

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 FOOD REFUSAL POLICY
EHRIA Lead (role)	Health and Wellbeing Policy Manager
Date EHRIA completed	12/04/19
Review date and frequency	Change in legislation
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping
<p>What are the aims of this policy/practice?</p> <p>This is an SPS document, based on Department of Health guidelines adapted to reflect the different legal and operational setting in Scottish prisons. This document does not cover clinical issues, which are the remit of NHS boards. This document supersedes GMA 56A/01 "Prisoners Refusing Food/Fluids", which was obsolete as it pre-dated the transfer of health services to NHS and provided limited guidance.</p> <p>To provide Prison staff guidance on how to manage prisoner who are refusing food and/or fluids for a particular reason the management:</p> <ul style="list-style-type: none"> • Care and management of a prisoner who is intent on refusing food and/or fluids. • Management of recommencing eating and drinking • Brief guidance on the legal and ethical position on nutrition and hydration by artificial means • Information for an individual who refuses food and/or fluid on the consequences of food refusal.
<p>WHO did you consult with?</p> <p>E&D Manager (Prisons)</p>
<p>WHAT did you learn?</p> <p>Potential bad practice and breach of human rights article 3</p>
<p>HOW will this shape your policy/practice?</p> <p>Updated guidance to remove potential breach of human rights</p>

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?

Impact

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

<p>Contribute to eliminating discrimination, harassment and victimisation? E.g.</p> <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 	<p>POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/></p>
	<p>NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/></p>
	<p>NEGATIVE: It will make discrimination, harassment and victimisation worse <input type="checkbox"/></p>
<p>Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g.</p> <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 	<p>POSITIVE: It will advance equality of opportunity <input type="checkbox"/></p>
	<p>NO EFFECT: It will have no effect on equality of opportunity <input type="checkbox"/></p>
	<p>NEGATIVE: It will reduce equality of opportunity <input checked="" type="checkbox"/></p>
<p>Foster good relations between those who share a protected characteristic and those who do not? E.g.</p> <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding 	<p>POSITIVE: It will foster good relations <input checked="" type="checkbox"/></p>
	<p>NO EFFECT: It will have no effect on good relations <input type="checkbox"/></p>
	<p>NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/></p>
<p>Ensure Human Rights Compliance?</p>	<p>It will uphold human rights articles. <input checked="" type="checkbox"/></p>
	<p>It will breach human rights articles. <input type="checkbox"/></p>

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:

This policy will eliminate bad practice but also support a prisoner's right of freedom of expression in a safe and supportive way.

Attempting to address the reasons for refusing food will be discuss, reasonable steps taken to resolve and stop the process.

<input checked="" type="checkbox"/> Age (e.g. older people or younger people):	Terminal care support is positive for people with terminal illness (partially for older prisoners will be considered in the policy)
<input checked="" type="checkbox"/> Race (e.g. people from black or any minority ethnic groups):	Understanding and supporting of issues around deportation and finding ways to improve the situation will be discussed at case conference.
<input checked="" type="checkbox"/> Human rights compliance (e.g. civil, political, economic, social, and cultural rights):	<p>Article 3 Prohibition of torture, previous bad practice and potential breach of the article by segregation of prisoners not on Rule 41 for refusing food for monitoring purposes and the practice of leaving meals in a cell for twenty minutes, will now not be allowed.</p> <p>Article 10 a prisoner right of freedom of expression will be supported with a care plan.</p>

Negative Impacts

Protected characteristics affected:

Impact	Mitigation
<input checked="" type="checkbox"/> Gender (e.g. women or men):	Eating disorders are not including in the refusal to eat (anorexia although not always a female issue is still refusing food for a reason
<input checked="" type="checkbox"/> Disability (e.g. people with visible or non-visible disabilities, physical impairments):	Eating disorders are not including in the refusal to eat (anorexia has a long term effect and can be classed as a disability).
<input checked="" type="checkbox"/> Human Rights (e.g. civil and political as well as economic, social, and cultural rights):	Article 3 Prohibition of torture, segregation of prisoners on Rule 41 for refusing food, has been taken to protect their health or welfare of the prisoner.

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 checked="" 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

The revised guidance appears to be non-discriminatory, will advance equality and foster good relations and improve practices that could potential breaching off human rights articles. Food Refusal Policy will address negative practices and give prison staff clear, fair and supportive information in the management of someone refusing food and/or fluids. Prisoners will be allowed to protest by not eating food and/or fluids in a safe way. SPS will investigate if eating disorders should be included in the policy.

Next steps

Monitor people in custody who refuse food – E&D Managers

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