

Fire Safety Protocol 6



Regulatory Reform (fire safety) Order 2005 - Summary

The Regulatory Reform (fire safety) Order 2005 (RRO) 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.

The RRO applies to the majority of premises and workplaces in the UK including the NHS but 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 RRO firmly places a responsibility on the '**Responsible Person**' within the RRO this means:

- (a) In relation to a workplace, the employer, if the workplace is to any extent under their control;
- (b) in relation to any premise not falling within (a):
 - i) the person who has to control of the premise (as occupier or otherwise) in connection with carrying on by him a trade, business or other undertaking for profit or not); or
 - ii) the owner, where the person in control of the premise does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

The responsible person is required 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 and Alarm and Extinguishers; it allows the **Enforcing Authority** to ensure it is enacted (by force if necessary) and sets penalties if it is not.

The RRO states the responsible person, 'the responsible person must appoint one or more **Competent Persons** to assist him in undertaking', the competent person must have sufficient training, experience and knowledge. Where the competent person is directly employed the responsible person must ensure 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 RRO. 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 cooperate 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 RRO.

Key words

The following key words should be noted giving description to specific named persons, bodies or undertakings:

- **Responsible Person** - 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** - 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, (usually a Fire Officer from the Local Fire Authority).
- **Enforcing Authority** - normally the fire brigade, but may be the Health and Safety Executive (HSE), or local Fire Authority.
- **Enforcement** - failing to comply with articles 8 through to 21 and 38 may result in a fine or up to two years in custody. Articles 8 through to 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.

While fire risk assessments are a statutory duty placed on the responsible person it is recognised that in all but the smallest of premises a competent person in fire risk assessment should undertake them. The ownership of the fire risk assessment and its findings should be vested in the person in control of the area that has been assessed, e.g. in healthcare premise the premise, department or ward manager or equivalent that has ownership of the fire risk assessment and its findings; albeit that there may be significant findings and actions that are outside of the manager's control which are collated and managed centrally. The local ownership of fire safety issues ensures that the person with control over individual departments or areas of a premises can discharge the duties imposed on them by the RRO.

The responsible person must ensure the following fire safety preventative and precautionary measures are undertaken (RRO reference provided) so as to minimise the incidence of fire throughout all activities provided by or on behalf of premises for which they are responsible:

1. Means of Escape

One must provide means of escape [4. (1) (b)] and ensure they are available always, [4. (1) (c)].

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) and (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) and 15 (2) (a)]
- Indicating the position of extinguishers [13 (1) (b)]
- Indicating emergency routes and exits. [14 (2) (g)]

Fire detection and alarm

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

Emergency lighting

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

Compartments and doors

One 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)]

2. Fire fighting

One must provide appropriate fire-fighting equipment [4. (1) (d), 13 (1) (a), 13 (1) (b) and 13 (3) (a)]. Which may include portable extinguishers, hose reels and sprinklers, where appropriate.

3. Maintenance

All equipment installed for the purposes of fire safety must be maintained in good working order [17 (1) and (2)]. The person who undertake maintenance on behalf of the responsible person must be competent [18 (1) through (8)]. Persons should evidence that they are competent e.g. ISO9001 certified, BAFE Approved, etc.

4. 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) and (2) and Schedule 1 Part 3 (h)]. The employer must carry out regular fire drills [15 (1) (a) and (b)].

5. Fire Wardens (nominated competent person)

The responsible person must appoint competent persons to:

- Carry out fire-fighting duties [13 (3) (b)].
- Contact the 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)].

6. Employee rights and responsibilities

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

The responsible person cannot charge an employee for anything one does e.g. training or providing equipment [40], but if an employee loses money because one failed to comply with the Order they can recover their loss [39 (2)].

7. Documents and records

The following document and records must be provided:

Policy

- 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 and Schedule 1 Part 3].

Procedures

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

- Ensure that the means of escape are available always [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.

Fire Risk Assessment

The responsible person must carry out a risk assessment [9. (1)]. The risk assessment must be recorded if one:

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

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

Fire Safety Arrangements

The responsible person must have a system for managing Fire Safety [11]. This must be recorded if one:

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

Records

The responsible person should maintain and retain appropriate records to demonstrate they have acted responsibly.

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 as an Inspector can demand to see appropriate records.

8. Enforcement

Enforcing Authority

The primary Enforcing Authority for fire safety is likely to be the Local Fire Authority although other bodies i.e. HSE have similar statutory powers.

Inspectors

In most situations the Inspector would likely be an officer from the Local Fire Authority, an Inspector has the right to:

- i) Walk in to one's premises or workplace if they are inspecting it, but cannot force an entry [27 (1) (a)]
- ii) Make enquiries to establish the limits of the premises and who the responsible persons are [27 (1) (b)]
- iii) Inspect or take copies of any records [27 (1) (c)]
- iv) Take samples [27 (1) (e)]

Penalties

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