

Equality and Human Rights Impact Assessment (EHRIA) Template



To be completed by the person leading the EHRIA	
Title of Policy or Practice:	Exceptional Duty Payments
Lead Author/Reviewer:	John Stevenson
Date EHRIA Commenced:	09/01/2017
Version number:	2
Date EHRIA Completed:	15/09/2017
Date New/revised policy/practice signed off by Management:	15/09/2017
Date EHRIA actions due for review on:	SPS standard review of policies 2020

Revision History			
Revision Date	Version	Summary of Changes	Authoriser

For official use only by the Equality and Diversity Team	
EHRIA Tracker Number:	
Quality Assessor name:	Vince Fletcher
Date Quality Assessed:	15/09/2017
Publication date:	15/09/2017

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.

Stage 1: Background information

What is the title of the new or revised policy/practice?

Exceptional Duty Payments Policy

What is it?

A new policy/practice

A revised policy/practice

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

If so they will also need to be impact assessed separately

Yes (Please provide details)

No

Who is leading the developing and/or implementing the new or revised policy/practice?

This is the person who should lead the impact assessment as they are the decision maker for the changes to be implemented.

Name	John Stevenson
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Role	HR BP (Barlinnie)
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Business Area	HR
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Who else is involved in the Equality and Human Rights Impact Assessment?

Those involved must have a detailed understanding of the policy/practice area and must be in a position to ensure that changes can be made to a developing policy/practice where they are required. It is advisable to seek the support of an Equality & Diversity Manager or practitioner for expert input. The Trade Union Side should be involved in support of the SPS Partnership agreement. Add additional boxes as necessary.

Name	Annalena Caruana
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Role	Employee Relations & Reward Manager (acting)
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Business Area	
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Name	Mick Grattan
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Role	POA Trade Union Representative
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Business Area	
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Name	Ian Scott
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Role	POA Trade Union Representative
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Business Area	
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Name	Stuart Simpson
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Role	
Name	Annalena Caruana
Role	Employee Relations & Reward Manager (acting)
Business Area	HR
Name	Mick Grattan
Role	POA Trade Union Representative
Business Area	TUS
Name	Ian Scott
Role	POA Trade Union Representative
Business Area	TUS
Name	Stuart Simpson
Role	POA Trade Union Representative
Business Area	TUS
Name	Chris Thomson
Role	Employee Relations & Reward HRBP (acting)
Business Area	HR
Name	Alan Strachan
Role	Job Evaluation & Project Manager
Business Area	HR
Name	Melanie Bowie
Role	HR BP (Polmont)
Business Area	HR

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 SPS HR Policy Review Project is designed to refresh, review and renew our HR policies to ensure the effective functioning of HR within SPS. This policy is being revised as part of the overall policy review project and to ensure that an EHRIA is completed and the policy is compliant with the relevant legislation.
What is the intended outcome(s) and impact of the new policy/practice, or making the changes to an existing policy/practice?	The review will consider the application of the policy and E&D evidence to ensure there is no direct or indirect discrimination. The aim of the policy is to outline the level of authority required to agree and approve

Scoping

payments for exceptional duty, the circumstances in which exceptional duty payments can be authorised and the means of applying for and receiving a payment

Evidence gathering

WHO did you consult with?

(Have you consulted/involved equality groups or other groups who will be affected by the new/revised policy/practice? The Trade Union Side should be always consulted in support of the SPS Partnership agreement. The PGA (Prison Governor's Association) should be consulted as well. It may also be useful to consult with staff via support networks (e.g. Prism, Race Support Network, Disability Support Network, and Women's Development Network) or with people in custody via focus groups.)

PGA,
Policy Steering Group,
Trade Union Side,
SPS E&D Team
Operations Directorate
SPS Staff Networks

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?

(This could be in-house or external information such as monitoring data; research; surveys; reports; previous impact assessments; complaints; demographics or best practice relating to equality groups.)

Quantitative data in relation to exceptional duty payments that have been paid in the past few years was sought from the Operational Directorate. It was confirmed that the only incident for which EDP had been authorised by OD in the last few years was for the deployment of staff to Grampian in May 2014.

WHAT did you learn from your evidence-gathering exercises?

Due to the nature of prison work incidents can happen that are not normally planned for.

Incidents can potentially happen at any time.

Specially trained staff are required to resolve incidents.

Officers are required to work in different roles and longer shifts to end incidents

Incidents are not time bound and can last much longer than shifts under the European time directive.

HOW will this shape your policy/practice?

Staff involved in incidents should receive payments for exceptional duty. This policy will give direction on what is an exceptional duty and how payments should be paid.

Stage 3: Identifying impact/outcomes

The Public Sector Equality Duty	
<p>Will the impact and outcomes of the new/revised policy/practice: (Consider for people in custody in terms of the equality risk assessment of the prisoner journey with us which includes admission, residential care, establishment regime, health and wellbeing, through care, people in custody management, visits etc. Consider for staff in terms of the equality risk assessment for the staff journey with us which includes recruitment, retention, progression, promotion, training etc.)</p>	
<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 type="checkbox"/></p>
	<p>NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input checked="" 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?</p>	<p>POSITIVE: It will advance equality of opportunity <input type="checkbox"/></p>
	<p>NO EFFECT:</p>

The Public Sector Equality Duty

E.g. <ul style="list-style-type: none"> Remove or minimise disadvantage Meet the needs of equality groups that are different from the needs of others participation in public life 	It will have no effect on equality of opportunity <input checked="" type="checkbox"/>
	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 type="checkbox"/>
	NO EFFECT: It will have no effect on good relations <input checked="" type="checkbox"/>
	NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/>

Human rights

Will the new/revised policy/practice breach the human rights articles? :

Consider for people in custody in terms of the equality risk assessment of the prisoner journey with us which includes admission, residential care, establishment regime, health and wellbeing, through care, people in custody management, visits etc.

Consider for staff in terms of the equality risk assessment for the staff journey with us which includes recruitment, retention, progression, promotion, training etc.

Consider:

European Convention on Human Rights

Article 2	Right to life (e.g. suicide prevention)
Article 3	Prohibition of torture (e.g. person unable to consent)
Article 4	Prohibition of slavery & forced labour (e.g. safeguarding vulnerable people)
Article 5	Right to liberty & security (e.g. security procedures)
Article 6	Right to a fair trial (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 9	Freedom of thought, conscience & religion (e.g. sacred space)

Human rights	
Article 10	Freedom of expression (e.g. whistleblowing procedures)
Article 11	Freedom of assembly & association (e.g. trade union recognition)
Article 12	Right to marry (e.g. pregnancy)
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 2	Right to education (e.g. accessible information)
International Covenant on Economic, Social and Cultural Rights. Rights to: <ul style="list-style-type: none"> • Work in just and favourable conditions • Social protection • An adequate standard of living • The highest attainable standards of physical and mental health • Education 	
It will uphold human rights articles. <input type="checkbox"/>	
It will breach with human rights articles. <input type="checkbox"/>	

When considering all your responses to Stage 3 if you selected <u>POSITIVE</u>:	Please move on to stage 4 where you will be asked to provide details of the equality group(s) affected, the impact and evidence you considered.
When considering all your responses to Stage 3 if you selected <u>NEGATIVE</u>:	Please move on to Stage 4 where you will be asked to provide details of the equality group(s) affected and the impact and strategies to mitigate the impact to a reasonable level, or to remove the impact altogether.
When considering all your responses to Stage 3 if you selected for ALL areas <u>NO EFFECT</u>:	Please justify your conclusions here and move directly to Stage 5 .

Stage 4: Analysis of impact/outcomes

You have indicated that 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 and Human Rights articles for people in custody or staff. Use these sections below to indicate whether the impact is positive or negative, and justify your assessment using the data and evidence you have already gathered (via statistics, consultation, etc.)

What are the positive impacts?

Does the new/revised policy or practice: Advance equality of opportunity? Remove discrimination? Remove harassment? Remove victimisation? Foster good relations? Encourage participation by disabled people? Uphold human rights articles?

Detail the positive impact here:

Please select which group(s) will be affected by the positive impact, and provide details below each category:

Age (e.g. older people or younger people):

Race (e.g. people from black or any minority ethnic groups):

Gender (e.g. women or men):

Disability (e.g. people with visible or non-visible disabilities, physical impairments):

Gender Identity (e.g. changed/changing gender from that assigned at birth):

Religion or Belief (e.g. belonging to a particular religion/belief or no affiliation):

Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual):

Maternity and Pregnancy (e.g. pregnant/on maternity leave/breastfeeding):

Marriage and civil partnership:

Socio-economic groups:

Human rights compliance (e.g. civil, political, economic, social, and cultural rights):

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.

What are the negative impacts?

Does the new/revised policy or practice: Create any barriers or issues for people from an equality group? Discriminate against any equality group? Have a negative impact on community relations internally and/or externally? Reduce 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?

****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****

Detail the negative impacts here:

Please select which group(s) will be affected by the negative impact, and provide details of the negative impact and how you will mitigate against it below each category:

Age (e.g. older people or younger people):

Race (e.g. people from black or any minority ethnic groups):

Gender (e.g. women or men):

Disability (e.g. people with visible or non-visible disabilities, physical impairments):

Gender Identity (e.g. changed/changing gender from that assigned at birth):

Religion or Belief (e.g. belonging to a particular religion/belief or no affiliation):

Sexual orientation (e.g. lesbian, gay, bisexual or heterosexual):

Maternity and Pregnancy (e.g. pregnant/on maternity leave/breastfeeding):

Marriage and civil partnership:

Socio-economic groups:

Human rights compliance (e.g. civil, political, economic, social, and cultural rights):

Stage 5: Identifying options and course of action

Recommended course of action: select relevant outcome and check the box when prompted:

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

Please provide summary here:

There is no identified potential for unlawful discrimination or adverse impact or breach of human rights articles.

The policy will ensure staff involved in incidents will received the correct exceptional pay

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:	Legislative changes
Why:	To ensure compliance with all relevant legislation
Who:	Policy owners
When:	As required
What:	Significant grievances
Why:	To ensure that any unforeseen issues are addressed
Who:	Policy owners
When:	As required
What:	SPS standard policy review timescales
Why:	As part of SPS standard review of policies
Who:	SPS HR
When:	3 years from date of publication
Name of lead:	Donna Miller
Date:	Employment, Relationship and Reward Manager