SPS
SCOTTISH PRISON SERVICE

Equality and Human Rights Impact Assessment (EHRIA)

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. Please refer to the EHRIA Guidance document when completing the EHRIA.

Stage 1: Background information

Is the policy/practice:	
A new policy/practice	☐
A revised policy/practice	☒Yes – Development and Learning Strategy

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

Please provide details of the policies and changes required. Any policy subject to change due to the introduction/review of this policy should have an EHRIA review undertaken to ensure there are no detrimental impacts on protected characteristics, human rights or socio-ecomonic impact.

Policy Name:	

This strategy compliments and should be read in conjunction with policy areas including mental health, women and young people but does not propose any changes to these strategies.
Changes identified: N/A

Stage 2: Scoping and evidence gathering.

Scoping
Why are you introducing the new policy/practice, or why are you revising an existing policy/practice? This project has been set up to develop a refreshed Development & Learning Strategy for people in custody and the further implementation of a new contract with an education provider to deliver these services. 'Learning for a Better Future', The SPS strategy for Development & Learning for people in custody was developed as the Learning & Skill Strategy (2016 to 21) was out of date and was considered no longer fit for purpose. There have also been changes to SPS's understanding of trauma and neurodivergence as experienced by people in custody. In addition, SG completed the Hayward review on education services and a new strategy for Adult Learning was created in 2022. It was crucial we developed a refreshed strategy that considered and reflected upon these changes and developments.
What is the intended outcome(s) and impact of the new policy/practice, or making the changes to an existing policy/practice? The outcome will be a new Development & Learning contract that delivers services as evidenced through the refreshed Development & Learning Strategy: 'Learning for a Better Future'. This will result in the implementation of 'Learning for a better Future' across all SPS prisons. These outcomes will be measured and evaluated across a range of quality indicators and long/med/short term outcomes, compressively listed within our evaluation framework document. The outcomes of 'learning for a Better Future' are expected to be: • Broad curricula and mechanisms for collaborative working, which are contextualised, accessible, inclusive, relevant and trauma informed. • Improved practices with the education provider. • Improved partnership working. • Improved culture of embedding D&L opportunities and linking to case management to create a holistic understanding of in individuals time in custody. • Improved understanding among staff of the positive impact and the importance their role plays in signposting D&L opportunities. • The creation of a whole system approach to development and learning. • Greater opportunities for and levels of engagement for people in our care.

- Improved knowledge, well-being and self-efficacy among people in our care.
- Improved motivation and confidence that leads to greater opportunities, including employment opportunities on release among people in our care.

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 or with people in custody via focus groups.

The project was completed in partnership with colleagues across all SPS directorates, including senior leaders and specialists in Policy, Projects, Digital Services, Finance, Communications, Strategy and Improvement, and Procurement, External collaboration was facilitated by colleagues in Education Scotland and Scottish Government. Namely, Director – SRO, Deputy SRO, Project Manager, Digital Services Lead, Operational Contract Advisor, Communications operational Advisor, Head of Offender Outcomes, Procurement Manager, Research & Evaluation Manager, Finance Director, Head of Learning & Development, Senior Education Officer (Education Scotland), Research Specialists (External Contracted Services)

The project and strategy were also supported and informed by commissioned independent evidence gathering conducted by the Diffley Partnership who produced a user and staff voice research document and a literature review completed by the independent consultant Dr Briege Nugent.

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.)

Diffley research – User & Staff Voice

SPS%20-%20Learnin
g%20and%20Skills%2

Literature Review – Dr Briege Nugent

FINAL%20Literature
%20Review%20Educa

The strategy sought to understand the evidence base to support improved delivery of learning services and what constitutes 'best practice', across both justice and education landscapes. A literature review was commissioned and supported by academics with experience of both disciplines. This literature review considered over one hundred sources of Scottish and international research.

Overall, the review highlights the power that enhanced education provision can offer people in prison. It can equip people with the skills and knowledge required to reintegrate into and positively contribute to society.

In addition to the literature review, the development of the strategy sought to understand the voice of its users, and as such, Diffley Partnership were commissioned to carry out interviews with those in our care and staff. Interviews conducted were carried out across five representative prisons. Staff from both SPS and the existing contracted learning provider were also interviewed.

The development of the strategy also examines international standards on the management of people in prison to ensure that it would be compliant.

What did you learn from your evidence-gathering exercises?
This consultation allowed us to consider styles and models of education delivery not solely within a custodial environment and allowed us to holistically consider the impact of these pedagogies within the custodial environment.

The literature review developed twelve principles to support this strategy and an individual's learning and development journey.

These principles include:
- learning as a human right,
- the importance of relationships,
- choice and personalisation,
- inclusivity,
- trauma informed,
- staff development,
- having a range of opportunities,
- inclusivity and using incentives,
- the importance of the wider community outside prison,
- using learning to promote desistence,
- education as enrichment, and
- learning as impacting all areas of life necessitating person-centred approaches.

The review emphasises the importance of positive relationships between teachers, staff, and learners in all educational settings, reflecting that the best provision recognises everyone has the ability to learn (Bain, 2004). All staff are key to developing these relationships, as such investing in continuing professional development to support staff within their roles develops understanding on how their role impacts learning opportunities.

Education can be a tool for rehabilitation, it can help those in our care develop self-confidence, manage emotions, and build positive identities. Effective education should be inclusive and cater to individuals' needs and interests. These opportunities should be comprehensive, ranging from basic life skills to higher education, and be delivered through blended learning that combines in-person, supported, and self-directed instruction.

Digital improvements can also address the challenges of overcrowding, lack of resources, digital literacy, and engagement levels. This is crucial for the successful delivery of supported prison education.

The report by the Diffley Partnership recommends a three-pronged approach to improve personal development and learning opportunities:

1. Cultivating a Culture of Learning: This involves creating a supportive environment where individuals feel safe to learn. The report recommends recognising educational achievements, integrating learning into daily activities, and promoting a positive attitude towards education.
2. Improving Communication Channels: Clear communication is key to informing people in custody about educational opportunities and support services. The report recommends improved communication, peer-to-peer learning initiatives, and transparent information sharing about courses and enrolment processes.
3. Strengthening Educational Provision: The report calls for a curriculum that caters to individual needs and interests, with a variety of academic, vocational, and enrichment courses. Flexible learning models that consider different learning styles and schedules are also recommended. Finally, the report emphasises the importance of resource allocation, and exploration of external partnerships to support these initiatives. They also recommend ongoing evaluation and improvement of educational programmes.

The following international standards on the management of people in prison are also relevant and have informed the development of the strategy:

Nelson Mandela Rules:

Rule 4:

1. The purposes of a sentence of imprisonment or similar measures to deprive a person's liberty are **primarily to protect society against crime and to reduce recidivism**. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, **the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.**

2. To this end, prison administrations and other competent authorities should **offer education, vocational training** and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. **All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.**

Rule 104 1. Provision shall be made for the **further education of all prisoners capable of profiting thereby**, including religious instruction in the countries where this is possible. **The education of illiterate prisoners and of young prisoners shall be compulsory and special attention shall be paid to it by the prison administration.**

2. So far as practicable, **the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.**

How will this shape your policy/practice?

The lessons learned and research from this collaborative work allowed us to consider the practical implications of learning delivery styles across the SPS estate.
We were able to factor this understanding into strategy design.

Development and learning opportunities will be developed through understanding both the current needs of people in custody as well as historic factors that may impact their capacity and motivation to engage with learning services.

The importance of communication and culture are identified as areas for development. Understanding the environments in which learning can be delivered and the many ways it can be facilitated, supported through open collaborative communication with partners, contracted services and those in our care is key to greater engagement and better opportunities, and should be the cornerstone of a successful strategy.

Key themes are presented across both pieces of research. In particular, the importance of relationships when engaging with people in our care and that this does not need to be in the context of formal learning environments highlights the importance of understanding the regime in each establishment and where formal and informal opportunities exist, then building these opportunities into Annual Learning Plans (ALP) and local Annual Delivery Plans (ADP).

Implementation of 'Learning for a Better Future' and contract will be tailored to local needs while ensuring equal access and quality of service for all, especially those with additional learning needs, neurodivergence or protected characteristics. This will be evidenced through an aggregated needs assessment which will inform and define each establishments annual learning plan.

Finally, research highlights the role development and learning plays in an individual's feelings of self-worth and the benefit this can have in respect of their knowledge, skills, and behaviours to support their lives beyond their time in custody. The evidence highlights the lasting impact which development and learning can have on wider family life, lessening the impact on intergenerational trauma. Development and learning journeys should be captured through robust screening and assessment mechanisms and be continually evidenced and reviewed in line with individual learning plans and portfolios of achievements and be embedded within case management processes.

Stage 3: Identifying impact/outcomes.

The Public Sector Equality Duty – will the impact and outcomes of the 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*	**POSITIVE:** It will contribute to eliminating discrimination, harassment, victimisation ☒
	NO EFFECT: It will have no effect on discrimination, harassment and victimisation ☐
	NEGATIVE:

not value diversity and advance equality of opportunity.	It will make discrimination, harassment and victimisation worse ☐
Advance equality of opportunity between those who share a protected characteristic and those who do not? **E.g.** • *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 ☒
	NO EFFECT: It will have no effect on equality of opportunity ☐
	NEGATIVE: It will reduce equality of opportunity ☐
Foster good relations between those who share a protected characteristic and those who do not? **E.g.** • *Tackle prejudice* • *Promote understanding*	**POSITIVE:** It will foster good relations ☒
	NO EFFECT: It will have no effect on good relations ☐
	NEGATIVE: It will cause good relations to deteriorate ☐

Fairer Scotland Duty 2018 - Socio-Economic considerations

Will the policy reduce inequalities of outcome as outlined within the Guidance Document? Literature review and strategy narrative defines the methods of delivering equity of service.
It will take steps to reduce socio-economic inequalities. ☒
It will make no impact on reducing socio-economic inequalities. ☐

Human Rights

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)
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: 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. ☒	
It will breach human rights articles. ☐	

Stage 4: Analysis of impact/outcomes

This new/revised policy/practice will have an impact/outcome on one or more of the three main duties of the Public Sector Equality Duty, Socio-Economic considerations as defined within Fairer Scotland Duty 2018 and Human Rights articles for people in custody or staff. Use the sections below to detail the impact, and justify your assessment using the data and evidence you have already gathered (via statistics, consultation, etc.)

Positive Impact or Outcome
How does the new/revised policy or practice reduce barriers or issues for people with protected characteristics/Reduce discrimination/harassment or victimisation against any equality group/Have a positive impact on community relations internally and/or externally/Support 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 or Reduce the socio-economic barriers experienced by our staff, those within our care, and those we come into contact with?

Protected Characteristics (*Detail the specific impact on each protected characteristic you have identified*)

Inclusivity:
- **Diverse Learning Styles:** This learning strategy acknowledges that individuals learn in different ways. By providing a variety of learning materials and activities, such as visual aids, auditory explanations, and hands-on experiences, education provision will be able to cater to diverse learning styles, including those of individuals with disabilities or neurodivergent learners.
- **Inclusive Language and Examples:** Inclusive language and examples that avoid stereotypes and biases create a welcoming environment for all learners, regardless of their sex, race, ethnicity, religion, sexual orientation or gender reassignment.
- **Cultural Sensitivity:** Incorporating cultural sensitivity into the learning materials and teaching methods helps learners from different cultural backgrounds feel valued and understood.

Equity:
- **Tailored Support:** By identifying and addressing individual learning needs, the strategy provides targeted support to learners who may require additional assistance due to their protected characteristics, such as those with disabilities or those from disadvantaged backgrounds.
- **Fair Assessment:** Assessments are designed to be fair and unbiased, considering the diverse needs and abilities of all learners.

Accessibility:
- **Physical Accessibility:** The learning environment is physically accessible to learners with disabilities, with features like ramps, elevators, and accessible seating arrangements.
- **Digital Accessibility:** Learning materials and resources are accessible to learners with disabilities using assistive technologies and inclusive design principles.
- **Flexible Learning Options:** Offering flexible learning options, such as online courses or self-paced learning, can accommodate the diverse needs of learners with different commitments or learning styles.

There are significant advantages within this revised strategy to support individuals' development and learning opportunities with mental health, learning difficulties or disabilities through more robust screening processes and revised contractual assurances.

Socio-Economic Considerations:
- **Equal Access to Resources:** This learning strategy ensures that all learners, regardless of their socioeconomic background, have equal access to necessary resources, such as technology, books, and learning materials.

- Positive impacts on individuals with historic barriers to learning will be identified and supported through enhanced screening processes.

Human Rights:

This strategy has been designed and developed from the onset with both human rights and trauma informed practice in mind. As such there should be positive impact on people in custody engaging with development and learning opportunities.

Right to Education:
- **Equal Access:** The learning strategy ensures that all individuals, regardless of their background, have equal access to quality education.
- **Inclusive Curriculum:** By incorporating diverse perspectives and experiences, the curriculum can promote understanding and respect for different cultures and identities.

Non-Discrimination:
- **Challenging Bias:** The implementation of the learning strategy will challenge stereotypes and biases, promoting tolerance and respect for diversity.
- **Inclusive Pedagogy:** By using inclusive teaching methods, educators can create a learning environment where all students feel valued and respected.

Right to Freedom of Expression:
- **Critical Thinking:** The learning strategy encourages critical thinking and the ability to express diverse viewpoints, fostering informed and engaged citizens.
- **Safe Spaces:** By creating a safe and supportive learning environment, students can feel empowered to express their ideas and opinions without fear of judgment or discrimination.

Right to Cultural Identity:
- **Cultural Sensitivity:** The learning strategy recognises and values the cultural diversity of learners.
- **Inclusive Curriculum:** By incorporating culturally relevant materials and examples, the curriculum can help students develop a strong sense of cultural identity.

Right to Health:
- **Mental Health Support:** This learning strategy can promote mental health and well-being by creating a positive and supportive learning environment.
- **Physical Well-being:** By providing opportunities for physical activity and healthy eating, the strategy can contribute to the physical health of learners.

Negative Impact or Outcome
Please detail any negative impact identified through your evidence gathering and consultation on equality groups or human rights. Please also indicate whether there are negative implications for groups experiencing socio-economic inequalities.
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Protected Characteristics: *(Detail the specific impact on each protected characteristic you have identified)*

Within both the formal research and the anecdotal information gathered, we know that a sizeable cohort of people do not engage with education services, however, we do not have evidence on the specific reasons behind this non engagement. It is speculated that many of those who do not engage may have a barrier to learning such as poor mental health or learning difficulties for example. Through improved screening and engagement processes we will seek to bridge that gap in knowledge.

The author is not aware of any negative impact on any protected characteristics however the implementation of the strategy will be closely monitored to ensure equal access to all and that no group is disadvantaged or discriminated against.

Socio-Economic Considerations:
The author is not aware of any negative impact however the implementation of the strategy will be closely monitored to ensure equal access to all and that no group is disadvantaged or discriminated against.

Human Rights:
The author is not aware of any negative impact however the implementation of the strategy will be closely monitored to ensure rights are protected and no group is disadvantaged or discriminated against in the protection of these rights.
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Mitigation
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. Please detail the steps taken to mitigate above negative impact

This strategy and project were developed and designed with human rights, equality and diversity and trauma informed practice in mind. It is the intent of the project to increase opportunities to the people in our care and maximise engagement for people who may have had previous barriers to education services. As such there is no known reason to expect that the project or strategy will impact negatively on any specific group.

Stage 5: Identifying options and course of action.

Select relevant outcome:
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
The author does not consider there to be any barriers to implementation.   The project continues with project board and MPMG oversight.   The contract will be monitored through the provision of multiple performance criteria that ensures performance compliance. Furthermore, it will be further evaluated in line with the strategy to ensure its effectiveness is measure in line with short term, medium term and long-term quality-based performance outcomes. These outcomes measure the effectiveness of delivery at a corporate level, an establishment level, staff level and most importantly the learner level.

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. Your local E&D Manager will be able to advise on options available for Easy Read and translations through SPS' procured translation services.*
The strategy was rewritten to improve accessibility based on stakeholder feedback. However, now the content is approved, the project is considering the accessibility options of the strategy and guidance documents.

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:	Local monthly assurance meetings. HQ monthly contractual assurance. QBR. Annual needs assessment and ALP. Annual strategy review.
Why:	To ensure the ambitions of the strategy and specification of the contract are being delivered effectively and robustly. Providing assurance to senior SPS colleagues and integrity of services to the people in our care.
Who:	Supplier representatives. Local SMT, HQ learning team, HQ Contract team, HQ Research and Evaluation Colleague.
When:	Monthly, Quarterly, annually
Name of lead:	Project lead or Project Manager
Date:	TBC

Please refer to the Guidance document for details of publication requirements.