

# Hazards workshop: Fire Risk Assessment

## Delegate handout

### Fire service enforcers are getting tough on employer failures to assess fire risks.

Brigades are encouraged to act and are not afraid to do so, they have the resources (much more than HSE etc. at least at the moment!) and access to specialist legal teams. Prosecution rate is much higher than the HSE and the success rate is phenomenal (100% in some Brigades).

#### Big Fines

Greenway Environmental factory. Two firms held responsible for a huge fire caused by a faulty process; ordered to pay a total of £224,530.

Shell International Ltd office block. A prohibition notice and ordered to pay £345,000 for extensive breaches.

New Look fined £400,000 for failing to manage fire risk.

Co-Op supermarket ordered to pay £248,000 for locked fire exits and poor alarm system.

Shabna Tandoori. Landlord ordered to pay a total of £8,200 after allowing staff to sleep on the upper floors. The only stairs to led directly from the kitchen.

#### Criminal convictions

Responsible Person and Competent Person 8 months sentence each for a 'cut & paste' fire risk assessment.

Tavern In The Town leaseholder: 9 months imprisonment for breaching a prohibition notice, and 6 months for each of other offences.

Winsmill Ltd fined £30,000; 4 months suspended sentence for the Responsible Person

Fire alarm engineer ordered to pay £11,000 for maintenance failures.

## **What are the standards that employers must meet?**

**Building Regs-** Change of use, new builds and major refurbishments

**RRO/ Fire (Scotland) Act 2005/Fire Safety Regulations (Northern Ireland)**

### **'Responsible Person'**

In a workplace, this is the employer (if the workplace is to any extent under his control) and any other person who may have control of any part of the premises, e.g. the occupier or owner.

### **Other 'Responsible Persons':**

Any duty ... shall also be imposed on every person ... who has, to any extent, control of those premises so far as the requirements relate to matters within his control.

Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

(a) the maintenance or repair of any premises, including anything in or on premises; or

(b) the safety of any premises,

that person is to be treated .... as being a person who has control of the premises to the extent that his obligation so extends.

### **Frsa-guide introduction extract**

'The Responsible Person' must-

Co-operate and co-ordinate with other responsible persons who also have premises in the building

Consult employees (or their elected representatives) about nominating people to carry out particular roles

Carry out a fire risk assessment & record the significant findings

Appoint one or more competent persons (someone with enough training and experience or knowledge and other qualities to be able to implement these measures properly).

Consider the presence of any dangerous substances

Establish a suitable means of contacting the emergency services

Ensure that the premises and any equipment provided in connection with firefighting, fire detection and warning, or emergency routes and exits ...are in efficient working order and in good repair.

Provide appropriate information, instruction and training to employees, when they start working for you, and from time to time throughout the period they work for you.

Provide your employees with clear and relevant information on the risks to them & inform non-employees

## What kind of guidance is available?

**FRSA Guides** (Scotland & Ireland have similar). Government-produced for various types of workplace, very comprehensive. Web links:

- Means of Escape for Disabled People
- Factories and Warehouses
- Offices and Shops
- Large Places of Assembly
- Small and Medium Places of Assembly
- Theatres and Cinemas
- Transport Premises
- Healthcare Premises
- Animal Premises and Stables
- Educational Premises
- Residential Care Homes in England and Wales
- Open Air Venues
- Sleeping Accommodation
- Subsurface Railway Stations
- Care Homes in Scotland

Note: Unlike H&S Regs it is reasonable to fail to comply with virtually any of the individual standards or guidance as long as the overall result is that people will be safe and this is justified in a fire risk assessment.

**Building Regs**- Building Control (beware 'Approved Inspectors'),

**Specialist contractors** (3<sup>rd</sup> party accreditation = quality assurance);

**Industry associations etc.**

**B.S etc.**- Equipment & installations (note: very useful but not compulsory and may be varied if justified by risk assessment.).

**Fire Service**- No longer required to give advice to employers but often will on request.

**Competent Persons**- Whoever manages or oversees fire safety for the company, establishment or area. If competent!

**Fire Risk Assessor**- If competent!

**Other Guidance for TU Reps**

TUC/TU literature; FBU contacts; me (at a push) jcrust999@aol.com

## What are the areas of greatest weakness?

### **'The Responsible Person'; other people with responsibility; 'The Competent Person':**

Have they been nominated and identified?

Was the TU/employees consulted on the nomination?

Do they understand the legal requirements and their criminal liability?

Are they competent and given the resources they need?

Do they do everything they should?

**Fire Policy-** State commitment; who will hold the responsibility at board level (or equivalent), *'The Responsible Person'*; who will be the responsible person for each of their premises; people to carry out particular tasks if there is a fire; arrangements to monitor and check that persons responsible for fire safety are meeting the requirements of the fire safety law?

**Fire Strategy & Fire Safety Manual** (Modern and new builds and major refurbishments) – The Strategy should explain the fire safety arrangements in general; the Manual should provide all necessary information (not to be buried in O&M manuals etc.)

### **The Fire Risk Assessment:**

Judgments are subjective, there are virtually no fixed standards; compensatory increases in some areas can justify shortfalls in others.

Assessor competence is key; is yours competent? See:

<http://www.firesectorfederation.co.uk/update/resources/1362348865-a-guide-to-choosing-a-competent-fire-risk-assessor-v1-1-02-13.pdf>

Aware of all factors (especially if done by a non-employee)?

Considered everything required (PAS systems etc.)?

Include consideration of lone working (cleaners and others out of hours), people unfamiliar with the premises, people who may have difficulty evacuating, people with language difficulties, other people in the vicinity?

Significant findings recorded and people made aware?

Remedial action plan?

Reviewed annually and if there is relevant change?

### **Evacuation System:**

Escape routes- Enough of them; wide enough (750mm = 100); travel distances Ok (18m single direction); Signage and emergency lighting; Emergency doors open in the direction of escape (sliding or revolving doors), not be so locked or fastened that they cannot be easily and immediately opened (even in a power cut); Free of obstructions, combustibles and ignition sources?

Compartmentation- Corridor and staircase walls, floors and ceilings fire resistant (no breaches); fire doors onto escape routes, self closing where one direction escape?

Arrangements for 'Disabled Persons'- All considered (mobility, strength & dexterity, sight, hearing, cognition); Identification; Refuges with communications systems to summon aid; Specialist equipment; GEPPs & PEEPs?

Warning, suppression and smoke control systems?

Arrangements for visitors, contractors etc?

### **Emergency plan-** Could include:

- how people will be warned if there is a fire;
- what staff, visitors etc should do if they discover a fire;
- how the evacuation of the premises should be carried out;
- where people should assemble after they have left the premises and procedures for checking whether the premises have been evacuated;
- identification of key escape routes, how people can gain access to them and escape from them to a place of total safety;

- arrangements for fighting fire;
- the duties and identity of people who have specific responsibilities if there is a fire;
- arrangements for the safe evacuation of people identified as being especially at risk, such as young children and babies (e.g. in a crèche), those with disabilities, contractors, members of the public and visitors;
- any machines/appliances/processes/power supplies that need to be stopped or isolated if there is a fire;
- specific arrangements, if necessary, for high-fire-risk areas;
- arrangements for an emergency plan to be used by a hirer of part of the premises;
- contingency plans for when life safety systems, such as evacuation lifts, fire detection and warning systems, sprinklers or smoke control systems are out of order;
- how the fire and rescue service and any other necessary services will be called and who will be responsible for doing this;
- procedures for meeting the fire and rescue service on their arrival and notifying them of any special risks, e.g. the location of highly flammable materials;
- what training employees need and the arrangements for ensuring that this training is given;
- post-incident plans

### **Training:**

As a minimum all staff should receive training (verifiable and supported by management) when they start employment, are transferred into the premises and when relevant changes have been made about:

- the items listed in your emergency plan;
- the importance of fire doors and other basic fire-prevention measures;
- where relevant, the appropriate use of firefighting equipment;
- the importance of reporting to the assembly area;
- exit routes and the operation of exit devices, including physically walking these routes;
- general matters such as permitted smoking areas or restrictions on cooking other than in designated areas; and
- assisting disabled persons where necessary.

Training should be repeated as often as necessary and should take place during working hours. More comprehensive training is required for those with specialist responsibilities; people expected to use firefighting equipment; disabled persons; those who undertake maintenance, checks and testing.

**Fire practices-** records; Competent persons? Schedules & frequency? Quality? Should include- escape routes, including final exit locking mechanisms, such as panic devices, emergency exit devices and any electromagnetic devices; fire-warning systems; emergency lighting systems; fire extinguishers, hose reels and fire blankets etc.; other fire safety equipment such as fire suppression and smoke control systems; passive systems such as fire doors; all alterations, tests, repairs and maintenance of fire safety systems.

**Fire Prevention:** Control of ignition sources & fuel load (all combustible materials).

### **Maintenance, checks and testing:**

Suitable and sufficient; recorded?

Competence of those doing them?

**Audits and reviews (Internal & Fire Service):** Competent persons? Schedules & frequency? Quality? Reports and remedial action plans?

### **Permits to work:**

A permit to work is appropriate in situations of high hazard/risk and, for example, where there is a need to:

- ensure that there is a formal check confirming that a safe system of work is being followed;

- co-ordinate with other people or activities;
- provide time-limits when it is safe to carry out the work;
- provide specialised personal protective equipment (such as breathing apparatus) or methods of communication.

Additional risks that can occur during building work include:

- hot work such as flame cutting, soldering, welding or paint stripping;
- temporary electrical equipment;
- blocking of escape routes including external escape routes;
- introduction of combustibles into an escape route;
- fire safety equipment, such as automatic fire-detection or suppressions systems becoming affected;
- fire-resisting partitions being breached or fire doors being wedged open
- additional personnel who may be unfamiliar with the premises.

**Critical failure arrangements:**

Critical failure arrangements are instructions as to what compensatory measures will be taken if work activity or faulty equipment may result in increased fire safety risk.

**Incident records, reports and investigations; reported fire safety issues.** Competent persons? Quality? Reports and remedial action plans? Trends identified and addressed?

**Maintenance, checks and tests.** Competent persons? Schedules & frequency? Quality?

## How can we get employers to improve?

### Targets:

'The Responsible Person' & other people with responsibility  
'The Competent Person'  
Building Control (New builds and refurbishments)  
Fire Service (Must act on reported issues)

### Opportunities:

Member complaints  
TU action: Checking documentation and records; Challenging competency; Building members support and raising issues.  
Health & Safety inspections  
Fire Risk Assessment reviews  
Fire authority & other audits  
Building work planning  
Access audits  
Incidents

### Enforcement:

Who -

- a. Building Regs- Local Authority Building Control
- b. Fire Authority-
  - i. Specialist Officer- may be civilian
  - ii. Operational Fire Officer

When

- a. Scheduled audits; frequency based on risk levels by a scoring system when audited/incident. Extremely high- 1/4ly; high- annual; low never? Resource dependant, cuts/privatisation = less!
- b. Incidents
- c. Reported issues

How-

Informal chat (minor issues easily rectified)  
Informal notice (less minor issues, no great urgency)  
Formal notice (serious and/or urgent issues)  
Prohibition order (Very serious)  
Prosecution: Establishment and individuals (criminal)