

**ORIGINATOR: CHIEF CONSTABLE**

**PAPER NO: AP14/46**

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL -  
18 JUNE 2014**

**SUBJECT: RESTRICTED AND RECUPERATIVE DUTIES AND FITNESS  
TESTING**

**SUMMARY:**

1. This report provides an update on the Constabulary's Restricted and Recuperative Officers performance as at 30 April 2014, and an update on Fitness Testing as of May 2014.

**RECOMMENDATION:**

1. The Accountability and Performance Panel is asked to note the content of this report.

## KEY ISSUES FOR CONSIDERATION:

### 1. RESTRICTED AND RECUPERATIVE OFFICERS

- 1.1 Suffolk Constabulary is required to report on numbers of Restricted and Recuperative Officers through the Annual Data Return (ADR). The Home Office provides a framework definition to guide the collection of this data, but it is broad and open to interpretation and despite efforts by the Constabulary and the Police Authority in recent years to seek clarification, remains in place. The effect of this is that there is a lack of consistency between Constabularies in terms of which officers are included in the ADR return. This makes meaningful comparison with other Forces' performance in this area very difficult.
- 1.2 The current local categorisation used by Suffolk Constabulary is set out in Appendix 1. This categorisation system was last adjusted in September 2012 to achieve harmonisation with the new joint sickness policy. It is fair to say that the Constabulary operates a rigorous and ethical approach to recording restricted and recuperative duties. For example, research undertaken with other forces shows that many forces would not record as restricted those officers who have a permanent health condition which prevents them from being operational, but who are fulfilling the full duties of an alternative non-operational role. Suffolk Constabulary records these officers as restricted so as to understand the impact on our operational capability, and also to ensure that the Constabulary has flagged those officers who require regular reviews with Occupational Health. In the past Suffolk Constabulary has operated a policy of minimising ill health retirements, and the effect of this over time is the presence of a core of restricted officers who are non-operational but fulfilling full roles elsewhere in the organisation.
- 1.3 Ethical classification and recording of restricted and recuperative duties in Suffolk is paramount if the organisation is to manage its workforce proactively and understand the health and wellbeing of its officers.
- 1.4 The HMIC Value for Money (VfM) profiles published in November 2013 utilise management information from 1 April 2012 to 31 March 2013. Within these profiles the restricted and recuperative officer data shows that Suffolk was amongst the worst performing in the country – set out in Appendix 2. Due to the broad nature of the Home Office definition as referenced in section 1.1 there is a broad range of practice amongst forces in terms of what gets recorded and reported making them unreliable.
- 1.5 Analysis of data and trend over the last twelve months shows a consistent flow through the restricted and recuperative categories as officers are supported through their recovery. There are no significant correlations with any fluctuations in sickness absence during the past twelve months.
- 1.6 Current levels of sickness in Suffolk are very good and in comparison to the same period last year Suffolk is achieving higher attendance rates for Officers and Staff. As at 31 May 2014, police officer sickness was 2.82% and police staff sickness was 2.98%. The prevailing national average for police officer sickness is 3.8% and for police staff is 3.7%.
- 1.7 Sickness comparisons with other forces cannot be provided within this report as they are provided through iQuanta and part of the information sharing agreement outlines that they cannot be published as force league tables by forces. The latest information provided to Suffolk identifies that it has improved its national position considerably since last year for both Officers and Staff.

- 1.8 Current restricted and recuperative officer statistics for Suffolk Constabulary as at 30 April 2014 are set out in Appendix 3. The full performance year figures from 1 April 2013 to 31 March 2014 are set out in Appendix 3 (i).
- 1.9 The Constabulary has a number of police officers who although restricted are utilised in full time roles. The constabulary does not wish to lose the skills and experience of officers who are able to make a valuable contribution, however, when managing individual cases the Constabulary will take into consideration the need to provide an appropriate 24/7 service to the public.
- 1.10 Winsor Recommendations relating to Restricted and Recuperative Officers are outlined below:
- Recommendation 38 – The Police Regulations 2003 should be amended to specify the procedure for determining the circumstances in which an officer may be placed on restricted duty, the arrangements which a Chief Constable may make for officers on restricted duty, and the adjustments to the pay of such officers
  - Recommendation 39 – From September 2014, officers on restricted duty should have their deployability and capability to exercise police powers assessed one year after being placed on restricted duty. Officers who are not deployable and are not capable of work which requires the office of constable should sustain a reduction in pay equal to the value of the deployability element of the X-factor, namely the lower of eight per cent and £2,922 per annum. After a further year, appropriate proceedings should be initiated to dismiss or retire these officers from the police service on the grounds of incapability or poor attendance. Officers who are permanently disabled from working as police officers should be ill-health retired. Those who are not permanently disabled should be given the opportunity to resign as police officers and immediately take up a police staff job on police staff terms and conditions, if one is available.
- 1.11 The Police Advisory Board for England and Wales (PABEW/2013/3) has been invited to consider the recommendations from the Winsor report relating to restricted duty. The Winsor report provides for a more pragmatic approach to both the management and recording of restricted duty officers and it is hoped that this will influence the final outcome in September 2014.
- 1.12 The Constabulary is currently working on delivering a new policy setting out the need to ensure that:
- An effective, balanced and flexible operational capability is maintained, and
  - An open, proportionate and consistent approach is adopted for the allocation and review of restricted officers and staff.
- 1.13 A functional capability matrix has been developed for future implementation. The emphasis will be on what the individual can do rather than what they cannot do. The Constabulary will, wherever possible, support the safe redeployment of officers to meaningful and productive roles if their substantive role does not support a restriction or adjustment.
- 1.14 The Constabulary will be conducting consultations with the Police Federation around the new policy and procedures. This policy will provide a framework around the delivery of an appropriate process following the implementation of the Winsor Recommendations pending any amendments required following the final guidance from the Home Office.

## 2. FITNESS TESTING

- 2.1 This paper seeks to clarify the current situation regarding the implementation of Fitness Testing within Suffolk Constabulary. The purpose is to explain the current ambiguity around some of the reported figures, reported by the press in late May 2014 and to make recommendations for the future, specifically for the introduction of the tests in September 2014.
- 2.2 The Constabulary is working to the College of Policing standard – the same as in Norfolk Constabulary. The College of Policing mandate is that any officer required to undertake personal safety training (PST) for their role – is now required to undertake the job related fitness test with effect from 1<sup>st</sup> September 2014. A *generic* Police Officer is required to achieve level 5:4.
- 2.3 This element involves running to and fro along a 15 metre track to a series of audible beeps. The beeps, during the course of the test get progressively faster. Candidates will need to have reached each side of the track before the next beep sounds. Level 5.4 takes approximately 3 ½ minutes.

The table below clarifies the College of Policing standard.

Unit	Recommended standard (Level : Shuttle)	Dynamic strength Push / Pull
Marine Police Unit	5 : 4	34kg / 35kg
Chemical, Biological, Radiological and Nuclear	5 : 4	34kg / 35kg
Method of Entry	5 : 4	34kg / 35kg
Dog Handler	5 : 7	34kg / 35kg
Mounted Branch	5 : 7	34kg / 35kg
Police Cyclist	5 : 8	34kg / 35kg
Police Support Unit	6 : 3	34kg / 35kg
Air Support	6 : 4	34kg / 35kg
Police Divers	6 : 8	34kg / 35kg
Marine Police (Tactical Skills)	7 : 2	34kg / 35kg
Authorised Firearms Officer (AFO)	7 : 6	34kg / 35kg
Armed Response Vehicle	9 : 4	34kg / 35kg
Dynamic Intervention AFO	10 : 5	

- 2.4 In 2009 Suffolk introduced a fitness test into their PST training programme in preparation for the implementation of a national fitness testing process. This programme involved officers arriving for their PST training and being asked to do a warm up which equated to running at a steady pace back and forth for 15 lengths of the gym (referred to in the fitness industry as Level 3). Officers would then rest and then conduct some stretching exercises. Officers would then perform the fitness test which is running the bleep test on a 15 metre track to level 5.4 as described in 2.2.
- 2.5 After consultation with Senior Officers and the Police Federation in April 2014, Suffolk amended the PST training programme by removing the process of conducting a warm up of 15 lengths of the gym and replaced this with a functional and

mobilisation warm up which involves stretching exercises and then officers move straight to the 5.4 bleep test on the 15 metre track.

- 2.6 Current data reflecting Suffolk performance from 1 September 2013 to 31 May 2014:
- 1143 officers have taken the test (848 males and 295 females)
  - 66 did not reach level 5.4 which equates to 5.8% of those taking the test and of those failures 23 were males (34.8%) and 43 were females (65.2%)
- 2.7 The Constabulary recorded a higher than average number of failures in December/January as candidates who had been reluctant to take the test throughout the year due to anxiety around fitness levels and had to ultimately take it to keep themselves 'in ticket'.
- 2.8 It is highly unlikely that all forces are measuring the same data; hence it is not possible to draw meaningful comparisons. For example, some forces do not test CID officers. It is extremely unlikely that any force would achieve a 100% pass rate. Suffolk Constabulary has been recording all Officers who take the fitness test prior to PST, but is aware that other forces are not doing this. The Constabulary is not required to record failures until September 2014, but wanted to do so in the interests of transparency and good practice, so that there is a sound knowledge of where 'opportunities' are ready for September 2014.
- 2.9 Appendix 4 sets out the national fitness test results from the College of Policing as of May 2014. The 7% that did not pass the fitness test have all been offered one to one coaching and advice on lifestyle and fitness plans along with being offered access to bleep clubs. Due to the fitness tests not being mandatory until September 2014 we cannot make officers take the test again so this 7% continue with their PST training (unless there are any underlying health concerns) and can return at any time to retake the test.
- 2.10 Post September 2014 if an officer fails the fitness test on the first attempt they will not be allowed to participate in PST training in line with national guidance. They will be given a personal fitness development plan for completion over 8 – 12 weeks, dependent on the case. Occupational Health referrals at this stage will be at the discretion of the Personal Safety Trainer. If an officer fails the fitness test on their second attempt, a formal Occupational Health referral will be made and a supportive meeting with HR in attendance will be conducted. Where an officer fails on the third attempt the officers' line manager will be advised and further support will be provided and a case conference conducted.
- 2.11 The Constabulary has a personal safety training team in Suffolk which consists of a sports therapist, three personal trainers, two gym instructors and an ex-army physical training instructor with extensive health and fitness experience. A number of forces are spending a lot of time and money on putting their PST staff through basic fitness training courses, in readiness for September 2014.
- 2.12 The Constabulary offers bleep clubs for people to test themselves in an informal manner and copy CDs of Job Related Fitness Testing (JRFT) for officers, and offers advice and guidance on a daily basis. In April 2014, the existing warm up process was amended and a mobilisation warm up to avoid fatigue for those people that struggle with the test was implemented.
- 2.13 The Constabulary needs to consider changing its engagement approach by removing the 'anxiety' messages which it believes creates a sense of fear that may or may not

be there, and replace this with a hearts and minds approach around 'Commit to Get Fit' or 'to be the best at what you do' on a collegiate communications strategy.

- 2.14 The Chief Constable recently completed and passed the fitness test and we should be seeking to publicise this in our internal media along with the reinforcement of the support available, accompanied with our realigned Health and Wellbeing Policy.
- 2.15 The national guidance on JRFT is still that all officers who are required to undertake personal safety training as a result of their role are required to undertake the JRFT. There is no recognised alternative to the bleep test and forces are advised not to deviate away from the recognised test as this could put forces at risk. We are aware that some forces are going against College of Policing advice and seeking alternative measures for fitness testing.
- 2.16 The potential implications of the mandatory fitness test are ultimately losing officers from frontline duties – however there is a very low risk as the current interim policy on Fitness Testing gives up to three months for these officers to get fit and re-take the test whilst still 'in ticket'.
- 2.17 There will be a small minority of officers who will not be able to complete the test within three months. An example would be those with degenerative diseases like MS and arthritis, long term injuries and who are obese combined with a low level of fitness. The Constabulary is still awaiting national guidance from the Home Office in terms of how to manage restrictions arising from this.
- 2.18 Currently no officer has been categorised as non-operational purely as a result of failing the fitness test.
- 2.19 The key messages of Suffolk's approach are:
  - Suffolk Constabulary measures ALL Officers who undertake PST - some forces do not follow this approach. National guidance is still awaited on who will need to be tested.
  - Amending the warm up process within the PST training programme in April 2014, and introducing a functional and mobilisation warm up instead.
  - Suffolk Constabulary tests all operational officers as we need the contingency for such a small force.

### **3. FINANCIAL IMPLICATIONS:**

- 3.1 There are no direct financial implications associated with this update.

### **4. OTHER IMPLICATIONS AND RISKS:**

- 4.1 There are no identifiable risks arising from this update.

<b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>	<b>PLEASE STATE 'YES' OR 'NO'</b>
Has legal advice been sought on this submission?	No
Has the PCC's Chief Finance Officer been consulted?	No
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	N/A
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	N/A
Has communications advice been sought on areas of likely media interest and how they might be managed?	N/A
Have all relevant ethical factors been taken into consideration in developing this submission?	N/A