

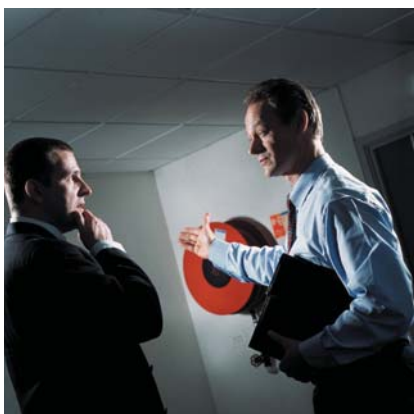


**The draft of the Regulatory Reform (Fire Safety) Order (The Order) was laid before Parliament on the 10th May 2004 and currently the ODPM are considering the Parliamentary Committee report on the evidence submitted from a number of parties. Subject to ongoing Parliamentary process it is planned for the Order to come into effect during 2005.**

The Order amends or replaces 118 pieces of legislation, the most significant being the repeal of the Fire Precautions Act 1971 and the revocation of Fire Precautions (workplace) Regulation 1997. Anyone familiar with the '97 Regulations will recognise much that is in the Order; it develops and extends many of the concepts from the '97 Regulations.

The Order applies to the majority of premises and workplaces in the UK. Broadly it does not apply to dwellings, the underground parts of mines, anything that floats, flies or runs on wheels, offshore installations, building sites or the military.

The Order firmly places a responsibility on the Responsible Person and outlines all the measures that must be taken to ensure the safety of all the people he or she is directly or indirectly responsible for. At the same time it allows the Enforcing Authority to make sure that it is enacted (by force if necessary) and sets penalties if it is not. It requires the responsible person to carry out a Fire Risk Assessment, produce a Policy, develop Procedures (particularly with regard to evacuation), provide staff Training and carry out Fire Drills. The responsible person must provide and maintain clear Means of Escape, Signs, Notices, Emergency Lighting, Fire Detection & Alarm and Extinguishers.



The Order contains the phrase "...The responsible person must ... appoint one or more Competent Persons to assist him...". It goes on to say the competent person must have "... sufficient training, experience and knowledge..." Where the competent person is directly employed the responsible person must ensure that he or she is properly trained. However where the competent person is a sub contractor it implies that the contractor should have some form of Third Party Accreditation.

Employees have rights and responsibilities under the Order. The responsible person must consult employees on fire safety matters and provide information for them. An employee must not act in a way that endangers him or others, must inform on co-workers who do, and co-operate with the employer. An employer cannot charge an employee for providing any fire safety measures but an employee is entitled to recover his losses if the employer fails to comply with the Order.

## Key Words

**Responsible Person** – This is the person who owns the premises or business or the person with control over the premises, business or activity. Where two or more responsible persons share responsibility, (e.g. tenant / landlord, multiple tenancy building or adjacent premises) the responsible persons must co-operate, share information and collaborate to provide measures.

**Employee** – This has a broad definition and can include sub contractors, self-employed and casual workers.

**Relevant Person** – Anyone who is not an employee but is legally on the premises or anyone who is not on the premises but who may be affected.

**Competent Person** – Anyone appointed by the Responsible Person and could be anyone from a company fire warden to a fire alarm service engineer, they may be directly employed or a sub-contractor but the important word is competent.

**Inspector** – Person appointed by the Enforcing Authority (normally a Fire Officer from the local Brigade).

**Enforcing Authority** – Normally the fire brigade but may be the HSE, MOD or local authority.

**Enforcement** - Failing to comply with articles 8 through 21 and 38 may result in a fine or up to two years in gaol. Articles 8 through 21 cover all the main provisions from carrying out risk assessments to maintenance and training.

**Fire Risk Assessment** - The cornerstone of the Order is the Risk Assessment. This must be reviewed regularly and if necessary amended. The Risk Assessment must be formally recorded if the responsible person employs 5 or more people, the premises are licensed or the Inspector requires it.

**Maintenance** - All equipment provided for the purpose of fire safety or for the use or protection of fire fighters must be maintained and kept in good order.

## If you are the owner or operator of a building or business the Regulatory Reform (Fire Safety) Order probably applies to you

It will apply to the vast majority of premises and workplaces in the UK. There are few exceptions. Premises and workplaces vary considerably in size and risks. As a consequence the order contains vagaries using words like "adequate", "appropriate" and "reasonable". The following summarises the Order in the context of a typical organisation where you own or are responsible for the premises, business or operation i.e. The Responsible Person.

### The Responsible Person

As the responsible person you must ensure the safety of your employees and any person who may legally come onto your premises or any person not on the premises who may be affected [8 (a) & (b)].

Where you share responsibility with other responsible persons, (e.g. adjacent premises, Tenant / Landlord or multiple tenancy building) you must co-operate sharing information and collaborating in providing measures [22].

#### Means of escape

You must provide means of escape [4. (1) (b)] and ensure that they are available at all times [4. (1) (c)].

#### 1. Escape Routes and exits

Escape routes must be established and always available, doors must open in the direction of escape, no sliding or revolving doors, adequate in size and provided with emergency lighting and signs [14 (1) & (2)].

#### 2. Signs and notices

Appropriate signs and notices must be provided:

- Giving appropriate instruction to employee's [Schedule 1 Part 3 (h)] including Fire Action Notices [15 (1) (a) & 15 (2) (a)]
- Indicating the position of extinguishers [13 (1) (b)]
- Indicating emergency routes and exits. [14 (2) (g)]

#### 3. Fire Detection and Alarm

An appropriate fire detection and alarm system must be provided [13 (1) (a), 4. (1) (e) and 15 (2) (a) & (b)]. The type and extent of the fire alarm would be subject to the requirements of the Risk Assessment.

#### 4. Emergency Lighting

Escape routes must be provided with emergency lighting [14 (2) (h)].

#### 5. Compartments and doors

You must take measures to reduce the risk of the spread of fire. This can be taken as ensuring all fire resisting walls and doors are kept in good order, walls are not breached and fire doors have appropriate seals and closing devices. [4.(1) (a)]

#### Fire Fighting

You must provide appropriate fire fighting equipment [4. (1) (d), 13 (1) (a), 13 (1) (b) & 13 (3) (a)]. In general this means portable extinguishers but may include hose reels and sprinklers where appropriate.

#### Maintenance

Any and all equipment installed for the purposes of fire safety must be maintained in good working order [17 (1) & (2)].

The person who does the maintenance must be competent [18 (1) through (8)]. You may need to provide evidence that they are e.g. ISO9001 certified, BAFE Approved, etc.

#### Training

All employees must be given adequate training, including "action to be taken", when they commence employment and receive refresher training as appropriate. Further training would be required if there were any change that may affect fire safety e.g. change of work, new systems or alteration to the building. The training should be provided during normal working hours. [4. (1) (f) (i), 15 (2) (a), 21 (1) & (2) and Schedule 1 Part 3 (h)]. The employer must carry out regular fire drills [15 (1) (a) & (b)].

Fire Wardens (nominated competent person)

You must appoint competent persons to:

- Carry out fire fighting duties [13 (3) (b)].
- Make contact with emergency services [13 (3) (c)].
- Assist in evacuations [15 (1) (b)].

A competent person can only be regarded as competent if they have appropriate training, experience, knowledge or other qualities [13 (4) and 15 (3)].

#### Employee rights and responsibilities

You must ensure that any person you employ (directly or indirectly) is provided with all information related to fire safety [19 and 20]. You must consult with your employees with regard to fire safety issues [41 (1) & (2)].

You cannot charge an employee for anything you do e.g. training or providing equipment [40] but if an employee loses money because you have failed to comply with the Order he can recover his loss from you [39 (2)].

## Documents and Records

### 1. Policy

You must:

- Develop a policy minimising risk. [Schedule 1 Part 3 (f)]
- Reduce the risk of the outbreak of fire [4. (1) (a)].
- Reduce the risk of the spread of fire [4. (1) (a)].
- Provide means of escape [4. (1) (b)].
- Demonstrate preventative action [10 & Schedule 1 Part 3].

### 2. Procedures

You must set up a procedure for dealing with a fire including regular fire drills. The procedure shall identify the circumstances that trigger the emergency. Who and how the evacuation should take place and when people should be readmitted [15 (2) (a), (b) & (c)].

In addition procedures should be established to:

- Ensure that the means of escape are available at all times [4. (1) (c)].
- Provide fire extinguishers [4. (1) (d)].
- Give appropriate instruction to employees [Schedule 1 Part 3 (h)].
- Ensure people from outside organisations are properly controlled and informed [20] e.g. permits to work, signing in and out, induction training.

### 3. Fire Risk Assessment

You must carry out a risk assessment [9. (1)]. The risk assessment must be recorded if you:

- (a) Employ five or more people [9 (6) (a)].
- (b) If there is a licence in force [9 (6) (b)].
- (c) An alterations notice requires you to do so [9 (6) (c)].

The Risk Assessment must record the significant findings and the measures made or to be made [(7)].

You must review the risk assessment regularly and where a change may affect fire safety, such as a change of work activity, alteration to the building or a change in its use the risk assessment must be amended accordingly. [9 (3)].

### 4. Fire Safety Arrangements

You must have a system for managing Fire Safety [11]. This must be recorded if you:

- (a) Employ five or more people [11. (2) (a)].
- (b) If there is a licence in force [11. (2) (b)].
- (c) Are subject to an alterations notice [11. (2) (c)].

### 5. Records

You are strongly recommended to make and keep records. By keeping records you can prove you have acted responsibly but if you don't have records it leaves the matter open to doubt. A simple Logbook may suffice.

Records should include reviews of the Fire Risk Assessment [9 (3)], Fire safety policy, procedures or arrangements [11. (1) (c)], training records, drills, certificates for the installation and maintenance of any fire safety systems or equipment. The inspector can demand to see the records.

## Enforcement

### Enforcing Authority

Your Enforcing Authority is probably the local Fire Brigade [25 (a)] however there are other Enforcing Authorities:

- HSE (Health & Safety Executive) – Nuclear installations, ships under construction and Building sites [25 (b)].
- MOD (Ministry of Defence) Fire service – Military and defence establishments [25 (c)].
- Local Authority – Sports grounds and Stadia [25 (d)].

### Inspectors

In most cases your Inspector would be an officer from the local Fire Brigade. An Inspector has the right to:

- Walk into your premises or workplace if he is inspecting it but cannot force an entry [27 (1) (a)].

- Make enquiries to establish the limits of the premises and who the responsible persons are [27 (1) (b)].
- Inspect or take copies of any records [27 (1) (c)].
- Take samples [27 (1) (e)].

### Penalties

If you are convicted of failing to comply with Articles 8 through 21 and 38 you may be subject to a fine or a term of imprisonment not exceeding two years. Articles 8 through 21 cover all the main provisions referred to above.

The contents of the square brackets [ ] indicates the relevant passages of the Fire Safety Order.