

MEMORANDUM OF UNDERSTANDING

between

THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY

and

NORTHERN IRELAND FIRE & RESCUE SERVICE



Assurance, Challenge, Improvement in Health and Social Care



**Northern Ireland
Fire & Rescue Service**

Protecting Our Community

Arranged: 28 September 2018

Reviewed: 1 November 2022

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1. Introduction

The objective of this Protocol is to establish the framework that the Northern Ireland Fire and Rescue Service (NIFRS) and the Regulation and Quality Improvement Authority (RQIA) have agreed for cooperation and the exchange of information relating to each body's respective responsibilities for regulating fire safety matters within a range of registered establishments and agencies.

RQIA and NIFRS have distinct and separate roles in relation to fire safety in regulated establishments, agencies and premises used for the delivery of Health and Personal Social Services (HPSS) bodies in Northern Ireland. Nothing in this MoU will affect any existing statutory functions or supersede any policies or agreements relating to the activities of RQIA and NIFRS.

This document does not imply any transfer of responsibility from one body to another, and is not enforceable by law. However, RQIA and NIFRS agree to adhere to its principles and show due regard for each other's activities.

2. Principles of Cooperation

RQIA and the NIFRS are committed to an inspection and regulation system for fire safety in Northern Ireland which is transparent, accountable, proportionate, consistent and targeted.

RQIA and the NIFRS intend their working relationship will be characterised by the following principles:

- The need to make decisions which promote people's safety in relation to fires.
- Respect for each organisations independent status.
- The need to maintain public and professional confidence in the two organisations and the regulatory process.
- Openness and transparency between the two organisations as to when cooperation is and is not considered necessary or appropriate.
- The need to use resources effectively and efficiently.

3. Areas of Cooperation

The working relationship between RQIA and the NIFRS involves cooperation in the following areas:

- Cross referral of emerging urgent concerns.
- Routine sharing of information.
- Cross reference of emerging concerns and the sharing of feedback about particular premises of concern.
- Media and publications.

3.1. Routine Information Sharing

The working relationship between RQIA and NIFRS shall be characterised by regular on-going contact and exchange of information, and liaison on issues requiring cooperation and joint action.

RQIA and NIFRS agree to:

- Cooperate with, provide advice and offer support to each other on a strategic and routine level.
- Cooperate with each other where appropriate in relation to inspections, reviews, audits, call outs, fire incidents, fire incident investigations and complaints including sharing relevant information. Both organisations will look to resolve any issues found.
- Liaise with each other when practicable in relation to serious fire safety concerns, enforcement action and serious fire safety incidents.
- Continue to attend meetings in relation to specific fire safety issues such as the NI Fire Safety Forum.
- Provide notification to each other of any changes or proposed changes to legislation and standards.
- Provide notification to each other of any significant policy changes or initiatives that may have implications from a fire safety point of view.

3.2. Cross Referencing Concerns

Where RQIA and the NIFRS encounter concerns which they believe may fall into the remit of the other body, they will convey concerns and supporting information at the earliest opportunity. **The referring organisation will not wait until its own review or investigation has concluded**, and will do so in the interests of safety and protection and to uphold the principles of cooperation agreed between the two bodies.

NIFRS will make aware to RQIA any serious fire safety issues that may be identified for action in relation to regulated establishments. This will provide an opportunity for RQIA to consider how any such issues could impact the overall quality and safety of service being provided.

To an agreed extent, RQIA will notify NIFRS about any serious fire safety issues that they may identify in relation to care being given within Health & Social Care Trust (HSCT) establishments.

3.3 Information Exchange Preceding Enforcement Action

RQIA Information Exchange

- Telephone or e-mail contact will be made with NIFRS' Senior Safety Officer for the area in question.
- The NIFRS Senior Safety Officer will endeavour to offer the views and position of the NIFRS in relation to the action being taken by RQIA during this initial telephone conversation in the hope to inform the enforcement action.
- Details of the proposed enforcement action will be confirmed in writing to the Senior Safety Officer.
- NIFRS will then respond in writing with their view on the issue in question
- RQIA will keep NIFRS informed of progress on the enforcement action

NIFRS Information Exchange

- Telephone or e-mail contact will be made with the RQIA Estates Inspector for the establishment in question.
- RQIA Estates inspector will endeavour to offer the views of RQIA on the proposed action from NIFRS during the initial telephone to help inform NIFRS enforcement action.
- Details of the proposed action will be confirmed in writing to the RQIA Estates Inspector.
- The Inspector in question will respond in writing with their views on the issue in question.
- NIFRS will keep RQIA informed of progress in relation to the enforcement action.

4. Media Publications and Governmental Committee Interactions

Each organisation will liaise with the other to determine how any media interest relating to a mutual concern is handled. This also applies following interactions with Government Committees.

- The Press Officers for each organisation will liaise in relation to media reports for fire incidents and other significant fire safety issues.

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- RQIA and NIFRS will seek to give each other adequate warning (at least 24 hours where possible) and sufficient information about any planned press releases and announcements to the public that may be of relevance to the other organisation.
- RQIA and NIFRS will, when appropriate, share with each other details of relevant evidence to committees or interactions with the Northern Ireland Government or Parliament
- RQIA and NIFRS will respect the confidentiality of any documents shared in advance of publication and any associated embargo.

5. Data Protection and Human Rights

The cooperation methods outlined above protocol will require the exchange of information and data. All arrangements for collaboration and exchange of information set out in this Protocol and any supplementary agreements will take account of and comply with; the Data Protection Act (2018), the Freedom of Information Act (2000) and any applicable codes of practice or policies relating to confidential personal information held by RQIA or NIFRS.

Both organisations are content that the arrangements set out in this Protocol are compliant with the Data Protection Act and Freedom of Information Act, and acknowledge that both bodies are obliged to act in a way which is compatible to the Human Rights Act (1998).

6. Reconciliation of Disagreement

Both organisations will seek to resolve any disagreements amicably at a working level between the relevant officials. If this is not possible, it may be referred upwards through those responsible for operating this MoU, up to and including the Chief Executive of the respective organisation who will be responsible for ensuring a mutually satisfactory resolution.



7. Review

Senior Management in both RQIA and NIFRS will monitor the performance of this MoU on a regular basis. This document will be maintained by RQIA.

It is important that this MoU meets its objectives and continues to deliver effective communication and collaborative working between the two organisations in accordance with best practice.

All changes to this MoU will be agreed initially at an operational level and then taken forward for the final agreement and signatures of the Chief Executives.

8. Signatures

RQIA	NIFRS
	
Briege Donaghy Chief Executive	Assistant Chief Fire & Rescue Officer Aidan Jennings Director of Service Delivery

ANNEX A - Responsibilities and Functions

RQIA and NIFRS acknowledge the responsibilities and functions of the other and will take account of these when working together.

Regulation and Quality Improvement Authority

RQIA is an independent body established by the Department of Health and Social Services and Public Safety in April 2005, under the Health and Personal Social Services (Quality, Improvement and Regulation) Order (2003 NI).

- Under the provision of The Order (2003) the RQIA is required to keep the department informed about the provision, availability and quality of services; and also encourage improvement in the delivery of services.
- RQIA has powers to conduct reviews and carry out investigations/inspections into the management, provision, quality of or access to and availability of HSC services; including clinical and social care governance arrangements.
- Any person who carries on or manages an establishment or agency must make an application to RQIA to register. Once granted, RQIA issues a certificate of registration to the applicant. RQIA maintains a register of all approved establishments and Agencies.
- Under the Mental Health Order (1986 NI) RQIA undertakes a range of responsibilities for people with a mental illness and those with a learning disability.
- RQIA is designated as a National Preventative Mechanism (NPM) under the Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT); an international human rights treaty designed to strengthen protection for people deprived of their liberty. OPCAT requires NPMs to carry out visits to places of detention to monitor the treatment of and conditions for detainees and to make recommendations regarding the prevention of ill-treatment.

RQIA will undertake the following specific tasks in relation to fire safety in regulated establishments:

- Keep fire safety as a priority on RQIA's overall business agenda
- Include fire safety as a key element of the announced and unannounced inspection programme
- Follow up Notification of Incident Reports in relation to fire safety
- Provide information and support to registered persons in relation to the following issues:
 - Registration requirements in relation to fire safety
 - General and specific fire safety issues
 - Design standards for fire safety in premises used for the purposes of a regulated establishment

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- Communicate lessons learnt from fire incidents and call outs where NIFRS considers this to be appropriate across the sector
- Communicate relevant guidance and directives from NIFRS and update NIFRS on non-compliance with any directive in specific establishments; for example, the provision of automatic self-closing devices to bedroom doors in care homes.
- Obtain information from persons applying for registration in respect of a new establishment to be regulated which shows that **the NIFRS have been notified of:**
 - The opening date of the new establishment
 - The name, address and telephone number of the establishment
 - The names and addresses of the persons applying for registration
 - Information on the type of establishment, details of the premises, number of patients/service users and categories of care (etc.)
 - Information on any specific hazards
- Obtain confirmation from persons applying for registration that **the following documents are in place:**
 - Building control approvals
 - Fire alarm certificates
 - Emergency lighting certificates
 - Electrical installation certificate
 - Gas installation / equipment certificate
 - Heating appliance certificates
 - Fire safety policy
 - Fire risk assessment
 - Emergency fire plan

Northern Ireland Fire and Rescue Service

Northern Ireland Fire & Rescue Service is a non-departmental public body established under the Fire and Rescue Services (Northern Ireland) Order 2006. It has responsibility for fire-fighting, carrying out rescues, dealing with other emergencies and the enforcement of fire safety legislation throughout Northern Ireland.

- The aim of NIFRS is to create a safer environment for society by providing an effective fire-fighting, rescue and fire safety service.
- Currently this is achieved through a strategy involving prevention and protection. NIFRS has a duty to promote fire safety and delivers this through community education, community engagement, fire investigation and fire safety enforcement.
- Operational response is provided through the emergency 999 service with 69 fire stations at strategic locations across Northern Ireland.

NIFRS will undertake the following tasks in relation to fire safety in regulated establishments:

- Provide an operational response to fire incidents in line with NIFRS' Integrated Risk Management Plan.
- Carry out a risk based inspection programme in regulated premises.
- Carry out operational familiarisation visits to premises in accordance with NIFRS' operational intelligence gathering programme.
- Provide advice through the Building Control consultation process to Building Control and Applicants in relation to new premises, extensions/alterations to existing premises and changes of use in existing premises.
- Investigate complaints in relation to fire safety under the Fire and Rescue Services (NI) Order 2006.

ANNEX B - Lead Contacts

Organisations

Regulation and Quality Improvement Authority 7th Floor, Victoria House 15-27 Gloucester Street Belfast BT1 4LS Tel: 028 9536 1111	Northern Ireland Fire and Rescue Service 1 Seymour Street Lisburn BT27 4SX Tel: 028 9266 4221
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Chief Executives

RQIA Briege Donaghy Chief Executive Email: briege.donaghy@rqia.org.uk	NIFRS Assistant Chief Fire & Rescue Officer Aidan Jennings Director of Service Delivery Email: aidan.jennings@nifrs.org
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Operational Contacts

RQIA Phil Cunningham Senior Estates Officer Email: phil.cunningham@rqia.org.uk Tel: 028 9536 1111	NIFRS Geoff Somerville Group Commander (Protection) Email: geoff.somerville@nifrs.org.uk Tel: 028 9266 4221
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