

Guidance on the wearing of the Kirpan in mental health settings
produced by



UK Sikh Healthcare Chaplaincy Group

This guidance is divided into two parts. The first relates to the practices of Chaplains visiting patients, the second refers to resources when looking at patient needs.

The wearing of the Kirpan by the visiting Sikh Chaplain

We have found that in most situations the chaplaincy departments are able to resolve a suitable position in response to both the safety procedures and also the rights of the Sikh Chaplain to be allowed to wear the Kirpan. This should be done by undertaking a consultation process with the chaplain concerned.

In the majority of cases, one or more of the following solutions have been applied.

1. The Chaplain has agreed to wear the Kirpan under clothing so that it would not be visible to the patient. It would involve the tearing of garments to gain access to the Kirpan. i.e. the Kirpan is worn under either a jacket or other item of clothing which would require significant force to obtain access. Whilst this is not the normal practice of wearing the Kirpan, we would further advise that it could be worn under several garments, such a t-shirt, shirt and jumper to ensure that its access is restricted.
2. The chaplain does not sit or come into direct contact with the patient, therefore minimising the risk of the patient gaining access to any articles of faith that they maybe wearing.
3. The chaplain is at all times accompanied by other staff who can ensure that should any attempt be made for the kirpan, they can restrain the patient.

Examples in practice

The Kirpan is worn both in prison settings, both medium and maximum facilities, by visiting Sikh chaplains. Guidelines like the above are adhered to in such settings where appropriate.

To date, there has not been any recorded instances to our knowledge where the Kirpan has been either forcibly obtained by another.

In **Dhinsa v Serco** & another (ET/1315002/09) the court held that the exemption given to prison chaplains on wearing the kirpan was proportionate even though different rules existed for prisoners and staff. The roles were clearly distinguished.

Resolution

In issues were the healthcare provider and the chaplain are unable to resolve the issue the UK Sikh healthcare chaplaincy group provides a conciliatory service to arbitrate for the best solution related to individual cases.

We normally ask that the healthcare provider objecting to the above solutions do so in writing with why they are not deemed to be appropriate. We then will hold either by phone or in person depending on the location a meeting facilitate a solution.

The wearing of the Kirpan for Sikh Patients in mental healthcare settings

The UK Sikh Healthcare Chaplaincy group advises that healthcare professionals read the guidance set out in the following two publications. Each case should be judged on its merits, and wherever possible, in consultation with family members.

Caring for Sikh patients wearing a *kirpan* (traditional small sword): cultural sensitivity and safety issues

Downloadable at <http://pb.rcpsych.org/cgi/content/full/28/3/93>

Sikh Articles of faith guidance from the Equality and Human rights commission

Downloadable at

http://www.equalityhumanrights.com/uploaded_files/publications/sikh_articles_of_faith_guidance_final.pdf