

HEALTH & SAFETY COMMITTEE
Focus of the Month
Regulatory Reform (Fire Safety) Order 2005

Issue No 9

Introduction

The Regulatory Reform (Fire Safety) Order 2005 saw the end of fire certificates and the introduction of a single system based on the need for all managing agents, business owners and employers to conduct fire risk assessments for their premises. The Order broadly applies to the majority of non-domestic premises and workplaces in the UK.

The Order places a firm responsibility on the "Responsible Person" and outlines all the measures that must be taken to ensure the safety of all the people he or she is directly or indirectly responsible for.

The requirement of the Order is in fact imposed on any person who has, to any extent, control of premises so far as the requirements relate to matters within his/her control. Where two or more responsible persons share responsibility (e.g. tenant/landlord, multiple tenancy building or adjacent premises) the responsible persons must co-operate, share information and collaborate to provide measures.

The aim of this legislation is to simplify, rationalise and consolidate existing fire safety legislation, and provide for a risk-based approach to fire safety allowing more efficient, effective enforcement by the fire and rescue service.

Does it apply to me?

If you are an employer, self employed (with business premises), a voluntary organisation or have control over any premises, the fire regulations do apply to you.

If you employ five or more people, own licensed premises or have an alterations notice in force, you must keep a hard copy of your fire risk assessment present on the premises and available for inspection at all times.

As an employer you are directly responsible for ensuring that you comply with these regulations.

What has changed?

Fire Certificates are no longer valid.

A "Fire Risk Assessment" is the primary method to manage fire risk in the workplace.

A 'responsible person' – you, the employer / person in charge, is required to ensure that a suitable and sufficient fire risk assessment is maintained on site. The current fire legislation requires the responsible person to take account of the impact that a fire might have to surrounding premises and persons. This includes specifically, the safety of any disabled and/or young persons, and fire fighters should they need to enter the premises.

Fire risk assessment

Every business owner and employer must:

- Assess the fire risk in their workplace;
- Check that fires can be detected and all groups of people can be warned in enough time to leave the building safely, by themselves or with assistance;
- Check that there is a safe means for leaving the building – this includes routes, exits, emergency/escape lighting and signage;
- Provide and maintain fire fighting equipment;
- Instruct their employees on what to do in event of a fire.



Possible fire risks in your workplace

Look at all areas of your business in order to carry out an assessment. If you employ five or more people you will need to keep a written record of the risk assessment.

The kinds of areas you will need to look at when carrying out your assessment are:

- Housekeeping;
- Storage;
- Machinery/equipment;
- Flammable liquids;
- Electricity;
- Heating and lighting;
- Detection of fire;
- Fire fighting equipment;
- Means of escape;
- Emergency plans/training.

**How do I know if I am compliant?**

A fire risk assessment is a legal requirement for most UK businesses. A fire risk assessment is a written document and is substantially more than just a record of fire extinguisher testing etc.

A copy must be available on site for inspection at all times. To help you identify if you have a fire risk assessment in place, consider the following;

- Do you have a document at your premises that deals specifically with fire safety issues?
- The document must have a section designated to "significant findings"
- These are the risks that have been identified by the 'Responsible Person'
- Each risk should be accompanied with notes of remedial action that you have taken or a timed plan for actions that you intend to take to reduce the risk;
- It should include a section designated to 'Means of Escape' and identify the 'Competent Person/s' nominated by the Responsible Person to implement the procedures.

Unless documented as above it is unlikely that your insurance company or fire extinguisher maintenance company will have conducted a "suitable and sufficient" fire risk assessment.

A final thought:

These fire regulations are being enforced more vigorously by the UK Fire & Rescue Service and – "failure to have a valid fire risk assessment on site could lead to fines or imprisonment".



DISCLAIMER: This is the opinion of the NASS H&S Committee but only the courts can interpret the law. All employers should refer to the legislation.