



Scottish Prison Service

Mainstreaming and Equality Outcomes Progress Report 2021 – 2023

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Introduction

This report sets out the progress we have made with Mainstreaming equality into the Scottish Prison Service (SPS), over the period April 2021 - 2023, 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. The report also provides an update on the progress made against our 2020 – 2023 Equality Outcomes.

There has been continual progress in our approach to addressing and tackling inequality, discrimination and disadvantage that may arise on the basis of an individual's protected characteristics. As part of our Public Sector Equality Duty (PSED), we remain focused on the elimination of discrimination, advancing equality of opportunity and fostering good relations.

We have progressed our commitment to equality through a range of activities, with the purpose to monitor and determine SPS' contribution to alleviating and mitigating all forms of inequality.

This report has four distinct sections:

- Section 1, setting out the requirements of the Public Sector Equality Duty (PSED) and the context SPS work within.
- Section 2, outlining the activity we have undertaken to mainstream equality, both as a service provider, and as an employer.
- Section 3, detailing our progress in delivering our published Equality Outcomes.
- Section 4, providing an overview of our next steps.

Our work around equality, diversity and inclusion is monitored corporately with other mainstreaming reporting taking place through various statutory publications, and these can be found on our website www.sps.com

Like so many other organisations, the period covered by this report included the COVID-19 pandemic, with all the operational change and challenges that involved. This report also provides information on the actions we took during, and as we emerged from, COVID-19.

While this has been a particularly challenging period, it has also been an opportunity to take stock of the emerging picture around inequalities and to consider the future focus of our work. In 2020 we set three new Outcomes which are responsive to current inequalities, and which ensure we continue to advance equality, eliminate discrimination and foster good relations throughout our work.

We are proud that we have made progress against our Outcomes. Alongside these improvements we recognise that we have more to do to tackle continued under representation in our workforce and we have set ourselves a renewed focus to make sure we take the steps necessary so that we reap the rewards that a diverse workforce brings.

Section 1: Context

In this section we set out the legislative and current policy context that directs our work to advance equality.

The Equality Act Public Sector Equality Duty

The 2010 Equality Act introduced a new Public Sector Equality Duty (PSED) which replaced the previous three equality duties (race, disability and gender). The PSED consists of a general duty and specific duties. The general duty consists of three main needs. The specific duties support delivery of the general duty and provide a helpful framework for SPS to demonstrate compliance with the PSED.

The Act also aims to protect all individuals against unfair treatment related to their protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The general duty

The general duty three needs require SPS, in the exercise of our functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people from different equality groups, considering the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Met the needs of people with protected characteristics.
 - Encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- Foster good relations between people from different protected characteristics groups, tackling prejudice and promoting understanding between people from diverse groups.

The specific duties

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 exist to help SPS develop evidence-based policies and practices, improve transparency and accountability, and deliver better outcomes for everyone in Scotland. To meet the specific duties, SPS is required to:

- Report on progress of mainstreaming the general duty into all functions every two years. Our last mainstreaming report was published in 2019.
- Publish and deliver a set of equality outcomes that cover all protected characteristics (or explain why not all protected characteristics are covered) every four years. We first published our equality outcomes in 2013 and this report provides a progress report against our current Outcomes.

- Assess the impact of new and revised policies and practices against the needs of the general duty on an ongoing basis. We do this through the undertaking of Equality and Human Rights Impact Assessments, and these can be found [here](#).
- Gather information on the protected characteristics of employees and publish every two years, as part of mainstreaming reports if not published elsewhere.
- Publish gender pay gap information every two years and publish statements on equal pay and occupational segregation for gender, race, and disability every four years.
- Have due regard to the general duty in specified procurement practices on an ongoing basis. Through our procurement practices, we aim to uphold the spirit of the Equality Act and address under-representation whilst ensuring adherence with Public Contracts Regulations. Any award criteria and contract performance conditions must, in accordance with the Public Contracts (Scotland) Regulations, be related and proportionate to the subject matter and value of the contract or framework agreement. In line with the Regulations, we publish annually our Procurement update and Strategy, and this can be found [here](#).
- Publish the above information in a manner that is accessible.

In addition to this core equality legislation, a range of other Scottish Government strategies and policies impact and inform our work on equality. These include the Fairer Scotland Duty, the Race Equality Framework, Anti Racist Employment Strategy, the Recruitment and Retention Plan for Disabled People and A Fairer Scotland for Women, among others.

In line with the reporting requirements, our employee information, Gender Pay Gap Report and Equal Pay Statement are published separately and can be accessed [here](#).

The Fairer Scotland Duty

As a public body we have a legal duty to:

- Show we have actively considered (“pay due regard to”) how we can reduce socio-economic inequalities in the strategic decisions we make, and
- Publish a short-written assessment on how we have done this. “Strategic” has been given a broad interpretation in this regard and means high-level public-sector decisions and decisions which affect how a public body fulfils its intended purpose over a significant time period.

Socio-economic disadvantage can be experienced both in places and communities of interest, leading to further negative outcomes such as social exclusion. The SPS adopts a progressive approach, seeking to address inequality both for our employees and within our prisons where possible.

To help us to actively consider this duty in strategic decision making and to ensure that any key outcomes associated with such decisions would not adversely impact on those already suffering

from socio-economic disadvantage, we have revised our Equality and Human Rights Impact Assessment (EHRIA) documentation and guidance to include the Fairer Scotland Duty.

Human Rights

In addition, as a public body, SPS is a rights duty-bearer with a responsibility to protect and promote the human rights of those in our care. SPS is fully committed to embedding and promoting the principles of equality and to protecting the human rights of people in its care, staff, and others who come into contact with us. We value and support diversity and inclusion, tackle inequalities, and promote and respect equality and human rights.

Through a structured, evidence-based approach, we embed a commitment to equalities and human rights into prison strategy, policy, and practice. Our performance is scrutinised by HM Inspectorate of Prisons for Scotland, the Scottish Human Rights Commission, and the Equalities and Human Rights Commission.

The Scottish Prison Service – who we are and what we do

The SPS is responsible for those who are committed to our care by the Courts when a custodial disposal is considered appropriate and is accountable to the Scottish Parliament for the delivery of custodial care in accord with The Prisons and Young Offenders Institutions (Scotland) Rules 2011.

An organisational review in November 2013 ([Unlocking Potential: Transforming Lives](#)) set a direction for the Scottish Prison Service. This set out a person-centred approach towards engaging with those in custody with a focus on desistance and collaborative working to achieve the aims of the review. The review also resulted in an ambitious Vision and Mission for SPS.

OUR VISION	Helping to build a safer Scotland, unlocking potential, transforming lives.
OUR MISSION	Providing services that help to transform the lives of people in our care so they can fulfil their potential and become responsible citizens.

In 2019 we refreshed our Corporate Plan, setting out our priorities for 2019 – 22. The Vision and Mission continue to be reflected within the [SPS Corporate Plan 2019/22](#) and Annual Delivery Plans. Our responsibilities under the PSED, including reporting on our Outcomes, formed part of the strategic theme “Impact” and we publish this report taking cognisance of the organisational revised priorities.

Principal Objective

Our principal objective is to contribute to making Scotland Safer and Stronger. The SPS has a duty to protect the public by keeping those who have been sentenced in safe and secure custody. Our commitment to public safety is delivered through constructive engagement with those in our care, focusing on recovery and reintegration.

On 31 March 2023, 15 prisons were directly operated by the SPS and a further two were run by private sector operators under contract to the SPS. We directly employ around 4,500 staff and on a daily basis accommodate around 7,300 individuals in our care. We also manage the contract for the Scottish Court Custody and Prisoner Escorting Service (SCCPES), on behalf of multi-agency justice partners, for the provision of safe and secure transport of those in custody to and from courts and hospitals.

Managing an increasingly complex prison population with increasing risks and needs, against the backdrop of a challenging financial climate, whilst supporting wider justice system recovery, will present a formidable challenge for Scotland's prison system in the short to medium term. It is also clear that COVID-19 will have an ongoing impact on how we accommodate and provide services to those in our care.

It is critical therefore that we plan to continue on our journey to be a 'relational', rights based, trauma informed, person centred, prison service – a prison service which places staff and service users at the heart of the design, delivery and improvement of prison services. It is also critical that we build on the implementation of change initiated in response to the pandemic, continually assess what is working well and what is not working so well, to enable us to learn and improve for the future.

Section 2: Mainstreaming equality into our policy and practices

What does mainstreaming equality mean?

As defined by the Equality and Human Rights Commission (EHRC), mainstreaming equality means integrating the Equality Duty into our daily operations and activities. The benefits of mainstreaming the duty include but are not limited to:

- Ensuring equality becomes a natural part of structures, behaviours and culture of our organisation. Our organisational values are an important part of ensuring that we work towards equitable outcomes.
- Promoting equality demonstrated and evidenced within our functions.
- Contributing to continuous improvement and better performance which benefits all the citizens and stakeholders.
- Improved outcomes for all and better inclusion.

At SPS, we strive to make mainstreaming the way in which we deliver all our services. 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.

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.

Equality and Human Rights Governance

Our strategic governance structures for equality, diversity, inclusion and human rights (EDI&HR) comprise an overarching strategic Oversight Board supported by a service delivery focused group (E&D Managers' Forum). These meetings are all chaired at executive, or senior leader level and provide forums to focus on key equality, diversity, inclusion and human rights priorities. Reporting our progress is undertaken through the provision of a range of corporate updates provided to The Oversight Board, our Executive Management Team and Advisory Board.

The EDI&HR meetings are aligned to our organisational priorities to ensure successful mainstreaming. In addition, a single set of EDI&HR Standards form part of our wider Prison Records Standards. These Standards enable senior management teams to ensure compliance and progression from a local perspective. This allows business areas to outline their EDI&HR considerations and decision makers to take account of relevant impacts and opportunities in their decision making.

SPS Equality and Diversity Managers (E&D Managers), usually part of the wider Senior Management teams in each establishment, serve as champions for EDI&HR's, ensuring their establishment is working towards and meeting its obligations under the Prison Standards such as ensuring compliance on Ramadan for Muslims in custody, and the PSED, specifically under the General Duty (see above), ensuring mainstreaming of human rights obligations in local policy and practice.

The E&D Managers' Forum, which takes place every two months was refreshed in November 2022 and now functions as a learning forum for our E&D managers to share good practice and examples for preventing discrimination and improving relations for those with a protected characteristic. The forum brings in external and internal expertise to improve awareness of managers around prominent and urgent issues so that E&D managers have the skills and knowledge to implement change. The forum is also used as a route for communicating strategy and direction from HQ to ensure all establishments are working concurrently, and in doing so ensuring a comprehensive and common approach is taken towards the management of people in our care with regard to EDI&HR.

Equality and Human Rights Impact Assessment (EHRIA) - a tool for mainstreaming

EHRIA is an evidence-based assessment that ensures potential equality, socio-economic and human rights impacts and opportunities are identified and acted upon as part of a decision-making process. It is a key tool to support mainstreaming of equality and human rights considerations into all our policies, processes, practices and decisions. In recognition of this, we aim to continuously improve our EHRIA practices and tools to ensure we are evolving our organisational approach to EHRIA – moving from process to mindset.

We are focused on ensuring organisation-wide use of proportionate and effective EHRIAs to support mainstreaming and ensuring that EHRIAs take place as a part of the policy development process. While EHRIAs are routinely used to support the development of more inclusive policies and practices, we have identified gaps in relation to the development and publication of EHRIAs (outwith policy) and are working to improve this. We have:

- Delivered an awareness workshop to our senior leaders
- Revised our guidance documentation,
- Undertaken development sessions to embed EHRIA's with E&D Managers and Human Resource colleagues who are responsible for the development of policy.

We will follow the above with a review of our current EHRIA process.

Mainstreaming within the Prison Setting

Human Rights-Based Approach within our Estate

SPS' Human Rights approach and compliance is monitored through His Majesty's Inspectorate of Prisons (Scotland) (HMIPS) whose inspection standards are written with the international human rights framework in mind and applied through a human rights-based approach.

Amongst others, the standards are heavily influenced by CPT Standards; UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules); European Prison Rules; UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules); Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; various Council of Europe recommendations; UK Domestic Legislation including the Human Rights Act and Scotland Act; European Convention on Human Rights; UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules); international jurisprudence and best practice; and UN Convention Against Torture.

The human rights-based inspections follow the **PANEL** headings:

Participation - Prisoners should be meaningfully involved in decisions that affect their lives.

Accountability – There should be monitoring of how prisoner's rights are being affected as well as remedies when things go wrong.

Non-Discrimination - All forms of discrimination must be prohibited, prevented and eliminated. The needs of prisoners who face the biggest barriers to realising their rights should be prioritised.

Empowerment - Everyone should understand their rights and be fully supported to take part in developing policy and practices which affect their lives.

Legality - Approaches should be grounded in the legal rights that are set out in domestic and international laws.

HMIPS's human rights-based approach to inspection is a critical element of ensuring both that the human dignity of those in our care are upheld and that prisons are places of productive, positive and useful education, work and interaction, leading to better outcomes and keeping our communities safer. Details of HMIPS's reports and inspections can be found [here](#).

Mainstreaming through prison-based activities

In line with the EDI&HR's Prison Record Standards, all SPS establishments have local EDI&HR committees which support the wider SPS Equality and Diversity activities. Each committee, chaired by the Governor in Charge, includes representatives from across the prison, including where possible, prisoner representation thus ensuring the voice of those with lived experience of a custodial sentence is heard. The groups are tasked with holding several events and activities for those in our care that are focused on embedding Equality and Diversity within their establishments, and examples of the work undertaken in some establishments are detailed below.

Barlinnie - To recognise Mental Health Awareness Month, a full timetable of activities and events were held in the Resource Hub including 'Positive Mastermind' and a 'Question of Health & Sport'. Guest speakers also included former Scottish Rugby Player Jim Hamilton, Comedian Gary Faulds and Author Graham Armstrong. Over 2,300 people engaged with the events, raising awareness of Mental Health and highlighting the importance of seeking help and support.

Castle Huntly - In September, the establishment hosted a successful Coffee Morning, raising a total of £440 for both Macmillan Cancer Support and Mental Health UK. Cakes and sweet treats were prepared by staff and those in our care with members of the local community including local councillors, local parish ministers and the Longforgan Women's Guild joining the event.

In July 2021, the Hepatitis Trust devised an event to recognise the 10th World Hepatitis Day in one prison in each of the UK's four nations. HMP Glenochil was selected as the prison within Scotland and a team of Managers, Nurses & staff worked alongside the Hepatitis Trust to organise and deliver the three-day event. During the event, over 550 prisoners and 50 staff volunteered to be tested and NHS staff were on hand to arrange follow up referral and treatment in the event of a positive test. There were also numerous stalls raising awareness of the virus and other health and wellness related issues.

Staff at HMP YOI Polmont have been working to create a communication friendly environment to improve the experiences and care of those with neurodiverse conditions and speech and language difficulties. The team has delivered training on neurodiversity, to expand knowledge and bring awareness to staff of the prison's diverse population. Working with young people and women and listening to their opinions as to how to create a more communication friendly environment, has seen both improvements to the physical environment and communications with staff.

Some of the recommendations from these groups have included coloured areas within the main corridors to demarcate different zones and adopting the use of global symbols on signs, as they find the current signage poorly positioned and tricky to understand. The team have completed the development and roll out of visual canteen and sundry order forms and are now looking to have pictorial menus. Easy read booklets have been created for every residential area within Polmont and are now in use, as well as easy read rules and easy read activity sheets. A pilot was run in the segregation area at Polmont and the feedback from this has helped inform further developments.

16 Days of Action is an Annual Global Event which aims to raise awareness of gendered violence, domestic abuse and sexual violence. CEA (Committed to Ending Abuse) have organised the event within Polmont for the past six years and did so again in November 2021. Individuals in our care designed awareness posters and over the course of one week, they were invited to attend information sessions, see artwork and creative writing submissions and complete activity packs. Over 60 people signed the pledge to show their support for ending domestic abuse

This year HMP Low Moss has a multi-cultural prisoner group working in the kitchen and the catering team have made significant efforts to help them improve their English, develop their skills and access Education. Working with this group also gave the staff ideas to vary menus, allowing for a greater diversity of food for people living in Low Moss. The team have also worked hard to organise theme nights and meals for Christmas and New Year, Eid and Chinese New Year.

HMP Low Moss Talking Heads Group is an initiative that was set up to encourage prisoners to share their experiences of life in custody and the challenging mental health issues that some of them experience. The overall aim of the group is to provide a supportive environment and to incorporate some motivational topics and encourage people to think of ways in which they can manage their own challenges through mindfulness, poetry, and positive thinking.

Mainstreaming as an Employer

We recognise that our staff are the key to maximising our contribution towards the Vision for Justice in Scotland as it is their excellent work, most often unseen by the public, which makes the difference. It is therefore incumbent on us to provide the leadership, line management, personal development and people services support which they deserve. This will allow us to transform how we provide services including ensuring that we deliver person centred services and embed trauma informed practices inherent in the delivery of EDI&HR's.

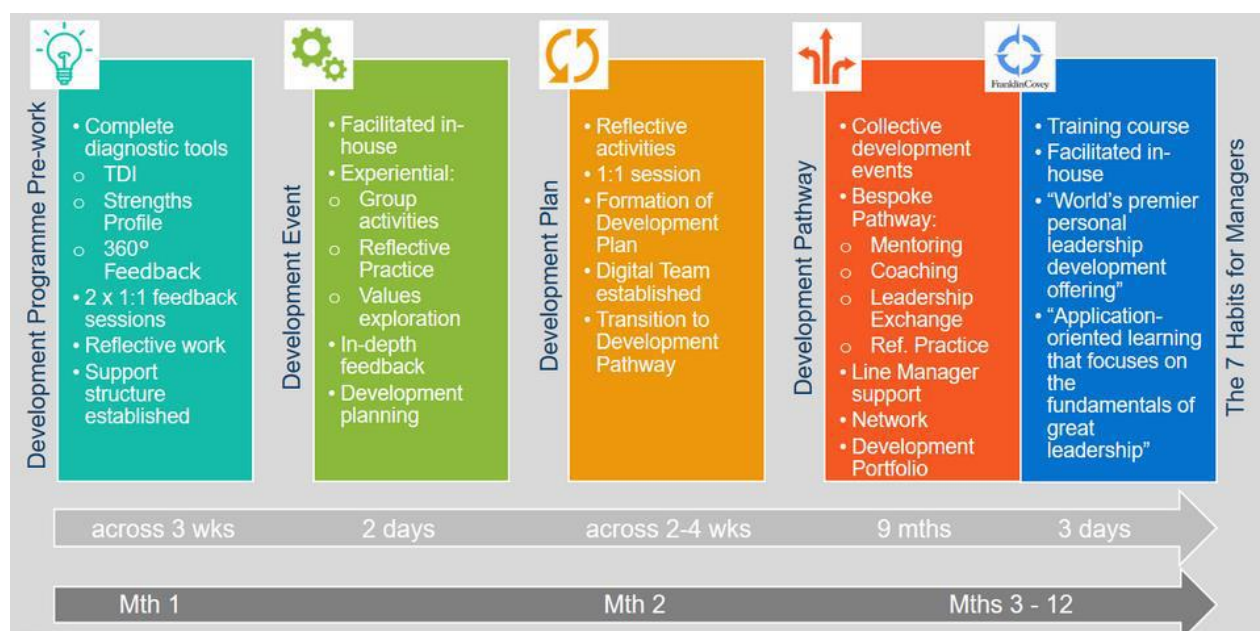
Leadership Strategy

Following significant research, analysis, consultation and engagement, in March 2022 Executive Management Group approved a new Leadership Strategy. The Leadership Strategy aligns to SPS' strategic direction as set out in our corporate publications and strategies and sets out the behaviours expected of our leaders and managers in their day-to-day activities with those they come into contact with. We recognise the importance of behaviours in shaping a culture where we respect each other, and the role of our leaders in modelling those attitudes and behaviours is fundamental in shaping cultural change.

The Leadership Strategy is underpinned by collective leadership principles and outlines three key themes, Developing Leadership, Empowering Leadership and Enabling Leadership.

Development Pathways, including Development Centres

The first development pathway at middle management level has been launched with a pilot programme, ‘Leading with Awareness’. Participants will take part in a two-day Development Event, followed by a 9-month Development Pathway. Recognising the role of line managers in supporting development in role (through the development pathway and beyond), a Line Manager Online Briefing will take place for those who have line management responsibility for pilot participants, which will provide an insight into the Development Event and Pathway and provide guidance on the role of the line manager in providing appropriate support.



Behavioural Competency Framework

In 2022 we developed a new Behavioural Competency Framework - “Competencies for Success” - which set out the behaviours expected of our employees to support effective performance within our organisation. The framework forms the basis of our people management processes and provides a common language for how we go about our daily work: it does not describe the WHAT we do in each of our roles, but HOW we do it.

The framework is underpinned by our core values, recognising the integral connection between our personal values and our behaviours. It outlines eight core behavioural competencies, which apply consistently to all roles, regardless of the nature or level. This ensures there is one transparent set of behaviours, which we will all work to, regardless of the job we do. As well as defining each of the eight behavioural competencies, the framework describes what each competency looks like in practice and includes development questions to support self-reflection and development activities.

Living Wage Employer



We are proud to be one of Scotland's Living Wage Employers and we actively promote the Fair Work First principles as an employer through our policies, practices and behaviours, and is committed to the delivery of a high-quality public service. SPS also recognises that the Fair Work First principles support workforce engagement, motivation, and the types of training and skills development necessary for a 21st century service. The SPS has been an Accredited Living Wage employer since August 2016.

Disability Confident Scheme

We are a level two Disability Confident employer and advertise this on our recruitment website to encourage applications from people with disabilities. This scheme aims to encourage employers to recruit and retain more disabled people and works with employers to:

- challenge attitudes towards disability;
- increase understanding of disability;
- remove barriers;
- ensure that disabled people have opportunities to fulfil their potential and realise their aspirations.

Since we last reported, 322 applicants selected that they wished their application to be considered under the Disability Confident Scheme. Of these, 79 were progressed to the later stages in the selection process (beyond application shortlisting), 42 withdrew their application mid-process and 13 remain active in the earlier stages of the selection process at this time (pre-shortlisting).

Supporting employee wellbeing

Our Employee Assistance Programme (EAP) is a free support programme available to all employees, their partners and immediate families, which provides them with an extensive range of support on a variety of everyday issues, including health and wellbeing and access to a healthy lifestyle's website. It is accessed either online or through a 24-hour Freephone service.

Since 2021 we increased the support available to employees by

- launching a new health and wellbeing SharePoint site "The Spare Room", a single point of reference for all staff to access internal and external wellbeing support;
- introducing a number of new wellbeing apps, enabling staff to access support when it best suits them;
- Commenced the roll out of trauma-based learning for all senior management teams, forming part of SPS' trauma informed practices for staff and those within our custody;
- Rolling out the pilot of a new physiotherapy service, designed to support employees in their return to work, and
- Introducing virtual mental health clinics.

Our Policy and rewards

We have a comprehensive package of employment policies and guidance, agreed in Partnership with our Trade Union Partners, which support mainstreaming equality and inclusion. Our policy review process ensures that policies are up to date regarding legislation, inclusive language and all other changes in our approach to EDI&HR.

Since we last reported on our mainstreaming activities we have:

- Revised our Employee Wellbeing Policy, including the development of an interim Critical Incident support process for staff;
- Reviewed our Attendance Management Policy, introducing an Employee Passport enabling a single point of recording for employee health or personal conditions, thus reducing the requirement for staff to have multiple discussions which may cause upset;
- Developed our Hybrid Working policy in response to the COVID-19 pandemic;
- Created our first Menopause policy, alongside a suite of on-line training resources to support staff and managers;

In addition to reviewing existing policies, we ensure good practice through undertaking EHRIA's when developing new policies when this is required by employment legislation or other factors.



As part of our policy review process, in October 2021 we published a revised Flexible Working Policy, with over 100 employees taking advantage of the revised policy since April 2022. This publication follows the UK Government's consultation on making the right to request flexible working a day one right for all employees. We are pleased to confirm that the SPS are supporting the #FlexFrom1st campaign as part of this policy, enabling all our employees to request patterns of working which support their individual circumstances.

Tackling the cost of living

We do not underestimate the cost of living crisis has had upon our employees, and have continued to seek ways in which we can lessen the impact, whether that is economic, financial or in terms of employee wellbeing. In Partnership with our Trade Unions, our 2022 Pay agreement included:

- The removal of live formal performance warnings as a barrier to pay progression.
- The removal of Pay Point 1 for Pay Bands C- F.
- A continued commitment to no compulsory redundancies.
- Commencing the scoping exercise into a reduction in the working work and the Right to Disconnect.
- Increasing our Modern Apprentices hourly wage to £10.50, above the real Living Wage amount of £9.90.

We have continued to explore a range of benefits for our employees. Alongside the Cycle to Work scheme, all SPS employees have access to reductions through Blue Light emergency services

scheme, Edenred's "My Lifestyle", a one-stop shop to access hundreds of discounts and savings, and in 2022 we introduced "Lets Connect" giving access to a wide range of home based technology spreading the costs over 24 months via deductions from salary.

COVID-19 Response

The continued nature of the COVID-19 pandemic presented a period of unprecedented challenge in maintaining service delivery in the face of a constantly changing environment. In order to protect those living and working in our prisons during the pandemic, we rapidly implemented new ways of working. We introduced the single shift 'core day' to allow greater flexibility in the deployment of staff.

To mitigate the impact of Covid-19 within our prison settings we:

- put in place a range of Covid-19 specific staff processes and procedures;
- built on our partnership with NHS colleagues locally and nationally to ensure the continued delivery of healthcare in prison;
- developed dedicated information and resource pages on the SPS web and intranet sites and, recognising the impact of restrictions on families and friends, we continued our engagement with partners such as Families Outside and our prison Visitor Centres;
- introduced measures to support those in our care and their families during this challenging time. This included the successful roll out of Virtual Visits, authorised mobile phones, the implementation of a facility to accept online payments to people in our care from family and friends and the SPS Families Helpline.

Like many organisations, we had to respond quickly to enable changes in our working practices to ensure the health, safety and wellbeing of our employees. We assisted employees who had supportive equipment and software (specialised chair, mouse, keyboard, assistive technologies) in the office environment, to ensure that they had the equipment they needed to support them to work safely at home.

Throughout the pandemic we recognised the majority of our workforce was not able to work from home and that it was not possible for employees to work their normal hours due to caring responsibilities, underlying health conditions and other reasons. We supported employees to work flexibly when they could do so safely and provided reassurance to both those with medical conditions related to the virus, and those with caring responsibilities. By allowing staff to work flexibly we supported them to manage childcare, caring responsibilities, and other personal situations they faced.

Section 3: Progress against our Equality Outcomes

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 required us to publish equality outcomes (the Outcomes) we intended to achieve over the period April 2020 – April 2022 (extended to 2024). We set the following Outcomes:

- SPS' employee profile will be reflective of the wider Scottish society.
- We actively promote and support the Mental Health and Wellbeing of our employees, those in our care, and those who come into contact with the SPS.
- Both our diverse workforce and those in our care understand why we collect equality and diversity monitoring information and the impact of this in helping us manage and deliver our business.

Our Outcomes reflect the areas of equality we identified as requiring the greatest focus from SPS, set against our commitments and obligations under the Justice Strategy and the National Performance Framework, alongside other requirements placed on us as a public sector employer and service deliverer. The Outcomes were designed to support SPS' 2019 – 2022 strategic themes and outcomes, including:

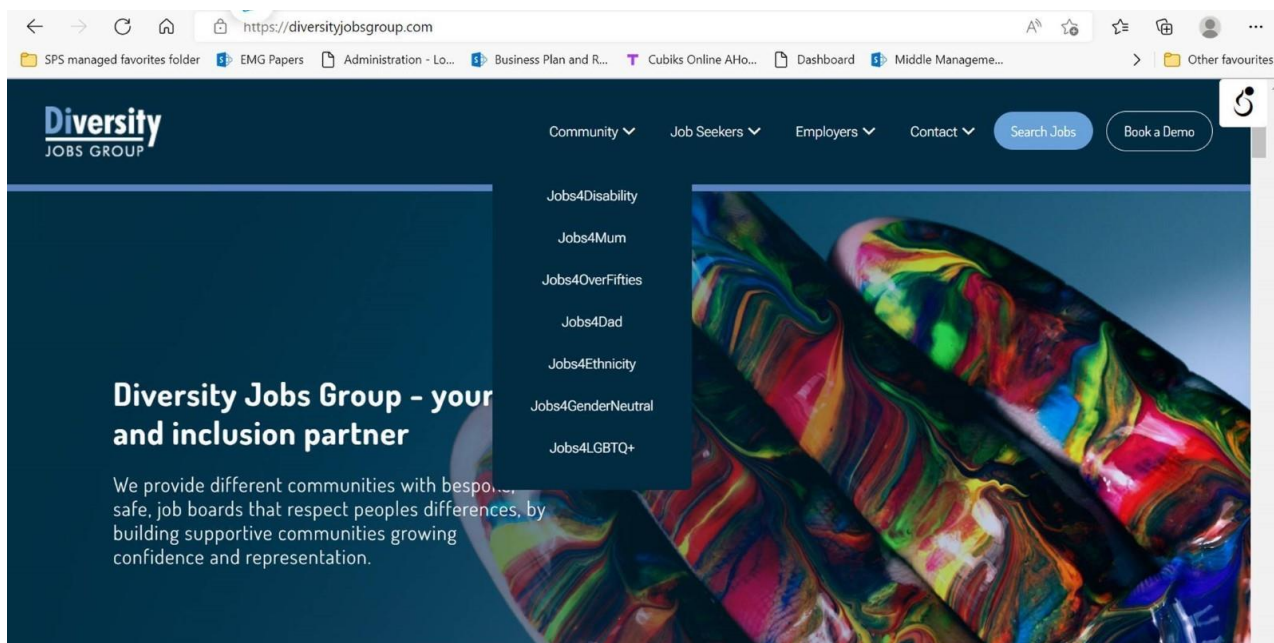
- **Development:** We will have the right people, with the right skills, in the right place, at the right time;
- **Impact:** Our services are efficient, effective and provide value for money;
- **Engagement:** Everyone has a voice and contributes meaningfully to our corporate improvement journey;
- **Standards:** Our prisons are safe, healthy and positive places in which to live and work;
- **Collaboration:** Growing and strengthening our stakeholder and partner networks and relationships to achieve better outcomes for those in our care.

We have taken a number of actions over the past two years to help achieve these outcomes. A summary of some of our activities for each Outcome is detailed below. A complete review of our Outcomes will be undertaken and then published in April 2024.

Equality Outcome 1	SPS' employee profile will be reflective of the wider Scottish society
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Action 1 - A review of our recruitment processes to ensure selection processes, as far as possible, have removed any barriers to appointing a diverse workforce.

We are continuing to explore additional mechanisms to increase candidates from harder to reach communities, including the promotion of SPS as a LGBT+ friendly organisation through Stonewall, and the development of SPS' company page on Diversity Jobs Group website.



Advertising campaigns for both Operations and Residential Officers remain live, accompanied by a range of adverts across online, radio and social media platforms, with targeted advertising in several geographical areas.

Our recruitment data indicates we have made limited progress in our efforts to appoint a more diverse workforce, however it is recognised the restrictions placed by COVID upon outreach and external events have reduced the range of opportunities available to SPS over the past 18 months. Due to data suppression, it is not possible to establish exactly how many successful candidates identify as coming from an ethnic minority, however we know the numbers each year between 2018 – 2021 were <10.

Our data indicates a similar position for candidates who identify as having a disability, with less than <5 being successful each year, and the percentage of employees who identify as having a disability remaining at approximately 8%.

Action 2 - Analysis of the first measurement of socio-economic background of applicant and appointment pool.

We introduced socio-economic questions through our ATS recruitment system in 2021. We anticipate analysis of this information will commence in 2023, with a view to capturing two years of data for comparison purposes.

Action 3 - The removal of minimum qualification requirements where unnecessary.

The requirement for minimum qualifications for Operations and Residential Officers have been removed, with increased focus on assessing suitability through values-based assessment. Recruitment and HR (Human Resource) teams continue to work with hiring managers to establish the qualification requirements within their job descriptions and the appropriate level of qualifications required for the role. It is too soon to establish the impact of removing minimum qualification requirements and further work is required within this area with regard to evidencing impact.

Action 4 - Analysis of the impact of changes to Prisoner Officer recruitment to attraction and selection.

Historically, national advertising supported by some targeted adverts in hotspot areas was sufficient to generate the applicants number needed; this is not the case currently and there is a need to increase local engagement and attraction activities beyond advertising.

To drive forward this engagement and attraction work, both within geographical hotspots and across underrepresented groups, additional temporary resource within the Workforce Planning team was approved, enabling collaborative work with Resourcing and Communications colleagues to enhance the SPS employer brand through planning, attendance, and facilitation of career events and through the development of high-quality tools, resources, materials, and approaches.

Work undertaken has included the development of promotional items including leaflets for distribution at career events and the development of SPS' Diversity jobs page.

The impact of this investment will help us to inform future approaches, however there is more work to be undertaken to fully develop the range of resources and approach to promote SPS. The creation of an Engagement and Attraction working group will take this work forward, and the first meeting of this group will take place in April 2023.

Action 5 - Seek out opportunities to provide work experience to a more diverse group of individuals through developing an Apprenticeship Framework in key business areas.

Whilst work on the development of a cross-organisational apprenticeship programme was delayed due to COVID re-prioritisation of work, approval was given for an Estates Apprenticeship Programme, which commenced in 2022/3 and will continue over the next three consecutive years, within a five-year funded programme. This approach not only supports youth employment, a priority for the Scottish Government, but also seeks to support us in filling hard to fill roles, within Estates Maintenance. A corporate services led working group managed the various work streams including the procurement and engagement of an appropriate training provider and the design, development and delivery of recruitment, attraction, and induction approaches.

Action 6 - The introduction of external recruitment routes to middle management and senior operational management roles.

We remain committed to external recruitment into leadership roles in support of the development of leadership capability and capacity as well as increasing the diversity of our leadership group.

We have introduced external recruitment pathways for Residential Officers and Middle Managers (F Band), providing opportunities for entry at higher Pay Bands for external individuals with specific protected characteristics. The new Middle Manager Development Programme, and Leadership Strategy, will embed our Values, evoke leadership capability and capacity to meet our commitments, create positive outcomes and work towards our organisational aspirations. Further scoping is needed to inform external recruitment options at more senior levels (G, H and I Bands).

Equality Outcome 2	We actively promote and support the Mental Health and Wellbeing of our employees, those in our care, and those who come into contact with the SPS.
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Action 1 - Develop and embed an over-arching Health and Wellbeing Framework, incorporating and inclusive Mental Health Strategy for those in our care.

A Mental Health Strategy is currently under development in partnership with key stakeholders, including those with lived experience, families and carers and experts in mental health and the delivery of mental health services and support. It will link directly to the planned Scottish Government Mental Health and Wellbeing Strategy, under which there is to be a Mental Health in Prisons and Criminal Justice Action Plan.

A multi-agency Group was implemented in 2022 to provide leadership and set the direction for the Strategy, ensuring SPS' strategy takes account of other relevant strategies as it develops. The development of the Strategy will ensure SPS contribute to improving mental health outcomes and contribute to wider outcomes for those in the justice system. We have focused on building the resource of the health team who have commenced with preparatory work for development of a Mental Health and Drugs & Alcohol strategies, which will be completed once the Scottish Government has published its health and social care needs assessments reports.

We have commenced the roll out of trauma informed training for all our senior managers.

Action 2 - Develop a bespoke component of the Mental Health Strategy for Young People in our care.

Our Outcomes identified the development of a bespoke component for Young People. There are no plans to progress this, with our key focus on preparation for United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill with progression of Phase 2 of the Control and Restraint Review. Ongoing delivery in collaboration with health partners of the recommendations of the Expert Review of Mental Health for Mental Health Support Services at HMP&YOI Polmont (EROMH) which provide a range of support to meet the needs of vulnerable young people in our care.

Action 3 - Publish our new employee Attendance Management policy and guidance.

The new Attendance Management policy, and associated guidance, was published in April 2021 and built on the foundations of the earlier Managing Attendance & Absence Policy & Procedures (MAAPP) which was established in April 2005. The new policy focuses on taking a person-centred and more integrated approach to managing absence to maximise attendance and to provide guidelines for the fair, reasonable and consistent management of sickness absence. The roll-out of the new Attendance Management policy was supplemented by an extensive number of supporting resources including webinars, online learning modules and online/local training packages to support its implementation.

Action 4 - Promote the Employee Assistance Programme, ensuring all our employees are aware of, and can access, the support available.

SPS' Employee Assistance Programme (EAP) supports our employees through the provision of confidential, independent, and unbiased information and guidance from a team of trained wellbeing and counselling practitioners. We promote the services offered by EAP through referencing their services in multiple employee wellbeing policies, staff communications and via our wellbeing calendar of events. EAP's telephone number is prominent on our Health and Wellbeing SharePoint page and the EAP desktop platform is available on all employee PCs/laptops throughout the organisation. Local HR teams also regularly promote the benefits of the EAP, and it is regularly referenced particularly when supporting employees with mental health absence.

Additionally, we have introduced virtual mental health clinics, mobile APPs through EAP and the Charity for Civil Servants and made available the SHOUT mental health text support service to all teams. We are currently working alongside the EAP on an interim critical response process that will support the employee group through the introduction of a 24/7 contact line following an event of this nature, including a watchful waiting period and onward referral to specialist services if required.

There were 312 calls made by SPS employees in the last year (2021/2022), averaging at 26 calls a month, with peaks noticed in Jan, Feb, Jun, and August. We will continue to monitor call usage, building this data to inform our practices going forward, but also to determine the impact on our colleagues of critical incidents.

Action 5 - Equip our managers to support employees, and themselves, through the continued roll out of the NHS accredited Mentally Healthy Workplace training.

We continue to offer “Mentally Healthy workplaces for Managers” a one-day course delivered at the Scottish Prison Service College. In the last 12 months a total of 15 courses were facilitated across the SPS estate with 116 staff attending, and we will seek opportunities to deliver the course to more managers in the coming months.

The course forms part of a wider range of support available to managers, which include a range of e-learning modules through our on-line learning platform MyLO, manager guidance through our EAP service, and a range of external support provisions through the Health and Wellbeing SharePoint intranet site.

Action 6 - We will ensure our Occupational Health provision supports the needs of the business.

Scottish Government (SG) requires all Executive Agencies to ensure provision of Occupational Health Services (OHS), available for staff to access. The requirement spans a wide range of public bodies including core Scottish Government departments, Agencies and Non-Departmental Public Bodies. The procurement of OHS involves a collaborative tender exercise covering 114 public bodies of varying type and sizes (employee numbers) within (or affiliated to) SG. The purpose of the contract within the SPS is to ensure that the occupational health needs of employees are addressed through the provision of a range of OH (Occupational Health) Services.

The majority of Core OHS activity reflects referrals to an OH nurse or physician. A range of specific (non-Core) activities such as lifestyle health screening, Hepatitis B immunisations, influenza immunisation clinics, and health promotion activities are also provided as part of the wider health and wellbeing services for our staffing group. All health promotion activities are promoted through our Health and Wellbeing Share Point site “the Spare Room,” alongside associated Notice to Staff updates.

We continue to meet regularly with our OHS provider to discuss and scope further support opportunities for services to our employees. We are currently piloting physio provision across all sites and a BBV/ sharps helpline in conjunction with OHS, both have been positively received by our employees. More recent work activity has related to the scoping of an interim critical incident management process with OH as well as changes to improve our pre-employment screening processes to take greater cognisance of historical trauma.

Action 7 - We will take opportunities, where business needs allow, for employees to undertake flexible working designed to support home and work life balance.

As a future focused and flexible employer, 2021-22 saw the implementation of an improved flexible working policy, making the right to request flexible working a day one right (Flex from first), aimed at supporting employee work/life balance. We will explore opportunities to monitor flexible working profiles across the organisation through our enhanced digital systems.

Furthermore, SPS embraced hybrid ways of working as part of our HQ relocation in 2022-23, recognising that the world of work is changing as we transition into a post COVID-19 future. The aim is to create even greater flexibility in our working lives whilst positively impacting our carbon footprint and will form the basis of how we extend our hybrid working vision more widely across the SPS later. We have committed to scoping out hybrid working, the right to disconnect and the 35-hour week, as part of our 2022 Pay Negotiations, and we will commence this work in 2023.

Equality Outcome 3	Both our diverse workforce and those in our care understand why we collect equality and diversity monitoring information and the impact of this in helping us manage and deliver our business.
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Action 1 - Develop socio-economic background monitoring questions for employees.

Work began on the development of socio-economic monitoring questions in 2019, however due to COVID-19, the initial scoping was halted whilst we responded to the pandemic. In 2021, we commenced the development of socio-economic questions within our recruitment system, in line with revised guidance as set out within the UK Government report “[Simplifying *how employers measure socio-economic background: An accompanying report to new guidance* - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97422/Simplifying_how_employers_measure_socio-economic_background_An_accompanying_report_to_new_guidance_-_GOV.UK.pdf) (www.gov.uk)”

We followed this in 2022 by scoping out options to embed socio-economic questions into our e-HR self-service monitoring system. Draft questions have been embedded into the e-HR system with feedback and revisions being undertaken.

Action 2 - Undertake research into why our employees do not self-report their diversity information.

We have continued to engage with other Justice Partners to seek opportunities to share learning, good practice and resources pertaining to the reporting of diversity information. Participation in Cross Justice Working groups (Race Data and Evidence, British Sign Language) including the Employee Diversity Monitoring Data sub-group of the Race Data Working Group, has enabled shared learning/good approaches for capturing employee data. Through our collaboration, we have identified employee trust is fundamental to the provision of data, and we will seek opportunities to ensure our staff are confident that we will use their data for monitoring purposes in line with our data protection requirements.

As of March 2022, 8% of employees self-declared a disability on SPS’ e-HR system, a reduction by 1% since 2020. This is comparable with the workforce profile of the Scottish public sector of 7.6% (2018), and 21% lower than the 2011 census, which indicated 29% of Scottish people having a disability. Disability is the least completed diversity classification, with 90% of the workforce not providing any information, although the numbers providing their data has increased 10% since 2021.

The number of employees stating they are from an ethnic minority background remains low. As of March 2022, only 0.5% of SPS' workforce identified as being from an ethnic minority background, compared to 35.3% who recognised themselves as white. This presents SPS with a challenge, with insufficient numbers of ethnic minority staff to enable any reporting other than at a binary level (white v ethnic minority), alongside insufficient data to enable accurate Ethnicity Pay Gap reporting (Mean 4.74%, Median 13.31%, March 2021).

Diversity Type	Completion Rate'20 (i.e. 31 Jan 2020)	Completion Rate'21 (i.e. 05 Mar 2021)	Completion Rate'23 (i.e. Mar 2023)
Belief	26.23%	25.03%	23.23%
Ethnicity	48.06%	45.58%	41.91%
Nationality	45.44%	43.20%	42.39%
Relationship	42.83%	40.71%	37.74%
Religion	46.50%	43.78%	39.55%
Sexual Orientation	39.38%	37.69%	35.01%
Transgender	26.67%	25.70%	24.18%
Disability	10.95%	10.28%	10.04%
Completion Rate Average	35.76%	34.00%	31.76%

Action 3 - Publish our employee diversity information in line with our PSED timeframes.

Our PSED timeframes require SPS to publish employee diversity information annually. This should include the profile of SPS broken down by protected characteristics, alongside recruitment and promotion data, again broken down by protected characteristics where data suppression enables. It is not a requirement to publish the information separately if there are reporting mechanisms already in existence to enable compliance, and SPS publishes this information as part of our Annual Performance Report.

Action 4 - Review existing (employee and service user) diversity monitoring questions in conjunction with key stakeholders.

The mainstreaming of user voice activity was taken forward into the 22-23 Delivery Plan with two significant activities in train: 1) a PhD research project gathering service user insights to inform re-design of the prisoner survey, and 2) a targeted project to service users (alongside staff and partners) which informed the development of the SPS's 2023–2028 Corporate Plan.

Our work on diversity monitoring questions for service users has included input into the equality data consultation being undertaken Scotland's Chief Statistician and Chief Social Researcher, which will form the basis of improvements to Scotland's equality data and evidence base over the next three years. Our involvement within the Cross Justice Working Group has enabled us to inform SG' Ethnicity Compendium, designed to consolidate and align ethnicity data being captured across the Justice Sector.

Work has commenced on aligning the diversity monitoring questions held within e-HR to those within the ATS recruitment system. This work is in preparation for the introduction of a combined HR system, scheduled for introduction in 2024 as part of SPS' HR Transformation Project.

Alongside the data captured through PR2, data collected through the Prison Survey provides a unique insight into life in Scottish prisons from the perspective of those who are in our custodial care; it furnishes a meaningful channel for the “user’s voice” to be heard. The survey is conducted once every two years across each of Scotland’s 15 prisons and is currently subject to review. The future shape of the Prison Survey will be based on strategic priorities and outcomes as articulated in the Justice Strategy and Corporate Plan 2023 – 28. Slimming down the survey, making it more focused on service user experience and shadowing the strategic planning cycle will enable service user experience to directly inform strategic priorities and outcomes.

Action 5 - Ensure we routinely promote self-diversity completion and enable all those who wish to provide their data to have the accessibility and opportunities to do so.

Discussions with HR Business Partners identified opportunities within establishments/HQ to increase participation rates within non-Operational inductions, management meetings, locally delivered training events, and through targeted senior management communications. We have sought to embed diversity monitoring as part of the equality and diversity sessions which form part of our Officer Foundation and Residential Officer Foundation Programmes, enabling employees to gain a greater understanding of why SPS seeks their data, and how we will use it. This session will include time for attendees to complete their data.

Section 4: Next Steps

The values that sit at the core of Scotland's National Performance Framework are *'We are a society which treats all our people with kindness, dignity and compassion, respects the rule of law, and acts in an open and transparent way'*.

The justice system is fundamental to ensuring we live in safe, inclusive and thriving communities. It supports the rule of law and our democracy and is a core part of our public services. While the ability to fulfil our civic rights and respect for the rule of law remain an absolute constant, SPS must transform to meet the needs of people in today's society. This includes ensuring we deliver person-centred services and embed trauma-informed practices.

Some of the key factors that will have an impact on the work we do include updates and actions arising from ongoing reviews and consultations. Scottish Ministers have committed to reviewing the operation of the Public Sector Equality Duty in Scotland, where the areas being reviewed are:

- The effectiveness of the Scottish Specific Duties, for which Scottish Ministers have legislative competence; and
- The implementation environment for the Public Sector Equality Duty in Scotland, in recognition of the fact that regulations alone do not deliver equality, but that factors such as leadership and capacity are critical.

It is expected that by 2025, there will be changes in how and what we will be required to report on pending outcomes of the review.

Equality data collection will be a key area of focus and improvement across all our services. We will work to develop better and effective mechanisms for collecting and utilising robust data with clear safeguarding requirements around data collections. In 2024 we will see the introduction of our new HR reporting systems, including further opportunities for our staff to access data sources, whilst streamlining existing systems and processes into one Human Resource and Payroll system.

April 2024 will see the publication of our next set of Equality Outcomes, designed to support the delivery of both our corporate priorities, and our duties under the PSED.

Over the course of the next reporting period SPS will face a range of new opportunities and challenges – our digital transformation; changing population requirements; revised staffing structures and new estates fit for purpose – all against a background of restricted funding coupled with high inflation. We will continue to work in collaboration with Partner agencies and organisations across the system to maintain and implement reforms.

Looking forward, we acknowledge there is further work to be done in relation to mainstreaming and advancing our equalities duties. Our approach to workforce planning will continue to develop so that we can offer attractive careers – balancing flexibility, mobility and opportunities for our employees to develop. It is only through our workforce that we can provide a high-quality, innovative and compassionate service.

