



Staffordshire Police Equality Impact Assessment



The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Equality and Diversity unit to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

Title of policy/procedure:	Police Officer Job Related Fitness Test (JRFT)
Department:	People Services
Date:	December 2013 (Implementation January 2014)

1. Identify the aims and purpose of the policy

The Home Secretary accepted the recommendation of the Police Advisory Board of England and Wales (PABEW) to introduce, in part, the recommendation made in Winsor (Part II) for annual fitness testing of serving police officers. This requirement relates to all ranks.

Staffordshire Police is committed to providing the best possible policing service to the public. It is recognised that policing can be physically demanding and officers are often called upon to put themselves into conflict situations. It is therefore important that all officers are fit to perform the full duties of their role.

This policy will therefore ensure that fitness testing for serving police officers is carried out consistently within Staffordshire Police and is fair, objective and non-discriminatory.

2. Identify the individuals and organisations who are likely to have an interest in, or be affected by the policy.

The guidance applies to all Police officers within Staffordshire Police.

In 2012 the Winsor Review of Police Officer and staff remuneration and conditions recommended that:

'A fitness test should be introduced in September 2013 for all police officers and staff required to undertake personal safety training. Participants should be required to attain level 5:4 on a 15-metre shuttle run.'

This recommendation was accepted in part by PABEW who agreed that an annual fitness test of 5:4 on a 15-metre shuttle run should be introduced for serving officers who are required to undertake officer safety training (OST). Their recommendation was accepted by the Home Secretary.

Discussions have taken place in force with relevant parties such as Learning and Development, Police Federation, Superintendents Association and Occupational Health, Safety and Welfare Unit (OHSW) to ensure that the procedure for implementing the fitness testing within Staffordshire Police is robust and is in line with the national guidance and recommendation above.

After thorough consultation with the Federation, key stakeholders at several Trade Union and Staff Association Meetings (TUSAM) the force procedure was discussed and agreed. The procedure was then ratified via the Force key decision making channels , Chief Officers Management Meeting and Joint Negotiation (COMM) and Consultative Committee (JNCC) where all implementation with effect from January 2014 was agreed.

3. Data

Summarise the findings of any monitoring data / information which you have considered regarding the impact of this policy on people from all or any of the protected groups. This could include national or local data.

The national guidance in respect of the Job Related Fitness Testing provides some key research as cited below:

Lilleshall Consultancy Services developed the job-related fitness test (JRFT) for recruits to the Police Service in 2004. A comprehensive review of the literature relating to functional fitness tests in working environments was undertaken as part of that project. By measuring the 'real time' physiological demands of OST Lilleshall Consultancy Services recommended that level 5:4 on a 15-metre shuttle run was an appropriate level to replicate the demands of Operational Personal Safety Training (OPST). Operational officers are required to undertake OPST on a regular basis.

In Staffordshire OPST is mandatory on an annual basis for operational officers and bi-annually for officers who undertake specialist, non operational roles. As part of the administration of the fitness testing, Learning and Development within Staffordshire Police will ensure that those on bi-annual OPST are captured for the purposes of fitness testing on an annual basis.

The PABEW Fitness Working Group reviewed the equality legislation and case law in this area. They identified the potential for unlawful sex and age discrimination to occur in applying in-service fitness testing.

A test that is part of a selection process for a job comes under the requirements of the employment provisions of the equality legislation. A fitness test has the potential to discriminate unlawfully both directly and indirectly. Direct discrimination occurs if someone is treated less favourably because of a protected characteristic. Indirect discrimination occurs if a provision criterion or practice (in this case, the fitness test) puts someone from a protected group at a disadvantage, and which is unable to be justified as being a proportionate means of achieving a legitimate aim.

3.1 Age

A lower pass mark for older people would result in direct discrimination against younger people denied a job if they passed the older person's pass mark, but not the one for younger people. Unlike direct sex discrimination, direct age discrimination may be justified in law. A higher standard for younger people would, therefore, have to be justified if it is a proportionate means of achieving a legitimate aim.

A fitness test which has the same pass mark for all age groups but which fewer older people can pass, could indirectly discriminate against older people if it does not accurately reflect the requirements of the role; see *Bamber v Greater Manchester Police*.

3.2 Disability

The Equality Act 2010 requires that reasonable adjustments are made for disabled people in employment if a provision, criterion or practice (such as a fitness test) puts them at a substantial disadvantage compared to non-disabled people.

The Winsor Review policy equality statement recognised that 'Forces should take care to treat appropriately those who are assessed as unable to pass the test because of a health condition or problem. It could be as a result of a disability under the Equality Act 2010'. The Review postulated that 'officers and staff with a hearing impairment, or another medical reason which would prevent them from running the shuttle run test, would need to have an appropriate alternative provided... Those who are unable to take the test for reasons of illness, injury or disability would also be referred to occupational health departments for advice and assistance or further action'.

3.3 Race

Not Available

3.4 Religion or Belief

Not available

3.5 Sex

A lower pass mark for women than for men would result in unlawful direct discrimination against men who are denied a job if they passed the women's pass mark, but not the man's; see *Allcock v Chief Constable of Hampshire Constabulary*. Direct sex discrimination cannot be justified in law. A fitness test which has the same pass mark for men and women but which fewer women than men are able to pass, could indirectly discriminate against women if it does not accurately reflect the requirements of the role; see *Dougan v Chief Constable of the Royal Ulster Constabulary* and *Bamber v Chief Constable of Greater Manchester Police*.

3.6 Sexual Orientation Not available
3.7 Transgender Not available
4. Research Summarise the findings of any research you have considered regarding this policy for all or any of the protected groups. This could include information you have obtained from other sources e.g. ACPO, Home Office.
4.1 Age See section 3.
4.2 Disability See section 3.
4.3 Race See section 3.
4.4 Religion or Belief See section 3.
4.5 Sex See section 3.
4.6 Sexual Orientation See section 3.
4.7 Transgender See section 3.

5. Consultation Summarise the opinions of any consultation for all or any of the protected groups. Who was consulted and how e.g. survey, discussion, forum. If there was no consultation please justify why. <p>The policy and Consultation Team has worked closely with OHSW and L&D in the design and implementation of this guidance and has undertaken environmental scanning with our most similar forces to share our practice and vice versa.</p> <p>Extensive consultation has been undertaken in respect of the 7 criteria below with Staff Associations, Support Associations (Disability Support Group and Staffordshire Association for Women in Policing) and UNISON. In addition, HR colleagues have been consulted via HR Development Group and HR Officers briefings upon the practical application of the scheme and the possible impact on equality/diversity. As the procedure and guidance are very aligned to the ACPO guidance, no additional work in respect of the local impact on the protected characteristics was deemed necessary.</p>
5.1 Age

See Above.
5.2 Disability Staffordshire Police Disability Support Group
5.3 Race See section 5.
5.4 Religion or Belief See section 5.
5.5 Sex Staffordshire Association for Women in Policing.
5.6 Sexual Orientation See section 5.
5.7 Transgender See section 5.
6. Conclusions Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts).
6.1 Age <p>The Force has held familiarisation sessions for all officers in order to allow them time to appraise themselves of the standards required and to evaluate their own personal fitness levels and ability. In addition to these sessions, there are additional support processes in place to assist officers in passing the JRFT on their first attempt or after recording a fail during a practice. Support is offered from the Force Fitness Assessor as well as physio.</p> <p>Health promotion advice can also be accessed through OHSW where requested.</p> <p>In the eventuality that an officer cannot pass the medical screening element of the JRFT or records a fail due to an inadequate physical fitness standard, muscular-skeletal complaint or due to ill health, a structured referral process will be implemented. The referral process will include a documented action plan and provide a realistic time bound target to make appropriate improvements to successfully undertake the JRFT.</p> <p>Officers will be referred to the Force Fitness Assessor and provided with advice and support of a proportionate nature. Officers will then be required to retake the test within agreed timescales (up to four weeks). Individuals are expected to undertake training in their own time in order to meet the standard, and will be encouraged to develop regular exercise into their normal routine. This process will be repeated every four weeks until a pass is recorded. OPST training will be rebooked in line with timescales for retaking the fitness test.</p> <p>There is likely to be adverse impact on older officers.</p>
6.2 Disability OHSW will pre-screen all officers with regards to their current health and physical

ability to perform the test prior to the OPST training date. Where officers are deemed fit to take the test and do so but record a fail, they will be given an opportunity to retake the test within four weeks of the OPST training date. Those officers who are disabled and are therefore not required to undertake OPST will not be required to take the fitness test.

The requirement for an alternative test for officers with restrictions has been debated through consultation. At present it is considered that alternative tests may not be adequately validated against national standards and could potentially have an adverse impact on officers. For this reason, Staffordshire Police will await the recommendation of the Working Group and will not offer an alternative test at this time. This will be reviewed in 12 months in line with the monitoring data.

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The Force has held familiarisation sessions for all officers in order to allow them time to appraise themselves of the standards required and to evaluate their own personal fitness levels and ability. In addition to these sessions, there are additional support processes in place to assist officers in passing the JRFT on their first attempt or after recording a fail during a practice. Support is offered from the Force Fitness Assessor as well as physio. In addition to the familiarisation sessions, there are additional support processes in place to assist officers to pass the JRFT on their first attempt or to develop an officer if they record a fail. Support should be sought initially from the Force's Fitness Assessor.

The Force will offer physio support where required through Occupational Health. In addition, Officers are reminded of the Force's comprehensive gym membership, details of which can be obtained from the Force Fitness Assessor.

There is likely to be adverse impact on officers with certain disabilities.

6.3 Race

No difference in impact is anticipated in relation to race.

6.4 Religion or Belief

No difference in impact is anticipated in relation to religion or belief.

6.5 Sex

The Force has held familiarisation sessions for all officers in order to allow them time to appraise themselves of the standards required and to evaluate their own personal fitness levels and ability. In addition to these sessions, there are additional support processes in place to assist officers in passing the JRFT on their first attempt or after recording a fail during a practice. Support is offered from the Force Fitness Assessor as well as physio.

Health promotion advice can also be accessed through OHSW where requested.

A greater proportion of female officers will be affected by the procedure than male officers. In the eventuality that an officer cannot pass the medical screening element of the JRFT or records a fail due to an inadequate physical fitness standard, muscular-skeletal complaint or due to ill health, a structured referral process will be implemented. The referral process will include a documented action plan and provide a realistic time bound target to make appropriate improvements to successfully undertake the JRFT.

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There is likely to be adverse impact on female officers.

6.6 Sexual Orientation

No impact is anticipated in relation to sexual orientation.

6.7 Transgender

No impact is anticipated for trans officers.

7. Decisions

If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way. If no changes are proposed, the policy needs to be objectively justified.

Staffordshire Police has proposed that the first year of implementation is monitored for disproportionate impact because of age, sex and disability. The results will be analysed by the Policy and Consultation Team in full consultation with the key stakeholder departments and the Deputy Chief Constable via the Trade Union and Staff Association Meeting, if necessary and appropriate, changes will be proposed and forwarded to the College of Policing that reduce or remove any unjustifiable adverse impact

8. Monitoring arrangements

**If the policy is new what consideration has been given to piloting the policy?
If monitoring is not already in place what arrangements have been made to monitor the effects of the policy on equality and diversity?**

This impact of the procedure will be assessed via data collection from failure rates recorded in the L&D department, HR information systems and monitoring/feedback from the support and staff associations / UNISON.

This equality impact assessment will be published on the force website.