



**Chief
Fire
Officers
Association
Scotland**



MEMORANDUM OF UNDERSTANDING

BETWEEN

**The Care Inspectorate
(SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND)**

AND

CENTRAL SCOTLAND FIRE AND RESCUE SERVICE

November 2011

MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

Between

SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND (known as the Care Inspectorate), constituted in terms of the Public Services Reform (Scotland) Act 2010 (hereinafter referred to as "*the 2010 Act*") and having its principal offices at: :

Compass House,
11 Riverside Drive,
Dundee, DD1 4NY
(Hereinafter referred to as "The Care Inspectorate")

and

CENTRAL SCOTLAND JOINT FIRE AND RESCUE BOARD, a Fire Authority having its Headquarters at :

Falkirk Council
Municipal Buildings
West Bridge Street
Falkirk FK1 5RS
(Hereinafter collectively referred to as "the Fire Authority")

PURPOSE

To outline the partnership working arrangements between the signatory organisations. In particular, management arrangements, communication and how information will be shared in support of their respective regulatory responsibilities.

SCOPE

The Care Inspectorate and the Fire Authority (FA) (being one of the Fire Authorities specified in Appendix 1 attached), each have statutory duties imposed upon them and powers available to them.

In particular, The Care Inspectorate by virtue of Section 44(1)(b) of *the 2010 Act* has the general duty of furthering improvement in the quality of social care and social work services in Scotland. The Fire Authority by virtue of Section 61 of the Fire (Scotland) Act 2005 (hereinafter referred to as "*the 2005 Act*") has a duty to enforce the Fire Safety (Scotland) Regulations 2006 within their respective Brigade's/Service's area in Scotland.

The MOU applies to premises providing a *relevant care service* and to support *dutyholders* in their obligations to ensure the safety of persons in care premises in event of fire and to challenge any *dutyholders* who are not fulfilling their obligations.

Other care premises, including non- residential care premises which are regulated in respect of care quality and provision by the Care Inspectorate and fall within the scope of *the 2005 Act* ,are to receive further consideration and will be incorporated into the permanent MOU when agreed.

Fire Service Circular 21/2006, issued by the Scottish Government, outlines the strategic guidance for the enforcement of *the 2005 Act*. This highlights a requirement for the Fire Authority to focus their auditing programmes only on the premises that present the highest risk to society based on a risk rating hierarchy. This interim MOU will only apply to premises which are required to be audited in accordance with FSC 21/2006 or on direct request where safety concerns have been identified by other parties.

The Care Inspectorate has no locus or expertise in respect of fire safety and regulation.

DEFINITIONS

Relevant care service – In accordance with section 78 of the Fire (Scotland) Act 2005, this means an overnight residential care service, which is, or may be, regulated by the Care Inspectorate under *the 2010 Act* and which fulfils the auditing criteria specified in Fire Service Circular 21/2006. This is likely to include care homes, secure accommodation for young people and school care accommodation where overnight accommodation is provided. The 2005 Act does not cover single private dwellings.

The 2010 Act - The Public Services Reform (Scotland) Act 2010

The 2005 Act - Fire (Scotland) Act 2005 (as amended)

Fire risk assessment – A suitable and sufficient assessment of fire hazards within the premises which is carried out by a suitably competent and experienced person.

Dutyholder – Any person or organisation with compliance obligations by virtue of Chapter 1 of Part 3 of *the 2005 Act*.

Fire safety audit – A formal audit of the fire safety arrangements of premises covered by *the 2005 Act* and conducted by a specialist officer from the Fire Authority's fire safety department.

Familiarisation visit – A fact-finding visit by operational firefighters to assist in the formulation of emergency operational plans in accordance with Section 9(2)(d) of *the 2005 Act*.

Competent Person – A person with sufficient skills, knowledge and experience to carry out the fire risk assessment

POINTS OF SHARED UNDERSTANDING

The Care Inspectorate and the Fire Authority agree that they shall collaborate in the exercise of their respective functions on points of shared understanding to ensure the highest fire safety standards in relevant care service premises as follows:-

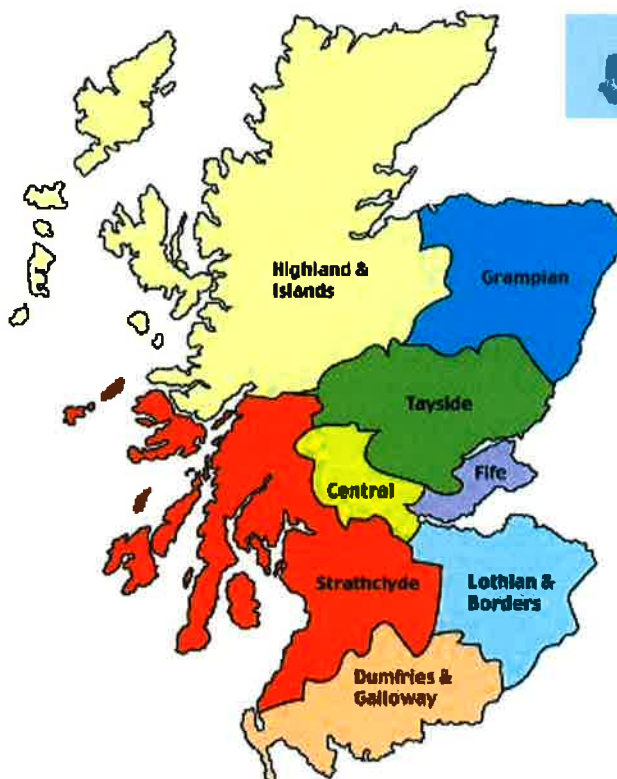
1. The Fire Authority and Care Inspectorate will each nominate an appropriate designated individual to be the Liaison Officer in relation to issues arising from this Memorandum of Understanding and in relation to the sharing of information in their local area. (See Appendix 4).
2. The Fire Authority and Care Inspectorate will each provide to the other such information as may be necessary to fulfil their respective duties. Such exchange may take place by means of telephone, fax, e-mail, post or meetings and will be carried out in accordance with Appendix 4 and 5. This might include occasions when Care Inspectorate staff have concerns about obvious fire safety breaches or where a Fire Safety Officer has concerns about the standards of care.
3. Where information to be shared is not already in the public domain, the Care Inspectorate and/or the Fire Authority shall, so far as is reasonably practicable, inform the provider of information about its sharing with the other organisation. The Care Inspectorate and Fire Authority shall if necessary seek guidance from their respective Data Protection/Freedom of Information Officers to ensure compliance with the relevant provisions of the Data Protection Act 1998, the Human Rights Act 1998 and the Freedom of Information (Scotland) Act 2002.
4. The Fire Authority and Care Inspectorate will give effect to this Memorandum of Understanding in a manner which is compliant with the Data Protection Act, 1998, the Human Rights Act 1998 and the Freedom of Information (Scotland) Act 2002. Nothing herein shall be regarded as authorising or requiring either party to act at any time otherwise than in accordance with these said Acts.
5. The Fire Authority and Care Inspectorate will each promulgate appropriate educational information of mutual interest relating to the other's functions in the course of any conferences, public consultations and/or discussions in which they may participate. The nature and extent of the information to be promulgated in the course of these activities will be decided by the Liaison Officer nominated under paragraph 1 above, in consultation with line managers.
6. The Fire Authority and Care Inspectorate will each refer media enquiries which appear to relate to the functions of the other to their Liaison Officer with a view to ensuring awareness of the issue and the position being taken in media reports.
7. The Care Inspectorate intends to ensure that it has received from applicants for registration of a *relevant care service*, written confirmation that the applicant has notified the Fire Authority of the proposed registration of a *relevant care service* and has conducted an adequate *fire risk assessment* of the premises in accordance with sections 53 & 54 of *the 2005 Act*. This process will also be followed in circumstances where an applicant has applied for a variation of conditions of registration of a relevant care service which includes change of usage of rooms or alterations to buildings. (Specific fire safety information and guidance can be obtained from the Scottish Government website at www.firelawscotland.org)
8. The Fire Authorities will confirm to the Care Inspectorate that notification has been received, within five working days of its receipt. The Fire Authority will consider whether any action on their part is appropriate given the category of potential risk involved and shall notify the Care Inspectorate of any action taken. Where further action is required this will be carried out in accordance with the relevant service procedures.

9. In the event that the *fire risk assessment* relates to a sleeping risk the Fire Authority will carry out a review of fire safety measures within 28 days and will provide the applicant and the Care Inspectorate with copies of the recorded results of that review.
10. The *fire risk assessment* must be carried out by a competent person who has relevant knowledge, experience and understanding of the fire risks inherent in the specific type of care premises being assessed.
11. The Care Inspectorate and the Fire Authority will notify each other of any serious and relevant concerns which may come to their attention during its regulatory activities. This applies to any registered care service visited. It is acknowledged by both parties that their employees will not have the relevant expertise and may not necessarily recognise specific fire safety/quality of care issues within a *relevant care service* premises.
12. If concerns are brought to the attention of the Fire Authority they will ensure that these concerns are dealt with appropriately as soon as is reasonably practicable and if they consider it appropriate, take any necessary action. The Fire Authority will inform the Care Inspectorate of any action taken. Nothing in this clause shall affect or detract from the powers and duties of Fire Authority Enforcement Officers to enforce the Part 3, Chapter 1 fire safety duties as set out in *the 2005 Act*.
13. Care Inspectorate and Fire Authority employees should be aware that *Dutyholders* and care staff should be made aware that on the occasions when operational fire crews may visit a *relevant care service* that this can be to gather information about the premises to help formulate emergency plans under section 9(2)(d) of *the 2005 Act*. These *familiarisation visits* should not be confused with the formal *fire safety audit* of the fire safety measures within the care home. The *fire safety audit* is quite different and will be carried out by specialist enforcement officers to ascertain the adequacy of the *fire risk assessment*, the fire safety measures and level of managerial compliance within the building.
14. The Fire Authority will notify the Care Inspectorate of the serving of any Alterations, Enforcement or Prohibition Notice and notices of minor deficiencies issued on any *relevant care service* which is, or which they believe to be, registered or required to register, with the Care Inspectorate.
15. Both parties agree that the Fire Authority has the sole responsibility for referring any offences under *the 2005 Act* and the Care Inspectorate has the responsibility for referring any offences under *the 2010 Act*, to the Procurator Fiscal.
16. Any irresolvable dispute between the parties arising out of any matter addressed in this Memorandum of Understanding will be referred in the first instance to the line managers of the Liaison Officers identified in terms of paragraph 1, for discussion with a view to resolution.
17. Should such discussions fail to resolve the dispute, the matter will be referred to the Head of CFOA (Scotland) and the Interim Chief Executive of the Care Inspectorate, who will endeavour to resolve the dispute.

- 18. This Memorandum of Understanding is intended to set out in general terms, matters agreed with a view to facilitating collaboration between the Care Inspectorate and the Fire Authority and is not intended to constitute an agreement enforceable by either party against the other.
- 19. Either party may withdraw from this Memorandum of Understanding at any time upon giving written notice sent by recorded delivery post to the appropriate Chief Executive or Chief Officer at their respective Headquarters.
- 20. The Memorandum of Understanding shall be reviewed at least every year to ensure it remains relevant.

Signature Janet Alder Date 15/12/11
Interim Chief Executive of the Care Inspectorate

Signature Kenneth Taylor Date 1/12/11
Chief Fire Officer of Central Scotland Fire and Rescue Service
On behalf of
Central Scotland Joint Fire and Rescue Board



<p>CENTRAL SCOTLAND FIRE & RESCUE SERVICE</p> <p>Main Street Maddiston FALKIRK FK2 0LG Tel: 01324 716996 Fax: 01324 715353 Head of Community Safety (Comprising the Councils of Clackmannanshire, Falkirk and Stirling)</p>	<p>DUMFRIES AND GALLOWAY FIRE & RESCUE SERVICE</p> <p>Brooms Road DUMFRIES DG1 2DZ Tel: 01387 252222 Fax: 01387 260995 Senior Fire Safety Officer</p>	<p>FIFE FIRE & RESCUE SERVICE</p> <p>Strathore Road Thornton KIRKCALDY Fife KY1 4DF Tel: 01592 774451 Fax: 01592 630105 Head of Community Safety</p>	<p>GRAMPIAN FIRE & RESCUE SERVICE</p> <p>19 North Anderson Drive ABERDEEN AB15 6DW Tel: 01224 696666 Fax: 01224 692224 Central Support Services (Comprising the Councils of Aberdeen City, Aberdeenshire and Moray)</p>
<p>HIGHLAND AND ISLANDS FIRE & RESCUE SERVICE</p> <p>16 Harbour Road Longman West INVERNESS IV1 1TB Tel: 01463 227000 Fax: 01463 236979 Head of Community Risk Management (Comprising the Councils of Highland, Orkney Islands, Shetland Islands and the Western Isles)</p>	<p>LOTHIAN AND BORDERS FIRE & RESCUE SERVICE</p> <p>Lauriston Place EDINBURGH EH3 9DE Tel: 0131 228 2401 Fax: 0131 228 6662 Head of Community Safety (Business & Commerce) (Comprising the Councils of The City of Edinburgh, East Lothian, Midlothian, West Lothian and Scottish Borders)</p>	<p>STRATHCLYDE FIRE & RESCUE SERVICE</p> <p>Bothwell Road HAMILTON Lanarkshire ML3 0EA Tel: 01698 300999 Fax: 01698 338444 Head of Community Safety (Legislation) (Comprising the Councils of Argyll and Bute, City of Glasgow, East Ayrshire, East Dunbartonshire, East Renfrewshire, Inverclyde, North Ayrshire, North Lanarkshire, Renfrewshire, South Ayrshire, South Lanarkshire and West Dunbartonshire)</p>	<p>TAYSIDE FIRE & RESCUE SERVICE</p> <p>401 High Street PERTH PH1 1PL Tel: 01738 622226 Fax: 01738 630532 Legislative Fire Safety Manager (Comprising the Councils of Angus, Dundee City and Perth and Kinross)</p>

GENERAL CONTACT INFORMATION

THE CARE INSPECTORATE

Responsible for: Developing National Protocol Framework; Reviewing National Protocol Framework

Marcia Ramsay
External Relations Manager
Compass House, 11 Riverside Drive, Dundee, DD1 4NY
Tel: 01382 207311 Fax: 01382 207288

Responsible for: Reconciliation of Disagreements

Jacquie Roberts
Interim Chief Executive
Compass House, 11 Riverside Drive, Dundee, DD1 4NY
Tel: 01382 207102 Fax: 01382 207236

Responsible for: Legal Services

Kenneth McClure
Head of Legal Services
Compass House, 11 Riverside Drive, Dundee, DD1 4NY
Tel: 01382 207107 Fax: 01382 207289

Responsible for: Development and Implementation of Local Protocol

Gill Swapp Inspection Programme Manager, Central & West Local Office
For office details see appendix 3

Responsible for: Developing National Protocol Framework; Reviewing National Protocol Framework (on behalf of CFOA)

Lewis Ramsay MBA
Chair Community Safety Portfolio CFOA (Scotland)
Assistant Chief Fire Officer
Strathclyde Fire and Rescue Service Bothwell Road, Hamilton ML3 0EA
Tel 01698 300999

Responsible for: Reconciliation of Disagreements (CFOA representative)

Jimmy Campbell QFSM MA MIFireE
Chair CFOA (Scotland)
Chief Fire Officer
Lothian and Borders Fire & Rescue Service
Service Headquarters, 76-78 Lauriston Place, Edinburgh, EH3 9DE
Tel: 0131 228 2401

Responsible for: Development and Implementation of Local Protocol

Senior Community Safety Officer
Address - please refer to Appendix 3

Headquarters Compass House 11 Riverside Drive Dundee, DD1 4NY Tel: 01382 207100 Fax: 01382 207289	South Local Office Princes Gate Castle Street Hamilton, ML3 6BU Tel: 01698 208150 Fax: 01698 208162	East Local Office Stuart House Eskmills Musselburgh, EH21 7PB Tel: 0131 653 4100 Fax: 0131 653 4149
Dundee East Local Office Quadrant House 11 Riverside Drive Dundee, DD1 4NY Tel: 01382 207200 Fax: 01382 207288	Central & West Local Office 4 th Floor No 1 Smithhills Street Paisley, PA1 1EB Tel: 0141 843 4230 Fax: 0141 843 4289	North Local Office Johnstone House Rose Street Aberdeen, AB10 1UD Tel: 01224 793870 Fax: 01224 793899
Glasgow Europa Building 450 Argyle Street Glasgow G2 8LH Tel: 0141 242 0391		

LOCAL LIAISON CONTACTS FOR THE SHARING OF INFORMATION

Fire Authority	Fire Authority Local Contact	Care Inspectorate: Inspection Programme Manager
Highlands & Islands	Graham Robertson	Sue Neilson
Grampian	Fraser Burr	Sue Neilson
Tayside	Ross Haggart	Sue Neilson
Central Scotland	Paul French	Gill Swapp
Fife	Colin Grieve	Lawrie Davidson
Strathclyde	Jim Hymas	Gill Swapp/Irene Scullion/Sue Neilson
Dumfries & Galloway	Jim Waugh	Irene Scullion
Lothian & Borders	Alan Horberry	Lawrie Davidson

EXCHANGE OF INFORMATION WITH FIRE AUTHORITIES

General Context	Care Inspectorate	Scottish Fire and Rescue Services	Legal Context
	The Care Inspectorate will share such information as is relevant and lawful with the Fire and Rescue Service to ensure the safety of the <i>relevant care service</i> users	The Scottish Fire and Rescue Services will share such information with The Care Inspectorate as is relevant and lawful, to ensure the safety of the <i>relevant care service</i> users	Data Protection Act 1998; Human Rights Act 2000, Freedom of Information Act; Fire Safety Legislation

Please note that unless otherwise stated in the Appendix, the primary contacts for the Care Inspectorate for operational matters are:
The Inspection Programme Manager and the Inspector Manager

Applications for Registration or Variation of a relevant care service

Information to be shared	Where there is an application for registration of a relevant care service premises, and application for variation which includes change of usage of rooms or alterations to buildings has been made, an adequate <i>fire risk assessment</i> will be provided as part of the registration pack. This checklist will be completed by the applicant and forwarded to the local Fire and Rescue Service HQ. Applications will confirm in writing to The Care Inspectorate that this has been done.	The local Fire and Rescue Service will acknowledge receipt of the registration to The Care Inspectorate. In the case of sleeping risk premises they will audit the premises and report on their findings to the application and provide a copy to The Care Inspectorate. As part of this audit, the Fire Safety Enforcement Officer will require to comment on the care home's <i>fire risk assessment</i> . If necessary a follow-up visit will be undertaken to ensure all report recommendations have been appropriately addressed. At this point the Fire and Rescue Service will issue a letter to the applicant and provide a copy to The Care Inspectorate	
What will trigger the action	A request for registration or variation application.	Receipt of checklist	
Timescale	N/A	Receipt of registration acknowledged within five working days. Sleeping risk premises audit within 28 days (initial report)	
How will this info be transferred	Be email/post/fax	By email/post/fax	
Staff with overall responsibility	Gill Swapp	Paul French	
Contact staff	Gill Swapp	Paul French	
Staff with overall responsibility for registration	Gill Swapp	Paul French	

Fire safety audits and specific fire safety concerns

Information to be shared	Where The Care Inspectorate has concerns regarding fire safety issues, these will be addressed whenever possible through informal local contacts. For serious issues telephone contact will be made with the Fire and Rescue Service. Follow up with letter if necessary. Inspecting Officers have been given guidance on matters which would constitute significant or serious deficiencies in fire safety.	The Fire and Rescue Service will undertake fire safety audits in all relevant care service premises. The regularity of audits will be determined by an assessment undertaken by the Fire and Rescue Service of each service. The Fire and Rescue Service will advise The Care Inspectorate of all such audits and their outcomes. The Fire and Rescue Service will respond with advice to all informal approaches.	
What will trigger the action	The Care Inspectorate concerns	On request	
Timescale	Serious issues will be actioned as soon as possible usually within one day Less serious fire safety issues, within five working days	Serious issues will be actioned as soon as possible usually within one day.	
How will this info be transferred	Informally by phone. Formally by email or letter	Informally by phone to The Care Inspectorate National Enquiry Line duty manager. Formally by email or letter	
Staff with overall responsibility	Gill Swapp	Paul French	
Contact staff	Gill Swapp	Paul French	

Media Relations

Information to be shared	The Care Inspectorate and the Fire and Rescue Service may wish to co-ordinate their media handling of topical events. In such cases, they will share any information which is relevant and lawful	
What will trigger the transfer	On request	
Timescale	Agree on case by case basis	
How will this info be transferred	As agreed	As agreed
Staff with overall responsibility	The Care Inspectorate Communications Manager	Paul French
Contact staff	Gill Swapp	Paul French

General Information Exchange

Information to be shared	The Care Inspectorate will update the Fire and Rescue Service of any information which, in the opinion of The Care Inspectorate, may be of interest to the Fire and Rescue Service. This will include any relevant legislation, policies, research, conferences and courses.	The Fire and Rescue Service will update The Care Inspectorate of any information, which in the opinion of the Fire and Rescue Service may be of interest to The Care Inspectorate. This will include any relevant legislation, policies, research, conferences and courses.	
Registered services	The Care Inspectorate will advise the Fire and Rescue Services of all current registered services as a one off exercise and will update any new registrations or cancellations on a monthly basis. The Care Inspectorate will advise the Fire and Rescue Services of any requirements or recommendations in relation to fire safety matters which are outstanding.	The Fire and Rescue Service will utilise this information to inform their audit process.	
What will trigger the transfer	As agreed	As agreed	
Timescale	As agreed	As agreed	
How will this info be transferred	As agreed	As agreed	
Staff with overall responsibility	Marcia Ramsay External Relations Manager The Care Inspectorate Specific Inspection Programme Manager	Paul French	