

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	Management of Prisoner Correspondence
EHRIA Lead (role)	Senior Operational Planning Manager
Date EHRIA completed	21.03.2019
Review date and frequency	PRL Standards review 2020
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping	
What are the aims of this policy/practice? The aim of the policy is to establish the principles and practices that are core to the management of prisoner correspondence in order for staff to execute their responsibilities: lawfully; with authority; and with confidence to ensure that an individual's correspondence is managed appropriately	
WHO did you consult with? SPS Legal Services, SPS Lawyers, POA(S), Business Improvement Managers, Establishment Governors in Charge, Operations Directorate, Executive Group, SPS Equality & Diversity Team, MOPC SLWG	
WHAT did you learn? A standardised process will safeguard both organisational reputation and prisoner privacy by minimising the risk of confidential correspondence being inappropriately handled. Education in this area for all staff is also essential for this policy to work.	
HOW will this shape your policy/practice? A consistent standardised process is needed for across the estate as establishment's individual interpretation of process has, on occasion, failed. To minimise the risk there should be clear guidance and prescriptive steps as to how this process should be delivered, as well as additional resources and technology. In pursuit of the policy aim there are four key aspects which inform the standardised methodology applicable to all establishments. This is to ensure a consistent and lawful approach to the management of prisoners' correspondence as well as compliance with the Prison Rules which respects the rights of prisoners under Article 8 of the European Convention of Human Rights.	

The 4 key aspects are:

1. Identification of the Mail;
2. Sorting of the Mail;
3. Management Handling of the Mail; and
4. Assurance of the Mail Process.

The formulation of guidance in relation to these 4 aspects will support staff in the delivery of this policy by establishing the key components of the process and the requirements of each element.

Communication from HQ as well as within establishments is key.

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?

Legal undertaking

Prison and Young Offenders Institutions (Scotland) Rules and Directions 2011.
Prisoner Complaints.

All establishment's Standard Operating Procedures for Mail Handling

SPS Internal Audit reports

HMIPS reports – Specific to Mail Handling

Discussions through a short life working group with those involved in mail handling within establishments.

Impact

Will the impact and outcomes of the new/revised 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?

POSITIVE:
It will advance equality of opportunity

NO EFFECT:

Impact Will the impact and outcomes of the new/revised policy/practice:	
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 	It will have no effect on equality of opportunity <input checked="" 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 type="checkbox"/>
	NO EFFECT: It will have no effect on good relations <input checked="" 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: Human Rights
Rules 55 – 57 of The Prisons and Young Offenders Institutions (Scotland) Rules 2011 as amended (Prison Rules) provides the right for prisoners to send and receive correspondence. It also dictates how this correspondence should be handled.
This set of Rules respects the rights of prisoners under Article 8 of the European Convention of Human Rights. As the revised policy of 'Management of Prisoner Correspondence' will improve the handling of confidential correspondence currently being sent and received by prisoners in the establishments, there will be a positive impact on the human rights compliance.

Negative Impacts Protected characteristics affected:	
Impact	Mitigation

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

Having fully reviewed all the documentation and background information we feel that there will be no negative impact on Equality and Human Rights for either the staff or prisoner group. The implementation of a structured Management of Prisoner Correspondence policy will provide consistency and clarity within the organisation.

In pursuit of the policy aim there are four key aspects which inform the standardised methodology applicable to all establishments. This is to ensure a consistent and lawful approach to the management of prisoners' correspondence as well as compliance with the Prison Rules which respects the rights of prisoners under Article 8 of the European Convention of Human Rights.

The formulation of guidance in relation to these 4 aspects will support staff in the delivery of this policy by establishing the key components of the process and the requirements of each element.

To ensure access to all, the policy should be available in an easy read format also.

Next steps

WHAT	WHY	WHO	WHEN
Review of PRL Standard	All standards are audited yearly	Operations Directorate	Annual review
Publish an Easy Read Document	Easy read document currently not available	Senior Operational Planning Manager	TBA
Review of complaints related to HDC	Monitor for unfairness	Population, HDC and complaints Manager	Annual review

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