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Equality and Human Rights Impact Assessment (EHRIA) Publication Document

This template summarises the key decisions/actions taken by the SPS in the development of the EHRIA, and has been separated from the full EHRIA document for publication on the SPS external website in compliance with statutory requirements.

| Background | |
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| **Title of the Policy** | SPS Corporate Parenting Strategy 2024-2026 |
| **Date EHRIA completed** | 2024 |
| **Review date and frequency** | 2026 |
| **Is this a new or revised policy/practice?** | New  Revised |

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| Scoping |
| **What are the aims of this policy/practice?**  Intended outcomes from this updated plan aligns with our corporate parenting responsibilities as underlined in the Young People (Scotland) Act, 2014 section 58 as a core element to part 9 of the Act. These responsibilities are underpinned by the rights of the child and detail how, as corporate parents, our corporate parenting plan will assist SPS to adhere to its responsibilities to be:  • alert to matters which, or which might, adversely affect the wellbeing of our children and young people.  • Assess the needs of children and young people for services and support, how does the assessment produce change and development in services.  • Promote the interests of our children and young people,  • Seek to provide our children and young people with opportunities to participate in activities designed to promote wellbeing  • Keep our approach to corporate parenting under constant review, seeking to improve whenever possible.  • Collaborate with other corporate parents to promote wellbeing of our looked after children, young people and care leavers and enable our young people to achieve the best outcomes.  SPS’s revised strategy and approach focusses on five key areas which are required in order to meet our responsibilities and contribute to improved outcomes for care experienced young people in custody. In the development of this strategy as well as the accompanying outcomes and activities, the SPS reviewed The Promise framework, which works towards supporting positive wellbeing outcomes for looked after children and care leavers in our care. The plan details five areas, which will work to achieve our six core responsibilities to uphold the UNCRC and embed The Promise. Key strands of the plan will focus on:  • Listening and engaging  • Positive relationships  • Rights  • Workforce  • Collaboration and Improvement |
| **WHO did you consult with?**  • Staff, managers, and senior management teams from several establishments to review the ongoing strategy draft, activities, and outcomes.  • Drafts and updates provided to the SPS Young People strategy team ensuring alignment with SPS Young Peoples Vision.  • SPS Service User Rights & Equalities Manager.  • Semi structured interviews with five young people in custody to understand the needs of care experienced young people transitioning to an adult establishment from a YOI regime. Interviews were transcribed. Interviews utilised the Lundy Model method to ensure participants were provided with what we did with their contributions in a timely manner.  • Draft of strategy shared with Social Work Scotland lead for review.  • Police Scotland representative on the working group provided perspective from Police Scotland and their development of their Corporate Parenting plan and direct involvement with young people in HMYOI Polmont.  • CYCJ involvement in two working group meetings and ongoing correspondence with drafts.  • Families Outside representation of oversight group.  • Community Justice Voluntary third sector representatives invited to the working group and continued email correspondence of drafts. The lead was also provided a finalised draft for review.  • SPS policy leads review of finalised draft including Education and Employability, Mental Health, Drug and Alcohol and Case Management.  • Operational Directorate.  • Trade Union Side were provided with drafts for review. |
| **WHAT did you learn?**  The foundation of corporate parenting lies in the responsibilities and duties outlined in the Children and Young people (Scotland) Act 2014. Stipulating six key responsibilities of corporate parents. Part nine of the 2014 Act outlines the six corporate parenting responsibilities applied equally to all corporate parents of looked after children and care leavers. Part 9 of Act outlines the key responsibilities as:  1. Alert to matters which, or might, adversely affect the wellbeing of our children and young people. By engaging with young people and where appropriate their carers and family.  2. Assessing the needs of children and young people for services and support that promotes their wellbeing and provision of system for profiling the needs of our care experienced young people.  3. Promoting the interests of our care experienced children and young people.  4. Seeking to provide our care experienced young people with support, awareness, and access to participate in opportunities and activities designed to promote wellbeing.  5. Keeping our approach to corporate parenting under constant review, seeking to improve whenever possible. Developing our action plan to formalise our activities and outputs.  6. Collaborating with other corporate parents to promote wellbeing of our care experienced children and young people and enable our young people to achieve the best outcomes.  Care experience can have detrimental impacts on children and young people throughout childhood and into adulthood that are not experienced by their non-looked after peers. Care experienced children and adults experience poorer health and wellbeing outcomes and indeed being care experienced is considered as adverse childhood experience (ACEs) (Scottish Care Leavers Covenant, 2015). This is consistent with research that care leavers have a greater likelihood of being involved in the criminal justice system. This is represented in an SPS survey carried out in 2019 where two fifths of young people (40%) reported being in care as a child, compared to a quarter of adult prisoners (24%). The research advocates for ensuring identification of care leavers at the earliest point of contact with agencies including justice agencies. This would involve asking young people under the age of 26 in an understandable and meaningful way whether they have had care experience, identifying them as having care leaver status and ensuring this is recorded. Supporting young people to feel confident and understand the benefit of disclosing their care leaver status is crucial to building positive relationships and accessibility to entitlements that assist young people to achieve positive outcomes (Scottish Care Leavers Covenant, 2015). This assists agencies to get in touch with support services currently supporting or working with the young person to ensure their ongoing needs are met and a certain level of consistency in who is involved with the young person is maintained.  A review of the report published by Scottish Government (2021) on best practice across corporate parenting plans highlighted the importance of detailing the progress to date by organisations, as it can provide a good sense of direction by the organisation and the aims it is looking to achieve. Best practice identifies the importance and need to have a good understanding of children and young people in custody, taking an approach that is person centred and not solely reliant on national data and information (Scottish Government 2020-2023). The report highlights the importance of understanding the needs and characteristics of children and young people in custody including disabilities, religious belief and affiliation, gender identity and for SPS, legal status e.g. convicted or untried. The report recommends that organisations ensure that any plans developed “capture and articulate children and young people’s voice”, ensuring that children views and experiences are represented directly in informing the development of the plan (Scottish Government 2020-2023).  The Promise 21-24 plan lays out the five key foundations to ensure that change will be embedded and delivered to provide better outcomes for care experienced children and young people. The Promise also recommends ensuring children and young people’s voices are heard in meaningful ways and are involved in decisions that affect them. Listening and engaging with children and young people is central to understanding their needs and wants from those who they trust.  The Promise acts to fulfil duties laid down for Corporate Parents and provides clear involvement and participation from young people on policy and practice that directly impacts them. Developing positive relationships with those who care for them and those in the community and supporting children and young people whenever they need it and providing support and accountability when required. Language is fundamental in supporting care experienced children and young people including the use of destigmatising language and practices that encourage positive relationship’s building between staff and young people whilst informing and embedding and upholding children’s rights within organisational practice.  The Scottish Care Leavers Covenant (2015) provides an overview of support required by corporate parents to fulfil their duties under legislation working towards building relationships as the “‘golden thread’ of good practice” (Scottish Care Leavers Covenant,2015 ,7). Ensuring that services support children and young people to maintain relationships that are positive and meaningful for them with staff and family members where appropriate. In understanding relationships as key to supporting children and young people we must consider family in its broadest sense including siblings and sibling-like relationships. As outlined in the Staying Together and Connected: Getting it Right for Sisters and Brothers National Practice Guidance (2021) developed by Scottish Government to further embed children’s rights to family life, includes understanding the importance of sibling and sibling-like relationships. In our role as a corporate parent, we must consider how to best support and promote the rights of care experienced siblings. |
| **HOW will this shape your policy/practice?**  The evidence gathered has supported in shaping the plan by making sure we have consulted with our government partners and internally to ensure we are working towards compliance with our responsibilities as a corporate parent.  Understanding the current population of care experienced young people in our care was critical to informing SPS of the needs of young people in our care. The scope of the strategy was formulated within the six corporate parenting duties as laid out in the Children and Young (Scotland) Act 2014 and understanding how these responsibilities translate into SPS practice to ensure positive outcomes for care experienced children and young people. The strategy utilises this legislation and The Promise to underpin all its activities and outcomes. The importance of utilising appropriate language which is understandable and accessible to young people was a key recommendation from the Promise and has been adopted into the strategy.  As was demonstrated in best practice, a clear demonstration of the progress made to date was important to understand achievements so far and where any gaps remain that must be considered within this strategy and planning period. An analysis was undertaken of the progress made within corporate parenting in the SPS already including ensuring identification of care experienced young people was regularly being captured through our prisoner record systems. Research, evidence, feedback, and recommendations from young people in our care has informed the approach taken by the strategy. Providing an opportunity for young people to discuss their experiences, needs and views in relation to corporate parenting within SPS gave clear areas of required improvement to our approach. Five key areas were pulled from the evidence gathered that SPS will focus on to develop its approach in adhering to its duties, embedding UNCRC, GIRFEC and the foundations outlined in The Promise 21-24.  **Our five key areas for development include:**  1. Listening and engaging  • Listening and engaging with our care experienced people to ensure they feel their involvement is meaningful and they feel listened too.  • Developing regular opportunities for dialogue with care experienced young people in our care to develop, monitor and improve in our corporate parenting plans and strategy.  • Providing regular opportunities for care experienced people to participate and engage in decisions that impact them to ensure we are alert to and assessing the ongoing needs and supports for young people within our care.  2. Positive relationships  Building positive relationships for care experienced young people in our care both with our staff and those they have meaningful relationships’ with and ensuring that the importance of this is understood. This should include relationships with siblings, carers, families, and staff particularly during times of transition. This is also highlighted in SPS’s Vision for Young People.    3. Rights  The research highlighted the lack of understanding young people have on their rights as care experienced young people. Feedback from staff also demonstrated the need for greater training around their roles and responsibilities to uphold corporate parenting obligations. This includes staff accessing a trauma-informed approach, learning to engage with young people in ways that support and do not trigger or re-traumatise. Research also highlighted the importance of providing information and resources that detail children and young people’s rights in easy to read, clear and accessible ways. As part of this process SPS will explore materials that assist young people when entering adult establishments for the first time on their rights and develop an easy read version of the strategy and plan that young people can access.  4. Workforce  Ensuring SPS staff are provided with an understanding of the impact of care experience on young people in custody, understanding children rights and a shared language of children’s rights ensuring staff can explain rights to children and young people in our care and the role of SPS as a corporate parent so they are fully informed.  5. Planning, collaboration, and improvement  • Ensure that establishments and SPS have processes that record and provide evidence of implementation.  • Form partnerships with other corporate parents to ensure SPS is aware of new research, recommendations, and best practice to routinely inform planning and improvement through national implementation plans. |
| **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?**  Whilst developing the corporate parenting plan and policy, evidence was gathered from the following sources (in addition to those consulted with mentioned above):   * SPS Prisoner Survey, 2019. * Policy & Guidance for Inter Prison Visits 2017. * Vision for young people in custody 2021 * Strategy for women in custody 2021-2025 * Scottish Government (2022) Getting it right for every child Policy Statement. * Scottish Government (2020-2023) Improving Outcomes for Children, Young People and Families: Review of Children's Services Plans (2020-2023) and Strategic Engagement Activity. * Scottish Government (2021) Staying Together and Connected: Getting it Right for Sisters and Brothers National Practice Guidance. * Scottish Government (2018-2021) Review of Corporate Parenting Plans. * Scottish Government (2021) National Guidance for Child Protection in Scotland. * Scottish Government (2008) These Are Our Bairns: A guide for community planning partnerships on being a good corporate parent. * Scottish Government. (2013). UNCRC: The foundation of Getting It Right For Every Child. * Scottish Government (2022) The vision for Justice in Scotland. * Scottish Care Leavers Covenant (2015) Supporting corporate parents to improve the lives of care leavers. * The Promise Scotland (2021) The Promise plan 21-24. * Tackling Inequalities, Trauma and Adversity across life spans: Mapping Cross Cutting Agendas, Improvement services. * Deacon, K.,(2022) ‘Never mind, we can’t help you’: young people’s experiences of the imprisonment of a sibling’ Families, Relationships and Societies , Vol XX, 1-16. * Government of Ireland. Participation Framework National Framework for children and young people’s participation in decision- making. * Scottish Children’s Commissioner Know your rights when entering custody leaflet / SPS. |

| Impact Will the impact and outcomes of the new/revised policy/practice: | |
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| **Contribute to eliminating discrimination, harassment and victimisation?**  E.g.   * Raise awareness of our SPS vision and values for equality and diversity * Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity | **POSITIVE:**  It will contribute to eliminating discrimination, harassment, victimisation |
| **NO EFFECT:**  It will have no effect on discrimination, harassment and victimisation |
| **NEGATIVE:**  It will make discrimination, harassment and victimisation worse |
| **Advance equality of opportunity between those who share a protected characteristic and those who do not?**  E.g.   * Remove or minimise disadvantage * Meet the needs of equality groups that are different from the needs of others participation in public life   Encoura | **POSITIVE:**  It will advance equality of opportunity |
| **NO EFFECT:**  It will have no effect on equality of opportunity |
| **NEGATIVE:**  It will reduce equality of opportunity |
| **Foster good relations between those who share a protected characteristic and those who do not?** E.g.   * Tackle prejudice * Promote understanding | **POSITIVE:**  It will foster good relations |
| **NO EFFECT:**  It will have no effect on good relations |
| **NEGATIVE:**  It will cause good relations to deteriorate |
| Will the policy reduce inequalities of outcome as described within the Fairer Scotland Duty 2018? | It will take steps to reduce socio-economic inequalities. |
|  | It will make no impact on reducing socio-economic inequalities. |
| Will it uphold human rights? | It will uphold human rights articles. |
| It will breach human rights articles. |

**Please summarise the results of the Equality & Human Rights Impact Assessment, including the likely impact of the proposed policy/practice advancing equality and human rights.**

| Positive Impacts |
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| Protected characteristics affected:  The outcomes and activities detailed in the strategy focus on a rights-based approach by listening and engaging with young people to promote access and opportunities.   1. Listen and Engage 2. Rights 3. Positive Relationships 4. Workforce 5. Collaboration and Improvement   These five key areas contribute to upholding and promoting human rights articles with positive impact on the right to life as detailed in Article 2 of the ECHR. Recognising and promoting the building of positive relationships both with SPS staff and external meaningful relationships through family and carers acts to positively impact Article 8 of the ECHR through contact with family and recognition of the importance of supporting contact with siblings and sibling-like relationships. Increasing provision for regular engagement and dialogue with young people this strategy positively impacts on Article 10, enabling freedom of thought and expression of their views and experiences since coming into custody and informing practice so that it can be improved, wherever possible. Young people up to the age of 26 will be supported and their rights protected through ongoing development of resources. Support and partnerships working to provide advice, guidance, and assistance at key aspects of care leavers journey in and out of custody are also promoted to work towards obtaining an “adequate standard of living”. Through collaboration with external partners this strategy will work to positively impact access to education and accessible information (Protocol 1 Article 2) whilst prohibiting discrimination and stigmatisation of those with care experience through Article 14. |

| Negative Impacts Protected characteristics affected:  There is no evidence to suggest there is any negative impact from the Corporate Parenting strategy on protected characteristics or on human rights, however further data collection and evidence gathering for the implementation plan will enable this to be continuously monitored. | |
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| Impact | Mitigation |
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| Recommended course of action | |
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| **Outcome 1**: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified. |  |
| **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. |  |
| **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). |  |
| **Outcome 4**: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified. |  |

| Summary of Outcome decision and Recommendations |
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| The Corporate Parenting Strategy 2024- 2026 has been developed to outline the responsibility and duties of SPS as a corporate parent and it will contribute to achieving positive outcomes for those in custody in Scotland. From reviewing the current practices and processes that support care experienced children and young people, this strategy has built and embedded the GIRFEC principles, UNCRC articles, The Promise recommendations and equality and human rights legislation to build a strategy that is rights based and reflective of the needs of those in custody and in line with our obligations as a public body. To ensure continual review, monitoring and improvement, this strategy has a two-year period to enable further gathering of data and implementation of training for the SPS workforce. A national implementation plan has been developed for year 1 of the strategy to drive the strategy’s key outcomes and activities. However, further research and analysis of quantitative and qualitative data must be sought to better understand the experiences and needs of care experienced young people in our care. This will inform the projected delivery and any gaps in implementation or areas of focus the strategy must take on board. |

| Next steps |
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| * Build Human Rights and Equalities into annual implementation plans to ensure these are recognised through ongoing planning, implementation, and monitoring. * Explore with data improvement team on parameters of data to be collected for care leaver children and young people in custody to include protected characteristics |

If you require this document in an alternative format, please contact [ASKERandR@prisons.gov.scot](mailto:ASKERandR@prisons.gov.scot)