

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.

<b>Background</b>	
<b>Title of the Policy</b>	SPS Parole Guidance Manual.
<b>EHRIA Lead (role)</b>	SPS Caseworker/Policy Manager
<b>Date EHRIA completed</b>	22/11/2018
<b>Review date and frequency</b>	Review following any amendments following implementation.
<b>Is this a new or revised policy/practice?</b>	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

<b>Scoping</b>	
<ul style="list-style-type: none"> <li>• <b>What are the aims of this policy/practice?</b></li> <li>• As part of the transfer of responsibility for the parole administration tasks from Scottish Government Parole Unit to SPS in September 2016, the changes being implemented form part of the Transfer of Parole Tasks work stream revision of the wider Parole Reform Programme. The aims are to develop and implement a shared vision for a modern and streamlined system of parole in Scotland.</li> <li>• To ensure that establishment Parole Co-ordinators and support staff use a standardised process across the estate and that the policy is consistency applied to the 9 Protected and Human Rights Characteristics</li> </ul>	
<b>WHO did you consult with?</b>	
<ul style="list-style-type: none"> <li>• PR2 Systems</li> <li>• SPS SharePoint Site</li> <li>• SPS Parole Unit Manager in establishments</li> <li>• Parole Co-ordinators in establishments at Parole training event/s (June 2018)</li> <li>• Parole Scotland</li> <li>• SPS Legal Services</li> <li>• E&amp;D branch SPS HQ</li> <li>• TUS</li> <li>•</li> </ul>	
<b>WHAT did you learn?</b>	
<p>The SPS Parole handbook and guidance manual and related PRL standards and assurance is applied fair and consistent with SPS establishments.</p> <p>There is a link to ensuring that the Guidance Manual and Policy and process meets the legislative requirements of those in custody in Scotland under the Prisoner and Criminal Proceedings (Scotland) Act 1993 which applies to people released on or after 1 October 1993.</p> <p>The current handbook dated September 2013 is outdated and should be reviewed.</p>	

**HOW will this shape your policy/practice?**

- The purpose of this guidance is to explain the main provisions governing release of persons sentenced in Scotland and to provide an outline of the procedures for administration of this process

**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?**

The Scottish Government impact assessment can be found on this link

<https://www.gov.scot/publications/management-offenders-scotland-bill-equality-impact-assessment-parole-reform/>

The transfer of responsibility for administration of Parole from Scottish Government Parole Unit to SPS. Governors and Managers Action Notice 53A/16, Transfer of responsibility for administration of Parole from Scottish Government Parole Unit to SPS

Governors and Managers Action Notice 59A/16 :SPS' Operational Requirements in relation to Parole (from October 2016)

Governors and Managers Action Notice 15A/18: Revised PRL Standards - Primary and Secondary Assurance of Parole Dossiers.

Management of Offenders (Scotland) Act 2005  
The Prison and Young Offenders Institutions (Scotland) Rules 2011

Equality Act 2010

Human Rights Act

Prisoners and Criminal Proceedings (Scotland) Act 1993

Parole Board (Scotland) Rules 2001

Crime (Sentences) Act 1997

Sexual Offences Act 2003

**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

<b>Impact</b> Will the impact and outcomes of the new/revised policy/practice:	
<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 type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on equality of opportunity <input checked="" type="checkbox"/>
	<b>NEGATIVE:</b> It will reduce equality of opportunity <input type="checkbox"/>
<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 type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on good relations <input checked="" 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>
<i>That all People within the Parole System no matter where they are located within SPS establishments will be treated fairly and their cases considered in line with legislative requirements.</i>

<b>Negative Impacts</b> Protected characteristics affected:	
No negative impact identified	
<b>Impact</b>	<b>Mitigation</b>

<b>Recommended course of action</b>	
<b>Outcome 1:</b> Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
<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 type="checkbox"/>

## Recommended course of action

**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 Recommendations

The Equality and Human Rights Impact Assessment (EHRIA) has shown that the aims of the revised Parole Handbook guidance will provide a fair and standardised approach across the SPS.

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

The guidance manual provides direction for staff in carrying out statutory tasks associated with the Parole process. Parole tasks are mandated by Acts of Legislation approved by Scottish Parliament which require full equality impact assessments before being enacted into law. The Scottish Government impact assessment can be found on this link

<https://www.gov.scot/publications/management-offenders-scotland-bill-equality-impact-assessment-parole-reform/>

It is expected that the most significant impacts, and the most positive impacts, will be all convicted Person and support those who are able to participate in the Parole Process. 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 the Person needs by asset-based management plans.

Non engagement of Person in the parole process 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 reason that has not been thought off.

These Guidelines does not relate to an area where there are known inequalities.

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

## Next steps

<b>What:</b>	Review following any amendments following implementation.	
<b>Why:</b>	Monitor for compliance	
<b>Who:</b>	Divisional Head of Persons Outcomes and Services	
<b>When:</b>	Whenever any changes to the Guidance documentation is implemented	
<b>Name of lead:</b>	SPS Caseworker/Policy Manager	
<b>Date:</b>	November 2018	

If you require this document in an alternative format, please contact [SPSEqualityandDiversityTeam@sps.pnn.gov.uk](mailto:SPSEqualityandDiversityTeam@sps.pnn.gov.uk)