

Minister for Community Safety
Fergus Ewing MSP



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Chair
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Dear David,

I'm writing to CFOA(S) to bring to your attention the issue of fire safety in childminding premises.

I am aware that my officials, fire and rescue services and the Care Commission have had a number of discussions over the recent months in relation to fire safety in care premises. This has also included the need to review the memorandum of understanding (MOU) between the Care Commission and the fire and rescue services. The creation of Social Care and Social Work Improvement Scotland (SCSWIS) and Healthcare Improvement Scotland (HIS) on 1 April presents an opportunity to reinforce the positive collaborative relationship between the fire and rescue services and the new scrutiny bodies and also put in place fresh MoUs.

As a consequence of development work on the review of the MOUs, my officials have made me aware that there appears to be some doubt on the application of fire safety legislation to childminding premises and in particular whether these are to be considered relevant premises under the Fire (Scotland) Act 2005. Although this doubt exists, it is my understanding that both the fire and rescue services and the Care Commission will continue to work together and treat childminding premises as though they were 'relevant premises' under the 2005 Act, as they have been doing.

To bring clarity to the handling of childminding premises under the Act, it is our view that we would need to amend section 78 of the 2005 Act as regards the meaning of 'relevant premises'. Before making such a change, we would wish to carry-out an in-depth review to ensure that there were no other similar types of premises that we would wish to include in any revision of section 78. Due to the forthcoming Scottish Parliamentary elections this will be a matter for the incoming Administration to consider.

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I believe that until such time as this matter is resolved, fire and rescue services, in conjunction with SCSWIS, should use the opportunity of the changes that will take place on 1 April to review their arrangements for the inspection of premises providing childminding, both for new and existing childminding premises. Ensuring that the premises used to provide these particular services have the necessary fire safety measures in place will offer continuing public reassurance to users and their carers as to their personal safety and wellbeing.

I am copying this letter to Frank Clark, the Chair of SCSWIS

Yours sincerely
Fergus Ewing
FERGUS EWING