



Home Office



Ministry
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Right Honourable Dame Diana Johnson MP
Chair of the Home Affairs Committee
House of Commons
London
SW1A 0AA

24 April 2023

Dear Diana,

Fire and Rescue Service Integrity

We are writing to seek your support in improving background checks on fire and rescue authority employees in the interests of both staff and public safety.

We want fire and rescue services ('services') where everyone is welcome and able to thrive. Equally, we must maintain the public's trust, to ensure that our services are best able to serve their communities. We know you are aware how important these issues are from your role as Chair of the Home Affairs Committee.

Proposed Legislative Change

With this in mind, we are writing to seek your support for the inclusion of fire and rescue authority employees in the Rehabilitation of Offenders Act (Exceptions) Order 1975. The Ministry of Justice today laid before Parliament a statutory instrument to make this amendment following a business case from the National Fire Chiefs Council and with support from Home Office and Welsh Government. This instrument will follow the affirmative resolution procedure, and we would therefore welcome your support in any forthcoming debates. As well as fire and rescue authority (FRA) employees, this instrument will add justice system intermediaries, chartered management accountants and notaries public of England and Wales to the Exceptions Order.

This legislative change would enable Standard Disclosure and Barring Service (DBS) checks to be conducted on all FRA employees. This new eligibility would exist alongside existing access to Basic DBS checks for all FRA employees and Enhanced DBS checks with a check of the relevant adults' or children's barred list for those employees who undertake certain activities.

Standard DBS checks include details of all unspent convictions and cautions recorded on the Police National Computer, as well as details of spent convictions and cautions, subject to filtering rules. This change would therefore allow services to take better informed decisions about risks individuals convicted of certain offences might pose.

The changes would apply to FRAs in England and Wales. Powers to amend the Order are not devolved to Wales as criminal justice is a reserved matter. While fire is fully devolved, the Welsh Government has agreed the changes should apply there.

Rationale

This change, while it has been under development for some time, is especially important in the current climate. We have seen from the Independent Culture Review of London Fire Brigade, media reporting on services across England and Wales, and from recent reviews into Police integrity, how important it is to employ suitable people in our public services. Appropriate disclosure aids this process and informs decision-making.

Further, a recent inspectorate report on culture and values in services in England, commissioned by this government, recommended that this change be made.

Beyond the context, there are key arguments in favour of this change:

- It reflects the vital and evolving duties and roles individuals in our services can undertake such as attending schools, vulnerable people's homes, attending incidents as medical first responders, exercising statutory powers and helping to safeguard others.
- We hope the change will help protect the reputation of our fire and rescue services. Our services are highly trusted and rely on this to carry out their roles effectively.
- The effect on individuals, whether the public or members of our services, from the unacceptable actions of a small minority can be devastating.

Implementing Change

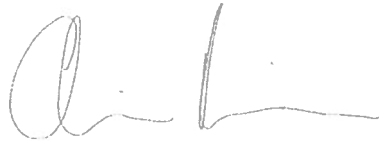
It will be imperative that the use of increased eligibility is appropriate and proportionate. The government is committed to increasing the employment rate of people who have spent time in prison. We have invested in a number of initiatives including the recruitment of dedicated Prison Employment Leads in 92 prisons, as well as establishing Employment Advisory Boards, that link prisons with industry. We are also rolling out Employment Hubs that will make sure prisoners are aware of job opportunities, can access support with applications and CVs, and have easy access to the full range of staff that can help them find employment on release.

However, the criminal records disclosure regime should seek to both enable those with previous convictions to secure work as part of their rehabilitation, and to ensure effective public protection.

For that reason, we have funded the creation of guidance by the National Fire Chiefs Council (NFCC), with the support of DBS, to help ensure appropriate checks are undertaken. This guidance will be consulted on by NFCC shortly.

In closing, we would welcome your support for this measure and for our wider programme of work as we continue our drive to establish consistently high standards of integrity in our fire and rescue services.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'C. Philp', written in a cursive style.

**Rt Hon Chris Philp MP
Minister of State for
Crime, Policing and Fire**

A handwritten signature in black ink, appearing to be 'E. Argar', written in a stylized, blocky cursive style.

**Rt Hon Edward Argar MP
Minister of State for Justice**