

# Equality and Human Rights Impact Assessment Publication Document

This template summarises the key decisions/actions taken in the EHRIA,

<b>Title of Policy:</b>	Home Detention Curfew (HDC) – Revised Assessment Framework and Guidance		
<b>EHRIA Lead Person:</b>	T Watt	<b>Role &amp; Establishment/Business Area:</b>	Senior Operational Planning Manager
<b>Date EHRA Completed:</b>	09/04/2020	<b>Is this a new or revised policy/practice?</b>	<b>New</b> <input type="checkbox"/>
<b>Date EHRA published and where:</b>			<b>Revised</b> <input checked="" type="checkbox"/>
<b>Review Date and frequency:</b>	<b>April 2020</b>		
<b>Aims of policy/practice:</b>	<p>A standardised approach for the way in which the HDC process is completed will ensure that the SPS is consistent in their approach for those eligible for HDC.</p> <p>A revised assessment framework, guidance and PRL standards will help establishments remain consistent as well as ensuring that the recommendations accepted from HMIPS are in place.</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>Cabinet Secretary direction.</p> <p>HMIPS recommendations</p> <p>Prison and Young Offenders Institutions (Scotland) Rules and Directions 2011.</p> <p>Previous HDC Guidance</p> <p>Discussions within the HDC strategic oversight group (SOG)</p> <p>Management of Offenders (Scotland) Act 2019</p>
<b>Who did you consult with?</b>	<p>Scottish Government</p> <p>Criminal Justice Social Work</p> <p>Her Majesty's Inspectorate of Prisons in Scotland</p> <p>SPS Psychology services</p> <p>RMA</p> <p>SPS Legal services</p> <p>Prison Governors Association (PGA)</p>
<b>What did you learn?</b>	<p>The previous process in place was not robust in its assessment of risk and supportive factors nor in recording these outcomes. Existing processes were having a negative impact for those in our care.</p> <p>A standardised process and guidance for the way in which the HDC process is completed will ensure that the SPS is consistent in their approach for those eligible for HDC.</p> <p>A revised set of PRL standards will help establishments remain consistent as well as ensuring that the recommendations accepted from HMIPS are in place.</p>

**How did the consultation shape the policy/practice?**

The 21 recommendations given by HMIPS will shape the revised assessment framework and guidance.

A consistent approach will aid establishments in adhering to the direction given by the Cabinet Secretary, as well as the recommendations given by HMIPS that were accepted by the SPS. This will ensure that all those eligible for HDC receive the experience the same process.

Communication from HQ as well as within establishments is key.

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

<b>Summary of results, including the likely impact of the proposed policy/practice advancing equality and human rights</b>	<p>After a serious incident in the community involving an individual who was unlawfully at large having breached his HDC conditions, the then Cabinet Secretary for Justice instructed an independent review of the processes undertaken by SPS when considering applications for HDC.</p> <p>The SPS accepted all of the recommendations and initiated immediate action to deliver specific improvements to the operation of HDC.</p> <p>Part of this process was the development of a revised assessment framework, guidance and set of PRL standards to ensure the standards met the recommendations given by HMIPS.</p> <p>The task of reviewing this policy, and the subsequent development of the PRL standards, was a direct instruction given by the Cabinet Secretary.</p> <p>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 revised PRL standards will provide consistency and clarity across the estate, as well as take into consideration the recommendations given by HMIPS.</p> <p>To ensure access to all, the standards should be available in an easy read format also.</p>
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**Next Steps**

Bi-Annual Review