

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	SPS Child Protection Policy
EHRIA Lead (role)	Learning and Skills Policy Manager
Date EHRIA completed	01/06/18
Review date and frequency	1/6/2020
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?	
<p>To review and update the SPS Policy on Child protection in line with the Scottish Government national guidance released in 2014.</p> <p>Policy to be expanded to cover staff involved in other roles that may have child protection issues.</p> <p>Child protection has to be seen in the context of the wider Getting it right for every child (GIRFEC) approach, the Early Years Framework and the UN Convention on the Rights of the Child.</p> <ul style="list-style-type: none"> • Provide consistency and support across establishments with regards to child protection • Provide corporate guidance on child protection in line with national guidance • Promote safety and welfare of children visiting, living and communicating with prisoners or prisons • Consult with key academics and government partners regarding our child protection policy 	
WHO did you consult with?	
<ul style="list-style-type: none"> • Relevant staff and Managers from various establishments (working group formed) and Partner organisations • Establishment information regarding current process and future views • Subject matter experts (Police, Barnardo's, Social Work) • Various Government partners (Child Protection Section) • Equality & Diversity Advisor SPS 	
WHAT did you learn?	
<ul style="list-style-type: none"> • Establishments have an inconsistent approach to child protection, training and co-ordinators 	

- Current policy is out of date and only covers children visiting prisons
- Welfare Concern forms are inadequate and not completed to a high standard
- No evidence of current discrimination

HOW will this shape your policy/practice?

- This will ensure we do what is right for the child and the child safety
- Improve focus and leadership at establishments
- Revise guidance and current forms to support a improved practices to ensure child safety
- Better staff training and awareness of process to alleviate any discrimination
- Be supported in our delivery by partner agencies

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?

Questionnaires sent to each establishment regarding current position of child protection

National Child Protection Guidance Scotland 2014

Children and Young People (Scotland) Act 2014

A Guide to implementing 'Getting it right for every child': Scottish Government (2012)

Getting it Right for Every Child Wellbeing Indicators

Getting it Right for Every Child Practice Briefings

Current welfare form was reviewed against other organisations forms

Working group formed with key individuals from across SPS and partners

Consultation with Scottish Police, Social Work Scotland, Scottish Government.

Examples of Welfare reporting forms at various establishments.

SPS Child Protection Policy and Procedures For Children Visiting Scottish Prisons (2012)

Barnardo's – When a parent goes to prison hyperlink: [When a parent goes to prison](#)

Impact

Will the impact and outcomes of the new/ revised 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

Impact

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

Advance equality of opportunity between those who share a protected characteristic and those who do not? 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 	POSITIVE: It will advance equality of opportunity <input checked="" type="checkbox"/>
	NO EFFECT: 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 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

Detail the positive impact here:

- Upholds - United Nations Convention on the Rights of the Child (UNCRC),
 - Article 3 'In all actions concerning children, the best interests of the child shall be a primary consideration'
 - Article 4 (implementation of the Convention)
 'Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights'.
 - Article 19 (protection from violence, abuse and neglect) Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.
 - Article 33 (drug abuse) Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.
 - Article 34 (sexual exploitation) Governments must protect children from all forms of sexual abuse and exploitation.
- In providing a clear and concise guidance to child protection that will support consistency across all SPS establishments and ensure no discrimination;
- Will provide consistency in the reporting process of child welfare concerns providing support and awareness to staff;
- Complying with 'Getting it right for every child' government policy;
- Support the SPS Family strategy in that 'Families are safe and well';

Positive Impacts

Women in custody

Recognising the importance on ensuring the safety of a child if being located in a mother and baby unit in an SPS establishment. Raising staff awareness and practices to ensure child safety is paramount. Clear roles and partnership working in place.
Many families are from low income and we need to support staff in training to understand areas of child concerns.

Human rights for children will be complied with better.

Negative Impacts

Protected characteristics affected: Does not cause any barriers for any equality groups.

The child's safety is paramount and some concerns raised could be influenced by the poor socio-economic group of the parent.

Impact	Mitigation

Recommended course of action

Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>
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).	<input type="checkbox"/>
Outcome 4: 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 Equality and Human Rights Impact Assessment (EHRIA) has shown that

Central to the review was the recognition that the rights of the child are paramount and the prisoner's right to a family life under ECHR.

The child protection policy will support the SPS Family strategy in that 'The best interests of Children are central to any decision making' and the policy will 'support staff to enable them to be able to identify and respond to wellbeing needs of people in our care and their children'. Providing Staff with a good understanding of safety and wellbeing and confidence to respond to concerns appropriately and proportionately to child welfare concerns.

Summary of Outcome decision and Recommendations

In line with Scottish Government policy, Getting it Right for Every Child (GIRFEC) is at the heart of strategy, policy and practice affecting people in our care, children, young people and their families in order to promote wellbeing and positive life outcomes.

There is no direct evidence that this review of process will be discriminatory or will breach any article or protocol in the Human Rights Act. It is expected that the most significant impacts, and the most positive impacts will be in bringing our child protection policy in line with National Child Protection Policy, Children and Young People (Scotland) Act 2014 and Criminal Justice Act. Ensuring relevant staff are trained in Child Protection and wellbeing issues to ensure SPS take reasonable steps to protect children and young people from harm and abuse who visit or make contact with anyone in our care.

A new policy will be presented and a GMA supporting the implementation and outcomes required for Child Protection practices across the SPS estate.

Taking the above into account the new process should not have a detrimental effect on any protect characteristics in the Equality Act or any Human Rights Articles.

Next steps

What:	Monitor for discrimination and continue to support establishment coordinators and leads to fully implement the new policy.	
Why:	Monitor family complaints and surveys	
Who:	Family Policy Lead	
When:	Continuous	
What:	Provide a clear GMA regarding new revised policy and national policy, consultation undertaken & Monitor through national family strategy improvement meetings	
Why:	To ensure process and policy is implemented correctly	
Who:	Family Policy Lead	
When:	Continuous	
What:	Continue to develop staff training package	
Why:	To improve staff awareness and understanding and practices & check for any areas of discrimination	
Who:	Family Policy Lead	
When:	Continuous	

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