

December2006

Presentation on The New Fire Safety Legislation

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Jonathan gave us one or two surprises with his presentation on the new Regulatory Reform (Fire Safety) Order 2005 (RRO) – right from the start, when he began by asking if *we* had any questions. This was a bit unfair, really, because members are so accustomed to relaxing after their lavish lunch that they hadn't received the customary advantage of a bit of a warm up by listening to what the speaker had to say first!

Nevertheless, **Francis Quinn, of Birmingham City Council**, ever-determined *not* to be thrown by such underhand tactics, jumped in with a question about who was deemed competent to carry out a Fire Risk Assessment? **Jonathan** responded by saying that the RRO stated it was the duty of the **“Responsible Person”**, defined as below: -

1. In a workplace, the Employer, to the extent that the workplace is under his control.
2. For anywhere outside the above, the person with control of the premises for the purposes of carrying out a trade, business or any other undertaking
3. The owner, where the person in control is not carrying out a trade business or any other undertaking.

Ed Friend added a supplementary question to this by asking about how a “non-Fire-Trained” Responsible Person could be deemed competent to do a suitable and sufficient risk assessment? Jonathan quoted the **RRO, Article 9, Risk Assessment**, which merely said that it was the duty of the **Responsible Person**, with no definition of competence other than **“A person is to be regarded as competent for the purposes of this article where he has sufficient training and experience or knowledge and other qualities to enable him properly to assist in undertaking the preventive and protective measures.”** Jonathan added that, in accordance with **Article 18 Safety Assistance**, **“the responsible person must, appoint one or more competent persons to assist him in undertaking the preventive and protective measures”**. Given the somewhat general terms of these requirements in the RRO, it was not surprising that Jonathan was unable to be more prescriptive! He went on to say that any Inspecting Officer would give advice on small items and how to obtain assistance, but would use enforcement measures on major shortcomings, against a timescale. As an example, he quoted the issue of a recent Prohibition Notice, where there was a critical blockage of an escape route. He commented that Inspections were too short to provide all the answers to problems on sites because there were no ‘standard answers’. He concluded that the Risk Assessment approach was less prescriptive than the Fire Certificate requirements!

Malcolm Copson of Geopost asked how soon suitable arrangements had to be in place after a new building became occupied. Jonathan's quick, easy reply to that was “As soon as it is occupied!” To a question about what advice West Midlands Fire Service planned to give, Jonathan replied that there were no prescriptive guidelines written down but it was likely to be on the lines of where to look in the plentiful guidelines from official sources.

Ed Friend asked about the policy on evacuation of Disabled Persons. Jonathan said that it was the duty of the responsible person to achieve this and to use a “place of refuge”, if appropriate. This was often misinterpreted to mean that the responsible person placed the disabled person in the place of refuge to await the final rescue by the fire service. This was definitely NOT so, although the fire services would do their utmost to rescue any person at risk. Ed returned to the subject later by referring to rescue from a 12-storey building that would require careful arrangements and special training, particularly for a disabled person who might be unaccustomed to rescue equipment and a little apprehensive about using it.

After ‘softening up his audience this way, Jonathan decided to pose his own questions by asking where the RRO applied. The easy answer was **Everywhere – EXCEPT: -**

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- Private dwellings
- Offshore installations
- Means of transport or licensed vehicle
- Mine
- Ships under the direction of a Master
- Agricultural or forestry undertakings
- Means of Transport or Licensed Vehicle
- Borehole

In considering persons protected by the RRO, this is quite wide, as it includes *Anyone* on the premises lawfully OR in the vicinity of the premises and may be affected by a fire on the premises. (This has enormous implications!). Jonathan then went on to explain the hierarchy of Responsible Persons, as follows: -

- An employer with control over the premises.
- Any other person with control over the premises
This includes: -
 - Everyone with control of the premises (Multiple occupancy?)
 - anyone with obligations relating to maintenance/repair or the safety of the premises (eg. Fire Alarm contractors)
- The Owner

Jonathan confirmed that the enforcing Authority was the Fire Service, **except: -**

- HSE for licensable nuclear installation; naval ship repair/construction; construction site.
- Local Authority for sports ground with safety certificate
- HMI for Crown property; UK Atomic Energy Authority

Specific duties for a “Responsible Person” include: -

- Reducing the risk of fire and fire spread
- Arranging means of escape from the premises
- Implementing the measures for securing the means of escape
- fighting fires on the premises

- Detecting fire and giving warning in case of fire
AND
- Arrangements for action in case of fire, including: -
 - ❖ Instruction and training of employees (Fire Extinguisher Training and giving experience on capacity of escape routes and means of escape)
 - ❖ Mitigating the effects of fire.

The principles for risk reduction are mainly aimed at the segregation of Combustible materials and means of ignition are: -

- avoiding risks
- evaluating the risks which cannot be avoided
- combating the risks at source
- adapting to technical progress
- replacing the dangerous by the non-dangerous or less dangerous
- developing a coherent overall prevention policy which covers technology, organisation of work and the influence of factors relating to the working environment
- giving collective protective measures priority over individual protective measures
AND
- giving appropriate instructions to employees.

Regarding the design and maintenance of means of escape, the main points are: -

- | Exits | Exit Routes |
|--|--|
| <ul style="list-style-type: none"> • Sufficient number • Available • Wide enough • Open in direction of escape | <ul style="list-style-type: none"> • Kept Clear • Lead directly to safety • No-one delayed in making their escape |

Equally as important as the design of escape routes, are the measures for securing them: -

- | | |
|---|---|
| <ul style="list-style-type: none"> • Lighting / Illumination • Fire Resistance for <ul style="list-style-type: none"> ▪ Corridors ▪ Staircases etc., | <ul style="list-style-type: none"> • Signage • Inner-rooms • Dead-end conditions |
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Jonathan added cautions about ensuring that fire barriers extended from floors to above false ceilings to the building structure! He also said that an important design principle was to be able to “turn your back on a fire and walk away”

On the thorny question about whether it was wise to fight fires on premises he said where, necessary to safeguard the safety of relevant persons: -

- Equip the premises with **appropriate** fire-fighting equipment.
- Ensure non-automatic equipment is accessible, simple to use and signed. He stressed that if you could see the extinguisher directly, it should be signed!
- Include these implementation measures:

<ul style="list-style-type: none"> ▪ Taking measures for fire-fighting ▪ Nomination of staff such as Fire Marshals 	<ul style="list-style-type: none"> ▪ Dimensions and use of premises ▪ Equipment in premises ▪ Physical and chemical properties of
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- Training substances present Maximum number of persons likely to be present at one time.

Jonathan went on to say that there was little mention in the legislation about detecting fire and giving warning and admitted that a loud shout of “FIRE” would be perfectly adequate in some! The requirement was: -

- Where necessary to safeguard the safety of relevant persons.
- Equip the premises to an appropriate extent with fire detectors and alarms.

This all needs to be backed up by:

- Procedures to include fire drills:
 - Inform people of the nature of the hazard and the steps being taken to protect them
 - Enable people to stop work and immediately evacuate to a place of safety
 - Prevent the resumption of work where danger persists
- Nominate people to implement evacuation procedures
- Limit access to unsafe areas.

Jonathan went on to say that the risk assessment was a fundamental measure and it must be kept under review. Although the law says it must be recorded if 5 or more workers are employed, it makes sense to write it down at all times so you have proof it was done. Only record significant findings and persons especially at risk - then implement “general fire precautions” in order to comply with the Order!

The RRO is quite specific on the ‘Principles of Prevention’, which follow the now-familiar hierarchy of risk control. They are: -

- Avoid risks
- Evaluate unavoidable risks
- Combat risks at source
- Adapt to technical progress
- Replace dangerous with non- or less-dangerous
- Develop an overall prevention policy
- Give priority to collective rather than individual measures,
- AND
- Give appropriate instructions to employees

Jonathan then went on to discuss the major issue of training and the crucial need for workers to successfully carry out safety procedures efficiently *in the absence of the “Responsible Person”!* This objective must be based on the quality of information passed on to employees: -

- Risks to them identified by the risk assessment
- Preventive and protective measures
- Procedures and measures for evacuation
- Nominees for fire-fighting and fire marshals
- Notified risks from other responsible persons

Jonathan added that it was vital to give training to employees when they first started to work as fire risks were present immediately! It should include: -

- Precautions and actions to safeguard themselves and relevant persons
- Measures to account for new or changed risks arising from: -
 - Transferred or changed responsibility

- New equipment, technology, or system of work
- A format appropriate to the identified risk.
- A Training Record to prove compliance with the training requirements of the RRO

Finally, Jonathan commented that **Article 23, General duties of employees at work** also places a very onerous duty on them, not only to co-operate with safe working methods, *but also* to report any shortcomings in the prevention and precautions in the workplace. This is compatible with the duties of the employees under Regulation 14 of the Management of Health and Safety at Work Regulations 1999.