

LANCASHIRE CONSTABULARY

A VIEW FROM THE TACTICAL ETHICS COMMITTEE

Report for the Joint Audit and Ethics Committee

Date of meeting: 21/02/2023

Time: 09.30am to 11.30am

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A VIEW FROM THE TACTICAL ETHICS COMMITTEE: RECRUITMENT & PEOPLE'S VOICE



PURPOSE OF THE BRIEFING NOTE

The purpose of this note is to document a response from the Tactical Ethics Committee in respect of two discussions which were had as part of a quarterly Committee meeting. The first section will cover background to both discussions. The second section will provide the Committee's views.

BACKGROUND

Ethical Dilemmas for discussion:

'Is it proportionate to deny prospective officers entry into the organisation due to them using medication?'

A member of the Committee explained that there have been instances whereby serving members of police staff (Police Control Room Operators, Police Community Support Officers) have applied to join the Constabulary as police officers and were denied entry due to being on medication. In the anonymised examples provided to the Committee this was specifically in relation to mental health medication. The dilemma submitted to the Committee is whether it is proportionate to deny prospective officers entry into the organisation due to being on medication, if the information regarding this being a condition of entry is provided to applicants early enough in the process and whether it is fair that officers currently employed by the Constabulary can be on mental health medication but prospective officers cannot, possibly creating a perception of 'double standards'.

'What should the rules of engagement be for the members of public taking part in People's Voice?'

A member of the Committee provided an overview of the dilemma and explained that the Constabulary has set up a 'People's Voice' scheme which intends to bring members of different communities across Lancashire to officers and staff of the Constabulary to allow them to speak about their lived experiences. This scheme has been highlighted as best practice in

the recent PEEL assessment of the force. Although the scheme was originally started in the form of face-to-face sessions, these have since been recorded and placed on Kallidus (the Constabulary's e-Learning platform). Recently, there has been an instance whereby a member of the public was invited to share their lived experiences and provided views and advice to officers which was felt not to be in alignment with force values. The video was subsequently taken down. The aim of this discussion was to identify the most suitable way to ensure that the content of People's Voice sessions is educational, informative, appropriate but at the same time an authentic reflection of lived experiences and opinions.

VIEW OF THE COMMITTEE

Entry of prospective officers whilst on medication

Firstly, a Committee member highlighted that it is important to understand the medical condition in question and how it may affect the person's ability to perform their role. There was agreement from the wider Committee that a case-by-case approach is more suitable than a policy 'blanket' approach in these circumstances.

It was raised that there have been instances of well-regarded members of staff applying to become officers and being rejected due to being on medication and subsequently applying for another force where the conditions of entry are less strict. There is a concern that the Constabulary could be missing out on great talent.

It is important to remember that it is difficult to compare Lancashire to other forces as other, bigger forces may be prepared to take on more officers with pre-existing conditions due to their ability to absorb this 'risk' and be more able to find roles for those individuals should they become permanently restricted in the future.

The existing Home Office guidelines followed by Lancashire, which advise police forces that applicants should wait until they have been medication free for 24 months, are 19 years old. These guidelines are currently under review. It should be noted that any changes to these guidelines will likely need to be backed by evidence/research and cannot be changed only because they 'do not feel right'. In Lancashire, Occupational Health can permit an applicant to join after a period of 12 months medication-free.

One Committee member stated that it felt disproportionate that the organisation does not allow new recruits to join whilst on mental health medication, and meanwhile currently serving officers do not have to disclose their medical conditions (unless in a specialist role).

This was countered by a point that as an employer, unlike in the case of new applicants, the Constabulary has a duty of care over existing officers and staff. The organisation should employ people who will be able to perform the role and who will not put themselves or others at risk. Once someone is employed, it is different – anyone could get ill and there are options available to the Constabulary, for example the ill health route. Other Committee members agreed that the Constabulary must consider the resilience of the officers we are bringing in.

It is worth noting that the medical requirements for police officers differ from those for police staff and are reflective of the police officer role; this is why some existing members of staff have previously passed their medicals and then go on to fail when applying to become a Constable.

A Committee member stated that there is a risk that potential recruits could refrain from seeking help for their mental health as not to negatively affect their application process.

The Committee felt that information regarding the medical, or even fast tracking of medical opinions, should be provided to applicants as early as possible to avoid disappointment. However, an Occupational Health professional present during the meeting explained that under employment law we are unable to medically screen candidates until a conditional offer of employment is made. This is normally following final interviews and often six months after the start of the process. The organisation therefore cannot bring the medical exam to take place earlier on in the process.

The Occupational Health department are happy to continue sharing information with prospective candidates via Teams sessions, although it is difficult to provide fully accurate advice at this stage as every case is different and must be assessed by a Force Medical Advisor.

There is an appeals process for individuals who have been rejected on medical grounds. The Occupational Health Manager present at the meeting offered that a member of the TEC joins the Appeals Panel going forward. This offer will be taken into consideration by the Tactical Ethics Committee Chair.

It was suggested that this dilemma is taken to the Joint Audit & Ethics Committee for a discussion and to bring back feedback from the JAEC to the next TEC meeting in May 2023.

A member of the Tactical Ethics Committee involved in the National Wellbeing portfolio will contact the College of Policing and Dr John Harrison (the interim Chief Medical Officer for Home Office-associated police Forces. Based in the National Police Wellbeing Service and College of Policing) regarding any upcoming guidelines/policy changes in relation to this dilemma and bring this information back to the TEC.

Actions following on from the discussion:

1. Ch Supt Osiowy to consider the offer of a member of the Tactical Ethics Committee to sit on the Medical Appeals Panel.
2. PS Wallis to raise this dilemma at the Joint Audit & Ethics Committee meeting on the 13th of March 2023.
3. Insp Andy Ainsworth to contact the College of Policing and Dr John Harrison regarding this dilemma. Insp Andy Ainsworth to speak to Chief Constable Chris Rowley (who is the National Wellbeing Lead) to inform the CC of the Tactical Ethics Committee discussion regarding this matter.

People's Voice

The purpose of the People's Voice sessions is to share genuine lived experiences. It is important to share these with the workforce to educate our staff and improve their understanding of communities.

A Committee member highlighted that these sessions should push our staff out of their comfort zones and by checking or editing the content we will end up sanitising it, therefore making it less reflective of real opinions. It is never easy when it comes to personal and sensitive conversations.

People's Voice was originally started as a face-to-face concept, with honest conversations held behind closed doors. This later evolved to video recordings. Perhaps it is not the best way forward. Turning to video means that the organisation will stop bringing in new community coaches, which could mean that with time the content becomes outdated. In addition, the original idea behind People's Voice was that officers and staff would listen to the local communities they serve. Using a video repository means that a 'one size fits all' approach would be applied to the entire force instead.

It is important that any community coaches selected to participate in People's Voice are chosen carefully. A suggestion was made that coaches should be invited to initial face to face sessions, feedback should be gathered from the attendees and only the coaches deemed suitable should be asked to deliver recorded sessions.

Overall, the Committee agreed that People's Voice is a very useful concept and has its place in the organisation. A set of guidelines is required to define how coaches are selected and which material is selected for recording.

The force Lead for People's Voice was present during the discussion and will take this feedback on board. This individual will also feed back a summary of this discussion to the originators of the dilemma and will bring back their feedback to the next TEC meeting.

Actions following on from the discussion:

1. Ch Insp Jill Halliwell to provide feedback to the members of staff who raised this issue and bring back their feedback to the TEC meeting in May 2023.

NEXT STEPS

A number of actions have been raised as a result of the Committee meeting and will be followed up prior to the next meeting.

The next Committee meeting will take place on the 30th of May 2023.