



## The Regulatory Reform (Fire Safety) Order 2005

# Staying Compliant

With tougher and more widespread penalties being issued for fire safety offences it pays to make sure you have adequate fire safety measures and processes in place to remain compliant with fire safety legislation.

### Overview

Fire safety legislation applies in all non-domestic premises in the United Kingdom. However, the applicable legislation is different within Scotland and Northern Ireland. In England and Wales, the common parts of blocks of flats are considered to be non-domestic and as such fire safety legislation applies. However, in Scotland and Northern Ireland the common areas of flats constitute domestic premises and are therefore outside of the scope of fire safety legislation, except in respect of maintenance requirements for equipment installed for use by fire-fighters.

Fire safety legislation is also applicable within houses of multiple occupancy in the United Kingdom. Once again differences apply within different parts of the UK.

Anyone who has some control over the premises has duties under the legislation. They must take reasonable steps to reduce the likelihood of fire and make sure people can escape safely if a fire breaks out. All commercial premises must appoint a legally designated person responsible for fire safety. In some cases this responsibility may be shared with different people assuming responsibility for different aspects of fire safety. The “Responsible Person” could also be the body corporate.

If you are designated as a “Responsible Person” for fire safety you need to make certain all basic fire safety measures for the premises and areas under your control are in place and that all fire protection equipment is kept in good working order. This does not have to be time consuming or expensive and in addition to ensuring the safety of all concerned it can certainly pay off in terms of reducing the likelihood of fines and costly disruption to your business in the case of fire.

Fire safety measures, processes and procedures need to be tailored to meet the requirements of individual premises and we would recommend a full audit to ensure you meet the necessary fire safety requirements. However ensuring the following measures are in place will certainly go a long way towards helping you achieve compliance.

### Get a Fire Risk Assessment

Each individual building and commercial tenant demise, including HMO's and where required, the common areas of blocks of flats but excluding single domestic dwellings, requires a fire risk assessment (FRA) by law to reduce the risk to people and property in the event of a fire. There are severe penalties for non-compliance.

The FRA will identify possible hazards and risks. It will suggest actions to protect people, especially those considered particularly at risk and remove the risk from fire as far as is reasonably practicable. It will also identify whether the fire protection measures are sufficient and appropriate for the premises. This takes into consideration structural and passive fire protection, alarm and warning systems, emergency lighting, sprinklers and extinguishers, signage and means of escape.

If your premises have been designed and built, and are being used in accordance with modern building regulations then your structural fire precautions should be acceptable but you will still need to ensure that your risk reduction, emergency planning, fire prevention and maintenance routines are sustained.

You can appoint a competent assessor to carry out the assessment for you. As the “Responsible Person” you are however still responsible in law. In cases where the tenant has the responsibility for undertaking fire risk assessments we would advise the landlord to ensure that they also obtain copies of the completed assessment or arrange for the fire risk assessment to be undertaken on behalf of the tenant.

If you employ five or more people, your premises are licensed or an alterations notice is in force you must record the findings of the risk assessment. Any actions taken to remove the risk from fire should also be recorded.

Your FRA should be reviewed periodically, or whenever significant changes are made to building structure, people or processes.

## Develop an Emergency Plan

As the “Responsible Person” you must take all reasonable precautions to make sure everyone on the premises can escape safely in the event of a fire. If you don’t do this you are liable to face penalties for non-compliance.

Current legislation no longer draws any distinction between people who are employees, visitors or members of the public present in the building and is inclusive of people who may have a disability or anyone who may need special assistance.

An emergency plan is required to help co-ordinate the responses of all the occupants in an emergency situation and ensure any issues are rectified before an incident occurs. It is particularly important when planning and trialling fire evacuation procedures to consider the usage and personal circumstances of the occupants and visitors to a building. Limited mobility, lack of understanding of fire procedures and lack of familiarity with the building can seriously increase evacuation time.

In a straightforward building, the “Responsible Person” may be able to formulate the plan. In more complex situations, a competent fire safety adviser is recommended. Putting together an emergency plan generally involves a building inspection and evaluation, usually with reference to the fire risk assessment. The plan will need to be reviewed following any significant changes in building structure, occupancy or processes.

## Train Staff and Wardens

To comply with the Fire Safety Order, as the “Responsible Person” you must make sure all employees receive adequate fire safety training in line with their responsibilities. Staff and other people working on site need to be given clear instructions regarding what they need to do if there is a fire. This should take into consideration anyone with learning difficulties, disabilities and those for whom English is a foreign language.

Nominated staff play a significant role in the successful evacuation of premises. Fire wardens/marshals need to be appropriately trained to make sure they have a thorough understanding of their responsibilities and have the confidence to carry out their role effectively.

Staff without specific duties should receive fire safety awareness training on induction with refresher training at regular intervals as appropriate.

## Conduct Fire Evacuation Drills

The law requires you to carry out regular fire evacuation drills. This helps to evaluate the effectiveness of your emergency plan and consolidate staff training.

The drill should be conducted by a competent person who is able to observe and report on procedures, highlight any issues and recommend appropriate improvements. Government guidance advocates conducting a fire evacuation drill at least once, but preferably twice, in any 12-month period. The drill should be recorded in the logbook.

## Ensure Fire Safety Equipment Works

Any fire safety equipment in your premises should be routinely tested and maintained.

### Routine Testing

A variety of regular tests need to be conducted to avoid the penalties for non-compliance. The results of these should be recorded in the site logbook as a record of due diligence.

These include:

### Fire Alarm Testing

In addition to daily visual inspection of the control and indicating panel to make sure there are no specific faults, all fire alarm systems need to be regularly activated to test their audibility and operating effectiveness. For electrical systems a manual call point should be activated using a dedicated test key with different call points being systematically used for each successive test. This should be done weekly as recommended in the relevant British Standard or as recommended by the fire risk assessment. There are penalties for non-compliance.

### Emergency Light Testing

In some situations emergency lighting will be required to guide persons to the emergency exit points. This must be tested regularly to make sure each emergency lamp illuminates correctly and the system is in good working order. Often this can be done by inserting a fishtail key into a specific switch, either near the main fuse board or relevant light switches. The relevant British Standard recommends this is done monthly unless this is indicated otherwise in the fire risk assessment.

### Sprinkler System Testing

Sprinkler systems should be tested regularly to check the water supplies, alarm bell and valves are functioning correctly. The testing involves checking the activation pressures of the alarm and pumps. The BS Standard recommends this should be done weekly.

## Maintenance

In order to comply with UK fire safety legislation and avoid penalties for non-compliance fire safety equipment also needs to be regularly serviced and maintained to make sure it is in full working order. Maintenance should cover all fire safety systems such as fire alarms, smoke ventilation systems, emergency lighting, sprinklers, risers and fire extinguishers.

## Fire Alarm Maintenance

Routine maintenance needs to be undertaken to maintain your fire alarm system and make sure all the elements of the system are working effectively, including smoke and heat detectors, call points, sounders, beacons and panels. The relevant British Standard BS5839 recommends six monthly. However, where the fire alarm provides a compensatory feature, the fire risk assessment is likely to recommend quarterly.

## Emergency Light Maintenance

Emergency lighting also needs to be routinely serviced. It is recommended that this is done at six monthly intervals or annually, during which the annual battery drain will be conducted as per the British Standard BS5266.

## Fire Extinguisher Maintenance

Basic extinguisher maintenance should be conducted on an annual basis to make sure the equipment is working safely and effectively. An extended or overhaul service may be required for certain types of extinguishers every 5 or 10 years.

## Sprinkler Maintenance

Sprinkler maintenance should be conducted to make sure the equipment is working safely and effectively. The relevant British standard recommends maintenance is carried out every 6 months.

## Other Fire Safety Equipment

Other fire safety equipment such as hose reels, dry and wet risers, lightning protection equipment, fire blankets and fire doors also need to be regularly checked and maintained.

## Put up Fire Safety Signs

Fire safety signage need to be provided to instruct occupants how to exit the building safely. This usually means installing fire exit signs above the alternative exits and in more complex buildings signage directing people towards the nearest and most appropriate exit. The Health and Safety (Safety Signs and Signals) Regulations 1996 requires that these signs should be white on a green background and incorporate the appropriate pictogram. Signage indicating the need to keep fire exits clear is mandatory.

The following mandatory signs may also be required in your building:

- Fire door signage indicating the need for doors to be kept shut or kept clear as appropriate
- Fire equipment signs to indicate the location of fire equipment eg. fire extinguishers.
- Fire action notices
- No smoking signs

All safety signs should comply with the recommended size guidelines and be illuminated via both normal and emergency lighting to ensure they are conspicuous and can be clearly read.

## Whose Responsibility is it?

So who is responsible for maintaining fire safety in a building? All commercial premises must appoint a legally designated person responsible for fire safety. The “Responsible Person” could be the owner, employer or manager of a business for those parts they have control over or may even be the body corporate.

The landlord, owner or managing agent has responsibility for compliance in the common parts of the premises and for evacuation drills and common fire safety equipment eg. fire warning systems and sprinklers which are part of a single system throughout the building.

Commercial tenants and employers in both single and multi-tenanted buildings have the responsibility for ensuring the safety of people whilst in their premises; this includes staff, visitors and contractors working on site.

Charities, voluntary organisations and establishments providing accommodation for paying guests are all responsible under fire safety legislation. Individuals within a multiple occupancy building such as self-employed also have responsibilities if they have a level of control over the premises.

Contractors with responsibilities for maintenance of the premises or fire protection measures and consultants responsible for carrying out risk assessments also have some duties under the law.

If there is more than one designated “Responsible Person” for fire safety in a building then they must make sure they share the necessary information and work together to co-ordinate the work required to maintain compliance.

## Peace of Mind

Metro Safety believe in making compliance simple and cost effective. Our wide range of fire safety services can help you maintain compliance leaving you confident that your people and property are safe.

To find out more call 0845 058 9999.