



Scottish Prison Service Mainstreaming Report 2019 - 2021

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1. Introduction

This report sets out the progress we have made with Mainstreaming equality into the Scottish Prison Service (SPS), over the period April 2019 – March 2021, covering the work that we have achieved in the context of SPS as an employer as well as activities that we have undertaken to mainstream equalities into the services we provide for people in our care.

This is our third progress report on how we continue to mainstream equality into the delivery of our services. Previous reports, published in 2015, 2017 and 2019 are accessible on our website www.sps.gov.uk.

2. Legal Framework

The Equality Act 2010 sets out the “general equality duty” (known as the three ‘needs’), which places a duty on listed public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

The Equality Act 2010 lists nine protected characteristics and defines direct and indirect discrimination as where someone is treated less favourably according to a protected characteristic: age, disability, marriage and civil partnership, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

The SPS is subject to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 that contains specific duties that are designed to help Scottish public authorities meet the general duty:

- Report on mainstreaming the equality duty;
- Publish equality outcomes and report on progress;
- Assess and review policies and practices;
- Gather and use employee information;
- Consider award criteria and conditions in relation to public procurement;
- Publish in a manner that is accessible;
- Publish gender pay gap information;
- Publish statements on equal pay.

Performance against the equalities duties is regulated by the Equality and Human Rights Commission (EHRC). The Human Rights Act 1998 also makes it unlawful for a public body or those performing a public function to act, or fail to act, in a way that is incompatible with the European Convention on Human Rights.

In line with the Equality Act 2010 (Specific Duties) (Scotland) Regulations this mainstreaming report focuses on those activities which are not reported on elsewhere through SPS' existing public performance reporting systems. Progress against our Equality Outcomes and Gender Pay Gap are published separately, and those reports, alongside SPS' Annual Performance Reporting which captures our employee information, can be found on our website www.sps.gov.uk.

3. Our Corporate Commitment

Diversity is vital to achieving our vision and we have made a clear commitment to equality and diversity through our Corporate Planning and Performance activities. Our strategic focus over the past 2 years has been on our continuous improvement as an organisation and to ensure positive outcomes were delivered for those in our care. The work we have undertaken has been delivered under the strategic Impact strand of the SPS' Corporate Plan 2019 – 2022.

We use a range of evidence sources to assess our performance over the life of the Plan, supported through annual business planning, set against our commitments and obligations under the Scottish Government's Justice Strategy and the National Performance Framework. During this reporting period, performance was managed by our Executive Management Group (EMG) and monitored by our Advisory Board. As an Executive Agency of the Scottish Government, our corporate commitment to equalities has also been informed by the Scottish Government's expectations. The Scottish Government is committed to reducing inequality in Scotland and this commitment underpins many of the Government's priorities and success measures.

Our Mainstreaming Report outlines the progress we have made towards delivering our equality duties, our mission, vision and values and our Equality, Diversity and Human Rights statements as detailed below.

SPS Mission, Vision and Values

Our Vision

The Scottish Prison Service (SPS) has a Vision of:

Helping to build a safer Scotland – Unlocking Potential – Transforming Lives.

Our Mission

The Mission of SPS is:

Providing services that help to transform the lives of people in our care so they can fulfil their potential and become responsible citizens.

In delivering our Vision and Mission, our Operating Task is:

Helping to protect the public and reduce reoffending through the delivery of safe and secure custodial services that empower offenders to take responsibility and to fulfil their potential.

We deliver this through:

Custody Managing safe and secure custodial environments;

Order Providing stability and order that helps offenders to transform their lives;

Care Supporting wellbeing and treating with respect and humanity all in our care; and

Opportunity Providing opportunities which develop the potential of our staff, our partnerships and the people in our care.

Our Values are:

Belief We believe that people can change.

Respect We have proper regard for individuals, their needs and their human rights.

Integrity We apply high ethical, moral and professional standards.

Openness We work with others to achieve the best outcomes.

Courage We have the courage to care regardless of circumstances.

Humility We cannot do this on our own, we recognise we can learn from others.

SPS Equality, Diversity and Human Rights Statement

The Scottish Prison Service (SPS) is committed to ensuring our people, and everyone we work with is treated fairly, with dignity, and with respect for their human rights. This is regardless of their: sex; gender identity; marital and civil partnership status; pregnancy and maternity; race (including ethnic or national origin, nationality or colour); disability; sexual orientation; age; religion or belief; and regardless of any other personal characteristic, such as: social background, working pattern, trade union activity or political opinion.

SPS is committed to fulfilling and, where possible, going beyond our obligations as both an employer and as a public sector service provider under the relevant Equality and Human Rights legislation. SPS also seeks to respect, protect, and fulfil the full range of international human rights obligations, such as the UN Convention on the Rights of Persons with Disabilities and the International Covenant on Economic, Social and Cultural Rights.

SPS will embrace diversity and actively promote human rights in all aspects and areas of our work. SPS will promote fairness by ensuring everyone we engage with is treated with respect and dignity, and promote a culture where everyone in our care, our employees, our partner agencies and the public feel they are treated fairly, equally and according to their needs.

SPS will:

- Recognise that a variety of backgrounds, styles, perspectives and abilities are an asset to our organisation, and therefore build a diverse and inclusive workforce that reflects this.
- Foster a workplace where our diverse working population has equal access to all employment opportunities.
- Develop meaningful and collaborative relationships with diverse community organisations.
- Use robust equality analysis to drive continuous improvement.
- Understand and place the needs and rights of those in our care at the centre of our policies and practices; and empower those in our care to shape decisions which affect them.
- Be sensitive to issues of discrimination, harassment and victimisation across the organisation and take steps to rectify problems and provide satisfactory remedies.
- Ensure our methods of communication are inclusive and accessible.

Integrating Diversity

It continues to be our ambition to have a workplace that reflects the wider Scottish society, enabling us to undertake informed decision making leading to the improvement of the quality of the services we offer. In 2020 we developed SPS' Diversity Action Plan (DAP), which outlined the actions the organisation will take forward to realise our ambition. The actions outlined within the DAP have been based on the organisational recommendations outlined in the 2017 McGregor-Smith Race in the Workplace review. Whilst the McGregor-Smith review focused on ethnicity within the workplace, our actions extend wider and incorporate all those with protected characteristics.

To ensure diversity is embedded in all we do, our diversity action planning sets out a commitment from our senior leaders to hold both themselves and each other accountable for the overall delivery of diversity. The Equality and Diversity Steering Group, chaired by the Chief Executive, continues to monitor and advise on the SPS' progress against the Public Sector Equality Duties and delivery against our strategic objectives.

COVID-19

2020 was a year unlike any other, and the impact of a global pandemic on the lives of those who work for SPS and those within our care, was unprecedented. For SPS, the continuation of our day to day operations was imperative whilst ensuring the health and safety of our employees and those in our care, in line with advice provided by the Scottish and UK Governments and health authorities.

In April 2020 we published SPS' Covid-19 Pandemic Plan, setting out the organisational approach to COVID-19. The Pandemic Plan was supported through the introduction of a series of management policies and guidance documentation, alongside the temporary revision of Prison Rules, enabling SPS to comply with the changes in Government legislation.

COVID-19 meant many of the daily practices and routines within establishments had to be placed on hold as the primary focus continued to be the health and safety within establishments, and staffing resources from across the SPS were diverted to support the Pandemic Plan response.

Equality and Diversity continued to be integral within the work undertaken during COVID-19, with policies and practices being subject to Equality and Human Rights Impact Assessments, staff guidance to communicating those in our care who had additional support requirements, as well as continued support for those experiencing mental health concerns. During COVID-19 we rolled out virtual visiting facilities and mobile phone usage for those in our care, enabling individuals to continue to have regular contact with their families and external support whilst face to face visits could not be facilitated.

Procurement

We consider equality and diversity throughout our procurement activities and ensure our tender processes comply with all legislation, ensuring our approach is open, proportionate and inclusive, reducing barriers to participation. Our Procurement team have embedded diversity into their processes, ensuring equal treatment and non-discrimination principles in all procurement activities through appropriate specifications, consideration of contract size and use of proportionate documentation to place the minimum burden possible on suppliers and contractors. All staff who join the Procurement function at HQ undertake specific procurement training which incorporates sessions on ensuring tender specifications demonstrate compliance with equality and diversity.

Equality and Human Rights Impact Assessments

We continue to be committed to developing policies and procedures with full consideration of equality issues and we recognise that Equality and Human Rights Impact

Assessments (EHRIA's) are an important mainstreaming tool. We continue to carry out EHRIA's as part of our approach to policy review and development, allowing us to consider how our policies may impact either negatively or positively on groups or individuals in relation to one or more of the protected characteristics. In line with our equality duty, all EHRIA's are published on our external website www.sps.gov.uk.

Key Diversity Stakeholders

We continue to be a Stonewall Diversity Champion and participate in the annual Stonewall Workplace Equality Index, continuing to work towards achieving our aim to become a top 100 organisation within the Index. Colleagues from across the organisation attend the annual Stonewall conference, cascading information and key messages from the conference to their management teams. We consider Stonewall as a key stakeholder with regard to the development of organisational policies and their associated EHRIA's, and colleagues from Stonewall meet with the SPS regularly to discuss how we can take actions that will increase our ranking in the Index and comply with good practice to support our LGBTI colleagues and those in our care. We continue to build relationships with key stakeholder and third sector organisations and work with the Employers Network for Equality and Inclusion (enei) to help identify good practice in the work we undertake.

4. MAINSTREAMING EQUALITY AND DIVERSITY WITHIN OUR ESTABLISHMENTS

Activities

All SPS establishments have local Equality and Diversity groups which are required to implement local Equality and Diversity action plans which support the wider SPS Equality and Diversity activities. The groups are chaired by the Governor in Charge and include representatives from Human Resources, Trade Union, establishment Equality and Diversity Managers, establishment Equality and Diversity champions and representatives from those in our care. The groups are tasked with holding a number of events and activities for those in our care that are focused on embedding Equality and Diversity within their establishments. Throughout 2019 a wide range of activities were undertaken across establishments including:

- Well person clinics, promoting a healthy lifestyle;
- Recovery Café for those recovering from addictions;
- Choose to Loose healthy eating support;
- Street soccer, promoting positive mental health through exercise;

- Differing faiths coming together to discuss and understand differing practices, including Ramadan, Eid and Passover.

Since 2016 we have flown the Rainbow flag across the SPS estate and this practice is now incorporated into our annual cycle of activities.



Guidance is provided to all establishments at the beginning of each year when the flag should be flown, with the identified dates linking into International Day Against Homophobia, Biphobia and Transphobia, the beginning of Lesbian, Gay, Bisexual and Transgender (LGBT) history month, Glasgow Pride and Edinburgh Pride.

Accessible communications are key to delivering our services, and we are committed to providing material that is accessible to all. All our corporate publications are available in alternative formats upon request and are published externally on the SPS website www.sps.gov.uk.

To support accessible communications for those in our custody we have a framework agreement that covers interpreting, translation and transcription services, and includes a process to translate information into Easy Read to support people in prison establishments who have learning disabilities or difficulties. Each establishment Equality and Diversity is the establishment lead for ensuring the publication and signposting for communications that enhance the prisoner populations understanding of equality and human rights. Throughout COVID-19 we have ensured accessible communications, including the production of notices in a range of differing languages, were provided to those in our care.

User Voice

“User voice” is becoming increasingly important in both understanding and promoting self-reflective behavioural change in those who offend, and we are committed to working with those in our care, colleagues within the wider Justice Community and those within the third sector, to develop and inform our understanding.

A key tool for our understanding of the lived experience of those in our care is the biannual Prisoner Survey, a self-reported snapshot which offers a unique opportunity for people in custody to express their point of view on matters of importance to them.

The Survey has a number of objectives:

- to make use of prisoners’ perceptions of service-delivery and service-quality in business planning;
- to provide people in custody with an opportunity to comment on a range of issues that impact on their experience in prison;
- to allow staff to get a better understanding of how the halls they manage compare to equivalent halls and in so doing to provide a tangible way to help share items of ‘best practice’; and
- to allow the SPS, through repetition of the same questions, to track progress across the various dimensions that are included in the Survey.

The Survey is designed to help inform and shape change in the SPS and is directed at improving the quality of service delivery in every prison. This approach is predicated on the well-established belief that for change to be effective it is imperative that the views of those in our care are factored into the planning equation. The Prisoner Survey provides a unique insight into life in Scottish prisons from the perspective of those who are in our custodial care, and informs, shapes and drives change by contributing to establishment and corporate business plans to improve service delivery.

5. THE SPS AS AN EMPLOYER

We are committed to understanding and supporting equality of opportunity and diversity within the SPS by continuing to work in partnership with our TUS colleagues and through engaging with our staff networks.

Employee Wellbeing

We do not underestimate the impact COVID-19 has had on our employees, both with regard to their work activities, and also personally. A range of employee support measures

were undertaken as part of the SPS COVID-19 response, including wellbeing support mental health self-help guides, guidance for managers on supporting teams, the promotion of confidential support via SPS' employee assistance programme, and through sign posting to external support mechanisms including the Charity for Civil Servants.

As part of the support to employees, SPS introduced a series of measures including working from home, guidance on self-isolating and revised the existing absence policy and procedure to ensure no employees were negatively impacted upon due to following public health guidance requirements or being away from the workplace due to COVID-19.

In recognition of the changes to working for many of our employees who were required to work remotely, SPS developed a monthly newsletter publication 'Connect.' The aim of the newsletter was to provide SPS updates, as well as guidance and advice to help SPS colleagues and those they care about, manage their health and wellbeing. The intention is to continue Connect newsletters as part of the wider SPS wellbeing strategy.

Over the past 12 months in particular due to increased working and learning from home, the development of an infrastructure to allow and encourage critical communications and welfare have been very important. SPS has undertaken significant work on the digital infrastructure with the roll out of laptops and supportive software packages, enabling many staff to work remotely whilst unable to attend the office in line with Scottish Government rules.

Our Employee Policies

We recognise the need to ensure that our policies and activities are not discriminatory and to fully consider Diversity and Equality issues when developing new policies, or when we significantly change existing policies. We aim to ensure that all our strategies, policies and procedures are inclusive and that our equality is embedded in the behaviour, actions and decision-making of our staff. Our Human Resources team oversee our employee policies including an overarching Equality and Diversity policy, a Code of Conduct and a suite of more detailed policies on specific issues including flexible working, Dignity at Work and family friendly policies.

We continue to undertake reviews of the policies that impact upon our employees and throughout 2020 we worked in partnership with TUS colleagues to develop new and revise existing policies, reflecting the changing requirements of our workforce in the midst of a global pandemic.

Staff Networks

We have 3 staff networks in SPS: INSPIRE, our network for disabled staff or those who care for disabled people; Prism, our network for lesbian, gay, bisexual and transgender

staff; and Women in SPS (WiSPS). Consultation is an important part of the role the SPS staff networks play in our organisation and we have recognised the requirement for our networks to play an active role in the development of our policies and practices.

INSPIRE is the SPS network for disabled employees and employees who care for disabled people.



PRISM is the Lesbian, Gay, Bi-sexual and Transgender (LGBT) network for the SPS, and

undertake a range of internal and external activities that support our mainstreaming requirements, including attendance at external events such as Glasgow Pride, Edinburgh Pride and Grampian Pride.

The network consults with a number of external agencies, including Stonewall, raising the awareness of the SPS as a supporter of the LGBT work who creates a supportive organisation for anyone who identifies as LGBT. PRISM is not just for staff who identify as LGBT, and the network has a number of allies and friends from across the SPS that support our LGBT colleagues and attend/promote events.

WOMEN IN SPS is the SPS network aimed to develop women in the SPS and advance equality for women staff, developing and maximising the contribution of women and recognising the development and contribution women make throughout the workplace and their ability to provide a legacy of successful role models.



Recruitment

Ensuring equality of opportunity is key to our recruitment practices and, in line with our requirements under the Civil Service Recruitment policy, we ensure our recruitment practices are open, fair and transparent. In striving to achieve these aims we welcome applications from all suitably-qualified people, in particular those that are currently under-represented in our organisation. We are aware however that more work is required to increase diversity through recruitment, in particular in attracting disabled applicants and those from a minority ethnic background, and we have committed to undertaking this work as part of our Diversity Action Plan and Equality Outcomes. Nonetheless, where we have opportunities, we continue to promote the diversity message in our standard job advertisement template and do what we can to ensure that those opportunities that do arise are promoted effectively and that through "Positive Action" we do our best to attract and support those from under-represented groups.

We test how far diverse needs are met through our recruitment process by requesting and monitoring diversity information from all candidates. We use this information, which is held separately and accessible to a very limited number of colleagues, both to help ensure that our resourcing policy and procedures have no discriminatory impact on any groups of applicants and to assess the effectiveness of different recruitment campaigns for applicants from particular diversity groups to ensure equality of opportunity for all.

Learning and Development

The SPS' College have continued to offer a range of learning opportunities including face to face classroom sessions, distance learning, coaching, experiential and e-learning. In April 2019 SPS' new on-line learning platform "MyLO" went live. The MyLO platform holds over 160 e-learning modules available on a variety of relevant workplace topics, and has enabled all our employees to continue to access training courses during COVID-19.

The SPS has had to adapt learning and development in response to the COVID-19 pandemic which resulted in all Core to Role training being paused from March 2020 to mitigate against Covid transmission. Officer Foundation Programmes (OFPs) continued to ensure staffing complements were achieved across SPS facilities. However, in order to continue delivery of OFPs, adaptations were made to delivery which included reviewing the programmes, both Operation and Residential Officer to reduce where possible transmission risk, such as removing establishments contact and replacing induction elements at the SPS College. In addition, computer tablets were initially given to recruits to support distance learning, however this was improved through the provision of an externally accessible access point through MyLO. This is accessible to all individuals out with an SPS site and on any personal device. This enables learners more flexibility learning from home. Provisions are in place through the procurement of laptops for individuals who do not have access to a suitable device. This enabled all recruits equal, safe access to the learning materials at home.

As Officer Programmes continued to include Control and Restraint training in order to support operational delivery upon completion of the programme, Safe Systems of Work (SSoW) were developed in collaboration with Health and Safety, and Trade Union representatives. The SSoW incorporate a 'pod' system of a maximum of 6 learners to mitigate transmission risk and support learning in small group sizes. To date over 600 learners have completed C&R, Operational and non-operational PPT under the SSoW.

As of September 2020, non-contact Core to Role training was resumed, this was supported locally by the Establishment based L&D managers. Where possible options have been explored in the continuation of essential training through the procurement of equipment.

The suite of First Aid products restarted due to the purchase of atomically correct dummies which support physically distanced training.

Digital learning has been further enhanced through the procurement of Adobe Connect. This is an interactive digital platform that supports remote training delivery. In order to maximise the blended learning approach, a number of products were converted to digitalised delivery including Home Detention Curfew, various Leadership modules and Core to Role training. In order to successfully deliver blended learning, practical research was completed during the initial implementation of Adobe Connect on how to structure the design and delivery of remote digital training to most effectively facilitate learning.