Equality and Human Rights Impact Assessment (EqHRIA)

Summary of Results

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Purpose of Policy / Practice

To provide guidance to police officers and police staff on the range of powers and duties afforded to police, local authorities and health professionals to strengthen partnerships and collaborative approaches, ensuring the effective care and treatment of people experiencing mental health crisis.

A. Summary of Analysis / Decisions - What the assessment found and actions already taken.

Equality Impact Assessment

The material was analysed which measured the likely impact on protected groups such as Disability, Gender Reassignment, Race and Religion or Belief, Age and Sexual Orientation to be low. Police Scotland, in trying to obtain consistency and improvement in how officers respond to mental health related incidents, should remove any disadvantage whilst improving outcomes for people experiencing mental health crisis and reduce the likelihood of any negative impact on protected groups.

Human Rights Impact Assessment

Analysis of the relevant material revealed that Article 2 (Right to Life), Article 3 (Prohibition of Torture), Article 5 (Right to Liberty and Security), Article 6 (Right to a Fair Trial), Article 7 (No Punishment Without Law), Article 8 (Right to respect for Private and Family Life) are protected. This is as a result of the SOP focuses on safeguarding the individual and / or others from harm; treating them with integrity, fairness and respect; and ensures correct procedures are followed with regards the needs of the individual. The SOP also provides officers with knowledge of their powers and those of health professionals which encourages, strengthens and fosters a streamlined partnership approach at mental health related incidents to the benefit of the individual and / or community.

The SOP is silent with regards Article 6 (Right to a Fair Trial) as they focus on mental health legislation and not criminal legislation / proceedings.

The SOP is also silent with regards Article 9 (Freedom of Thought, Conscience and Religion) however brings this to the attention of officers to be sensitive and mindful of certain beliefs around suicide and mental health.

Article 11 (Freedom of Assembly and Association) was infringed where an individual is detained by Police under Mental Health (Care and Treatment) Act, however this right would be
superseded by the engagement of article 5.

The SOP is also been supported by E learning Modules and face to face training which has been delivered to all police officers up to the rank of Inspector and relevant police staff.

B. Summary of Mitigation Actions - What else we plan to do and how we are going to check that it has been done.

Owning department will continue to monitor mental health related incidents via Divisional Mental Health Leads to ensure officers are acting lawfully in all of their actions when dealing with mental health incidents. They will also monitor changes in legislation which may affect the SOP, keeping abreast of improvements and knowledge of experts in suicide prevention to ensure any benefits are reflected within the SOP. This includes adhering to the principles of the ECHR.

Where any impacts / potential impacts are identified they will be considered as part of the review process on both the SOP.

It is acknowledged that due to the diverse nature of people who come into contact with the police, guidance cannot be provided for every circumstance.