



**Memorandum of Understanding
Between
Her Majesty's Inspectorate of Prisons
Her Majesty's Inspectorate of Constabulary
&
The Faculty of Forensic & Legal Medicine**

Introduction

1. Her Majesty's Inspectorate of Prisons

- 1.1 Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose Chief Inspector is a Crown appointment. The Chief Inspector's powers derive from section 5A of the Prisons Act 1952 (as amended). The Chief Inspector reports directly to the relevant Secretaries of State and to Parliament on the treatment of and conditions for prisoners in England and Wales and immigration detainees in the United Kingdom. HMI Prisons also inspects court custody, police custody and customs custody facilities with Her Majesty's Inspectorate of Constabulary (HMIC), and secure training centres with Ofsted. By invitation, HMI Prisons inspects some military detention facilities as well as prisons in Northern Ireland and in other jurisdictions with links to the UK such as the Isle of Man. HMI Prisons is the coordinating body for the UK's National Preventive Mechanism, a group of 21 organisations which monitor places of detention in England, Wales, Scotland and Northern Ireland under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

2. Her Majesty's Inspectorate of Constabulary

- 2.1 Her Majesty's Inspectors of Constabulary are appointed by the Crown, and are independent of both the police service and government.
- 2.2 Her Majesty's Inspectorate of Constabulary (HMIC) is governed by the Police Act 1996, which states that 'inspectors of constabulary' will inspect every police force in England and Wales in relation to their 'efficiency and effectiveness'. Much of HMIC's work relates to the mainstream police forces in England and Wales. However, HMIC inspects other law enforcement agencies, including the National Crime Agency, Civil Nuclear Constabulary, Armed Forces, Ministry of Defence Police and HM Revenue and Customs.

3. Optional Protocol to the UN Convention Against Torture

- 3.1 The inspections and monitoring carried out by HMI Prisons/HMIC are part of the mechanism by which the UK fulfils its obligations as party to the Optional Protocol to the UN Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT). OPCAT acknowledges that detained persons are particularly vulnerable to ill-treatment and that efforts to stop that ill-treatment should be focussed on prevention through a system of regular independent visits to places of detention.

4. Faculty of Forensic & Legal Medicine

- 4.1 The Faculty of Forensic and Legal Medicine was established in 2005 by the Royal College of Physicians of London and has been founded to achieve the following objectives:
- To promote for the public benefit the advancement of education and knowledge in the field of forensic and legal medicine;
 - To develop and maintain for the public benefit the good practice of forensic and legal medicine by ensuring the highest professional standards of competence and ethical integrity.

4.2 The faculty includes three different professional groups:

- Forensic practitioners;
- Medically qualified coroners;
- Medico-legal advisers to the medical defence organisations.

4.3 Forensic practitioners include those doctors who provide medical care to complainants of both violent and sexual offences and also to those who are detained in police custody on suspicion of these crimes.

4.4 The Faculty is committed to the development of high standards where in the *Violence Against Women and Children Taskforce Report* and the Government's interim response, it was agreed that the Faculty should set those standards. This has been done and the *Quality Standards in Clinical Forensic Medicine* document for both doctors and other healthcare professionals was formulated as a result.

5. Scope and Purpose

5.1 This Memorandum of Understanding (MoU) has been agreed between HMI Prisons, HMIC and the FFLM. It applies to England, Northern Ireland and Wales only and is intended to provide a framework to assist the joint working of the three organisations to ensure maximum efficiency and effectiveness. It outlines the basis of co-operation and collaboration between the organisations, designed to ensure that the relationship is effective and that together we meet our aims and objectives, particularly where there are mutual interests or responsibilities.

5.2 The MoU provides a working document for staff in all organisations and a reference for other organisations, covering how we will:

- Work together;
- Use information; and
- Enable issues to be referred to the other organisations in appropriate circumstances.

6. Information Sharing

6.1 Confidentiality

6.1.1. The three organisations will co-operate fully in relation to the disclosure and exchange of information, intelligence, evidence, policy formulation and documentation in accordance with relevant legislation and case law.

6.1.2 In the course of the work between the organisations, there may be times when information (such as guidance or standards etc) will be shared on the basis that it is not to be disclosed either publicly or to other organisations, unless explicit consent is obtained and except as required or permitted by law. Each organisation will respect this. This joint protocol is subject to the duty of confidentiality owed by each organisation to those providing them with confidential information.

6.2 Referrals

- 6.2.1 It is possible that one of the organisations will receive information, which may be relevant to the statutory responsibility of one of the other organisations. Given the overriding need to protect the interests of patients and the public, it is important that the three organisations have complete trust and confidence in each other and are willing to share relevant information subject to any legislative constraints.
- 6.2.2 The interests of the patient/public remain paramount and where issues relate to the fitness to practise of healthcare professionals, this information should be referred to the appropriate regulatory body for further investigation. Nothing in this MoU seeks to preclude HMI Prisons, HMIC or the FFLM from taking relevant action as necessary to safeguard detainees and/or staff.
- 6.2.3 Where there are issues relating to the fitness to practise of an employee of a service provider who is also a member of the FFLM, then the FFLM will keep HMI Prisons/HMIC apprised of the progress of any disciplinary action being taken against the person concerned in order that they are kept fully briefed. Any such disclosures will be made in accordance with the FFLM's procedures and standing orders.

6.3 Disclosures

- 6.3.1 Requests by one party for disclosure of information from another will usually be made in writing/email. However, it is recognised that phone contact may be more relevant to ensure a speedy response during an HMI Prisons/HMIC inspection. In the event that a request for disclosure is refused, the party refusing the request shall provide reasons in writing.
- 6.3.2 Except as required or permitted by law, information shared between HMI Prisons, HMIC and the FFLM will not be provided to third parties.

7. Dispute Resolution

7.1 Disputes

- 7.1.1 In the event of any dispute about the collaborative working between HMI Prisons/HMIC and FFLM then representatives of all parties must agree to meet to discuss how best to resolve the issues involved to an appropriate level. Disputes will normally be resolved at working level between the relevant officials. If this is not possible, the issue may be referred to the Deputy Chief Inspector of HMI Prisons, the HMI for Joint Inspection at HMIC and the Registrar at FFLM, who will jointly be responsible for ensuring a mutually satisfactory resolution of the relevant dispute within 28 days of the matter being referred to them.

8. Communications

8.1 Meetings

- 8.1.1 HMI Prisons, HMIC and FFLM are committed to ensuring that there is excellent communication between the organisations. Formal meetings will be held at least once a year (or as otherwise agreed) to discuss areas of mutual interest and/or concern and to review working practices and, where appropriate, this MoU.

8.1.2 The parties will also:

- Hold ad hoc meetings to discuss issues as they emerge and to resolve any specific issues;
- Establish organisational lead contacts, who will be:
 - FFLM: The Registrar – registrar@fflm.ac.uk
 - HMI Prisons: Head of Healthcare Inspection : Paul Tarbuck
 - HMIC: Lead Inspector, Joint Programme : Norma Collicott

9. Review

9.1 This MoU will be regularly reviewed at intervals of no greater than two years.



Signed:
Peter Clarke CVO OBE QPM
HM Chief Inspector of Prisons

Date: 6th March 2017



Signed:
Dru Sharpling
HM Inspector of Constabulary

Date: 16/3/2017



Signed:
Dr Jason Payne-James
President/Faculty of Forensic & Legal Medicine

Date: 20/3/2017

APPENDIX A**List of Key Personnel Contacts**

HMI Prisons	Name	Telephone No.
HM Chief Inspector	Peter Clarke	020 3681 2772
HM Deputy Chief Inspector	Martin Lomas	020 3681 2774
Head of Healthcare Inspection	Paul Tarbuck	020 3681 2781
Deputy Head of Healthcare Inspection	Majella Pearce	020 3681 2781
HMIC	Name	Telephone No.
HM Chief Inspector of Constabulary	Tom Winsor	020 3513 0503
HM Inspector of Constabulary	Drusilla Sharpling	020 3513 0500
Lead Staff Officer Custody Inspection	Norma Collicott	020 3513 0500
FFLM	Name	Telephone No.
President	Dr J Payne James	020 7704 9290
Registrar	Dr B Butler	020 7704 9290