



Crown Premises Fire Inspection Group

Memorandum of Understanding

November 2017

Table of Contents

	Page No.
Introduction	3
1. Her Majesty's Inspectorate of Prisons	3
2. Crown Premises Fire Inspection Group.....	3
3. Scope and Purpose	3
4. Co-operative Working	4
Visits	4
Development of Co-operative Working	4
5. Information Gathering	4
Inspections.....	4
Reports	4
6. Communication	4
Confidentiality	4
Exchange of Risk Information.....	5
Disclosures.....	5
Third Party Disclosures	5
7. Dispute Resolution	5
Disputes	5
8. Strategic Communications	5
Meetings.....	5
Contact points	5
9. Review.....	6
Review Period.....	6
Appendix A.....	7
List of Key Personnel Contacts.....	7

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 (CPFIFG)

- 2.1. The Crown Premises Fire Inspection Group is a team of inspectors authorised by the Secretary of State in accordance with article 25(1)(e) of the Regulatory Reform (Fire Safety) Order 2005. They hold statutory responsibility for enforcing fire safety requirements in Crown owned and occupied buildings 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 CPFIFG. It applies to England only and provides a protocol for HMI Prisons and CPFIFG 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, and will exchange such information. This exchange of information does not affect the role or remit of either organisation.
 - 7.2.2. Information will be exchanged between HMI Prisons and CPFIG in support of the effective achievement of their respective roles. This may include any issues relevant to fire safety identified by HMI Prisons inspectors during the course of their work, and from CPFIG will include Notices of Non-Compliance and Enforcement Notices issued by them in respect of premises that fall to be inspected by HMI Prisons. This process of information sharing will be supported by awareness training delivered by either HMI Prisons or CPFIG, as appropriate.

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. A meeting 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:



Peter Clarke CVO OBE QPM
HM Chief Inspector of Prisons

Dated: 15/11/17

Signed:



Peter Holland CBE QFSM FIFireE
Chief Inspector, Crown Premises Fire
Safety

Dated: 22/11/17

List of Key Personnel Contacts

CPFIG	Name	Telephone No. (+ Ext)
Chief Inspector Crown Premises Fire Safety	Peter Holland	07770 443639
Team Leader	Jeremy Yates	07786 113262
Lead Prison Inspector	Mark Meanwell	07867 321573
Prisons Inspectorate	Name	Telephone No. (+ Ext)
HM Chief Inspector	Peter Clarke	020 3334 0351
HM Deputy Chief Inspector	Martin Lomas	020 3334 0352
Inspection team leader	Sean Sullivan	07769 876806

