

Regulatory Reform (Fire Safety) Order 2005

What is the Regulatory Reform (Fire Safety) Order 2005?

The Regulatory Reform Order (Fire Safety) 2005 came into force on 1 October 2006, and replaced over 70 separate pieces of fire safety legislation.

What are the benefits to businesses?

The purpose of the Order is to simplify fire safety legislation and reduce the number of enforcing authorities that businesses have to deal with. The Regulatory Impact Assessment carried out before the legislation was introduced estimated that over a 10 year period, ongoing savings to business would be over £380m.

Does it affect me?

Yes if you are an employer, owner or occupier of business or industrial premises, or if you have some degree control over any commercial premises.

What do I have to do?

The Order places a duty on a 'responsible person' (usually the owner, employer or occupier of business or industrial premises) to carry out a fire risk assessment. Responsible persons under the Order are required, following a risk assessment, to implement appropriate fire safety measures to minimise the risk to life from fire; and to keep the assessment up to date.

What does a fire risk assessment involve?

There are 5 key steps in a fire safety risk assessment:

1. Identify fire hazards - eg, how could a fire start? what could burn?
2. Consider the people who may be a risk - eg, employees, visitors to the premises, and anyone who may be particularly vulnerable such as children, the elderly and disabled people.
3. Evaluate and act - think about what you have found in steps 1 and 2 and remove and reduce any risks to protect people and premises.
4. Record, plan and train - keep a record of what risks you identified and what actions you have taken to reduce or remove them. Make a clear plan of how to

prevent fires and, should a fire start, you will keep people safe. Make sure your staff know what to do in the event of a fire and if necessary that they are trained for their roles.

5. Review - regularly review your risk assessment to ensure it remains up to date and reflects and changes that may have occurred.

Can I do it myself?

Yes. We believe that those with the responsibility for premises are likely to be best placed to maintain fire safety precautions and understand and address the risk to lives and property that fire represents to those working there or visiting.

Under the Order, the duty to carry out and implement a fire risk assessment lies with the responsible person. Achieving fire safety is often a matter of common sense, and in many cases there may be no need for specialist or formal knowledge or training, providing the responsible makes enough time available to go through all the necessary steps.

In carrying out a risk assessment, however, the responsible person may decide that, given the nature of the premises or the people involved, they do not have the necessary competence to discharge their duties under the Order.

In that case, they could choose to appoint one or more 'competent' persons to assist him/her. The level of necessary competence is not prescribed in the Order, which recognises that the extent of competency will vary according to the nature and complexity of the premises involved.

Where can I get help?

Responsible persons can get help and assistance from whoever they think competent to help them, and this includes being able to get advice from their local fire and rescue authority.

Communities and Local Government have produced a series of detailed technical guides for a range of specific types of premises. These are designed to help with the assessment process and provide advice on every aspect of fire safety (eg, training, fire detection systems, emergency escape routes, etc).

In addition, we have produced a shorter entry-level guide to explain the RRO to responsible persons.

Further guidance is available at www.communities.gov.uk/fire

What is a competent person under the Order?

The term 'competent person' is contained within three articles of the Order. These deal with fire fighting and fire detection; procedures for serious and imminent danger and for danger areas; and safety assistance.

In each case the term is explained as referring to a person who '... has sufficient training and experience or knowledge and other qualities ...' to implement the requirements of the article.

How often should I do a risk assessment?

You should keep your fire risk assessment under regular review as risks may change over time.

If you make changes to your premises, you should ensure that the assessment and risk management plan remains current.

What happens if I share my premises with others?

If you share a building with others, you will need to co-ordinate your risk management plan with them.

If your plan changes as a result of a review or changes you made to your premises over time, you will need to share the revised risk management plan with others who share the premises.

Do I need a fire certificate?

No. The Order abolished the requirement for businesses to have fire certificates.

Instead, the Order seeks to ensure that businesses actively pursue and maintain fire safety and take responsibility for their staff and others visiting their premises.

Does the fire risk assessment require measures such as fire escapes, fire alarms, fire doors or sprinklers to be in place.

There are likely to be a range of prevention and protection measures possible in an individual premises and the Order allows the responsible person to decide which

would be most appropriate in the light of the premises and those who may be on them at any one time.

Providing the fire safety measures are adequate to mitigate the potential risk, it is for the responsible person to decide from the range of available options.

Am I responsible if my fire safety equipment fails?

Under the RRO all fire precautions must be maintained in efficient working order and good repair so if any failure is due to lack of maintenance, then you could be held responsible. However, where maintenance contracts exist for the equipment, the enforcers may take action against the contractor.

What does the RRO expect of Fire & Rescue Authorities?

Fire and Rescue Authorities are required under the Order to inspect business premises within their local areas to ensure compliance with the requirements of the Order and that adequate fire safety measures are in place. In addition, Authorities have a duty to provide fire safety advice when requested.

Will the Fire and Rescue Service inspect my premises?

Probably. Fire and Rescue Authorities as the enforcing authorities for the Order are expected to develop appropriate risk based inspection regimes within the context of their Integrated Risk Management Plan (IRMP). How each Authority carries out its statutory duties is a matter for local discretion.

What happens if I don't comply with the legislation?

Fire and Rescue Authorities will, where necessary, offer support and advice on how best to improve fire safety arrangements. In doing so, they will take account of measures which are proportionate and reasonable to the identified risk.

In cases where a serious risk exists and is not being managed, Fire and Rescue Authorities have a statutory duty to enforce compliance with the Order.

In serious cases, penalties of a fine of up to £5,000 for each offence on summary conviction (in a Magistrates Court) or an unlimited fine or up to two years imprisonment, or both on conviction or indictment in a Crown Court or above.

What if I think my fire prevention and protection measures are suitable but the Fire and Rescue Service doesn't?

Where the responsible person has failed to comply with the Order and cannot agree with the enforcing authority what measures are necessary to remedy the failure, Article 36 of the Order provides that the Secretary of State may be approached to make a determination of the dispute. Both parties must make the approach, which follows the serving of a notice by the Fire and Rescue Authority on the responsible person.