

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 Code of Conduct for Non-Executive Advisory Board Members and Risk Monitoring and Audit Committee Independent Members.
EHRIA Lead Person	Project Manager, Office of the Chief Executive
Date EHRIA completed	14/09/2016
Review date and frequency	October 2016 Annually
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?	The Scottish public has high expectations of those who serve on the boards and committees of public bodies, including Scottish Prison Service, and the way in which they conduct themselves in undertaking their duties. This code of conduct sets out the principles which Non-Executive Advisory Board Members and/or Risk Monitoring and Audit Committee (RMAC) Independent Members are expected to observe when exercising their duties.
WHO did you consult with?	Education Scotland and Student Awards Agency Scotland Scottish Government's Public Bodies Unit (PBU) and their Cabinet, Parliament and Governance Division. Scottish Prison Service Senior Managers Scottish Prison Service Human Resource Scottish Prison Service Advisory Board
WHAT did you learn?	Initially Scottish Prison Service wished to draft a code of conduct for Advisory Board members but having received advice from the Scottish Government's Public Bodies Unit (PBU) and Cabinet, Parliament and Governance Division it was confirmed that existing Scottish Prison Service Human Resource policies covered Senior Civil Servant staff.

Scoping

	<p>Given that the code of conduct covers Non-Executive Advisory Board Members and/or Independent RMAC Members there was no trade union to consult with. Instead the code of conduct will be introduced by way of individual agreement with the relevant individuals.</p>
HOW will this shape your policy/practice?	<p>Feedback from the consultation both external and internal to the organisation has informed the development of the code of conduct. Development of the code in line with Equality and Diversity guidance will support accessibility to ensure access to the widest spectrum of SPS staff, partner organisations and the general public. Going forward, Non-Executive Director contracts for provision of services will reference the code of conduct in order that Non-Executive Directors are aware of the existence and terms of the code from the outset.</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>In developing the code of conduct the following evidence was considered:</p> <ul style="list-style-type: none">• Websites of other Executive Agencies (Accountant in Bankruptcy, Disclosure Scotland, Education Scotland, Historic Scotland, Student Awards Agency, Scottish Public Pensions Agency) which did not contain any information or links to codes of conduct.• Existing codes of conduct (SQA, Scottish Water, National Library of Scotland, Food Standards Scotland and the Cabinet Office).• The Ethical Standards in Public Life etc. (Scotland) Act 2000.• Scottish Government Guidance on Codes of Conduct.• Previous impact assessments, in particular, the Corporate Governance Guide impact assessment. Learning from this impact assessment was that commitment to accessibility should be given in respect of the actual code of conduct document. Accordingly, an overarching accessibility statement has been included at the beginning of the document.• On the point of accessibility, consideration was given in the drafting process to attempting to list the different formats in which might be provided but decided against doing this in case a particular format were omitted, albeit unintentionally.• Accessibility features were applied to the draft to possibly reduce the need to request alternative formats i.e. acronyms defined, size 12

Scoping	
	font applied, 1.5 spacing for text, use of 'header' functions, auto contents table using 'header' functions, text aligned to left, no capitalisation or underlining used for headings.

Impact Will the impact and outcomes of the new/revised policy/practice:	
Contribute to eliminating discrimination, harassment and victimisation? E.g. <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 	POSITIVE: It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	NEGATIVE: It will make discrimination, harassment and victimisation worse <input type="checkbox"/>
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 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

Protected characteristics affected: Age, Race Gender, Disability, Gender Identity, Religion or Belief, Sexual Orientation Maternity and Pregnancy Marriage and Civil Partnership, Socio-economic groups, Human Rights Compliance

The positive impact of observing these values and principles is that those people in custody, the public and staff will be assured that the behaviour of Non-Executive Advisory Board Members and/or Independent Risk Monitoring and Audit Committee (RMAC) members will be beyond reproach and that ultimately they will treat all those they come into contact with during the course of their duties with respect.

Negative Impacts

Protected characteristics affected:

Impact	Mitigation
None Identified	

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 proposed new code of conduct for Non-Executive Advisory Board Members and/or Independent RMAC members will have a positive effect on Scottish Prison Service from an equality and diversity perspective, the two main benefits being:

1. that the behaviours of Non-Executive Advisory Board Members and/or Independent RMAC members should be beyond reproach and demonstrate the SPS' core values and the nine principles of public life.
2. ensuring the code of conduct is accessible.

Next steps

- Annually review requests received for Code of Conduct in alternative formats to identify any improvements that can be made to existing formats and ensure widest possible access.

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