



Memorandum of Understanding between Healthcare Inspectorate Wales and Fire and Rescue Authorities in Wales

July 2020

Version Number: 2.0

Date agreed: July 2020

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1. REVISION HISTORY AND APPROVAL

| Version | Date Agreed | Signed off by |
|---------|-------------|--|
| 1.0 | August 2017 | Kate Chamberlain, Chief Executive Officer, HIW and Deputy Chief Fire Officer Roger Thomas, Mid & West Wales FRS, Chair of Community Risk Reduction |
| 2.0 | July 2020 | Alun Jones, Interim Chief Executive Officer, HIW and Deputy Chief Fire Officer Roger Thomas, Mid & West Wales FRS, Chair of Community Risk Reduction |

2. INTRODUCTION

This Memorandum of Understanding (MoU) sets out the working arrangements between Healthcare Inspectorate Wales (HIW) and the three Fire and Rescue Authorities in Wales.

3. PURPOSE OF THIS MOU

The purpose of this MoU is to clarify the working relationships between HIW and the three Fire and Rescue Authorities in Wales, particularly in relation to sharing information.

It is designed to ensure consistency of approach, information sharing and, as far as possible, consistency of decision making between HIW and the Fire and Rescue Authorities across Wales on fire safety risks in healthcare organisations in Wales.

This MoU does not override the statutory responsibilities and functions of HIW and the three Fire and Rescue Authorities in Wales and is not enforceable in law. However, HIW and the three Fire and Rescue Authorities in Wales agree to adhere to the contents of this MoU.

4. ROLES AND RESPONSIBILITIES OF EACH ORGANISATION

Healthcare Inspectorate Wales (HIW)

HIW is the independent inspectorate and regulator of healthcare in Wales. HIW carries out its functions on behalf of Welsh Ministers and, although part of the Welsh Government, protocols have been established to safeguard its operational autonomy. HIW's main functions and responsibilities are drawn from the following legislation:

- Health and Social Care (Community Health and Standards) Act 2003;
- Care Standards Act 2000 (and associated regulations);
- Mental Health Act 1983 and 2007, Mental Health (Wales) Measure 2010;
- Independent Health Care (Wales) Regulations 2011;
- Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008; and
- Ionising Radiation (Medical Exposure) Regulations 2017 and Amendment Regulations 2018.

HIW aims to:

- Provide assurance: Provide an independent view on the quality of care.
- Promote improvement: Encourage improvement through reporting and sharing of good practice
- Influence policy and standards: Use what we find to influence policy, standards and practice

HIW's core role is to review and inspect NHS and independent healthcare organisations in Wales to check that patients, the public, and others are receiving safe and effective care which meets recognised standards. Health services are reviewed against a range of published standards, policies, guidance and regulations. As part of this work HIW will seek to identify and support improvements in services and the actions required to achieve this. If necessary, HIW will undertake special reviews and investigations where there appears to be systematic failures in delivering healthcare services to ensure that rapid improvement and learning takes place.

HIW is also responsible for the registration and regulation of independent healthcare providers under the Care Standards Act 2000. The regulation of such establishments is governed by the Independent Health Care (Wales) Regulations 2011.

National Fire Chiefs Council (NFCC) Wales Community Risk Reduction Committee/Fire and Rescue Authorities

Legal context

The National Fire Chiefs Council, Wales, Community Risk Reduction Committee (CRR) is the strategic body co-ordinating fire safety policy on behalf of the three Fire and Rescue Services in Wales i.e. North Wales, Mid and West Wales, South Wales.

CRR Wales is a regional branch of the NFCC National Fire Safety Committee and thus is able to monitor national impacts and their potential influence on fire safety policies and strategies within Wales.

The three Fire and Rescue Authorities in Wales are

1. Mid and West Wales Fire and Rescue Authority, comprising the Unitary Authority areas of Carmarthenshire, Ceredigion, Neath and Port Talbot, Pembrokeshire, Powys and Swansea.
2. North Wales Fire and Rescue Authority, comprising the Unitary Authority areas of Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham.
3. South Wales Fire and Rescue Authority, comprising the Unitary Authority areas of Blaenau Gwent, Bridgend, Caerphilly, Cardiff, Merthyr Tydfil, Monmouthshire, Newport, Rhondda Cynon Taf, Torfaen and Vale of Glamorgan.

The Fire and Rescue Services Act 2004, Section 6, Fire Safety, requires Fire and Rescue Authorities to make provision for the giving, when requested, of advice in respect of buildings and other property, about

- “(i) how to prevent fires and restrict their spread in buildings and other property;*
- (ii) the means of escape from buildings and other property in case of fire.”*

The Regulatory Reform (Fire Safety) Order 2005 (The FSO) came into force on 1 October 2006. The aim of the legislation is to reduce burdens on business previously caused by the existence of multiple, overlapping general fire safety regimes – and consequently overlap of the responsibilities of various enforcing authorities. The FSO consolidated and rationalised fire safety legislation (previously scattered across a large number of statutes and secondary legislation) into one Order. In doing so it reduces the number of enforcing authorities dealing with general fire safety matters thus simplifying fire safety responsibilities. The FSO maintains and enhances the protection afforded to users of premises (and others who might be affected by a fire on the premises).

The FSO places particular emphasis upon the Responsible Person, who may be –

- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control;*
- (b) in relation to any premises not falling within paragraph (a)*
- i. the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or*
 - ii. the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.*

The 'Responsible Person' has a duty to ensure that a suitable and sufficient assessment is carried out of the risk from fire and to take reasonable fire precautions in relation to employees and other people using the premises. If there are five or more employees or if the premises is licensed or has been served with an Alteration Notice, the significant findings of the risk assessment must be recorded. It is important that the significant findings are actioned to reduce the risk from fire; therefore, the employer must produce an action plan clearly indicating those measures to be employed for fire risk reduction and include timescales for their implementation.

The risk assessment must be reviewed regularly. If there is any reason to suspect that the fire risk assessment is no longer valid or there has been a significant change in the premises that has affected the fire precautions, a review and revision of the assessment is necessary

Reasons for the review could include:

- Changes to the level of dependence of service users;
- Changes to work processes or the way they are organised, including the introduction of new equipment;
- Alterations to the building, including the internal layout;
- Substantial changes to furniture and fixings;
- The introduction, change of use or increase in the storage of hazardous substances;
- The failure of fire precautions, e.g. fire-detection systems and alarm systems, life safety sprinklers or ventilation systems;

- Significant changes to displays or quantities of stock;
- A significant increase in the number of people present;
- The presence of people with some form of disability;
- The presence of staff or service users whose first language is other than Welsh or English.

Consideration should be given to the potential risk of any significant change before it is introduced, and the fire risk assessment amended accordingly.

Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act must have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

4. Regulators should share information about compliance and risk

4.1 Regulators should collectively follow the principle of "collect once, use many times" when requesting information from those they regulate.

4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.

5. INFORMATION SHARING

As part of their working relationship, HIW and the three Fire and Rescue Authorities will share relevant information to support the work of the other organisation and to try to minimise fire safety risks within healthcare organisations. All arrangements for exchange of information set out in this MoU and any supplementary agreements will take account of and comply with all relevant legislation and any HIW and Fire and Rescue Authority codes of practice, frameworks or other policies relating to confidential personal information.

In particular, HIW will provide to the relevant Fire and Rescue Authority/ies:

- Significant concerns about fire safety identified as part of HIW inspections or reviews (for example, where HIW feels that patients might be at risk). It will be provided to the agreed Fire and Rescue Authority contact in Appendix B by e-mail using the proforma for

information sharing in Appendix C. The Fire and Rescue Authority contact will make a judgement as to whether they will take any further action as a result of the information provided.

- HIW inspection or review reports that contain lower risk fire safety issues, on the day the report is published.

In particular, the three Fire and Rescue Authorities will provide to HIW:

- Details of any healthcare organisations with which they have identified significant and serious concerns about fire safety as they occur.
- Confirmation of any actions taken by the Fire and Rescue Authority following any significant concerns about fire safety identified and shared by HIW.
- A training session for relevant HIW staff, when needed, on matters to look out for in terms of fire safety at healthcare organisations.

6. RECONCILIATION OF DISAGREEMENTS

Any disagreement between HIW and the three Fire and Rescue Authorities will normally be resolved at working level. If this is not possible, it may be referred through those responsible for the management of this MoU, up to and including the Chief Executive of HIW and the Chief Fire Officer for the relevant fire authority area for FRAs who will then jointly be responsible for ensuring a mutually satisfactory resolution.

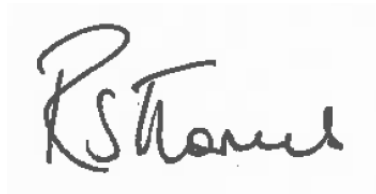
7. PROTOCOL REVIEW

HIW and the Community Risk Reduction Committee (CRR Wales) will oversee the implementation, review and revision of the MoU to ensure it continues to meet the needs of all stakeholders. It will be reviewed every two years or when deemed necessary by HIW or CRR Wales. Both organisations have identified a person responsible for the management of the MoU and contact details are provided at Appendix B.

Signed



Alun Jones
Interim Chief Executive



Roger Thomas
Deputy Chief Fire Officer

Date: 21 October 2020

Date: 08 JULY 2020

APPENDIX A – Fire safety and HIW inspections

As part of HIW inspections of both NHS and independent healthcare services, HIW may consider aspects of fire safety when assessing how services manage risk and health and safety. This may include fire safety aspects such as any obvious environmental hazards, the presence of an up-to-date fire risk assessment, the presence of fire extinguishers and fire exit signs and emergency procedures for evacuation.

Typically, aspects of fire safety would be considered during inspections of GP practices, dental practices and independent healthcare services.

Where HIW identify any serious concerns related to fire safety at any inspection, HIW would report these to the relevant Fire and Rescue Authority as appropriate.

Appendix B – Contacts in HIW and Fire and Rescue Authorities

HIW

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| <p>Healthcare Inspectorate Wales Rhydyar Business Park Merthyr Tydfil CF48 1UZ Tel: 0300 062 8163</p> | <p>Chief Executive:</p> <p>Alun Jones Interim Chief Executive Email: Alun.Jones39@gov.wales</p> |
| <p>Responsible for MoU management:</p> <p>Joseph Wilton Head of Partnerships, Intelligence and Methodology Email: joseph.wilton@gov.wales Tel: 0300 025 2663</p> | <p>E-mail address for correspondence to be sent to:</p> <p>Email: HIW@gov.wales</p> |

FIRE AND RESCUE AUTHORITIES

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| <p>Responsible for MoU management</p> <p>Dick Jones South Wales Fire and Rescue Service Email: r-jones@southwales-fire.gov.uk</p> | |
| <p>Mid and West Wales Fire and Rescue Service (03706060699)</p> <p>Fire Safety Departments:</p> <p>Business Fire Safety Headquarters Lime Grove Avenue, Carmarthen, Carmarthenshire, SA31 1SP BFSdept@mawwfire.gov.uk</p> <p>Ceredigion County Command, Trefechan, Aberystwyth, Ceredigion, SY23 1BE ceredigion@mawwfire.gov.uk</p> | <p>Carmarthenshire County Command, Lime Grove Avenue, Carmarthen, Carmarthenshire, SA31 1SP carmarthenshire@mawwfire.gov.uk</p> <p>Neath Port Talbot County Command, Upper Cimla Road, Neath, Neath Port Talbot, SA11 3UG neathporttalbot@mawwfire.gov.uk</p> |

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| <p>Pembrokeshire County Command, Merlin's Hill, Haverfordwest, Pembrokeshire, SA61 1PE Pembrokeshire@mawwfire.gov.uk</p> <p>Swansea County Command, Sway Road, Morriston, Swansea, SA6 6JA swansea@mawwfire.gov.uk</p> | <p>Powys County Command, Parc Noyadd, Llandrindod Wells Powys, LD1 5DF Powys@mawwfire.gov.uk</p> |
| <p>North Wales FRS</p> <p>Fire and Rescue Service Headquarters, Ffordd Salesbury, St Asaph Business Park St Asaph Denbighshire LL17 0JJ Tel: +44 (0)1745 535 250</p> | <p>Fire Safety Departments</p> <ul style="list-style-type: none"> • Anglesey - 01248 750 110 • North Gwynedd - 01286 662 999 • South Gwynedd - 01766 515 418 • Conwy - 01492 564 980 • Denbighshire - 01745 352 790 • Flintshire - 01352 792 820 • Wrexham - 01978 367 870 |
| <p>South Wales FRS</p> <p>Business Fire Safety Department South Wales Fire and Rescue Service Forest View Business Park Llantrisant Pontyclun CF72 8LX</p> <p>Tel: 01443 232000 Tel: 01443 232585 Fax: 01443 232180 E-mail: firesafety@southwales-fire.gov.uk</p> | |

APPENDIX C – PROFORMA FOR INFORMATION SHARING

| Name and contact details of HIW Inspector | Name and, address of healthcare organisation | Name of registered manager at healthcare organisation | Type of healthcare organisation (e.g. dental practice, laser) | Date of HIW's inspection | Whether overnight care offered at healthcare organisation (Y/N) | If overnight care offered, approximate number of patients |
|--|--|---|---|--------------------------|---|---|
| | | | | | | |
| Concerns identified about fire safety and action taken/to be taken | | | | | | |