



Crown Premises Fire Inspection Group

Memorandum of Understanding

January 2016

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Introduction

1. Her Majesty's Inspectorate of Prisons

- 1.1. HM Inspectorate of Prisons (HMI Prisons) was established as an independent inspectorate in 1982. Its statutory authority derives from the Prison Act 1952 as amended by the Criminal Justice Act 1982, together with the Asylum and Immigration Act 1999 and the Police and Justice Act 2006. Its main statutory functions are to inspect and report to the Secretary of State on conditions for and treatment of those detained in prison establishments in England and Wales and immigration removal centres, immigration short term holding facilities and

immigration escorts in England, Wales and Scotland. Since 2008, HMI Prisons has inspected police custody jointly with HM Inspectorate of Constabulary. In addition, the Inspectorate inspects, by invitation, prison establishments in Northern Ireland, the Channel Islands and certain Commonwealth territories, as well as, the Military Corrective Training Centre, Colchester, and the Sovereign Base Areas, Cyprus.

2. Crown Premises Fire Inspection Group (CPFIG)

- 2.1. Fire Inspectors were first appointed under Section 24 of the Fire Services Act 1947 *“for the purpose of obtaining information as to the manner in which fire authorities are performing their functions under this Act”*, but the Crown Premises Fire Inspection Group (CPFIG) was formed within HM Inspectorate of Fire Services when fire safety enforcement in Crown premises was added to the HMI role by Section 19 of the Fire Precautions Act 1971, as amended. As a result of legislation being updated, the current HM Inspector of Fire & Rescue Services is appointed under section 28 of the Fire and Rescue Services Act 2004, and both HMI and the inspectors forming CPFIG team are now appointed under Article 25 of the Regulatory Reform (Fire Safety) Order 2005 (the Order) to enforce the fire safety requirements of the Order – essentially, to adequately safeguard all persons from fire - at Crown premises in England. The definition of Crown premises includes all custodial buildings with the exception of Police custody suites (which are enforced by local fire & rescue services). There are separate fire safety enforcing authorities for enforcing the Order at Crown premises in Wales, Scotland and Northern Ireland.

3. Scope and Purpose

- 3.1. This Memorandum of Understanding (‘MoU’) has been agreed between HMI Prisons and CPFIG. It applies to England only and provides a protocol for HMI Prisons and CPFIG to co-operate with each other in relation to their respective inspection programmes of relevant places of detention.
- 3.2. The MoU describes the processes that will be followed for co-operative working in places of detention. These include Prisons, Immigration Removal Centres and Court custody but not Police custody suites.
- 3.3. It provides a working document for staff in both organisations and a reference for other organisations, covering how we will:
 - 3.3.1. Improve the effectiveness of each investigative organisation as measured against their respective organisational aims and objectives;
 - 3.3.2. Reduce the burden of investigation on those being inspected.
- 3.4. The content of this MoU will not interfere with the independent/statutory role of each of the named bodies.

4. Visits

- 4.1. HMI Prisons and CPFIG will continue to inspect custodial premises independently in line with their respective risk-based inspection programmes

5. Co-operative Working

- 5.1. CPFIG inspectors will take part in HMI Prisons Development Days on request, to provide information and training concerned with improving the effectiveness of co-operative working.
- 5.2. HMI Prisons and CPFIG will channel their respective requests for their inspectors to shadow inspections by the other through the HMI Prisons Deputy Chief Inspector or Team Leader, or through the CPFIG Team Leader.

6. Information Gathering

6.1. Inspections

- 6.1.1. CPFIG and HMI Prisons shall arrange and undertake their own inspection programme.

6.2. Reports

- 6.1.2. The existing arrangements and protocols for HMI Prisons and CPFIG to produce and publish their reports are unaffected by this MoU.

7. Communication

7.1. Confidentiality

- 7.1.1. HMI Prisons and CPFIG is each committed to share information relevant to the safety of staff members or prisoners with the other, subject to its organisational policy or other restrictions set out in this MoU.
- 7.1.2. Shared documentary information is not exempt from the statutory duty placed upon inspecting authorities to disclose information upon request.

7.2. Exchange of Risk Information

- 7.2.1. Both HMI Prisons and CPFIG sometimes receive information during their inspections which may be relevant to the statutory responsibility of the other organisation.
- 7.2.2. To support the meaningful exchange of risk information, CPFIG will provide:
 - 7.2.2.1. Items for inclusion in the HMI Prisons key facts data collection process;
 - 7.2.2.2. Trigger questions which could assist HMI Prisons inspectors to identify potential fire safety concerns during inspections;
 - 7.2.2.3. The necessary fire-related awareness training for HMI Prisons inspectors to be able to interpret the responses to fire-safety trigger questions for the purpose of identifying matters which potentially affect the safety of prisoners and detainees.
- 7.2.3. If, during an HMI Prisons inspection, there is reason to suspect that there is unnecessary risk to people from fire within an establishment, the HMI Prisons team leader will notify CPFIG of their concerns.

7.2.4. Where CPFIG identifies poor management of safety or apparent concerns about the conditions for prisoners at custodial premises, the CPFIG lead inspector will notify HMI Prisons of their concerns.

7.3. The on-going safety of persons at the premises is paramount, and nothing in the MoU precludes CPFIG from taking enforcement action to safeguard employees or relevant persons.

7.4. Disclosures

All requests by one party for disclosure of information from the other shall be made in writing. Each party shall respond to a request for disclosure of information in writing within 14 days (where possible) and in the event that a request for disclosure is refused, the party refusing the request shall provide reasons in writing.

7.5. Third Party Disclosures

Except as required or permitted by law, information shared between HMI Prisons and CPFIG will not be provided to third parties.

8. Dispute Resolution

8.1. Disputes

In the event of any dispute about the collaborative working between HMI Prisons and CPFIG then representatives of both parties must agree to meet to discuss how best to resolve the issues involved to an appropriate level. Disputes will normally be resolved at working level between the relevant officials. If this is not possible, the issue may be referred to the Deputy Chief Inspector of Prisons and the Team Leader of CPFIG, who will jointly be responsible for ensuring a mutually satisfactory resolution of the relevant dispute within 14 days of the matter being referred to them.

9. Strategic Communications

9.1. Meetings

HMI Prisons and CPFIG are committed to ensuring that there is excellent communication between the organisations. Formal meetings will be held at least once a year (or as otherwise agreed) to discuss areas of mutual interest and/or concern and to review working practices and, where appropriate, this MoU.

9.2. The parties will also:

9.2.1. Periodically review the desirability of introducing future joint inspections;

9.2.2. Establish organisational lead contacts, who will be:

- **Crown Premises Fire Inspection Group:**

Team Leader: JEREMY YATES

- **HMI Prisons**

Inspection Team Leader: SEAN SULLIVAN

10. Review

10.1 Review period

This MoU will be regularly reviewed at intervals of no greater than one year.

Signed:



Nick Hardwick CBE
HM Chief Inspector of Prisons

Dated: 12 January 2016

Signed:



Peter Holland CBE QFSM FIFireE
Chief Fire & Rescue Adviser &
HM Inspector of Fire Services

Dated: 19 January 2016

List of Key Personnel Contacts

CPIG	Name	Telephone No. (+ Ext)
Chief Fire and Rescue Adviser and HMI for the Fire & Rescue Service	Peter Holland	
Team Leader	Jeremy Yates	
Lead Prison Inspector	Mark Meanwell	
Prisons Inspectorate	Name	Telephone No. (+ Ext)
HM Chief Inspector	Nick Hardwick	020 3681 2772
HM Deputy Chief Inspector	Martin Lomas	020 3681 2773
Inspection team leader	Sean Sullivan	020 3681 2770

