

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	PRL Audit and Assurance Standards - Prisoner Wages Earning Policy
EHRIA Lead Person	Anthony Apperley
Date EHRIA completed	March 2016
Review date and frequency	
Is this a new or revised policy/practice?	New <input checked="" type="checkbox"/> Revised <input type="checkbox"/>

Definitions
<b><u>PWEP = Prisoners Wages Earning Policy</u></b>
<b><u>FM = SPS Finance Manual</u></b>
<b><u>Rule = The Prisons and Young Offenders Institutions (Scotland) Rules 2011</u></b>
<b><u>PR2 = Prisons Records version 2 (computer data base)</u></b>

Scoping	
What are the aims of this policy/practice?	Following a series of Audits and recommendations by SPS internal Audit and Assurance Services (AAS) it was identified that the current Prisoner Wage Earning Policy has no PRL assurance and audit standards as reference when undertaking audits regarding the payment of prisoners wages. Audit Assurance Services have reported and identified risks to good order and recommended action be taken to mitigate those risks, thus establishing protocol, control and self-assurance processes to establishments in their implementation of the Prisoners Wage Earning Wages Policy.
WHO did you consult with?	PR2 systems – Roy Breslin Finance Manual- SPS HQ SPS Legal Services- Liz McNamee FLM in Establishments – Jim McFarlane HMP Cornton Vale

Scoping	
	Unit Manager- George Webster HM Edinburgh PRL Assurance and Compliance Manager – Scott Kerr E&D branch SPS HQ – Vince Fletcher Head of Offender Manager - Stuart Logan HMP Glenochil TUS- Consulted NOMS Prisoner Wages policy Internal Audit reports for Wages Policy 2012. PCF registers
WHAT did you learn?	The standards and assurance is a fair process and needs to adhere to the Prisoners wages earning policy (PWEF) There is a link to desistance or reducing offending, preparing for release, family contact or even the living wage.
HOW will this shape your policy/practice?	Consistent approach and assurance across all establishments. Assurance that any prisoner working within a prison has the same opportunity to earn a wage and that the system is fair and does not disadvantage.
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?	GMA 55a/12 Prisoners wage earning policy Prisoners Wages Earning Policy The Prison and Young Offender Institutions (Scotland) Rules 2011 Equality Act 2010 Finance Manual – SPS HMIPS - Reports Human Rights Act HMIP reports Audit of Prisoner Complaints 2010 - 2014

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>Impact</b> Will the impact and outcomes of the new/revised policy/practice:	
<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 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.**

<b>Positive Impacts</b>  Protected characteristics affected:  That all prisoners no matter where they are located within SPS establishments will be treated fairly and rewarded equally for work activities undertaken. Payment of prisoner wages are paid in line with the prisoners wages earning policy, SPS Finance Manual and Prison Rules There is a minimum wages for prisoners on punishment. Prisoners unable to work because of old age or disability will be given a comparable wage to support living needs and family contact. (Age & Disability) Process allows time paid time off to attend education, religious events and attendance for family events and visits (Religion & Belief, Maternity and pregnancy). Prisoner not in work prior to custody will be given the opportunity to experience work activities that will support them on release.(Socio-economicgroups)
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Negative Impacts	
Protected characteristics affected:	
Impact	Mitigation
The current policy dated October 2012 is outdated and should be reviewed.	When the Prisoner Wages Earning policy is revised consideration will be required to ensure equal opportunities are available to all prisoners.
Prisoners could refuse to engage in purposeful activities	Prison Rule 82 states every prisoner is required to work in a prison, if they refuse to work this is a breach of rule and no pay will be offered.  Prisoners have a responsibility to abide by Prison Rules.
Prisoners found guilty of an offence in Prison rules could have their wages withdrawn to the unemployment level. Standardised wages for non-work includes the ability to work in the same standard as a refusal to work.	Prisoners Wage Earning Policy and budget restraints
HR Article 4 (Prohibition of slavery and forced labour) Prisoner being forced to work especially from socio and economic groups who have never worked.	This prisoner group could potential see this as forced labour. However PA will give vital skills and work attitude that will support them on release.
HR Article 8 (Right to respect for private and family life) Prisoner on minimum wage or reduced wage due to punishment or refusing to work by reduction to family time.	SPS is restrained by Scottish Government budgets. Prisoners can keep contact with family in non-financial ways.

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
<p>The Equality and Human Rights Impact Assessment (EHRIA) has shown that the aims of these standards will provided a fair and standardise approach across the SPS.</p> <p>There is no evidence that this standard will be discriminatory or will breach any article or protocol in the Human Rights Acts</p> <p>It is expected that the most significant impacts, and the most positive impacts, will be all convicted prisoners and support prisoners who are able to participate in purposeful activity.</p> <p>The strategy is part of the Scottish Prison Service preventative approach to reducing</p>

## Summary of Outcome decision and Recommendations

reoffending, assisting service users into desistance and community recovery – focussing on improved identification of prisoner needs by asset- based management plans.

Non engagement of Offender could be a possible negative effect and have an impact on the desistance model the SPS are attempting to introduce, monitoring of the reason for non-engagement will be vital in identifying possible are that has not been thought off.

There are concerns the prisoner wages earning policy might not fit accurately with these new standards and this assessment recommends a review of this policy.

These Standards does not relate to an area where there are known inequalities.

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

## Next steps

Review 12 months following implementation of policy.

Review to be undertaken when the PWEF is revised

Monitor non engagement of Purposeful Activity

Monitor wage levels and review the lowest

If you require this document in an alternative format, please contact  
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