

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	Scottish Prison Service Escorting Policy for People in Custody
EHRIA Lead Person	Head of Private Contracts – Operations Directorate
Date EHRIA completed	March 2016
Review date and frequency	As required but monitored yearly and during contract reviews
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?	A revised escort policy providing guidance for staff, reducing the risk of prisoners escaping and protecting the public. To ensure the new policy complies with all legislation.
WHO did you consult with?	Families Outside Stonewall The Scottish Transgender Alliance and Scottish Disability Equality Forum Equality and Diversity Manager Corporate Services Trade Union Representative Escort Monitor Operations Directorate Special Advisor in Chaplaincy
WHAT did you learn?	The need to ensure the policy covers all aspects of the Equality Act and other enabling legislation to ensure the needs of all are met taking cognisance of the 9 protected characteristic, European Convention on Human Rights (ECHR) and Prison Rule etc. Consultation exercise raised the following concerns - Next of kin being informed - Escort provider had no sight of SPS Gender identity and Gender Reassignment policy. - Details of transgender prisoners being communicated to the escort provider - Reasonable adjustments were not being shared with the escort provider.

Scoping	
	<ul style="list-style-type: none"> - Prayer times for Prisoners not being respected Transfer of people in custody with metal health illness - Woman in custody who are pregnant
HOW will this shape your policy/practice?	The policy will be expanded to ensure all aspects of the above are covered, meeting the needs of all. Booking form redeveloped to include Transgender status, any reasonable adjustments and religious factors
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>Human Rights case law effecting Prisoners Human Rights/ UK case law on the deportation of Prisoners Equality Act 2010 Mental Health (Care and Treatment)(Scotland) Act 2003 Internet search on Equality Impact assessments on escorting people in custody Prisoner complaints on Escorts SPS Gender Identity and Gender Reassignment Policy Draft SPS Marriage protocol Review of reasonable adjustments and number of disabled people in custody SPS Prisoner survey (2013) G4S Equality and diversity Policy</p>

Impact	
Will the impact and outcomes of the new/ revised policy/practice:	
<p>Contribute to eliminating discrimination, harassment and victimisation? E.g.</p> <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 	<p>POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/></p>
	<p>NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/></p>
	<p>NEGATIVE: It will make discrimination, harassment and victimisation worse <input type="checkbox"/></p>
<p>Advance equality of opportunity between those who share a protected characteristic and those who do not? E.g.</p> <ul style="list-style-type: none"> • Remove or minimise disadvantage 	<p>POSITIVE: It will advance equality of opportunity <input checked="" type="checkbox"/></p>
	<p>NO EFFECT: It will have no effect on equality of opportunity <input type="checkbox"/></p>

Impact Will the impact and outcomes of the new/revised policy/practice:	
<ul style="list-style-type: none"> Meet the needs of equality groups that are different from the needs of others participation in public life 	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"/>
Ensure Human Rights Compliance?	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, Gender, Disability, Gender Identity, Religion or Belief, Sexual Orientation, Maternity and Pregnancy, Marriage and Civil Partnership, Human Rights Compliance
Monitoring of Escorts: At present there is one Police Scotland and two Scottish Prison Service (SPS) members of staff performing duties as substantive members of the Escort Monitor Team, who monitor all aspect of Prisoners Escorts.

Negative Impacts	
Protected characteristics affected: Disability, Human Rights	
Impact	Mitigation
Escorts provided in emergencies could potentially have issues due to the need to get the prisoner quickly to hospital.	Emergency should be a life threatening or for immediate hospital treatment
People in custody refusing to go on Escort	This should be supervised and report provided to GIC and Escort Monitoring team.
Police might escort the person in custody to interviews	This should be monitored
People in custody requiring to be restrained throughout the escort.	The safety of the person is paramount in getting the person to the appropriate place for their safety or care,

Negative Impacts

Protected characteristics affected: Disability, Human Rights

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 SPS Escorting of People in Custody Policy after a consultation exercise and advice from the SPS HQ Equality and Diversity team has a low risk of potential unlawful discrimination or adverse impact or breach of their human rights.

The consultation exercise identified several areas that the SPS have learnt from and address by adjusting the policy which will advance the equality of opportunity between those who share a protected characteristic and those who do not. The acknowledgement of these issue all promote a clear understanding of barriers that certain protected characteristic encounter.

The SPS also identified potential negative impact mainly based around Emergency escorts, which would not be operated by the escort supplier. This will be monitored.

The SPS quality control process agreed with Outcome 1 if the accompany action plan is implement.

Next steps

- Monitor Escort provider contract
- Monitor Emergency Escort that take place (both SPS and others)
- Review the policy and EHRIA, if the Complaints commissioner issue instructions
- Review the policy and EHRIA, if there is more the 5 people in custody complaints in any year
- Review the EHRIA if there is a change in supplier of escorting services

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

