

Division	Corporate Services	Department	Operational Training
File Path Record			

Police Scotland / SPA Equality and Human Rights Impact Assessment (EqHRIA)

This form is to be completed in accordance with the instructions as set out in the EqHRIA SOP and the EqHRIA Form Guidance.

Name of Policy / Practice (include version number)	National Initial Operational Safety Training Programme Manual
Owning Department	Officer safety training operational training ,training leadership and development

1. Purpose and Intended Outcomes of the Policy / Practice - Consider why this policy / practice is being developed / reviewed and what it aims to achieve.

The aim of the programme is to train groups of Police Scotland employees, predominantly newly appointed Probationary Constables, Special Constables and designated Police Staff in operational safety techniques, use of PPE, threat assessment, medical considerations and importantly, the use of the Police Scotland Tactical Options Model, National Decision Model ,ECHR and Police Scotland criteria for the use of force. This course is 32 hours in duration

2. Other Policies / Practices Related or Affected - Which other policies / practices, if any, may be related to or affected by the policy / practice under development / review?

Use of Force SOP
 Care and welfare of persons in police custody SOP
 Stop/Search SOP
 Mental Health SOP
 Firearms SOP Public Order SOP
 Disability SOP

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3. Who is likely to be affected by the policy / practice? (Place 'X' in one or more boxes)

No impact on people	<input type="checkbox"/>	Police Officers	<input checked="" type="checkbox"/>	Special Constables / Cadets	<input checked="" type="checkbox"/>	SPA / Police Staff	<input checked="" type="checkbox"/>	Communities	<input type="checkbox"/>	Partnerships	<input type="checkbox"/>
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3.1 Screening for Relevance to Equality Duty – if the policy / practice is considered to have no potential for direct or indirect impact on people, an Equality Impact Assessment is not required. Provide information / evidence to support this decision below, then proceed to Section 5 of the form, otherwise complete all sections.

It has been decided not to complete an equality impact assessment because

4. Equality Impact Assessment - Consider which Protected Characteristics, if any, are likely to be affected and how.

4.1 Protected Characteristics Groups	4.2 Likely Impact Positive, Negative or No Impact (Assessment of Low / Medium / High impact)	4.3 Evidence Considered (e.g. legislation / common law powers, community / staff profiles, statistics, research, consultation feedback) Note any gaps in evidence and any plans to fill gaps.	4.4 Analysis of Evidence (Summarise how the findings have informed the policy / practice – include justification of assessment of No Impact)
General / Relevance to All	Low Impact	Research full training evaluation. Consultation feedback	In a conflict situation, a person's protected Characteristic may be considered as part of the National Decision Models' (NDM) Threat Assessment. This forms part of the tactical options model as an impact factor to ensure that if force is necessary it is used proportionately. There is no evidence that this procedure will have a negative disproportionate impact on protected characteristics groups of different ages. OST is mandatory training for all operational Police Officers and certain Police Staff Provided members of staff have no injury or medical condition that may affect their physical ability to undertake OST training, they will be eligible to complete the course, regardless of

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<p>Age</p>	<p>No Impact</p>	<p>Research full training evaluation. Consultation feedback</p>	<p>There is no evidence that this procedure will have a negative disproportionate impact on people of different ages.</p> <p>Provided members of staff have no injury or medical condition that may affect their physical ability to undertake OST training, they will be eligible to complete the course, regardless of age. The requirement to undertake OST is based on a persons rank or role not age.xxx consider rewording</p> <p>There is no evidence to suggest a correlation between a persons ability to pass OST and age.</p>
<p>Disability</p>	<p>Low</p>	<p>Research full training evaluation. Consultation feedback</p>	<p>Depending on the nature of a member of staff's disability, there may be necessity to exclude them from OST training. This is to ensure their own safety and the safety of others, in line with the organisation's duty of care towards its staff and the wider public.</p> <p>Reasonable adjustments will be provided for all disabled officers who undertake OST training (including delivery of training materials in accessible formats)</p> <p>The nature of certain disabilities will not always be obvious, there will be opportunity for further exploration of these issues during OST training, including awareness of disabilities that may present as aggression (for example, mental ill health), or those which will have associate communication barriers (e.g. Deaf community).A mental health guidance document has been created and new mental health awareness training will be implemented into the new OST programme. Current training already takes into account dealing with people who may be sight/hearing impaired.Consultation is under</p>

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			<p>way with NHS Greater Glasgow and Clyde, Violence Reduction Team to share best practice surrounding training and improving de-escalation techniques. The Mental Health Guidance Document and the OST Manual will be available on the Intranet. The mental health guidance document has been produced in consultation with Police Scotland Mental Health Training Unit. Consultation will be carried out with various mental health organisations as outlined in individuals/organisations consulted section.</p>
Gender Reassignment	No Impact	Research full training evaluation. Consultation feedback	<p>There have been a number of officers who have undergone Gender Reassignment. We have been able to facilitate their needs by discussing directly with them their requirements around changing facilities when attending training. We also provide training around searching members of the public who are Trans Gender. This training can be found within the OST manual.</p>
Marriage and Civil Partnership	No Impact	Research full training evaluation. Consultation feedback	<p>There is no evidence that suggests this procedure will have a impact (adverse or positive) on individuals in respect of their relationship status Any issues raised in the future will be taken under consideration and reasonable adjustments made if possible</p>
Pregnancy and Maternity	No Impact	Research full training evaluation. Consultation feedback	<p>Officers will be taught correct restraints methods of pregnant women in the new national programme. During pregnancy and maternity leave, officers should not be exposed to operational duties therefor would not be required to attend operational safety training.</p>

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			Any officer who is returning from maternity leave will be afforded the opportunity to attend training at the earliest convenience
Race	No Impact	Research full training evaluation. Consultation feedback	<p>There may be an impact due to language barriers in relation to complying with instructions (when required Interpreting and Translating SOP/Appropriate Adult SOP will be used). Further guidance on training can be found within the OST manual</p> <p>Training is mandatory for all relevant personnel, regardless of their race.</p> <p>Any issues raised in the future will be taken under consideration and reasonable adjustments made if possible.</p>
Religion or Belief	No Impact	Research full training evaluation. Consultation feedback	<p>Training is mandatory for all relevant personnel, regardless of this characteristic.</p> <p>Officers have a period of 3 months to book training. This means that religious festivals and fasting periods can be accommodated with officers choosing training dates out with these periods as physical exertion may affect training ability.</p>
Sex	No Impact	Research full training evaluation. Consultation feedback	<p>There is no evidence that suggests this procedure will have a impact (adverse or positive) on individuals in respect of their sex.</p> <p>Training is mandatory for all relevant personnel, regardless of this characteristic.</p> <p>All training sites have adequate changing facilities and any individual request will be considered and implemented if possible.</p>
Sexual Orientation	No Impact	Research full training evaluation. Consultation feedback	<p>There is no evidence that suggests this procedure will have a impact (adverse or positive) on individuals in respect of their</p>

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			sex. Training is mandatory for all relevant personnel, regardless of this characteristic. Any issues raised in the future will be taken under consideration and reasonable adjustments made if possible
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5. Human Rights Impact Assessment - Consider which rights / freedoms, if any, are likely to be protected or infringed?

5.1 Rights / Freedoms Relevant to Policing	5.2 Assessment Protects and / or Infringes or Not Applicable	5.3 Analysis What evidence is there as to how the process / practice protects or infringes Human Rights.	5.4 Justification – Summarise the following: <ul style="list-style-type: none"> • Legal Basis • Legitimate Aim • Necessity
<p>Article 2 Right to Life</p>	<p>Infringes and Protects</p>	<p>This process may have an impact on the right to life as officers may be required to use a level of force that may take life.</p> <p>If the force used is proportionate, legal, accountable necessary and ethical then this will protect Human Rights</p>	<p>Officers in the course of their duty may be required to use force. A Police Officers entitlement to use force is contained within the; Police and Fire Reform (Scotland) Act 2012 Under Scots Law, a Police Officer is entitled to use reasonable force under the following circumstances:</p> <ul style="list-style-type: none"> • Self Defence (under Scots Law this extends to the defence of others). • To effect a lawful arrest. • To prevent the escape of a Prisoner. • To prevent a crime being committed. • To preserve order. <p>If officers use force then they must adhere to the following: Police Officers have a duty at law to use the minimum amount of force necessary to achieve a lawful purpose The onus lies upon the individual Police Officer to justify his / her actions and demonstrate to a</p>

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			<p>Court of Law that the amount of force used was reasonable under the circumstances. Whatever the Use of Force, the Officer will require to answer: Could I have achieved the same lawful objective by using a lower force option? Any use of force must be proportionate, legal, necessary and ethical. Officers are accountable for their actions and these actions must be reasonable given the circumstances (ECHR 1998) The use force may violate the most basic human rights such as the right to life, Any action taken by a police officer must be controlled so as to minimise to the greatest extent possible recourse to lethal force or incidental loss of life. Officers must assess whether or not there is an absolute necessity to use force, not only on the basis of legislation and procedures, but also with due regard to the pre-eminence of respect for human life as a fundamental value. In order to achieve this it is necessary for the Chief Constable to issue SOP's providing guidance and instruction on how and when the police may use force. This guidance is justified on the grounds of ensuring that police officers adhere to Police Scotland's criteria for the use of force that any use of force is no more than absolutely necessary to achieve a lawful purpose</p>
<p>Article 3 Prohibition of Torture</p>	<p>Protects and Infringes</p>	<p>This process may have an impact on prohibition of torture if officers/staff do not adhere to Police Scotland Use of Force Policy. If the force used is proportionate, legal,</p>	<p>The process has a potential to impact upon Article 3 which states: No one shall be subjected to torture or to inhuman or degrading treatment or punishment. Officers in the course of their duty may be</p>

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		<p>accountable necessary and ethical then this will protect Human Rights</p>	<p>required to use force. A Police Officers entitlement to use force is contained within the; Police and Fire Reform (Scotland) Act 2012 Under Scots Law, a Police Officer is entitled to use reasonable force under the following circumstances:</p> <ul style="list-style-type: none">• Self Defence (under Scots Law this extends to the defence of others).• To effect a lawful arrest.• To prevent the escape of a Prisoner.• To prevent a crime being committed.• To preserve order. <p>If officers use force then they must adhere to the following: Police Officers have a duty at law to use the minimum amount of force necessary to achieve a lawful purpose The onus lies upon the individual Police Officer to justify his / her actions and demonstrate to a Court of Law that the amount of force used was reasonable under the circumstances. Whatever the Use of Force, the Officer will require to answer: Could I have achieved the same lawful objective by using a lower force option? Any use of force must be proportionate, legal, necessary and ethical. Officers are accountable for their actions and these actions must be reasonable given the circumstances (ECHR 1998) Any force used against a person that is unnecessary may constitute torture or inhuman or</p>
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			<p>degrading treatment Officer's, when carrying out searches, whether they are detailed or strip searches, must ensure that they follow established procedures ensuring the dignity of the individual. Officer's who do not follow these procedures may be exposing an individual to inhuman or degrading treatment. All persons under any form of detention or imprisonment should be treated in a humane manner and with respect for the inherent dignity of the human person. Police officers should not use force against persons in custody or detention except where strictly necessary for the maintenance of security and order within the institution or when personal safety is threatened. In order to achieve this it is necessary for the Chief Constable to issue SOP's providing guidance and instruction on how and when the police may use force. This guidance is justified on the grounds of ensuring that police officers adhere to Police Scotland's criteria for the use of force that any use of force is no more than absolutely necessary to achieve a lawful purpose.</p>
<p>Article 4 Prohibition of Slavery and Forced Labour</p>	<p>Not Applicable</p>		
<p>Article 5 Right to Liberty and Security</p>	<p>Protects and Infringes</p>	<p>This process may have an impact on Right to Liberty and Security if officers/staff do not adhere to Police Scotland Use of Force Policy. If the force used is proportionate, legal, accountable necessary and ethical then this will protect Human Rights</p>	<p>The process has a potential to impact upon Article 5 which states: Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: a the lawful detention of a person after</p>

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			<p>conviction by a competent court;</p> <p>b the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;</p> <p>c the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;</p> <p>d the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;</p> <p>e the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;</p> <p>f the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.</p> <p>Officers in the course of their duty may be required to use force. A Police Officers entitlement to use force is contained within the; Police and Fire Reform (Scotland) Act 2012 Under Scots Law, a Police Officer is entitled to use reasonable force under the following circumstances:</p> <ul style="list-style-type: none">• Self Defence (under Scots Law this extends to the defence of others).
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			<ul style="list-style-type: none">• To effect a lawful arrest.• To prevent the escape of a Prisoner.• To prevent a crime being committed.• To preserve order. <p>If officers use force then they must adhere to the following: Police Officers have a duty at law to use the minimum amount of force necessary to achieve a lawful purpose The onus lies upon the individual Police Officer to justify his / her actions and demonstrate to a Court of Law that the amount of force used was reasonable under the circumstances. Whatever the Use of Force, the Officer will require to answer: Could I have achieved the same lawful objective by using a lower force option? Any use of force must be proportionate, legal, necessary and ethical. Officers are accountable for their actions and these actions must be reasonable given the circumstances (ECHR 1998) When an officer decides to effect the arrest of a person, they must ensure that the force used was the minimum amount of force necessary to achieve that lawful arrest In order to achieve this it is necessary for the Chief Constable to issue SOP's providing guidance and instruction on how and when the police may use force. This guidance is justified on the grounds of ensuring that police officers adhere to Police Scotland's criteria for the use of force that any</p>
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			use of force is no more than absolutely necessary to achieve a lawful purpose
Article 6 Right to a Fair Trial	Not Applicable		
Article 7 No Punishment without Law	Not Applicable		
Article 8 Right to Respect for Private and Family Life	Infringes and protects	<p>This process may have an impact on Right to Respect for Private and Family Life if officers/staff do not adhere to Police Scotland Use of Force Policy.</p> <p>If the force used is proportionate, legal, accountable necessary and ethical then this will protect Human Rights</p>	<p>This process has the potential to impact upon Article 8 which states: Everyone has the right to respect for his private and family life, his home and his correspondence. This process could be interpreted as interfering with the respect for private life as using force may interfere with the physical integrity of an individual. Officers in the course of their duty may be required to use force. A Police Officers entitlement to use force is contained within the; Police and Fire Reform (Scotland) Act 2012 Under Scots Law, a Police Officer is entitled to use reasonable force under the following circumstances:</p> <ul style="list-style-type: none"> • Self Defence (under Scots Law this extends to the defence of others). • To effect a lawful arrest. • To prevent the escape of a Prisoner. • To prevent a crime being committed. • To preserve order. <p>If officers use force then they must adhere to the</p>

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			<p>following: Police Officers have a duty at law to use the minimum amount of force necessary to achieve a lawful purpose The onus lies upon the individual Police Officer to justify his / her actions and demonstrate to a Court of Law that the amount of force used was reasonable under the circumstances. Whatever the Use of Force, the Officer will require to answer: Could I have achieved the same lawful objective by using a lower force option? Any use of force must be proportionate, legal, necessary and ethical. Officers are accountable for their actions and these actions must be reasonable given the circumstances (ECHR 1998) Any action that interferes with the physical integrity of a person should be in accordance with the Police Scotland Criteria for the use of force. It should be for a legitimate purpose, and that it should be necessary for and proportionate to that purpose. For a physical intervention to be considered proportionate, it must be the least intrusive measure possible in the circumstances. Proportionality, therefore, requires both any form of restraint should be a last resort only; and where there must be recourse to restraint it is the minimum necessary, and applied for the shortest time necessary, to ensure safety. In order to achieve this it is necessary for the</p>
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			<p>Chief Constable to issue SOP's providing guidance and instruction on how and when the police may use force.</p> <p>This guidance is justified on the grounds of ensuring that police officers adhere to Police Scotland's criteria for the use of force that any use of force is no more than absolutely necessary to achieve a lawful purpose</p>
Article 9 Freedom of Thought, Conscience and Religion	Not Applicable		
Article 10 Freedom of Expression	Not Applicable		
Article 11 Freedom of Assembly and Association	Not Applicable		
Article 14 Prohibition of Discrimination	Not Applicable		
Protocol 1, Article 1 Protection of Property	Not Applicable		

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6. Decision - Decide how you will proceed in light of what your analysis shows (Place 'X' in appropriate box)		
6.1	Actual or potential unlawful discrimination and / or unlawful interference with human rights have been identified, which cannot be justified on legal / objective grounds. Stop and consider an alternative approach.	<input type="checkbox"/>
6.2	Proceed despite a potential for discrimination and / or interference with human rights that cannot be avoided or mitigated but which can and have been justified on legal / objective grounds.	<input checked="" type="checkbox"/>
6.3	Proceed with adjustments to remove or mitigate any identified potential for discrimination and / or interference in relation to our equality duty and / or human rights respectively.	<input type="checkbox"/>
6.4	Proceed without adjustments as no potential for unlawful discrimination / adverse impact on equality duty or interference with human rights has been identified.	<input type="checkbox"/>

7. Monitoring and Review of Policy / Practice - State how you plan to monitor for impact post implementation and review policy / if required, and who will be responsible for this.

The OST manual will be reviewed annually by the national lead OST instructor. All use of force forms are reviewed for any possible ECHR infringements.

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8. Mitigation Action Plan - State how any adverse / disproportionate impact identified has been or will be mitigated.

Issue / Risk Identified	Action Taken / to be Taken	Action Owner / Dept.	Completion Date	Progress Update

9. Management Log

9.1 EqHRIA Author Log

Name and Designation	J Young	Date (06/06/2016)	
Comments			
Name and Designation		Date (DD/MM/YY)	
Comments			
Name and Designation		Date (DD/MM/YY)	
Comments			

9.2 Quality Assurance Log

Name and Designation		Date	28/6/16	Document Version	0.3
Comments	Accurate assessment /all potential impacts correctly identified				

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Name and Designation		Date		Document Version	
Comments					
Name and Designation		Date		Document Version	
Comments					

9.3 Divisional Commander / Head of Department Log

Name and Designation		Date (DD/MM/YY)	
Comments			
Name and Designation		Date (DD/MM/YY)	
Comments			
Name and Designation		Date (DD/MM/YY)	
Comments			

9.4 Publication of EqHRIA Results Log

Name and Designation		Date Published		Location of Publication	
Comments					
Name and Designation		Date Published		Location of Publication	
Comments					
Name and Designation		Date Published		Location of Publication	
Comments					

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