

Employment of Members of Police Forces by Fire and Rescue Authorities

Report of the Chief Fire Officer

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1 Purpose of Report

To bring to the attention of the Human Resources Committee the recently issued Fire Service Circular 62/2009, which provides advice regarding the employment of Police Special Constables and Police Community Support Officers as Retained Duty System firefighters

2 Recommendations

The Committee is asked to note the contents of the report.

3 Background

In 2008 the Human Resources Committee were made aware of a situation that the Fire and Rescue Services Act 2004 maintained a longstanding prohibition whereby a member of a Police Force may not be employed by a Fire and Rescue Authority.

The matter came to light when a Retained Duty System (RDS) employee sought employment as a Police Community Support Officer. With support from the Committee and after seeking legal advice, advice from Communities and Local Government and from the National Policing Improvement Agency, the matter was resolved through both the Chief Fire Officer and Chief Constable considering the matter and approving that particular request.

4 Detail

Communities and Local Government have since received queries from other Fire and Rescue Services regarding the employment of Special Constables and Police Community Support officers as RDS firefighters and vice versa. In response Fire Service Circular 62/2009 (attached as an Appendix to this report) was issued on 9 October 2009.

Special Constables

In summary the Circular provides clarification as to the legal definitions of the key phrase related to the determination, namely “member of a police force”, and states that, whilst a Special Constable is a warranted and attested officer, they are not deemed to be members of the ‘police force’ and are not covered by the definition within the Police Act 1996. There is, therefore, no restriction on their working as a Retained or Wholetime Duty System firefighter, as long as there is agreement from both the relevant Chief Fire Officer and Chief Constable.

Police Community Support Officers

These officers are designated as police authority support staff and not defined as regular members of a ‘police force’. As with Special Constables, there is, therefore, no restriction on their working as a Retained Duty System firefighter or vice versa, as long as there is agreement from both the relevant Chief Fire Officer and Chief Constable.

This clarification supports the resolution reached locally and the guidance will be used for future reference for both employees and their representative bodies.

5 Financial Implications

There are no financial implications arising from this report.

6 Legal Comment

This report covers the legal implications of the Circular and there is, therefore, nothing more to add.

7 Equality Impact Assessment

This report describes the guidance relating to a legal matter within a Fire Service Circular issued by Communities and Local Government and, therefore, an Equality Impact Assessment is not required.

8 Appendix

Communities and Local Government Fire Service Circular 62/2009

9 Background Papers

There are no background papers associated with this report.

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	