

**Equality and Human Rights Impact Assessment (EqHRIA)**

# Summary of Results

## Policy/Practice Name:

Report and Statement Writing National Guidance

## Owning Department:

CJSD Policy

## Date EqHRIA Completed:

29/04/2024

## Purpose of Policy/Practice:

This guide has been produced to provide all members of the Service instruction on the content and writing styles required when submitting all documents in the Standard Prosecution Report document set, including the National Standard Statement.

## Summary of Analysis / Decisions:

### What the assessment found, and actions already taken.

The assessment of this guidance found that it affects several protected characteristics. Potential impacts were analysed, assessed, and mitigated accordingly, which will be addressed further below.

In addition, this guidance protects several ECHR articles namely:

* Article 5 - Right to Liberty and Security (protects and infringes)
* Article 6 – Right to a Fair Trial
* Article 7 – No Punishment without Law
* Article 8 – Right to Respect for Private and Family Life (protects and infringes)

The guidance was found to infringe the following ECHR article:

* Protocol 1 Article 1 Protection of Property
* Article 5 – Right to Liberty and Security (protects and infringes)
* Article 8 – Right to Respect for Private and Family Life (protects and infringes)

The Standard Prosecution Report (SPR) is based on a national format which ensures a uniform system of report writing throughout Scotland.

The guidance focuses on content and writing styles required when submitting reports to the Crown Office and Procurator Fiscal Service (COPFS) and Scottish Children’s Reporter Administration (SCRA). The need for fullness and accuracy is particularly important given legal obligation to fully disclose the case at the earliest possible stage to any accused who is being prosecuted.

The purpose of the guidance is to ensure evidence and facts are accurate and recorded in a consistent manner. This consistency must be applied regardless of the nature of the charges and regardless of the background or personal characteristics of any accused person or witness. There is no likely positive or negative impact on any protected characteristics groups as a result of applying the guidance contained in this document.

It was found that there was a positive/medium impact on Age. Section 4 of the Guidance document has been updated with the ACRA Act. The language used in reports requires to be changed due to ACRA when dealing with children who are responsible for harmful behaviour. The Guidance has been updated, section 4: Children will no longer be referred to as ‘suspect’ or ‘accused’ and the terms ‘arrest’ or ‘charge’ will not be used. Instead the report will refer to ‘harmful behaviour’ or ‘behaviour causing or risking harm’.

It was found that there was a positive/low impact on disability. The document provides information on additional needs including the use of Interpreters for British Sign Language and for those who are blind and visually impaired.

It was found that there was a positive/low impact on Gender Reassignment. Officers should be aware and sensitive to the identity of a person’s gender in line with the Equality Act 2010. This Act provides protection to transgender people who are proposing to undergo, are undergoing, or have undergone part of a gender reassignment process.

It was found that there was a positive/low impact on race. The document provides information on additional needs including the use of Interpreters when there is doubt as to the level of understanding of English whether written or spoken. The document also clearly states that for racial incidents it must be stated in the report if an interpreter has been used.

It was found that there was a positive/low impact on religion or belief. When writing a sudden death report the document details if the deceased or family members have any cultural / religious needs or differences or there are cultural / religious differences between the family and next of kin.

## Summary of Mitigation Actions:

### What the assessment found, and actions already taken.

The guidance in relation to how to mitigate against potential impacts are detailed within this, and other, guidance documents such as the:

Case Reporting SOP

National Standard Statement (NSS)

Recorded Police Warning (RPW), Antisocial Behaviour Fixed Penalty Notice (ASB FPN) National Guidance

Domestic Abuse Toolkit

Domestic Abuse Template

Victim & Witnesses Care National Guidance

National Guidance for the Age of Criminal Responsibility

Human Rights Act 1998

European Convention of Human Rights (ECHR)

Criminal Procedure (Scotland) Act, 1995

Criminal Justice (Scotland) Act 2016

Children and Young Persons (Scotland) Act

Road Traffic Act 1988

Data Protection Act

ACRA 2019

These are highlighted within the guidance, and officers/staff are encouraged to seek guidance/advice where required.

Owning department will monitor changes in legislation/circumstances which may affect the guidance and assess how these changes may impact on protected groups. They will be responsible for a cyclical review of the Guidance and EqHRIA.