

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Restitution Orders – Implementation of section 25 of the Victims and Witnesses (Scotland) Act 2014
Summary of aims and desired outcomes of Policy	Implement Restitution Orders as provided for in the 2014 Act, in order that this new financial penalty is available to courts for those convicted of assault on police (under section 90(1) of the Police and Fire Reform (Scotland) Act 2012). The aim is that those who are convicted of this offence can be compelled to make a contribution towards support services for victims of this offence. In addition to make it clear that assault on police officers and staff is unacceptable. .
Directorate: Division: team	Safer communities:Police Division: Police workforce Team

Executive summary

There are no impacts on the protected characteristics as a result of implementation of Restitution Orders.

Beneficiaries of support from the Restitution Fund will be eligible on the basis that they are victims of assault on police (under section 90(1) of the Police and Fire Reform (Scotland) Act 2012). It is not impacted on by any protected characteristic. The Restitution Fund Working group recognised the need to ensure that all those eligible for support from the Restitution Fund should have the opportunity to access support that meet their needs (within the limits of the funds available). Therefore the operation of the fund allows for applications to the fund to meet an individual's needs, rather than offering only a limited range of services. This will mitigate against any unforeseen impacts on protected characteristics.

For offenders, courts will have the option of imposing a restitution order by virtue of the offence, and this is not impacted on by the protected characteristics. In any given situation the level of financial penalty imposed by the courts is likely to be the same regardless of whether it is a restitution order or another financial penalty such as a fine. The financial impact on the offender and their family, and any resulting impacts, are therefore anticipated to be unchanged as a result of the implementation of restitution orders.

Background

Restitution Orders are a new financial penalty to be made available to courts for those convicted of assault on police (under section 90(1) of the Police and Fire Reform (Scotland) Act 2012). Restitution orders are provided for in section 25 of the Victims and Witnesses (Scotland) Act 2014. The intention is to implement this existing primary legislation.

The introduction of Restitution Orders will mean that offenders can be required to contribute towards the cost of support services for police officers and staff (and other specified persons) who are victims of such assault.

Monies received from Restitution Orders will be paid into the Restitution Fund, which will then be used to provide support services for victims of such assaults. The fund will be used to support both physical and mental health and wellbeing.

Police officers and custody officers are those most likely to be victims of police assault. For most, support such as offered by the Police Treatment Centres is expected to be appropriate. However to ensure appropriate support is available for all those eligible, it will be possible to apply for support services to meet individual needs (e.g. a different type of support, setting or location.)

A working group including key stakeholders (Police Scotland, SPF, ASPs, Police Benevolent Fund, and Police Treatment Centres. Police Staff Trade Unions, Unison and Unite) discussed issues relating to the operation of the fund, including ensuring all those eligible could potentially access support services.

The Scope of the EQIA

The implementation of Restitution Orders is clearly defined in terms of those who may have a Resitution Order imposed by the courts, and those who are eligible for support from the Restitution Fund, and the EQIA reflects that focus.

Key Findings

Victims of assault on police (under section 90(1) of the Police and Fire Reform (Scotland) Act 2012) will be eligible to apply for support services, and this is not impacted on by any protected characteristic. All those eligible for support from the Restitution Fund should have the opportunity to access support that meet their needs (within the limits of the funds available). Therefore the operation of the fund allows for applications to the fund to meet an individual's needs, rather than offering only a limited range of services. This will mitigate against any unforeseen impacts on protected characteristics.

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Recommendations and Conclusion

The operation of the fund allows for applications to the fund to meet an individual's needs, rather than offering only specific services. This would allow an individual with protected characteristics the opportunity to access appropriate support. The EQIA underlined the importance of articulating this position, and to ensure that this is not overlooked when working with stakeholders around communication. We will also work with police equality and diversity groups around communication and access to the Restitution Fund.

The EQIA has also highlighted the value of making it clear in specifying monitoring arrangements that equality and diversity should be captured.