



# Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## Joint Central Committee Equality Subject Committee

Ref: CS/DJK/LS

### MINUTES

29 July 2014

#### 1. Attendance

North Area Committee	Graham Sloan (by VC)
East Area Committee	Andy Malcolm
East Area Committee	Nigel Bathgate
West Area Committee	John Campbell
West Area Committee	Grahame Gosling

Vice Chairman	Graeme Ednie (Chair of Meeting)
Equality Secretary	Jackie Muller
Business Administrator	Lesley Stevenson

Apologies were received from Neil Cameron, Steve Thomson, Ben Merrick and Pam Fleming.

#### 2. Opening of Meeting

The Chairman opened the meeting by welcoming all present.

#### 3. Minutes of Previous Meeting

The Minute of the previous meeting had been circulated and was approved.

#### 4. PNB Gender Equality & Work Life Balance Working Group

The Equality Secretary advised that the final meeting of the Working Group had been held in London on 8 July. She circulated the Draft Record of Achievement which had been agreed at that meeting and which was subsequently adopted at PNB UK. The final version will be circulated with the Minutes of this meeting. It was agreed that this item should be removed from future agendas.

The Equality Secretary also told the Committee that a request had been made for a similar working group to be set up as a subgroup of PNB Scotland and that this was being progressed by the General Secretary.

The Chairman thanked the Equality Secretary for all the work undertaken by her during her involvement at this PNB forum.

## **5. Scottish Police Staff Associations Equality Working Group**

The Committee was informed that this Group last met on 28 May and that following the retirement of Gavin Buist from the Police Service, it was agreed that Graeme Ednie would take the position of Chair of this Group. The next meeting is scheduled for 29 August in Woodside Place.

## **6. Maternity/Paternity/Adoption**

The Equality Secretary reminded the Committee of the previous correspondence with the Force regarding errors in the current SOP which had resulted in officers receiving incorrect payment and leave. A meeting will be held on 9 September when this issue will be discussed in some detail and it is hoped that agreement can be reached to amend the SOP accordingly.

The Equality Secretary circulated a Question & Answer document she had prepared as agreed at the previous meeting with a view to it eventually being published on the SPF Website. She asked for any further amendments to the paper to be circulated to her within a week of the meeting.

## **7. Part-time/Flexible Working**

The Equality Secretary advised that she had met with the Force on 17 June and discussed the Flexible Working SOP which contained several areas of concern to the SPF. The Force had agreed to all the amendments except for its separation into two documents to reflect the difference between police officers and staff, and the new SOP is expected to be published by the end of July. It is hoped that the new document will better serve the needs of both the membership and the Force when considering part time and flexible working.

Correspondence between DCC Rose Fitzpatrick and the General Secretary was circulated with the papers and was discussed.

## **8. Disability**

The Equality Secretary told the Committee that the Disability in Employment SOP is to be discussed at the meeting held on 9 September where it is hoped that the SPF concerns will be addressed.

The Committee was informed that the Equality Secretary and Nigel Bathgate had met with the Justice Minister to discuss concerns relative to the manner in which Police Scotland deals with the pay status of officers who have been absent from work through illness for 6 months and longer. Mr MacAskill gave his support and committed to raise that issue with both the Chief Constable and the SPA Convenor. She told the Committee that she had asked Area Leads to produce details of how this matter is dealt with locally and is awaiting their responses. PNB Circular 05/1 and Police Scotland's own Attendance Management SOP is clear on the consideration that should be given in such circumstances.

The Committee discussed the appeals process and it was agreed that the Equality Secretary would meet with Area Leads to progress this matter.

The Equality Secretary and meeting Chairman recently responded to proposals relative to the management of ill health retirement and told the Committee that meetings had commenced to discuss this issue. The next meeting would be held the following week.

## **9. Training/Legal Updates**

The Equality Secretary gave brief updates on the following cases of interest; Panayiotou v Chief Constable & PCC for Hampshire Police EAT 2014, Horler v Chief Constable of South Wales Police ET 2014, Griffiths v Secretary of State for Work and Pensions EAT 2014, Locke v British Gas EU Supreme Court 2014, SAS v France ECHR 2014 and ACAS Early Conciliation requirements. She said she would circulate an Equality Bulletin in the near future. The ACAS Guidance Document would also be circulated.

## **10. Monitoring**

The Equality Secretary reminded the Committee that at the last meeting it had been agreed to form a small group to look at the possibility of some Positive Action work prior to the next SPF elections. She gave a brief input reminding the Committee of how this is addressed within the Equality Act 2010. Graham Sloan presented the findings of that work undertaken by Neil Cameron. The Committee considered the recommendations and it was agreed that the Equality Secretary and Neil Cameron should meet to prepare a paper to take to the JCC in August.

## **11. Fitness Testing**

A letter from the Equality Secretary to Mr John Gillies was circulated with the papers. The Secretary circulated his response which failed to answer the concerns raised. A further letter had been drafted which makes clear that the Force needs to engage with the SPF on this matter to ensure that officers are not disadvantaged by any discriminatory testing.

## **12. Area Updates**

Graham Sloan told the Committee that the North hadn't met locally since the last Equality Subject Committee meeting. He said he was awaiting figures on officers on long term sick and that he had two grievances ongoing.

Nigel Bathgate told the Committee that told the Committee that regarding part-time/flexible working, all patterns had been almost resolved. He also said that there had been one experience of when Performance Regulations had been used in relation to a disabled officer.

John Campbell gave figures of officers on half pay/no pay, ill health, flexible working plans, paid/unpaid maternity leave and paternity leave.

## **13. Sickness Monitoring and Attendance Management**

It was reported that the Equality Secretary had only received one response from the North Area highlighting an advert which detailed the need for the inclusion of the Bradford Score to be included in line managers' comments. Any further examples from

the East or West Areas were to be submitted to her within the next week as the matter will be discussed at the meeting on 9 September. Graham Sloan told the Committee that there had been an advert in the North Area which included the Bradford Score and then was subsequently changed. It was agreed that the Equality Secretary would speak to the SPF Chairman on this matter.

#### **14. Competent Business**

The Equality Secretary reminded the Committee that in line with SPF Rules and Regulations, the General Secretary had called for nominations for the Subject Secretaries on 9 July. She confirmed that in line with Rule 10.2.1, she intended to stand again for the position and asked that the Committee endorse this nomination. The Committee endorsed the nomination

#### **15. Closure**

Date of next meeting: 14 October 2014

The Chairman thanked everyone for their contribution to the meeting and wished them a safe journey home.

## Positive Action Marketing Plan

During 2013 the Scottish Police Federation carried out a monitoring exercise to establish the make-up of its representatives. The results of which have been presented by the Equality Secretary to the JCC/Equality Sub Committee.

On 27 May 2014 a small group met to discuss how the SPF could better improve its diversity. The following are some of the key thoughts from that meeting.

- There is a need to look at the make-up of SPF elected representatives.
- If the SPF were to target younger officers both in age/service would the wider diversity element follow?
- This work needs to be 'all or nothing'. There must be full JCC support, financial, political and personal. Without this then the project will fail before it starts.
- A marketing/communications strategy needs to be in place with clear out comes on what it is we wish to achieve. As an organisation we should also consider setting ourselves milestones over the period of say three triennial elections.
  - 2017 - 25% of the SPF to mirror the diversity of Police Scotland.
  - 2020 - 50% of the SPF to mirror the diversity of Police Scotland.
  - 2023 - 100% of the SPF to mirror the diversity of Police Scotland.<sup>1</sup>
- Assuming that the JCC support the views of the Equality Sub Committee the following should be considered.
  - An agreed SPF budget set aside for all marketing costs.
  - A consistent professionally produced 'brand' that is used across all media platforms, posters, websites, social media, pull up banners etc.
  - SPF reps (both full and part time) to attend showcase events in each Division.
  - The use of positive action terminology when advising of elections etc.
  - SPF reps to attend force events to promote the diversity of the SPF, Passing Out Parades, Oath Ceremonies or other opportunities for stands etc.
  - Devise an Equality Tag Line and attach it to all our internal communications.

- In summary, if we are to do this the SPF needs to commit to the process fully. We firstly need to agree that it is an issue and be prepared to tackle it. All of the above suggestions will only succeed if the JCC and reps are fully behind it.

Neil Cameron

21 July 2014

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<sup>i</sup> These figures are not based on any real analysis but are for illustrative purposes only. A realistic goal setting exercise would need to be carried out.

## **PNB Gender Equality and Work Life Balance Working Party – Record of Achievement**

The PNB Gender Equality and Work Life Balance (GEWLB) working party was established following the PNB meeting on 24 April 2008, under the chairmanship of the PNB Deputy Chair Professor Gillian Morris. The GEWLB working party first met on 5 August 2008 and has since met on a quarterly basis. The working party has been a busy and productive group and has reached agreement on a range of issues in relation to gender equality and work life balance matters.

### **Equal Pay Audit**

The PNB Equal Pay Audit has been produced by the Staff Side in 2009, 2011 and 2012; using data from the PNB Pay and Earnings Survey and more recently the Pay and Earnings Census. Following consideration by the Official Side the audits have been agreed by PNB. The PNB has also agreed that the audit should be updated for 2013 with the data from the latest Census.

The Equal Pay Audits have shown for some time the existence of a gender pay gap. It will be important, going forward, not only to continue to analyse the available data from an equal pay perspective but also to discuss the changes that may be necessary to try to reduce pay inequality.

### **Guidance on Managing Maternity and Related Issues**

The working party produced guidance on managing maternity and related issues in 2010. It was published in PNB circular 2010/5. The guidance was compiled in order to assist forces to operate best practice arrangements in this area and to help clarify the complex provisions that exist for police officers.

### **Fertility treatment**

The Staff Side submitted a claim to the PNB in 2007 seeking paid leave for both those undergoing fertility treatment as well as those supporting their partner undergoing fertility treatment. The GEWLB working group agreed to include a form a words in the maternity guidance encouraging forces to make supportive time off arrangements for police officers undergoing fertility treatment and to provide them with reasonable time off outside of the force sickness absence policy.

### **Professional dependent care**

This Staff Side claim was submitted to the PNB in 2005 seeking expenses to be paid to an officer who incurs additional expenses in the event of an operational need. Again, the GEWLB working group agreed to include a form of words in the maternity guidance. The guidance states that “Forces should not require officers to attend work without due consideration of the disruption to the officer’s care arrangements and the additional costs that may be incurred. Forces should give consideration to formulating local arrangements in support of this.”

### **Guidance on designing variable shift arrangements**

The working party compiled guidance on designing variable shift arrangements in 2010. It was published in PNB circular 2010/1. The guidance sets out useful information with regards to the setting of shift patterns in order to ensure they balance the demands of the public, the police service and the needs of officers; and encourages forces to manage the process in an open and considerate manner, taking into account operational, welfare and practical circumstances.

### **Maternity leave – reckoning of service**

Staff Side submitted a claim in 2007 for 52 weeks of maternity leave to count as reckonable service, for all officers regardless of their service, in line with the Work and Families Act 2006. This claim was discussed at the GEWLB working group and agreed by the PNB in 2010. It was published in PNB circular 2010/14.

### **Part-time technical working group**

In 2009 the GEWLB working group agreed to the creation of a Part-time Technical Working Group. The working group met on several occasions, over several years, and looked at the regulations

and determinations governing police officers who work part-time. It was the intention of the working group to try to clarify and simplify the current provisions so that they are easier to understand and operate. The Staff Side compiled a Part-time Audit which was discussed by the group and led to the publication of PNB circular 2014/9. The circular covers a range of part-time working issue from overtime to annual leave.

**Duty performed by a part-time constable or sergeant on a free day to be compensated in the same way as if that day were a rest day.**

This relates to a Staff Side claim submitted in 2008 for duty performed by part-time constables and sergeants on a free day to be compensated in all instances in the same manner as if that day were a rest day and that in all circumstances, the choice of compensation received, payment or time off in lieu, should be the choice of the officer. This claim was agreed and included in the PNB circular on the part-time audit (PNB circular 2014/9).

**Keeping in Touch days**

The Work and Families Act 2006 introduced Keeping in Touch days, which enables employees on maternity or adoption leave to return to work on a voluntary basis for up to 10 days during their maternity or adoption leave, without losing their entitlement to Statutory Maternity Pay or Statutory Adoption Pay. GEWLB working party agreed that police officers and forces should also benefit from Keeping in Touch days. This agreement was set out in PNB circular 10/13.

**Pay for additional hours worked by constables and sergeants who work part time**

Following an employment tribunal case, settled by the Metropolitan Police Service, which concerned the pay of part-time officers who work additional hours, the working party agreed to issue guidance to forces on the allowances and elements of pay that should be included when calculating pay for additional hours worked.

**Maternity and adoption leave and pay – increase to 18 weeks**

In 2006 the PNB agreed the introduction of an adoption leave policy for police officers. The agreement was intended to provide where appropriate adopting parents the same facilities and payments as officers on maternity leave. In 2007 Staff Side submitted a claim seeking an increase in police maternity pay. The claim was referred to the working party for consideration and a number of options were explored. Staff Side also sought that any increase should apply to adoption pay. Subsequently Tom Winsor recommended that police maternity pay should be increased from 13 weeks to 18 weeks at full pay, with officers having the option to spread the final five weeks of pay over 10 weeks at a reduced rate. As a result, following the publication of the Winsor Part 1 report, the provisions for maternity pay and adoption pay no longer mirrored each other. Therefore, Staff Side submitted a claim in 2012 seeking an increase in police adoption pay from 13 weeks to 18 weeks at full pay. This claim was agreed and PNB circular 2013/6 was issued.

**Increase in parental leave**

The Government introduced an extension to unpaid parental leave from 13 weeks to 18 weeks with effect from 8 March 2013 for all workers under the European Council Directive on Parental Leave. This provides each parent of a child under the age of five the right to take up to 18 weeks' unpaid parental leave before the child's fifth birthday, or the fifth anniversary of their placement for adoption. The PNB agreed that with effect from 1 April 2013 police officers should also benefit from the extension of unpaid parental leave from 13 weeks to 18 weeks. This agreement was included in PNB circular 2013/6.

**Additional paternity leave and pay**

To enable the better sharing of childcare between parents of new born or recently adopted children, the Government introduced Additional Paternity Leave and Pay for workers. PNB agreed to incorporate into Police Regulations the facility for officers to take APL in respect of babies born or children notified as being placed for adoption from 3 April 2011. This agreement was published as PNB circular 2011/4.



### **Compensation for requirement to work on a rest day or free day in a period of annual leave**

Staff Side submitted a claim in 2008 seeking the same level of compensation for rest days and free days that fall within an annual leave period as that currently provided for annual leave days and days in lieu of overtime. The working party finally agreed that where an officer is required to work on a rest day or free day, within a period of absence of five or more days where at least one of those days is a day of annual leave, that day shall be compensated in the same manner as if it were a day of annual leave or a day taken off in lieu of overtime. This agreement was set out in PNB circular 2014/8.

### **Pay and pension arrangements for inspecting ranks who work part time and who work additional hours**

The working party agreed to provide guidance to forces on the pay and pension arrangements for Inspectors and Chief Inspectors who have served on a part-time basis at any point since 1 June 2006. PNB circular 2012/2 confirmed that Inspectors or Chief Inspectors who work part time should be paid at plain time for any additional hours they work, over their determined hours, up to forty hours per week.

At the time of writing this update the following matters remain outstanding:

- **Officers who work part time – entitlement to public holidays** – this issue arose out of the part-time audit. The working party agreed that it would be helpful for PNB to issue guidance to forces on the entitlement to public holidays of officers who work part time. The Official Side has offered to draft a circular and a draft is awaited.
- **EPA** – Staff Side has offered to refresh the audit for 2013 using the latest Census data.
- **Children and Families Act 2014** – PNB has agreed that elements of the Children and Families Act 2014 should be reflected in Police Regulations and Determinations so that officers and forces might also benefit. A PNB circular is currently under discussion. The Home Office will then need to consult on revised regulations and determinations.
- **Carry-over of annual leave following long term absences** – in the absence of a Government response to BIS's Modern Workplaces consultation exercise, the working party agreed that it would be helpful if PNB could provide some interim guidance to forces on the issue of carry-over of leave in the event of long term absences such as sickness or maternity given that there is currently some potential conflict between UK and European case law and the UK statutory provisions. A draft PNB circular is under discussion.
- **Buy-back of unpaid family leave** – responsibility for this issue now lies with the pensions working party and in due course the PAB. The Home Office has indicated that Ministers are supportive of Staff Side's claim that officers should be able to buy-back their entitlement for all periods of unpaid family leave. Revised police pension regulations are awaited from the Home Office.
- **Part time officers – pay and pension arrangements for additional hours worked** – following the publication of PNB circular 12/2 and its ratification by Home Office circular 9-2013 the HO agreed that Police Pension Regulations will need amending and revised regulations are awaited.

July 2014

## Maternity Guidance

Q. I have found out I am pregnant - what should I do next?

Firstly, congratulations! You will be making a lot of new plans about the future right now and it is important that you know what you can expect from Police Scotland from today until you return to work after your maternity leave.

Q. Do I have to tell the Force that I am pregnant?

The SPF encourages you to tell your line manager as soon as practicable so that proper protective measures can be put in place to protect you and your unborn child.

Once you are 21 weeks pregnant your GP or midwife will give you a certificate (Mat B1) for your employer showing that you are pregnant.

You MUST advise the Force that you are pregnant no later than 28 days before your baby is due or you will not comply with the requirements for Statutory Maternity Pay.

Q. Can I continue to work as normal?

There is no reason why, if any identified risks are managed properly, that you cannot continue to work throughout your pregnancy.

The Force is required to have Generic Risk Assessments available to all women who are pregnant or planning to have a baby.

Q. But my pregnancy may be different to others?

Which is why, once you inform your line manager of your pregnancy, the Force is deemed to know that you are pregnant and must ensure that a specific risk assessment is carried out.

This may be in consultation with the Occupational Health Department, the Force Medical Advisor and/or your own GP or obstetrician. The process should always include you and you should be provided with a copy of the completed risk assessment.

The risk assessment should be reviewed at regular intervals during your pregnancy to highlight and identify any changes in your needs.

Q. The Force wants to remove me from my current duties and have me working in an office. Can they do this?

If the risk assessment highlights any risks to you or your unborn child in the role you are currently performing the Force must take reasonable steps to remove or reduce those risks.

This may involve adjusting your conditions and/or hours of work or offering you an alternative role. This does not mean that the Force should be risk averse as many women work throughout their pregnancy with little or no problems.



Q. What if the Force cannot reduce or remove the risks?

In these circumstances the Force should give you paid leave for as long as is necessary.

Q. Am I entitled to time off for ante-natal care?

Yes, you are entitled to reasonable time off to attend appointments for ante-natal care made on the advice of your GP, Midwife or health visitor. The time off will be paid if the appointment is in duty time.

There is no limit to how much time off you can take for ante-natal care but, after your first appointment, you can be asked to show an appointment card or other document showing that an appointment has been made for you.

Q. What Maternity Leave am I entitled to?

You are entitled to 15 months Police Maternity Leave from up to 6 months prior to and up to 12 months after birth

Q. What Maternity pay am I entitled to?

If you have 63 weeks continuous service as a police officer (in any Force) before their expected week of childbirth and you are pregnant or have given birth 15 weeks before the expected week of childbirth you are entitled to

Occupational Maternity Pay (OMP) which is 13 weeks on full pay;

You will also be entitled to Statutory Maternity Pay (SMP) if you have 26 weeks continuous service in the Force as a police officer 15 weeks before the expected week of childbirth and you are pregnant at the 11th week before the expected week of childbirth or have already given birth.

Statutory Maternity Pay is paid for up to 39 weeks – the first 6 weeks is paid at 90% of full pay followed by 33 weeks of SMP at the lower rate. The lower rate of SMP changes each year in April; in 2014 it is £138.18

The pay you receive depends on the timing of your maternity leave. In a week when you are eligible for both SMP and OMP, only the highest is paid.

Q. What about my annual leave entitlement?

Your annual leave entitlement will accrue throughout your maternity leave and you can take this, before, during or after your maternity leave.

Q. Do I have to maintain contact with the Force when I am on Maternity Leave?

Often people who are away from the workplace for a protracted period of time become disassociated and that in itself can cause frustrations.

It is good practice for your line manager to agree with you a form of contact that suits you and your needs whilst allowing the Force to keep you properly updated with news of your workplace.

Q. Can I be recalled to duty during my Maternity Leave?

You cannot be required to work within 2 weeks of giving birth.

Thereafter you should only be recalled to duty for exceptional reasons such as court or to attend a misconduct hearing.

Q. What compensation am I entitled to if I am recalled to duty or have to attend court whilst on paid maternity leave?

Compensation is different depending on the stage of maternity leave you are on when you are recalled to duty:

- If you are on occupational maternity leave you will be paid for the period you attend work and your occupational maternity paid period will be extended
- If you are on statutory paid maternity leave you will be paid for the hours you work but under the SMP rules you will lose your SMP and leave for the whole week in which you work. It may be better to take the time as TOIL at the end of your maternity period or take a KIT day (see below)
- If you are on unpaid maternity leave you will be paid for the hours you work but you may wish to take the time as TOIL at the end of the maternity period. Remember that any paid duty that is undertaken during a period of unpaid maternity leave could adversely affect the buy-back of pensionable service

Q. What are Keeping in Touch days?

Keeping in Touch (KIT) days allow women officers on maternity leave to return to work on a voluntary basis for up to a maximum of 10 days during their maternity leave.

KIT days should be agreed in advance between you and the Force and can be used to allow you to attend training courses, keep up to date with changes at work or just to keep in close contact with your workplace. In fact, KIT days could provide real benefits for you whilst you are on your maternity leave.

A risk assessment will also be undertaken to ensure that you are fit and able to undertake the work but also that any risks are properly managed and reduced.

Q. Will I be paid for working a KIT days?

You will receive your normal hourly rate for the hours you work on a KIT day in addition to your SMP for that week so can be used to enhance your pay whilst helping you remain in contact with your workplace.

The pay you receive for working on a KIT day is pensionable.

Q. What notice must I give the Force when returning to work after my Maternity leave?

You must give at least 21 days written notice of your intention to return to work, or to change your date of return.

This gives the Force time to ensure that a risk assessment is carried out on your return.



Q. I want to return to work but am still breastfeeding, can I do this?

The Force should make every effort to facilitate this on your return and you should give them written notification of your intention to continue breastfeeding on your return to work.

A specific risk assessment will be required to be undertaken by the Force to ensure any risks are minimised and so that any specific needs are facilitated (this may include additional rest periods to allow you to attend to your baby outwith the workplace or suitable facilities to express and store milk at work).

Q. What about my pension when I am on maternity leave?

Any period of paid maternity pay will count towards your pensionable service. Pension contribution paid at your usual pension percentage rate will be deducted from any pay you receive. You will accrue pension throughout your maternity paid leave as if you were still at work. In addition you can buy-back unpaid maternity leave at the rate of the last pay you received whilst on maternity leave – in most cases this will be SMP at the lower rate,.

Q Is any of my maternity leave reckonable for service?

You can reckon a period of up to 52 weeks for pay and leave purposes when on maternity leave.

Q. What if I am not well enough to return to work at the conclusion of my maternity leave?

In these circumstances the Police Service of Scotland Regulations 2013 in relation to sickness absence will apply.

Q. What about my voluntary contributions and insurance payments to the Scottish Police Federation?

When you are on maternity leave and cease to receive any pay from the Force you will receive a letter from the SPF advising that to remain within the insurance scheme you must continue to pay your voluntary fund contributions and insurance premiums. A mandate will be included to allow you to arrange this with your bank.

If you opt not to continue in the scheme you can only be accepted back into it on successful completion of a medical questionnaire. Any additional medical examinations required by the insurers will be at your own cost.

If you have any further questions that are specific to your own circumstances you should contact your local Area Equality Lead representative who will be happy to assist you further.

**Jackie Muller**

**Equality Secretary**



**POLICE  
SCOTLAND**

Keeping people safe  
Director of People & Development  
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17 July 2014

Your Ref:

Our Ref: DIR/P&D/JG/AH

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Dear Ms Muller

### **FITNESS TESTING - POLICE SCOTLAND**

I refer to your letter of 27 May 2014 in which you raise a number of concerns surrounding the possible discriminatory nature of fitness testing of applicants to Police Scotland.

Firstly I would like to apologise for the delay in this response. I had intended instead to have the matter discussed at the recent JNCC meeting, however, due to time constraints the agenda was curtailed and no opportunity arose.

In reference to the National Fitness Standard utilised in our recruitment processes you have invited me to comment on the apparent direct discrimination against men and younger applicants inherent in this procedure. Your enquiry refers to both the mile and a half run and the M.S.F.T.

As you know the role of a police officer can be a physically demanding one, as such and as part of our commitment to keeping people safe, we have to be in a position to ensure that our recruits are physically capable of carrying out the role. To do so we expect them to demonstrate an acceptable general level of fitness if they and their colleagues are not to suffer physically in the performance of their duties. To this end the National Fitness Standard was devised. (The standard adopted a 50<sup>th</sup> centile level of aerobic fitness (VO2 max) as a benchmark for both the mile and a half run and the MSFT).

I am of the view that to have one standard for both sexes and all ages in this area would render the tests meaningless and lead to lower levels of fitness than are safe and effective for police officers.

There is no less favourable treatment of younger and male recruits, it is merely that everyone is being asked to achieve the same level of fitness based on the average for their age and gender taking physiological differences into account.

There is a multitude of literature available extolling the benefits of achieving and maintaining a good level of fitness as part of a healthy lifestyle, work/life balance and general well being.

Within your correspondence regarding the National Fitness Standard you refer to the case of Allcock v Chief Constable of Hampshire Constabulary (1997). This case surrounds a job specific fitness test, namely that of a dog handler. As I have previously said, the National Fitness Standard is designed to measure general levels of fitness. It is interesting to note that the Chairman of the Industrial Tribunal in this case differentiated between the need to establish a general level of physical fitness where a candidate applies to be a police officer and a job specific test such as that of dog handler.

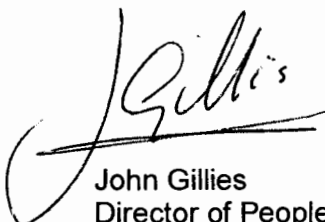
In your letter you express concern about the negative equality implications of the new fitness test for recruits. The National Fitness Standard was introduced by ACPOS on 1 September 2007 following a Task Analysis by Medical, Training and Police staff. Further to this I can advise that an equality impact assessment was completed on 25 March 2013.

You have also requested monitoring statistics for recruits in terms of fitness testing. In this regard I can advise for the year 2013/14 45.8% of all applicants failed the fitness test. In terms of gender this equates to a failure rate of 47% for males and 43% for females. A further breakdown of these statistics is not available at this time.

Additionally you request confirmation on how consistency in terms of terrain and weather are ensured in respect of the mile and a half run. Standard health and Safety considerations apply and it is recommended that there be access to a safe and level outdoor running environment. The effects of the weather are also taken into consideration.

I hope this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Gillies', with a long horizontal stroke extending from the end of the signature.

John Gillies  
Director of People & Development  
Police Scotland