



## LETTER SENT BY E-MAIL ONLY

16 June 2023

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### Freedom of Information (Scotland) Act 2002

#### Request

Please find below our response to your correspondence dated 5<sup>th</sup> May, 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

On 5 June a partial response was provided to your request for information. This was due to ongoing third-party consultation regarding two documents.

We are now in a position to provide a response on each of the remaining documents.

Whilst we aim to provide information wherever possible, in some instances, information is exempt in terms of the Freedom of Information (Scotland) Act 2002 and explanation has been provided where this applies.

1. Draft Respiratory Protective Equipment SOP V0.06, which was an attachment to the email provided at Appendix 1 (see response dated 5 June). This is referenced as Appendix 6.1 as an attachment to this response.

We would highlight that this is a draft document and should not be taken to reflect a final Standard Operating Procedure.

In this instance we are unable to provide some of the information requested. Therefore, this is a notice in terms of Section 30(c) of the Freedom of Information (Scotland) Act 2002 - Substantial prejudice to effective conduct of public affairs. This is a non-absolute exemption and requires application of the public interest test.

We redacted an internal email address on page 23.

### **Public Interest Test**

While it is acknowledged that the disclosure of this information would support transparency, there are already established routes for the public to make contact with the police and the disclosure of an internal operational email address would not support the effective conduct of public affairs.

On balance, our conclusion is that maintaining the exemption outweighs the public interest in disclosure.

2. Consultation feedback on the Respiratory Protective Equipment Procedure, was an attachment to the email provided as Appendix 3 (see response dated 5 June). This is referenced as Appendix 7 as an attachment to this response and is provided in full.

### **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](mailto: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](mailto: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.

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## **Respiratory Protective Equipment**

### **Standard Operating Procedure**

This SOP provides clear direction and procedural instruction to provide a consistency of response in accordance with force policy, however it is recognised that policing is a dynamic profession and the standard response may not be appropriate in every circumstance. In every situation, your decisions and actions should be supported by the National Decision Model and based on the values and ethics of Police Scotland. You may be expected to provide a clear and reasonable rationale for any decision or action which you take.

Owning Department: Health and Safety

Version Number: 0.06 (to be published as V1.00)

Date Published: DD/MM/YYYY

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## **1. Introduction/Purpose**

This Standard Operating Procedure (SOP) supports the Police Service of Scotland (hereafter referred to as Police Scotland) [Health, Safety and Wellbeing Policy](#) and the joint Scottish Police Authority (SPA) and Police Scotland [Health and Safety Policy - Organisation and Arrangements](#). This document provides guidance regarding protection from respiratory hazards that officers and staff may be exposed to during the course of their duties.

Protection against respiratory hazards is provided via the use of Respiratory Protective Equipment (RPE), which is a particular type of Personal Protective Equipment (PPE) designed to protect the wearer from breathing in harmful substances.

As part of its general policing function, Police Scotland will respond to a variety of incidents involving reports of

- sudden deaths,
- fires,
- road traffic collisions,
- controlled drugs or,
- serious incidents involving chemical, biological, radiological, or nuclear (CBRN) agents.

In all cases, RPE could be required to ensure police responders can undertake their duties safely.

## **2. Principles**

Police Scotland/SPA have a responsibility under obligations contained within the [Health and Safety at Work \(Etc.\) Act 1974](#) to ensure the health and safety of their employees, as far as is reasonably practicable.

There are further duties imposed through the [Management of Health and Safety at Work Regulations 1999](#) for an employer to carry out risk assessments in order to identify significant risks and to implement suitable and sufficient control measures to reduce the risk to as low a level as reasonably possible.

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If in the course of conducting these risk assessments, respiratory risks are identified, further duties are imposed under the Respiratory Protective Equipment Regulations outlined in the [Health and Safety Executive \(HSE\) Respiratory protective equipment at work guidance HSG53](#). The Regulations require the identification of suitable and appropriate RPE, and the provision of all necessary training and guidance on its use.

### **3. Application**

This SOP applies to all police officers regardless of their role or rank where it can be reasonable foreseen that they could use RPE in the course of operational duties. This would include all operational police officers and those that could be deployed operationally when required.

While not prescriptive by role or rank, this SOP applies to all Local Policing uniformed and detective officers, as well as roads policing, firearms and public order officers. Please refer to your line manager for further guidance.

This SOP will also apply to members of police staff undertaking a limited number of roles where it can be reasonable foreseen that they could use RPE in the course of their duties. Please refer to your line manager for further guidance.

### **4. Hazard Identification and Risk Assessment**

As previously outlined, the Police Scotland Health and Safety Department has identified a number of respiratory hazards that officers and staff could be exposed to in the course of their duties. Having identified these hazards, risk assessments have been created to inform the operational policing response, which identify the various risks associated with each activity, and the mitigation measures required to ensure officers and staff undertake their duties safely. In relation to respiratory risks, these risk assessments identify and explain those risks and outline the requirement for officers and staff to utilise RPE. [Link to RAs to be added]

### **5. RPE**

Damage to health can be caused by breathing in hazardous substances, such as dusts, fumes, vapours, gases or even micro-organisms. The control of exposure to

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risk is managed using the Hierarchy of Controls, which considers a scale of control options on a decreasing scale of effectiveness.

### **Hierarchy of Controls**

Ranging from most effective, control measures are assessed using the following criteria.

1. Elimination – physically remove the hazard
2. Substitution – replace the hazard
3. Engineering Controls – isolate people from the hazard
4. Administrative Controls – change the way people work
5. PPE – protect people through the use of Personal protective Equipment

Given the public service nature of policing, particularly when attending dynamic and unforeseen incidents, steps 1, 2 and 3 in the Hierarchy of Controls may not often be possible. As a result, options to manage respiratory risk are largely managed via steps 4 and 5.

### **Administrative Controls**

Administrative Controls relate to reducing risks by changing the way officers and staff undertake their duties. This is outlined throughout this SOP and in particular at [Section 8](#).

### **PPE**

Having identified respiratory risks and the requirement for PPE, the [Health and Safety Executive \(HSE\) Respiratory protective equipment at work guidance HSG53](#) requires Police Scotland to establish the most suitable, practical and compatible RPE for use while undertaking policing activities. Following detailed assessment and consultation with the HSE, the RPE identified as most suitable for general policing purposes is the Filtering Face Piece 3 (FFP3) disposable face mask. This is a tight fitting face mask, which by law requires to be face-fit tested by the user in order to ensure the mask seals effectively against the user's skin and provides sufficient protection against respiratory hazards.

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HSE guidance states that when using a FFP3 mask, air is breathed in through the mask filter material, where the air is cleaned. If there are any gaps around the edges of the mask, 'dirty' air will pass through these gaps and into the wearer's lungs. In addition to users wearing masks correctly and ensuring a good fit every time, HSE guidance states that facial hair, including stubble and beards, makes it impossible to ensure an effective seal between the mask to the users face.

Being clean-shaven when wearing tight-fitting masks, in addition to users wearing masks correctly and ensuring a good fit every time, prevents leakage of contaminated air around the edges of the mask and into the wearer's lungs.

Research undertaken by the Health and Safety Laboratory (HSL) on behalf of the HSE, defines the term 'clean shaven' as 'hair which has been shaved within the previous 8 hour period prior to a working shift'. [link to HSE reference page].

In line with Police Scotland's commitment to promoting diversity, equality and inclusion, it is acknowledged that individuals with certain protective characteristics may not be able to comply with the requirement of using the FFP3 mask (see SOP Exemptions at [Section 9](#)). In these circumstances, Police Scotland has identified an alternative type of RPE, referred to as Powered Air Respiratory Protection (PARP), which can provide the same level of respiratory protection as the FFP3 mask, and has been assessed as compatible with most, but not all, general policing activities. As a result, deployments to incidents where respiratory hazards may be present will be assessed within the National Decision Making Model as outlined at [Section 8](#).

Following extensive research, a PARP device most suited to general policing activity has been identified. This will be referred to as 'alternative RPE' in this SOP.

## 6. Face Fitted RPE

Risk assessments covering a variety of policing activity outline the respiratory risks officers and staff may encounter and the mitigation measures designed to control those risks. In cases where the control measure relates to the use of RPE, the projection is contingent on use of a tight fitting respirator or mask to control exposure to respiratory hazards. In order to comply with RPE requirements outlined in [Section 2](#), users must undergo face fit testing to ensure the effectiveness of the seal between

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the respirator or mask and the wearer. As outlined in [Section 5](#), the PPE assessed as most suitable for general policing duties is the FFP3 mask (or alternative).

Face fitting of FFP3 masks to the user ensures that the mask fits correctly to the wearer and provides the correct level of protection. Police Scotland has a cadre of trained face fit testers working within or assigned to each division or business area, who have received suitable training to face-fit test users to a particular make and size of mask and certify a successful fit-test. This information will be held in the users training record on the System to Coordinate Personnel and Establishment (SCoPE). A list of divisional and business area face fit testers is listed on the Force intranet [link to be established].

In addition to face-fitting, face fit testers will also provide training and guidance on the carriage, use and replenishment of FFP3 masks specific to the user's role.

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.

RPE is included in the list of default operational uniform provided to police officers and officers face-fitted for FFP3 masks must carry masks as directed in their training whilst on duty. As the alternative RPE for those individuals exempt from the clean shaven requirement is larger than the FFP3 mask and is unsuitable for carriage on

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the user's utility belt or harness, the arrangements for routine carriage of the alternative RPE will be directed by line managers based on the duties being undertaken and the user's mode of operational deployment.

### **Face-Fit Testing**

Face-fit testing will be undertaken in the following circumstances.

- Prior to the initial issue of an FFP3 mask to a new user;
- (Users should contact their divisional/business area face-fit tester directly or following local process and book a fitting session.)
- Every 2 years from the date of first face-fit testing;
- (Users will receive a SCoPE notification to advise that they should book a face-fit retest directly with their local face-fit tester or via local processes.)
- Whenever there is a change to the RPE type, mask size, mask model or mask material. (Users will receive a direct notification and instructions.)

In addition, face-fit testing will also be undertaken following a change in the user's circumstances. For example:

- Significant weight loss or gain;
- Substantial dental work;
- Any facial changes (for example new scars, moles, effects of ageing) around the face seal area;
- introduction or change in other head-worn PPE;
- Any other significant change to the face seal area.

Users should contact their divisional/business area face-fit tester directly or follow local process and book a refitting session.

All officers and relevant members of police staff must be able to utilise RPE when they engage in policing activity where a respiratory risk may be present. It is the responsibility of the user to undergo the required face-fit testing, and to comply with any re-testing instructions. It is also the responsibility of the user to consider the impact of any of the changes in circumstances as outlined above and book a refitting session.

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### Face-Fitting process

Officers and staff will attend a RPE face-fitting appointment with a face fit tester. The following pre-joining instructions will be provided:

- Ensure users have not smoked/vaped or eaten within 30 minutes of their attendance time and do not eat or smoke until after testing is complete.
- Complete the Health Declaration form provided for the testing appointment.
- Due to the health, safety and wellbeing requirements and in line with manufacturer recommendations and scientific research, officers and staff who are to be fitted for FFP3 masks are instructed to be clean shaven. Clean shaven means the removal of all facial hair to expose bare skin.

The face-fit test will provide an outcome of pass or fail. Where users achieve a pass, they will be certified for the use of FFP3 masks at operational incidents where a respiratory hazard may exist. Where a user fails the face fit test, the reasons for failure will be assessed and a recommendation made. This could include:

Use of a different type of FFP3 mask.

- Use of a different type of RPE.
- Requirement to consider an exemption from the clean shaven requirement as outlined in [Section 9](#).

Where users fail the face-fit test, the face fit tester will provide the test outcome and any recommendation to the user and their line manager.

## 7. Business Processes

Officers and relevant police staff who are FFP3 face-fitted will be provided with 3 FFP3 masks, which must be carried or be accessible when deployed operationally. Users will dispose of FFP3 masks following use at an incident where respiratory hazards are present or suspected.

Replacement FFP3 masks should be accessed via Divisional Business Units or local business areas specific arrangements. Business Units will hold sufficient stocks of FFP3 masks to support routine policing activity.

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Business Units should monitor FFP3 usage rates and ensure local stocks are supplemented through normal requisition arrangements with Procurement, which holds stocks of FFP3 masks for routine policing purposes and as part of pandemic contingency planning processes.

Business Units should also hold sufficient stocks of consumables for the alternative RPE, commensurate with the number of alternative RPE units deployed in their division/business area. Business Units should monitor usage rates and ensure local stocks are supplemented through normal requisition arrangements with Procurement.

Users are responsible for monitoring their RPE and ensuring they have access to a sufficient personal stock of respiratory protection for operational purposes.

## **8. Resource Management and Operational Deployment**

It is essential that when officers or staff undertake policing duties where respiratory risks may present, they are deployed in line with the risk assessments that support that activity.

A key element of ensuring the safety of officers and staff is the recording and operational application of information relating to the RPE status of each officer or member of police staff and how they can be deployed, depending on the circumstances of the incident, the potential risks, and the level of RPE protection the individual has access to.

### **Resource Management**

Depending on the operational setting, it is the responsibility of policing supervisors or an appointed person to 'book on' deployable resources for their shift via the call sign management facility on SCoPE, which will reflect immediately as an available resource on System for Tasking and Operational Resource Management (STORM). Supervisors will also include details of the RPE status of each resource in the remarks section for each resource, highlighting if the resource uses a FFP3 mask, uses alternative RPE, or has no access to RPE.

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Staff in specialist departments and other settings or roles responsible for managing their own on duty status, will also update SCoPE with their own RPE status when booking on duty.

More information on how to record RPE status for deployable resources is available in the RPE Supervisors Guidance Document [link] [to be drafted]

### **Operational Deployment**

Contact, Command & Control Division (C3) will manage the deployment of operational resources to incidents via STORM. When considering the information provided in relation to an incident, C3 staff will consider the potential that respiratory hazards may be present, whether arising from the general nature of incident, for example a reported fire, or any specific information provided that suggests a RPE risk may exist, for example a suspected drug incident where powdered substances have been reported.

C3 will apply the National Decision Making Model and consider the various risks associated with the incident, including RPE risks. Following assessment, resources will be allocated to the call. Where RPE risks have been identified, the RPE status of officers and staff will be used to ensure the most appropriate resources attend the incident.

As with any incident, the application of the National Decision Making Model will remain ongoing during the course of an incident. Where, for example, it is assessed that FFP3 fitted officers are best placed to attend an incident as first responders, officers utilising alternative or no RPE could subsequently attend the incident once an initial dynamic risk assessment has been conducted on scene and the potential and scope of any respiratory hazard has been established.

Officers, supervisors and C3 staff can be assisted by internal partners such as Health and Safety, Emergency, Events and Resilience Planning (EERP), and Operational Support Division (OSD), Specialist Services in addition to external partners such as Scottish Fire and Rescue Service (SFRS) in assessing RPE risks at any incident.

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There is also the potential that respiratory hazards not known or suspected when resources are assigned to an incident are subsequently identified. In keeping with operational practice, officers will conduct a Dynamic Risk Assessment (DRA), which is the continuous process of identifying hazards and risks and taking steps to eliminate or reduce them in the rapidly changing circumstances of an operational incident. It is critical that hazard identification and risk assessment continues throughout the operation in order to ensure the safest possible environment.

Where officers or staff become aware of respiratory hazards, they should immediately use their RPE equipment and/or remove themselves from the risk where they have no access to RPE, updating the control room or their supervisor of the hazards and their actions. An ongoing process of DRA undertaken by the resources on scene and those managing the incident will inform the overall management of police activity and the deployment of resources.

### **Pre-Planned Operations and Events**

Access to RPE must also be reflected in the pre-planning phase of operational deployments and events to ensure officers and staff can be safely and effectively deployed during pre-planned operations or events in line with relevant risk assessments.

## **9. Exemptions to the Clean Shaven Requirement**

Policing Scotland is committed to empowering leaders and providing policies and procedures that underpin its commitment to promoting diversity, equality and inclusion regardless of age, disability, gender reassignment (recognising all gender identities, including trans and non-binary identities), marriage and civil partnership (including lesbian, gay and bi identities and same-sex relationships), pregnancy and maternity, race, religion or belief, sex; and or sexual orientation (including lesbian, gay, and bisexual identity).

This SOP enhances the protection available to all officers and staff who may encounter respiratory risks during the course of their duties. The nature of policing means that it is not possible to control all respiratory risks by eliminating them through avoidance. The remaining control measure available is the application of

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PPE, with the most appropriate PPE for use in a policing context outlined at [Section 5](#).

The FFP3 mask has been established as the most appropriate PPE for policing but requires the user to be clean shaven in order to be effective. The section below outlines the exemption criteria for those officers or staff unable to adhere to the clean shaven requirement.

### Exemption Criteria

Officers and staff will be entitled to seek an exemption to the Police Scotland clean shaven requirement under the following criteria:

- Religion or belief – the applicant is unable to be clean shaven as a result of religious observance or their personal belief.
- Cultural – the applicant is unable to be clean shaven due to cultural observance.
- Disability – the applicant is unable to be clean shaven as they are living with a disability.
- Medical – the applicant is unable to be clean shaven due to a short or long term medical condition.
- Other reason – the applicant is unable to be clean shaven due to another reason, outlining which [protected characteristic](#) their exemption relates to.

### Request for an Exemption to the Clean Shaven Requirement

Where an officer or member of staff believes they cannot comply with the clean shaven requirement, they can apply for an exemption from the requirement by completing the Clean Shaven Exemption – Decision Making Form [link]. The exemption application is a confidential process with information only shared where required to facilitate the assessment, consideration and determination of a submission.

The applicant should identify which category of exemption is applicable to their circumstances and provide sufficient detail to support the assessment of their application. In cases where an exemption is sought on medical grounds, the

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applicant should indicate whether this condition has been assessed as a short or long term condition and have medical information available for review where requested.

Completed applications should be submitted to the applicant's line manager (the assessor) for review and assessment. Following acknowledgement of receipt, the assessor will conduct a review of the application and supporting evidence. The assessor can seek specialist support in assessing applications and supporting evidence from their Divisional People Partner and from the [People and Development Equality and Diversity Team](#).

The assessor may request additional evidence, such as medical information or documentation, and may seek external advice in the assessment of an application, for example a review by an occupational health professional in the case of disability or medical applications.

The assessor should provide the applicant with a written outcome within 7 days of receipt of their application, although in cases where additional assessment is required, such as by an occupational health professional, this final outcome may take longer.

### Assessment Outcome

Following assessment of the exemption application, the application outcomes options will be as follows:

- Granted
- Granted on a trial basis
- Refused

### Granted

Where exemptions are granted, the applicant will continue to perform their current role but will be exempt from the clean shaven requirement. The applicant will be referred to the relevant face fit tester for provision of alternative RPE.

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Granted exemptions will be subject to ongoing review, with the review arrangement communicated to the applicant with the application outcome. Where an exemption has been granted and it is assessed that there is unlikely to be any significant change in the relevant factors supporting the exemption, for example a disability or religious exemption, the exemption will be subject to periodic review by their line manager. The manager will agree the review period in consultation with the applicant which should be no longer than 5 years.

Where an exemption has been granted based on information that may change over time, for example a short term medical condition, the exemption will be subject to review by their line manager within a specified period. The line manager will notify the applicant of the review period as part of the application outcome, which should be informed by the nature of the exemption and should be between 3 month and 1 year.

In all cases, the applicant will be responsible for informing their line manager of any new information or changes to existing information relating to their exemption.

### **Granted on a trial basis**

Applications can be granted to a trial basis to allow line managers to assess the operational impact of an exemption within a specific setting. The length of the trial period will be communicated with the application outcome and will be no longer than 3 months from the date of notification.

Following the conclusion of the trial period, the applicant's exemption will be confirmed as follows:

- Exemption Granted in the applicant's current post or role.
- Exemption Granted subject to consideration of transfer to another post/or role.

### **Exemption Granted subject to consideration of transfer to another post or role**

Where it is assessed that following a trial, the exemption cannot be accommodated operationally within the applicant's current role or post, another Divisional or Department role or post will be identified.

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The line manager will refer the trial outcome to the Divisional Superintendent (Support) or departmental equivalent. Divisional/Departmental Management will review the trial period outcome, the operational impact of the exemption in relation to the applicant's current role or post and the likely duration of the exemption, before considering the requirement for an alternative role or post. Where it is agreed that an alternative role or post is required, Divisional/Departmental Management will identify an alternative role or post.

Where no role or post can be identified at divisional/departmental level, the matter will be referred to the Divisional/Departmental People Partner to support the identification of a Service area solution. Where no service area solution can be identified, this will be referred to the Postings panel for support in finding a national solution.

### **Refused**

Where an application is refused, the applicant will have the opportunity to appeal the assessor's decision.

To appeal, the applicant will write to their Divisional Commander/Head of Department within seven calendar days of receiving the outcome letter, to notify them of their intention to appeal and the grounds for their appeal. If the applicant requires more time to prepare their appeal, a further seven calendar days are available. The additional days only apply if the applicant notifies the appeal assessor of their intention to appeal.

Grounds for appeal might include:

- The exemption procedure was not followed;
- There is new evidence about the exemption application that wasn't available before; or
- The applicant considers the outcome of the assessment is unreasonable.

The applicant should give the reasons for their appeal and any other relevant information that should be considered.

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Divisional Commander/Head of Department will refer the appeal to an appeal assessor (Superintendent or equivalent) and communicate the details of the appeal assessor to the applicant within 7 days of receipt of the appeal.

The Applicant can request a meeting with the appeal assessor, which will normally be held within 14 calendar days of the appointment of the appeal assessor. The applicant can be accompanied by a colleague, manager, staff association or trades union representative at the meeting with the appeal assessor.

On receipt of the appeal and following any requested meeting, the appeal assessor will review all the supporting information provided during the application and any new information provided, seeking input from external sources where necessary. The appeal assessor will aim to respond, in writing, within seven calendar days. The decision of the appeal is final.

## **Recruitment**

This SOP will apply to candidates wishing to join Police Scotland as probationary police officers and those applying for specific police staff roles. The clean shaven requirement will be highlighted to candidates during the recruitment process together with the exemption process and criteria. Recruitment staff will manage the engagement with candidates regarding RPE requirements and manage the exemption application, determination and appeals process. Where exemptions are granted, those exemptions and the review arrangements will be managed by the candidate's subsequent line manager.

## **10. Roles and Responsibilities**

### **Individuals**

Individuals are responsible for:

- Ensuring they retain a supply of RPE masks/alternative mask consumables for normal operational policing purposes.
- Wearing the appropriate RPE when required to do so and in line with risk assessment.

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- Ensuring that all instructions are carefully followed including how to wear any RPE and also how to safely dispose of used RPE.
- Updating their RPE status via SCoPE in cases where this function is not performed by their supervisor or an appointed person. This is required where the individual undertakes a role where it can be reasonable foreseen that they could use RPE in the course of operational duties.
- Remaining clean shaven at all times while on duty. Where users cannot comply with this requirement, they must seek a clean shaven requirement exemption as outlined in [Section 9](#).
- Complying with face-fitting and re-testing requirements and training in the correct use and maintenance of the RPE. Users should carry out regular monitoring of their RPE and consider any significant changes that could impact the effectiveness of the mask seal (as outlined in [Section 6](#)).
- Immediately informing their line managers or supervisors where they become unable to wear RPE for any reason (for example a short term injury), or where the provided RPE no longer offers effective respiratory protection.

### Managers/Supervisors

Managers/Supervisors are responsible for:

- Ensuring that the RPE status of all officers/staff under their command is added to the deployment plan on SCoPE where those officers/staff are employed in roles which may require RPE.
- Ensuring officers and staff under their command wear the appropriate RPE when required to do so and in line with risk assessment.
- Reviewing the attendance of officers and staff under their command at dynamic operational incidents where respiratory risk may exist, in conjunction with C3, to ensure RPE capabilities of resources are aligned with the relevant risk assessments for that incident.
- Ensuring officers and staff under their command required to comply with the clean shaven requirement remain clean shaven at all times, unless they hold an exemption as outlined in [Section 9](#).
- Challenging any failure to comply with the clean shaven requirement and address any non-compliance in line with [Section 11](#) of this SOP.

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### **Face fit testers**

Face fit testers are responsible for:

- Face-fit testing and retesting of individuals to ensure the effective operation of FFP3 masks.
- Ensuring relevant RPE records are recorded on SCoPE.
- Providing training and guidance to users on the operation and use of RPE (both FFP3 masks and alternative RPE).

### **Divisional Business Unit**

Divisional Business Unit are responsible for:

- Maintaining sufficient local stocks of RPE masks and consumables for alternative RPE to support normal operational activity.

### **C3**

C3 is responsible for:

- Assessing dynamic operational incidents and any associated respiratory risks and deploying resources in line with the instructions in this SOP.

### **Recruitment**

Recruitment is responsible for:

- Communicating the requirements of the RPE SOP to probationary police officer candidates and relevant police staff candidates at the appropriate point in recruitment processes.
- Managing the exemption application process for those candidates and managing the exemption application, determination and appeals process.
- Where exemptions are granted, communicating those exemptions and the review arrangements to the candidate's subsequent line manager.

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- Ensuring that the provision of alternative RPE is included in the candidate's induction arrangements.

## 11. Conduct

Officers and staff who knowingly or deliberately fail to adhere to a safe system of work or fail to use mandatory PPE including RPE, or misuse it, may be the subject of misconduct/disciplinary proceedings.

### Police Officers

Irrespective of rank, where an officer undertakes a role where it can be reasonable foreseen that they could use RPE in the course of operational duties, they must comply with the instructions in this SOP, including the requirement to be clean shaven. This is with the exception of officers who are exempted from the clean shaven requirement as outlined in [Section 9](#).

While each case will be assessed on the individual circumstances, the following procedures will apply where an officer fails to use RPE, or refuses to comply with the instructions in this SOP.

Any officer failing to comply with the clean shaven requirement (excluding officers who are exempted) may be considered as breaching the statutory Standards of Professional Behaviour, specifically the 'Orders & Instructions' standard.

The Standards of Professional Behaviour apply to every police officer, and it is an individual's responsibility to ensure their behaviour aligns with each of the 10 standards, including following lawful 'Orders and Instructions'. It is reasonable and proportionate that line managers or management should robustly and consistently challenge and address any failure to comply with the instructions in this SOP in the first instance, through appropriate discussion with the individual to understand background prior to consideration of referral to PSD.

Repeated failures or refusal to comply with this SOP (without the required exemptions) will be referred to PSD via the National Gateway Assessment Unit referral form [037-065](#), for consideration of a misconduct assessment.

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Where appropriate, referrals will be forwarded to the National Conduct Unit for assessment to consider if circumstances meet the criteria for misconduct (breaching Standards of Professional Behaviour), per existing [Regulation 10 procedures](#).

Where behaviour and failure to comply is assessed to have breached the Standards of Professional Behaviour (Orders & Instructions), the officer may be subject to the appropriate outcome determinations as are available under the [Police Service of Scotland \(Conduct\) Regulations 2014](#).

### Police Staff

The SPA and Police Scotland have clear standards of behaviour that staff have to maintain. When someone falls below these standards or there is alleged misconduct or poor behaviour, the disciplinary process will be used to deal with matters in a clear and fair way.

Where a member of police staff undertakes a role where it can be reasonably foreseen that they could use RPE in the course of operational duties, they must comply with the instructions in this SOP, including the requirement to be clean shaven. This is with the exception of staff who are exempted from the clean shaven requirement as outlined in [Section 9](#).

While each case will be assessed on the individual circumstances, where a member of staff fails to use RPE, or refuses to comply with the instructions in this SOP, the matter will be dealt with in accordance with the Disciplinary procedure [\[link\]](#).

## 12. Key Contacts

General information and guidance on the use and application of RPE can be provided by the designated divisional/business area Face-Fit Tester.

[add web link]

For guidance on the assessment of RPE risks and the development of risk assessments relating to specific activities where respiratory risks may exist, contact the Force Health & Safety Unit.

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[Redacted Section 30 (c)] @scotland.police.uk

## Compliance record

EqHRIA completion/review date: DD/MM/YYYY

Information Management Compliant: Yes/No

Health and Safety Compliant: Yes/No

## Version control table

Version	History of amendments	Approval date
1.00	Initial Approved Version.	DD/MM/YYYY

## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is taken into account when documents are reviewed.

If any officer / staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, [Force Form 066-014](#) should be used.

## Consultation - Respiratory Protective Equipment Procedure

Thank you for providing the opportunity to comment on this procedure. While it is clear from the document that Police Scotland is attempting to address its legal duty to protect the health and safety of its workforce the impact of its implementation seems to be in direct conflict with the organisations agreement to deliver the Scottish Government's Race commitment. The consultation process and the consequences of implementing the procedure also seem to conflict with the organisation's Policing Together initiative, values, purpose and vision.

The relatively short timeframe for such a significant organisational decision and the lack of any Equality and Human Rights Impact Assessment seriously limits consultee groups' ability to meaningfully contribute to certain sections. The document is incomplete in so far as numerous links to associated guidance are missing, and it is entirely unclear what evidence exists to support the imposition of a 'clean shaven' provision as a proportionate response. The document refers to 'Significant Risks' and 'extensive research' but in various areas leaves the process to be followed ambiguous or left to managers to define or provide additional guidance. If risk is so significant then surely it is appropriate to specify the response. Pg.5 - Application, referral to line managers for further guidance. Pg.8/9 - carriage of alternative PPE to be left to line managers. Pg.9 - Significant onus on user which infers the risk may not be as significant as first presented. Pg.12 - No RPE Supervisor Guidance doc supplied.

The document as presented is not clear about which audience it is aimed at. References to Police Scotland, the Scottish Police Authority, Officers, Staff and Authority Staff are inconsistently referred to throughout, and the document fails to recognise the role of the Special Constabulary. It is suggested that a review of the following sections is undertaken:

### Cover page

Introductory text refers to the National Decision Making Model which is commonly understood by officers but not Authority/Police Staff.

Pg.4 - Does a separate H&S Policy exist for the Authority? (Para 1) A contradiction exists between Standard Operating Procedure and 'guidance'. (Para 3) states it applies to Police Scotland's response to incidents but does not recognise the Authority.

- Pg.5 - Application

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- Pg.6 - PPE states responsibility for Police Scotland again and fails to recognise the role of the Authority as employer.
- Pg.13 - 'Policing Scotland' should perhaps be Police Scotland or some alternative all-encompassing terms that covers both the Service and the Authority.
- Pg.13 - Why is it Police Scotland's clean shaven requirement?

### Section 4

#### Hazard Identification and risk

Terminology used in this section states that risk assessments have been 'created' as a result of identified hazards. Surely the correct terminology is that risk assessments have been carried out to identify the hazard and mitigate the risk. The former suggest that risk assessments are a consequence of implementing the decision to be clean shaven rather than the opposite way around.

#### Hierarchy of controls

It seems odd that engineering controls are included within the control measures not possible when attending an incident. The idea of officers blindly entering situations that may present a risk is at odds with the National Decision Making Model and safe systems of work.

#### PPE Pg.7 (para4)

Replace 'protective characteristics' with protected characteristics. The introduction of PARP to the procedure is contrary to any discussions that P&D has been involved in to date. A clearer understanding of this equipment, its size, training requirements, storage and deployment is necessary before any comment can be provided as to its suitability as an alternative. The decision not to deploy officers to incidents based on a control room's assessment of hazards that may be present surely represents a public confidence issue.

### Section 6

#### Face Fitted RPE

It is this section that creates the requirement for those issued with FFP3 masks to be clean shaven and has the potential to indirectly discriminate. Section 19 of the Equality Act 2010 sets out the criteria upon which indirect discrimination claims are determined and includes the application of 'provision, criteria or practice (PCP) that

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would put someone with a protected characteristic at a disadvantage unless it can be shown that the disadvantage is a proportionate means of achieving a legitimate aim. As stated earlier it is entirely unclear what evidence exists to support the imposition of a 'clean shaven' provision or to assess whether it can be objectively justified.

The protected groups that might say they are particularly disadvantaged by this procedure are:

- Males: Male members of the workforce may say that the clean shaven requirement requires them to change their appearance against their will and restricts their personal freedom to choose how they look.
- Religious individuals: Members of the workforce of certain faiths which mandate the wearing of beards (e.g. Islam, Orthodox Judaism and Sikhism) may say that the PCP forces them to contravene their religious beliefs.
- Disabled individuals: Members of the workforce with certain disabilities (e.g. those with arthritis in their hands, certain skin conditions or facial disfigurements) may say that the clean shaven requirement is impractical and/or causes them distress.
- Gender reassigned persons: Those undergoing, or who have undergone, gender reassignment and who have grown facial hair as part of the process of aligning their physical identity with their gender identity.

It is suggested that a grammatical check is conducted on (Para 1). No link to list of testers is provided, Pg.8 (Para 2) and the section feels light on the processes that will be in place to ensure this list is appropriately maintained and updated. It is also entirely unclear what processes will be in place to ensure matters of weight loss/gain or injury will be managed particularly as some of these issues can be gradual and will require managers to have sensitive conversations of personal nature.

It should be noted that the current version (3.00) of the Uniform and Appearance Standards does not list RPE as default operational uniform. Given the requirement to have FFP3 masks fitted, and for training to be given, it seems inappropriate to issue such equipment by default, and more appropriate for it to be issued on completion of training/ certification. It is also important to note that Authority/Police staff have no policy or procedure defining dress standards and there are numerous examples of case law underpinning this.

### Face fit testing

Page 9 uses the term Police Staff continuously without recognising Police Authority Staff.

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### Face fitting process

What are the potential other reasons for failing a face fit test?

## Section 8 - Resource Management

### Operational deployment

What is the RPE Supervisor Guidance and what does it contain? It seems impractical for C3 to identify a RPE risk. Surely the best they can do is anticipate or predict! The assignment of resources based on anticipated risk has the potential to create a situation where female officers are assigned to calls rather than men and may be challenged as indirect discrimination.

### Pre-planned operation and events

Given the nature of pre-planned operations and events the procedure needs to give consideration to the Special Constabulary and its profile. Given the voluntary nature of the service, the requirement to be clean shaven will affect around 68% of the special constabulary and may reduce numbers and/or affect an individual's ability to complete the necessary duty which would qualify them for payment.

## Section 9

### Exemptions to the clean shaven requirement

It is noted that the specific feedback requested of P&D on this section has not been included in the consultation draft as per our response Wed 26/04/2023 17:52. We would reiterate that it would be helpful to have sight of the exemption form as part of consultation and details of how exemptions will be recorded, managed and monitored.

The text on review lacks specific detail to say how or who will manage this process. As police managers are transient in nature - unless this is centrally managed or is supported through technological prompt it is easy to foresee issues.

Reviews for reasonable adjustments under the modified duties process is set as quarterly. As there are cross-overs between any timescales implemented in this process to those associated with disability and modified duties it may be useful to either refer to those processes or explain why there is deviation. The text is light on how to assess applications and it is unclear what value People Partners or equality colleagues can add.

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The transfer of an individual to another post may be reasonable within the parameters of an Omni competent Officer, but the mechanics of it for Authority/Police Staff has the potential to increase complexity. As previously highlighted there is no Uniform standard for employees. While redeployment or dismissal on health and safety grounds may be permissible the implications are wide ranging. These could include:

- Potential issues around professional registration within the Forensics arena.
- Consultation requirements
- Breach of trust and confidence
- Pay protection
- Training and support

Looking at refusal - the procedure doesn't recognise that exemption may be sought at any rank. The decision making and appeals process need to take cognisance of this.

### Recruitment

The organisation recently signed up to the Scottish Government's Race commitment which seeks to remove barriers to recruitment, retention and progression. The requirement to be clean shaven is unlikely to support our efforts to deliver against this commitment or the Joint Equality Outcomes despite the existence of an exemption process. It is entirely conceivable given current media sound bites that this provision will be seen as a barrier to certain groups and grease anyone looking to present policing as a racist organisation.

The procedure is extremely light on any detail as to how this process will be managed. There are no procedures currently supporting officer recruitment however a review of procedures and practices against the Scottish Government toolkit, for staff appointments is being considered as part of work being led by the HR Policy Team. The requirement to be clean shaven in certain staff roles has not been considered as part of this work and will now have to be included within the scope.

In conclusion, this procedure seems to be in conflict with the organisation's agreement to deliver the Scottish Government's Race commitment and its Policing Together initiative. The lack of a clear audience and incomplete information in the document, along with the absence of an Equality and Human Rights Impact Assessment, limit the extent to which we can provide feedback or contribute meaningfully to the decision-making process. The lack of evidence to support the

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imposition of a clean shaven provision and the potential indirect discrimination against certain protected groups are areas of concern that need to be addressed.

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