

Promotion, selection and appraisal



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Introduction

This document provides guidance to the Police Service on the implications for promotion, selection and appraisal of police officers who may be disabled under the terms of the Disability Discrimination Act (DDA) (as amended).

This document should be used in conjunction with related guidance on:

- Best practice principles
- Recruitment
- Pensions
- Serving officers
- Training.



Job advertisements

1. The DDA states that a person is acting unlawfully if they offer a job or publish (or cause to be published) an advertisement which indicates, or might reasonably be understood to indicate:
 - that the success of a person's application for the job may depend to any extent on their not having any disability, or any particular disability; or
 - that the person determining the application is reluctant to make reasonable adjustments.
2. This applies to every form of advertisement or notice, whether advertised publicly or not, and includes any opportunity for employment, promotion or transfer. However, an advertisement may still be lawful even if it does indicate that having a particular disability will adversely affect an applicant's prospects of success. This would apply where, for example, the nature of the job in question was such that the employer was entitled to take the effects of the disability into account when assessing the suitability of applicants.

It would be lawful for a road policing department to advertise for motorbike riders and specify that officers who apply must be able to ride a motorbike.

3. The DDA does not give individual job applicants the right to take legal action in respect of discriminatory advertisements. Only the Disability Rights Commission can take action, but it should be noted that the content of an advertisement could be taken into account by an employment tribunal in determining a claim brought by a disabled person under the DDA.
4. The inclusion of any unnecessary requirements that are irrelevant to the job may discriminate against an applicant with a disability. Forces need to be sure that any advertising material and/or any requirements are essential to the job, as the inclusion of any unnecessary requirements could prevent or dissuade a disabled person from applying.

5. A common example used within the Police Service is a requirement asking for 'recent operational experience'. Many officers with a disability may be in a role that is not operational but may be able to demonstrate that they have acquired the required skills and abilities other than through recent operational experience.
6. The inclusion of unnecessary or marginal requirements in a job description or person specification can lead to discrimination, and while it would be reasonable to expect that most police officers will be able to perform all the duties of the role, it should always be borne in mind that some disabled people may not be able to do this, and that adjustments, where reasonable, should be made. For example, if the functions not able to be performed by the officers are marginal non-core duties, a reasonable adjustment may be to allocate those tasks to another person.
7. Blanket exclusions (i.e. exclusions of particular conditions which do not take account of individual circumstances) are likely to amount to direct discrimination, which cannot be justified. Forces must take care to ensure that websites and other materials that advertise vacancies do not make any statements that could be construed as a blanket ban. Forces should produce their own guidance documents that clearly demonstrate their understanding of their duties under the DDA. Forces should set out their willingness to make adjustments and think creatively in order to meet the requirements of the Disability Equality Duty.
8. The DDA does not prevent a job advertisement from stating that the employer would welcome applications from disabled people. This demonstrates a positive and public statement of the employer's policy, and could be one of the actions considered as meeting the Disability Equality Duty.

Restrictive and recuperative duties and the implications of the DDA

9. Historically, while there has been a perception that officers who are on restricted or recuperative duties cannot be promoted, a consistent approach has not been taken to the position of such officers. The policy set out below is designed to support consistent compliance with the principles of the DDA in respect of these officers and to assist in its application at a practical level.
10. While there is Home Office guidance on restricted and recuperative duties (see related guidance on serving officers), it may be helpful to summarise the meaning:
 - ‘Restricted’ duties means that an officer has been advised, usually by a medical practitioner or occupational health professional, that they cannot carry out the full duties of a police officer, and which their ‘line’ manager is required to assess and implement.
 - The purpose of ‘recuperative’ duties is to rehabilitate an officer back to full duties following sickness absence. Recuperative duties carry an expectation that the officer will recover within a reasonable time, such as six months, and will be able to perform full duties.
11. It should be noted that not all officers on restricted/recuperative duties are disabled. However, it may not be clear at the outset what an officer on recuperative duties will be physically capable of doing once they have recovered. Forces should clearly define what is required for effective performance in any potential role. If the officer will be unable to perform a role even with reasonable adjustments, the decision may have to be deferred and regularly reviewed. As with all selection processes, a formal appeals procedure should be available, to allow officers an opportunity to raise any concerns.
12. If the nature of their disability causes the officer to be restricted to the duties that can be performed in their particular role, the restriction becomes a relevant factor and will form part of their ongoing review. Each case must be treated on its own merits.

13. Management decisions should be based on the rank or role profile as detailed in the Police Integrated Competency Framework (PICF); that is:
- promotion should be to the generic rank profile; and
 - selection should be against the more precise role profile.

Note: Where a role profile from the PICF is unavailable, a contemporary job description and person specification must be used in any decision making.

14. The activities or tasks outline the relevant behaviours or competencies required for adequate performance in the role, whether or not the officer has a disability.
15. The officer and line manager need to satisfy the following:
- Does disability affect the officer's ability to carry out the role?
 - What reasonable adjustments can be made to remove any substantial disadvantage facing the officer?
 - What else might be needed to assist the officer in carrying out the role?

A male officer is disabled by a severe stammer, but only under stress. He applies for transfer to a neighbourhood policing team, to a job that would involve making oral presentations to community groups. The force sets candidates a short oral test. It is likely to be a reasonable adjustment to allow him more time to complete the test. Alternatively, it may be a reasonable adjustment to give the test in written form instead – though not if excellent oral communication skills are necessary for the job and assessing those skills was the purpose of the test.

16. Although the final decision is made by the line manager, additional medical advice or professional evaluation may be necessary, to identify the potential impact of any restriction or limitation and to be relevant to the rank or role profile. The officer should be involved in the process.
17. Forces will support disabled people and comply with the DDA.

Promotion and examinations

Promotion

18. The promotion process involves an evaluation by the line manager with the officer to determine whether any impairment will impact on the officer's ability to carry out the activities of the role to the appropriate standards for the rank profile and/or to establish what reasonable adjustments are needed to remove any substantial disadvantage that would enable the officer to perform adequately in the role. The same principles apply to officers who are seeking promotion while carrying out recuperative duties.
19. It is not practical to list a definitive number of activities that an officer must be able to perform in order to carry out the role. However, if the majority of the activities can be carried out while one or a few minor activities cannot, this will help inform the decision as to whether an adjustment is reasonable or not.

A male officer has dyslexia. He applies for transfer to a role which involves writing letters. The force gives all applicants an in-box tray test, which requires candidates to write letters. The man can generally write letters very well but finds it difficult to do so in stressful situations and within short deadlines. He is given longer to take the test: this adjustment is likely to be a reasonable one.

20. Following the introduction of the duty to promote equality for disabled people on 5 December 2005, forces need to monitor the progression of disabled staff in the promotion process, and consider additional positive measures to enable more disabled officers to progress in the Police Service.

Examinations

21. The examining body should provide candidates with information about the promotion process on receipt of an application, enabling the candidate and examining body time to implement any reasonable adjustments that are necessary.

22. Any reasonable adjustments put in place for the candidate in the workplace should be followed through to the examination process. However, the candidate needs to ensure that the examining body understands and implements any reasonable adjustment required.
23. A statement from the officer outlining the need for an adjustment may be sufficient, but there could be instances where a medical statement verifying a disability is required by the examining body before a reasonable adjustment is put in place.
24. Any additional costs arising from the process, for example the cost of a medical certificate. The provision of this report is currently at the expense of the candidate or their force. It is hoped that forces will agree to meet this expense.

The selection process

Selection for specialist roles and medical/occupational health issues

25. Disabled officers should have access to opportunities for moves to specialist roles. Officers on recuperative and restricted duties, whether due to a disability or not, should not be prevented from applying for specialist roles, provided that the necessary activities can be performed.

Fair assessment

26. To ensure fair assessment of disabled officers and avoid discrimination, assessment centres must be physically accessible to disabled people. Assessment centres may be used by a range of people, some of whom may have sensory or mobility impairments, and forces must consider the accessibility of both the assessment centre processes and the physical environment.
27. It is also important to consider whether reasonable adjustments can be made to reduce or remove any substantial disadvantage facing the

officer in the assessment centre and whether further adjustments can be made to assist the officer in carrying out a new role.

28. Although this is a managerial decision, medical advice or professional evaluation may be necessary, to identify the potential impact of any impairment. This should always involve the officer and should be carried out in relation to the relevant role profile. Additionally, the line manager should also examine, with the officer's involvement, whether there are any reasonable adjustments that can be made.

Taking account of performance issues that are related to disability

29. The DDA does not prohibit a force from appointing the best person for the job. Whenever a person is not selected for a job, whether they are disabled or not, proper justification must be fully noted on the file. Ensuring that standard tests and assessment meetings are accessible and consideration of the way the assessment is conducted are essential factors in eliminating potential discrimination.

