

Equality and Human Rights Impact Assessment (EQHRIA)

Summary of Results

Policy / Practice	The Service of Legal Documents SOP
Owning Department	Criminal Justice Services Division
Date EQHRIA Completed	19/08/2016

Purpose of Policy / Practice	To provide information and guidance on the service of legal documents issued to the police by COPFS for personal service
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A. Summary of Analysis / Decisions - What the assessment found and actions already taken.

This SOP refers to mainly administrative procedures relating to the service of legal documents, the nature of which suggest the guidance contained within this document will have no direct discriminatory impact on any group.

No inequality/disadvantages were identified, but there is potential to advance equality by signposting officers to services/advice which could assist in dealing with vulnerabilities. Where appropriate, such signposting has been included in the document.

There is no anticipated potential for impact on relations between different groups. However, it has been identified that officers following this guidance when serving legal documents could foster good relations with individuals who are members of protected groups, by utilising services available to them.

It affords the opportunity for officers to assess and submit any specific needs the witness may have for their appearance at court.

Some articles of the HRA are infringed (**Article 5** Right to Liberty and Security; **Article 8** Right to Respect for Private and Family Life) however the justification for those infringements is that the arrest and detention of people in these circumstances is necessary and proportionate in pursuit of legitimate judicial processes. The citation of people to attend court can often require police attendance at home/work addresses in order to secure personal citation, where postal citation has failed or is not appropriate. Documents can be left with 3rd parties at home and work which could infringe their private life; The SOP describes the process by which the appearance of accused and witnesses are secured in furtherance of judicial processes.

Some articles of the HRA are protected (**Article 6** Right to a Fair Trial; **Article 7** No Punishment without Law) and the SOP describes the process by which the appearance of accused and witnesses are secured in furtherance of judicial processes.

The SOP is heavily influenced by legislative requirements, COPFS instructions and Lord Advocate's Guidelines. The SOP is written in such a way that appropriate levels of intrusion are not exceeded and that individual human rights are respected.

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 monitor changes in legislation/circumstances which may affect the SOP and assess how these changes may impact on the protected groups.

In addition they will be responsible for the cyclical review of both SOP and EIA.

As legislation develops and new guidance is required, this SOP will be adjusted and the HRA and equality impacts will be re-assessed to inform the revised SOP.