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STRATEGY

It is the strategy of West Midlands Fire Service (WMFS) to comply with the legislative provisions of the Fire and Rescue Services Act 2004.

WMFS supports the requirements of the Fire and Rescue Services Act 2004 through the operation of various WMFS policies and procedures.

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PURPOSE

The information within this Policy gives an overview of the Act and an indication of further points of reference.

Any specific legislative points must be made from the Fire and Rescue Services Act 2004 (FRSA) itself or guidance to the Act.

The Act covers various aspects of the Fire and Rescue Service (FRS) and is divided in 7 Parts:

- Part 1 - Fire and Rescue Authorities (FRA) (sections 1 to 5)
- Part 2 - Functions of Fire and Rescue Authorities (sections 6 to 20)
- Part 3 - Administration (sections 21 to 31)
- Part 4 - Employment (sections 32 to 37)
- Part 5 - Water supply (sections 38 to 43)
- Part 6 - Supplementary (sections 44 to 54 and Schedules 1 and 2)
- Part 7 - General (sections 55 to 64)

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RESPONSIBILITY

Responsibilities are detailed within this document.



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PROCEDURES

4.1 Part 1: Fire and Rescue Authorities

These sections determine which body is the FRSA for an area and provides for the combination of two or more FRAs by order.

4.2 Part 2: Functions of Fire and Rescue Authorities

These establish the core duties and powers of FRAs including Fire Safety and the following:

Section 7: Firefighting

Section 11: Power to respond to other eventualities

Section 12: Other services

Section 19: Charging

4.2.1 Call management and charging policy

The Act introduces the concept of charging or recovering non-emergency costs. A request for assistance is usually received in Fire Control (FC) via the 999 or administrative telephone system. FC will normally act as the first filter and will try to determine whether the call for assistance is of an emergency or non-emergency nature. The request will fall into 1 of 3 categories:

Category 1: Non-chargeable Special Service Calls (SSCs)

Providing emergency medical assistance

Rescuing individuals from serious harm, in the event of an emergency

Emergencies resulting from events of widespread significance

Emergencies which have occurred as a direct result of severe weather

Emergencies resulting from road traffic incidents

Actions taken by the Fire Authority to enforce the Regulatory Reform (Fire Safety) Order 2005

Extinguishing fires, or protecting life and property in the event of fires (excluding fires which are at sea or under the sea)

The Secretary of State may by order authorise a FRA to charge a person of a specified description for any action of a specified description taken by the authority but may not charge for emergency medical assistance, however may authorise a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by the authority (Section 19).

Category 2: Chargeable SSCs

For all requests made for assistance of a non-emergency nature, the caller should then be encouraged to call the appropriate undertaking or trades person.



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In the event that the caller still requires the services of the WMFS, then FC must ensure the caller understands that providing this discretionary service falls outside the scope of the core duties of a FRS and they must be left in no doubt as to the likely charges involved.

No response should be made unless the caller or appropriate person identified as liable for the charge is prepared to accept such charges. FC will always have the discretion to mobilise if there is any doubt or where a vulnerable person could be at risk.

Once the crew are in attendance, the Incident Commander (IC) should ensure the customer is fully aware of the charges and to sign the disclaimer before any service is rendered.

The 'customer copy' of a SSC form should be completed and left with the customer for their records.

If the caller is not prepared to accept the charge, or where it is decided by the IC that the attendance of the service is unwarranted or not an appropriate use of WMFS resources, the caller may be provided with general advice. Where necessary FC may seek advice from the Flexi Duty System (FDS) Officer or if appropriate contact the duty Fire Emergency Support Service (FESS) Officer, if this is an area where they could provide additional support to members of the public.

Category 3: Combination of non-chargeable and chargeable actions

FRS are responsible during the emergency phase of an incident but when an incident moves from the emergency phase to the recovery phase, the Incident Commander should be aware that FRS actions may now be chargeable. Where the recovery phase can be handed over to another agency, company or responsible person the Incident Commander should be looking to maintain their own service delivery. If FRS are required during this recovery phase then IC must clearly communicate to responsible person of potential costs incurred.

FC should be informed when the SSC changes from one category to another. The SSC forms must be completed as per a chargeable incident.

4.2.2 Exceptional circumstances

Occasionally, the WMFS will attend SSCs that are of a chargeable nature however due to exceptional circumstances, it may not be in the interest of WMFS to charge for the actions taken.

In circumstances where vulnerability has been identified whilst attending a SSC, the IC must always consider a referral to the local Vulnerable Persons team.



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4.2.3 Special service advisor or adjudicator

All pre-arranged special service calls should be treated as a Category 2 SSC (chargeable). Authorisation should be obtained, from the duty FDS Officer but overall decision on any charges will be that of the Mobilising Officer.

4.2.4 Electronic SSC workbook

All chargeable SSCs attended by WMFS will generate an additional electronic workbook once the incident workbook is completed.

4.2.5 Review of SSC charges

A full review of the schedule of charges will be carried out every year. During this period the Finance will adjust the direct salaries cost elements within the charge for pay award, if appropriate, and also increase the indirect cost elements by the Retail Price Index (RPI).

SSC Confirmation of Service Agreement Form

4.3 Part 3: Administration

This identifies the requirement for Fire and Rescue National Frameworks in order to deliver a best value service.

4.4 Part 4: Employment

Makes provision for establishment of 1 or more negotiating bodies for the purpose of negotiating terms and conditions of employment both nationally and locally including pensions.

4.5 Part 5: Water Supply

This section requires FRA to take all reasonable measures to ensure the adequate supply of water for use in the event of fire.

4.6 Part 6: Supplementary

Section 44: Powers of Firefighters, etc. in an Emergency

This provision provides individual authorised employees of a FRA with the powers to deal with fires (which have either broken out or situations where a firefighter reasonably believes a fire is about to break out), road traffic collisions and other emergencies.

Section 45: Obtaining Information and Investigating Fires

This section allows an authorised employee of a FRA to enter premises to obtain information that is needed for the discharge of the core functions of firefighting (section 7), dealing with road traffic collisions (section 8) and specified emergencies (section 9). In the case of premises where a fire has occurred, the section also allows an authorised employee to gain entry in order to investigate the cause and progression of the fire that has occurred there. Such entry cannot be forcible, and 24 hours' notice must be given to the occupier of a private dwelling, unless authorised by a Justice of the Peace.



Section 46: Supplementary Powers

This section sets out the powers and the obligations of an employee of a FRA who has entered premises under section 45 to gain information or investigate the cause and progression of a fire. The powers and obligations are similar to those applicable to investigations under Health and Safety legislation.

4.6.1 Securing Property (Boarding Up)

Note: Whilst the Fire Service does not have a specific responsibility to secure premises under statute we do have a duty of care to leave the premises safe and secure. Therefore, we must be able to demonstrate that we have taken reasonable steps to secure the premises.

The IC must take positive action to find out the person(s) responsible for the premises and the responsible owner or occupier will then be able to organise their own 'boarding up' contractor service to respond to the incident.

4.6.2 Hierarchy of options or actions

The options or actions listed below are in a defined logical sequence of responsibility for boarding up of premises. The list must be used in sequence, with each option ruled out before progressing to the next option.

Local authority or housing association property

Commercial or industrial premises - request for the key holder

Possible crime scene – Police

Local authority - protection of buildings

Fire Service personnel are able to re-secure premises

Request a 'boarding up' contractor - via FC

If the 'boarding-up' service is requested on behalf of the owner, they should be made fully aware that they are fully liable for the costs of the service as per SSC.

Cost implications

The 'boarding up' contractor will make all reasonable efforts to identify, claim and legally pursue the financial costs from the owner or occupier of the premises. If the costs of the 'Boarding up' are not recoverable, then the WMFS will only pay the associated costs as per the agreed contractual arrangements.

4.6.4 Special Service Calls (forced entry) responsibilities for re-securing premises

If the SSC - forced entry is to assist the Police, Ambulance Service or another agency then the other service or agency requesting the Fire Service to legally 'force entry' is responsible for arranging their own 'boarding up' service. In exceptional circumstances the Fire Service can arrange for the 'boarding up' service if required but any costs for the contractor must be borne by the other agency.



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4.6.5 Failure of the key holder to assume responsibilities at incident

If key holder fails to assume responsibilities at a local authority/housing association property or a commercial/industrial premises, FC must inform the key holder of the above that Fire Service crews will only remain at the scene for a maximum of 1 hour, from the time of contact (subject to the completion of all firefighting and special service call actions).

If the key holder fails to do either of the above within the specified time, then the IC must send an informative message to FC, stating that the incident is being left unsecured, as the key holder or their boarding up service has failed to attend. The crew must take all reasonable measures in their attempts to temporarily secure the premises before leaving. FC will inform the key holder, local authority or housing association that the Fire Service is leaving the incident 'unsecured' and also inform the Police of FRS actions.

4.7 Part 7: General

These sections list the general provisions in relation to pre-commencement consultation, interpretation, statutory instruments, territorial extent, and so on.

Section 58 Meaning of "Emergency"

One or more individuals to die, be seriously injured or become seriously ill

Serious harm to the environment (including the life and health of plants and animals)



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APPENDICES

APPENDIX 1 - SSC CONFIRMATION OF SERVICE AGREEMENT FORM

Please click [here](#).

APPENDIX 2 - COMMON CHARGEABLE SERVICES AND PERSONS WHO MAY BE CHARGED

Action taken by Fire Service	Person who may be charged
1. Containment and clearance of debris, spillages, discharges or leaks from vehicles, storage tanks or pipes.	The owner, occupier or operator of any premises or vehicle prior to the incident which is giving rise to the charge.

Guidance Once the emergency phase of the incident is stabilised the recovery phase will be chargeable. When completing the workbooks, the recovery phase should be reflected when recording the in attendance and release times.

Important Minor non-commercial leaks of fuel in public places can be classed as an emergency due to the serious risk this could pose to other members of the public. If the incident involves a vehicle it is vital that the registration number of the vehicle and any other identification marks such as company name or fleet number of the vehicle is recorded. This information should be confirmed to Fire Control and recorded on the incident log.

Action taken by Fire Service	Person who may be charged
2. Provision or removal of water.	The owner, occupier or operator of any premises in relation to which the service is provided or the person who requests the service or for whom the service was provided.

Guidance Flooding in domestic or commercial premises the caller should be advised to call the appropriate trade's person or service provider.

Water coming from adjoining premises where that occupier is not present, maybe treated as an emergency if it is deemed persons could come to harm.

Important Flooding affecting an electrical consumer unit (fuse board) should be treated as an **emergency**.

Using water from a hydrant for a SSC to fill pools, ponds tanks or similar vessels should be referred to the Fire Service Water Officer.

Under no circumstances should WMFS loan out equipment to a third party to allow them to access water from a hydrant or washout.

Action taken by Fire Service	Person who may be charged
3. Effecting entry to, or egress from a premises.	The owner, occupier or operator of the premises, or the person who requests the service or for whom the service was provided.



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Guidance Lock in or out, special consideration should be given to vulnerable persons. See section 2.4 for further guidance.

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Action taken by Fire Service	Person who may be charged
4. Rescuing persons from lift cabins.	The owner or operator of the lift.

Guidance Fire Control or IC should make every effort to determine the identity of the owner or occupier of the premises where the lift is located. Where the owner or operator of the lift cannot be located in a reasonable amount of time, Fire Control should mobile the appropriate LOR. The lift owner or operator should be informed in writing that any similar rescues in the future will be chargeable.

Action taken by Fire Service	Person who may be charged
5. Rescuing animals.	The owner or keeper of the animal or the person who requests the service.

Guidance Where there is **no** immediate risk to human life, animal rescues will be treated as chargeable. It is not the intention of the WMFS to charge the RSPCA in the event they request assistance from the WMFS especially if the rescue required is of a technical nature.

Action taken by Fire Service	Person who may be charged
6. Provision of documents, photograph, tapes, videos or other similar recordings, where charging is not already authorised or prohibited by other enactments.	The person who requested the service or for whom the service was provided.

Guidance The provision of fire scene photographs, video footage, copies of fire reports where there is no separate prohibition on charging. The above is not intended to deal with freedom of information requests or Data Protection Act issues or any similar requests under statute where separate charging arrangements exist. Such requests should be made directly to Data Management.

Action taken by Fire Service	Person who may be charged
7. Removal of dangerous structure.	The owner, occupier or operator of the structure or where the structure or premises where the structure is located or the person who requests the service or for whom the service is provided.

Guidance

If it is believed that persons could come to harm or serious injury Fire Control should treat the initial call as an emergency. Once the incident is stabilised (for example, safety cordons implemented) the incident should be deemed as chargeable. The IC should advise the owner, occupier, or Police of the most appropriate action to be taken. If necessary a structural engineer from the local authority can be requested via Fire Control.

**Miscellaneous
Removal of rings**

Removal of rings and other similar items will **not** be deemed as chargeable.



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DOCUMENT CONTROL AND AUDIT

Audit	
Responsible SET Member Accountable	Intelligence and Innovation
Authorised by	Steve Vincent
Direct enquiries to	Policyofficers@wmfs.net
EIA (Date Completed & Name)	Complete. TBC
PIA (Date Completed & Name)	Complete TBC

Review History		
Version #	Date	Reviewed By
1.0	1/8/2017	Laraine Duggan, Fire Control

Amendment History					
Version #	Date	Amended By	Section Amended	Amendment	Reason for change