

A rough ride for the fire safety business?



Bill Parlor, Technical Officer, The Association for Specialist Fire Protection (ASFP) reviews the Fire Safety Order

So what's new in fire, and are we all really up to speed? The promise of raised effectiveness of combined police and fire control rooms has attracted minimal comments in recent press, despite early reported 'bloomers' of confused locations. But any hilarity should stop there, for many may not have noticed the introduction of other parts of a 'planned' change in fire strategy that have been introduced for application from April 2007, including:

- Regulatory Reform (Fire Safety Order) 2005 (RRO)
- Approved Document B 2006 edition with a new Duty in a new Appendix G
- Construction (Design and Management) Regulations 2007

All of these are intended to act together to change the way that the fire safety of buildings is designed, constructed, managed and enforced.

REGULATORY REFORM (FIRE SAFETY) ORDER 2005

The aim of the RRO is to

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reduce burdens on business. The RRO has consolidated and rationalised much existing fire safety legislation into one order, and reduced the number of enforcing authorities that dealt with general fire safety matters. The reform is intended to maintain and enhance the protection afforded to users of premises (and others who might be affected by a fire on the premises). In particular, the objectives of the RRO are to be achieved via a regime clearly based on risk assessment, fire prevention



and mitigation measures; and to focus resources for fire prevention on those premises which present the greatest risk – not least to ensure that fire safety facilities and equipment (including fire alarms) are well maintained.

The major change to the RRO has been the removal of Fire Certificates and the Statutory Bar which may previously have acted against further improvement of fire provisions in buildings with ‘fire certificates’ as exemplified by the M1 corridor warehouse case history. The requirement for making and maintaining fire risk assessments, day by day, may be a new experience that many do not really understand or apply, despite the 11 risk assessment guides made available by government for various types of building uses.

Do not ignore the words: “You must be prepared to show that what you have done complies with any requirements or prohibitions of the RRO, irrespective of whether you have relied upon a particular standard.”

Note that the RRO falls under criminal law. The RRO places the onus of the fire safety in buildings on the shoulders of the Responsible Person. This ‘person’ includes:

- The employer (where there is one)
- The person in control of the premises in connection with the carrying on of a trade, business or other undertaking (for profit or not)
- The owner
- Any other person who to any extent exercises

control over the place, including contractors on site.

All fire precautions provided will be subject to maintenance and will be installed and maintained by a ‘competent person’. Under the RRO, a person is to be regarded as competent where he/she has sufficient training and experience or knowledge and other qualities to enable him/her properly to assist in undertaking the preventive and protective measures. For most buildings the main enforcing body will be the local fire and rescue authority.

The Association for Specialist Fire Protection (ASFP) has a role to play in supporting the RRO with the main emphasis being training and education via its seminars and publications, but much remains to be done in the further education of designers, responsible persons, investigators and enforcers.

APPROVED DOCUMENT B: 2006 EDITION

The reference in the RRO to the use of competent persons for the installation of fire protection systems is reinforced by the following statement in Approved Document B 2006: Fire Safety, in support of the Building Regulations for England and Wales. “‘Since the fire performance of a product, component or structure is dependent upon satisfactory site installation and maintenance, independent schemes of certification and registration of installers and maintenance firms of such will provide confidence in the appropriate standard of

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workmanship being provided.”

The ASFP requires that all contractor members are also members of a third party accreditation scheme and these companies will give the Responsible Person meaningful completion of any work.

AD/B NEW APPENDIX G & ‘FIRE SAFETY INFORMATION’

Appendix G reminds us of a new duty for the communication of relevant fire protection information.

We should all recognise that the aim of changes to AD/B – Fire Safety is to improve the overall level of fire safety in buildings by reducing the occurrence and sizes of fire, through preventative measures. If the perceptions from enforcers are disappointing, then expect a tough time! Building Regulation 16B requires “that where building work involves the erection or extension of a relevant building, or a relevant change of use of a building, then fire safety information shall be given to the responsible person at the completion of the project or when the building or extension is first occupied”.

In this context, fire safety information for a relevant building subject to the RRO 2005 means “information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person [See Article 3 of RRO] to operate and maintain the building or extension with reasonable safety”.

Whilst basic information on



◀ the location and types of fire protection measures may be adequate for 'simple buildings.' For more complex buildings, a more detailed record of the fire safety strategy and procedures for operating and maintaining any fire protection measures will be necessary, including all the assumptions in the design, and details of all the passive fire protection measures. This includes items such as compartmentation, cavity barriers, fire stopping, fire service penetrations, fire doors, self closing doors, fire ducts, and dampers and shutters.

So, in the event of a fire, the flow, scope and content of all relevant fire protection related information will become a prime focus of discussion in allocating any liability.

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

The 'CDM' Regulations 2007 is enforceable under criminal law and provides vitally important fire legislation which came into force in April 2007.

The aim is for health and safety considerations to be treated as an essential normal part of a project – and not as an afterthought or bolt-on extra.

Whilst dramatic change has been avoided, old rules have been radically changed to avoid misinterpretations, to limit excessive paperwork and to focus on real life on-site health and safety. An Approved Code of Practice [ACOP] supplements the Regulations. Six guides are available, aimed at specific roles in the design and construction teams:

- Client
- CDM co-ordinator
- Designer
- Principal contractor
- Contractor
- Worker

The CDM co-ordinator is appointed on behalf of the client, and need not necessarily be located on site. The duties include advising on selection of competent designers and contractors, helping to clarify the information needed. All information must be updated if circumstances change. If clients do not appoint a CDM Coordinator they will be legally liable if required work and actions are not taken.

The role and identification of 'the designer' may need special care and attention if unintended liabilities are to be avoided. Manufacturers supplying standardised products that can be used in any project are not designers (but in all other cases they could be) and their new responsibilities need to be clearly understood. Such critical points may be learned too late if left until a court of law is involved.

Documents can be downloaded from the HSE website at www.hse.gov.uk and at www.cskills.org/healthsafety/cdmregulations.

In conclusion, much has changed over the past 12 months. Government may believe that the record downloads of free RRO-related information have informed everyone, however from personal experience this would seem far from the truth.

For example, one small business I know had indeed

“SUCH CRITICAL POINTS MAY BE LEARNED TOO LATE IF LEFT UNTIL A COURT OF LAW IS INVOLVED”

become aware of the RRO but was unaware that they were the 'responsible person' and considered that the 'once over' from the alarms and extinguisher man was all that was needed.

Moving up in size, the councillors responsible for a town meeting hall were completely unaware of the RRO and the 11 risk assessment guidance documents.

One thing's for sure – most small businesses have been alerted by organisations such as the Federation of Small Businesses, but there are many other larger buildings where ignorance remains bliss.

FURTHER INFORMATION

Important government information can be found at www.fire.gov.uk while the Approved Document B 2006 can be downloaded from www.planningportal.gov.uk