



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	
Title of the Policy	SPS Family & Parenting Strategy 2024-2029
Date EHRIA completed	2024
Review date and frequency	2026
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping
<p>What are the aims of this policy/practice?</p> <p>The approach of the strategy is to embed practices and activities which promote positive relationships and wellbeing while seeking to minimise the negative impact imprisonment has on families, children, and young people. To achieve positive outcomes for those in our care and their families. The key outcomes to this strategy are:</p> <p>1.Families and wider social networks will be supported to maintain positive relationships with people in our care and have a positive experience when visiting establishments.</p> <p>2. Families feel included and engaged in the decisions that affect them and are informed on how to access key information related to their loved one’s imprisonment.</p> <p>3. Parents in our care will be able to access supports which assist in maintaining positive relationships to improve their child’s health and wellbeing where it is in the best interests of the child to do so.</p> <p>4. Families are safe and well and have access to a range of services and supports designed to</p>

improve their safety and wellbeing whilst maintaining and upholding children’s rights.

WHO did you consult with?

Two meetings were held with a working group to discuss the current outcomes and aims of the strategy and where the gaps in provision. After review of legislation, frameworks and research had taken place to inform key drivers within the strategy that align with SPS Corporate Plan, Vision for young People, Strategy for the women in custody and SPS Corporate parenting Strategy 2023-2025 (currently under review).

- SPS Family Contact Officer (FCO) Forum
- Families Outside.
- Early Years Scotland.
- Barnardo’s
- Criminal Justice Voluntary Sector forum (CJVSF).
- Prison Visitor Centre Managers
- Interviews with individuals in our care with care experience.
- 5 number of families responded to a digital survey. The survey was distributed online through social media and through 1-1 casework with regional family support coordinators within Families Outside.
- Attendance at two Families Outside participation group meetings with approx. 6 families represented was carried out to listen to the needs and views of families impacted by imprisonment.
- Review of feedback undertaken by SPS staff at HMYOI Cornton Vale on ‘what women told us about visits’.
- Trade Union representative was provided with drafts to review and feedback.
- Staff, managers, and senior management teams from several establishments were engaged to review the ongoing draft, activities, and outcomes of the strategy. Ongoing collaboration also took place with Strategy and Stakeholder Engagement policy leads, in key policy areas including mental health, drug and alcohol, education, and employability, throughcare, welfare and chaplaincy. SPS College was engaged to discuss training delivery necessary for implementation.

WHAT did you learn?

The research, literature and feedback obtained throughout the course of the review evidenced the impact imprisonment has on children, young people, and families. This encompassed the financial, practical, and emotional impact experienced by families, children, and young people and how these can be mitigated by the strategy to work towards improving outcomes for families, children, young people, and those in our care. The research highlighted the benefits of maintaining and rebuilding positive connections for those in our care to assist in the reduction of reoffending (Candance McGillivray 2016). The difficulties associated with remaining in contact with a loved one is a key barrier that directly impacts those in our care and their families. Both the practical and financial constraints of physically visiting a family member is still an issue that families must navigate (Candance McGillivray 2016).

Key to supporting families who have a loved one in custody is the facilitation and maintenance of contact, as the separation “secure attachment with their care giver is recognised as being essential for positive child development and behaviour” Beresford, 2018, p14). The Early Years framework contributes to embedding

UNCRC and GIRFEC and promotes that “Children have safe, stable, stimulating, and nurturing relationships with parents that develop resilience and a sense of security and trust in the relationship’s 10EYF). Promotion of the importance that parents play in early years of their children, ensuring parents are supported to improve their parenting skills in providing a positive home environment for their children. Provision of services that support parents to build and maintain healthy relationships with their children to best develop their skill and confidence in parenting.

Family must be understood in its broadest possible sense, understanding the negative impact when siblings are imprisoned as a key group that must be considered in policy and strategy development. As detailed in Deacon, (2022) the relationships between siblings are some of the longest lasting relationships and therefore require recognition within strategy and policy on building and facilitating wherever possible.

As per the SPS Corporate Plan 2023-2028, SPS recognises the importance of positive relationships with staff, partners, families, and communities in the reduction of reoffending and enhancing wellbeing. Therefore, a focus on relationship building is understood as an essential driver within the review including the relationship SPS staff have with those in our care and their families.

Families directly feedback the need for greater communication and engagement not only in aspects of visiting and remaining in contact but the need to understand key justice processes in a meaningful way. This included ICM, HDC and case management processes to fully enable families to be informed and engaged with their loved one’s journey whilst in custody. This is represented in the review of research, the “lack of information and respect for their information needs exacerbate the stress, trauma, and feelings of worthlessness “(Candance McGillivray 2016, 7). This was highlighted by families that we directly engaged with as part of the research into the strategy development. Families directly highlighted the need for an updated SPS website that could act as a conduit of information for families. SPS communications has begun a short life working group for the redesign of the SPS website and policy lead will provide direct feedback from families into this forum to ensure the site is informed by the needs of families. Women in our care highlighted “staff should be aware of individuals specific needs. One of my visitors has disabilities and sometimes staff are great with my visitor, however, sometimes staff aren't aware of my visitors individual needs and this makes it uncomfortable for myself and my visitor” .Further highlighting the need for families and those in our care to be comfortable to share their families individual needs with establishments to enable staff to put appropriate adaptations in place prior to visits to ensure visits are a positive experience for adults, children and young people. Families and those in our care advised that better and clearer information should be made available to families on what to expect when attending a visit for the first time at an establishment this is crucial to reduce anxiety for families, children and young people attending an environment which is unique in nature.

The Framework for the support of families affected by the Justice System, 2021 outlines key areas to consider in promoting the rights, issues, and individual needs of families affected by imprisonment. The framework outlines best practice in relation to supporting and working in partnership with families to achieve positive outcomes. To achieve this understanding that families need to be included and engaged in the processes that impact them and their loved one, provided with opportunities to be consulted on decisions that impact them and aware of any supports that they are entitled to. Families are supported to be connected through face-to-face visits or other methods of contact i.e., Virtual visits, telephones, and emails. Thirdly that families are protected and safe from any harm to them including their wellbeing. These three areas are further enhanced by informed partnership working and collaboration, reduction of stigma and practice that is holistic to each family’s needs.

HOW will this shape your policy/practice?

Key outcomes were developed and shaped from the evidence gathering process, into four key areas that SPS will work towards to improve outcomes.

1. Families and wider social networks will be supported to maintain positive relationships with people in our care and have a positive experience when visiting establishments.
2. Families feel included and engaged in the decisions that affect them and are informed on how to access key information related to their loved one's imprisonment.
3. Parents in our care will be able to access supports which assist in maintaining positive relationships to improve their child's health and wellbeing where it is in the best interests of the child to do so.
4. Families are safe and well and have access to a range of services and supports designed to improve their safety and wellbeing whilst maintaining and upholding children's rights.

These are underpinned by the key strands of the strategy:

Improved communication and engagement with families, children, and young people, working to improve opportunities for consultation to inform practice. Whilst providing families with the right information at the right time for their needs. The importance of **implementation and reflection** through self-evaluation and evidence gathering ensuring there is a shared understanding of what the strategy should look like in practice.

Sharing best practice supporting establishments in their delivery of the activities based within the strategy to ensure consistency of approach across the estate. This will also be reviewed through a national implementation plan that will record delivery and evidence progress.

Improved training and awareness raising for SPS staff providing knowledge that supports their role with families, children, and young people. The importance of **partnership working**, SPS must work with its partners to deliver successfully on the strategy and the building and maintenance of key partnership is essential to delivering the strategy across the estate.

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?

Academic research was reviewed to understand best practice and cross cutting policy agendas in relation to family work within a prison setting. Ensuring that outcomes met with UNCRC, GIRFEC and The Promise as key drivers of the strategy. A survey was designed in partnership with families outside to seek responses and feedback from families in relation to accessibility of visits in particular any families who had children with additional support needs.

Legislation

Prisons Scotland Act 1989

The Prisons and Young Offenders Institutions (Scotland) Rules 2011

Equality Act 2010

Children and Young People (Scotland) Act 2014

Children and Young People (Scotland) Act 2020

Scottish Government National Guidance for Child Protection 2021.

SPS policies and strategies.

Talk to me, prevention of suicide in prison strategy, 2016-2021.

Children's Visits Policy 2018

Mother and Baby Policy 2019

Family Strategy 2017-2022

Policy & Guidance for Inter-Prison Visits 2017.

Vision for young people in custody 2021

Strategy for women in custody 2021-2025

Parenting Outcomes, 2013.

SPS Corporate Plan 2023-2028.

Reports and Papers:

Framework for the support of families affected by the Justice System 2021

Framework for the support of families affected by the Justice System October 2021, 3rd edition.

National Performance framework for Prison Visitors' centres in Scotland,

Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents, Council of Europe, December 2018, Printed at the Council of Europe.

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. (2008). Early Years Framework.

Scottish Government. (2016). National Strategy for Community Justice.

Scottish Government. (2012). National Parenting Strategy Making a positive difference to children and young people through parenting.

Scottish Government. (2021). National Guidance for Child Protection in Scotland.

Scottish Government. (2013). UNCRC The foundation of Getting It Right For Every Child.

Scottish Government. (2022). The Vision for Justice in Scotland.

The Promise Scotland. (2021). The Promise Plan 21-24.

Improvement Service (2022) Tackling Inequalities, Trauma and Adversity across life spans: Mapping Cross Cutting Agendas,

Academic Research.

Cheung, R., (2018) ‘International comparisons of health and wellbeing in early childhood.’ Research report. Nuffield Trust and Royal College of Paediatrics and Child Health

Barkas,B.,Deacon,K.,Foster,R.,Jardine, Cara.,Primrose, K and Troy,V.()’ Getting it right for families affected by imprisonment: Lessons from ten years of research’. Scottish Centre for Crime and Justice Research.

Deacon, K., (2022) Prisons, Prison Officers and Prisoners’ Families Operationalising the SPS Family Strategy 2017-2022.

McGillivray,C. (2016) Rendering them visible: A review of progress towards increasing Awareness and support of prisoners families. Families Outside

Deacon,K.,(2022) ‘Never mind, we cant help you’: young people’s experiences of the imprisonment of a sibling’ *Families, Relationships and Societies* , Vol XX, 1-16.

Long, T, Lockwood, K,Raikes, B,Sharratt,K, Loucks, N and Nugent, B., (2019)’ Constructive Connections: building resilience of families affected by the criminal justice system.

What about me? The impact on children when mothers are involved in the criminal justice system, Sarah Beresford, Prison Reform Trust, 2018.

Research carried out by SPS staff within the female estate capturing women in custody needs and views of family contact provision covering HMYOI Polmont, HMP Greenock, HMP Grampian and HMP Cornton Vale.

Impact
Will the impact and outcomes of the new/revised policy/practice:

Contribute to eliminating discrimination, harassment and victimisation? E.g.	POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation ☑
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Impact Will the impact and outcomes of the new/revised policy/practice:	
<ul style="list-style-type: none"> • 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 	NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	NEGATIVE: It will make discrimination, harassment and victimisation worse <input type="checkbox"/>
Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others participation in public life 	POSITIVE: It will advance equality of opportunity <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on equality of opportunity <input type="checkbox"/>
	NEGATIVE: It will reduce equality of opportunity <input type="checkbox"/>
Foster good relations between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding 	POSITIVE: It will foster good relations <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on good relations <input type="checkbox"/>
	NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/>
Will the policy reduce inequalities of outcome as described within the Fairer Scotland Duty 2018?	It will take steps to reduce socio-economic inequalities. <input checked="" type="checkbox"/>
	It will make no impact on reducing socio-economic inequalities. <input type="checkbox"/>
Will it uphold human rights?	It will uphold human rights articles. <input checked="" type="checkbox"/>
	It will breach human rights articles. <input type="checkbox"/>

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 The Family and Parenting strategy 2023-28 aims to improve family contact and positive relationships with those in our care. This will aim to foster good relations with those in our care and their families, upholding human rights and encouraging of participations and engagement with families of those in our care. Facilitating positive relationships with staff and families will enable families to feel more engaged with the SPS and more comfortable to tell us of their needs, particularly in relation to any additional support needs they have. It further promotes the parent child relationship that supports families, children, and young people in achieving positive outcomes. Greater access to family connections includes increased bonding for the parent child relationships for both mothers and fathers in our care upholds Article 12.
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Positive Impacts

Protected characteristics affected:

Supporting families and wider social networks to maintain positive relationships with those in our care, aims to support increased contact promoting Article 8 facilitating access to family. Studies have shown the benefit of increased family contact on the wellbeing of those in our care and upholding Article 2 by mitigating the negative impact imprisonment has on families and those in our care. Provision of accessible information and communications for families of those in our care through inclusion and engagement this outcome works to support increased access to information that is clear, understandable, and accessible (Protocol 1 Article 2). Supporting access to different methods of feedback both from those in our care and their families enable greater freedom of expression (Article 10). Ensuring families are safe and well and supported to access universal services promotes the right to life through supporting wellbeing for families of those in our care

Negative Impacts

Protected characteristics affected:

In development of this strategy there is no evidence that pertains to negatives impacts against protected characteristics. However, continual monitoring will be built into the national implementation plan and analysis of evidence gathered through establishment data, service user voice and research which will highlight any impact moving forward.

Impact	Mitigation
As some families reside in other countries it is therefore difficult for those families to have physical visits.	The introduction of virtual visits enables some level of family contact to continue. Establishments must be proactive in taking alternative steps to assist people in our care to sustain family relationships, i.e., offering double visit sessions to families who have travelled significant distance.

Recommended course of action

Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

Summary of Outcome decision and Recommendations

The Family and Parenting Strategy 2024-29 embeds a rights-based approach incorporating the UNCRC and Equality Act 2010 legislation. The strategy focusses on improving family contact and connections for those in our care and their families. The strategy is a trauma informed, person centred in its understanding of the needs of those in our care, their families, children, and young people.

Ongoing work will detail how the SPS captures practice that can be understood and built on to improve its policy and practice. Ongoing monitoring of the strategy will be carried out through yearly implementation plans at a national level taken on board key issues and concerns as and when they arise to inform practice and delivery of service. Ongoing collation and analysis of data to ensure the strategies alignment to Human and Childrens Rights will also be captured through yearly implementation plan and reporting mechanisms. The policy lead will aim to collate and deliver a progress report to inform future strategy updates.

Further Recommendations

- Translation of the strategy into an easy read format and into the most widely spoken foreign languages of those in custody. There is also a need to ensure access to information out with the prison estate, including via SPS Website which is under development through SPS Communications short life working group.
- Ongoing development of a process for collating best practice in relation to the strategy for sharing across the prison estate.
- A review of inter prison calls and visits policies to ensure these promote the principles of the family strategy and promote Art. 8 Right to Family Life.

Next steps

- Further exploration of quality indicators in relation to the strategy through PRL audit functions.
- To gather data on groups with protected characteristics to monitor any potential impacts.
- Inclusion of protected characteristics when devising case studies of best practice.
- Build Human Rights and Equalities into annual implementation plans to ensure these are recognised through ongoing planning, implementation and monitoring.

If you require this document in an alternative format, please contact ASKERandR@prisons.gov.scot