



Equality and Human Rights Impact Assessment (EHRIA)

Remember! When completing the Equality and Human Rights Impact Assessment ‘policy/practice’ must be interpreted in the widest possible sense to include the full range of SPS policies, provisions, criteria, functions, procedures, practices and activities for employment and service delivery. Please refer to the EHRIA Guidance document when completing the EHRIA.

Are there any other SPS policies that will be altered by the proposed changes?

Please provide details of the policies and changes required. Any policy subject to change due to the introduction/review of this policy should have an EHRIA review undertaken to ensure there are no detrimental impacts on protected characteristics, human rights or socio-economic impact.

Policy Name:

Justice Partners Escort and Court Custody Scotland (JPECCS)

Changes identified:

Stage 2: Scoping and evidence gathering

Scoping

Why are you introducing the new policy/practice, or why are you revising an existing policy/practice?

The existing Scottish Court Custody and Prisoner Escort Service (SCCPES) contract is being replaced by the Justice Partners Escort and Court Custody Scotland (JPECCS) contract. The new contract updates and strengthens arrangements for the safe, dignified and human-rights-compliant movement and court custody of people in our care.

What is the intended outcome(s) and impact of the new policy/practice, or making the changes to an existing policy/practice?

- Reflect lessons learned from previous generations of the escort contract, including operational debriefs, partner feedback and inspection findings.
- Embed a robust human rights and equalities framework into escort and court custody operations, including specific consideration of children's rights and trauma-informed practice.
- Ensure alignment with current SPS strategies, justice partner expectations and Scottish Government policy, including the UNCRC incorporation agenda and the Fairer Scotland Duty.
- Set out explicit contractual standards for the treatment, transport and temporary custody of people with protected characteristics and those experiencing socio-economic disadvantage.

Evidence Gathering

Who did you consult with?

- SPS internal stakeholders: operational managers, escort monitoring staff, equality and diversity practitioners, health and wellbeing leads, women's and young people's policy leads, HR and procurement colleagues.
- Justice partners: Scottish Courts and Tribunals Service (SCTS), Crown Office and Procurator Fiscal Service (COPFS), Police Scotland.
- Oversight and scrutiny bodies: His Majesty's Inspectorate of Prisons for Scotland (HMIPS) (including court custody inspections), the Children and Young People's Commissioner

<p>Scotland (CYPCS) in relation to children's rights, and other national human rights and equality bodies as appropriate.</p> <ul style="list-style-type: none"> • Third sector and family-facing organisations: e.g. Families Outside, SACRO and other community and advocacy organisations working with people in custody, women, children and young people. • Staff-side partners and professional associations: Trade Union Side, Prison Governors Association and relevant staff networks.
<p>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? How did it shape your policy/practice?</p> <p>Evidence used to inform the revised policy/practice includes:</p> <ul style="list-style-type: none"> • Existing SCCPES performance and assurance data – Escort Monitor reports, incident data, complaints, lateness/cancellation data, and feedback from service users and establishments. • HMIPS and other inspection findings – particularly in relation to court custody conditions, use of restraint, access to toilets, food, water, medication and healthcare during escort and court days. • CRWIA and children's rights analysis – work undertaken with Scottish Government to remove routine transportation of children under the escort contract and to strengthen rights-respecting arrangements where children are exceptionally involved. • Equality and human rights standards – including the European Convention on Human Rights (ECHR) and international standards such as the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the Bangkok Rules for women in detention, as they apply to escort and court custody environments. • Complaints, legal challenges and case law relevant to transport conditions, use of restraint, privacy, family contact, and timely attendance at court hearings. • Feedback from people in our care and their families – including accounts of long court days, delays, stress and anxiety associated with transport and court appearances, and the particular impacts on women, disabled people, people with neurodivergence or mental ill health, and those from minority ethnic communities.
<p>What did you learn from your evidence-gathering exercises?</p> <p>Key learning points were:</p> <ul style="list-style-type: none"> • Human rights need to be operationalised, not assumed. The right to life (Article 2), prohibition of inhuman or degrading treatment (Article 3), liberty and security (Article 5), fair trial (Article 6), respect for private and family life (Article 8) and non-discrimination (Article 14) all have very direct implications for escort and court custody practice – for example in relation to timely access to healthcare, safe restraint, privacy in searches and toilets, and ensuring arrival in time for court hearings.

<ul style="list-style-type: none">• The experience of escort and court custody can be particularly difficult for children, women and those with trauma histories. Long periods in vehicles or court cells, lack of information, mixed-gender environments, and uncertainty about timings can exacerbate distress and anxiety.• People with disabilities, neurodivergence or communication support needs can face barriers in understanding what is happening or in communicating discomfort, pain or distress, especially where the environment is noisy, fast-moving or unfamiliar.• Socio-economic disadvantage and distance from home courts can create additional burdens for families seeking to maintain contact, attend court, or obtain information about their loved one’s movements.• Clearer contractual standards around dignity, safety, communication and reasonable adjustments during escorts and in court custody suites.• Stronger focus on children’s rights when impacted by a parent subject to escort, women’s specific needs and intersectional disadvantages.• More robust monitoring and data capture disaggregated by protected characteristic and age, including children and young people.
<p>How will this shape your policy/practice?</p> <p>As a result, the JPECCS contract:</p> <ul style="list-style-type: none">• Embeds explicit human rights safeguards in specification and service standards, aligned to relevant ECHR articles and Scottish human rights and equality duties.• Requires a trauma-informed and gender-sensitive approach to escort and court custody practice, including staff training and supervision.• Understanding the impact of parents under escort on children• Sets clearer expectations around reasonable adjustments for disabled and neurodivergent people, language support, and communication of rights and processes.• Introduces strengthened performance measures and assurance processes (including near-real-time data where possible) to identify and address any emerging disparities or rights concerns for groups with protected characteristics or experiencing socio-economic disadvantage.

Stage 3: Identifying impact/outcomes

The Public Sector Equality Duty – will the impact and outcomes of the policy/practice:

Contribute to eliminating discrimination, harassment and victimisation?

- The contract requires respectful, non-discriminatory treatment of all people in our care, irrespective of age, sex, gender reassignment, sexual orientation, race, religion or belief, disability, pregnancy and maternity, or marital status.
- Operational standards and staff training emphasise dignity, privacy and cultural sensitivity during escorts, searches and court custody (e.g. access to same-sex staff for searches, appropriate clothing, religious items where safe, and respect for religious observance).
- Vehicles and court custody facilities must be used and managed in ways that avoid degrading or inhuman conditions, including overcrowding, excessive waiting, inappropriate mixing of risk categories, and lack of access to toilets, food, water or medication.

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?

- The JPECCS specification requires reasonable adjustments to be made for disabled and neurodivergent people, including where possible: appropriate seating and vehicle allocation, additional time for communication, quieter spaces, and clear information in accessible formats.
- Health-related requirements (e.g. medication, health risks, risk of self-harm or suicide) must be clearly communicated between SPS, the escort provider and court custody staff,

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 ☐

<p>supporting the right to life and right to health through timely access to medical care and observation arrangements.</p> <ul style="list-style-type: none"> Children are no longer transported under the JPECCS escort contract, and the contract reflects the outcome of CRWIA work undertaken with Scottish Government and partners. For women, the contract emphasises gender-sensitive arrangements, including consideration of trauma, past abuse, pregnancy and parenting responsibilities, and appropriate separation from male detainees where possible. The need for direct transport arrangements from larger court hubs such as Glasgow and Edinburgh courts have also been introduced in this generation of the contract. 	
<p>Foster good relations between those who share a protected characteristic and those who do not?</p> <ul style="list-style-type: none"> Staff are required to use inclusive and non-stereotyping language and to avoid discriminatory behaviour, supported through training and line management oversight. The contract supports freedom of thought, conscience and religion (Article 9) by requiring, as far as reasonably practicable, respect for religious observance, dietary needs and modesty considerations during escorts and in court custody. 	<p>POSITIVE: It will foster good relations <input type="checkbox"/></p>
	<p>NO EFFECT: It will have no effect on good relations <input type="checkbox"/></p>
	<p>NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/></p>

Fairer Scotland Duty 2018 - Socio-Economic considerations

Will the policy reduce inequalities of outcome as outlined within the Guidance Document?
Socio-economic considerations

- Consistent standards across Scotland and clearer communication with families and legal representatives help to reduce inequalities of outcome linked to geography and socio-

<p>economic status – for example where long travel distances or multiple court attendances disproportionately affect those with fewer resources.</p> <ul style="list-style-type: none"> Improved reliability of attendance at court and reduced failed journeys support more efficient progression of cases, which can in turn mitigate the wider socio-economic impact of remand and delay on individuals and families. 	
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"/>

Human Rights	
European Convention on Human Rights	
Article 2 Right to life (e.g. suicide prevention)	Article 2 Right to life (e.g. suicide prevention)
Article 3 Prohibition of torture (e.g. person unable to consent)	Article 3 Prohibition of torture (e.g. person unable to consent)
Article 4 Prohibition of slavery & forced labour (e.g. safeguarding vulnerable people)	Article 4 Prohibition of slavery & forced labour (e.g. safeguarding vulnerable people)
Article 5 Right to liberty & security (e.g. security procedures)	Article 5 Right to liberty & security (e.g. security procedures)
Article 6 Right to a fair trial (e.g. disciplinary procedures)	Article 6 Right to a fair trial (e.g. disciplinary procedures)
Article 7 No punishment without law (e.g. disciplinary procedures)	Article 7 No punishment without law (e.g. disciplinary procedures)
Article 8 Right to respect for private & family life (e.g. access to family)	Article 8 Right to respect for private & family life (e.g. access to family)
Article 9 Freedom of thought, conscience & religion (e.g. sacred space)	Article 9 Freedom of thought, conscience & religion (e.g. sacred space)
Article 10 Freedom of expression (e.g. whistleblowing procedures)	Article 10 Freedom of expression (e.g. whistleblowing procedures)
Article 11 Freedom of assembly & association (e.g. trade union recognition)	Article 11 Freedom of assembly & association (e.g. trade union recognition)
Article 12 Right to marry (e.g. pregnancy)	Article 12 Right to marry (e.g. pregnancy)

Article 14 Prohibition of discrimination (e.g. protected characteristic groups)	Article 14 Prohibition of discrimination (e.g. protected characteristic groups)
Protocol 1 Article 1 Protection of property (e.g. staff/prisoner property)	Protocol 1 Article 1 Protection of property (e.g. staff/prisoner property)
It will uphold human rights articles. <input checked="" type="checkbox"/>	
It will breach human rights articles. <input type="checkbox"/>	

Stage 4: Analysis of impact/outcomes

This new/revised policy/practice will have an impact/outcome on one or more of the 3 main duties of the Public Sector Equality Duty, Socio-Economic considerations as defined within Fairer Scotland Duty 2018 and Human Rights articles for people in custody or staff. Use the sections below to detail the impact, and justify your assessment using the data and evidence you have already gathered (via statistics, consultation, etc.)

Positive Impact or Outcome

How does the new/revised policy or practice reduce barriers or issues for people with protected characteristics/Reduce discrimination/harassment or victimisation against any equality group/Have a positive impact on community relations internally and/or externally/Support any equality groups’ access to a service or any other aspect of prison life/Reduce any equality group entry or progression as a member of staff, breach human rights articles or Reduce the socio-economic barriers experienced by our staff, those within our care, and those we come into contact with?

Protected Characteristics (*Detail the specific impact on each protected characteristic you have identified*)

Inclusivity and dignity in escort and court custody

- The contract requires respectful, non-discriminatory treatment of all people in our care, irrespective of age, sex, gender reassignment, sexual orientation, race, religion or belief, disability, pregnancy and maternity, or marital status.
- Operational standards and staff training emphasise dignity, privacy and cultural sensitivity during escorts, searches and court custody (e.g. access to same-sex staff for searches, appropriate clothing, religious items where safe, and respect for religious observance).
- Vehicles and court custody facilities must be used and managed in ways that avoid degrading or inhuman conditions, including overcrowding, excessive waiting, inappropriate mixing of risk categories, and lack of access to toilets, food, water or medication.

Disability, neurodivergence and health

- The JPECCS specification requires reasonable adjustments to be made for disabled and neurodivergent people, including where possible: appropriate seating and vehicle allocation, additional time for communication, quieter spaces, and clear information in accessible formats.
- Health-related requirements (e.g. medication, health risks, risk of self-harm or suicide) must be clearly communicated between SPS, the escort provider and court custody staff, supporting the right to life and right to health through timely access to medical care and observation arrangements.

Women, children and young people

- Children are no longer transported under the JPECCS escort contract, and the contract reflects the outcome of CRWIA work undertaken with Scottish Government and partners.
- For women, the contract emphasises gender-sensitive arrangements, including consideration of trauma, past abuse, pregnancy and parenting responsibilities, and appropriate separation from male detainees where possible. The need for direct transport arrangements from larger court hubs such as Glasgow and Edinburgh courts have also been introduced in this generation of the contract.

Race, religion and belief

- Staff are required to use inclusive and non-stereotyping language and to avoid discriminatory behaviour, supported through training and line management oversight.
- The contract supports freedom of thought, conscience and religion (Article 9) by requiring, as far as reasonably practicable, respect for religious observance, dietary needs and modesty considerations during escorts and in court custody.

Socio-Economic Considerations:

Consistent standards across Scotland and clearer communication with families and legal representatives help to reduce inequalities of outcome linked to geography and socio-economic status – for example where long travel distances or multiple court attendances disproportionately affect those with fewer resources.

Improved reliability of attendance at court and reduced failed journeys support more efficient progression of cases, which can in turn mitigate the wider socio-economic impact of remand and delay on individuals and families.

Human Rights:

The JPECCS contract has been designed and revised with a human rights-based and trauma-informed approach from the outset. It aims to give practical effect to the following ECHR rights in the escort and court custody context:

- Article 2 – Right to life: clear protocols for medical emergencies during transport and in court cells; risk information sharing; time-critical escalation.
- Article 3 – Prohibition of torture, inhuman or degrading treatment: minimum standards for physical conditions, restraint, journey length, breaks and treatment by staff.
- Article 5 – Right to liberty and security: lawful detention, accurate verification of identity, prevention of wrongful detention or release, and timely transfer in line with court and warrant requirements.
- Article 6 – Right to a fair trial: reliable and timely transportation to court to avoid adjournments or absence of the accused.
- Article 8 – Respect for private and family life: proportionate sharing of personal information, privacy in searches and toilet use, and arrangements that support family contact where practicable and allowable under the contract.
- Article 9, 10 and 11 – Freedoms of religion, expression, assembly: safeguarding the ability to raise concerns, access complaints mechanisms and maintain religious practice where compatible with security.
- Article 14 – Prohibition of discrimination: specific monitoring for differential impact on protected characteristics, with contractual levers to address any disparities.
- Protocol 1, Article 1 – Protection of property: robust processes for secure handling, recording and return of personal property at each handover point.

Overall, the contract is intended to reduce rights-risks and improve consistency and transparency of practice across all escort and court custody locations.

Negative Impact or Outcome

Please detail any negative impact identified through your evidence gathering and consultation on equality groups or human rights. Please also indicate whether there are negative implications for groups experiencing socio-economic inequalities.

Protected Characteristics: *(Detail the specific impact on each protected characteristic you have identified)*

- There is a risk that some groups (e.g. disabled people, neurodivergent individuals, those with serious mental health needs or women with trauma histories) may still experience escort and court custody as stressful, confusing or re-traumatising, particularly during long days or complex multi-leg journeys.
- There may be unintended differential impacts if reasonable adjustments or gender/age-specific safeguards are not applied consistently across all locations and shifts, for example due to staffing constraints or variable local infrastructure.

At this stage, the author is not aware of any systemic negative impact which would make the policy/practice inherently discriminatory. However, these risks will need to be actively monitored through the contract governance and assurance arrangements.

Socio-Economic Considerations:

- People with limited literacy, English language, or digital access may find it more difficult to understand their rights, routes for complaint, or the timing and nature of their movements. This can intersect with socio-economic disadvantage.

Human Rights:

- There remains a possibility of isolated failures in communication or information-sharing between SPS, the Service Provider and justice partners, with potential implications for Article 5 (lawful detention and release), Article 6 (fair trial) and Article 8 (private and family life) in individual cases if not detected quickly.

Mitigation

Any aspect of the policy/practice that has a negative impact must either be mitigated to a reasonable, objectively justifiable level, or abandoned altogether if this is not possible. Please detail the steps taken to mitigate above negative impact

To mitigate the potential negative impacts identified:

- The contract includes specific training requirements for staff around equality, diversity, human rights, trauma-informed practice, children's rights and communication with people with additional support needs.
- The specification and Standard Operating Procedures (SOP) require routine reviewing and information-sharing of health, risk, disability and communication needs to enable appropriate planning of escorts and court custody arrangements.
- The performance framework includes qualitative and quantitative measures (including complaints, incident reporting and feedback from people in our care and partners) to identify any emerging patterns of disadvantage or rights concerns for particular groups.
- Issues identified through monitoring will be addressed via performance improvement plans, joint learning reviews and, where needed, contract enforcement mechanisms, to ensure that poor practice is not repeated or normalised.
- Accessible information about rights, the escort process and routes to raise concerns will be developed in Plain English and alternative formats, with appropriate translation/interpretation support where required.

Stage 5: Identifying options and course of action

Select relevant outcome:

Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified. ☒

Policy/practice addresses the intended outcome and is positive in its language and terminology. It advances equality and human rights as well as fosters good relations.

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 any other recommendations

On the basis of the evidence gathered and the mitigations built into the specification, assurance framework and governance arrangements, the author does not consider the revised contract specification to present barriers that would prevent implementation.

The JPECCS contract:

- Advances equality and human rights by explicitly embedding relevant ECHR articles, children’s rights and equality duties into the service design and monitoring framework.
- Provides clearer expectations for non-discriminatory, trauma-informed and rights-respecting practice in escort and court custody contexts.
- Includes mechanisms for continuous improvement, including learning from incidents, complaints, inspections and partner feedback.

The contract will continue under the oversight of the JPECCS, Strategic Multi Agency Liaison Group (SMALG) and relevant Alliance governance groups. Any evidence of disproportionate impact on protected characteristics, or of rights-risks emerging in practice, will trigger targeted review and, where appropriate, an earlier EHRIA refresh.

Inclusive Communications

What consideration have you given to the communication needs of those who will be impacted by your policy/practice, and what steps are you taking to ensure your policy/practice will be easily understood by them? For example, accessible formatting of document, alternative formats such as Plain English, Easy Read, foreign language translations, BSL translation, etc. Your local E&D Manager will be able to advise on options available for Easy Read and translations through SPS’ procured translation services.

To ensure the policy/practice is accessible and understood by those affected:

- Key documents (e.g. information leaflets for people in our care, families and staff) will be drafted by the new Service Provider in Plain English, avoiding unnecessary jargon and using clear explanations of roles, processes and rights.
- Alternative formats (e.g. Easy Read, large print) and translated materials will be made available where required, with access to interpreting services and BSL in line with SPS procedures.

- Information specific to children and young people, and to families, will be developed in child-friendly and family-friendly formats, reflecting the CRWIA work and the removal of routine children's escorts from the contract.
- Staff will be briefed on how to explain rights and processes verbally to people who have literacy or comprehension difficulties, and how to support them to raise concerns.

Outline plans to action and review the impact of the new/revised policy/practice.

Note: any evidence that raises concern would trigger an early review rather than the scheduled date. Indicate if there is any data which needs to be collected as part of action to be taken and how often it will be analysed. Indicate how the person responsible will continue to involve relevant groups and communities in the implementation and monitoring of the new/changed policy/practice.

What:	: <ul style="list-style-type: none"> • Local monthly assurance meetings between establishments, escort monitors and the new Service Provider to review operational performance, incidents and any equality/human rights issues arising. • HQ monthly contractual assurance and routine data analysis, including complaints and incidents disaggregated by protected characteristic where possible. • Quarterly Business Reviews (QBRs) with the contractor and justice partners, with a standing item on equality, human rights and children's rights. • Periodic thematic reviews (Prison Escort Monitor (PEM) led) (e.g. women, children, disability and neurodivergence, mental health, court custody experiences) drawing on qualitative feedback and inspection findings.
Why:	<ul style="list-style-type: none"> • To ensure that the ambitions of the JPECCS contract – including safety, dignity, equality and human rights compliance – are being delivered consistently in practice. • To provide assurance to SPS senior management, Scottish Government and justice partners, and to identify any emerging risks or gaps at an early stage.

Who:	<ul style="list-style-type: none"> • New Service Provider representatives, local SMT and escort monitors. • Contract Management and Operational Policy teams. • Equality and Diversity practitioners, Children and Young People's policy leads and other relevant specialists. • Justice partners (e.g. SCTS, COPFS, Police Scotland) through existing governance structures.
When:	<ul style="list-style-type: none"> • Monthly at local and HQ contract level; quarterly QBRs; annual overarching review of contract performance and this EHRIA, or earlier if evidence indicates disproportionate impact or rights concerns.
Name of lead:	Jim McMenemy
Date:	

Please refer to the [Guidance document for details of publication requirements.](#)