

## Equality and Human Rights Impact Assessment Publication Document

This template summarises the key decisions/actions taken in the EHRIA, and will be separated from the document above and published on the SPS external website in compliance with legal requirements.

Every EHRIA and Publishing Document must be quality assessed by the Equality & Diversity Team at HQ who will be responsible for displaying the publishing document on the SPS external website.

<b>Title of Policy:</b>	Risk Management, Progression and Temporary Release Guidance Supplementary Guidance for RMT Decision Makers in Relation to Progression and Community Access		
<b>EHRIA Lead Person:</b>	Policy Manager,	<b>Role &amp; Establishment/Business Area:</b>	Offender Case Management S&I
<b>Date EHRA Completed:</b>	January 2017	<b>Is this a new or revised policy/practice?</b>	<b>New</b> <input type="checkbox"/>
<b>Date EHRA published and where:</b>	<b>March 2017</b> SPS EHRIA SharePoint Site		<b>Revised</b> <input checked="" type="checkbox"/>
<b>Review Date and frequency:</b>	<b>Reviewed 01-03-18 due to development of further RMT Guidance</b>		
<b>Aims of policy/practice:</b>	<p>The primary purpose is to review the current SPS Management Rule and the SPS Risk Management and Progression Guidance in light of recent and potential legal challenge around SPS providing prisoners with a reasonable opportunity to demonstrate they have addressed identified risk and need and their readiness and suitability for release.</p> <p><b>01-03-18</b> – Supplementary Guidance has been developed to tighten existing RMT policy and practice and to provide additional information for RMT Chairs. A review of the current Risk Management, Progression and Temporary Release Guidance EHRIA has been undertaken to reflect this new guidance, which aligns with current RMT practice.</p>		

<b>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?</b>	<p><b>Recent legal challenge around access to OE for life sentence prisoner. (timeous access to less secure conditions)</b></p> <p>Prison Inspection Reports Prison (Scotland) Rules SPS Organisational review Inquiry into Purposeful activity in Prisons report SPS Purposeful activity review Delivering a strategy for purposeful activity in the SPS Equality Act 2010 Human Rights Act 1998 Children and Young people (Scotland) Act 2014 The Better health , better lives framework SPS Gender Identity and Gender Reassignment Policy 2014 Equality and Human Rights impact assessments on</p> <ul style="list-style-type: none"> <li>- Non Harassment orders</li> <li>- Learning &amp; Skills services</li> <li>- Purposeful activities</li> </ul>
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	<ul style="list-style-type: none"> <li>- <b>PRL Standards on offending behaviour programmes</b></li> <li>- <b>Offending behaviour programmes</b></li> <li>- <b>Through care</b></li> <li>- <b>Enterprise and employability</b></li> </ul>
<b>Who did you consult with?</b>	<ol style="list-style-type: none"> <li>1. Health and Social Care Manager.</li> <li>2. SPS HQ Equality Unit and SPS E&amp;D Manager (Prisoners).</li> <li>3. Legal Policy Manager</li> </ol>
<b>Why did you consult?</b>	<p>To ensure that a consultative approach was taken in making this assessment.</p>
<b>How did the consultation shape the policy/practice?</b>	<p>As this is a national project, the requirement of is to ensure that the manner in which we deliver is consistent with Equality and Human Rights legislation.</p> <p>Age – Investigate alternative to Offender Programmes for Prisoners who experiencing severe difficulties in mental health or cognitive decline due to Alzheimers or other medical conditions effecting older and younger prisoners.</p> <p>Disability – Investigate a process to support reasonable adjustments to be included in risk assessment and employment, alternatives to be consider for learning difficulties, hearing difficulties and loss of sight in Offending Behaviour programmes.</p> <p>Gender re-assignment – Transphobic issues should be identified and managed prior to transphobic prisoners accessing open conditions.</p> <p>Pregnancy and Maternity – No impact identified.</p> <p>Race – Investigate process to support non English speaking prisoners. Racism should be identified and managed prior to racist being allowed access to the Open conditions</p> <p>Religion or Belief – No impact identified.</p> <p>Sex – Separate system in place that mirror each other</p> <p>Sexual Orientation – Homophobic issues should be identified prior to homophobic prisoners being allowed access to the Open Estate.</p> <p>Language – it is of vital importance that every individual understands the process being applied to them and why.</p> <ul style="list-style-type: none"> <li>- Prisoner Guidance (How to apply, what is a breach of conditions in easy read and different languages</li> <li>- Licence to be in first langage/ easy read and English.</li> <li>- The interpreting and translation and transcription services should be used to support at case conferences, personal Officers interviews and return to close conditions</li> </ul> <p><b>01-03-18</b> As the supplementary guidance is aligned to existing RMT Guidance outlined within this EHRIA, this review determines that no new groups or equity groups have been identified or contacted as a consequence.</p>

<b>What effect does the new/revised policy/practice have on:</b>	
1. Contributing to eliminating discrimination, harassment and victimisation?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
2. Advancing equality of opportunity between those who share a protected characteristic and those who do not?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
3. Fostering good relations between those who share a protected characteristic and those who do not?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
4. Ensuring Human Rights articles compliance	Compliant <input checked="" type="checkbox"/>
	Breach <input checked="" type="checkbox"/>

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 results, including the likely impact of the proposed policy/practice advancing equality and human rights**

The Equality and Human Rights Impact Assessment (EHRIA) has shown that the aims of the Risk Management, progression and temporary release guidance will provide a fair and standardised approach across the SPS.

The SPS has positively consider in light of recent and potential legal challenge around SPS providing prisoners with a reasonable opportunity to demonstrate they have addressed identified risk and need and their readiness and suitability for release and adjusted the guidance to evidence this.

There is no direct evidence or complaints received by prisoners that this guidance will be discriminatory or will breach any article or protocol in the Human Rights Acts.

It is expected that the most significant impacts, and the most positive impacts, will be all convicted prisoners who wish to progress through their sentence and prepare for release back into the community and not return. This process 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 prisoner needs by asset-based management plans.

The capacity of the SPS to provide all Prisoners who fit the criteria could be a possible negative effect and have an impact on the desistance model the SPS are attempting to introduce, monitoring waiting list for fairness will potential remove barriers.

The community contains several risk factors for prisoners returning many to deprived areas, where there are strong links between poverty, deprivation, homelessness, widening inequalities, alcohol and drug use. That could have a more serious negative effect with prisoner returning to crime and prison.

These Standards do not relate to an area where there are known inequalities, although monitoring of prisoners that are older or have mental health and behavioural problems and potentially deemed incapable managing without support in the community (e.g., experiencing severe difficulties in mental health or cognitive decline due to Alzheimer's or another medical condition).

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

**01-03-18** In accordance with the The Risk Management, Progression and Temporary Release Guidance, implemented in August 2018, Supplementary Guidance for RMT Decision Makers in Relation to Progression and Community Access has been developed to provide additional guidance to RMTs. The aim of this guidance is to enable robust and consistent application of risk assessment and management strategies when considering progression, home leave and community access, which align with current policy and practice.

This EHRIA summarises that the aims of the guidance are to provide a fair and standardised approach across the organisation, and should not have a detrimental effect on any protective characteristics in the Equality Act or any Human Rights Articles. Having reviewed the supplementary guidance, no new negative or positive impacts have been identified which would have a detrimental effect on any protective characteristics in the Equality Act or any Human Rights Articles

#### Next Steps

Continue to review negative impacts

Continue to review comments from the stakeholder engagement

Continue to review at project board meeting

Continue to review following implementation

Review if a formal complaint is received by an offender if it is linked to a protected characteristic