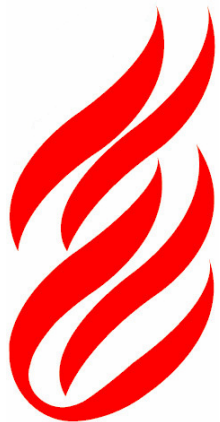


The Regulatory Reform (Fire Safety) Order 2005

An overview

From the Association for Specialist Fire Protection [ASFP]

www.asfp.org.uk



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CHANGES

- The Fires Safety Order [FSO] has changed our duties to comply with a new broader risk assessment based framework for life safety
- Fire Certificates have ceased to have legal status.
- There have been changes in the procedural guidance for liaison of Building Control Officers with Fire Services
- Fire services have introduced individual Integrated Risk Management Plans
- The FSO is linked to duties arising from the HSE 's Construction (Design and Management) Regulations 2007
 - New duty on clients
 - New Coordinator to advise and assist the client on risks
 - To be appointed before design work starts

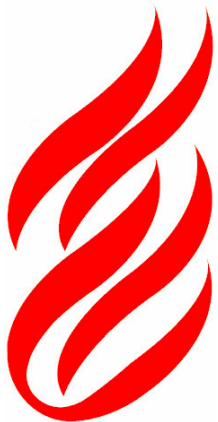


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Do you understand your new duties and opportunities?

More specifically

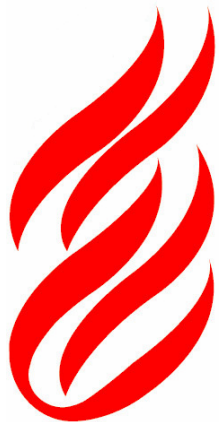
- **New Regulatory Reform (Fire Safety) Order 2005**
 - Replaces Fire Precautions (Workplace) Regulations 1997
 - The new duties applied from October 1st 2006.
 - 11 new risk assessment guides for different building uses
 - Local risk assessment information is available now from Arson Control Forum at www.wmarsontaskforce.gov.uk
- **Accompanying changes to new guidance on Building Regulations as Approved Document B - Fire Safety 2006, including**
 - Appendix G, a new Duty of Communication of risks
 - New requirements and fire tests for cladding systems as BS 8414 Parts 1 /2



Average Week in UK

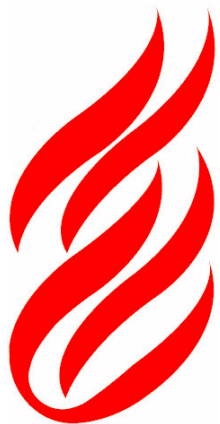
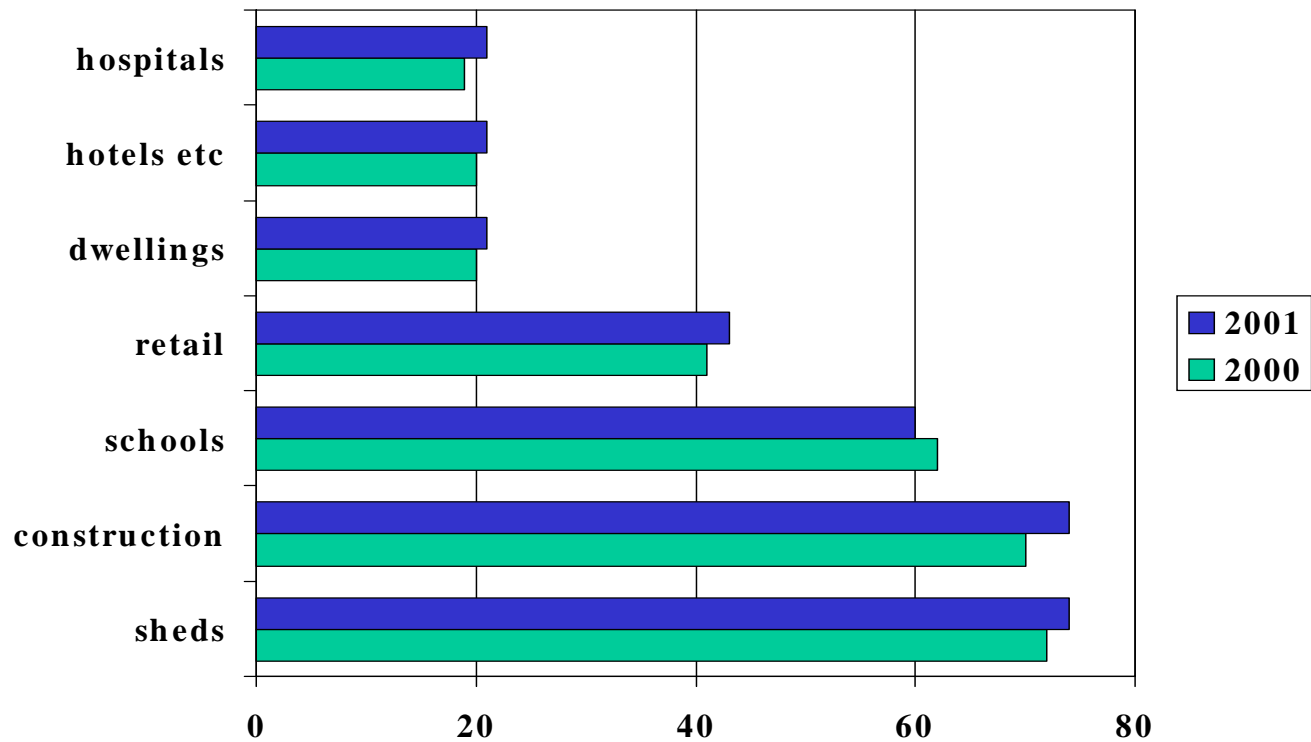
2004 statistics Arson Control Forum

- ◆ 2000 deliberately set primary fires
- ◆ 50 injuries
- ◆ 2 deaths
- ◆ £55 million cost to society
- ◆ 20 fires in schools



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% malicious fires of total building fires



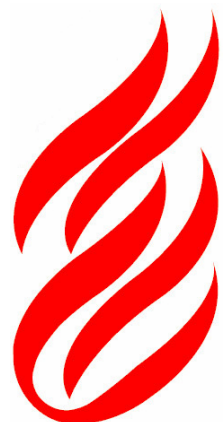
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Extracted from ODPM National fire statistics

An Existing Duty since 1997

Risk Assessment has been required for some time under the Fire Precautions (Workplace) Regulations 1997 as amended

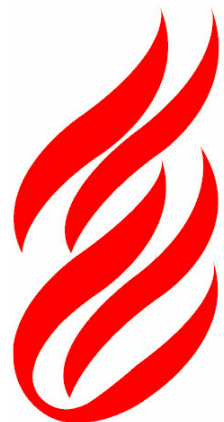
- The requirement originated from the EU Workplace Directive
- In this case Fire Certificates still applied, but
- Regardless of any previous approval, employers need to carry out a risk assessment in the workplace. The usefulness of the assessment has been a determining factor in any proceedings that follow a fire



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Existing 1997 duty and liability

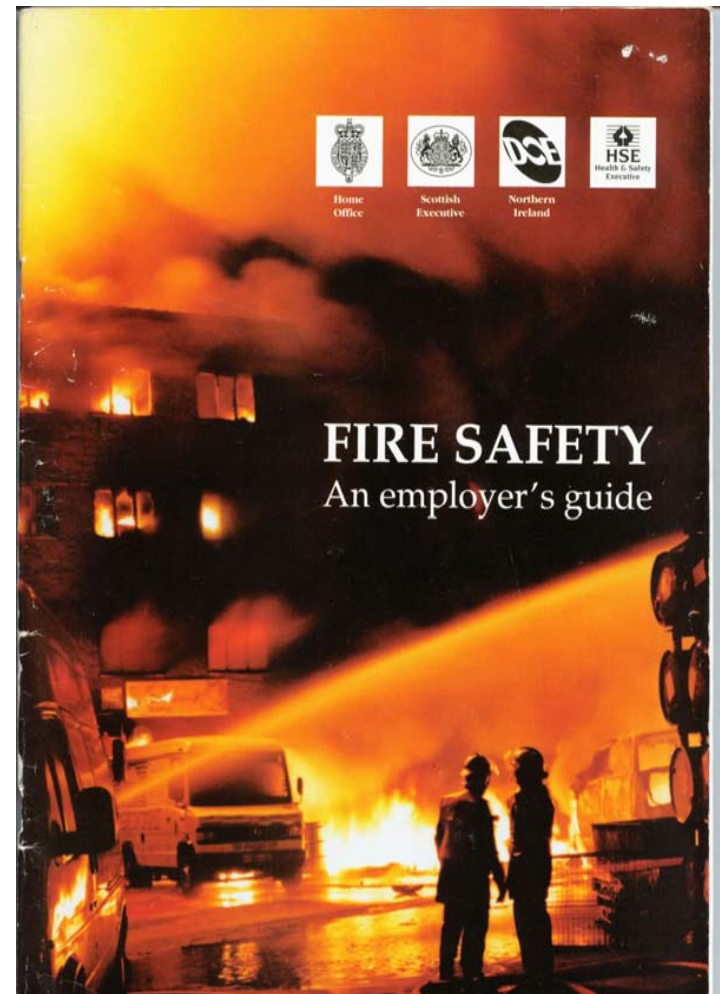
- Identify all potential hazards
- Identify associated risks
- Record all actions taken, etc
- Maintain the risk assessment



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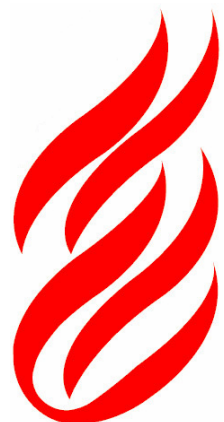
**Employers have also had a
duty of
disclosure to insurers**

**Fire service enforcement
powers were limited!**



NEW Regulatory Reform (Fire Safety) Order 2005

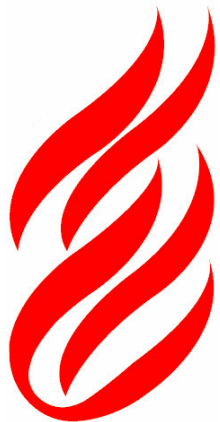
- The new Fire Safety Order will replace the Fire Precautions (Workplace) Regulations 1997 as amended, and includes a general ongoing and dynamic Duty to ensure that buildings are safe for occupation throughout the life of the building.
- Approved by Parliament 7th June 2005
- Replaces the Fire Precautions Act 1971 and many other acts, local acts and bye-laws
- It incorporates 'improvements' to rid the 'old' system of deficiencies and weaknesses as perceived by Fire Authorities and Parliament.
- Gives fire service new powers



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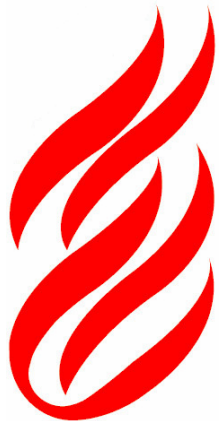
Fire Safety Order 2004 [1]

- Creates one law
- It requires all premises / buildings to have a fire risk assessment
 - Changes also made via Housing Act 2004 for HMO's to also have a risk assessment procedure
- Enforcement by the Fire Authority
 - Enabled by the Fire & Rescue Services Act 2004
 - Determinations of disputes by Secretary of State OR by National Assembly in Wales
 - Reforms fire safety law applying to non-domestic premises
 - It includes the common parts of apartment buildings.



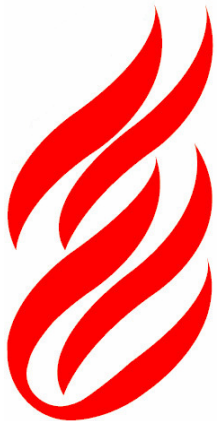
Fire safety order 2005 [2]

- Stronger powers for Enforcing Fire Authority
 - New powers of entry and sampling
 - New power to prosecute dodgy contractors
 - » So knowledge of good / bad methods is vital
 - New duties for fire prevention as well as fire intervention
 - **Fire certificates will cease to exist**
 - **The Statutory Bar will not exist**
 - Risk assessment applies to new and existing buildings
- NOTE Local fire brigade's integrated risk management plans
 - Cover /attendance to respond to the perceived risks



Fire Brigade policy directives

- Developing common guidance to underpin, implement, and provide consistency, including
 - Enforcement policy statement
 - Investigation & evidence gathering
 - Sample removals
 - Seizure of articles or substances
 - Prosecutions and formal caution procedures
 - Actions for Responsible Persons [see later]



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Building Control procedure

Includes

- Steps in approving fire safety aspects of building work
 - Avoid abortive /extra work by receiving BCO and Fire Authority comment before work starts.
 - This generates the basis of risk assessment and fire safety management
 - Statutory duty on developers and BCO to consult with Fire Authority who may influence the design [*Note CDM client's coordinator role*]
 - Fire safety precedes licensing procedures
 - Approved Inspectors issue *final certificate* to Local Authority only after consultation with Fire Authority



The responsible person

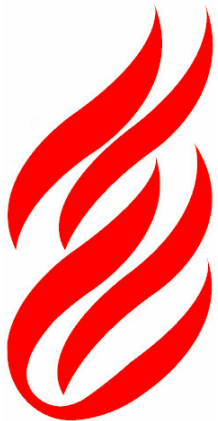
- For a workplace
 - The employer
- For other premises /buildings
 - The person who has control of the premises, for the carrying out of a trade /business /other undertaking (for profit or not)
 - The owner, where the person in control of the premises does not have control in connection with the carrying out by that person of a trade, business or other undertaking



Article 5(3) of the Fire Safety Order also imposes a duty on any person other than the responsible person who has to any extent control of the premises (The duty extending only as far as the extent of control). This could include a contractor responsible for maintaining fire alarms or similar fire protection systems such as sprinklers

The Risk Assessment

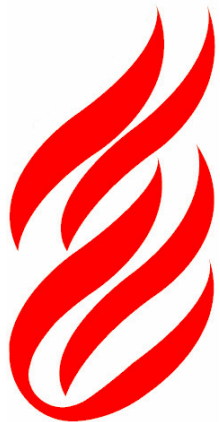
- There is **no period of grace** for the 'Responsible Person' to produce the risk assessment [RA]. [*Since Employers in workplaces have an existing duty*].
- The Duty applied from October 1st 2006
- The documentation and safety measures must be in place on the 1st day that the building is occupied. The designer's Risk assessment may form the basis of the 'responsible person's' Risk assessment



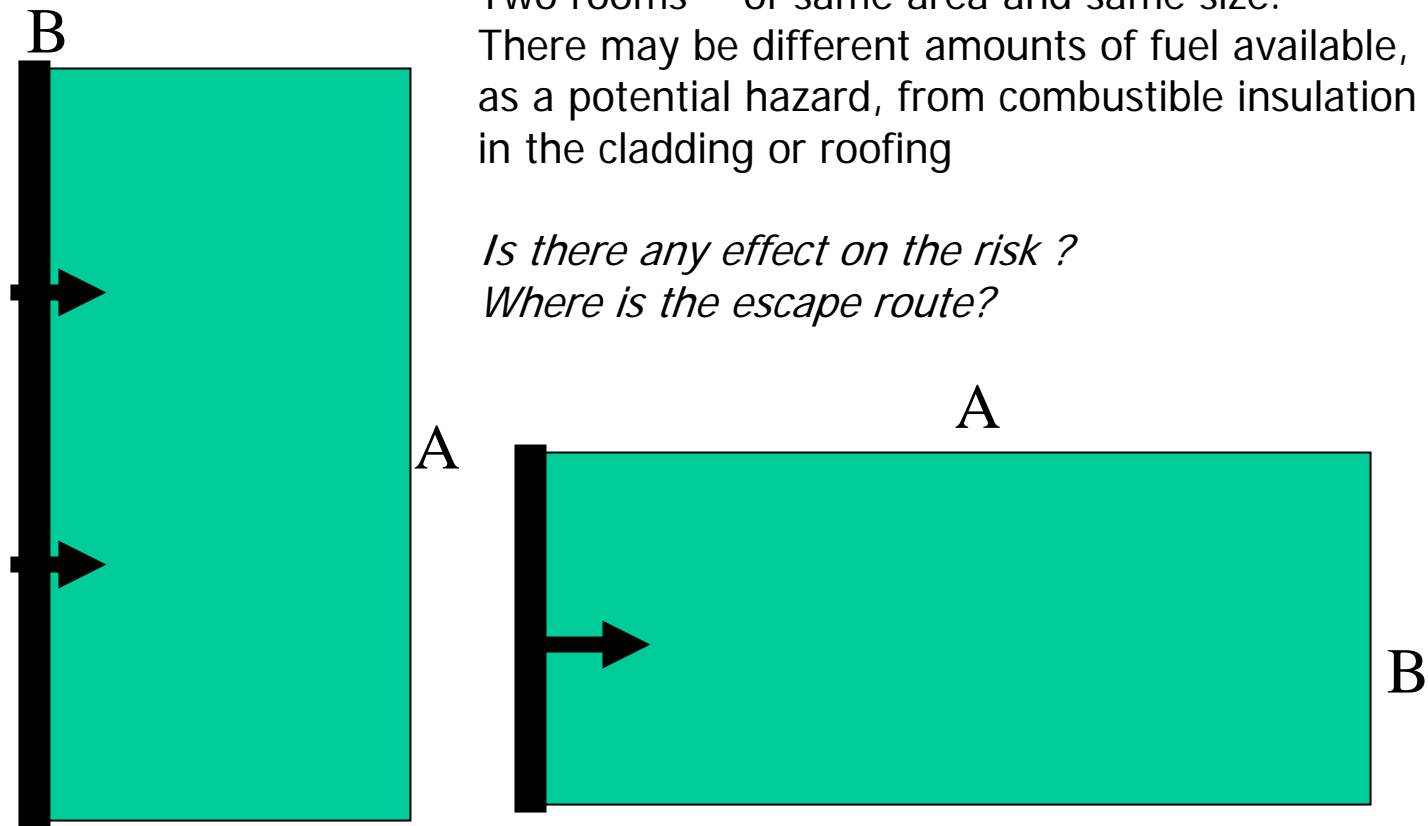
Impact on risk ?

Two rooms - of same area and same size.
There may be different amounts of fuel available,
as a potential hazard, from combustible insulation
in the cladding or roofing

*Is there any effect on the risk ?
Where is the escape route?*

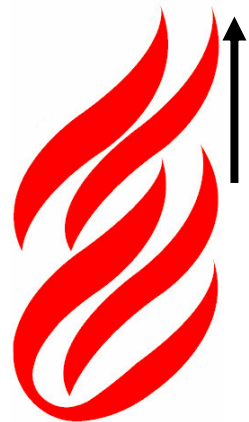


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Plan area $A \times B =$ Plan area $A \times B$

Assessing the hazard/risk level



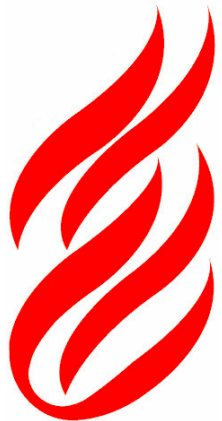
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		Fire hazard value ←					
		5	4	3	2	1	
Fire Risk value ↑	Very Likely	5	25	20	15	10	5
	Likely	4	20	16	12	8	4
	Quite possible	3	15	12	9	6	3
	Possible	2	10	8	6	4	2
	Unlikely	1	5	4	3	2	1

New DCLG risk guidance documents

In support of Regulatory Reform (Fire Safety) Order 2005

- 11 guides to fire safety are available to the public, for making a risk assessment in either
 - Offices and shops
 - Factories and warehouse premises
 - **Premises providing sleeping accommodation**
 - **Premises providing residential care**
 - Educational premises, to match new DfES guides BB100 and BB77
 - Small and medium places of assembly
 - Large places of assembly
 - Theatres and cinemas
 - Hospital premises
 - The transport network
 - Outdoor events

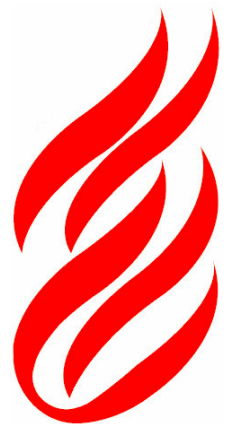


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Each Risk Guide will contain

Details of the process for fire risk assessment

- Information on prevention and protection measures
 - Reducing the risks
 - Formulating a fire management policy
- Actions for 'responsible persons /employers'
 - Communications with other users of same building/ and their insurers
 - Form a communication /partnership with the building owner
 - New fire safety management guide BS 5588 Part 12



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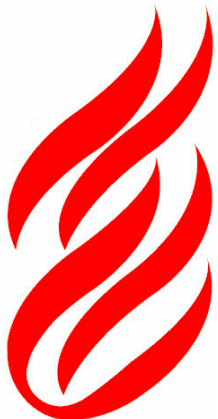
Note that Insurance Cover may not be available to everyone

- the demonstration of effective fire safety management could well become a pre-requisite for the limited insurance cover available

Fulfilling responsibilities

Awareness, new powers, experience

- Communications
 - **Duty of care**
 - Risk assessment for scrutiny by fire authority
 - Disclosures by clients to insurers
 - Demonstrate good fire safety management
 - Keep an eye on all changes
- New powers tomorrow ?
 - No more fire certificates
 - Power to remove samples
 - Power to prosecute deficient installers
- **Effective enforcement is essential to the UK Plan**



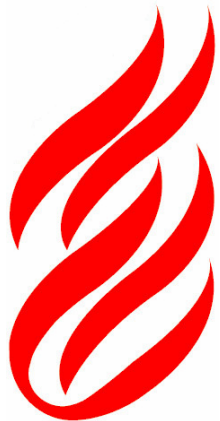
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Approved Document B – Fire Safety

Guidance to Building Regulations 2000 as amended for England & Wales

Government have now issued a revised 2006 version of Approved Document B in two volumes for England and Wales – For Dwellings; For buildings other than dwellings.

www.planningportal.gov.uk



Scotland have separate measures under The Building Scotland Regulations 2004 – see www.infoscotland.com/firelaw

Northern Ireland – see [www2.dfpni.gov.uk/building regulations](http://www2.dfpni.gov.uk/building%20regulations)

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The following proposals are included in AD/B 2006 -

Proposal / Management of premises

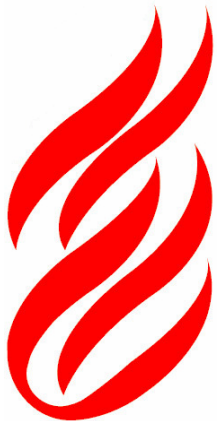
- Building regulations do NOT impose any requirements on the management of a building, but appropriate fire safety design should consider the way in which the building will be managed.
 - However, a design that relies on unrealistic /unsustainable management regime cannot be considered to have met the requirements of the Regulations. [ad/b consultation]
- Failure to take proper management responsibility may result in the prosecution of an employer, building owner or occupier under legislation such as the Regulatory Reform Fire Safety Order 2004
 - **The new AD/B 2006 Appendix G provides advice on the sort of information to be provided to 'responsible persons'.**



Proposal / new Appendix G

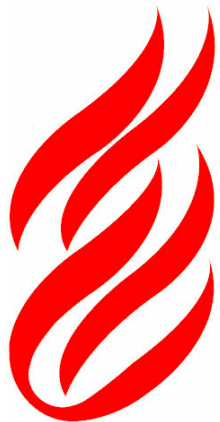
Provision of information, case by case

- Information to assist the 'responsible person' *to operate, maintain and use the building*, and to assist the eventual owner /occupier/or employer *to meet their statutory duties* under the Regulatory Reform [Fire Safety] Order.
- The information includes 'as-built' information / escape / compartments /fire doors /sensors / alarms /smoke control systems / sprinkler systems /high risk areas /specs for fire safety equipment / *assumptions in the design of fire safety arrangements for management of the building* / fire strategy for complex buildings / details of all passive & active fire safety measures, etc

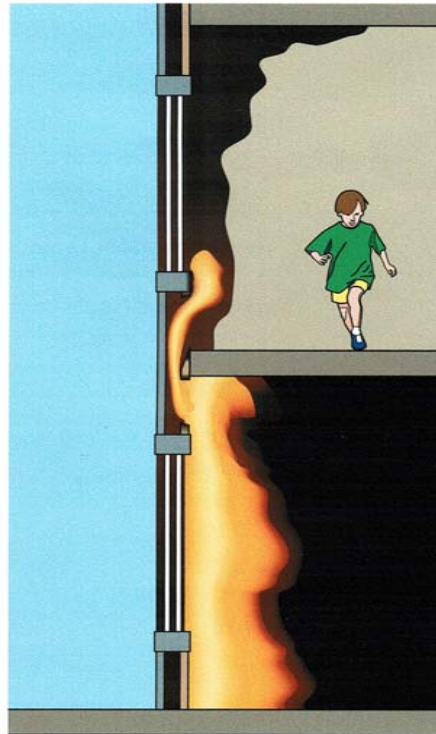


Proposals / non domestic premises

- A new 'general' Regulation for non-domestic premises.
 - Sufficient **information is to be provided** for persons to operate, maintain and use the building in relative safety before a completion certificate can be issued
 - In practice this means that BCO's will need to be satisfied that *the developer* has **passed on relevant fire safety information** *to the owner/user of the building*, to enable effective fire management strategies, and
 - To assist the production of **risk assessments** as required by the Regulatory Reform (Fire Safety) Order 2005

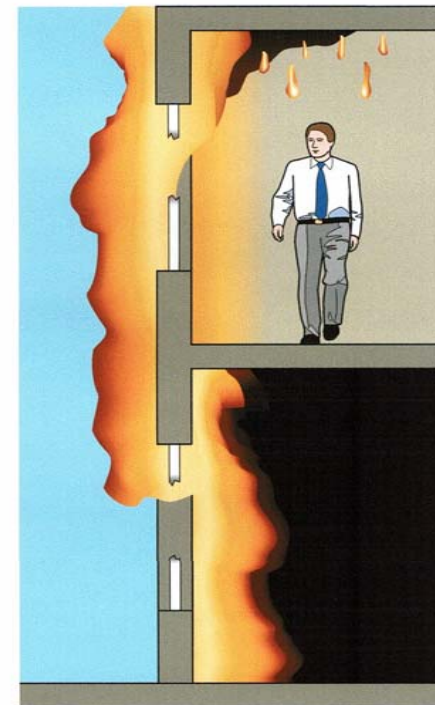


Fire paths and external walls



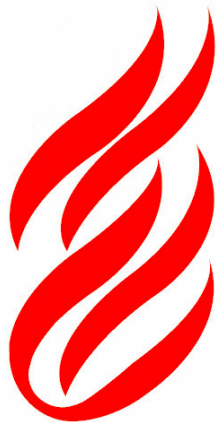
Within facade
Spread route:
1 enclosure to facade
2 facade to adjacent enclosure

Via gaps in construction



Via windows
Spread route:
1 enclosure to outside
2 outside to adjacent enclosure

Via facades / windows

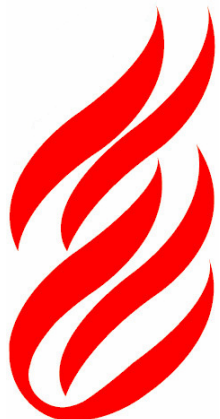


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Proposal / construction of External walls

- The external envelope should not provide a medium for fire spread if it is likely to be a risk to health or safety. *The use of combustible materials for cladding framework, or of combustible thermal insulation as an over-cladding, or in ventilated cavities, may present such a risk in tall buildings.*
- In a building with a storey 18m or more above ground level, insulation material used **in the external wall construction** should be of limited combustibility.
 - Note 1 - the words 'in ventilated cavities' are deleted.*
 - Note 2- the insulation used in masonry cavity walls is excluded*
- **Further advice is given in BR 135; 2003.**

One alternative to meeting the above is to meet the performance criteria given in BR135 for cladding systems using full scale test data from BS 8414-1:2002.



Proposal /

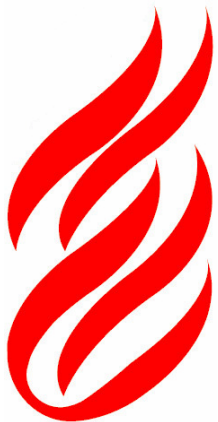
Space separation and boundaries

- Changes are proposed to address concerns about industrial estates built on a single site **but containing disparate businesses**
- A DELETION - That apart from Residential, and Assembly & Recreation purpose groups, the spread of fire between buildings on the same site represents a low risk to life and can be discounted. Ie ALL BUILDINGS.
- NOTIONAL BOUNDARIES – The distances to other buildings on the same site need to be considered. This is done by assuming there is a 'notional' boundary between those buildings.
 - Position the notional boundary between two buildings so that ONE of the buildings complies with provisions for space separation in regard to the amount of it's unprotected area, then check the site the new 2nd building for compliance
 - There could well be problems for some existing buildings?



Understanding risks

- Child hood experiences shape our view of hazards & risks.
- We cannot know about future risks, but pretend that we do.
- Subjective influences are unavoidable
- If no previous 'accidents' then is one probably overdue?
- Are we prudent or lucky?
- How safe is safe enough?
- Remember that 2 assessors will have different risk aversion instincts based on personal experience



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Extracted from talk by Dr Joan Lockyer to IFPO November 2004

Risk / Are we ready?

NEW POSITION

We can do it

We can make it happen

How can we improve further ←

Teamwork, listening, collaboration

Forward looking. Be dynamic

New responsibilities /Delegation

COMPLACENCY

We like things as they are

We don't need to change

Why bother, we're doing fine

Inward looking

Arrogance?

Avoid change

UNCERTAINTY ?

What do we need to do?

Where do we start?

Where can we get help?

Be outward looking ←

Select and agree new processes

DENIAL

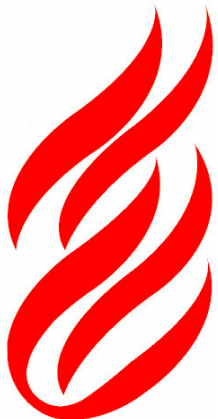
It will never happen

It doesn't apply to us

It isn't our fault

Be defensive /aggressive

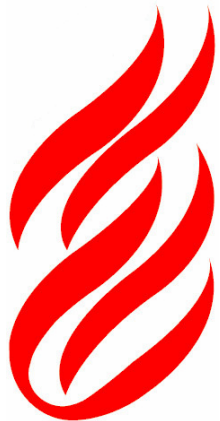
Point fingers /shoot messengers



Choice and responsibilities



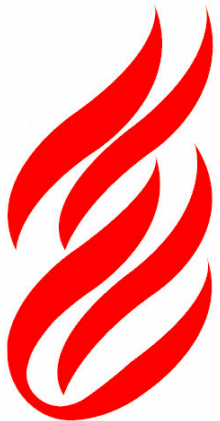
- **Take action**
 - We can work together
 - Seize the opportunity
 - Talk to ASFP
www.asfp.org.uk
- **Ignore responsibilities**
 - Only one eventual consequence



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In house presentations

- ASFP CPD and other presentations can be provided free of charge for your organisation, at your office.
- To arrange a presentation, contact
Bill Parlor – Technical Officer, on behalf of ASFP
Tel: 01234 711695 or ASFP Secretariat at 01252 357841
Email: bill.parlor@asfp.org.uk



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