

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	Spiritual and Pastoral Care, Religion and Belief Strategy Framework and Standards for Spiritual and Pastoral Care, Religion and Belief.
EHRIA Lead Person	SPS Chaplaincy Advisers - Church of Scotland- Roman Catholic- Islamic Faith
Date EHRIA completed	07/10/2016
Review date and frequency	Following receipt of over ten complaints from ten different prisoners Any change in Legislation Following Human Rights Cases linked to religion or belief Following Guidance from the Scottish Prisons Complaints Commissioner.
Is this a new or revised policy/practice?	New <input checked="" type="checkbox"/> Revised <input type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	To introduce standards and a framework that support the vision of the SPS and enable persons to realise their potential and find support as they embrace change. To enhance person-centred care and ensures respect for a person's religion or beliefs. The standards and framework clarify the role of all staff and when to refer to Chaplaincy
WHO did you consult with?	<ul style="list-style-type: none"> <li>• SPS Prison Chaplains &amp; SPS Chaplaincy Line Managers</li> <li>• SPS Strategy &amp; Innovation Health &amp; Well-being</li> <li>• The Prison Chaplaincy Steering Group</li> <li>• The Joint Faiths Board on Community Justice</li> <li>• Faith Communities Through care Forum</li> <li>• Equality and Diversity Consultation Contacts (51) across the nine protected characteristics within the Equality Act 2010: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, marriage and civil partnership.</li> <li>• The Scottish Pagan Federation</li> <li>• The Central Gurdwara Glasgow (Sikh Temple)</li> </ul>

	<ul style="list-style-type: none"> <li>• Angulimala Scotland (Buddhist Prison Chaplaincy)</li> <li>• Spiritualists' National Union</li> <li>• The Scottish Secular Society</li> <li>• The Scottish Humanist Society</li> </ul>
<p>WHAT did you learn?</p>	<ul style="list-style-type: none"> <li>• That the word 'pastoral' is more acceptable to those who do not have a theistic belief and do not recognise a spiritual dimension.</li> <li>• That provision for those of the same belief to meet together is required as an equivalent provision to communal worship.</li> <li>• Consideration is required specifically for Children &amp; Young People in Custody according to the UNCRC.</li> <li>• That reference should be made to the SPS Protocols for Marriage and Civil Partnership requests.</li> </ul>
<p>HOW will this shape your policy/practice?</p>	<ul style="list-style-type: none"> <li>• The text of the policy refers to spiritual and pastoral care.</li> <li>• Provision is made for 'Belief Groups'.</li> <li>• Obligation from the UNCRC is noted that children and young people from a particular culture or minority group should have the freedom to express their religion, belief and culture and associate with others who share this where possible.</li> <li>• A section has been added indicating that reference should be made to the SPS Protocols for Marriage and Civil Partnership requests.</li> </ul>
<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?</p>	<p><i>A Human Rights approach to Prison Management, Andrew Coyle, International Centre for Prison Studies</i></p> <p><i>Basic Principles: Religion in Prison (International Commission of Catholic Prison Pastoral Care).</i></p> <p><i>European Convention on Human Rights Guidelines on Chaplaincy and Spiritual Care in the NHS in Scotland,</i></p> <p>HDL (2002) 76 Spiritual Care in NHS Scotland.</p> <p><i>Prisons (Scotland) Act 1989</i></p> <p><i>The Equality Act, 2010</i></p> <p><i>The Impact of Spirituality on Mental Health (2006), The Mental Health Foundation</i></p> <p><i>The Prisons &amp; Young Offenders Institutions (Scotland) Rules 2011</i></p> <p><i>Scottish Prison Rules (Religious Observance) Direction 2013</i></p> <p><i>UN Convention on the Rights of the Child</i></p> <p><i>UN Standard Minimum Rules for the Treatment of Prisoners</i></p>

## Impact

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

<b>Contribute to eliminating discrimination, harassment and victimisation?</b> E.g. <ul style="list-style-type: none"> <li>• Raise awareness of our SPS vision and values for equality and diversity</li> <li>• Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity</li> </ul>	<b>POSITIVE:</b> It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	<b>NEGATIVE:</b> It will make discrimination, harassment and victimisation worse <input type="checkbox"/>
<b>Advance equality of opportunity between those who share a protected characteristic and those who do not?</b> E.g. <ul style="list-style-type: none"> <li>• Remove or minimise disadvantage</li> <li>• Meet the needs of equality groups that are different from the needs of others, encourage participation in public life</li> </ul>	<b>POSITIVE:</b> It will advance equality of opportunity <input checked="" type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on equality of opportunity <input type="checkbox"/>
	<b>NEGATIVE:</b> It will reduce equality of opportunity <input type="checkbox"/>
<b>Foster good relations between those who share a protected characteristic and those who do not?</b> E.g. <ul style="list-style-type: none"> <li>• Tackle prejudice</li> <li>• Promote understanding</li> </ul>	<b>POSITIVE:</b> It will foster good relations <input checked="" type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on good relations <input type="checkbox"/>
	<b>NEGATIVE:</b> It will cause good relations to deteriorate <input type="checkbox"/>
<b>Ensure Human Rights Compliance?</b>	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

Protected characteristics affected: Age, Race,, Disability, Religion or Belief, Marriage and civil partnership, Human rights compliance.

The Equality and Human Rights Impact Assessment (EHRIA) has shown that everyone in our care has the opportunity to practice the religion or belief of their choice and to receive spiritual and pastoral care that will enhance person-centred care and ensures respect for a person's religion or beliefs rights.

### Negative Impacts

Protected characteristics affected: Disability, Religion and Belief

Impact	Mitigation
<p>Prisoner should understand and know how to access chaplaincy support, communal worship or belief meetings without talking with an SPS member of staff out with chaplaincy.</p> <p>Prisoner will not be permitted to engage in any activity that denigrates a religion or belief or restricts the freedom of a person to make up their own mind about their religion or belief or lack of religion or belief, nor are they to promote religious extremism, hatred or violence.</p>	<p><i>Could potentially affect prisoners with learning difficulties, visual or hearing disabilities or language difficulties or cannot understand English that could potentially make them unable to miss out on worship.</i></p> <p><i>Alternative one to one support, information made accessible, reasonable adjustments in place (e.g. hearing loops) and access to translation services as required.</i></p> <p><i>An individual risk assessment may be required to assess the suitability of some aspects of religious or belief practice in prison. The Establishment shall take all reasonable steps to explain the reasons an individual's rights to practice their religion or belief are being restricted</i></p>

### Recommended course of action

<b>Outcome 1:</b> Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
<b>Outcome 2:</b> 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"/>
<b>Outcome 3:</b> 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"/>
<b>Outcome 4:</b> 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 Spiritual and Pastoral Care Standards and a Framework are part of the Scottish Prison Service preventative approach to reducing reoffending, assisting service users into

## Summary of Outcome decision and Recommendations

desistance and community recovery – focussing on improved identification of prisoner needs by asset- based management plans.

There is limited evidence that these standards and framework will be discriminatory or will breach any article or protocol in the Human Rights Acts, although there were concerns for areas of potential unfairness and disadvantage.

It is expected that the most significant impacts, and the most positive impacts, will be for non-vulnerable prisoners and support prisoners who have the ability to participate in religious or belief activities in communal worship or in belief meetings.

The impact discovered some areas of potential unfairness and disadvantage, prisoners who are not in normal circulation, have disabilities that make them unable to attend worship or meeting even with reasonable adjustments in place or are on protection however alternative or in place to support on a one to one bases.

One area for development is the process of a request books to record a prisoner's wish to meet with a chaplain for a confidential conversation, this potential could be detrimental to prisoners with learning disabilities, visual problems or who cannot read English.

Concerns that certain parts of religious practice or worship might have to be restricted because of security reason, whilst it would be impossible to identify every example where contradictory rights could emerge, balancing safety , security and radicalisation with the right to practice one's religion or belief. An individual risk assessment to access the suitability of some aspects of religious or belief practice in prison should be jointly completed by security and a Chaplain.

This strategy does not relate to an area where there are known inequalities.

It should not therefore have a detrimental effect on any protected characteristics in the Equality Act or any Human Rights Articles

## Next steps

The Standards and Framework document will be placed on the Prison Resource Library.  
Develop a risk assessment to assess the suitability of some aspects of religious or belief practice in prison.

Produce information in an accessible format

Start a register of national lead persons for religion and belief with whom the SPS do not have current contact.

Update the SPS Religion & cultures (an introduction for SPS staff) to include Belief

A review of the Standards and Framework

If you require this document in an alternative format, please contact  
[SPSEqualityandDiversityTeam@sps.pnn.gov.uk](mailto:SPSEqualityandDiversityTeam@sps.pnn.gov.uk)