



LETTER SENT BY E-MAIL ONLY

5 June 2023

2023/24-009

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 5 May 2023, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

Please provide me with any correspondence, memos or briefing papers concerning police officers with beards and requirements for them to be clean shaven.

Response

Your request for information has been considered and the Scottish Police Authority is able to provide a partial response to your request at this time.

[Appendix 1](#) – Redacted copy email sent on 1 May 2023, from Police Scotland Policy Support titled “Mandatory Consultation for the Respiratory Protective Equipment SOP”. Documents attached to the email provided as Appendix 1 are provided separately as Appendix 5 and 6 – further detail on the attachments are listed below.

[Appendix 2](#) – Redacted copy email sent on 3 May 2023, from Police Scotland Policy Support titled “Mandatory Consultation for the Respiratory Protective Equipment SOP”.

[Appendix 3](#) – Redacted copy email trail sent on 4 May 2023, from Police Scotland HR Policy titled “Mandatory Consultation for the Respiratory

Protective Equipment SOP". This email was issued as a forwarded message – for the initial email in this trail refer to Appendix 1.

[Appendix 4](#) – Redacted copy email trail sent on 5 May 2023, from Police Scotland Governance, Audit & Assurance/NFEL/Public Inquiries, titled "RPE Policy Update".

Appendix 5 (see attached) - Copy of Police Scotland, Mandatory Consultation Feedback form. This was an attachment to the email provided as Appendix 1.

In this instance we are unable to provide some of the information requested. Therefore, this is a notice in terms of Section 16 of the Freedom of Information (Scotland) Act 2002.

The exemption considered to be applicable is section 38(1)(b) - Personal Information. The information which has been withheld is personal data of third parties. Disclosure of the data in question would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018. As disclosure through Freedom of Information is disclosure to the public in general, in this instance, it is appropriate to redact information that may identify an individual, e.g. name, job title, initials. This is an absolute exemption which does not require a public interest test to be conducted.

The Draft Respiratory Protective Equipment SOP V0.06, was an attachment to the email provided as at Appendix 1. This has not been provided at this time as third-party consultation is in progress.

Consultation feedback on the Respiratory Protective Equipment Procedure, was an attachment to the email provided as Appendix 3. This has not been provided at this time as third-party consultation is in progress.

We will aim to communicate a decision in relation to each of these as soon as possible.

Right to Review

If you are dissatisfied with the way in which your request has been dealt with you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@spa.police.uk or by post

to Corporate Management Team, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Scottish Police Authority Freedom of Information [Disclosure Log](#) in seven days' time.



Appendix 1

From: Policy Support

Sent: 01 May 2023 14:02

To: ASPS – Secretariat; [Redacted Section 38(1)(b)]; [Redacted Section 38(1)(b)]; Unite [Redacted Section 38(1)(b)]; Unison [Redacted Section 38(1)(b)]; HR Policy; [Redacted Section 38(1)(b)]; SPA HR Governance; SPA Strategy and Performance; SPF Consultation; Unison Police Staff Scotland; Unite; [Redacted Section 38(1)(b)]

Subject: Mandatory Consultation for the Respiratory Protective Equipment (RPE) SOP [OFFICIAL]

Good Afternoon

I hope you are well. Please see attached version 0.06 of the proposed new Respiratory Protective Equipment (RPE) SOP for mandatory consultation. The owning department (Health and Safety) have asked us to circulate this, as the provisions within are proposed to go live and come into effect on Monday 29th May. To that end, could I please ask that you review the SOP and provide any comments you wish to make **no later than Monday 22nd May**. This date has been set in order to allow the owning department to review your comments and update the SOP as required prior to publication. You will note that there is no EqHRIA attached to this email. A copy of the EqHRIA will be circulated once finalised.

Please let us know if you have any questions prior to submitting your feedback. We will direct these to the author for a response.

Please provide your consultation feedback on the feedback form attached.

Regards

[Redacted Section 38(1)(b)]

Policy Support
Police Scotland

Appendix 2

From: Policy Support

Sent: 03 May 2023 12:29

To: ASPS – Secretariat; [Redacted Section 38(1)(b)]; [Redacted Section 38(1)(b)]; Unite [Redacted Section 38(1)(b)]; Unison [Redacted Section 38(1)(b)]; HR Policy; [Redacted Section 38(1)(b)]; SPA HR Governance; SPA Strategy and Performance; SPF Consultation; Unison Police Staff Scotland; Unite; [Redacted Section 38(1)(b)]

Subject: Mandatory Consultation for the Respiratory Protective Equipment SOP [OFFICIAL]

Good Afternoon

I hope you are all well. As you are aware work has been underway to develop the new Respiratory Protective Equipment SOP and EqHRIA. To that end, on Monday, version 0.06 of the SOP was circulated for consultation. Following on from that, communication has been received expressing concern that the EqHRIA was not circulated at the same time. Work to complete a comprehensive EqHRIA has been and is underway. It was vital that the EqHRIA produced was of a sufficient standard before being circulated for consultation. Your comments have been noted and therefore a new 28 day consultation on the SOP and EqHRIA will commence when the EqHRIA has met the required standard and is ready for consultation. The EqHRIA is expected to be completed in the very near future. You will be kept fully aware of any developments which delay its completion.

Please now disregard the requested response date of Monday 22nd May.

Can I take this opportunity to thank you for your comments regarding the consultation launched on Monday. As always your feedback is highly valued and the consultation plan has been altered following your comments. We look forward to working in partnership with you to deliver the Respiratory Protective Equipment SOP and the accompanying EqHRIA.

If you require any further information then please contact the owning department, Health and Safety or Policy Support.

Regards

[Redacted Section 38(1)(b)]

Policy Support

Police Scotland

Appendix 3

See email provided at [Appendix 1](#) for initial message in this email trail.

From: HR Policy

Sent: 04 May 2023 13:55

To: [Redacted Section 38(1)(b)]; [Redacted Section 38(1)(b)]

Cc: [Redacted Section 38(1)(b)]; [Redacted Section 38(1)(b)]; SPA HR Governance

Subject: FW: Mandatory Consultation for the Respiratory Protective Equipment SOP [OFFICIAL]

Good afternoon,

I am writing to let you know that I have been contacted by our colleagues in Policy Support in addition to this email and told that consultation on the RPE procedure has been withdrawn temporarily. This is good news despite the fact that I have already invested time in preparing a draft departmental response. Nevertheless, in anticipation of a future iteration I thought it may be useful to share the draft response and seek feedback on anything else that you might like to see included.

I have been told that the new plan is to properly draft the procedure and all associated documentation for a new consultation phase. The imposition date is to be removed to allow full consideration of any feedback which may result in further rounds of consultation which can only be seen as a positive step.

If I can be of any further assistance, please don't hesitate to get in touch.

Thanks

[Redacted Section 38(1)(b)]

Appendix 4

From: [Redacted Section 38(1)(b)]

Sent: 05 May 2023 09:16

To: [Redacted Section 38(1)(b)]

Subject: FW: RPE Policy Update [OFFICIAL]

Good Morning All,

I hope you are all well. First of all I would just like to say thanks to each of you for your continued communication regarding the above policy which is currently in development. I understand how critical it is that together we get this right as any change like this has an impact on our officers and staff and your involvement in this process is very welcome and helpful.

Given the issues we initially encountered with tight deadlines the SOP had been sent out at the beginning of this week without the EqHRIA. Your feedback on this has been listened to and I agree that although we were trying to do the right thing by offering the SOP at the earliest opportunity it should not have come to you to start consultation without the EqHRIA.

There is a lot of work that is required to shape and inform this policy and it is clear that the policy will not be ready for implementation on 29th May. This date was initially favoured due to the large number of probationers arriving into the organisation on that date and meant they could all be face fitted at SPC taking pressure off the trainers within local policing Divisions, however taking the time to get this policy right is the number one priority and therefore it has been agreed by [Redacted Section 38(1)(b)] to remove the deadline date and to work through the development of the policy over the coming weeks with regular updates to him as to what stage we are at.

The 28 day consultation period will start from the date you all receive the SOP accompanied by the EqHRIA. That will hopefully be with you all today or on Monday by the latest. I hope to convene a meeting with those of you who are available later next week once you have had a chance to read both and will suggest a weekly meeting moving forward until we have reached the end of the consultation period and see where we are at.

I also must stress at this stage that this is a policy about the implementation of RPE for the safety of our officers and staff., it is NOT a 'Clean Shaven Policy'. I understand it is this part of the policy that is causing most of the issues and not the carrying or use of an FFP3 mask.

I know a lot of research, consultation and discussion was undertaken around the FFP3 mask during Op Talla and to offer our officers and staff the best protection throughout the pandemic. The FFP3 mask being face fitted to a member of staff or officer who was clean shaven was the absolute best form of protection. Despite this, can I please assure you all that myself and the team are continuing to carry out all of the due diligence necessary to ensure this policy is proportionate and necessary.

I hope in the coming weeks we can all discuss the information we receive in relation to this, as well as many other concerns you may have.

Thank you for your continued participation and for representing our officers and staff in the development of this policy.

[Redacted Section 38(1)(b)]

Governance, Audit & Assurance/NFEL/Public Inquiries

Landline: [Redacted Section 38(1)(b)] Mobile: [Redacted Section 38(1)(b)]

Email: [Redacted Section 38(1)(b)]

Website: www.scotland.police.uk

Twitter: @policescotland

Facebook: www.facebook.com/policescotland

From: [Redacted Section 38(1)(b)]

Sent: 05 May 2023 09:37

To: [Redacted Section 38(1)(b)]

Cc: [Redacted Section 38(1)(b)]

Subject: FW: RPE Policy Update [OFFICIAL]

OFFICIAL

Hi [Redacted Section 38(1)(b)],

You've probably seen the headlines re. PSOS clean shaven policy today.

I have just received the below from [Redacted Section 38(1)(b)] indicating that the policy will no longer be implemented on 29 May as planned.

I've included below the text from the initial draft of the SOP (and attached document).

We'll hopefully have a copy of the updated SOP and EqHRIA in the coming days and we'll work with workforce governance colleagues ([Redacted Section 38(1)(b)] -CCd) to provide a full response.

Thanks, [Redacted Section 38(1)(b)]

As a FFP3 mask relies on a tight seal between the user's skin and the mask, facial injuries and facial hair can significantly reduce the protection provided to the wearer. To comply with manufacturer recommendations, previously outlined Health and Safety legislation ([Section 2](#)), scientific research, and to ensure the RPE provides the wearer with adequate protection, the user must be clean shaven at all times when wearing tight fitting RPE, or being fit-tested for tight fitting RPE.

In order to ensure officers and staff are able to deploy to any incident where a respiratory risk may be present, Police Scotland has a clean shaven requirement. This ensures that the FFP3 mask provided for general policing duties where respiratory risks may be present, provide the level of protection outlined in the risk assessments held in relation to those incidents.

Where officers and staff have an exemption from the Police Scotland clean shaven requirement (outlined in [Section 9](#)), alternative RPE is available for issue to those individuals. Face fit testers will provide training and guidance on the carriage, use and replenishment of consumables relating to alternative RPE specific to the user's role.

From: [Redacted Section 38(1)(b)]
Sent: 05 May 2023 09:38
To: [Redacted Section 38(1)(b)]
Cc: [Redacted Section 38(1)(b)]
Subject: RE: RPE Policy Update [OFFICIAL]

OFFICIAL
With [Redacted Section 38(1)(b)] CCd.