

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

## Policy/Practice Name:

Use of Force National Guidance

## Owning Department:

Operational Safety Training, Training, Leadership and Development

## Date EqHRIA Completed:

10/05/2021

## Purpose of Policy/Practice:

To provide police officers/authority police staff with policy and guidance around Police Scotland's criteria for the use of force, wearing of PPE and policy in relation to mandatory operational safety training requirements for all relevant personnel.

## Summary of Analysis / Decisions:

The assessment found that the likely impact on protected characteristics when considering Use of Force in general terms is medium. In a conflict situation where force is a consideration it was found that whilst using the National Decision Making Model (NDM) a person’s personal characteristics may be considered.

The likely impact varies between such characteristics. Considering age, the likelihood of use of force having an impact is high – there is no evidence of negative disproportionate impact on people of different ages, rather a positive opportunity to keep people safe regardless of age.

Disability could have a high impact as reasonable adjustments are available, however, it is acknowledged that not all disabilities are visible and quick time decisions may need to be made in accordance with immediate circumstances.

Personal Protective Equipment (PPE) for officers and staff is also considered under disability and gender reassignment regarding the correct fit and sizing of PPE. PPE should always be suitably fitted, sized and fit for purpose.

Pregnancy/Maternity is assessed as low impact as the NDM ensures that officers deem any force to be absolutely necessary and used proportionately. The welfare of the individual and any child or unborn child will be considered using the NDM. During pregnancy police officers and staff complete a risk assessment and may change role to minimise risk.

Race is assessed as medium impact and is not a factor in the threat assessment. Additional training on unconscious bias has been delivered to all Operational Safety Training Instructors (OSTI) and is now included in OST refresher courses to all officers and staff.

Sex is also assessed as medium impact. A person’s gender is considered as part of the NDM threat assessment which forms part of the tactical options model, ensuring that any force is absolutely necessary and proportionate. In respect of police officers and staff, PPE may also play a part and should be properly fitted and sized.

Other areas found to have low or no impact include marriage or civil partnership, religion or belief and sexual orientation.

OST training is mandatory for all officers and staff in designated roles, regardless of personal characteristics, reasonable adjustments are made if required. All OSTIs in each Command area have received Diversity and Inclusion awareness training enabling instructors to be confident in offering appropriate advice in the consideration of the use of force against person’s who fall into any of the protected characteristics.

In 2020 Additional training was provided to increase confidence and understanding of the infringements of ECHR use of force. All police officer and staff have an awareness of Human Rights and how they impact their day to day working. Police Officers have a duty at law to use the minimum amount of force absolutely necessary to achieve lawful purpose. Both protection and infringement was found against Articles 2, 3, 5, and 8.

## Summary of Mitigation Actions:

A number of mitigating actions have been completed, including additional mental health training, various e-learning packages, changes to OST theory training, stop search training, new use of force forms, new 2 day OST programme and new National Guidance.