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## HMIPS EQUALITY AND DIVERSITY POLICY

### Our aims and aspirations

HMIPS is committed to ensuring that the human rights of those deprived of their liberty are upheld. We are committed to treating all people with respect, irrespective of their age, disability, gender, race, ethnicity, religion or belief, sex, or sexual orientation or criminal convictions.

We aim to create a safe, inclusive and welcoming atmosphere for staff, prisoners, and partner organisations whom we work with, and alongside. We recognise some groups in society are particularly likely to suffer from discrimination and ill treatment.

We aim to challenge all forms of discrimination and to be an inclusive organisation, independent but open to all.

This policy is in line with:

- [Scottish Government Equal Opportunities and Diversity Policy](#)
- [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(legislation.gov.uk\)](#)
- [HMIPS Standards for Inspecting and Monitoring Prisons in Scotland](#)

The guidance contained in this document will help HMIPS fulfil our statutory duty to monitor treatment and conditions, independently and safely, in places of detention including Court Custody Units (CCUs).

This policy will be kept under annual review by the HMIPS team.

We aim to ensure that every member of staff feels comfortable and valued, and free to contribute fully and to the best of their ability.

Everyone should have equality of opportunity and work in an environment free from unfair discrimination and harassment, irrespective of irrelevant differences (some of which are [protected by legislation](#)).

HMIPS will ensure that our organisation is open and welcoming for all staff, volunteers, and partner organisations. We strive to make our meetings, training events, and conferences accessible for all by utilising appropriate venues and IT.

We want to be a diverse employer where people can be themselves at work, where:

- The majority of people are comfortable to tell us whether or not they are from an equality or minority group protected by legislation and are confident that this information will be kept confidential and secure.
- Our staff have confidence in identifying and dealing with equality and diversity issues and engaging internally and externally to effect change and improvement
- We have got a gender balanced team.
- Our workforce (staff, guest inspectors, and volunteers) are broadly representative of the Scottish population and in particular the Scottish prison population that we serve.
- We share learning and value the different contributions and perspectives everyone brings to our work.

### **Our diversity policy**

We are committed to increasing the diversity of our whole workforce, both our permanent staff and our team of volunteers. The aims of our diversity policy are to:

- Positively value the different perspectives and skills of all colleagues, and make full use of these in our work.
- Manage and develop everyone, ignoring irrelevant differences and positively valuing different perspectives and skills.
- Improve our capacity to effectively monitor the implementation of Equality and Diversity policies in Scotland's prisons.

We encourage diversity within our monitoring cohort across all 15 prisons in Scotland, and will design our recruitment processes in such a way that monitoring opportunities are available to a diverse range of groups and individuals, particularly those currently unrepresented.

We believe that difference and diversity within our workforce strengthens the work we do and the influence we have, ensuring the widest range of voices possible are heard and have opportunity to influence future developments.

Opportunities to work and volunteer with HMIPS are open to all members of Scottish society, in line with Scottish Government policy. HMIPS embrace the principles set out in the Scottish Government [Race recruitment and retention - an instigation for change: action plan - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/2021/02/02/race-recruitment-and-retention-action-plan/) (published 2 February 2021).

### **Inclusion and Respect**

We aim to create an inclusive and supportive working environment where people are treated with dignity and respect and where discrimination and/or exclusion are not tolerated. In particular sexist, racist, homophobic, or otherwise offensive and inflammatory remarks and behaviour are not acceptable. These constitute harassment and have no place in HMIPS.

## Roles and responsibilities

Everyone has a part to play in increasing our diversity by:

- Completing their [diversity monitoring information](#) on her.
- Setting a [diversity objective](#) as part of their annual objectives with their line manager.
- Knowing their rights and responsibilities under the [Equality Act 2010](#) and where to go for support.
- Increasing their understanding through [learning activities](#).
- Considering diversity in their day to day work, bringing out different voices and perspectives.

HMIPS senior management team have a role in:

- Appointing a lead person to act as overall champion for Equality and Diversity within HMIPS (role currently assigned to the Deputy Chief Inspector).
- Supporting learning and continuous development around Equality and Diversity issues within the whole team (staff and volunteers).
- Ensuring Equality and Diversity Impact Assessments are carried out before any new significant change in policy or practices within HMIPS.
- Ensuring an Equality and Diversity Impact Assessment is carried out periodically before conducting recruitment rounds for new staff or new IPMs, and at least once every three years.
- Ensuring Equality and Diversity issues are fully addressed within our prison inspection and monitoring activities.

## What we expect to see on Equality and Diversity when we inspect or monitor prisons

Equality and Diversity issues are considered under various Quality Indicators in our inspection and monitoring standards, but particularly in Standard 8.

We expect to see the following when we inspect or monitor prisons:

- There is a local equality and diversity strategy or action plan that outlines how the needs of all groups within the prison are identified and will be addressed.
- The Governor/Director or other senior manager leads by example in promoting equality and diversity, chairing the local Equality and Diversity Committee.
- Membership and attendance for the local Equality and Diversity Committee is in line with SPS national guidance, and includes prisoner representation, regularly reviewing progress with addressing Equality and Diversity issues and implementing any agreed action plan.
- Prison policies and regime activities are reflective of the diverse needs of the prisoner population, with fair access to all opportunities, including educational, employment and rehabilitative and progression related activities, gyms and libraries, visits, etc.
- Staff with specific equalities responsibilities are given sufficient time and support to fulfil their role, and have clear job descriptions and objectives.

- There is regular and effective training for prison staff on Equality and Diversity issues.
- Awareness of the needs of people with protected characteristics is promoted by educational and celebratory events.
- The prison complaints process allows prisoners to raise concerns linked to Equality and Diversity, any complaints are fully investigated and acted upon where relevant, with the prisoner informed of the outcome of the investigation and the options open to them should they remain dissatisfied.
- The prison conducts its own monitoring to identify potential discrimination in treatment and access to services, for example, allocation to activities. Data on discriminatory incidents and allegations is routinely analysed for patterns.
- The prison robustly challenges any potential discrimination or harassment.
- The prison provides a supportive culture for prisoners to raise any concerns and routinely consults them on Equality and Diversity issues, providing opportunities to participate directly in the Equality and Diversity committee or through Prison Action and Information Committees.

We expect to see prisoners with protected characteristics under the 2010 Equality Act treated equitably, with dignity and respect:

- Assessments on arrival at the prison cover all protected characteristics.
- Prisoners have access to information in a format and language they can easily understand, for example, DVD, easy read or Braille.
- Any prisoner who requires a personal care plan is identified quickly and an individualised plan is put in place. Care plans are kept up-to-date and, where appropriate, are multi-disciplinary.
- Staff are aware of prisoners who may require extra support in the event of an emergency. Personal emergency evacuation plans are used.
- Staff are aware of prisoners who need assistance to complete everyday activities.
- Staff make reasonable adjustments to ensure that prisoners with protected characteristics can participate in activities which meet their needs.
- Rehabilitation and release planning work takes account of the specific needs of prisoners with protected characteristics.

We expect to see prisoners from all racial and ethnic groups treated equitably and foreign nationals adequately supported:

- Prisoners have access to accredited translation and interpretation services whenever accuracy or confidentiality is required.
- Key information about prison life is available in foreign languages.
- Foreign national prisoners receive help to keep in touch with family abroad.
- Foreign nationals' individual rehabilitation and release needs are met. Foreign national prisoners are not treated less favourably than British prisoners when meeting these needs.

We expect the specific needs of disabled prisoners to be met:

- There are a sufficient number of accessible cells with showers and toilets for the number of disabled prisoners, with furniture appropriate to their needs, and additional adjustments and personal care and support provided if required.
- Prisoners have access to appropriate specialist support services and equipment (equivalent to that which would be available in the community) to enable them to communicate and understand the regime. Accredited interpreting services are used wherever accuracy or confidentiality is important.
- Reasonable adjustments are made to ensure that prisoners with disabilities, including those with learning disabilities/difficulties, have equitable access to the regime and facilities.
- Prisoners who are unable to work because of a disability are unlocked during the day and provided with appropriate and sufficient regime activities.
- Unemployment pay for prisoners unable to work due to disability is set at a level that is sufficient for those without other income to maintain a reasonable standard of prison life.
- Prisoners with less obvious disabilities (for example learning disabilities) are identified, assessed and have their needs met.

We expect the specific needs of prisoners of all sexual orientations to be met:

- Staff training and development promotes equal respect for prisoners of all sexual orientations and raises awareness of the discrimination faced by gay and bisexual prisoners.
- There are clear guidelines for prisoners about what behaviours are acceptable.
- Prisoners who are gay or bisexual are supported within the prison and through referral to external support networks.

We expect the specific needs of trans and inter-sex prisoners to be met:

- Decisions about the location of a trans or inter-sex prisoner are taken following a multi-disciplinary case conference and take account of the views of the prisoner and any available evidence of living in their gender identity. Where possible, subject to whatever changes may arise from the current SPS review of their own national guidance, and subject to a comprehensive assessment of the relevant risk factors affecting the safety of all prisoners, trans and intersex prisoners are located in a prison consistent with the gender with which they identify. It is recognised, however, that individual risk assessments are essential and may preclude that outcome.
- Prisoners who wish to begin gender reassignment are permitted to live in their chosen gender identity and can access appropriate medical and other specialist support.
- All gender variant prisoners, which includes prisoners who identify as trans, non-binary, gender fluid, or who are intersex, have access to the items they use to maintain their gender appearance following agreement with the prisoner on how best to facilitate this. Any restrictions are based on properly evidenced justifications.
- All prisoners are routinely addressed as, and referred to in, the gender they identify with.

- Trans or intersex prisoners are able to access support or counselling services where needed, including external support networks.
- There are arrangements to educate staff, enabling them to adequately support prisoners in transition and prisoners who are gender fluid, non-binary, trans or intersex.

We expect the specific needs of women, children and young adults to be met:

- National and local policies and practices, including staff training on Human Rights and legislation requirements, reflect the distinct needs and requirements of women, children and young adults and the appropriate response to individual levels of maturity.
- Where appropriate, women, children and young adults have an individual care plan to support emotional well-being and help identify and meet specific needs.
- Young adults arriving from the children and young people's estate are carefully prepared for transfer into the adult estate.
- Behaviour management processes are applied proportionately to women, children and young adults.
- Women, children and young adults are regularly consulted about the range of age-appropriate and gender specific activities offered.
- Rehabilitation and release planning support reflects the specific needs of women, children and young adults.
- Full body searching is conducted on an intelligence led basis only.
- All pregnant women, and those caring for babies and young children receive care and support equitable to that available in the community, and are supported with their wellbeing throughout their stay in prison, on transfer and on release.

We expect the specific needs of older prisoners to be met:

- A range of age-appropriate activities are available which aim to occupy and engage older prisoners.
- Staff working with older prisoners can recognise the signs of mental health problems and the onset of dementia.
- Older prisoners who are retired or unfit to work are unlocked during the day and provided with sufficient appropriate activities.
- Minimum retirement pay is set at a level that is sufficient for those who do not have another source of income to maintain a reasonable standard of prison life.
- Prisoners over 70 years of age do not pay for their TV, regardless of income.

We expect prisoners to be supported to practice their religion in safety, with different religious faiths recognised and respected:

- Prisoners have easy access to corporate worship and faith-based classes and groups.
- Faith areas are accessible and permit contemplation, reflection and prayer.
- Staff supervision of faith services is respectful and proportionate.
- Prisoners are able to obtain, keep and use artefacts that have religious significance.

- Prisoners can fulfil religious lifestyle requirements including access to appropriate food at times which meet the requirements of their faith.
- Searches of staff, visitors, prisoners and their property are conducted in a culturally sensitive manner.
- Prisoners are able to celebrate all major religious festivals and these are actively promoted to all prisoners.
- Data on the different religions in the prison population is reviewed regularly to shape service provision and the make-up of the Chaplaincy team.

## **Equality and Diversity in relation to the inspection of custody vehicles**

HMIPS also inspects prisoner transport vehicles, with Equality and Diversity aspects considered within a number of the Standards:

**Standard 2: Decency, Dignity, Respect and Equality.** The custody vehicles should meet the basic requirements of decency and all custodies within custody vehicles are treated with dignity and respect, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

**Standard 3: Personal Safety.** All reasonable steps are taken to ensure the safety of custodies while in the custody vehicles.

**Standard 4: Effective, Courteous and Humane Exercise of Authority.** The implementation of security and supervisory duties is balanced by courteous and humane treatment of custodies in custody.

**Standard 9: Health, Wellbeing and Medical Treatment.** All reasonable steps are taken to ensure the health and wellbeing of custodies while in the custody vehicles and that appropriate and timeous medical treatment is available when required.

Further information on the associated quality indicators and how they are assessed is set out in the attached link:

<https://erdm.scotland.gov.uk:8443/documents/A26559995/details>

## **How we support effective scrutiny of these issues**

We provide guidance for our IPMs on how to monitor Equality and Diversity issues and we provide training and support for our HMIPS team and guest inspectors on all aspects of the standards they inspect against, including those associated with Equality and Diversity.

We work with the Scottish Human Rights Commission who continue to be a key strategic partner of HMIPS, providing expert consultation with the Human Rights Inspector, and contributing to thematic work, or capacity building. SHRC may also attend inspection on an intelligence-led case, with a focus on Equality and Diversity where appropriate. SHRC also played an important role in co-developing our standards to ensure equality and diversity was at the forefront of our thinking. We

view all criteria we examine a prison through an E&D lens and our inspection reports include a PANEL principles summary, which assesses action to ensure Non-Discrimination.

In line with our vision of HMIPS as a learning organisation, we will continue to seek opportunities to improve the training and support available to our IPMs and inspectors around Equality and Diversity issues. In so doing we will involve inspection partners and IPMs, and respond to any observations and suggestions from the IPM Training Sub-Group.

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Inspecting and Monitoring

<https://www.prisonsofscotland.gov.uk/>