

Hazards workshop: Fire Risk Assessment

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Fire service enforcers are getting tough on employer failures to assess fire risks.

Brief:

- What are the standards that employers must meet?
- What kind of guidance is available to them?
- What are the areas of greatest weakness?
- How can we get employers to improve these to ensure our members' safety at work?

Big Fines

- Greenway Environmental £224,530- fire caused by a faulty process
- Shell International £345,000 & prohibition notice for extensive breaches
- New Look £400,000- failing to manage fire risk
- Co-Op £248,000- locked fire exits and poor alarm system
- Shabna Tandoori £8,200- allowing staff to sleep on the upper floors. The only stairs to led directly from the kitchen

Criminal convictions

- Responsible Person and Competent Person 8 months sentence each for a 'cut & paste' fire risk assessment.
- Tavern In The Town leaseholder: 9 months imprisonment for breaching a prohibition notice, and 6 months for each of other offences.
- Winsmill Ltd fined £30,000; 4 months suspended sentence for the Responsible Person
- Fire alarm engineer ordered to pay £11,000 for maintenance failures.

What are the standards that employers must meet?

- **Building Regs-** Change of use, new builds and major refurbishments
- **CDM Regs-** Construction sites
- **RRO/ *Fire (Scotland) Act 2005/Fire Safety Regulations (Northern Ireland)-***
Effectively all workplaces.

Employer?

'Responsible Person'

In a workplace, this is the employer if the workplace is to any extent under his control

and any other person who may have control of any part of the premises, e.g. the occupier or owner.

Other 'Responsible Persons':

Any duty ... shall also be imposed on every person ... who has, to any extent, control of those premises so far as the requirements relate to matters within his control.

Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

- (a) the maintenance or repair of any premises, including anything in or on premises; or
- (b) the safety of any premises,

that person is to be treated as being a person who has control of the premises to the extent that his obligation so extends.

FrSa-guide introduction extract

‘The Responsible Person’ must-

Co-operate and co-ordinate with other responsible persons who also have premises in the building

Consult employees or their elected representatives about nominating people to carry out particular roles

Carry out a fire risk assessment & record the significant findings

Appoint one or more competent persons (someone with enough training and experience or knowledge and other qualities to be able to implement these measures properly).

- Consider the presence of any dangerous substances
- Establish a suitable means of contacting the emergency services

- Ensure that the premises and any equipment provided in connection with firefighting, fire detection and warning, or emergency routes and exits ...are in efficient working order and in good repair.
- Provide appropriate information, instruction and training to your employees, when they start working for you, and from time to time throughout the period they work for you.
- Provide your employees with clear and relevant information on the risks to them & inform non-employees

What kind of guidance is available?

- **Building Regs**
- **Specialist contractors** (3rd party accreditation = quality assurance); **Industry associations** etc.
- **B.S** etc.
- **Fire Service**
- **Competent Persons**
- **Fire Risk Assessor**

FRSA Guides

(Scotland & Ireland have similar)

Government-produced for various types of workplace, very comprehensive; ideal reference. Free to download. These and other more specialised titles:

[Factories and Warehouses](#)

[Offices and Shops](#)

[Large Places of Assembly](#)

[Small and Medium Places of Assembly](#)

Other Guidance for TU Reps

- TUC/TU literature;
- FBU contacts;
- Me (at a push) jcrust999@aol.com

What are the areas of greatest weakness?

- **‘The Responsible Person’; other people with responsibility; ‘The Competent Person’**
- **Fire Policy**
- **Fire Strategy & Fire Safety Manual**
- **The Fire Risk Assessment**
- **Evacuation System**
- **Emergency plan**
- **Training provision**
- **Fire practices**

- **Fire Prevention**
- **Maintenance, checks and testing**
- **Audits and reviews (Internal & Fire Service)**
- **Permits to work & critical failure arrangements**
- **Incident records, reports and investigations; reported fire safety issues.**
- **Maintenance, checks and tests.**

How can we get employers to improve

Targets:

- 'The Responsible Person' & other people with responsibility
- 'The Competent Person'
- Building Control (New builds and refurbishments)
- Fire Service (Must act on reported issues)

Opportunities:

- Member complaints
- TU action: Building members support and raising issues; Checking documentation and records; Challenging competency.
- Health & Safety inspections
- Fire Risk Assessment reviews
- Fire authority & other audits
- Building work planning
- Access audits
- Incidents

Enforcement

- Who
 - Building Regs & CDM- Local Authority
Building Control
 - Fire Authority-
- When
 - Scheduled audits
 - Incidents
 - Reported issues

How-

- Informal chat (minor issues easily rectified)
- Informal notice (less minor issues, no great urgency)
- Formal notice (serious and/or urgent issues)
- Prohibition order (Very serious)
- Prosecution: Establishment and individuals (criminal)