

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	SPS Mother & Baby Policy
EHRIA Lead (role)	SPS Family Policy Manager
Date EHRIA completed	01/10/2018
Review date and frequency	Any change in Prison Rules or Legislation linked to Mother and Baby Units
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping	
<ul style="list-style-type: none"> What are the aims of this policy/practice? <ul style="list-style-type: none"> Provide consistency and support across establishments with regards to mother & Baby Units. Provide an agreed, signed and published version of the mother & baby policy. Promote safety and welfare of children being considered, living and leaving any Mother & Baby unit. Provide clear practice and guidance for applying, considering and accessing a place in the MBU. Consult with SPS Legal branch on legitimate age suitable for policy and prison rules. Working group that includes representation of social work and NHS. 	
WHO did you consult with? <ul style="list-style-type: none"> Relevant staff and Managers from various establishments (working group formed) and Partner organisations. Establishment information regarding current process and future views. Subject matter experts (Social Work, HMP Cornton Vale Staff, NHS) Equality & Diversity Advisor SPS 	
WHAT did you learn? <ul style="list-style-type: none"> Current policy is only relevant to Cornton Vale so there for women and babies could be at risk in other establishments (HMP Grampian) Current Policy was never signed off (risk to people in our care in MBU) Forms do not meet the needs and are complex to complete Age of baby eligible for access is not fully determined 	
HOW will this shape your policy/practice? <ul style="list-style-type: none"> This will ensure we do what is right for the child and the child safety 	

- Improve and provide a national policy
- Revise guidance and current forms to support a improved practices to ensure clear process and child safety
- Best practices in place for any MBU
- Policy agreed and supported in our delivery by partner agencies

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?

[National Child Protection Guidance Scotland 2014](#)
[Children and Young People \(Scotland\) Act 2014](#)
[A Guide to implementing 'Getting it right for every child': Scottish Government \(2012\)](#)
[Getting it Right for Every Child Wellbeing Indicators](#)
[Getting it Right for Every Child Practice Briefings](#)
[Equality & Human Rights Act](#)

Prison Impact Assessment

Current Mother & Baby Policy was reviewed.

Working group formed with key individuals from across SPS and partners.

Consultation with Social Work and NHS partners.

NOMS Mother & Baby Policy

Guidelines for the Implementation of Mother & Child Units Canada

Inverclyde Child Protection Committee – Good practice Guidance involving unborn children or infants of mothers in prison

The Rose Project best for babies

Children staying with their Mother in Prison – Europris

Impact

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

Contribute to eliminating discrimination, harassment and victimisation?

E.g.

- 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

NO EFFECT:

It will have no effect on discrimination, harassment and victimisation

NEGATIVE:

It will make discrimination, harassment and victimisation worse

Advance equality of opportunity between those who share a protected characteristic and those who do not?

E.g.

- Remove or minimise disadvantage

POSITIVE:

It will advance equality of opportunity

NO EFFECT:

It will have no effect on equality of opportunity

Impact Will the impact and outcomes of the new/revised policy/practice:	
<ul style="list-style-type: none"> Meet the needs of equality groups that are different from the needs of others participation in public life 	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.

<p>Positive Impacts</p> <p>Protected characteristics affected:</p> <ol style="list-style-type: none"> Upholds - United Nations Convention on the Rights of the Child (UNCRC), <ul style="list-style-type: none"> Article 3 'In all actions concerning children, the best interests of the child shall be a primary consideration' Article 4 (implementation of the Convention) 'Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights'. Article 19 (protection from violence, abuse and neglect) Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them. Complying with 'Getting it right for every child' government policy; Support the SPS Family strategy in that 'Families are safe and well'; <p>Women in custody</p> <p>Human Rights Article 8 – rights to respect to a private and family life.</p> <p>Allowing the bonding period between a mother and child. Recognising the importance on ensuring the safety of a child if being located in a mother and baby unit in an SPS establishment. Raising staff awareness and practices to ensure child safety is paramount. Clear roles and partnership working in place.</p> <p>Maternity and Pregnancy (e.g. pregnant/on maternity leave/breastfeeding):</p>

Positive Impacts

Improved life chances with better health and wellbeing outcomes for babies with mother in custody through access to appropriate support services and guidance whilst in custody. Supporting mothers during pregnancy and providing the opportunity to maintain bonding through keeping the baby whilst in custody.

Negative Impacts

Protected characteristics affected:

Gender (e.g. women or men)

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

Impact	Mitigation
<i>Sexual discrimination for a father due to access and policy is only for mother & baby units that are currently only held on the female estate. This is also lessened by providing children's visits to fathers to support bonding with child.</i>	SPS Rules and conditions make this not feasible or reasonable at this time.
Adoption situations would not be considered with an adult currently residing in custody through the adoption policy process. Surrogate situations would have to be considered by the Mother & Baby Unit team as on case by case situation.	SPS Rules and conditions make this not feasible or reasonable at this time.

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 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 checked="" 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 (EHRIA) has shown that this supports mothers having a family life and bonding in the recognised early stages of a child life. The unit will allow a baby to reside with the mother till 12 month age is reached.

It was identified as a negative that could be a father applying for access to have his baby in custody but as this policy is reflective of a mother & baby unit the SPS estate does not have a facility for fathers and children at this point. Same sex couples would need to be considered on a case by case process and the SPS are clearly guided for child protection and suitability for access by the Children & Families Social Work.

Central to the review was the recognition that the rights of the child are paramount and the prisoner's right to a family life under ECHR.

The policy will support the SPS Family strategy in that **'The best interests of Children are central to any decision making' and the policy will 'support staff to enable them to be able to identify and respond to wellbeing needs of people in our care and their children'.**

In line with Scottish Government policy, Getting it Right for Every Child (GIRFEC) is at the heart of strategy, policy and practice affecting people in our care, children, young people and their families in order to promote wellbeing and positive life outcomes for children in Scotland.

A new policy will be presented and a GMA supporting the implementation and outcomes required for any MBU in place and moving forward. Taking the above into account the new process should not have a detrimental effect on any protect characteristics in the Equality Act or any Human Rights Articles.

Next steps

What:	Monitor for discrimination and continue to support establishment coordinators and leads to fully implement the new policy.	
Why:	To ensure process and policy is implemented correctly	
Who:	Family Policy Lead	
When:	Continuous	
What:	Provide a clear GMA regarding new revised policy, consultation undertaken & Monitor through local mother & Baby team meetings.	
Why:	To ensure process and policy is implemented correctly	
Who:	Family Policy Lead	
When:	Continuous	
What:	Continue to review Policy	
Why:	To improve staff awareness and understanding and practices & check for any areas of discrimination.	

Next steps

Who:	Family Policy Lead	
When:	Continuous	
Name of lead:	SPS Family Policy Manager	
Date:	01/08/18	

If you require this document in an alternative format, please contact SPSEqualityandDiversityTeam@sps.pnn.gov.uk