



Office of the Police and Crime

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Rt Hon Suella Braverman KC MP
Home Secretary
2 Marsham Street
London
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25th May 2023

Dear Home Secretary

HMICFRS Report: Values and culture in fire and rescue services.

Under Section 55(5) of the Police Act 1996, as Police and Crime Commissioner I am pleased to provide my formal response to the police recommendation raised within the report by HMICFRS entitled 'Values and culture in fire and rescue services.'

Both the Chief Constable and I welcome the publication of this report.

HMICFRS have set several additional recommendations for the Fire & Rescue Service to achieve, which in the long term will interlink with Recommendation 10 of this report, a recommendation which states that the Chief Constable should make sure they are appropriately using their Common Law Police Disclosure (CLPD) powers in circumstances involving employees of fire and rescue services. This relates to background checks of fire and rescue service staff, which need to improve to reduce risk of harm to both staff and the public.

The Chief Constable has provided a comprehensive response to the recommendation. This is shown at Appendix 1, to my response.

I welcome the response provided by the Chief Constable to Recommendation 10. I have noted the role played by the Information Management team in the delivery of this recommendation. I am particularly pleased to see that they are in the process of developing and implementing an awareness campaign about CLPD for staff, with an initial focus upon staff within custody suites. I have also noted the concerns about demands but take reassurance that Information Management consider that they would have sufficient capacity to manage an increase in demand based on a consistent feed of applications.

Finally, I acknowledge that until the Fire & Rescue Service determine nationally how they will respond to and implement all the recommendations within the report, it is difficult to determine or assess what impact or increase in demand this may have within the Information Management team in the long term.

I hope this response, and that of the Chief Constable, provides reassurance regarding the commitment of both myself and Cambridgeshire Constabulary to Recommendation 10 of the HMICFRS report into Values and culture in fire and rescue services.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Darryl Preston', with a stylized, cursive script.

Darryl Preston

Police and Crime Commissioner for Cambridgeshire and Peterborough

Enc - Appendix 1 – Cambridgeshire Constabulary's response to HMICFRS report 'Values and culture in fire and rescue services.'

Cambridgeshire Constabulary's response to HMICFRS report 'Values and culture in fire and rescue services.'

Recommendations:

Recommendation 10

By 1 September 2023, chief constables should make sure they are appropriately using their Common Law Police Disclosure powers in circumstances involving employees of fire and rescue services.

Force response:

This recommendation relates to background checks of fire and rescue service staff, which need to improve to reduce risk of harm to both staff and the public. FRS employees hold positions of trust, especially given the role of the firefighter in prevention and protection activities. The service having a duty to make sure that its staff and volunteers are equipped and trained to support and carry out their safeguarding work.

As such the FRS needs to ensure that robust and rigorous checks are in place to make sure staff are suitable for their jobs and to meet their legal obligation to have appropriate safeguarding arrangements in place. Those duties are underpinned by the standards set out in section 11 of the Children Act 2004 and sections 42 to 46 of the Care Act 2014.

HMICFRS said there are no consistent standards for FRSs to follow in relation to background checks, and there are no specific legal obligations for fire and rescue services/authorities to conduct particular checks on new or existing staff. Therefore, despite the above obligations, it is for authorities to decide if and how they conduct any background checks before appointing staff and greater consistency of approach is needed.

HMICFRS have set a number of additional recommendations for the Fire & Rescue Service to achieve this, which in the long terms will interlink with recommendation 10 for Chief Constables.

Common Law Police Disclosure (CLPD) & enhanced DBS check Processes

The Constabulary already meets the recommendation as currently set out through DBS and Common Law Police Disclosure (CLPD) processes and existing arrangements.

Responsibility for completing the checks is managed across BCH by the Information Management Team. The DBS sets the eligibility criteria and offers four types of checks:

- Basic – there is no eligibility criteria and provides unspent convictions and cautions held on the PNC.
- Standard – the criteria is set via the Rehabilitation of Offenders Act Exception Order. This would include Barristers for example and NHS workers who have no contact with patients. This provides spent and unspent convictions and cautions held on the PNC.

The Police Service is not involved in either the Basic or Standard Checks.

- Enhanced – the criteria are for those who have unsupervised and unrestricted access to children and or vulnerable adults through their employment or voluntary work. This provides spent and unspent convictions and cautions held on the PNC and Police Intelligence systems.
- Enhanced + a check on the Barring List – the same as an Enhanced but a check on the Barring List with those who work in Regulated Activity.

The DBS, based in Liverpool, co-ordinate nationally applications for Enhanced checks from the applicant, the Registered Body or employer.

Using the details provided in the application the DBS checks the PNC and the Police Local exchange (PLX) from which forces feed locally held information to the DBS. This locally held information relates to Investigations, Crimes, Custody, Intelligence

and Case Prep. The PLX feed from Athena is weekly. BCH legacy systems is a static database and was last uploaded in 2018, post Athena going live.

The DBS undertakes a search of the information passed through via the PLX, if there is a 'hit' on any of these then the DBS sends a notification to all the Police Forces that have a 'hit'. In 2022-23 BCH received approximately 109,000 'hits'.

If there is no 'hit' for an Enhanced check, we are not sent a notification.

Information Management, service the application reviewing all relevant information to decide whether or not we need to make a disclosure, using the National DBS Quality Assurance Framework (QAF) within the decision making.

Part V Police Act 1997 provides the Chief Officer with the Authority to disclose information on the Certificate they deem "relevant to the application" and a notification is sent to the DBS Team, who consider the information and determine if a disclosure is necessary.

The Constabulary returns the completed checks to DBS. Where required the DBS will make referral to the "barring" side of the DBS to consider barring the individual from working with the vulnerable people.

CLPD provides the authority for the Police to provide information directly to an employer or statutory body to take immediate action to manage risks presented by an employee or voluntary worker to the general public through their employment or voluntary work.

On Athena within custody there is a mandatory question to ask the detainee about their employment / voluntary work. Should the answer to that question be 'Yes' an automatic notification is sent to the DBS Team who then consider the information and decide if a disclosure is necessary.

There are weaknesses within the structures and processes, because it's very much dependent on the information disclosed by the detainee. As such Custody staff can only enter information onto Athena that they advised by the detainee.

Where a person is arrested, should they not provide an accurate answer about their employment a notification would not be sent, and the checks not made. If, however we find out subsequently they work for the FRS consideration can be given to making a disclosure.

The Information Management team will be delivering an awareness campaign about CLPD for staff highlighting the need to capture voluntary attendees and intelligence, this will be commenced within our custody suites.

The Constabulary does not track or monitor individual occupations or organisation details from the applications received, albeit we do retain a copy of the information provided to us.

Although data on the number of applications involving FRS staff is not known or tracked. Based on current demand and processes the Constabulary is able to meet the requirements of the recommendation and the majority of all applications are responded to within the 60-day turnaround time frame.

The Head of DBS, estimates, if the three Fire Services across BCH submitted applications to have all staff checked at the same time. Based on the current arrangements, criteria and operating processes, the team would not be able to meet the 60-day turnaround time which is a National Service Level agreement between Police and DBs caused by the spike in demand. We would however have sufficient capacity to manage an increase in demand based on a consistent feed of applications.

Until the Fire & Rescue Service determine nationally how they will respond to and implement all the recommendations within the report, it is difficult to determine or assess what impact or increase in demand this may have within the Information Management team in the long term.