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Chief Fire Officers (Scotland)

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Dear Chief Officer

DEAR CHIEF OFFICER (SCOTLAND) LETTER No. 5/2011

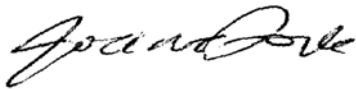
FIRE SAFETY IN PREMISES WHERE A CARE SERVICE IS PROVIDED

1. This letter advises of forthcoming changes to the system of regulation of social and independent health care services in Scotland which will have an impact on Fire and Rescue Services' fire safety enforcement function in respect of certain premises.
2. Under the Public Services Reform (Scotland) Act 2010 two new bodies, Social Care and Social Work Improvement Scotland (SCSWIS) and Healthcare Improvement Scotland (HIS), are being created. These bodies will be charged with improving the quality of social care, social work, children's services and healthcare services. The bodies will take over these responsibilities from 1 April 2011.
3. In practice this means that the registration and regulation of care and independent health care services, previously a responsibility of the Scottish Commission for the Regulation of Care (the Care Commission), will be transferred respectively to SCSWIS and HIS.
4. HIS will become the regulator of independent health care providers, such as private hospitals and hospices. SCSWIS will become the regulator of the other care services which were previously regulated by the Care Commission.
5. More details of the changes to the scrutiny of social and independent health care services in Scotland are available on the Scottish Government's website at www.scotland.gov.uk/topics/health/scrutiny
6. The Fire and Rescue Service enforce the fire safety regime in Part 3 of the Fire (Scotland) Act 2005, in most premises where a care service is provided, but not

where this occurs in domestic premises (as defined in the 2005 Act). Fire safety in domestic premises falls within the scope of the more general function of promoting fire safety. It is important that Fire and Rescue Services have a good working relationship and an agreed protocol with the new regulators to ensure a joined-up approach to fire safety in care premises

7. The relationship between the Care Commission and the Fire and Rescue Service was a matter that was examined at the Fatal Accident Inquiry into the fire at Rosepark Care Home. While the Sheriff Principal has yet to issue his determination, one of the issues considered at the Inquiry was that of ensuring that the relationship between SCSWIS and the Fire and Rescue Services, and how they are to operate together in the care sphere should be put on a formal footing early on in the life of the new body.
8. The development of new Memoranda of Understanding between the Fire and Rescue Services and the new bodies has been the subject of discussion with CFOA(S).

Yours Sincerely



JOANNE BOYLE
Fire and Rescue Services Division