

REVIEWING FIRE SAFETY ARRANGEMENTS AT WORK

Introduction

The issue of fire safety is close to everyone's mind at the moment following the awful tragedy that saw at least 80 people killed in the devastating fire that rapidly engulfed the Grenfell Tower housing block on 14th June 2017.

Situated in the Royal Borough of Kensington and Chelsea, one of the richest local authorities in the UK, the Grenfell Tower fire has attracted a great deal of press coverage and speculation about the causes of the fire and which have highlighted various shortcomings including in relation to how the building was managed, the material used in its upgrade and political decision making that influenced each of these factors – and why more people couldn't be rescued.

One thing that everyone is agreed upon, however, is the outstanding courage of the fire fighters of the London Fire Brigade who were determined to rescue as many residents as possible, even at the risk to their own lives.

Until the promised inquiry has reported, may be several years from now, and hopefully on all of the issues it should be looking at, we will not have

a full picture of what went wrong and who is responsible for the tragedy.

Until then, the message of this Bulletin is to remain vigilant and ensure that the fire safety arrangements in the workplaces where you represent members are adequate for the risks that have been identified. This will mean reps asking their managers or employer to:

- review fire safety arrangements
- conduct checks on multi storey buildings with cladding similar to that in the Grenfell Tower.

Your employer may have already begun this process but one point that should be made clear is that they have a legal duty to consult with union reps on these issues (see later).

This Bulletin seeks to brief reps on what they should be looking for in fire safety arrangements but it may also be useful for Safety Reps carrying out periodic inspections.

What does the law say about fire safety?

Until 2005, there were a number of different pieces of legislation that applied to fire safety. One of the best known was the Fire Precautions Act 1971 that required premises that met certain criteria (eg, 20 people

employed in the premises, or more than 10 elsewhere than on the ground floor) to hold a fire certificate issued by the local fire authority.

From 2005, however, the previous legislation was replaced by the Regulatory Reform (Fire Safety) Order 2005.ⁱ The Order applies in England and Wales (see later for Scotland and Northern Ireland).

NOTE: As consequence of the change of legislation, fire certificates no longer have any legal status but they can be a good starting point for arrangements to manage fire risk.

What are the provisions of the Regulatory Reform (Fire Safety) Order?

Among the provisions of the Order are:

- It applies to virtually all premises and covers nearly every type of building, structure and open space apart from people's private homes (including individual flats in a block or house);
- Requires the identification of the 'responsible person' who can be:
 - an employer for those parts of premises their staff may go to;
 - the owner, landlord or managing agent for shared parts of premises or shared fire safety equipment such as fire-warning systems or sprinklers;
 - an occupier;
 - anyone else with control of the premises, for example a facilities manager, building

manager or risk assessor.

NOTE: If there's more than one responsible person, they have to work together to meet their responsibilities;

- Puts the onus on the responsible person to carry out a risk assessment and implementing measures to remove, reduce or control that risk.

NOTE: Even if a competent person is employed to carry out the risk assessment, the 'responsible person' retains the duty to meet the legal requirements.

What should the fire risk assessment cover?

The Government, in association with the Chief Fire Officers' Association, has produced a useful introductory guideⁱⁱ on the Order and that includes advice about fire risk assessments. It lists a logical five step approach to carrying out the assessment and identifies a number of areas that should be considered.

Reps may wish to use the guide to familiarise themselves with some of the basic principles on fire risk assessments before they begin asking questions of their manager or employer and suggesting factors that need to be considered – or reconsidered (perhaps because of changes in the workplace). The information that follows is based largely on the guide and the need to ask questions:

- Step 1 Identify fire hazards

Fire is caused when all the elements of the fire triangle are present. To prevent a fire requires removing one or more of the elements.



The risk assessment therefore needs to identify potential sources of :

- ignition (or source of heat like a match, electric heater, etc);
- fuel (eg, a pile of papers, wooden pallets) and
- oxygen (eg, the air in the atmosphere).
- Step 2 Identify people at risk
 - Who are the people in and around the premises; and
 - Who is especially at risk, perhaps because they work with or near flammable liquids or gases? May be they work alone or in isolated areas?
- Step 3 Evaluate, remove or reduce, and protect from risk
 - Evaluate the risk of a fire starting. Perhaps use a scale of 1-5, with 1 being very unlikely and 5 highly likely. What is the risk – and does it change in different parts of the premises (eg, because of the nature of the work in that part)?
- Evaluate the risk to people from a fire, eg, how close are they to a potential fire risk, could they be trapped, can they escape?
- Remove or reduce fire hazards that have been identified (eg, remove flammable materials from sources of ignition, enforce no smoking policies in offices, depots and cabins)
- Remove or reduce the risks to people from a fire (eg, take measures to remove the possibility of people being trapped (maybe by changing their work location), ensure escape routes are correctly signed and known to members whilst also maintained free of obstructions)
- Protect people by providing fire precautions (see later)
- Step 4 Record, plan, inform, instruct, and train
 - Have any major findings been recorded and identified actions taken?
 - Are there different 'responsible people' in the workplace (eg, an office block or shared depot) and how have they worked together?
 - What is the emergency evacuation plan and are people in the premises aware of it?

- Have the relevant people (eg, evacuation wardens) been informed and instructed about their part in the plan?
 - Have people been trained about what to do in the event of fire? Has it been practiced recently?
 - Have union reps been consulted and given a chance to comment in line with the Safety Reps and Safety Committee Regulations? (see later)
 - Step 5 Review
 - Is the fire-risk assessment regularly reviewed and when was the last time?
 - What changes were necessary at the last review and what are required this time?
- NOTE: Risk assessments should be regularly reviewed in the light of changed circumstances, especially if new risk is brought into the workplace (like structural changes to the building, flammable liquids, revised working practices or a changed organisational structure)**

General fire precautions

Building on the risk assessment and the need for an emergency evacuation plan, there is some additional advice in the Government document and a wealth of material in the Orderⁱⁱⁱ that covers fire precautions arrangements

in some detail. Other advice can be found on the HSE's Website.^{iv} What follows is some basic advice taken from these various sources:

- A fire-detection and warning system which must be suitable for the size of the premises and the work carried out. It could range from a shouted warning in a small single storey building to an electrical detection and warning system in a larger building. The key is that the system must be able to warn all the people in the building in all the circumstances where they might be (eg, including in the toilets as well as in the workshops where noisy work processes may be carried out). Is the system regularly tested and do staff know what to do in the event of hearing the alarm?
- A way of fighting a small fire. As a rule of thumb there should be one extinguisher for every 200 metre squared (m²) of floor space with at least one on each floor. Extinguishers are there to fight small fires but staff should only use them after they have received appropriate training. Extinguishers should also be appropriate for the potential fire risks identified – as an example, an extinguisher filled with water should not be used on liquid, electrical or metal fires. What is the company's policy on fighting fires – it may be that staff are told to escape and not fight any fires, calling the Fire Brigade out instead?

- Safe routes to leave the building or depot. Both the Government document and Article 14 of the Order give quite a lot of detail about these requirements, including in relation to possible fire protection for escape routes, direction of fire doors, the need for suitable signage, etc. A number of these provisions are incorporated in the Building Regulations and should have been considered as part of the planning process before the premises was constructed (dependent upon when that was). But, have things changed since then in terms of the use of the building? If alterations have been made, revised standards have to be applied (where they are different) and Building Regs permission may have to be obtained from the Local Authority.
Another question for reps is about housekeeping and what arrangements are there (and how are they enforced) to make sure escape routes aren't blocked within the building or outside (eg, escape from a fire door blocked by a parked van);
- Exit doors. Any door, including a fire exit door, on an emergency escape route should not require the use of a key or any specialist knowledge to be opened. Some doors may require push (panic) bars or push pads;

- Emergency lighting may be needed where escape routes need illumination. Is it available and working properly? Is it regularly tested and who maintains it? Have things changed that now make it necessary to install?
- Suitable fire-safety signs should have been considered as part of the risk assessment. Guidance can be found on the HSE's Website;^v
- A management system to make sure that the employer maintains their fire safety systems.

NOTE: issues related to training of fire wardens and in relation to evacuation drills and the use of fire fighting equipment have been picked up in other parts of this Bulletin.

Is there a duty on employers to consult with trade union reps over fire safety arrangements?

Article 41(1) of the 2005 Order has placed a duty on employers to consult with trade union reps. It has done this by amending Regulation 4A of the Safety Representatives and Safety Committees Regulations 1977 (employer's duty to consult and provide facilities and assistance).^{vi}

What is the situation on fire safety in Scotland?

The principal legislation involved is Part 3 of the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006. This legislation places a duty on anyone (known as a 'duty holder') who has control (to any extent) of non-domestic premises for

ensuring that those occupying the premises are safe from harm caused by fire. This includes:

- Assessing the risk from fire;
- Identifying the fire safety measures necessary as a result of the risk assessment;
- Implementing these fire safety measures; and
- Putting in place arrangements for the ongoing control and review of the fire safety measures.

The Scottish Government and Scottish Fire and Rescue Authority have published some general advice^{vii} as well as detailed sector specific practical guidance^{viii} that includes advice about each of the above. The material on risk assessments mirrors that included in this Bulletin for England and Wales.

What is the situation in Northern Ireland?

“Part 3 of the Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations (Northern Ireland) 2010 came into effect on 15 November 2010. This simplified existing Fire Safety legislation in non-domestic premises and reinforced the modern risk based approach to fire prevention.”^{ix} Further advice is available on the Northern Ireland Fire and Rescue Services’ website including in relation to carrying out risk assessments which mirrors the arrangements described in this Bulletin for England, Wales and Scotland.

Acknowledgements and further reading

A number of online documents were consulted in formulating this Bulletin, most of which appear in the notes below.

ⁱ The Regulatory Reform (Fire Safety) Order 2005, S.I. 2005 No. 1541, available at: <http://www.legislation.gov.uk/ukxi/2005/1541/contents/made>

ⁱⁱ “Regulatory Reform (Fire Safety) Order 2005: A short guide to making your premises safe from fire” available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14879/making-your-premises-safe-short-guide.pdf

ⁱⁱⁱ See Note i for a link to the text of the Order.

^{iv} See: <http://www.hse.gov.uk/toolbox/fire.htm>

^v See Part 3 of “Safety signs and signals The Health and Safety (Safety Signs and Signals)

Regulations 1996,” Third Edition, 2015 at:

<http://www.hse.gov.uk/pUbns/priced/l64.pdf>

^{vi} See Page 13 of the Brown Book available via the TSSA Website at:

<https://www.tssa.org.uk/en/Your-union/health-and-safety/health-and-safety-reps-zone.cfm>

^{vii} See:

<http://www.gov.scot/Topics/Justice/policies/polic-e-fire-rescue/fire/FireLaw/GeneralGuidance>

^{viii} See: [http://www.gov.scot/Topics/Justice/public-safety/Fire-](http://www.gov.scot/Topics/Justice/public-safety/Fire-Rescue/FireLaw/FireLaw/SectorSpecificGuidance)

[Rescue/FireLaw/FireLaw/SectorSpecificGuidance](http://www.gov.scot/Topics/Justice/public-safety/Fire-Rescue/FireLaw/FireLaw/SectorSpecificGuidance)

^{ix} <https://www.nifrs.org/firesafe/introduction.php>