



01424 848220 [info@amfire.co.uk](mailto:info@amfire.co.uk)

## **Regulatory Reform (Fire Safety) Order Guidance Note & Summary**

### **Key Words**

<b>Responsible Person</b>	This is the person who owns the premises or business or the person with control over the premises, business or activity. 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.
<b>Employee</b>	This has a broad definition and can include sub contractors, self-employed and casual workers.
<b>Relevant Person</b>	Anyone who is not an employee but is legally on the premises or anyone who is not on the premises but who may be affected.
<b>Competent Person</b>	The competent person is the person who carries out the fire risk assessment. Competence is judged by the qualifications and/or experience of that person. It is most important that they have professional indemnity insurance.
<b>Inspector</b>	Person appointed by the Enforcing Authority (normally an officer from the local fire brigade).
<b>Enforcing Authority</b>	Normally the fire brigade but may be the HSE, MOD or Local Authority.
<b>Enforcement</b>	Failing to comply may result in a fine and/or up to two years in goal.
<b>Fire Risk Assessment</b>	<p>The cornerstone of the Order is the risk assessment. A fire risk assessment is a methodical look at the fire safety arrangements within the premises. It should:</p> <ul style="list-style-type: none"> <li>- identify fire hazards</li> <li>- reduce the risk to ensure, as far as is possible, harm to persons and/or the premises is kept to a minimum</li> <li>- detail fire precautionary arrangements necessary to ensure the safety of persons</li> </ul> <p>If you employ five or more persons, and/or are licensed, and/or the inspector requires it, then the assessment must be in formal report form. If you employ less than five persons, you should record your findings. The assessment should be reviewed regularly, every 12 months.</p>
<b>Maintenance</b>	All equipment provided for the purpose of the fire safety or for the use or protection of fire fighters must be maintained and kept in good order.

The Order amends or replaces 118 pieces of legislation, the most significant being the repeal of the Fire Precautions Act 1971 and the revocation of Fire Precautions (Workplace) Regulation 1997. Anyone familiar with the '97 Regulations will recognise much that is in the Order, it develops and extends many of the concepts from the '97 Regulations. The Order applies to the majority of premises and workplaces in the UK. Broadly it does not apply to dwellings, the underground parts of mines, anything that floats, flies or runs on wheels, offshore installations, building sites or the military.

The Order firmly places a 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. At the same time it allows the Enforcing Authority to make sure that it is enacted (by force if necessary) and sets penalties if it is not. It requires the responsible person to carry out a fire risk assessment, produce a policy, develop procedures (particularly with regard to evacuation), provide staff training and carry out fire drills. The responsible person must provide and maintain clear means of escape, signs, notices, emergency lighting, fire detection and alarms and extinguishers.

The Order contains the phrase "The responsible person must appoint one or more competent persons to assist him". It goes on to say the competent person must have "sufficient training, experience and knowledge". Where the competent person is directly employed the responsible person must ensure that he or she is properly trained. However where the competent person is a subcontractor it implies that the contractor should have some form of third party accreditation. It should be noted that, currently, there is no third party accreditation scheme for persons who carry out fire risk assessments. If you employ someone to carry out a fire risk assessment on your behalf, you should satisfy yourself that they are competent. Employees have rights and responsibilities under the Order. The responsible person must consult employees on fire safety matters and provide information for them. An employee must not act in a way that endangers him or others, must inform on co-workers who do, and co-operate with the employer. An employer cannot charge an employee for providing any fire safety measures but an employee is entitled to recover his losses if the employer fails to comply with the Order.



01424 848220    [info@amfire.co.uk](mailto:info@amfire.co.uk)

## **If you are the owner or operator of a building or business the Regulatory Reform (Fire Safety) Order probably applies to you**

It will apply to the vast majority of premises and workplaces in the UK. There are few exceptions. Premises and workplaces vary considerably in size and risks. As a consequence the Order contains vagaries using words like “adequate”, “appropriate” and “reasonable”. The following summarises the Order in the context of a typical organisation where you own or are responsible for the premises, business or operation i.e. The Responsible Person.

### **The Responsible Person**

As the responsible person you must ensure the safety of your employees and any person who may legally come onto your premises or any person not on the premises who may be affected.

Where you share responsibility with other responsible persons, (e.g. adjacent premises, Tenant/Landlord or multiple tenancy building) you must co-operate sharing information and collaborating in providing measures.

### **Means of escape**

You must provide means of escape and ensure that they are available at all times.

1.       Escape Routes and exits  
Escape routes must be established and always available, doors must open in the direction of escape, are not to be sliding or revolving doors, and must be of adequate in size and provided with emergency lighting and signs.
2.       Signs and notices  
Appropriate signs and notices must be provided:
  - giving appropriate instruction to employees including fire action notices
  - indicating the position of extinguishers
  - indicating emergency routes and exits
3.       Fire Detection and Alarm  
An appropriate fire detection and alarm system must be provided and comply with BS5839. The type and extent of the fire alarm would be subject to the requirements of the risk assessment.
4.       Emergency Lighting  
Escape routes and various other places must be provided with emergency lighting and comply with BS5266.
5.       Compartments and doors  
You must take measures to reduce the risk of the spread of fire. This can be taken as ensuring all fire resisting walls and doors are kept in good order, walls are not breached and fire doors have appropriate seals and closing devices.

### **Fire Fighting**

You must provide appropriate fire fighting equipment. In general this means portable extinguishers but may include hose reels and sprinklers where appropriate.

### **Management & Maintenance**

A fire risk assessment is dependent on good management so that, should a fire occur, everyone is able to escape to a place of safety

Any and all equipment installed for the purposes of fire safety must be maintained in good working order. The person who does the servicing and maintenance must be competent. You may need to provide evidence that they are e.g. ISO9001 certified, BAFE Approved etc.



01424 848220

[info@amfire.co.uk](mailto:info@amfire.co.uk)

## Training

All employees must be given adequate training, including “action to be taken”, when they commence employment and receive refresher training as appropriate. Further training would be required if there were any change that may affect fire safety e.g. change of work, new systems or alteration to the building. The training should be provided during normal working hours.

Fire Wardens (nominated competent person). You must appoint competent persons to:

- assist in evacuations
- carry out fire fighting duties. However, many employers consider that fire fighting should be left to the fire-brigade
- make contact with emergency services

A person can only be regarded as competent if they have appropriate training, experience, knowledge or other qualities.

## Employee rights and responsibilities

You must ensure that any person you employ (directly or indirectly) is provided with all information related to fire safety. You must consult with your employees with regard to fire safety issues.

You cannot charge an employee for anything you do e.g. training or providing equipment. If an employee loses money because you have failed to comply with the Order he can recover his loss from you.

## Documents and Records

### 1. Fire risk assessment

You must have a fire risk assessment carried out by a competent person, and have a system for managing fire safety. The fire risk assessment must be recorded if

- you employ five or more people
- there is a licence in force, i.e. liquor licence etc
- an alterations notice issued by the enforcing authority requires you to do so

The risk assessment must record the significant findings, if any, and the measures made or to be made to rectify and/or remedy them.

You must review the risk assessment regularly, usually every twelve months. The assessment should also be reviewed when a fire has occurred, where a change may affect fire safety, such as a change of work activity, alterations are proposed or have taken place to the building or there is a change in its use.

### 2. Policy. You must:

- develop a policy detailing the fire safety arrangements to minimise risk
- reduce the risk of the outbreak of fire
- reduce the risk of the spread of fire
- provide means of escape
- demonstrate preventative action

### 3. Procedures.

You must set up a procedure for dealing with a fire, including regular fire drills. The owner/managing agent is responsible for arranging evacuation drills where the building is multi-tenanted. The procedure should identify the circumstances that trigger the emergency, who and how the evacuation should take place and when people should be readmitted to the premises. In addition procedures should be established to:

- ensure that the means of escape are available at all times
- provide fire extinguishers
- give appropriate instruction to employees
- ensure people from outside organisations are properly controlled and informed e.g. permits to work, signing in and out, induction training.



01424 848220    info@amfire.co.uk

#### 4. Records

You should make and keep records. By keeping records you can prove you have acted responsibly. If you don't have records it leaves the matter open to doubt. A simple logbook may suffice.

Records should include reviews of the fire risk assessment, fire safety policy, procedures or arrangements, training records, drills, certificates for the installation and maintenance of any fire safety systems or equipment. The inspector can demand to see the records.

## Enforcement

### Enforcing Authority

Your Enforcing Authority is probably the local fire authority. However, there are other Enforcing Authorities:

- HSE (Health & Safety Executive) - Nuclear installations, ships under construction and building sites
- MOD (Ministry of Defence) Fire Service - Military and defence establishments
- Local Authority - sports grounds and stadia

### Inspectors

In most cases your inspector would be an officer from the local fire authority. An inspector has the right to:

- walk into your premises or workplace if he is inspecting it, but cannot force an entry
- make enquiries to establish the limits of the premises and who the responsible and/or competent persons are
- inspect or take copies of any records
- take samples

### Penalties

If you are convicted of failing to comply with the requirements of the Order you may be subject to a fine of up to £5000 per offence and/or a term of imprisonment not exceeding two years.