

Concordat

A joint partnership agreement setting out formal arrangements for fire safety between;

*National Health Service Scotland
&
Scottish Fire and Rescue Service*

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1. Introduction

1.1 The Common Services Agency is a Statutory Body constituted pursuant to the National Health Service (Scotland) Act 1978.

NHS National Services Scotland is the common name of the Common Services Agency for the Scottish Health Service.

This Concordat is formed between The Common Services Agency on behalf of National Health Service (Scotland) Boards and the Scottish Fire and Rescue Service.

It has been endorsed by the Chief Executive of each National Health Service (Scotland) Board.

Hereinafter The Common Services Agency will be substituted by National Health Service (Scotland) abbreviated to NHSS.

Scottish Fire and Rescue Service will be abbreviated to SFRS.

1.2 This Concordat recognises the obligations imposed on the respective parties by virtue of the Fire (Scotland) Act 2005 as amended and the Fire Safety (Scotland) Regulations 2006 i.e.

1. The obligation imposed on NHSS to comply with the specific fire safety requirements of the Act and supporting Regulations, in particular the requirement to conduct fire risk assessments and act accordingly to the findings.
2. The obligation placed on the Scottish Fire and Rescue Service to enforce the legislation through a system of statutory compliance audits, according to the life risk profile of premises to which the legislation applies.

As public service providers mandated to meet specific statutory obligations in the interests of public healthcare and fire safety respectively, each body is clearly committed to do so in the best interests of the population they serve.

In that context, this Concordat aims to provide a model of public service co-operation and partnership that recognises the willingness of NHSS and SFRS to work together in order to achieve an acceptable standard of fire safety in NHSS owned and occupied premises, without prejudice to the individual statutory obligations and duties of the respective organisations.

2. Purpose and Intent

- 2.1 This Concordat outlines the areas of cooperation between NHSS and SFRS in their joint pursuit of fire safety objectives, statutory compliance and associated operational standards in NHSS healthcare premises. It is implicit in the Concordat that communications are maintained to enable fire safety issues of common interest to be discussed and agreed in a spirit of openness and transparency.
- 2.2 The agreement recognises that it is not in the wider public interest for significant conflicts to arise as a consequence of their respective duties and obligations and sets out in the first instance to provide a means for disputes to be settled co-operatively, to the satisfaction of the respective parties.
- 2.3 The Concordat is a voluntary arrangement; entered into by both parties on the basis of a joint understanding of the agreed objectives. It is not a binding arrangement and therefore has no formal legal status.
- 2.4 The Concordat recognises the statutory obligations of both parties

3. Confidentiality

3.1 SFRS and NHSS fully endorse and adhere to the Data Protection principles, as set out in the Data Protection Act 1998. Both parties regard the lawful and correct treatment of personal information as vital to fulfilling their functions and to maintaining the confidence of all individuals who come into contact with them. Both parties agree to share information under this Concordat only where doing so is in line with the Data Protection principles and compatible with the Human Rights Act 1998.

The confidentiality and sensitivity of information disclosed or exchanged, shall not be disclosed to any other person or body who is not party to the Concordat, except with the authority of the other signatory or their representative or to comply with a legal obligation.

4. Objectives

NHSS & SFRS will work openly in pursuance of the following objectives:

- To assist NHSS to achieve compliance with the fire safety legislation applicable to all NHSS owned and occupied premises, by each party fulfilling their respective statutory duties and any other relevant legal requirement with regard to the performance of the Concordat.
- To actively develop, review, revise and promote operational fire safety, good practice and standards, published under the title NHS Scotland Firecode, including supporting guidance on measures to reduce the number of unwanted fire alarm signals in NHSS premises, and actively consult with SFRS on such matters.
- Share relevant statistical information appertaining to healthcare premises.
- NHSS will co-operate with SFRS compliance auditors in an open and transparent manner with each party having sensitivity to those functions of healthcare where an audit inspection may require pre arrangement for specific health or safety reasons.
- NHSS recognises the authority of SFRS in the conduct of statutory audits, and will provide assistance and facilities to enable them to undertake their duties in a spirit of co-operation and openness.
- Endeavour to avoid disputes and where such a dispute relating to conduct or compliance matters arises, to make every effort to resolve it locally in the spirit of co-operation on which the respective parties are herewith agreed.
- To consider the referral of any dispute for consideration by the means set out in the Fire (Scotland) Act 2005 as amended; Part 3; Ch 2; 67; Determination of disputes; as a final resort, having failed to find a satisfactory resolution by other co-operative, open and transparent means to which each party has contributed in the wider spirit of this Concordat.

5. Undertakings

NHSS undertakes to encourage Health Boards in Scotland to adopt a proactive approach to their statutory compliance obligations and to co-operate with SFRS in pursuit of their statutory compliance obligations, and shall:

- Conduct fire risk assessments in accordance with Firecode thus meeting or surpassing its statutory requirements;
- NHSS will consult with SFRS in regard to the development and review of the fire safety guidance comprising NHS Scotland Firecode;
- NHSS will ensure that Chief Executives of Health Boards are aware of the contents of this Concordat and encourage the local adoption of its principles in the area for which they have responsibility;
- SFRS will engage with NHSS as a member of the Health Facilities Scotland; Fire Safety Advisory Group so that fire safety issues of strategic and operational significance can be discussed and considered in a joint forum;
- NHSS will encourage Health Boards to work with SFRS locally, to assist them in the provision of information required for operational response to fire or other incidents in NHSS facilities;
- NHSS will encourage Health Boards to engage with SFRS openly and transparently in response to audit outcomes, in particular in the development and implementation of action plans;
- NHSS will encourage Health Boards to take steps to reduce the number of unwanted fire alarm signals, in particular to review the performance of existing fire alarm and detection systems and implement measures to reduce unwanted fire signals, and to work closely, so far as necessary with SFRS in this regard;
- Encourage Health Boards to liaise with SFRS at an early stage in the design of a major new build or refurbishment of premises, particularly with regard to buildings where fire engineered solutions are proposed

6. Consultations & Disputes

HFSS and SFRS undertake to jointly, review the commitments of this agreement.

The parties therefore undertake the following:

- To meet at least annually or more frequently by joint agreement to review the strategic and operational effectiveness of the Concordat, and amend it as necessary.
- To actively promote and encourage the respective bodies to sustain and pursue the principles of the Concordat locally at an operational level through the development of local partnerships.
- To provide a forum for the resolution of disputes that cannot be resolved locally between Health Boards and SFRS, in any case without prejudice to;
 - the right of SFRS to take enforcement action as defined in the Act, or
 - the right of the Health Board to appeal to a court in the event of such action; or
 - the right of the parties to pursue a determination of the dispute under the Fire (Scotland) Act 2005 as amended; Part 3; Ch 2; 67. Determination of disputes.

7. Signatories

This Concordat has been jointly developed, in consequence of which the following signatories endorse the contents and agree to adopt and comply with the aims, objectives and procedures it sets out.

National Health Service Scotland: signature



Mr Jim Leiper

Director of Health Facilities Scotland

Scottish Fire and Rescue Service: signature



Assistant Chief Officer Robert Scott

Director of Prevention and Protection

Appendix 1. Organisational Status

Health Facilities Scotland is a division of NHS National Services Scotland.

NHS National Services Scotland is the common name of the Common Services Agency for the Scottish Health Service.

THE COMMON SERVICES AGENCY is a Statutory Body constituted pursuant to the National Health Service (Scotland) Act 1978, having its place of business at Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB (the "CSA")

Appendix 2. Contact details

Scottish Fire and Rescue Service:

National Coordinator for Fire Safety Enforcement & Fire Engineering

Scottish Fire and Rescue Service

West Service Delivery Area Headquarters

Bothwell Road

Hamilton

ML3 0EA

Direct dial: 01698 402001

Email: SFRS.EnforcementCentre@firescotland.gov.uk

National Health Service Scotland:

National Fire Safety Advisor

Health Facilities Scotland

Procurement, Commissioning and Facilities (PCF)

NHS National Services Scotland

Meridian Court (3rd fl.)

5 Cadogan St.

Glasgow

G2 6QE

Direct dial: 0141 282 2226

Mobile : 07817 956437

Email : NSS.hfsenquiries@nhs.net