

AOSH BAWA Presentation 7.4.11

RRO-Wherearewe?!

or –

How Is the “Fire Safety Bill” working ?

And.. why is it so important?

Objectives and Scope.

1. The Status of the Regulatory Reform (Fire Safety) Order 2005 -or “Fire Safety Bill”, to use its popular short title. Came into force 2006.
2. What is it really all about??
3. Fire Risk Assessment (FRA) Models
4. FRA standards –5steps or 8/9 steps
5. Competence of assessors
6. F&RS policy of enforcement
7. Enforcement history

The Status of the “Fire Safety Bill”, which came into force 2006.

1. Implemented under De-regulation policy .
2. Cancelled most other Fire Safety Legislation.
3. No more Fire Certificates
4. Self regulation by FRA's,
5. Covers ALL premises- except **single domestic dwellings**.
6. Delayed implementation to complete Guides.
7. Arguably, poor implementation publicity,
8. Fire Safety Order responsibilities 'not understood'

What is it really all about??

- Main aim is Life Safety , but what is the real problem?
- Legal-Moral-Financial reasons for following H&S best practice, so how does it stack up?
- Latest fire stats (2010) show fires (242000) & fatality (328) trend down, -
- ...but cost losses up (£3.6M /day)-approx £1.3 b /annum
- Consequential losses ? 50% of firms suffering a fire go out of business- Jobs lost?
- Much in the Order about preventative measures
- Benefit of fire safety measures in delivering BCM.

Fire Losses How & Where

- Latest fire stats (2010) Number of fires down –Fatalities 328. Injuries 8500.
- Direct Losses-up to £3.6M /day, £1.4B /year.
- Arson, which becomes more frequent during a recession, comprises half of all commercial fires and around 20 schools per week suffer an attack.

Fire Risk Assessment (FRA) Models

What is suitable & sufficient ?

- Tick box checklists?
- Generic
- Systematic
- With or without plans

FRA standards :- 5 steps or 8/9 steps? Plans or not ?

- HSE 5 Steps remains foundation approach
- PAS 79 – (9 steps) FRA Guidance and methodology
- Must be premises specific not generic
- Order doesn't require a plan, but RRO Guide suggests should be provided.
- Profession view is that plan should be provided

Competence of assessors

- No Qualification demanded by order, but-
- Competence required = Suitable knowledge & experience-
- Increasing call for professional accreditation-
- New 2010 regulation infers/admits that its not a necessarily simple DIY task

THE FIRE SAFETY (EMPLOYEES' CAPABILITIES) (ENGLAND) REGULATIONS

- Requires employers to take employees' capabilities as regards health and safety, so far as they relate to fire, into account when entrusting tasks to them.
- Must ensure that all tasks are allocated to employees with the necessary skill and experience to do them safely.
- It applies to all tasks carried out in the course of the business, not just those (such as carrying out risk assessments) which relate directly to health and safety.
- Re-enforces the Management Regs. '99 as it applies to "Fire safety"

F&RS policy of enforcement

- May focus on various targeting:-
- Breaches observed during operational incident
- Breaches observed by complainant-public or other authority.
- Thematic Audit inspection regime by Risk / Use.
- Thematic inspection regime by Risk geography
- Now easier and more willing to prosecute with dedicated prosecution teams.

F&RS policy of enforcement

- 5 levels of improvement action being applied. Enforcement Concordat to be followed
- Audit and agreed action plan letter
- Enforcement notice
- Alterations notice
- Prohibition notices
- Prosecution

Fire Safety Order Requirements

- Article 8 Duty to take general fire precautions,
- Article 9 Risk assessment, -& young people.
- Article 13 Fire-fighting and fire detection,
- Article 14 Emergency routes and exits,
- Article 17 Maintenance,
- Article 19 Provision of info to employees,
- Article 20 Provision of info to employees and self employed from outside undertakings,
- Article 21 Training
- Article 22 Co-operation and co-ordination.
- Article 23 General duties of employees at work.
- Article 38 Maintenance of measures provided for protection of fire-fighters.

Prosecution Enforcement history.

- An unexpectedly high level of Fines have been applied to breaches, even where no injury or fatality, -
- Is the F&RS using legal action as a means of publicising the duties of responsible persons?? e.g...:-
- Sept 2009 A national pub group has been ordered to pay over £17,000 in fines and costs.
- Oct 2009 Camden Council has fined two companies (landlords) and their director a total of £32,400 .
- Jan 2010 Fashion Retailer New Look has been fined a record £530,000 for fire safety breaches following a blaze at its central London store in Oxford Street .

Enforcement history (Cont.)

- Feb 2010 North Wiltshire :Pub management company fined £15000.
- 23 September 2010, London :A landlord fined £16,000
- 28 September 2010 Berkshire. Landlord fined £13,000
- 24 December 2010 Manchester (a 1st!) , a fire system contractor £5,000 and ordered to pay £6,000 costs. ?
- 08 February 2011:Retail chain Poundland fined £20,000
- 07 March 2011 South Wales :Restaurant owner, four months imprisonment, suspended for 12 months, and 250 hours community service and £5,300 in costs,

Fire Risk Assessment & management.

- There must be a structured approach with Identified Roles and duties. Should not be sidelined or delegated to a single person role unless in small premises.
- Fire Safety roles:-Responsible Person - Fire Safety
- Fire Risk Assessment is cornerstone of fire safety management and control.

Coordinator – Fire Evacuation Coordinator- Fire warden / marshal.

Fire Safety Management-Who's who?

- Responsible person debate ??- Chief Exec or Building manager, equivalent
- Fire Safety Coordinator: Safety Policy manager
- Fire Evacuation Coordinator: Supervises Evac.
- Fire Warden / Marshall: Specific duty staff

Last but not least!

The use of fire extinguishers.

DON'T GIVE FIRE A CHANCE!

- The use of first aid fire fighting equipment by “trained” staff, is now seen as an essential element of fire safety management.
- The control fire in its early stages can significantly reduce the risk to other persons in the premises and mitigate against potential loss.
- The “ FSO Guide”says.. “Only those with training should be expected to extinguish a fire....But that...all staff should be familiar with basic operating procedures,in case they need to use it”

Thank you for your attention

Any Questions ?