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Fact Sheet: Responsibilities under the Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 (FSO) came into effect in October 2006 and replaced over 70 pieces of fire safety law. Its purpose is to bring about more effective fire safety procedures regulating only where necessary and in a manner that is more suited to the needs of modern business and commerce.

The Order, replaces many of the references to fire safety in other legislation such as the Fire Precautions Act, Licensing Act and Housing Acts with a simple, single Order. It requires any person who exercises some level of control within a set of premises to take reasonable steps to reduce the risk from fire and ensure occupants can safely escape if a fire does occur.

These pages summarise the main points of the order and are not intended to be a comprehensive guide to the Regulations.

Where does the Order apply?

The FSO applies to all non-domestic premises in England and Wales, including the common parts of blocks of flats and houses in multiple occupation (HMOs). Examples of this include:

- Offices and shops
- Premises that provide care
- Community halls and churches
- The common areas of houses of multiple occupation
- Pubs, clubs and restaurants
- Leisure facilities
- Schools, colleges and universities
- Tents and marquees
- Hotels and hostels
- Factories and warehouses

The Order specifically excludes purely domestic premises occupied by a single-family group.

The main requirements of the Order

The responsible person is required to:

- Carry out or nominate someone to carry out a fire risk assessment identifying the risks and hazards present at the premises
- Consider who may be especially at risk
- Eliminate or reduce the risk from fire as far as is reasonable practical and provide general fire precautions to deal with any residual risk
- Take additional measures to ensure fire safety where flammable or explosive materials are used or stored
- Create a plan to deal with any emergency and, in most cases, document the findings
- Review the findings as necessary



Responsibilities

Under the Order, all non-domestic premises should now have a legally-designated '**responsible person**' who must arrange for a risk assessment, identify any possible fire risks and deal with them. In most cases it will be obvious who the responsible person is, although in some cases several people may share the responsibility. The responsible person will be someone who has control over the premises, or some areas, departments or systems. For example, the designated responsible person could be:

- The owner, employer or manager of a business for those parts they have control over
- The landlord/owner or managing agent for the common parts of premises or common fire safety equipment such as fire warning systems or sprinklers in premises which are shared between a number of businesses
- Individuals within a multiple occupancy building, such as self-employed people or voluntary organisations if they control someone within the premises
- Any other person who has some control over a part of a premise may also be the 'responsible person' in so far as that control extends

It is important that all parties concerned are clear as to who the '**responsible person**' is for the business or premises and that in cases where more than one person has responsibility tasks and roles are clearly defined. We cannot stress strongly enough the need for communication, co-ordination and the sharing of information between all parties.

Complying with the Order

The Order requires that the '**responsible person**' take ownership of the management of any risk in their premises. The '**responsible person**' must:

- Carry out a fire-risk assessment and identify possible dangers and risks
- Think about who might be particularly at risk
- Take actions to remove the risk from fire, as far as reasonably possible
- Put in place precautionary measures to deal with any risks that remain
- Ensure protection in any areas where flammable or explosive materials are stored or used
- Put in place an emergency evacuation plan
- All findings must be recorded and reviewed on a regular basis

If you are the responsible person, you must make sure that the fire-risk assessment is carried out. You can appoint some other competent person to do the actual assessment, but you are still responsible in law.

In cases where the tenant has the responsibility for undertaking fire risk assessments we would advise the Landlord to ensure that they also obtain copies of the completed assessment or arrange for the fire risk assessment to be undertaken on behalf of the tenant. The '**responsible person**', either on their own or in co-operation with any other '**responsible person**' must as far as is reasonably practical, ensure that everyone on the premises can escape safely in the event of a fire.

Current legislation no longer draws any distinction between people who are employees, visitors or members of the public present within the premises and is inclusive of people who may have a disability or anyone who may need special assistance.

Fire certificates are no longer issued and those previously in force will have no legal status however it is good practice to use the old fire certificate as a starting point when carrying out a fire risk assessment.

If your premises have been designed and built, and are being used in accordance with modern Building Regulations then your structural fire precautions should be acceptable but

you will still need to carry out a fire risk assessment and ensure that your risk reduction, fire prevention and maintenance routines are sustained.

The five steps of Fire Risk Assessment

Step 1: Identify the fire hazards within your premises

You need to identify:

- Any sources of ignition such as naked flames, electrical sources, heaters or some commercial processes
- Sources of fuel such as accumulated waste, display materials, textiles or overstocked products
- Sources of additional oxygen such as forced air circulation or medicinal or commercial oxygen supplies or certain chemicals

Step 2: Identify people at risk

You will need to identify those people who may be especially at risk such as:

- People working in close proximity to fire hazards
- People working alone or in isolated areas (such as roof spaces or storerooms)
- Children or parents with babies
- The elderly or infirm and people who are disabled
- Consider the overall number of persons within the building.

Step 3: Evaluate, remove, reduce and protect from risk

You need to evaluate the level of risk in your premises. You should as far as is reasonably practicable remove or reduce any hazards identified and reduce any risks you have identified. You should for example:

- Replace highly combustible materials with less combustible ones
- Ensure adequate separation between combustibles and ignition sources
- Operate a safe smoking policy
- Remove ignition sources

When you have reduced the risk as far as possible you must assess the residual risk and decide whether there are any further measures and precautions you need to enforce to ensure a reasonable level of fire safety.

Step 4: Record, plan, instruct, inform and train

You will need to record the hazards and people you have identified as especially at risk. You should also record the actions you took to evaluate, remove and reduce the risk. Documenting this is reasonably straightforward.

You will also need to make suitable emergency plan for your premises. This should include the actions that need to be taken in the event of a fire at your premises or any adjoining premises. Staff and other relevant individuals such as paying guests will need to be provided with instructions. All employees should receive adequate information and training about the risks in the premises. Fire marshals will require more thorough training.

Step 5: Review

You should make sure your fire risk assessment is up to date, you will need to re-examine your fire risk assessment every time there is a significant change to the level of risk in your premises. This could include physical changes to your premises, an increase in the storage

of combustible materials, a night shift starting or a change in the type of people using your premises.

You will need to consider how the changes will affect the risk in your premises, assess if your risk management measures are adequate and if you need to adopt further measures

General fire precautions you may need to take

It is not possible in this factsheet to give detailed guidance for every type of premises. However, the minimum you should consider will include:

A fire detection and warning system

- A suitable method of fire detection and warning must be in place. Various systems may be acceptable ranging from a shouted warning to a comprehensive smoke detection and warning system.
- The system must provide adequate warning to people in all circumstances.

A means for fighting a small fire

- Multipurpose fire extinguishers with a guaranteed shelf life may be acceptable in certain circumstances
- As a rule of thumb you should have one extinguisher for every 200m² of floor space with a minimum of one per floor

Safe routes for people to leave the premises

- The ideal situation is when there are alternative escape routes from all parts of the premises, although in practice this may not always be possible
- Where only one route is available other compensatory features may be necessary e.g. making corridors a fire resisting route or installing automatic fire detection
- The stairway and area near the exit should be kept clear of combustibles and obstructions.
- The escape route should lead to a final exit.
- Where the stairway is not fire resisting, the final exit should be visible and accessible from the discharge point of the stairway at ground floor level.
- High-risk rooms should not generally open directly into a fire-resisting stairway.
- If your fire risk assessment shows that people using any floor would be unaware of a fire you may require additional fire-protection measures, e.g. an automatic fire-detection and warning system.

An alternative method is **PAS 79:2012**

Fire Risk Assessment. Guidance and a recommended methodology, this uses a 9 step approach to risk assessments.