

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 Louise McKenzie, Assistant Chief Officer on 01743 260205.

1 Purpose of Report:

To update the Human Resources Committee on the recent resolution of the issue of Retained Duty System (RDS) firefighters working as Police Community Support Officers (PCSOs).

2 Recommendations

The Human Resources Committee is asked to:

- a) Note the updated position of West Mercia Police as described within the report;
- b) Recommend that the Fire Authority agrees to the employment of Retained Duty System firefighters as Police Community Support Officers and vice versa; and
- c) Agree that Officers further explore the opportunities for mutual practical support for Police Community Support Officers in rural Shropshire.

3 Background

The Human Resources Committee received a report at their meeting on 6 December 2007 regarding the employment of Retained Duty System firefighters as Police Community Support Officers. At the time Officers had been in correspondence with the Chief Constable without resolution and Members asked Officers to raise the matter again with the Police Authority to try to seek a resolution.

4 Resolution

Since the December meeting we have received verbal confirmation from the Chief Constable that, having further researched and reviewed the matter, West Mercia Police are fully supportive of employees working in both PCSO and RDS roles simultaneously. We have requested written confirmation of West Mercia's position from the Chief Constable. The Chief Constable and the Chief Fire Officer have also discussed the potential for further mutual support in this area e.g. sharing facilities in rural areas and with Members approval this will be further explored.

The benefits of a positive approach to this matter by both the Police and Fire Authority will benefit rural communities across Shropshire. There are currently two Shropshire based RDS firefighters working as PCSOs who will now be able to continue their employment in both roles meaning that they retain their important community roles and that both the Police and Fire Authority will benefit from strong links created with staff working in both Authorities.

The Human Resources Committee is therefore requested to formally recommend to the Fire Authority that, on condition of receipt of written confirmation from West Mercia Police, it endorses the simultaneous employment of PCSOs as RDS firefighters and vice versa.

5 Financial Implications

There are no direct financial implications arising from this report.

6 Legal Comment

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

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

"Section 37 maintains the long standing prohibition on the employment by a FRS of a member of the police force; however this prohibition applies only to warranted officers (e.g. constables) and does not extend to special community support officers or other staff".

The Chief Constable of West Mercia Police and the Chief Fire Officer are in agreement that employees may work in both PCSO and RDS roles simultaneously subject to approval given under Brigade Order Personnel No 3, Part 8 Outside Employment.

Under the Working Time Regulations, the Fire Authority has an obligation to take all reasonable steps to ensure that workers do not exceed an average of 48 working hours per week.

7 Equality Impact Assessment

This matter has previously come before the Human Resources Committee and an Initial Equality Impact Assessment was completed at that time. Therefore an Initial Equality Impact Assessment has not been completed for this report.

8 Appendices

There are no appendices attached to this report.

9 Background Papers

Human Resources Committee

6 December 2007, Paper 8 - Employment of Firefighters on the Retained Duty System as Police Community Support Officers

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	*