

Fire Protection and Precaution: Management Briefing

The principal legislation regarding fire precautions in England and Wales is The Regulatory Reform (Fire Safety) Order 2005. Similar requirements apply in Scotland under The Fire (Scotland) Act 2005 and the Fire (Scotland) Regulations 2006.

The Order has been in force since October 2006. The key points to note are:

- There is no longer a requirement to have a fire certificate, the emphasis is now on assessing and reducing risks and producing a risk assessment.
- There are duties placed on the responsible person. The 'Responsible Person' is the employer if the workplace is to any extent under his control.
- Duties are also placed on others (such as Facilities Management Contractors or fire alarm servicing companies) who have responsibility under a contract or tenancy for maintaining equipment or ensuring the safety of others.

The responsible person must:

- Carry out a suitable and sufficient risk assessment.
- Take general fire precautions to ensure so far as is reasonably practicable, the safety of employees and ensure the premises are safe for non-employees.
- Ensure that there is an effective fire policy, allocated responsibility for fire matters and adequate training of staff.
- Ensure fire drills are undertaken.
- Ensure correct firefighting equipment and fire detection and alarm systems are provided.
- Ensure appropriate signage is provided.
- Arrange any necessary contacts with external emergency services.
- Ensure emergency routes lead directly to a place of safety and emergency routes/exits are provided and protected, adequately signed, illuminated with emergency lighting where required and kept clear at all times.
- Ensure fire safety systems and equipment are adequately maintained including facilities provided for use by the fire brigade such as firefighting lifts.
- Nominate one or more competent persons to implement the measures.

Case Law

In November 2017, a London guest house owner was prosecuted, under the Regulatory Reform Fire Safety Order 2005, by the London Fire Brigade, fined £250,000 and given a suspended six month prison sentence. The prosecution followed an inspection in 2014 where the London Fire Brigade found an internal staircase had been removed, leaving reliance on only an external staircase. There were also numerous other failings including inadequate fire doors and no fire detection. A Prohibition Notice was also served limiting the use of the three storey premises to the ground floor.

Legal duties

The main areas of health and safety law relevant to Fire Precautions are:

- The Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Regulatory Reform (Fire Safety) Order 2005
- The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
- Fire (Scotland) Act 2005, as amended, and the Fire Safety (Scotland) Regulations 2006.

Recommendations for employers:

- Ensure a fire risk assessment is carried out by a competent person having regard to the size of the building, the nature of the activities, all groups at risk, the maximum number of employees and other persons present at one time, any substances or flammable materials.
- Carry out weekly tests on your fire alarm and detection system using different call points in rotation.
- Ensure there is an effective system of maintenance and inspection of fire safety related systems and equipment and that there is control of building alterations which could prejudice fire safety for example by services passing through fire walls or floors without adequate fire stopping.
- Carry out six monthly evacuation drills, ensuring people can exit the building safely and quickly.
- Ensure the correct firefighting equipment (and staff trained in its use) and arrange for fire extinguishers and associated equipment to be serviced annually by a competent person.
- Ensure fire safety training for employees.
- Ensure that fire doors are kept closed unless on automatic release devices.
- Ensure that there is a clear fire procedure and arrangements for calling the Fire Brigade.

Control methods or risk reduction techniques must be used to:

- Provide a clear statement to workers that fire precautions and protection/ prevention is taken seriously at all levels of the organisation.
- Allocate clear management responsibilities for fire prevention and fire precautions.
- Provide information on policy including implementation.
- Properly understand what is involved in all areas of operation in order to implement appropriate and effective controls.
- Monitor and review the fire risk assessment and control measures to ensure ongoing effectiveness.
- Ensure all workers are aware of the risks of fire in the workplace and the likely effects.
- Provide information on the legal framework surrounding fire precautions and prevention and the employer/employees duties under them.

“The ‘Responsible Person’ is the employer if the workplace is to any extent under his control”

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