

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

# Summary of Results

## Policy/Practice Name:

Family Liaison Guidance V4.0

## Owning Department:

Major Crime/MISCU

## Date EqHRIA Completed:

17/10/2023

## Purpose of Policy/Practice:

The purpose of this guidance document is to provide police officers and police staff with instruction and guidance on the deployment and management of Family Liaison Officers (FLOs) and to provide a generic standard of approach to dealing with bereaved families whilst allowing for specific measures to be considered and utilised dependant on the needs of the families concerned. Such needs may include cultural or religious considerations.

The guidance is intended to ensure a standardised provision of Family Liaison at a national level. This is to ensure that bereaved families receive appropriate and professional advice, support and guidance whilst allowing the police organisation to carry out the necessary investigatory procedures that are directly linked to such families.

## Summary of Analysis / Decisions:

Owning department will monitor changes in legislation/circumstances which may affect the Guidance document and assess how these changes may impact on the protected groups. In addition, they will be responsible for the cyclical review of these documents and EqHRIA.

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

The FLO guidance document highlights the need to treat people with care and respect and work with families inclusively in accordance with their needs, concerns and expectations.

The Assessment found there to be protection in general. The likely impact was found to be positive, there were no negative impacts identified. There was no impact for protected characteristics groups of Age, Marriage and Civil Partnership and Sexual Orientation.

Low impact on Pregnancy and Maternity, with regards NOK and FLO’s, the guidance document does not discriminate in any way. In relation to FLO’s there are no specific provisions contained within the guidance document, however where a FLO advises that they are pregnant, a risk assessment would be undertaken.

Medium impact was identified for Disability, Race and Religion and Belief. Regards Disability, training is provided to staff to identify when an appropriate adult is required. FLO’s liaise with COPFS and Victim Support regarding individual needs.

Regards Race, relevant consideration, for example, language and cultural backgrounds, will be considered on a case by case basis.

Regards Religion or Belief, all officers receive diversity training and are aware of different cultural approaches/sensitivities. The positive impacts were due to specific guidance being provided to support FLO’s and NOK with reference to relevant legislation in the guidance.

There may be occasions where a FLO is deployed to a member of a protected group. Where necessary, consideration will be given to the deployment of a FLO from the relevant protected group. Where this is not possible, consideration will be given to promoting equality and to mitigate any risk through the FLO deployment strategy and the use of Community Impact Assessments. The guidance provides direction to other relevant SOPs, legislation and guidance documents. Where any impacts are identified, they will be considered as part of the review process.

Internal: Any officer within Police Scotland has the opportunity to become a FLO subject to the necessary interview and training requirements.

## Human Rights Act 1998Summary of Mitigation Actions:

It was found that this SOP was not applicable to Articles 2, 3, 4, 5, 7, 10, 11 and 14 of the Human Rights Act 1998.

The SOP was found to be protective in relation to Articles 6, which is protected as the document provides guidance in relation to thorough investigations and evidence gathering to ensure a fair trial is based on admissible evidence. It also provides guidance on the importance of honest communication with the family in that some information may be temporarily withheld from them in order to preserve the integrity of the investigation and subsequent trial.

The guidance was found to infringe in relation to Article 8 as the primary role of a FLO is that of an investigator who is responsible for gathering evidence form the family that will assist with the investigation.The police collect information that is required for policing purposes, providing the legal basis for the collection, recording, evaluation, sharing and retention of information.

The guidance was found to infringe in relation to Article 9 as in incidents whereby a FLO is deployed, there is often a requirement for a Post Mortem examination and delays in body release. This can impact on any requests made by family on how their loved one is treated which could be for religious or cultural reasons.

The guidance was found to infringe Protocol 1, Article 1 as during the course of a FLO deployment, FLOs may be required to seize property belonging to the deceased which may not be returned until the conclusion of any court proceedings. Items seized will be lodged as productions and necessary legislation and SOPs and Guidance will be followed.

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

Major Crime, MISCU Owning department, will monitor changes in legislation/circumstances which may affect the Guidance document and assess how these changes may impact on the protected groups. In addition, they will be responsible for the cyclical review of these documents and EqHRIA.

Owning department will actively promote the Family Liaison specialism to those diverse communities, working with recruitment and specialist departments. Monitor FLO officer numbers to establish an increase from BME or those with additional language skills.