Learning and development

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Scope of this guidance

1. This guidance is limited to police officer-related employment issues emanating from the Disability Discrimination Act (DDA) legislation, including access to learning and assessment.

2. Guidance on reasonable adjustments is contained in the companion *Best practice principles* document.

3. Note: This is not intended to cover the wider service delivery training issues, which were captured within the National Learning Requirement for 2004/05. The Police Race and Diversity Learning and Development Programme was launched in October 2005 and includes information on disability.

Terminology

4. As this guidance covers both awareness-raising and learning and development activities, it is essential that a distinction is made between the terms 'learning and development' and 'information'. Learning and development is any activity that changes behaviour.

5. Learning is measured by what an individual can do differently after a particular behaviour has been changed through a training intervention. It is marked by assessment of the change and evaluation of the outcome.

6. Learning and development includes formal didactic learning (classroom-based activities), 'distance learning' (workbooks or computer-based programmes) and development activities such as online searches (e.g. using the Disability Rights Commission (DRC) website to identify ways to increase the participation of disabled people in community consultation forums on policing issues.

7. In terms of outcomes, information is a broader, less precise activity. It may be cheaper to implement (e.g. giving advice via a newsletter), but it may be less effective as it is limited to the text provided. It could be used when the specific learning needs have not been identified. Information is generally accepted as a way to provide a snapshot or overview of a particular subject, rather than in-depth knowledge. Information may be delivered through face-to-face or remote briefing media (e.g. briefing papers, videos and intranet articles, etc), with the aim of quickly achieving a higher level of awareness of the subject. Information, although disseminated, is unlikely to be assessed or evaluated. Information giving is a relatively low-cost, unsophisticated strategy, which may be the precursor to specific training.

Who is affected?

8. These guidelines detail the key responsibilities under the Act. It is important that police authorities and managers in the Service are familiar with the Home Office guidance and the DRC's Code of Practice on Employment which was published in August 2004 and updated in 2006.

9. Staff awareness and knowledge is required to be able to implement national guidelines and fulfil the requirements of the DDA. This needs to be established and carried out at local level, in compliance with each force's strategic framework. Every member of staff needs to be aware of what the legislation requires so that the Service is prepared for the implementation of the DDA's requirements.

10. There is a particular need for line managers to be aware of their responsibility to ensure that disabled staff in their line management are not discriminated against. Managers must understand the DDA, be confident enough to make reasonable adjustments and know where to go to for additional information.

11. Roles that will be particularly affected include:

   • practitioners (in particular those who appraise and manage staff), who must fully understand their responsibilities; and

   • police authorities, chief officers, Basic Command Unit (BCU) commanders, training managers and human resources (HR) directors, who must ensure that the strategic framework is established and supported within police forces.

Recommendations

12. It is recommended that responsibility in the force or authority is taken as follows.

Chief officers will:

- identify how best practice under the DDA is to be achieved in their force;

- promote their force's commitment to best practice;

- ensure that all managers are aware of their obligations under the DDA and of the possible consequences of non-compliance;

- ensure that the Disability Equality Scheme is published within agreed timescales and is relevant to the local community; and

- prepare an action plan to ensure continued awareness of the DDA and that learning needs continue to be met.

Police authorities will:

- take a strategic oversight and monitoring role in respect of force implementation of the DDA; and

- satisfy themselves that these measures are robust, appropriate, monitored for impact and sustainable.

BCU commanders will ensure that:

- employment issues relating to the DDA are taken into account in the performance and development review (PDR) process;

- learning needs are identified and links made to individual PDR development plans;

- work-based learning and development and assessment take place as necessary and with regard for reasonable adjustment;

- there is monitoring and evaluation of learning and development in the workplace; and

- learning and development needs are linked to the force training plan.

Training managers and **HR directors** will ensure that:

- personnel are made aware of the DDA's provisions, as necessary;

- relevant and appropriate DDA content is mainstreamed into local learning and development programmes and materials; and

- learning and development programmes and materials are accessible to disabled staff, and any assessment activity is adjusted to provide fair, valid and reliable assessment of a candidate's ability. This last point is particularly important as part of work-based assessment.

Prioritisation

13. Full implementation of the DDA presents a number of challenges for the Service in terms of raising awareness among all staff. In view of the significant number of roles with different needs across the Service, a mandatory 'one size fits all' programme would not be feasible or appropriate. Instead, a blended learning approach should be adopted, using the full menu of options: formal classroom training, interactive e-learning packages, workbooks, checklists and other aids to learning, briefings, mentoring, coaching, group learning, seminars, etc.

14. The Service should take a flexible and incremental approach, targeting those most in need of learning. It is recommended that staff be prioritised within a proportionate training strategy.

    High priority roles will be handled by:

    - chief officers and senior organisational managers (who should be aware of the strategic issues);

    - police officer managers and supervisors;

    - police staff with responsibility for police officers (including HR and occupational health staff);

    - training personnel (both central and divisional, and including tutor constables);

    - assessors involved in recruitment or promotion assessment centres and workplace assessment for accreditation purposes; and

    - officers employed as competent persons who undertake risk assessments.

15. All of these individuals should, as a minimum, know and understand the content of this document and any other detailed guidance.

16. Ongoing learning and development needs should be identified and provision made to satisfy them where appropriate.

Learning and development needs of disabled staff

17. Priority should be given to the learning needs of people in training roles, because their role is critical for facilitating and addressing organisational learning and development.

18. Trainers need to have enough knowledge and skill to adapt existing training programmes and materials to incorporate the requirements of the DDA. The content of all learning and development activities or events (including those provided by external trainers) must be accessible to disabled participants. The 'Access to learning and assessment' section in Centrex's *Models for Learning* is helpful in this respect (www.ncalt.com/documents/modelsforlearning).

19. Priority should be given to the learning needs of line managers who will be particularly affected by the changes in the employment provisions. Many managers will already understand their responsibilities under the DDA because it has applied to police staff for a number of years. Consideration of its implications for and application to disabled police officers should be an extension of that process, although it is inevitable that this may present some challenges as new and unfamiliar circumstances will arise.

20. The main thrust of the legislation involves making 'reasonable adjustments'. Adjustments must be considered in the physical environment (employer's premises) for a provision, criterion or practice that is applied by or on behalf of the employer to ensure that it does not place a disabled person at a substantial disadvantage in comparison with people who are not disabled. Every set of circumstances should be considered on its own merits, which means managers will need to think laterally and creatively, taking the best advice available.

21. Line managers should identify their own learning and development needs in the light of local circumstances and discuss these needs with their own managers as part of the PDR process. Some training

suppliers provide specialist training, which should be considered for complex training needs.

22. At every level of the organisation, it is the responsibility of everyone with a supervisory role to ensure that learning needs, especially of those being supervised, are identified and addressed and that performance is monitored and reported through the PDR process.

23. Forces must engender a positive attitude to disability among all officers, which may require disability training. Disability learning can be developed through individual and/or team 'action plans', to ensure transference into the workplace with the aim of a positive impact on organisational practice.

24. Formal training is not the only solution. Staff can learn from disabled colleagues, members of the public, disability community groups, disabled staff associations and/or independent advisory groups.

25. Most forces have developed a first contact support scheme for disabled staff and their managers. Some forces are members of the National Police Disability Association or Police Disability Network (Employers' Forum on Disability (EFD)), or have local disabled staff associations, all of which provide forces with opportunities for consultation.

26. Other sources of advice include disability representative bodies, including the Royal National Institute for the Blind (www.rnib.org.uk), and the DRC website (www.drc-gb.org).

27. Delivery of localised training on very specific issues may be considered (e.g. if a work team has a member with a hearing impairment). The whole team could benefit from receiving awareness training on hearing impairments and/or practical skills training for use of basic British Sign Language. This can alleviate barriers experienced by both disabled and non-disabled people in the work team. Every case for training must be assessed on its own merit and the views of disabled staff sought before a decision is made.

Other issues

28. The statutory right not to be discriminated against on grounds of disability in employment applies to training, and covers all learning and development opportunities. Disabled people have the right to reasonable and appropriate access to learning programmes and career development opportunities. Reasonable adjustments include additional training, mentoring, extra reading time, preparing handouts in large print or on audio tape/disk and finding an alternative venue for didactic training.

29. The EFD supports employers and their disabled members of staff and provides guidance on issues relating to venues, resources, materials, visual aids, mode of delivery, etc. The EFD supports a dedicated police network. The EFD website is at: www.employers-forum.co.uk.

30. The content of courses and associated materials for management and staff training should be as set out in the guidance provided by the Home Office. Because the DDA is complex, care has been taken to ensure that the content is factually and legally correct.

31. The EFD has suggested that "for disability training, disabled trainers tend to be more persuasive communicators than their non-disabled counterparts" (EFD, *Promoting Change*, 2002). Training managers may wish to consider this when allocating trainers to training programmes.

32. A report published by the Disability Rights Commission (DRC) in March 2004 concluded that the biggest barrier to change in services is attitudes, perceptions and assumptions. When devising learning programmes, elements looking at cultural change in the organisation and the actual practicalities of implementing the DDA are recommended.

33. The DRC report goes on to state that: 'Service training strategies must ensure that every level and area of staff is trained. It should not just be seen as an HR issue.' (See www.drc-gb.org)

34. The report further recommends that the following points are included, understood and recognised:

- the social model of disability (i.e. concentrating on any impairment rather than the legal definition of whether someone is 'disabled');

- that people are seen for what they can do as opposed to what they cannot do;

- that disabled people often face barriers because of how individuals and institutions respond to them or fail to respond to their needs;

- that disabled people make a positive contribution to society, and the positive contribution that disabled serving officers make should be recognised;

- that disabled officers can often 'do the job' with reasonable adjustments and that they are not a burden to the Service or the team;

- what being disabled means and that being identified as disabled is not a negative stereotype; and

- 'disability etiquette', i.e. how to interact with disabled people.

Monitoring and evaluation

35. Identifying the initial development needs and subsequently evaluating the effectiveness of the learning solution for improved performance in the workplace are the responsibility of the organisation (i.e. the Police Service).

36. Training should be evaluated using the National Evaluation Strategy (NES), and evaluation processes should be incorporated into the training from the outset. The NES is supported by the *Models for Learning* guidelines, which are published by Centrex and are available at: www.ncalt.com/documents/modelsforlearning.

37. Disabled staff should be used as a resource in all aspects of the learning cycle, including design and evaluation of the impact of the training.

Resources

Training activity

38. An informal survey of forces conducted by the Association of Chief Police Officers (ACPO) found that:

    - training activities which aim to further knowledge and skills in managing and supporting disability were patchy;

    - some disability equality training had been delivered as part of wider diversity packages, but with only a limited focus on employment;

    - some training had been delivered before and had been largely forgotten;

    - any specific training on the DDA appeared to have been limited to HR staff and senior managers; and

    - some localised awareness training on particular disabilities (e.g. dyslexia and hearing impairments) and their impact on service delivery had been provided.

39. ACPO acknowledged and gave credit to forces for ensuring that much of the training provided had been designed and delivered entirely by, or in collaboration with, external disability specialists.

40. ACPO considered that insufficient guidance and training was in place to meet the emerging needs of the Service and that further work, including a national learning and development strategy, is required to enhance the understanding of these needs and to meet them throughout all levels of the Service.

Learning and development package

41. Training is one option to meet the identified needs, although it cannot be through a 'one size fits all' product. An audit and an update of all learning and development activities are needed to ensure that all disability issues are appropriately covered, with a particular focus on training at 'entry' level, (e.g. probationer constable), managerial level (e.g. sergeant, inspector and police staff manager) and strategic level (e.g. BCU command team).

42. The Police Race and Diversity Learning and Development Programme was developed by Centrex. This links the National Occupational Standards with the PDR process and is available through the National Centre for Applied Learning Technologies (NCALT) Managed Learning Environment (MLE).

43. This e-learning programme has supporting workbooks, which provide forces with material that can be contextualised to meet local needs. The training package should contain the following elements:

- guidance on workshop support, trainer notes and delivery options;

- quality assurance that leads to a 'fit for purpose' end;

- compatibility with the broader framework for the delivery of diversity training;

- the means and a strategy for regular review and update of content; and

- involvement of disabled people in all aspects of the design process.

Appraisal and the PDR

44. Disabled staff will be assessed with due regard to their disability. Guidance on appraisal is set out in HOC 14/2003, *Performance and Development Reviews*, February 2003 and 37/2003, *Addendum to 14/2003*, July 2003.

45. Performance assessment is an ongoing process. For any employee it is important that the manager ensures that working practices and the workplace environment are as conducive to effective performance as possible. For a disabled officer, a reasonable adjustment may be necessary to remove any substantial disadvantage.

46. A PDR includes a development plan as an integral component. Disabled officers must have reasonable and appropriate access to training programmes and career development opportunities. Assessment must be made against activities and behaviours set out in the role profile in order to ensure that officers are assessed against their actual role. This will allow the identification of any gaps in performance, leading to a more focused development plan. For disabled officers, their role profile or job description should reflect any restrictions they may have, and any PDR assessment should be set against that specific role profile. Furthermore, when selecting those activities to include for assessment (see para. 27, HOC 14/2003), the selection must not place any disabled officer at a disadvantage.

47. If performance is deemed unsatisfactory, a suitable mechanism should be in place to help officers and managers identify whether the underperformance is due to a disability. If so, a reasonable adjustment may need to be considered.

> A force's annual appraisal system provides a specific opportunity for officers to notify their line manager in confidence if they are disabled and are put at a substantial disadvantage by the force's working arrangements or premises. This gives the line manager the opportunity to find out if the officer requires reasonable adjustments, although it does not mean that the force should not consider reasonable adjustments for an officer at other times of the year.

48. Forces need a robust and fair process to ensure that they do not penalise officers for conduct that is a result of their disability, especially where adjustments to assist the officer have not been made.

49. Forces should ensure that suitable support mechanisms are in place for officers to be able to discuss issues regarding their disability and reasonable adjustments with their line manager, occupational health staff, associations and support groups.

50. Any absence from work due to a disability requires extra care to ensure that any action does not lead to unlawful discrimination. Once it has been accepted that the absence is due to a disability, forces should consider whether to make a reasonable adjustment by discounting the absences. The guidance on serving officers gives further advice on discounting disability-related absence.

51. In accordance with HOC 14/2003 (para. 27), the PDR must use a three-score rating – exceptional, competent, or not yet competent – as follows:

- **Exceptional** – A staff member who consistently exceeds the standards described within a specific activity or the indicators described for behaviour. For example, the person would consistently take a lead on the activity, or act as a role model.

- **Competent** – An appraisee who consistently performs to the standards described within a specific activity or the indicators described for a behaviour.

- **Not yet competent** – A member of staff who is not yet consistently performing to the standards described within a specific activity or the indicators described for behaviour. Development may be required if the person is new to their role or has undertaken additional activities. In some circumstances, this rating may apply to someone who is not performing despite development opportunities.

52. Where an officer is not performing to the required standard, the reasons for this underperformance must be examined. The line manager should discuss the matter with the officer and highlight any relevant areas for development. These will specifically relate to the role the officer is currently performing, and development actions should be clearly outlined on the PDR form, with timescales wherever possible.

53. If the underperformance is due to a disability, a reasonable adjustment should be considered to the work and/or the workplace environment. Additional training may be required for the officer and/or their colleagues, and adjustments may need to be made to the role or the role may not be suitable. Each case must be treated on its merits, and advice should be sought from the force's HR department and other competent persons on workplace assessments, training availability and/or other available assistance. Any adjustments made should be achieved through a joint approach between the individual (and their representative, if applicable), the line manager and force HR departments.

54. Once any reasonable adjustments have been made, it is reasonable to expect performance to be to the required standard.

Meeting the wider needs of the Service

55. A comprehensive Disability Learning Requirement covering all aspects of managing disability, including service delivery issues, was submitted to Centrex and has been implemented in full as part of the Police Race and Diversity Learning and Development Programme. 'Disability' is included in all stages of the training, including probationer training.

56. The DDA has been incorporated into the diversity and professional practice module of the Core Leadership Development Programme.

57. The content of that programme was strengthened for the DDA and includes disability awareness for sergeants and inspectors. The module is role-based and is founded on the National Occupational Standards and the Integrated Competency Framework. This is also available as an e-learning product on the NCALT MLE.