

A competent technician is defined as one who has passed a BAFE-approved examination.

Records must be kept of the installation and maintenance of fire safety equipment

The Regulatory Reform (Fire Safety) Order 2005 will affect employers and others who are responsible for buildings to which the public may have access, all non-domestic premises, including the voluntary sector and the self-employed where premises are separate from their homes. Phil Wright addresses some frequently asked questions on what facilities managers and others acting for the 'responsible person' need to do.

Q. Why is a Regulatory Reform Order necessary?

A. The purpose of the Order is to simplify, rationalise and consolidate the law on fire safety in buildings, and to comply with European directives on fire safety. There were nearly 100 regional and national acts – and statutory instruments – on fire safety provision, some of which were inconsistent or out of date and not applicable to today's circumstances.

Legislation, which has been repealed or amended under the new Order, includes: the Fire Precautions Act 1971, the Fire Precautions (Application for Certificate) Regulations 1989, the Fire Precautions (Workplace) (Amended) Regulations 1999, the Housing Act 1985 and the Smoke Detectors Act 1991 – plus 73 more pieces of legislation!

Q. What type of buildings will the new Order cover?

A. The Order covers the buildings it is designed to protect in 11 categories: offices and shops; factories and warehouses; sleeping accommodation (guest houses, hotels etc.); residential care premises; educational premises; small and medium places of assembly (community halls, places of worship etc.); large places of assembly (such as sports stadiums), theatres and cinemas; health care premises and transport premises and facilities.

Q. How will you know how to comply?

A. The ODPM (now the Department for Communities and Local Government) has produced a series of guides relating to each of the 11 building categories. These are thick volumes, which will be available at a cost of £12.50 from the ODPM from the end of June 2006. They should be seen as a lay person's guide to the Order.

Q. So once we have bought the right guide, what's next?

A. The starting point for all categories of building is the identification of a responsible person, who will be held ultimately responsible for the safety of employees and relevant persons using the building. This will normally be the person who owns or controls the business or premises (where two or more such persons share a responsibility, i.e. landlord and tenant, they are obliged to co-operate). Unless a landlord/employer has a fire service or other appropriate background, the legislation does not expect the responsible person to have the required levels of theoretical and practical knowledge to deliver the appropriate duty of care. Therefore it stipulates that the responsible person must appoint one or more competent persons to help.

Q. How do I determine that a person is competent?

A. In a large organisation, the appointment of such a competent person would normally fall within the remit of the facilities manager, who would source a specialist fire and safety consultant or company. There are fire industry standards which

define competence to help ensure the appointment of suitably qualified professionals. For example, BS 5306 defines a competent technician who installs and maintains portable fire extinguishers, as one who has passed a BAFE (British Association of Fire Equipment) approved examination. Managers should therefore demand proof that technicians meet this requirement when sourcing a professional fire safety company. BFC member examinations are BAFE certified, and are assessed to stringent quality and performance standards by the consortium.

For those working in low risk work facilities and who want to go it alone, the National Examination Board in Occupational Safety and Health (NEBOSH) has just developed a new fire safety and risk management certificate, which is designed to equip holders to carry out fire risk assessments themselves and identify the range of fire protective and preventative measures required. (Visit www.nebosh.org.uk for details of course providers). The Order makes it clear that failure to carry out these responsibilities may result in enforcement by the enforcing authority through the actions of an inspector. Conviction for failing to comply with the Order may lead to a fine or up to two years' imprisonment.

Q. What does the responsible person and his or her team need to do exactly?

A. The Order states that this person is responsible for the safety of the employees and relevant persons by properly managing the following (the Order defines a relevant person as anyone other than an employee who may be on the premises or may be affected by an incident arising in the premises):

- fire risk assessments
- fire safety policy
- fire procedures
- fire drills
- means of escape
- signs and notices
- emergency lighting
- fire alarm/s
- fire extinguishers
- fire doors and compartments
- fire evacuations

Q. That's a fairly long list – where do we start?

A. It's really not as alarming as it seems. Most organisations will have already addressed these issues through their compliance with current legislation, such as the Fire Precautions Regulations 1997 (amended in 1999), which states that every premise has to have a fire risk assessment.

Q. Do we still have to prepare a fire risk assessment then?

A. Absolutely, the fire risk assessment forms the main ethos of the new Order and must be formally recorded if the responsible person employs five or more people, or if the type of premises or the inspector requires it (this will be indicated in the appropriate guide). For example, a factory producing highly flammable materials would require a written risk assessment – even if only three people were employed.

The Order states that the risk assessment must be reviewed regularly to make sure it's working, and when significant changes to the building or work activity occur. Any actions required have to be commensurate with the specific risks likely to occur at the type of premises, and these are laid out in the individual guides. For example, it's easy to understand why there

would be significant differences in risks – and the actions required to minimise them – at, for example, a boarding school, a laboratory where animal testing took place, a theatre, and a factory where highly flammable materials were stored.

Q. Does the risk assessment have to include people other than employees using the building?

A. Yes, the Order says the assessment has to focus on the safety in case of fire of all relevant persons. These would include employees, visitors, members of the public – even trespassers! It must also take into account those at special risk, such as the disabled, and those with special needs of any type. People with special needs form a non-exhaustive list – someone with a broken leg, for example, should be made the subject of a risk assessment review to cover the increased time they need to evacuate the building.

Q. How do I actually implement the rules set out in the guide?

A. Producing a set of policies and procedures is already required under the Health and Safety at Work Act, section 2(3) and the Management of Health and Safety at Work Regulations 1999, regulations 8 & 9. The relevant guide will help set out policies which are appropriate to your type of premises, in order to reduce the risk of fire starting in the first place. Under the terms of the Order, there must be a policy in place which aims to minimise the risk of fire, reduce its spread and provide clear means of escape.

The simplest policy to implement, and one which drastically reduces the risk of fire in any building, is a no smoking one. Another policy, which will be applicable to all buildings, is to have all portable electrical equipment appliance tested. The guides also advise on setting up the most sensible procedures according to the building type. They must identify circumstances that trigger the procedure and give details of the evacuation and re-admission drill. Typical procedures to reduce the spread of fire could be simply shutting all internal doors at night.

Q. What records have to be kept?

A. The Order demands that records are kept of the fire risk assessment, the fire safety policy, the fire safety procedures, training and drills, as well as the installation and maintenance of equipment such as alarms, emergency lighting and portable fire extinguishers. Most fire safety consultancy companies will provide log books for this purpose.

Q. Give me some examples of the work which may be required in my premises?

A. Basic fire prevention measures will include means of escape which are kept clear at all times with the evacuation route clearly marked with appropriate signs. Emergency lighting must be provided in escape routes if appropriate. You will also need to install fire detection and alarm systems which are appropriate to the risk. Appropriate fire fighting equipment must also be provided – normally portable fire extinguishers. Fire doors and other measures taken to reduce the risk of fire must be kept in good order and equipped with appropriate seals and self-closing devices. You should also consider the spread of a fire beyond your premises; for example, think how road users may be affected if your premises were situated next to a motorway.

Q. What about staff training?

A. The Order says that all employees must be given adequate fire safety training (during normal working hours) when they commence employment, as well as receiving refreshers as appropriate. This must include training in the use of fire extinguishers.

Q. How will the Order be enforced?

A. By inspectors working for the enforcing authority, usually the local fire and rescue service (but the Health & Safety Executive, Ministry of Defence and local authority environmental health departments will also be responsible for special

establishments under their control). The Order permits the inspector, who will usually be a local fire officer, to enter a premises, inspect, ask questions and identify who is the responsible person. He or she may also copy fire safety records and take samples as deemed necessary.

Q. How long will we have to comply after the RRO comes into effect?

A. The RRO was approved by Parliament on 7 June 2005 and will be enforced from 1 October 2006. At the time of writing the ODPM stated that at least nine of the 11 guides will be available by the end of June this year, giving employers a three-month period in which to become compliant.