

Equality and Human Rights Impact Assessment (EqHRIA) Summary of Results

Policy / Practice	Direct Measures SOP
Owning Department	Criminal Justice Services Department
Date EqHRIA Completed	18/08/2017
Purpose of Policy / Practice	This SOP provides guidance to police officers and staff on the use and application of warnings and fixed penalty notices and should be read in conjunction with the guidance for The Use of a Recorded Police Warning (RPW) and Early and Effective Intervention (EEI) for 16 & 17 year olds (RPW) and the Antisocial Behaviour etc (Scotland) Act 2004. An annual review of RPWs was conducted, following this, the decision was taken to merge the previous SOPs in relation to RPWs and ASB FPNs. This EqHRIA replaces the previous EIA forms in relation to the former SOPs.

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

Equality Impact Assessment

Analysis of the SOP revealed there to be the likelihood of a low impact within Disability and Race protected groups. These impacts have been mitigated by directing officers to the existing guidance in the relevant standard operating procedures (e.g Appropriate Adults SOP and Interpreting and Translating Services SOP).

Human Rights Impact Assessment

Analysis of the SOP revealed that Article 6 (Right to a Fair Trial), Article 7 (Punishment without Law), Article 8 (Right to Respect for Private and Family Life) and Protocol 1 Article 1 (Protection of Property) were protected. Article 5 (Right to Liberty and Security) was protected and infringed. Existing statutory obligations and legislation justified the infringement, to facilitate the desired outcome. Any potential future impacts on Equality and Human Rights will be assessed as part of the review process.

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

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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 the SOP and EqHRIA.

Management Log – Policy Support Dept. Use Only

Review Date		Review Date	
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