

# Independent Guide

## What is the legal requirement for fire risk assessments in the workplace?



Independent workplace compliance

### Introduction

For a fire to start, three elements are required; an ignition source, fuel and oxygen. A fire cannot start if one of these is missing. Therefore, it is important that steps are taken to prevent all three elements coming together. Fire safety is so important because simply put, fire kills. There are also the humanitarian costs, which can be both moral and financial. Financial costs relate to material and structural damage to buildings, business loss and potential legal costs. The economic cost of fire within England and Wales runs into billions of pounds each year.

### Fire Legislation

The Regulatory Reform (Fire Safety) Order (RR(FS)O) came into force in England and Wales on 1 October 2006. This also saw the repeal of many previous pieces of legislation, including the Fire Precautions Act 1971 and the need for fire certificates. In Scotland, the duty of fire safety management is imposed on every employer by Section 53(2) (a) of the Fire (Scotland) Act 2005, and in Northern Ireland, this is detailed in the Fire Safety Regulations (Northern Ireland) 2010.

Part 1 of the RR(FS)O identifies general duties, including that of the "responsible person", "general fire practices" and premises which it is applicable to.

Part 2, Articles 8-22B, covers in detail the on-going requirements, including specifically in Article 9 the need to carry out a risk assessment.

### Risk Assessment

#### What is a fire risk assessment?

A fire risk assessment is a method to help determine the chance of a fire occurring in the workplace. This is accomplished by looking at the factors in your work activities and workplace which could cause harm. From this assessment precautions can be determined to ensure that risks are reduced to prevent fire from occurring. As of 1 October 2023, it is now a legal requirement under Article 9 of the Regulatory Reform (Fire Safety) Order 2005 to have a fire risk assessment for your workplace, regardless of how many employees you have. All findings of the risk assessment should also be recorded whereby previously this was only a requirement when you had 5 or more employees.

1. Identify any fire hazards, including any sources of ignition, fuel and any work processes, which may be potential fire hazards.
2. Decide who, (such as employees, contractors, visitors and members of the public) may be in danger during a fire in the building or while they are trying to escape.
3. Evaluate the risks from the identified hazards and decide whether the existing precautions are adequate. During this stage of evaluation, decisions should be made on whether action is required to remove the hazard completely, if practicable, or to control and manage the risks more effectively.
4. Record the findings and detail the actions taken and inform all relevant persons of these actions.
5. Review the risk assessment at regular intervals or when any of the following has occurred:
  - Any fires or near misses have occurred.
  - There has been a visit by the Fire and Rescue Authority where an enforcement/prohibition/improvement notice has been issued.
  - Any significant alterations have been made to the building, such as structural changes or new installations.
  - Any significant changes in the use (or work activity) have been made to the building.
  - Any significant changes in the occupation of the building have been made, such as introducing staff with disabilities that might affect their ability to self-evacuate.
  - There have been findings from a fire evacuation drill that identify the need for a change.
  - There have been changes made to the responsible persons.



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### Who should carry out the fire risk assessment?

It is essential that the person conducting the risk assessment is competent to carry out the task and has access to relevant information and support. A competent person would be regarded as someone who is trained, experienced and skilled. If you do not feel confident that there is someone within your organisation that meets the criteria above, then you should seek help from someone with professional expertise in the field of fire risk assessments, preferably one that is third-party accredited. However, it is always worth ascertaining whether the company is independent, i.e. could they be using the risk assessment to sell additional products or services? Using an independent company to conduct your risk assessment will ensure that you receive unbiased results.

### How can fire risks be reduced?

There are many ways in which the risk of fire can be reduced, from simple methods such as appropriate storage of flammable materials, to maintenance of equipment. It is also important that adequate fire detection and warning systems are in place as well as appropriate means of escape. All staff should be informed, instructed, supervised and trained in fire procedures and evacuation. Reducing fire risks ultimately requires good management.

**This guide is of a general nature; specific advice can be obtained from Assurity Consulting. Assurity Consulting is the UK's leading independent compliance consultancy specialising in workplace health, safety and environmental solutions. We have over 35 years' experience of helping customers of all sizes, from across all sectors, manage their compliance responsibilities, making sure that their organisation is compliant, their employees are safe, their processes are cost effective and their management team is in control.**



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