



**NFCC**  
National  
Resilience



## **Memorandum of Understanding**

**between**

**The National Fire Chiefs Council**

**And**

**Air Accidents Investigation Branch**

**FOR THE PROVISION OF RESPONSE IN SUPPORT OF RESCUE, RECOVERY, AND  
INVESTIGATION OF AIR ACCIDENTS AND INCIDENTS**

With effect from 26/04/2019

## **Memorandum of Understanding**

### **Foreword**

This memorandum of understanding (MOU) is not legally binding and has been agreed between the Air Accidents Investigation Branch (AAIB) and the National Fire Chiefs Council (NFCC). It sets out the principles of effective liaison, collaboration, communication and mutual cooperation between these parties.

### **Air Accidents Investigation Branch**

The Air Accidents Investigation Branch hereinafter known as the AAIB has a heritage dating back to 1915. The AAIB discharges the United Kingdom's obligations under Annex 13 to the convention on International Civil Aviation and the European Regulation (EU) No 996/2010. Its statutory responsibilities are defined by the Civil Aviation Act 1982 and the associated secondary legislation, The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996. (SI 1996/2798) or its derivatives.

The AAIB investigates aircraft accidents and serious incidents that occur in the UK or involve UK registered or manufactured aircraft overseas. It also participates in accident and serious incident investigations worldwide where there is a specific UK interest.

The AAIB has a statutory responsibility to independently investigate air accidents and serious incidents, to establish the surrounding circumstances, identify safety issues, to determine the causal and contributory factors and make Safety Recommendations intended to prevent recurrence.; The AAIB do not apportion blame or liability.

AAIB inspectors have statutory powers to investigate all civil aviation accidents and incidents within the UK. They have the powers to have free access to the accident site, the aircraft, its contents or its wreckage; witnesses; the contents of flight recorders; the results of examinations of bodies; the results of examinations or tests made on samples from persons involved in the aircraft's operation and relevant information or records. They also have the power to control the removal of debris or components; examine all persons as they think fit; take statements; enter any place building or aircraft; remove and test components as necessary and take measures for the preservation of evidence.

### **The National Fire Chiefs Council**

The National Fire Chiefs Council hereinafter known as NFCC has its offices at West Midlands Fire Service Headquarters, 99 Vauxhall Road, Birmingham, B7 4 HW

NFCC came into effect on April 1, 2017 replacing the Chief Fire Officers Association as the professional voice of the UK Fire and Rescue Service, it drives improvement and development throughout the UK FRS while supporting strong leadership of the UKFRS including the devolved administrations.

NFCC aims to:

- Strengthen the professional / operational leadership of the FRS
- Improve national co-ordination
- Reduce duplication, increase efficiency
- Support Local Service delivery
- Provide increased influence for Fire and Rescue Authorities and their services

The Chair of the NFCC who is independent of any specific Fire and Rescue Authority, provides a single point of contact for the Home Office (Lead Government Department for Fire and Rescue), fire professionals and Partners such as LGA.

NFCC has no authority to ensure fire and rescue service compliance with this MOU but commits to sharing the document, and encouraging its adoption, with all Council members who sit within every fire and rescue service within the UK. Appendix A to this MOU provides a framework so that each party can carry out their respective roles and responsibilities.

## **1. PURPOSE OF THIS MEMORANDUM OF UNDERSTANDING**

1.1 The purpose of the MoU is to set out the principles for effective liaison, communication, co-operation, and coordination between these agencies to facilitate effective preparedness arrangements, post-accident support arrangements, incident investigation activities, and the provision of mutual assistance. The MoU will assist by developing mechanisms for the sharing of good practice and learning whilst recognising the role and powers of each agency under the Fire and Rescue Services Act 2004, the Regulation (EU) No 996/2010 and The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996 or their derivatives.

1.2 The underlying principles of the MoU are to:

- recognise that both parties have duties to perform in relation to responding to and investigating air accidents and incidents and that each party, in discharging these duties, should take into account the roles and responsibilities of the other party, ensuring that independent parallel response capabilities operate in a manner that supports investigations and allows them to proceed in cooperation with each other, as appropriate, and in accordance with the public interest.
- Ensure that, where possible, parties will exchange factual information about the details of an accident or incident in a timely manner, as their respective investigations proceed.
- Enable specialist National Resilience USAR support and fire technical rescue expertise to be provided to assist the AAIB in making an accident or incident site safe to support the investigation process.
- Facilitate where appropriate specialist fire investigation support to AAIB investigators.
- Provide an agreed framework between the NFCC and the AAIB for the collating and sharing of knowledge and good practice in air accident response, for the purpose of improving national Fire and Rescue Service operations.

- Establish an agreed framework between the NFCC and the AAIB, allowing for variation in scope, for the generation of local and national working arrangements, on and off air accident sites.
- 1.3 This Memorandum of Understanding does not affect any existing legal obligations of either party and does not create any such obligations.

## **2. STRATEGIC AIMS AND OBJECTIVES**

- 2.1 For the NFCC Director of Operations using local and national mechanisms to facilitate, where possible, the provision of support to AAIB investigation teams, by means of passing on requests for assistance to the relevant Fire and Rescue Authority dealing with the accident (where local lines of communication are not established)
- 2.2 To facilitate the routine exchange of factual information pertinent to an accident or incident investigation in a timely manner.
- 2.3 To support the AAIB with specialist technical rescue and recovery advice and intervention and fire investigation advice associated with an air accident.
- 2.4 To share information on aircraft accidents and response (where permitted under relevant legislation) that may provide learning outcomes of interest to FRS within the United Kingdom, Northern Ireland, Scotland and Wales.
- 2.5 To share fire and rescue service and National Resilience capability information to enhance and support any joint response between fire and rescue and AAIB
- 2.6 To develop a strategic multi-agency approach by enhancing FRS response standards and improving understanding of the variable nature and scale of aircraft accidents.

**Signatures**



**NFCC**  
National  
Resilience

Signed on behalf of **The National Fire Chiefs Council**

Name (in full) CHRIS LOWTHER  
Position CHIEF FIRE OFFICER, CHAIR OF OCC  
Signature [Handwritten Signature]  
Date 1/5/19.



Signed on behalf of **Air Accident Investigation Branch**

Name (in full) CRISPIN ORR  
Position CHIEF INSPECTOR OF AIR ACCIDENTS  
Signature [Handwritten Signature]  
Date 09/05/19

## **Appendix A**

### **Fire and Rescue Services**

In accordance with the Fire and Rescue Services Act 2004, the Civil Contingencies Act 2004, the Fire & Rescue Services (Emergencies) (England) Order 2007, the Fire & Rescue Services (Emergencies) (Wales) Order 2007, and the National Mutual aid protocol (FRS circular42/2006), the Fire and Rescue Services (FRS) have powers to respond to eventualities other than fire and road traffic collisions.

Fire and Rescue Services have duties to respond to collapse of buildings or other structure and emergencies involving a train, tram or aircraft (excluding tunnels) which is likely to require a Fire and Rescue Authority (FRA) to use its resources beyond the scope of its day to day operations.

The Senior Fire Officer at the scene of a fire has sole charge of all operations for the extinction of the fire. The FRS has power to investigate the cause of a fire (post fire and rescue operations) and this may be achieved on or off site.

### **Areas of Mutual Interest**

The principal areas of mutual interest between the AAIB Investigators and NFCC are:-

All fires which have caused or contributed to an air accident or have occurred because of the accident and have resulted in loss of life or significant injury.

All fires which have caused or contributed to an air accident or have occurred because of the accident and have resulted in significant financial loss.

FRS first responder actions taken following deployment to an air accident or incident.

Specialist USAR capability advice and assistance that can be utilised to stabilise an investigation scene.

Aircraft accidents that may deliver key learning points which can be cascaded to all FRS in the UK to improve firefighter safety and fire and rescue response to air accidents and incidents.

### **General Working Arrangements**

Where practicable the parties will co-operate and share specialist expertise and resources which are available locally and through national arrangements. This work will be focused on ensuring a safe working environment and facilitating effective investigation

Where an FRS investigation is to be conducted into a fire associated with an air accident that is the subject of an AAIB investigation, FRS fire investigations will be conducted under the co-ordination of the AAIB investigation team.

The FRS and the AAIB may elect to investigate post-impact fires in air accidents and will conduct their investigations to a standard determined by their regulations.

Both agencies will share all appropriate information subject to the legal restrictions on disclosure within the legislation by which they are bound.

### **Accident Site**

Co-operative, but independent investigations should be carried out as soon as possible following completion of on-site firefighting or preservation of life operations and stabilisation

of the accident site is achieved. Time scales will be controlled by the AAIB investigator. Once the appropriate inspector has been appointed by the AAIB he/she should make contact with the local FRS incident commander and liaise with the FRS fire investigation officer and where appropriate the FRS tactical advisor. This should be done as soon as possible to arrange, if appropriate, a coordinated inspection of the accident site, so that critical evidence is preserved. All on site investigations will be controlled by the AAIB inspector.

At the site of an aircraft accident, a dynamic risk assessment will be made by each agency in accordance with their respective Health and Safety Policies and Safe Systems of Work. This may include a COSHH (Control of Substances Hazardous to Health) assessment. The Senior Fire Service Officer at scene is responsible for the risk assessment until the fire is extinguished. All agencies should agree (where possible) that they are satisfied that all appropriate risk mitigation activities have been undertaken prior to the investigation starting and the accident site being entered.

Subject to the necessary actions required to preserve life, extinguish fires and make the accident site safe, it should be preserved as closely as possible in its state immediately after the accident. If it is considered necessary, for the security of evidence, to move items or in any way affect the site, the FRS should, where practicable, notify the AAIB and agree the steps they intend to take. If it is not possible to discuss such action with the AAIB, the FRS should inform the AAIB as soon as practicable of any action taken.

If the AAIB inspector experiences difficulties with local liaison or access to specialist assistance, they should request the assistance of a Fire and Rescue National Strategic Advisor (NSAT) via the Fire and Rescue National Coordination Centre (FRSNCC) who will act as a liaison officer with the relevant FRS involved to overcome local issues.

### **Management of the investigation**

All parties will make every effort to establish and maintain good liaison, communication and cooperation with one another throughout their respective investigations, and to work together as appropriate to achieve the best outcome for all. The responsibility for achieving this lies with the senior representative of each agency at the scene of the accident or incident. Where it is not clear initially whether another agency has an interest in carrying out an investigation, the potential involvement of the other parties should be borne in mind in the conduct of any investigation.

### **Post-Accident/Incident**

If the AAIB inspector identifies that specialist assistance to stabilise an aircraft or if fire investigation support is required from the FRS after the aircraft has been removed from the accident/incident site, they will contact a member of the Fire and Rescue Service National Strategic Advisory Team (NSAT) via the National Resilience Duty Officer (NRAT) – who will act as a liaison officer to assist in providing whatever specialist support may be necessary. Contact with NRAT/NSAT can be made via the affected FRS to National Resilience Fire Control on 0330 678 0103

Any cost associated with this request will need to be agreed between the AAIB, NSAT and other third party prior to any support being provided.

Whenever an FRS team attend an aircraft accident site that does not involve AAIB attendance, any evidence collected by the FRS that may be considered pertinent to an AAIB investigation, such as photographs or post-incident reports, should be offered to the AAIB.

The AAIB will undertake to provide or participate in appropriate briefings/training that may deliver key learning points that can be cascaded to all FRS in the UK to improve fire-fighter safety and fire and rescue response to air accidents and incidents.

### **Public Statements/Media Coverage**

In the event of a need to make a public statement, the AAIB and the FRS will consult one another to ensure the factual accuracy of any media release and as far as possible co-ordinate activities, particularly when considering the public release of visual media taken of an accident site.

### **Training and Awareness**

The AAIB will undertake to provide or participate in appropriate briefings/training that may deliver key learning points that can be cascaded to all FRS in the UK to improve fire-fighter safety and fire and rescue response to air accidents and incidents.

### **Equality and Diversity**

Both partners are committed to ensuring that all policies of the AAIB and FRS in respect of equality and diversity are being promoted.

Any discrimination in respect to sex, race, religion, sexuality, sexual orientation, age or disability shall be treated seriously and will be investigated through the respective organisations disciplinary procedures.