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Fire Safety Services - Fire Risk Assessment - Staff Fire Training

When the **fire** inspector calls

Lecture Notes for The London Health and Safety Group. 18/1/2010

The Law.....

The Regulatory (Fire Safety) Order 2005 is the primary piece of fire safety legislation for England and Wales and applies to most premises. Also known as the 'RRO', the 'FSO' or 'The Order', it places a number of duties on the 'Responsible Person'.



Those duties include making an assessment of risk posed by fire, and to introduce management systems to control those risks. This may involve (at least) compiling an emergency plan and introducing maintenance procedures.

The enforcing authority for the vast majority of premises will be the local fire and rescue service (FRS). The enforcement is carried out by way of the FRS appointing Inspecting Officers (IOs) to carry out fire safety audits.

Audits.....

Audits mainly concentrate on determining the standard of the management of fire safety and may be carried out:

Periodically in line with a programme of audits. Usually risk based, higher risk premises can expect more frequent audits than those who present a lower risk

Post Incident – Perhaps within 24 (working) hours

Reactive – Complaints, allegations of fire risks, licensing and building control applications

UwFS – Unwanted fire signals – This refers to premises where numerous false calls originate from their fire alarm systems.

Powers of IOs.....

Inspecting Officers have powers of entry (without the use of force) at any reasonable time* to inspect part or all of the premises to ascertain compliance with the FSO. They can request fire safety information, copies of records and plans, and require assistance from whoever is in charge at that time (regardless of their status).

* The term 'any reasonable time' has been interpreted (where appropriate) as being when the premises is open for business

Audit Visit.....

An audit may be unannounced or pre arranged and generally falls into three stages:

1. Paperwork – An inspection of all necessary records including fire risk assessment, emergency plan, maintenance records, staff training records etc. etc.
2. Verification – An inspection of at least one risk critical area within the premises. The inspection may simply involve the route the IO has already used to enter the building, or perhaps be a comprehensive top-to-tail inspection of all areas.
3. Summary – A end of audit meeting where the results are discussed.



Results of Audit.....

The IO may simply give verbal advice or may decide to send a letter or notice. They can be either:

A Notice of Fire Safety Deficiency –

This is simply a memo, a letter confirming what was discussed in the Summary Meeting. It has no legal power under the FSO, but can and will be used as 'enforcement history' when deciding future enforcement action including prosecutions. Be aware, that these letters

are designed to look very similar to an enforcement notice (including an action plan and time limit) but do not hold the same status in law. There is no appeal mechanism.

An Enforcement Notice-

This notice does have legal powers. It is an offence not to comply with or appeal an enforcement notice. It must state why the enforcers (FRS) have served it. It will contain a list of issues to be addressed, along with a suggestion(s) how this could be achieved. The notice will provide a time limit which must be >28 days after the date of issue. It is very important to deal with the issues or appeal immediately, as extensions to the time limit are at the discretion of the FRS and cannot be guaranteed. Appeals are possible but must be started within 21 days of the date of the notice. An appeal will effectively 'stop the clock' as far as the notice time limit is concerned.



A Prohibition Notice

This is the most serious notice and is used only exceptionally when serious risks are involved. The effect of such a notice is immediate and will restrict or prohibit the use of part or whole of any premises (including, in the case of flats, access to domestic premises). The notice applies to all persons, not just the employer or staff. An appeal can be made within 21 days, but the restrictions will continue apply prior to the appeal hearing.

An Alteration Notice

This notice may be issued when the layout, design or use of the premises presents a risk to others. The Responsible Person must inform the FRS if s/he proposes to change the layout, storage or use of the premises. Appeals are possible within 21 days.

Audit – The Inspecting Officer's Checklist.....

- An IO will provide a 'compliance score' for each element on his/her checklist
- The main Articles of the FSO are considered separately and totalled at the end of the audit
- Scores for higher risk premises (such as 'Sleeping/unfamiliar' - Hotel) will be weighted to provide a higher score for non compliance than a similar 'issue' for a low risk premises (such as a 'Workplace/familiar' – Office).
- The total score maybe adjusted by considering the *Responsible Person Factors* and the *Strategic Factors* of each case.
- Responsible Person Factors – Enforcement History/Attitude/Level of harm
- Strategic Factors – Public Interest? Vulnerable Group?
- The IO will also collect a range of building data. This has nothing to do with the FSO and is required merely to allow the FRS to 'map' the risks in their area.

Remember:- There is no legal requirement for you to sign this document (so don't!)

Offences (Responsible Person).....

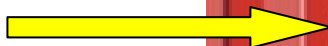
- A fire safety failure where the responsible person has placed one or more relevant persons at risk of injury or death
- Failure to comply with an Enforcement Notice
- Failure to comply with an Alteration Notice

Offences (Other Persons).....

- Failure to comply with employees fire safety policy
- Making a false statement or false entry on any fire safety related record
- Intentionally obstructing an IO
- An employer who charges a fee to an employee for any FSO matter
- Failure to comply with a Prohibition Notice

The key to a successful Fire Safety Audit is

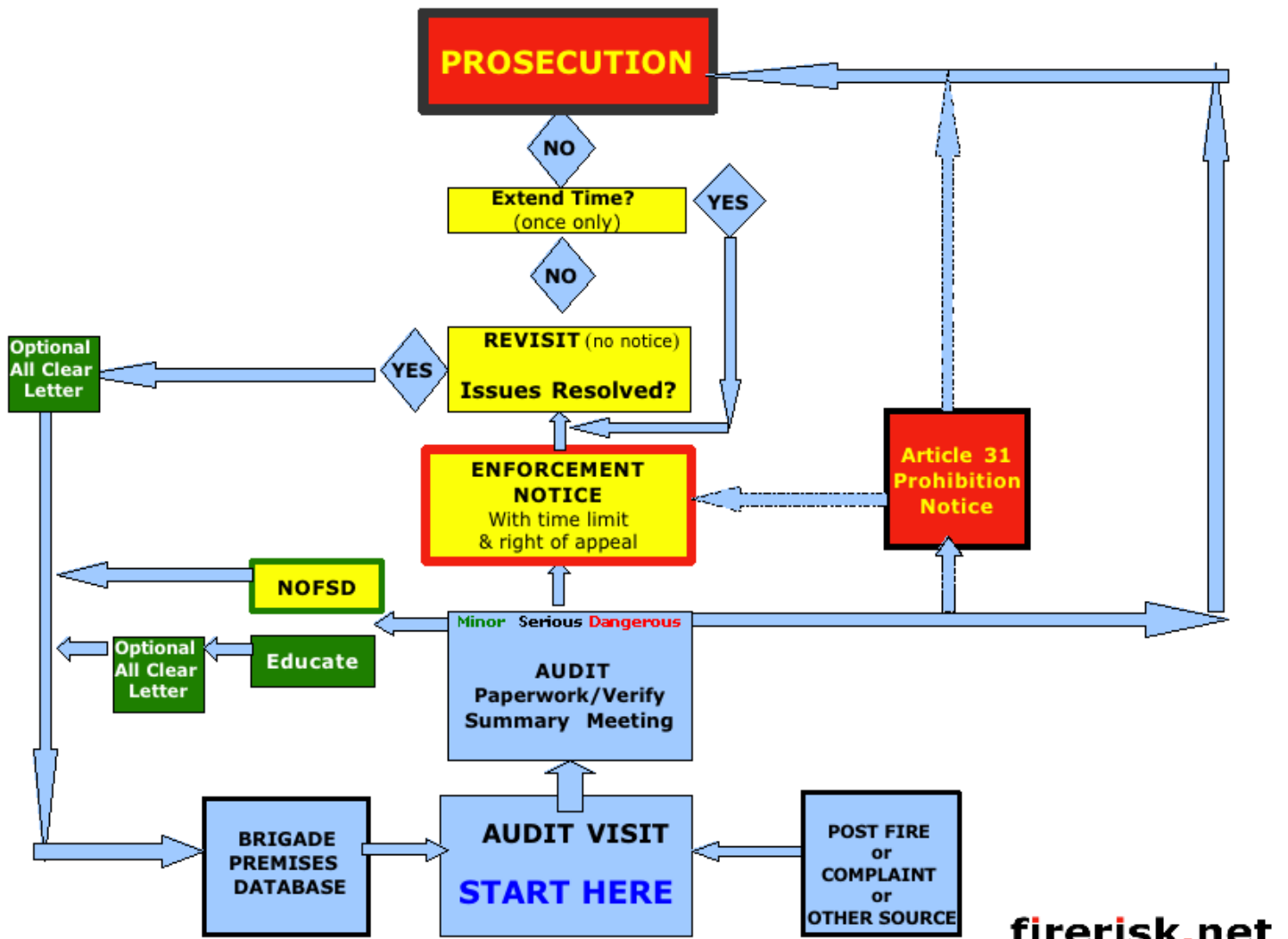
Be Prepared....

- Keep paperwork up to date
- Keep files together
- Ensure that all managers understand FRA/EP
- If Audited 'unannounced' request alternative appointment (Delivery due, staff shortage etc)
- Ask for ID (from all IOs if more than one)
- If necessary, IO will have to wait. 
- **NEVER GIVE FALSE INFORMATION**
- Attitude - Keep calm & polite but take no abuse



Essential kit to keep the IO happy if s/he has to wait

Appendix 1 - Audit Flowchart



Appendix 2 - GLOSSARY OF TERMS USED IN NOTES

FSO and **RRO** – The Regulatory Reform (Fire Safety) Order 2005

FRS – Fire and Rescue Service (the enforcing authority for the FSO for most premises)

Responsible Person

(a) in relation to a workplace, the employer, if the workplace is to any extent under his control;

(b) in relation to any premises not falling within paragraph (a)—

(i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or

(ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

Relevant Person

(a) any person (including the responsible person) who is or may be lawfully on the premises; and

(b) any person in the immediate vicinity of the premises who is at risk from a fire on the premises,

but does not include a fire-fighter when carrying out his firefighting duties

Audit – An inspection of the fire safety management systems and a sample inspection of the premises to ensure compliance with the FSO

IO – Inspecting Officer appointed by the FRS to audit premises

FRA – Fire Risk Assessment. Usually the cornerstone of all fire safety strategies. The FRA must be recorded in certain circumstances

EP – Emergency Plan. Details actions to be taken in the event of a fire/emergency. In many cases, the EP represents the basis of staff training and should be known/accessible by all employees.

ID – Identification. By law, IOs must carry personal ID with them. You are within your rights to examine their ID, make enquiries with the relevant FRS and if appropriate decline entry to those without bona fide and current ID

Further sources of information.....

The Regulatory Reform (Fire Safety) Order 2005

<http://www.opsi.gov.uk/si/si2005/20051541.htm#2>

London Fire Brigade (FSO page)

<http://www.london-fire.gov.uk/RegulatoryReformOrder2005.asp>

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For further information or to clarify any issues raised during the lecture, or in this document – or indeed to ask any fire safety related question – Please do not hesitate to contact me by email. Please do mention London Health & Safety Group in your e-mail.

Regards

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Please Note

The LH&SG 'Inspector Calls' fire safety lecture (January 2010) and supporting notes should be considered as impartial fire safety information, which must not be referred to as legal advice. In the event of enforcement or prosecution action by a fire enforcing authority, or when devising a fire safety strategy, or a fire risk assessment, or an emergency plan or staff training input – advice from a competent person with detailed knowledge of your particular circumstances must be sought.

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