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This circular is	For information	No response required	
This circular is	Relevant to the National Framework		
Status	To provide recipients with guidance on the application of the provisions of the Disabilities Discrimination (Amendment) Act 2000		

Disability Discrimination Act- Part II Employment Provisions

Disability Rights Commission And Chief Fire Officers' Association Guidance For Fire and Rescue Service Managers

Issued by:

Gill McManus
Fire Service Legislation and Pensions Division
Fire and Rescue Service Directorate

Addressed to:

The Chief Executive to the County Council
The Clerk to the Fire and Rescue Authority
The Clerk to the Fire and Civil Defence Authority
The Clerk to the Combined Fire and Rescue Authority
**The Commissioner of the London Fire and Emergency
Planning Authority**
The Chief Fire Officer

Please forward to:

Human Resources Manager
Head of Occupational Health Unit

Summary

Since 1 October 2004 the employment provisions of the Disability Discrimination Act have included firefighters.

Decisions about recruitment and retention must be based on the assessment of the individual against medical and occupational evidence. The provision of reasonable adjustments must also form an integral part of the decision making process.

Guidance on these issues is available to the Fire and Rescue Service.

For further information, contact:

John Johnstone	Direct line	020 7944 3773
	Fax	020 7944 2219
	E-mail	John.Johnstone@odpm.gsi.gov.uk

General helpline **020 7944 8194**

Website www.odpm.gov.uk

1.0 Introduction

- 1.1 This circular is to inform the Fire and Rescue Service that copies of the guidance produced jointly by the Disability Rights Commission (DRC) and the Chief Fire Officers' Association (CFOA) on the Disability Discrimination Act Part II (Employment) are today being sent to Chief Fire Officers, Heads of Personnel and Occupational Health in England.

2.0 Information and Guidance

- 2.1 You will recall that during 2004 guidance was developed by ODPM in conjunction with a steering group comprised of key stakeholders from the Fire and Rescue Service and the DRC. The document, entitled *Medical and Occupational Evidence for Recruitment and Retention in the Fire and Rescue Service*, was published on 29 September 2004 (see Fire Service Circular 41/2004). The evidence document can be found on the ODPM website at www.odpm.gov.uk
- 2.2 The purpose of the medical evidence document was to aid the Service in meeting its new obligations in the light of the Disability Discrimination (Amendment) Act 2003 which came into effect on 1 October 2004. This meant that firefighters were no longer exempt from the employment provisions of the DDA and from that date decisions about the recruitment and retention of firefighters, like all other staff, needed to be based on individual evidence based assessments, rather than the reliance previously placed on pass/fail criteria.
- 2.3 The medical and occupational evidence document was designed primarily to help Fire and Rescue Service medical advisors and occupational health professionals in providing advice to service managers to enable them to reach informed judgements on medical and fitness issues surrounding the recruitment, retention and redeployment of Fire and Rescue Service staff.
- 2.4 However, it was clear that Fire and Rescue Service managers would also require guidance on human resource issues in order to effectively comply with the requirements of the DDA. For this reason DRC and CFOA, working with a Fire and Rescue Service stakeholder steering group (including ODPM), developed a guidance document to address these issues. The document, entitled *Guidance To Fire and Rescue Service Managers - Disability Discrimination Act - Part II Employment Provisions*, was issued in draft form in September 2004. The finalised document was launched in Birmingham on 27 January and CFOA have produced a limited number of hard copies for circulation to the Service. Copies will be sent today under cover of this circular to Chief Fire Officers, Personnel Managers and Heads of Occupational Health Units for each of the English fire and rescue services. The document is also available electronically at www.fire-uk.org (press releases).

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- 2.5** Fire and Rescue Service managers are reminded of their statutory duty under Part II of the DDA to consider the needs of each individual, to conduct appropriate risk assessments and consider whether any reasonable adjustments can be made that would facilitate either their recruitment or their return to work. It is envisaged that by utilising both sets of guidance mentioned in this circular, managers will be better equipped to effectively discharge these duties.
- 2.6** If you have any enquiries about this circular please contact John Johnstone on 020 7944 3773.

Gill McManus