



Regulatory Reform (Fire Safety Order) 2005 (RRFSO)

Introduction and Background

As part of the Government's commitment to reduce death, injury and damage caused by fire, the Department for Communities and Local Government (DCLG) has reviewed current fire safety law; and made a number of changes through the Regulatory Reform (Fire Safety) Order (RRFSO). After lengthy consultation the draft Order finally received parliamentary approval on 7th June 2005, and came into force on 1st October 2006. Until then, current fire safety regulations remained applicable and enforceable. The three main objectives are:

- To simplify, rationalise and consolidate the existing fire safety legislation into one set of regulations, thereby reducing the burden on business and the overlap of enforcing authorities.
- To align fire safety legislation with health & safety law and reduce prescriptive requirements.
- To firmly put the onus for fire safety for people on the 'Responsible Person' (owner / occupier / employer / landlord) as a result of the significant findings in the 'Fire Risk Assessment' which the Responsible Person has a legal duty to carry out.

Application

The RRFSO applies to England and Wales.

A new legislative regime has been introduced in Scotland which parallels the risk based approach of the RRFSO with the final phase of the new law expected to come into force during 2006. In Northern Ireland legislation is currently under review by the Dept. of Health, Social Services and Public Safety as part of the development of a new fire safety regime.

The RRFSO applies to virtually all premises and covers nearly every type of building, structure and open space. It excludes purely domestic premises occupied by a single family group, means of transport, mines (other than surface buildings), offshore installations, building sites or the military.

Significant Changes

The focus of the RRFSO is on fire prevention and protection measures, and its greatest emphasis is on the risk assessment. The most important duty of the Responsible Person is to make a suitable and sufficient fire risk assessment. Significant changes are:

- The repealing of over 100 pieces of legislation, most notably the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997
- Fire Certificates will be abolished and cease to have legal status
- A need to appoint a Responsible Person who will have to carry out a Fire Risk Assessment taking steps, as necessary, to reduce or remove the fire risk(s)



Fire Risk Assessments

Fire Risk Assessments are at the heart of this legislation and are required in writing where:

- 5 or more people are employed
- the premises are licensed
- the Inspector – a person appointed by the Enforcing Authority (usually a Fire Officer from the local Fire and Rescue Service) - requires it

Whilst there is no set format as to how a risk assessment should be laid out, guidance and sample layouts are available through local fire authorities, the DCLG and the Fire Protection Association (www.thefpa.co.uk).

Responsible Person

The main responsibility for implementing and complying with the Order will rest with a designated Responsible Person and who takes full corporate liability. The Responsible Person will be someone who owns the premises, or business or someone with control over the premises, business or activity. Generally the employer will have the principal responsibility but others may also have an interest e.g. in multi tenanted buildings, landlord / tenant arrangements.

Where there is more than one Responsible Person in any type of premises, they must take all reasonable steps to co-operate and work with each other.

The Responsible Person must:

- Assess the risks of fire
- Consider who may be especially at risk
- Take steps to reduce or remove the risks
- Satisfy specific requirements; e.g. the provision of an adequate means of escape, appropriate signs and notices, emergency lighting on escape routes, appropriate fire fighting and detection equipment
- Take steps to ensure that any plant or substance in, or on, the premises are safe
- Carry out effective planning, organisation, control, monitoring and review of fire safety arrangements
- Provide information to all occupants (not just employees) and visitors relating to identified risks, preventative measures and the identity of the person responsible for fire safety
- Co-operate and co-ordinate with other persons sharing the premises
- Provide adequate fire safety training
- Appoint one or more 'Competent Persons' to help comply with the conditions of the Fire Safety Order



Competent Person

The Order indicates that the Responsible Person must appoint one or more Competent Persons to assist in the undertaking of preventative and protective measures. In order to be 'competent' the person must have sufficient training, knowledge & experience. This could be an employee or an external person / organisation. However in either instance it will be important to ensure that the employee, person or organisation is equipped with the skills / expertise / adequate equipment available to them to carry out their responsibilities.

An example of a basic well recognised health and safety qualification is the NEBOSH (National Examination Board in Occupational Safety and Health) General Certificate and an example of a suitable organisation would be one registered with the Institution of Fire Engineers as Fire Risk Assessors.

Enforcement

Fire authorities will be the main enforcing authority in most cases except for:

- Nuclear Installations, Ships under construction and Building sites will be the responsibility of the HSE (Health and Safety Executive)
- Military / Defence sites will be the responsibility of the MOD (Ministry of Defence) Fire Service
- Sports Grounds and Stadia will be the responsibility of the Local Authority

The Enforcing Authority will be able to issue Enforcement Notices and Prohibition Notices.

Prosecutable offences will carry penalties which will include a fine or up to two years imprisonment.

Except in the most serious cases, the fire authority will work with you and provide practical advice to help achieve a satisfactory level of fire safety.

Guidance Documents

To raise awareness of the legislation there will be leaflet distribution to workplaces, and radio advertising. Also the Government will publish 11 guidance documents to give Risk Assessment and Fire Precaution advice covering –

- Offices & Shops
- Factories & Warehouses
- Theatres & Cinemas
- Small & Medium Places of Assembly
- Large Places of Assembly
- Premises providing Sleeping Accommodation
- Residential Care
- Educational Premises
- Healthcare Premises (the Department of Health responsibility)
- Transport Premises & Facilities (not currently available)
- Open Air Events (not currently available)



Key Action Steps

- Read the RRFSO
- Read the appropriate Guidance Document(s) – which will be available to download from the DCLG website
- Review / Carry out a Fire Risk Assessment
- Appoint a 'Competent Person' to help undertake preventative and protective measures
- Record the findings of your assessment.
- Effectively communicate to employees the risks identified, together with the prevention and protective measures in place
- Maintain Fire Precautions
- Ensure fire protection systems are of good quality, fit for purpose and well maintained by third party certificated companies
- Regularly review the Fire Risk Assessment and revise it when necessary

Sources of Further Information.

- Regulatory Reform (Fire Safety) Order 2005 at www.opsi.gov.uk/si/si2005/20051541.htm
- Local Fire and Rescue Service.
- Various guidance documents (mentioned above) obtainable from the DCLG at:
www.communities.gov.uk/index.asp?id=1162101