

Employment of Firefighters on the Retained Duty System as Police Community Support Officers

Report of the Chief Fire Officer

For further information about this report please contact Alan Taylor, Chief Fire Officer, on 01743 260201 or Lisa Vickers, Human Resources Manager, on 01743 260211.

1 Purpose of Report

To ask Members to decide whether they wish to allow Firefighters on the retained duty system (RDS) also to be employed as Police Community Support Officers (PCSOs)

2 Recommendations

The Human Resources Committee is asked to decide:

- a) Subject to the agreement of the relevant Chief Constable / Police Authority, whether an RDS Firefighter be allowed to be employed as a PCSO;
- b) What action, if any, it wishes officers to take following the response from West Mercia Constabulary (attached as an appendix to this report);
- c) Whether officers seek Counsel's opinion on the matter at an approximate cost of £1,500; and
- d) That recommendations be made to the Fire Authority accordingly.

3 Background

A current RDS Firefighter has informed Shropshire Fire and Rescue Service that he has commenced employment as a PCSO and has sought guidance as to whether this is an issue.



Fire and Rescue Services Act Circular 38-2004 issued 21 September 2004 states:

“Section 37 maintains the longstanding prohibition on the employment by a FRA (Fire and Rescue Authority) of a member of a police force. However this prohibition applies only to warranted officers (e.g. Constables) and therefore does not extend to special community support officers or other support staff”.

It was necessary to take professional and legal advice in relation to the Fire and Rescue Services Act 2004 (section 37) regarding the employment of an existing Firefighter on the retained duty system as a Police Community Support Officer.

Communities and Local Government have taken advice from the National Policing Improvement Agency. We understand that they have responded to the effect that Community Support Officers are police authority support staff (they are not regular members of the 'police force') and their terms and conditions are set locally by each individual police authority. Their advice is that, if a PCSO wants to become an RDS firefighter, they would have to check with both their local Police Authority and Fire Authority. They have also stated that, in the case of Special Constables, the situation is, as yet, unclear and they are still in discussions over this.

Officers have written to the Chief Constable of West Mercia Police to seek his Authority's opinion on the matter. The response received from the Head of Personnel Services at West Mercia Constabulary on behalf of the Chief Constable (attached at the appendix to this report) states:

“in my view any member of the Police Service including Community Support Officers cannot be employed as retained firefighters”.

4 Financial Implications

There are no direct financial implications arising from this report.

5 Legal Comment

There is a statutory prohibition on the employment of a member of the police force for the purpose of the discharge of the functions of Shropshire Fire and Rescue Service (section 37 of The Fire and Rescue Services Act 2004). It is arguable that Community Support Officers are police authority support staff and, therefore, not regular members of the Police Force, but this is not free from doubt. Until clarification of this issue has been obtained the Service could be acting contrary to law, if it were to employ an RDS Firefighter, who is also employed as a Community Support Officer. Interestingly, such a CSO would also be acting contrary to the views of his Chief Constable.



6 Equality Impact Assessment

An Initial Equality Impact Assessment has been completed and is attached to this report.

7 Appendix

Response from West Mercia Constabulary 15 November 2007

8 Background Papers

Her Majesty's Government

Fire and Rescue Services Act 2004

Fire and Rescue Services Act Circular 38-2004 issued 21 September 2004

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity	*	Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	*
Efficiency Savings		Retained	*
Environmental		Risk and Insurance	
Financial		Staff	*
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*





Shropshire Fire & Rescue Service EQIA number

Initial Equality Impact Assessment Form

Directorate	Human Resources	Department/ Section	HR
Name of officer	Lisa Vickers	Job title	HRM
Name of Policy/Service to be assessed	Employing PCSO as Firefighters on the RDS	Date of assessment	20 November 2007
New or existing policy	N / E		

1. Briefly describe the aims, objectives and purpose of the policy/service	To consider whether a Firefighter on the RDS can be employed as a Police Community Support Officer.		
2. Are there any associated objectives of the policy/service?	Nil		
3. Who is intended to benefit from the policy/service and in what way?	Firefighters who wish to work as Police Community Support officers		
4. What outcomes are wanted from this policy/service?	A decision as to whether SFRS will allow a FF to be employed as a PCSO		
5. Who are the main stakeholders in relation to the policy/service?	SFRS employees		
6. Who implements the policy/service and who is responsible for this?	As required if agreed		
7. Are there any concerns that this policy/service could have a differential impact on the following groups and what existing evidence do you have for this? Yes or No, please detail in boxes below.			
8. Age	Y	N	n
9. Disability	Y	N	n
10. Gender	Y	N	n



11. Race	Y	N	n
12. Religion or belief	Y	N	n
13. Sexual orientation	Y	N	n
14. Dependant/caring responsibilities	Y	N	n
15. Could the differential impact identified in 7-14 amount to there being the potential for adverse impact in this policy/service?	Y	N	n/a
16. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or another reason?	Y	N	n/a
17. Have you consulted those who are likely to be affected by the policy/service?	Y	N	West Mercia Constabulary.
18. Should the policy proceed to a full impact assessment?	Y	N	n
19. Date by which full impact assessment to be completed			
20. Reason for non completion			

I am satisfied that this policy has been successfully impact assessed.

I understand the Impact Assessment of this policy is a statutory obligation and that, as owners of this policy, we take responsibility for the completion and quality of this process.

Signed: (Assessing person)	Lisa Vickers	Date:	20/11/07
Signed: (Line Manager)		Date:	
Please note that this impact assessment will be scrutinised by the E&D Officer			



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15th November 2007

Our Ref: JGS / RW

Any queries please contact Jim SPENCE on Ext. 2400

20 NOV 2007

Alan Taylor
Chief Fire Officer
Shropshire and Wrekin Fire Authority
Brigade Headquarters
St Michael's Street
Shrewsbury
SY1 2HJ

Dear Mr Taylor

Re: PCSO as Retained Duty System Firefighter

Thank you for your letter for the attention of Chief Constable Paul West dated 3rd October, I am replying on his behalf.

The Fire and Rescue Services Act 2004 states in paragraph 37 that *"no member of a police force may be employed by a fire and rescue authority for the purpose of discharging any of the authority's functions under this Act"*.

Therefore, in my view, any member of the Police Service including Community Support Officers cannot be employed as Retained Firefighters.

If you have any queries with regards to the above please do not hesitate to contact me.

Yours sincerely



James Spence
Head of Personnel Services



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