

Independent Guide

Who is responsible for enforcing fire safety legislation in the workplace?



Independent workplace compliance

Introduction

The Local Authorities will have an appointed Fire Officer, typically via a Fire and Rescue Services who will enforce fire safety legislation on business premises.

The onus of responsibility is fully held with the "responsible Person", which is a legally designated position. The Regulatory Reform (Fire Safety) Order 2005 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". You are classed as the Responsible Person if you are:

- An employer of the staff within the premises;
- The owner of a property;
- The landlord or managing agent of a property;
- An occupier (such as self-employed or voluntary organisations); or
- Any other person who has some control over any part of the premises.

It is the responsibility of the Responsible Person to make sure that the area of the building under their control meets the minimum fire safety standards as set out in the Regulatory Reform (Fire Safety) Order 2005. This means that you must:

- Carry out a fire risk assessment of your premises, review it regularly, and record the findings (regardless of how many employees you have);
- Inform staff or representatives about the risks that you've identified;
- Implement and maintain appropriate fire safety measures;
- Plan for emergencies; and
- Provide staff with information, fire safety instructions and training.

Who is responsible for completing a fire risk assessment?

Article 9 of the Regulatory Reform (Fire Safety) Order 2005 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.

The Responsible Person must make sure that a Fire Risk Assessment is completed and that it is regularly reviewed. In addition to this, the Responsible Person must keep a written record of the fire risk assessment and ensure that any actions that are highlighted in the risk assessment are addressed in a suitable and timely manner.

Fire Safety Certificates

Under the Fire Precautions Act 1971, the Fire and Rescue Services or Local Authority would inspect certain types of premises and issue a Fire Safety Certificate.

When the Regulatory Reform (Fire Safety) Order 2005 came into force, it simplified and removed several pieces of previous fire safety relation legislations. As part of this reform, the need to have Fire Safety Certificates was repealed.

The Fire Safety Certificates that were created are no longer valid and no longer have any legal status. That said, they are still a very useful source of information.

The historic approach of compiling Fire Safety Certificates was a reactive way of managing fire safety and considering how a building fire would be tackled. In comparison, the modern approach of conducting Fire Risk Assessments is a proactive way of managing fire safety and reducing the risk of a fire occurring in the first place.



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What is the minimum number of fire drills each member of staff should attend per year?

Guidance states that fire evacuation drills should be carried out at least annually to make sure that all staff are aware of the building evacuation procedures. If you have staff working in your building out of hours i.e. through the night, then more frequent fire drills will need to be carried out to capture the staff working in each shift at least annually.

There may be circumstances whereby staff members are unable to attend your annual fire evacuation drill, due to sickness or annual leave. In this instance, you may wish to consider carrying out a six-monthly fire evacuation drill, to ensure that you have a better chance of capturing all staff and making sure that they are included in a fire evacuation drill at least annually.

In addition to this, you could also send out your building evacuation procedures and request that staff familiarise themselves with the procedure if they have missed a recent fire evacuation drill.

This guide is of a general nature; specific advice can be obtained from Assurity Consulting.

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