

KEEP YOUR BUSINESS IN BUSINESS

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UPDATES & ADDITIONAL SECTIONS:

www.wmarsontaskforce.gov.uk/kybib

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LEGAL

The information contained in this Handbook is for general guidance on matters of fire safety only. The application and impact of laws can vary widely based on the specific facts involved and you are advised to seek further specialist advice if you are at all uncertain as to their application in relation to your business. Given the changing nature of laws, rules and regulations, and the inherent hazards of electronic communication, there may be delays, omissions or inaccuracies in the information contained in this Handbook.

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YOUR FIRE RISK ASSESSMENT

Regulatory Reform (Fire Safety) Order 2005

From 1st October 2006 the law has changed

The Regulatory Reform (Fire Safety) Order 2005 (FSO) is a consolidation of nearly all fire safety legislation. Businesses will be responsible for fire safety on their premises.

You will be legally responsible

The Regulatory Reform (Fire Safety) Order will affect **any place**, specifically workplaces, and **you will be required to carry out a mandatory detailed fire risk assessment.**

Fire certificates are no longer be valid. However a fairly recent fire certificate may be a good starting point for your fire risk assessment.

The law will directly affect you if you are:

- responsible for business premises
- an employer
- self-employed with business premises
- a charity or voluntary organisation
- a contractor with a degree of control over any premises

The Regulatory Reform (Fire Safety) Order 2005 will not only apply to businesses i.e. workplaces, but it will also apply to almost any premises which includes **any** place and in particular, any workplace, any vehicle, vessel, aircraft or hovercraft, any installation on land or sea and any tent or moveable structure.

Therefore, if you are running an event - maybe a pop concert or a wedding reception - then the Regulatory Reform (Fire Safety) Order 2005 **may** apply and if it does you will be required to carry out your fire risk assessment.

Regulatory Reform (Fire Safety) Order Guides

The Department of Communities and Local Government (DCLG) has produced information and a series of guides in relation to Regulatory Reform (Fire Safety) Order 2005.

Information can be found at: www.firesafetylaw.communities.gov.uk or by e-mailing: fire.safetyreform@communities.gov.uk

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The Law

The primary piece of legislation is the Regulatory Reform (Fire Safety) Order 2005 (FSO) which requires the responsible person to carry out a Fire Risk Assessment.

Which Premises?

Article 6(2) FSO states subject to section 6(1) 'this order applies in relation to any premises'

Article 6(1) FSO list the exceptions as;

- a. Domestic premises (occupied as a single private dwelling)
- b. An offshore installation
- c. A ship
- d. Fields, woods or other land forming part of an agricultural or forestry
- e. An aircraft, locomotive or rolling stock
- f. A mine
- g. A borehole

For further detail regarding these descriptions please refer to the act.

What You Must Do

The FSO requires the responsible person to carry out a Fire Risk Assessment.

Article 3 FSO defines who is the responsible person and states;

- a, In relation to a workplace, the employer, if the workplace is to any extent under his control
- b, In relation to any premises, the person who has control (as occupier or otherwise) in connection with carrying on by him of a trade business or other undertaking (for profit or not) or,

The owner, where the person in control of the premises does not have control in connection with carrying on by that person or trade, business or other undertaking.

There may be more than one responsible person for any premises and under the FSO there is a legal requirement for them to co-operate to ensure the Fire Risk Assessment(s) are undertaken correctly. We will monitor and update this vital area as case law becomes available.

Recording of your Fire Risk Assessment

Article 6 FSO clearly states that the significant findings of the Fire Risk Assessment and persons identified as being especially at risk **must** be recorded where –

- a, he employs five or more employees;
- b, a licence under enactment is in force in relation to the premises; or
- c, an alterations notice requiring this is in force to the premises.

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Clearly it is your interest to clarify the need to record information from your Fire Risk Assessment and such recording would be a basis of information/evidence if any proceedings were undertaken in relation to the FSO.

Article 9(8) states that no new work involving dangerous substances may start unless a risk assessment is made and required measures are implemented.

Proving FSO Offences

Article 34 FSO clearly states that in any proceedings for an offence under this order 'it is for the accused to prove that it was not practicable or reasonably practicable to do more than was in fact done to satisfy the duty or requirement'.

Clearly it is vital for the responsible person to maintain information and evidence to be able to offer defence to any prosecution proceedings, we will offer further updated information as case law becomes available.

What is Fire Risk Assessment to do with Me?

It's everything to do with you - if you employ anyone then the law says that this is for you.

What will cause a fire? What will burn? Who is at risk? What can be done at little cost? Is my equipment alright? Do I need advice or can I do it? Is there a problem? Who do I tell? How do I tell them? What do I tell them? What is my plan? Is it working? What if it all goes wrong?

Initial Fire Risk Assessment

The initial risk assessment section should be used when you carry out your first risk assessment which will enable you to comply with the law and establish the standard of fire safety for your premises.

You should work your way through each section and using the forms provided to record your significant findings including your control measures, action plans and how you intend to achieve compliance.

The record could take the form of a simple list which may be supported by a simple plan of the premises showing your means of escape, location of firefighting equipment, fire alarm call points, detectors, etc.

Note: An electronic and interactive version of the fire risk assessment form is available to download from www.wmarsontaskforce.gov.uk/kybib

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Review of Fire Risk Assessment

You should constantly assess how effectively the risk being controlled is working and if you have any reason to suspect that your fire risk assessment:

- ▶ is no longer valid, or
- ▶ there has been a significant change in your premises that has affected your fire precautions, or
- ▶ changes in legislation and guidance of the legislation because of case law

Then you will need to review your assessment and if necessary revise it.

Reasons for review could include:

- ▶ changes to work processes;
- ▶ introduction of new equipment;
- ▶ alterations to the building, externally and internally;
- ▶ change of use or increase in the storage of hazardous substances;
- ▶ the failure of fire safety arrangements;
- ▶ changes to displays or quantities of stock;
- ▶ increase in the number of people who resort.

You should work your way through each section in the review using either the forms provided, or the interactive form available to download from **www.wmarsontaskforce.gov.uk/kybib**. Record all your significant findings and how you intend to achieve compliance, referring back to the initial and any other reviews that have taken place.

Forms – Recording of Test Results

As part of your risk assessment you may need to record the results of various tests such as fire alarms, emergency lighting, etc to show compliance.

The forms included with this pack (in the Maintenance & Testing/Compliance section), are useful for copying and the completed forms should be kept as evidence as part of your overall fire risk assessment.

The Regulatory Reform (Fire Safety) Order 2005 – Compliance Check

When you have completed your initial/review fire risk assessment, we have included a compliance check sheet to confirm you have complied with the order.

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How Do I Do a Fire Risk Assessment?

This pack provides you with a guide for the important areas and all the necessary forms to record all your findings from your fire risk assessment.

For many businesses, it is not a complicated process and by following these guides, using your knowledge of your premises and some common sense, your completed fire risk assessment should allow you to reduce risk and comply with the law.

Once you have worked through your fire risk assessment place all forms, in order, in the section provided in the back of this folder. In addition, you may choose to include receipts or paperwork records of other work undertaken as part of this assessment (i.e. bills for the testing of fire extinguishers receipts for safety training etc.)

Note: When completing the forms an example is shown. You can include any additional information you feel supports your assessment such as reviews, reference notes etc. Further guidance is available from the specialised guides issued by CLG

Empty Properties

As part of our empty property strategy we will advise and encourage commercial and private owners to bring the premises back in use, however if the premises will continue to remain unoccupied we must point out the risks of theft and damage such properties face which could ultimately lead to destruction and civil and criminal proceedings.

To reduce the risk of your premises and land being used for antisocial behaviour/ crime and illegal fly tipping, we suggest you:

- ▶ Secure the buildings doors and windows with appropriate metal boarding
- ▶ Remove valuables such as furniture to deter burglaries and theft
- ▶ Remove any rubbish from the site which will act like a magnet for fly tipping and a play ground for the local youths
- ▶ Continue to maintain the building and perimeter fences it is obvious that if you don't care about your building then why should some one else
- ▶ Remove fly posters and remove/ paint over any graffiti
- ▶ Fit burglar alarms and external lighting
- ▶ Make regular visits and remove any build up of that junk mail
- ▶ Consider the disconnection of the premises utilities

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- ▶ Ask any neighbours to the premises to act as your eyes and ears supplying your details to representatives of the authorities to assist in the premises management
- ▶ Check for Local Authority grants to bring the building back in use

To reduce the risks to long term empty premises or premises which will not be bought back into use, we suggest:

- ▶ Remove valuable material like lead, copper and wiring to deter theft
- ▶ Remove all furniture and fitments that add to the fire loading of the building
- ▶ Disconnect electricity, gas and water, to deter intruders and assist the Fire Service and Police of unnecessary danger
- ▶ Remove stairs and lock internal doors to stop intruders having free access to the entire property
- ▶ Brick up unnecessary doors and widows and secure the remaining buildings doors and windows with appropriate metal boarding
- ▶ Erect high quality perimeter fencing
- ▶ Arrange for the destruction of the building and remove the rubble as soon as possible

The premises are ultimately your responsibility and could be subject to legal requirements and could ultimately conclude with a compulsory purchase order. Please act now and make our community safer.

Please report any insecure or dangerous void properties to the appropriate Local Authority.

IMPORTANT:

Keep a duplicate copy of all your fire risk assessment results in a different location, or off premises, in case the originals are lost or destroyed.

See the Disaster Recovery Section for more information

REMEMBER:

It is **YOUR** responsibility, **under law**,
to undertake a Fire Risk Assessment for **YOUR** premises.

It is **NOT** a responsibility or duty of the Fire Service to do it for you.

Remember to review it on a regular basis.