

Independent Guide

Fire Safety Legislation

- what do I need to know?



Independent workplace compliance

Introduction

If you own, manage, or operate an organisation, you need to comply with fire safety law. The Regulatory Reform (Fire Safety) Order (RRFSO) 2005 came into force on 1st October 2006 and is the main legislation in England and Wales relating to management of fire safety. Provision for fire safety in non-domestic premises in Scotland, is contained in Part 3 of the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006. In Northern Ireland, the Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations (Northern Ireland) 2010, were introduced to simplify existing fire safety legislation in non-domestic premises and reinforce a similar risk-based approach to fire prevention.

Regulatory Reform (Fire Safety) Order (RRFSO) 2005

The introduction of the RRFSO simplified and reformed much of the previous legislation relating to fire safety (including the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997) in non-domestic premises and places a greater emphasis on fire prevention. It also put an end to the local Fire Authorities completing fire certificates for premises. This clearly puts responsibility for fire safety management with employers and those who control premises, and Article 9 includes the specific requirement to risk assess. The Regulatory Reform (Fire Safety) Order 2005 was extended by the Fire Safety Act 2021 to capture properties with two or more residential units.

The main duties regarding fire safety management according to the RRFSO are to:

- Complete an assessment of hazards and risk;
- Provide fire safety training;
- Produce an emergency plan and display fire notices;
- Conduct fire evacuation drills;
- Consult and implement any recommendations of the local fire and rescue service;
- Conduct fire safety inspections;
- Make frequent informal checks to confirm fire safety rules are adhered to;
- Ensure escape routes, and fire exit doors are unobstructed; and
- Maintain the fire detection, protection, and fire-fighting systems.

Responsible Person

The onus of responsibility is fully held with the "responsible person". The RRFSO stipulates that anyone who has control of a premises, or anyone who has a degree of control over a certain area or system, is considered the "Responsible Person". This could be the employer of the staff within the premises, the managing agent, owner, the occupier (such as self-employed or voluntary organisations), or any other person who has some control over any part of a premises (whether that be commercial or residential).

Where a 'responsible person' shares a building, they should be informed of all relevant risks identified by other parties occupying the building. Shared premises require cooperation and coordination regarding fire safety measures. All staff, particularly fire wardens, should be aware of the fire hazards in their environment, and understand their role in preventing or responding to a fire.

What are the main aspects of the RRFSO?

The Regulatory Reform (Fire Safety) Order is split into five parts:

1. Part 1: General;
2. Part 2: Fire Safety Duties – Articles 8-24;
3. Part 3: Enforcement;
4. Part 4: Offences & appeals; and
5. Part 5: Miscellaneous.

Organisations will mainly be concerned with the requirements set out in Part 2: Fire Safety Duties across Articles 8-23. The RRFSO was made under the Regulatory Reform Act 2001, and Article 24 of the Order allows for the making of regulations about fire precautions.



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Article 8 covers duties to take general fire precautions to safeguard employees and others. These should include the management of fire safety hazards you may have within and around your premises, such as electrical equipment, cooking facilities, and risk of arson.

Article 9 states that a suitable and sufficient fire risk assessment must be completed. A risk assessment is the first step towards managing fire safety; identification of fire hazards and risks, and persons at risk; removal and reduction of risks as far as reasonably possible; fire precautions to deal with any remaining risks, including emergency procedures and recording and reviewing of the risk assessment.

Article 10 considers principles of prevention applied, which includes adapting to technical progress and giving appropriate instruction to employees. The principles are avoiding risks, evaluating the risks which cannot be avoided, combating the risks at source, replacing the dangerous by the non-dangerous or less dangerous, developing a coherent overall prevention policy and giving appropriate instructions to employees.

Article 11 covers fire safety arrangements and states that arrangements must be made for the effective planning, organisation, control, monitoring and review of the preventative and protective measures you need or have in place.

Article 12 looks to eliminate or reduce dangerous substances risks by their removal or replacement/substitution with safer alternatives.

Article 13 states that premises must be equipped with firefighting equipment, detection, and alarms appropriate to the type of premises. Also, any non-automatic fire fighting equipment is simple to use and indicated by signage, such as portable fire extinguishers.

Article 14 confirms that emergency routes and exits must be sufficient in number, of appropriate size, direct to place of safety, kept clear, ready to use, signed and illuminated.

Article 15 covers procedures for serious and imminent danger (and danger areas), where the responsible person must establish relevant procedures including carrying out fire drills, nominating competent persons to assist in evacuations, provide information to employees of dangers and procedures to protect them from danger.

Article 16 looks at additional emergency measures regarding dangerous substances such as bottled and compressed gases. Suitable warning and communication systems should be in place to enable appropriate response to incidents; as well as controls to mitigate the effects of fire, restore the situation to normal and inform all relevant persons.

Article 17 is the requirement for maintenance, which should include all relevant servicing, checking and recording of the activities performed on your fire detection, prevention and fighting systems.

Article 18 is entitled safety assistance, and deals with aspects such as, the appointment of competent persons, a sufficient number of fire wardens with adequate training etc. as well as arrangements for adequate cooperation and providing relevant fire safety instructions to those employed by other organisations.

Article 19 covers the provision of information to employees, including for example, inductions, appointment of fire wardens and responsible persons, details of any dangerous substances present, and ongoing provision of fire safety arrangements for the building.

Article 20 looks at the provision of information to employers and the self-employed from outside undertakings. This article covers aspects such as permit to work systems for contractors, contractor inductions, fire safety instructions and comprehensible and relevant information regarding risks to visitors etc.



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Article 21 concerns training, whereby the Responsible Person must ensure that employees are provided with adequate safety training, be it for new employees, fire wardens/marshals or those working in areas of increased risk. This training must be repeated periodically when appropriate and adapted to take account of any new or changed risk to the safety of the employees concerned. Article 21A applies to buildings containing two or more sets of domestic premises and stipulates that the Responsible Person must give residents comprehensible and relevant information about the relevant fire safety matters. This includes evacuation procedures, risks identified in the risk assessment and by other occupiers, UK contact details for the Responsible Person and parties appointed in managing fire fighting and detection systems.

Article 22 stresses the importance of co-operation and co-ordination. Where there are two or more persons who share responsibilities and duties, they must work together to enable them to comply with the requirements. It covers the processes between, for example landlords, managing agents, tenants, residents, and other duty holders such as Accountable Persons, where responsibilities could differ, for different parts of a premises or aspects of a work activity.

Article 23 covers the general duties of employees at work, for example reporting of hazards/problems to their employer and taking responsibility for the care and safety of themselves and of other relevant persons who may be affected by their actions.

Article 24 concerns the Secretary of State's power to make additional regulations relating to fire safety precautions when required. A recent example would be the introduction of the Fire Safety (England) Regulations 2022 which came into force in January 2023 and relate to properties that contain two or more residential units.

Enforcement

The primary enforcing agency under the RRFSO is the Fire and Rescue Authority, although this varies for specialist establishments and industries. This is covered in Article 27 of the RRFSO. The Inspection Officer has the authority to inspect any areas of a building, including relevant fire safety documentation, to enforce the requirements of the RRFSO and any regulations made under it. They can also serve notices (e.g. alteration, improvement, enforcement, prohibition) when they believe a situation has arisen where a premises constitutes a serious risk, or there is a failure to comply with the RRFSO.

Fire Safety Act 2021

The Fire Safety Act 2021 clarifies the scope of the Regulatory Reform (Fire Safety) Order 2005 to state that the Responsible Person or dutyholder for multi-occupied, residential buildings must manage and reduce the risk associated with external cladding (walls and structure) and fire doors.

Where a building which contains two or more sets of domestic premises (i.e. a number of flats), the areas to which this applies include:

- The building's structure and external walls (including doors, windows, anything attached to the exterior of the walls (e.g. balconies or solar panels) and any common parts; and
- All doors between the domestic premises and common parts.

The fire risk assessment will need to cover the above aspects in residential properties. This clarification empowers the Fire and Rescue Services to take enforcement action, and hold building owners to account if they are not compliant. This means that the Fire Safety Act 2021 is not only focused on the 4,000 high-rise residential buildings, but all residential properties that contain two or more sets of domestic properties, therefore there could be as many as 1.7million properties across the UK, that fall under the catchment of this change.

The Fire Safety Act 2021 also introduced a new process for establishing whether an external wall survey is required for properties that contain two or more domestic premises. PAS 9980 requires the fire risk assessor to review the risk of external fire spread, and when necessary, make recommendation for a detailed external wall survey is needed. This risk-based approach allows for limited resource to be distributed effectively.



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Building Safety Act 2022

The Building Safety Act 2022 applies to higher-risk buildings. These are defined as containing two or more sets of domestic premises which are at least 18m in height (measured from the floor adjacent to the property to the floor plate of the uppermost occupied storey), or 7 or more storeys (not including below ground); whichever is reached first. The Act provides an enhanced safety framework for high-rise residential buildings, taking forward the recommendations from Dame Judith Hackitt's independent review of building safety. New dutyholders were introduced, known as the Accountable Person, and Principal Accountable Person (if there are multiple Accountable Persons present in relation to the building). The Act places additional duties on the Accountable Person, from design stage through to occupation, to ensure the safety of residents, to provide the residents with a stronger voice and ensure that their concerns are never ignored. All buildings in scope need to be registered on a portal managed by the new regulator, the Building Safety Regulator. The Building Safety Regulator will now oversee the Building Control profession and progress of newly constructed high-risk buildings via a three statutory post gateway system prior to occupation. Upon occupation, the Principal Accountable Person will need to apply for a Building Assessment Certificate from the Building Safety Regulator.

Further guidance documents

Approved Document B:

This is an advisory document that explains how to meet the legal requirements stipulated in The Building Regulations 2010. Part 'B' is one within a series of other 'Approved Documents' and focuses on fire safety. The Approved Documents are intended to provide guidance for some of the more common building situations. However, there is no obligation to adopt any particular solution contained in an Approved Document as long as the requirement is met in some other way.

Approved Document B is formed in two parts:

- Volume 1: Dwellings; and
- Volume 2: Buildings other than dwellings.

British Standards

Unlike regulations, British Standards are there as guidance to help govern fire safety in the workplace. British Standards publications provide an essential reference for those who draw up specifications, and designers and installers with responsibility for fire safety such as architects, building professionals, building surveyors, consulting engineers, electrical contractors, fire brigades, local authorities and housing associations.

Other guidance

In addition to regulatory legislation and British Standards publications, there are guides relating to several different premises published by The Department for Communities and Local Government, to help the responsible person prevent fires and reduce risk. The premises covered include:

- Offices and shops;
- Factories and warehouses;
- Sleeping accommodation;
- Residential care premises;
- Educational premises;
- Small and medium places of assembly;
- Large places of assembly;
- Theatres, cinemas and similar premises;
- Open air events and venues;
- Healthcare premises;
- Transport premises and facilities; and
- Animal premises and stables.

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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