

Memorandum of understanding between the Independent Chief Inspector of Borders & Immigration and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

Introduction

1. This Memorandum of Understanding (MoU) sets out a framework for co-operation, collaboration and communication agreed between the Independent Chief Inspector of Borders and Immigration (ICIBI) and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).
2. The aim of this agreement is to put in place clear arrangements and practices that will foster an effective and co-operative working relationship between the ICIBI and HMICFRS.
3. The ICIBI and HMICFRS wish to operate in accordance with good practice and are therefore committed to co-operating and sharing knowledge, information, and expertise to benefit their work in areas of mutual interest.

Responsibilities and remits

ICIBI

4. Under Section 48 of the UK Borders Act 2007, the ICIBI has statutory responsibility to monitor and report on the efficiency and effectiveness of the performance by the Secretary of State for the Home Department (the Home Secretary), their officials and other persons, in exercising customs, immigration, asylum or nationality functions in the UK and overseas.
5. The ICIBI provides written inspection reports, with recommendations, to the Home Secretary. The Home Secretary is responsible for laying the reports in Parliament, which they are committed to doing within eight weeks of receipt, subject to both Houses sitting.
6. The ICIBI has undertaken to work with other inspectorates on areas of mutual interest.
7. Section 52 of the UK Borders Act 2007 states:

“Relationship with other bodies: general

(1) The Chief Inspector shall cooperate with prescribed persons in so far as the Chief Inspector thinks it consistent with the efficient and effective performance of the functions under section 48.

(2) The Chief Inspector may act jointly with prescribed persons where the Chief Inspector thinks it in the interests of the efficient and effective performance of the functions under section 48.

(3) The Chief Inspector may assist a prescribed person.

(4)The Chief Inspector may delegate a specified aspect of the functions under section 48 to a prescribed person.”

8. “Her Majesty’s Inspectors of Constabulary” are listed as prescribed persons in the UK Borders Act 2007 (Border and Immigration Inspectorate) (Joint Working etc.) Order 2012 section 52(2).

HMICFRS

9. The role of HMICFRS is to promote improvements in policing and fire and rescue services to make everyone safer. Section 54 of the Police Act 1996 states that “The inspectors of constabulary shall inspect, and report on the efficiency and effectiveness of, every police force maintained for a police area.”
10. The annual inspection programme for police forces in England and Wales is subject to the approval of the Home Secretary under the Police Act 1996. HMICFRS considers the risks to the public, service quality, public concerns, the operating environment, the effect that inspections may have on a force, and the benefits to the public of improvements which may follow inspection.
11. The Fire and Rescue Services Act 2004 provides that HMICFRS will inspect and report on the efficiency and effectiveness of fire and rescue authorities in England. In its inspections, HMICFRS focuses on the efficiency and effectiveness of each English fire and rescue authority and how well it looks after its people.
12. HMICFRS also works with other inspectorates – within the criminal justice system and more broadly – to address problems that involve more than one agency.

Scope and purpose of the MoU

13. While the statutory responsibilities and remits of the ICIBI and HMICFRS are distinct, there are overlapping areas of interest and opportunities for the two inspectorates to co-operate, collaborate and communicate. This MoU sets out how the ICIBI and HMICFRS will manage this.
14. This MoU does not place any additional legal obligations on either party, nor does it imply any transfer of responsibility from one to the other or sharing of statutory functions. The ICIBI and HMICFRS will, at all times, work within their respective statutory frameworks.
15. This MoU is not exhaustive, and it will be supplemented by working protocols that will be drafted for specific joint inspections.

Principles

16. The ICIBI and HMICFRS will ensure effective, efficient and legally compliant co-operation, collaboration and communication by:

- Respecting each other's independent status and statutory obligations and boundaries;
- Keeping one another informed of plans and issues that may interest or affect the other inspectorate;
- Giving proper protection to any documents, information or data that is shared (by adhering to relevant statute(s), protective security policies and working practices).

Areas for co-operation, collaboration and communication

17. ICIBI and HMICFRS may co-operate, collaborate and communicate in relation to any matters, but the areas where this is most likely to be beneficial are in relation to inspection programmes, actual inspections where there is an identified shared or overlapping interest, and inspection practices.

Inspection programme

18. Annually, or more often if appropriate, ICIBI and HMICFRS will share their plans for future inspection activity, in so far as they are likely to be relevant to the other, with the aim of identifying opportunities for co-operation and collaboration. Communication may also be undertaken at a working level during inspections and at a more formal level during regular meetings between the Chief Inspectors.

Inspections

19. Where the inspectorates have agreed in principle to co-operate and/or collaborate on an inspection(s), the precise scope and form of this co-operation and/or collaboration will be subject to detailed planning, covering *inter alia* areas of foreseeable difficulty or conflict, and agreement on how these will be handled. If agreement is not possible at the planning stage, either inspectorate may decide not to proceed, but this will not prevent the other inspectorate from proceeding alone.

20. Written agreements to co-operate and/or collaborate on an inspection(s) will be jointly produced and will be signed off by the ICIBI and HMICFRS.

21. Due to the different statutory remits and arrangements for publication, it is not envisaged that the ICIBI and HMICFRS will produce joint inspection reports. The options for reporting are:

- A single report from one or other Chief Inspector that makes reference to the findings of the other inspectorate; or
- Parallel/complementary reports from each Chief Inspector.

22. The ICIBI and HMICFRS will retain full ownership of any report(s) published in either of their names. Where quoting directly the findings of the other inspectorate, the text will be cleared in draft with the relevant Chief Inspector.

Inspection practices

23. The two inspectorates will seek opportunities to support one another in relation to inspection 'best practice', including sharing information about their methodologies, offering 'shadowing' opportunities, and short or longer-term secondments (subject to the relevant HR processes), and undertaking joint training where appropriate.

Review

24. This MoU will be reviewed by the ICIBI and HMCIFRS every other year, or at any time if requested by either party.

SIGNED

David Neal

Independent Chief Inspector of Borders and Immigration

DATE: 8 July 2022

SIGNED

Andy Cooke QPM DL

Her Majesty's Chief Inspector of Constabulary and Her Majesty's Chief Inspector of Fire & Rescue Services

DATE: 8 July 2022