



OPCC

Office of the Police &
Crime Commissioner
for Gloucestershire

04 May 2023

Values and culture in fire and rescue services

I welcome this report from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) into values and culture in Fire and Rescue Services and the relevant recommendation for the police:

Recommendation 10

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

I welcome the work outlined by T/ACC Ocone that has already been completed by the Constabulary regarding this recommendation and support the Force response to the report.

Chris Nelson

Gloucestershire Police and Crime Commissioner

Gloucestershire Constabulary

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To Ruth Greenwood
Chief Exec to OPCC

Our Ref: T/ACC Richard Ocone

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Ruth.Greenwood@gloucestershire.police.uk

Email:

Richard.Ocone@gloucestershire.police.uk

Date:

19 April 2023

Dear Ruth

Re: Values and culture in fire and rescue services

Please find below our response to the above report, aimed at assisting you to meet the requirements of Section 55(1) of the Police Act 1996.

Whilst the report relates to the Fire and Rescue Service (FRS), it makes one recommendation for the police service:

Recommendation 10

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

In March 2023 the constabulary circulated information to officers in relation to the CLPD scheme. The guidance explains that the provisions relate to the circumstances in which the police use common law powers to disclose police information in order to enable a third party to consider risk mitigation measures in respect of an employment or voluntary role believed to be undertaken by an individual. It explains that where officers identify, in the course of an investigation or other policing activity, a significant risk where there is an urgent or pressing social need, under CLPD they can consider making a disclosure to the regulatory body or employer. This guidance relates to any occupation, including members of the FRS, where a risk has been identified.

In support of our response to this recommendation, clarification has also been sought from the national lead. Their view is that FRS personnel are currently covered irrespective of whether or not their specific role is one that would provide eligibility to an enhanced criminal record certificate, but any disclosure must satisfy the high threshold for disclosure which is equivalent to that imposed by S113B(4) of the Police Act 1997.

The only blanket disclosure permitted under the CLPD provisions is that of armed services personnel and they would not look to apply a blanket disclosure for all FRS employees. Their assessment of the recommendation is that the key word in the recommendation is "appropriately", and in that regard there is no change in processes required, other than refreshing awareness to officers of the consideration to make a disclosure under common law powers should a member of FRS be either arrested, or under investigation for a recordable offence.

In support of the guidance issued a CLPD Policy and Disclosure Risk Assessment form have been published, which assists officers in their decision making as to whether or not a disclosure needs to be made. The guidance, policy and risk assessment form are available on the Constabulary's internet pages.

Yours sincerely,



Richard Ocone

T/Assistant Chief Constable 252434

Operations

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