ISLAND COMMUNITIES IMPACT ASSESSMENT TEMPLATE

Name of Policy, Strategy or Service	**Electronic Monitoring (Approved Devices) (Scotland) Amendment Regulations 2024 &** **Electronic Monitoring (Use of Devices And Information) (Scotland) Regulations 2025**

STEP ONE – DEVELOP A CLEAR UNDERSTANDING OF YOUR OBJECTIVES

• What are the objectives of the policy, strategy or service?	Electronic monitoring was first piloted in Scotland in 1998, before being rolled-out nationally from 2002 onwards. Electronic monitoring was first piloted in Scotland in 1998, before being rolled-out nationally from 2002 onwards. It is now used to monitor an individual's compliance with conditions or requirements imposed as part of a number of different types of community justice disposal, as well compliance with licence conditions for some people on release from prison.
• What are the intended impacts/ outcomes and how do these potentially differ across the islands?	Scotland presently uses radio frequency technology for the electronic monitoring of compliance with a bail order, with a court order following conviction, or with a condition of release from prison. This technology is an effective way to monitor an individual's presence at a place for up to 12 hours a day, or their remaining away from a place for 24 hours a day. Radio frequency technology in standalone mode or used with an integrated package of support, remains a strong and suitable technology for electronic monitoring of these types of conditions, but we also see a role for the introduction of new technologies to operate alongside the existing technology. GPS technology can enable the monitoring of movement over a wide area rather than the monitoring of presence at, or absence from a single location. GPS technology can allow for greater flexibility in the application of exclusion zones, tailored, if necessary, from a house, to specific street patterns or, to

	a neighbourhood . GPS can also allow more than one exclusion zone to be set for a person. Using GPS technology to set exclusion zones can help support safe spaces for victims of crime. The current electronic monitoring service provider in Scotland (G4S) has a contract which covers the provision of both radio frequency monitoring and GPS monitoring once it is introduced. Only radio frequency monitoring is currently used and the Scottish Government intend to introduce GPS usage on a phased basis – the first phase of which will be to extend this to Home Detention Curfew (HDC). HDC allows some individuals sentenced to imprisonment to serve part of their prison sentence in the community, under strict licence conditions. The main aim of HDC is to provide those leaving prison with a managed return to their communities, whilst subject to curfew conditions and electronic monitoring. GPS will not be used for every HDC case – an individual will only be subject to a GPS tag when the Scottish Prison Service (SPS) consider that it is proportionate that an individual be excluded from certain areas upon release. In this first phase, the Scottish Government and SPS will examine how the availability and use of GPS tags affects the behaviour of monitored individuals and decision-makers, to inform the rollout of GPS location monitoring. Evaluation of the impact is planned for publication after around a year of use. Evaluation will determine next steps for the service and any need to revisit the legislative framework, which would be required in any event to further expand use beyond the Home Detention Curfew (HDC) licence. It is not foreseen that there will be intended impacts/outcomes that will differ across the islands.

STEP TWO – GATHER YOUR DATA AND IDENTIFY YOUR STAKEHOLDERS

• What data is available about the current situation in the islands?	We have data on the use of electronic monitoring within the different local authority areas in Scotland. This is also broken down by age and sex. There is no significant variation in rates of HDC between the different islands, as the numbers are extremely low.
• Who are your key Stakeholders?	Key stakeholders include the electronic monitoring provider (G4S), SPS, SCTS, Police Scotland and COPFS.
• How does any existing data differ between islands?	
• Are there any existing design features or mitigations in place?	

STEP THREE - CONSULTATION

• Is there are information already gathered through previous engagements?	Before and during the passage of the Management of Offenders (Scotland) Act 2019 there was statutory consultation on the development of electronic monitoring. This included a response from West Dunbartonshire, Argyll and Bute and East Dunbartonshire HSCPs. There were no comments specific to island communities in their consultation response.
• How will you carry out your consultation and in what timescales?	No further formal consultation activity is planned at this stage. However, the roll out of GPS is being progressed on a phased basis and an evaluation will be undertaken which will record the views of a range of stakeholders.

Public meetings/Local Authorities/key Stakeholders • What questions will you ask when considering how to address island realities? • Separate consultation events for Island communities/Local Authorities?	

STEP FOUR - ASSESSMENT

• Does your assessment identify any unique impacts on island communities? (Further detail in the Guidance): – Demographic – Economic – Gaelic – Social • Does your assessment identify any potential barriers or wider impacts? • Are there mitigations already in place for these impacts raised?	No. There are no impacts which are specific to the introduction of GPS to EM have been identified which are unique to island communities. There are issues that are specific to island communities, but these are present in the current electronic monitoring regime and mitigations have already been provided. Specifically, mitigation arrangements are already in place to provide an appropriate timescale for individuals returning to island communities who are subject to a home detention curfew order. No other issues have been identified which relate specifically to island communities. If there is a significant impact on the ability to monitor an individual using GPS due to poor GPRS signal within island communities, the only option may be to replace the GPS monitoring with RF using a landline home monitoring unit. However, this is not unique to island communities, as it is also an issue in rural communities.

Is a full Island Communities Impact Assessment required?

You should now determine whether, in your opinion, your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). To form your opinion, the following questions should be considered:

• Are there mitigations in place for the impacts identified and noted above from stakeholders and community consultations? (If further ICIA action is not required, complete the section below and publish).	**No**
• Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as levels of satisfaction, or different rates of participation)?	**No**
• Are these different effects likely?	**No**
• Are these effects significantly different?	**No**
• Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?	**No**
• If your answer is 'no' to the above questions, please complete the box below.	
• If the answer is 'yes', an ICIA must be prepared and you should proceed to Step 5.	

A full Islands Community Impact Assessment is NOT required

In preparing the ICIA, I have formed an opinion that our policy, strategy or service is **NOT** likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is detailed below.	
Reason for not completing a full Islands Communities Impact Assessment: There are no impacts which are specific to the introduction of GPS to EM have been identified which are unique to island communities.	
Screening ICIA completed by (name)	David Gallagher
Position	Policy Manager, Electronic Monitoring Team
Signature and date	David Gallagher – 1.11.24
ICIA authorised by (we recommend DD level)	Alex Doig
Position	Deputy Director, Community Justice Division
Signature and date	Alex Doig – 18.11.24

STEP SEVEN – PUBLISHING YOUR ICIA

• Does your ICIA need to be presented in Gaelic or any other language? • Where will you publish your ICIA and will relevant stakeholders be able to easily access it? • Confirm appropriate level of sign off?	No It will be published along with the Regulations on legislation.gov.uk This has been signed off by the relevant Deputy Director.

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