Loss Prevention Standards

Fire Safety Legislation – The Regulatory Reform (Fire Safety) Order 2005

Introduction

On the 1st October 2006, the Regulatory Reform (Fire Safety) Order 2005 (commonly referred to as 'The Fire Safety Order') came into force in England and Wales, with the aim of simplifying and rationalising fire safety legislation. Scotland and Northern Ireland have separate but similar legislation for fire safety, namely the Fire (Scotland) Act 2005, supported by the Fire Safety (Scotland) Regulations 2006 and the Fire and Rescue Services (Northern Ireland) Order 2006 supported by the Fire Safety Regulations (Northern Ireland) 2010. For the purposes of this document the fire safety legislation referred to will be in respect of England and Wales.

The 2006 legislation replaces the previous Fire Precautions Act 1971 and other related legislation where fire safety certificates were issued.

The Fire Safety Order uses a risk assessment based approached to fire safety (similar to the approach that applies to health and safety risk assessments), concentrating on fire prevention and protection measures, to ensure the safety of employees along with all those who have access to the premises. It applies to nearly every type of building, including:

- Offices and shops
- Hospitals and care homes
- Community halls, places of worship and other community premises
- Restaurants, clubs and pubs
- Schools
- Hotels and hostels
- Bed & breakfast, guesthouse or premises let as self-catering
- Factories and warehouses
- Common areas of multi-occupied residential properties (landlord controlled residential premises are covered by special provisions of the Housing Act)

There are a few exceptions where the order does not apply, such as mines (facilities below ground), offshore installations, people's private residential properties and Ministry of Defence sites.

As this legislation is aimed at life safety, associated and supporting property/business activity-focussed risk assessments for various perils, including but not limited to fire, should be in place. Protection and prevention measures that are required for property conservation and business resilience will probably be in excess of the minimum required by the Fire Safety Order.

In the majority of premises, local Fire and Rescue authorities will continue to enforce general fire safety legislation, and if required, issue formal enforcement procedures which may require improvements to be made, or in some cases a prohibition notice which restricts the use of all or part of an organisation's premises until appropriate improvements have been completed. Serious breaches of fire safety regulations can result in significant fines or imprisonment.

The Responsible Person

The Fire Safety Order 2005 places primary responsibility for fire safety on the 'Responsible Person', meaning someone who either owns the premises or business or someone with control over the premises, business or activity. In multi-tenure premises in which there are a number of responsible persons, they must all cooperate and coordinate their fire safety plans as part of an on-going management process, to ensure adequate fire safety measures are provided for everyone who may be affected by a fire on the premises. In shared premises where there is more than one responsible person, for the common or shared areas, the responsible person is the landlord, freeholder or managing agent.

Key duties of the responsible person include:

- Completing a 'suitable and sufficient' fire risk assessment of the premises to identify the hazards and risks (what form the assessment takes will be dependent on the type and size of the premises)
- Regularly reviewing the fire risk assessment
- Ensuring the fire risk assessment is formally recorded and documented if the business premises have five or more people employed
- Eliminating or reducing risks from dangerous substances
- Implementing general fire safety policies and procedures
- Considering individuals who may be particularly at risk, e.g. young people or those with special needs
- The provision of adequate means of escape, appropriate signage, emergency lighting and suitable fire fighting and detection equipment
- Testing and maintenance of fire safety equipment and systems
- Ensuring fire safety information is communicated to all employees and visitors
- Providing adequate fire safety information and training to employees
- Appointing a competent person(s) to assist in complying with the conditions set out in the Fire Safety Order
- Cooperating with other individuals/organisations sharing the building

Fire Risk Assessment

Fire safety risk assessments are a key part of the Fire Safety Order, and the responsible person must appoint one (or more) 'Competent Person' (i.e. someone who has the required level of knowledge, experience and training to carry out the required duties) to carry out a fire risk assessment of the premises, implement appropriate fire safety measures to minimise the risk to life from fire, and keep the assessment up to date. For complex or larger premises, or those with significant hazards, the responsible person may appoint a competent person from outside the organisation, e.g. a professional fire risk assessor.

If the buildings or business operations undergo significant refurbishment or extension, then the fire risk assessment must be reviewed and updated. The assessment must also take into consideration the affect a fire may have on anyone in or around the premises plus neighbouring properties, and it must be formally recorded and documented if the business premises have five or more people employed.

The five steps of the fire risk assessment are as follows:

Step 1 - Identify all the fire hazards within your premises
Look for sources of heat, fuel and oxygen which are the elements necessary for a fire to start.
Identify:

- Sources of ignition – e.g. naked flames, heaters or surfaces with raised temperatures
- Sources of fuel – e.g. waste products or flammable liquids, solvents or gases
- Sources of oxygen – e.g. chemicals (oxidising agents) or oxygen supplies from cylinder storage

Step 2 - Identify people at risk
The fire risk assessment needs to identify those individuals at risk if there is a fire. It must include all people who use the premises, but particular attention should be given to:

- Individuals working close to fire hazards
- People working alone and/or in isolated areas
- Contractors
- Visitors
- Young, or inexperienced workers

Step 3 - Evaluate, remove, reduce and protect from risk

To evaluate the risk, the risk assessor needs to consider the likelihood of the fuels present being set on fire by the ignition sources identified, and the consequences of such fire in terms of injury, damage and disruption to the organisation. Where possible, remove or reduce fire hazards and minimise any risks which have been identified, e.g.:

- Replace flammable liquids with non-flammable alternatives
- Minimise fuels as far as reasonably practicable
- Keep oxygen cylinders to a minimum and store safely
- Ensure good housekeeping standards
- Fire precautions – determine whether existing measures to prevent fire spread and ensure people can safely evacuate the premises in the event of a fire, are adequate. Consider the following fire precautions:

> Fire detection and raising the alarm
> Emergency escape routes, lighting and exits
> Signs and notices
> Fixed fire protection systems
> Portable fire fighting equipment
> Fire compartmentation
> Providing staff training and awareness
> Undertaking fire evacuation drills (frequency to be determined by the fire risk assessment)
> Personal Emergency Evacuation Plans (PEEPs)

Step 4 - Record, plan, inform, instruct and train

If the organisation employs five or more people, the premises are licensed, or an alterations notice requiring you to do so is in force, the significant findings of the fire risk assessment and the actions taken must be recorded. It is good practice to record the significant findings even when not required to do so under the regulations.

An Emergency Plan (based on the outcome of the fire risk assessment) should be developed and introduced for dealing with any fire situation. The purpose of the plan is to ensure that people in the premises know what to do if there is a fire and that the premises can be safely evacuated.

Relevant information and appropriate instructions on the actions to be taken to prevent fires, and what they should do in the event of a fire, should be provided to all individuals including employees and visitors.

Adequate fire safety training must be provided to all employees and other people on the premises.

Step 5 – Review of the fire risk assessment

The findings of the fire risk assessment should be constantly monitored to assess how effectively the risks are being controlled. If there is any reason to suspect that the assessment is no longer valid or there has been a significant change to the premises that has affected the safety measures, the assessment will need to be reviewed and revised if necessary.

Checklist

A generic Building Fire Risk Assessment Checklist is presented in Appendix 1 which can be tailored to your own organisation.

Additional Information

➢ The Regulatory Reform (Fire Safety) Order 2005
➢ GOV.UK – Fire Safety Law and Guidance Documents for Business – has advice on the legislation, including premises-specific guidance documents designed to help you meet your responsibilities under the Regulatory Reform (Fire Safety) Order 2005
➢ GOV.UK – Fire Safety in the Workplace
➢ The Welsh Government website provides information in respect of fire safety
➢ The Scottish Government website provides information to help you meet your responsibilities under the Fire (Scotland) Act 2005
➢ Fire Protection Association: Fire Risk Assessment for Small Businesses

Further risk management information can be obtained from Aviva Risk Management Solutions

Please Note
This document contains general information and guidance and is not and should not be relied on as specific advice. The document may not cover every risk, exposure or hazard that may arise and Aviva recommend that you obtain specific advice relevant to the circumstances. AVIVA accepts no responsibility or liability towards any person who may rely upon this document.

Appendix 1 – Building Fire Risk Assessment Checklist

Location	
Date	
Completed by (name and signature)	

	Building Fire Risk Assessment Checklist	Y/N	Comments
1.	Does your organisation have an up to date fire safety management policy?		
2.	Has a responsible person appointed a competent person(s) to assist with completion of a building fire risk assessment?		
3.	Has a building fire risk assessment been completed?		
4.	Does the building fire risk assessment cover the following areas: • Identify the fire hazards? • Identify people at risk? • Evaluate, remove, reduce and protects from risks? • Record any findings? • Preparation of an Emergency Plan? • Providing instruction and training? • Review and regular update of the fire risk assessment?		
5.	As a minimum, has the building fire risk assessment considered: • Emergency escape routes and exits? • The requirements of vulnerable people, e.g. the elderly, young children and people with disabilities? • The removal or safe storage of any dangerous substances? • The provision of suitable fire fighting equipment? • The provision of suitable automatic fire detection and alarm systems? • Providing fire safety information to employees and other people on the premises? • Employee fire safety training?		
6.	If applicable, have you shared your findings with other individuals/companies who share your premises?		

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	Building Fire Risk Assessment Checklist Contd.	Y/N	Comments
7.	Does your emergency fire safety plan consider: Fire evacuation strategy/action on discovering a fire/action on hearing the fire alarm and evacuation procedures/identification of key escape routes/assembly point(s) and roll call/calling the local fire brigade and liaison with emergency services/duties of staff with specific responsibilities, e.g. fire marshals/procedures for shutting down or isolating machinery/fire fighting equipment/training of employees/Personal Emergency Evacuation Plans?		
8.	Are regular servicing and maintenance regimes in place using competent/certificated organisations, and have they been completed for: • Fire doors/fire shutters? • Fire appliances/equipment? • Automatic fire alarms/detection? • Manually actuated fire alarms? • Fire protection systems? • Emergency lighting?		
9.	Are regular inspection, testing (by competent individuals) and recording regimes in place for: • Fire doors/fire shutters? • Fire appliances/equipment? • Automatic fire alarms/detection? • Manually actuated fire alarms? • Fire protection systems? • Emergency lighting?		
10.	Has the necessary safety information been provided to all employees and other people on the premises?		
11.	Has the necessary fire safety training been provided to all persons on the premises, including fire marshals?		
12.	Are all visitors and employees advised of the fire alarms and evacuation procedures?		
13.	Have fire evacuation drills, involving all employees, on all shifts, been planned and completed at least once a year, with a record of the results kept as part of the fire safety and evacuation plan (frequency of evacuation to be determined by the fire risk assessment)?		

	Building Fire Risk Assessment Checklist Contd.	Y/N	Comments
14.	Has provision been made for contacting the Emergency Services both during and outside operational hours?		
15.	Have there been any significant changes to the personnel, the site occupancy/hazards, fire detection and/or protection, or the construction/buildings(s) that might affect safety and the building fire risk assessment?		
16.	Has the building fire risk assessment and Fire Safety Management Plan been reviewed and updated where necessary?		
17.	Additional comments:		