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PRESS RELEASE

Officer settles discrimination case against PSNI for £11,250

The Police Service of Northern Ireland has settled, without admission of liability, a case brought by a female police officer alleging disability and sex discrimination. The PSNI has also reviewed its guidance on attendance management which specifically addresses issues which arose from the case.

The PSNI Constable took her case, with the support of the Equality Commission, as a result of her treatment on her return to work in April 2014 after maternity leave and a period of sick leave due to a disability caused by conditions which were pregnancy related.

The officer was given restricted duties on her return to work and called to appear before an all-male Attendance Management Panel, which delivered an informal warning for unsustainable absence. When she appealed this finding, it was rescinded and, as the panel was considering gender specific medical conditions, it was directed that a new, gender-mixed panel be convened.

The second panel, which did not convene for five months, also concluded that her attendance was unsatisfactory and issued an informal note of concern. This was to remain live for a two year period, and limited her options in relation to applying for promotion or specialist appointments for a period.

In settling the case, the PSNI has paid the officer £11,250, expunged the note of concern from her personnel record, granted full mitigation for the relevant period of her absence, and adjusted her records and her duties to take account of her disability.

The officer said: "This was an extremely difficult and stressful time for me and the way I was treated when I returned to work made it much worse. I am pleased that the PSNI has acknowledged the effect this had on me and has now acted to now restore my position within the Service. I hope that this will lead to other officers who are faced with such difficulties being treated better by the organisation in future."

Eileen Lavery, Head of Advice, Compliance and Legal at the Equality Commission, said: “The PSNI, like all employers, has a responsibility to make reasonable adjustments for employees who have a disability. Coping with ill health immediately after the birth of a child can be a very difficult experience and it is important that employers make all necessary arrangements to enable a returning member of staff resume her duties and career.”

“In this case, the PSNI agreed to meet with the Equality Commission to review its policies practices and procedures and to consider recommendations the Commission might make.”

The Commission has met with the PSNI, which is currently reviewing its Attendance Management Guidance. The new Guidance has a dedicated section dealing specifically with the Disability Discrimination Act (DDA) and its application to the attendance management process. There are central filters in place to ensure that pregnancy related absence, which is protected by statute, is not considered as part of the attendance management process. The new process will be more tightly controlled, with a reduced number of panels at a higher level and will be supported in its initial stages by HR consultants who can give specialist advice on any DDA considerations.

“The Commission is pleased that the PSNI has put these changes in place, and hopefully they will help ensure that similar problems do not arise for other officers,” Eileen Lavery said. The Commission supports people in taking cases like this, not just to ensure that their individual rights are vindicated, but to help change practices more generally. We work with employers, both large and small, to review their policies and procedures and focus on areas where improvements can be made.”