination from same-sex couples if they are located separately for reasons relating only to their relationship. Were same-sex couples in custody allowed to be located in the same establishment or to share a cell, there could be a risk of claims of discrimination from mixed-sex couples in custody who cannot avail themselves of the same opportunity. SPS also does not permit conjugal visits. These matters should be considered by SPS to determine how to address the operational implications (and human rights impacts) of people in custody who get married or have entered into a civil partnership.

People in custody will not be allowed to consummate the marriage, this could cause grounds for annulment of the marriage. 'Not living together as husband and wife' for a minimum of a year can be cited as evidence of irretrievable breakdown in divorce proceedings.

Mitigation – People in custody due to imprisonment have given up certain conditions that relate to Article 5 - Right to liberty & security this means

consummation of a marriage or living together whilst in custody is not possible, although people in custody who are on day release or Home Detention Curfew this will not apply.

Socio-economic groups:

All costs will have to be met by the couple getting married or entering into a civil partnership. The majority of people in custody face economic difficulties.

Mitigation – Having to meet the cost of a marriage or civil partnership is the same as in the community.

Human rights compliance (e.g. civil, political, economic, social, and cultural rights):

ECHR Article 12 (Right to marry)

- Governors will still have final decision to refuse a request to be married or enter a civil partnership.
Mitigation – This will require to be objectively justifiable using evidence detailed in the Risk Assessment and is limited to matters relating to public protection and security issues.
- Untried people in custody will not be able to apply.
Mitigation - Untried people in custody are managed by the Procurator Fiscal and not by SPS. The Protocols do provide for consideration to be given to requests if there are exceptional circumstances.
- Having to complete a risk assessment prior to applying to get married or enter a civil partnership is not the same as applying to get married in the community.
Mitigation – People in custody have a higher risk factors which impact on eligibility, public protection, security, location, people attending, etc.
- People in custody will not be allowed to consummate the marriage, this could cause grounds for annulment of the marriage. 'Not living together as husband and wife' for a minimum of a year can be cited as evidence of irretrievable breakdown in divorce proceedings.
Mitigation – People in custody due to imprisonment have given up certain conditions that relate to Article 5 - Right to liberty & security this means consummation of a marriage whilst in custody is not possible, although people in custody who are on day release or Home Detention Curfew this will not apply.

Stage 5: Identifying options and course of action

Recommended course of action: select relevant outcome and check the box when prompted:

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

Policy/practice addresses the intended outcome and is positive in its language and terminology. It advances equality and human rights as well as fosters good relations.

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.

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).

Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.

Summary of outcome decision and any other recommendations

Please provide summary here:

Summary

These Protocols will reduce risk by appropriate assessments as part of the process.

These Protocols will provide people in custody with a process so they can be married or enter into a civil relationship both in a prison and in the community.

These Protocols will provide Governors who have the discretion to approve such requests with the information to make a fair and defensible decision.

These Protocols will provide staff with information to support people in custody in an application to apply to get married or enter a civil partnership.

These Protocols will give partners of people in custody the opportunity to have their opinion taken into consideration as part of the application process.

Recommendation

That Operations Directorate given consideration to the need to develop guidance and a clear SPS position on cell-sharing for same-sex people in custody who are married or have entered into a civil partnership; and also on conjugal visits. These matters are outwith the scope of these Protocols.

SPS Legal Policy advised that the requirements that individuals must be of the same sex in order to enter into a civil partnership may change in the future as the current law has been found to be discriminatory and the Government is considering changing the law. This will need to be monitored as if it changes, the Protocols will need to be updated.

Outline plans to action and review the impact of the new/revised policy/practice.

- Note: any evidence that raises concern would trigger an early review rather than the scheduled date.
- Indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed.
- Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the new/changed policy/practice.

What:	Monitor reasons for refusal to be married or enter into a civil partnership
Why:	Check reasons are not due to discrimination and outwith criteria laid out in the Protocols.
Who:	E&D Manager (Prisons)
When:	Annually
What:	Monitor complaints from people in custody after refusal from Governor of a request to be married or enter into a civil partnership.
Why:	Check that reason for refusal is not discriminatory.
Who:	E&D Manager (Prisons)
When:	Annually
What:	Monitor number of marriages and civil partnerships.
Why:	To understand how frequently this is being requested.
Who:	Chaplaincy Advisory Service
When:	Annually
What:	Legislative changes (e.g. to the Marriage and Civil Partnership (Scotland) Act 2014).
Why:	To ensure the Protocols are lawful.
Who:	E&D Manager (Prisons) & SPS Chaplaincy Advisors
When:	Ongoing

Name of lead:	Vince Fletcher
Date:	02/08/2014