

# **Miners' Strike (Pardons) (Scotland) Bill -Equalities Impact Assessment (EQIA) results summary**

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# Miners' Strike (Pardons) (Scotland) Bill -Equalities Impact Assessment (EQIA) results summary

<b>Title of Policy</b>	Miners' Strike (Pardons) (Scotland) Bill
<b>Summary of aims and desired outcomes of Policy</b>	<p>The purpose of the Bill is to provide a pardon to miners convicted of certain offences during the miners' strike of 1984/85 - to restore dignity to convicted miners and provide comfort to their families and communities.</p> <p>The pardon also symbolises a desire for truth and reconciliation, following the decades of hurt, anger and misconceptions generated by one of the most bitter and divisive industrial disputes in living memory.</p> <p>The effect of the pardon is intended to be symbolic and collective. The policy intention is to recognise the disproportionate consequences and stigma suffered by many miners as a result of their participation in the strike.</p>
<b>Directorate: Division: Team</b>	<p>Safer Communities Directorate Police Division Police Powers and Workforce Unit</p>

## Executive Summary

This is a summary of the full Equality Impact Assessment for the Miners' Strike (Pardons) (Scotland) Bill. The Bill pardons miners convicted of certain offences committed during the 1984/85 miners' strike. The strike related to the national concerted stoppage of work led by the National Union of Mineworkers (NUM) with the intention of preventing pit closures across the United Kingdom.

The pardon is intended to recognise the disproportionate consequences and stigma suffered by many miners as a result of their participation in the strike. The pardon also symbolises a desire for truth and reconciliation, following one of the most bitter and divisive industrial disputes in living memory. The Bill does not require anyone to apply for the pardon. If a person considers that they meet the pardon criteria, or are considered to meet the pardon posthumously, then they should consider the pardon to apply automatically.

This EQIA has considered the effects of the Bill on people with one or more protected characteristics. Its findings are based on a report by an Independent Review Group (IRG) which was published 2020; the analysis of consultation responses; and stakeholder engagement and feedback.

We found that the Bill has the potential to impact directly on former miners who were convicted of offences relating to the strike. The policy will also have an indirect impact on others who were also involved in the strike, such as miners who were not convicted of offences; police officers; and members of the wider mining communities. There may also be an impact on people who did not take part in the strike but who have a connection to it - such as the friends and families of miners, who may feel comforted by the pardon.

## **Background**

The 1984/85 miners' strike was a bitter and divisive dispute. In commissioning an independent review group in 2018 to review the policing of the Strike, the Scottish Government aimed to provide an opportunity to share experiences of the Strike, as a way of bringing reconciliation between former police officers and miners. With that purpose in mind - and drawing on the powerful testimonies provided by former miners, police officers and mining communities - the independent review group (IRG) produced a report<sup>1</sup> which made a single recommendation, that subject to establishing suitable criteria, the Scottish Government should introduce legislation to pardon miners convicted for certain matters related to the Strike.

In October 2020, the Cabinet Secretary for Justice announced that the Scottish Government accepted in principle the recommendation made by the IRG. A public consultation on the qualifying criteria for the pardon ran from 12 March to 4 June 2021 and received 377 responses and an analysis report of the responses was published on 17 August 2021. [{Miners' strike 1984/85 pardon consultation: analysis of responses - gov.scot \(www.gov.scot\)}](#) The responses and analysis report have helped to shape the Bill.

## **The Scope of the EQIA**

The Bill will set out qualifying criteria for a pardon in respect of specific convictions relating to the Miner's Strike of 1984/85. The scope of the EQIA is to assess and highlight the direct and indirect impact of such proposals on persons who fall within the terms of the protected characteristic groups (Age, Disability, Sex, Pregnancy and Maternity, Gender Re-Assignment, Sexual Orientation, Race, Religion or Belief and Marriage or Civil Partnership) as identified in the Equality Act 2010.

## **Key Findings**

Equality Impact Analysis was an important tool used in the development of the qualifying criteria and in the development of the provisions of the Bill. Our findings are that the Bill is most likely to have a positive impact on the protected characteristics of Age and Disability; and no negative impact on Sex.

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<sup>1</sup> [Policing of the miners' strike 1984-1985 - impact on communities: independent review](#)

Given that the Strike took place more than 35 years ago, there is an expectation that the majority of persons who may be eligible for a pardon and/or affected in some way by the events of the strike will now be of retirement age. The Bill is therefore most likely to have an impact on the protected characteristic of Age, given that:

- It may help to eliminate unlawful discrimination, harassment and victimisation of former miners, former police officers and members of the wider mining communities who are now elderly.
- It may help to promote good relations and a greater understanding of experiences of the strike among and between different age groups.
- A pardon may bring comfort to the families and friends of former miners and their communities at a multi-generational level.

The Bill may also have a positive impact on the protected characteristic of Disability given that removing the stigma of convictions may have a positive impact on the mental health of former miners who meet the pardon criteria.

It is acknowledged that only males were allowed to work underground in the UK coal mining industry in 1984/85, and so inevitably the focus of the numbers of those arrested and convicted was on male miners. The Bill uses a broad definition of “miner” to cover persons who were employed by the NCB or by a person licensed by the NCB. Therefore, there is no negative impact, given that surface employees are also included, so if there are any NCB or licensed operator employees who are female and have relevant convictions, they will be covered. Thus the benefits of reconciliation and comfort would also be available to female employees of the NCB and private mines who meet the qualifying criteria, as well as male employees.

The EQIA process has provided reassurance that the proposed legislative change would have no negative consequences in terms of the protected characteristic groups identified in the Equality Act 2010.

### **Recommendations and Conclusions**

The EQIA process has identified that the Bill has the potential to have positive impacts for those with protected characteristics.

#### Authorisation

I confirm that the impact of the Miners’ Strike (Pardons) (Scotland) Bill has been sufficiently assessed against the needs of the equality duty:

*John Somers*

John Somers  
Deputy Director, Police Division  
Date this version authorised: 14 October 2021



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