



**CFOA**  
Chief Fire Officers  
Association

**Memorandum of Understanding**  
between  
**The Chief Fire Officers Association**  
and  
**Air Accidents Investigation Branch**

For the provision of post response mutual support in the  
investigation of Air Accidents and Incidents

## **Memorandum of Understanding**

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### **Foreword**

This Memorandum of Understanding (MoU) is not legally binding and has been agreed between the Air Accidents Investigation Branch (AAIB) and The Chief Fire Officers' Association (CFOA). 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, herein after called 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 legislative powers 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 investigations worldwide where there is a specific UK interest. The AAIB also provides technical assistance to the Ministry of Defense in support of Service Inquiries investigating military aircraft accidents.

The AAIB has a statutory responsibility independently to investigate air accidents and incidents, including those which may involve the commission of a criminal offence or where deaths may have occurred, and to establish the surrounding circumstances, and all the causal factors of the accident or incident. Their sole purpose is the prevention of accidents and incidents by identifying safety deficiencies and making safety recommendations to prevent recurrence; they do not apportion blame or determine liability.

AAIB Inspectors have powers to investigate all civil aviation accidents and incidents within the UK. They and 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 examination 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 Chief Fire Officers Association**

The Chief Fire Officers Association is registered in England as a limited company, number 3677186 herein after called "CFOA" having its office at 9-11 Pebble Close, Amington, Tamworth, Staffordshire, United Kingdom, B77 4RD.

CFOA has the charitable objects of reducing the loss of life, personal injury and damage to property and the environment by improving the quality of fire fighting, rescue, fire protection and fire prevention in the United Kingdom.

CFOA is a professional membership association which provides independent advice, information, leadership, research, informed comment and other services to national and local

government, policy makers, other relevant bodies, to the Association's own members and through a range of national communities and forums.

CFOA has no authority to ensure fire and rescue service compliance with this MoU but commits to sharing this document, and encouraging its adoption, with all members of the Association who sit within every fire and rescue service in 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 post accident or incident investigation activities, the provision of mutual support and to encourage the adoption of the working practice as detailed in Appendix A by individual FRS.
- 1.2 The underlying principles of the MoU are to:
  - recognise that both the AAIB and individual FRSs 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 investigations 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 fire investigation support and other fire and rescue expertise to be provided (where available) to assist the AAIB in the investigation process.
  - provide an agreed framework between the CFOA 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 CFOA and the AAIB, allowing for variation in scope, for the generation of local 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 a contract or any legally binding obligations.
- 1.4 This Memorandum of Understanding (MoU) commences on 1 February 2012.
- 1.5 Subject to clause 1.7 this MoU will remain in force until (and including) 1 February 2015.
- 1.6 The parties will agree to keep the MoU under review as appropriate, and formally conduct a review of the terms of this MoU annually during the month of November.
- 1.7 This MoU will cease upon either party giving the other three months' notice in writing.

2. **Strategic Aims and Objectives**

- 2.1 For CFOA 'Transportation Air' lead officer to assist and facilitate, where possible, the provision of support to AAIB investigation teams, by means of passing on requests for assistance to the relevant Fire Authority dealing with the accident (where local lines of communication are not established)
- 2.2 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.
- 2.3 To develop a strategic multi-agency approach by enhancing FRS / AAIB partnership working arrangements and improving understanding of the variable nature and scale of aircraft accidents.

Signed:   
CFOA Operations Response Director

Date: 10 January 2012.

Signed:   
AAIB – Chief Inspector of Air Accidents

Date: 28 December 2011

## **Appendix A**

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### **Fire and Rescue Services**

In accordance with the Fire and Rescue Services Act 2004, The Civil Contingencies Act 2004, the Fire and Rescue Services (Emergencies) (England) Order 2007, the Fire and Rescue Services (Wales) Order 2007 and the National Mutual Aid Protocol (FRS Circular 42/2006), the Fire and Rescue Services (FRSs) have powers to respond to eventualities other than fire and road traffic accidents.

Fire and Rescue Services have duties to respond to emergencies due to collapse of a building 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 FRS 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.

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

### **General Working Group arrangements**

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. Where practicable though, the parties will co-operate and share expertise and resources.

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 fire fighting or preservation of life operations, but 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. 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, dynamic and analytical risk assessments 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, they are to contact the CFOA Lead Officer 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 fire investigation support is required from the FRS after the aircraft has been removed from the accident/incident site, they will contact the relevant FRS Lead Officer who acts as a liaison officer to assist in providing whatever specialist support may be necessary.

Any cost associated with this request will need to be agreed between the AAIB, FRS lead officer 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.

### **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.

### **Equalities and Diversity**

Both partners are committed to ensuring that all policies of the AAIB and FRS in respect to Equality and Diversity and are promoted.

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