

This template summarises the key decisions/actions taken in 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	Prisoner records – documentation retention schedule
EHRIA Lead Person	Head of Records Management
Date EHRIA completed	15/06/15
Review date and frequency	Implementation + 1 year
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	The revised policy will provide concise and clear guidance for staff operating the policy and will ensure compliance with the Data Protection Act 1998, Freedom of Information (Scotland) Act 2002 and the Public Records Act 2011.
WHO did you consult with?	Senior Legal Services managers, Head of Health & Wellbeing, Head of Strategic Development, Head of Operational Planning, Senior Operational Advisor, Deputy Director of Operations, Director of Operations, Operations Directorate Programme Board, Numerous Establishment Record Owners, Establishment GIC's, Trade Union Side & Prison Governor's Association.
WHAT did you learn?	To learn what, if any, application of the existing policy was in place throughout the estate. To seek assurance that all documents were identified relevant to function. To ensure defensible and proportionate decision making could be evidenced as a result of any changes being made.
HOW will this shape your policy/practice?	The revised policy encapsulates the learning outcomes from the consultation process and addresses these.
What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you	The public sector equality duty Contribute to eliminating discrimination, harassment and victimisation

Scoping

considered when deciding to develop new or revise current policy/practice?

Advance equality of opportunity between those who share a protected characteristic/ those who do not
Foster good relations between those who share a protected characteristic and those who do not

Human Rights

Data Protection Act 1998

Freedom of Information (Scotland) Act 2002

Public Records Act 2011

Impact

Will the impact and outcomes of the new/revise policy/practice:

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

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

Ensure Human Rights Compliance?

It will uphold human rights articles.

Impact

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

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

N/A

Negative Impacts

Protected characteristics affected:

Impact

Mitigation

N/A

Recommended course of action

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

The destruction of prisoner records will have no effect on:

Discrimination, harassment or victimisation;
Equality of Opportunity;
Good relations

The Policy will also have no impact on Human Right Articles.

The Policy has been considered in parallel with current legislation such as Data Protection Act 1998, Freedom of Information (Scotland) Act 2002 and the Public Records (Scotland) Act 2011 and will have a positive impact by providing assurance that the SPS does not retain prisoner records for any period longer than is necessary for the purposes of conducting business.

Summary of Outcome decision and Recommendations

The Policy also takes cognisance of the Scottish Prison Services responsibility to demonstrate proportionate and defensible decision making.

Next steps

One calendar year from policy implementation date a review will be conducted to assess continued suitability with regards to business need and any change or development in legislation.

If you require this document in an alternative format, please contact SPSEqualityandDiversityTeam@sps.pnn.gov.uk