

# Fire Safety Policy



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## **1 Introduction**

- 1.1 West Lancashire Borough Council (WLBC) owns and manages approximately 6,000 council homes and other public and commercial buildings.
- 1.2 Council and Cabinet develop and set Corporate strategy. Directors/Heads of Service are responsible for implementing the strategy including observing relevant compliance requirements impacting their services. The most senior management team of the Council provides a forum for consideration of both development and delivery of strategy.
- 1.3 Most fires are preventable. Those responsible for buildings to which the public have access can avoid them by taking responsibility for and adopting the right behaviours and procedures. In October 2006, the Regulatory Reform (Fire Safety) Order 2005 (FSO) came into force. This FSO places a duty on persons responsible for buildings to carry out risk assessments and implement adequate fire prevention measures to their buildings.

## **2 Scope**

- 2.1 WLBC must establish a policy which meets the requirements of the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. In addition to this, the Policy must provide assurance to WLBC that measures are in place to identify, manage and/or mitigate risks associated with fire.
- 2.2 WLBC must also ensure compliance with fire safety legislation is formally reported to the most senior level of officers management team and Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all WLBC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon WLBC to maintain a safe environment for tenants and employees within the home of each tenant and within all communal areas of buildings.
- 2.5 The policy is also relevant for maintaining a safe environment for all tenants and employees within all WLBC non-domestic properties.
- 2.6 Where legal obligations relating to this area of compliance have been transferred to a tenant/leaseholder (e.g. Commercial Lets). The appropriate Director will endeavour to ensure that tenants/leaseholders are complying with the terms of the lease and their statutory obligations.

### **3 Regulatory Standards, Legislation and Codes of Practice**

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. These regulations place a duty on the 'responsible person' to take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on their premises and in the immediate vicinity.
- 3.3 **Code of Practice** – the principal codes of practice applicable to this policy are:
- **LACORS - Housing - Fire Safety:** Guidance on fire safety provisions for certain types of existing housing
  - **HHSRS Operating Guidance - Housing Act 2004:** Guidance about inspections and assessment of hazards given under Section 9
  - **Chief Fire Officers Association (CFOA) - Fire Safety in Specialist Housing –** April 2017, covers sheltered schemes, supported schemes and extra care schemes
- 3.4 **Sanctions** - WLBC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from Homes England.
- 3.5 **Tenants** - WLBC will use the legal remedies having regard to within the terms of the tenancy agreement should any tenant refuse access to carry out essential fire safety related inspection and remediation works.
- 3.6 **Leaseholders** - WLBC will use the legal remedies available within the terms of the lease agreement should any leaseholder refuse permission and/or access to carry out essential fire safety related inspection and remediation works

### **4 Additional Legislation**

- 4.1 This fire safety policy also operates in the context of the following additional legislation including:
- Housing Act 2004
  - Health and Safety at Work Act 1974
  - The Management of Health and Safety at Work Regulations 1999
  - Management of Houses in Multiple Occupation (England) Regulations 2006

- Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- Gas Safety (Installation and Use) Regulations 1998
- The Furniture and Furnishings (Fire Safety) Regulations 1988
- The Health and Safety (Safety Signs and Signals) Regulations 1996
- The Building Regulations 2000: Approved Document B Fire Safety
- Electrical Equipment (Safety) Regulations 1994
- Construction, Design and Management Regulations 2015
- Data Protection Act 1998
- RIDDOR 2013

## **5 Obligations**

- 5.1 The responsible person, WLBC, must carry out a fire risk assessment for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005 (FSO). Although under the FSO this requirement only applies to the common parts of premises, in practice the responsible person will need to take into account the entire premises - including, if necessary, the units of residential accommodation.
- 5.2 The responsible person, WLBC, must implement all necessary general fire precautions and any other measures identified by a fire risk assessment.
- 5.3 The responsible person, WLBC, must put in place a suitable system of maintenance and appoint competent persons to implement any procedures that have been adopted.
- 5.4 The responsible person, WLBC, must periodically review fire risk assessments in a timescale appropriate to the premises and/or occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the fire risk assessment.

## **6 Statement of Intent**

- 6.1 WLBC acknowledge and accept its responsibilities under the Regulatory Reform (Fire Safety) Order 2005 (FSO).
- 6.2 WLBC will hold accurate records against each property it owns or manages setting out the requirements for having a fire risk assessment in place.

- 6.3 WLBC will hold accurate records against each property it owns or manages setting out the requirements for servicing, maintenance and repair of fire prevention, detection and firefighting equipment. These include fire alarm systems, emergency lighting, smoke/heat detectors, hose reels, dry and wet risers, auto window/door openers, fire extinguishers, fire blankets, sprinkler systems and any other equipment relating to fire safety.
- 6.4 WLBC will establish and manage programmes to deliver servicing and maintenance in accordance with all relevant British Standards for all fire detection, prevention and firefighting systems and equipment within buildings owned or managed by the organisation.
- 6.5 WLBC will periodically undertake an asset data review to ensure adequate assurance is provided that fire safety data held against the organisations' property assets is accurate.
- 6.6 WLBC will ensure that each property requiring a fire risk assessment has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) and that has been carried out by a competent fire risk assessor.
- 6.7 WLBC will ensure that all fire risk assessments are reviewed no later than the review date set by the fire risk assessment and that this review is carried out by a competent fire risk assessor.
- 6.8 WLBC will ensure that the fire risk assessment to a building is reviewed following a fire, change in building use, change in working practices that may affect fire safety, following refurbishment works to the building or if required following an independent fire safety audit and that this review is carried out by a competent fire risk assessor.
- 6.9 WLBC will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by fire risk assessments. Remedial actions will be carried out in accordance with the fire risk assessments recommendations. WLBC will also give due consideration to all non-mandatory recommendations.
- 6.10 WLBC will implement a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be undertaken at regular intervals and inspection records will be kept against each property.
- 6.11 WLBC will ensure that robust processes are in place to record and action any 'near miss' reports with regard to fire safety. A 'near miss' is an unplanned event which does not result in an injury but had the potential to do so.
- 6.12 WLBC will test and replace as necessary hard wired smoke alarms in domestic dwellings on an annual basis. The majority of properties can be done as part of the annual gas safety check visit.

- 6.13 WLBC will ensure that all disabled residents and/or employees within buildings requiring a fire risk assessment, where there is a member of staff in residence (i.e. sheltered housing or supported housing schemes), will have a Personal Emergency Evacuation Plan (PEEP) and that this PEEP will be reviewed annually by a competent person. This will be kept in the Fire Safety Log held securely on site and made available to the fire service in the event of an evacuation.
- 6.14 WLBC will have robust processes and controls in place to ensure that consideration is made when letting properties to the suitability of the accommodation for the prospective tenant with regards to fire safety.
- 6.15 WLBC will ensure that only suitably competent fire risk assessors and fire safety engineers appropriately certified under BAFE and UKAS accredited certification schemes undertake fire safety assessments or works for the organisation.
- 6.16 WLBC will have robust processes in place to gain access should any tenant or leaseholder refuse access to carry out essential fire safety related inspection and remediation works.
- 6.17 WLBC will have robust processes in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.18 WLBC will establish and maintain a plan of all continuous improvement activity undertaken with regards to fire safety and is committed to working with relevant Fire Services to create safer places to live and work. Joint working will include sharing information, the fire service reviewing risk assessments and providing training to WLBC staff.
- 6.19 WLBC considers good communication essential in the safe delivery of fire safety and will therefore ensure that information about fire safety and fire prevention measures is available to residents and building users on the organisation's website.

## **7 Compliance Risk Assessment/Inspection Programmes**

- 7.1 WLBC will establish and maintain a risk assessment for fire safety management and operations. This risk assessment will set out the organisations' key fire safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all void property, component replacement and refurbishment works. This plan will detail any fire safety installations and/or other fire prevention measures that may be affected by the works and detail all necessary work required to make safe and reinstate fire safety prevention installations and measures including any requirement for review of the fire risk assessment.

- 7.3 WLBC will complete a programme of initial fire risk assessments to all communal blocks in its management and ownership.
- 7.4 Thereafter, WLBC will carry out a programme of fire risk assessment reviews ensuring that all fire risk assessments are reviewed no later than the review date set by the fire risk assessment and that this review is carried out by a competent fire risk assessor.
- 7.5 WLBC will ensure that each property requiring a fire risk assessment has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) and that has been carried out by a competent fire risk assessor.
- 7.6 WLBC will carry out a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be undertaken at regular intervals and inspections records will be kept.
- 7.7 WLBC will carry out a programme of servicing and maintenance, in accordance with all relevant British Standards to all fire detection, prevention and firefighting systems and equipment within buildings owned or managed by the organisation.
- 7.8 WLBC will carry out a programme of annual inspection and testing of smoke alarms where they are fitted within domestic properties.

## **8 Compliance Follow up Work**

- 8.1 WLBC will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by fire risk assessments. Remedial actions will be carried out in accordance with the fire risk assessments recommendations. WLBC will also give due consideration to all non-mandatory recommendations.
- 8.2 WLBC will ensure that robust processes are in place to implement all fire precaution measures identified by monthly property inspections.
- 8.3 WLBC will ensure there is a robust process in place for the management of any follow-up works required following the completion of servicing and maintenance checks to fire detection, prevention and fire-fighting systems and equipment.
- 8.4 WLBC will ensure they install if required a battery powered smoke alarm in all domestic properties as part of the annual gas safety check, or if recommended as part of any fire risk assessment. They will also test and renew these as required as part of the annual gas safety check.

## **9 Record Keeping**

- 9.1 WLBC will establish and maintain a core asset register of all buildings that require a fire safety risk assessment. This register should identify all fire safety equipment, systems and installations within each building.

- 9.2 WLBC will establish and maintain a register against each property asset of any smoke/heat detection equipment contained within domestic dwellings.
- 9.3 WLBC will establish and maintain accurate records of all completed fire risk assessments, fire risk assessment reviews and associated completed remedial works from these reports and keep these for a period of not less than 10 years.
- 9.4 WLBC will establish and maintain accurate records of all completed servicing and maintenance checks on fire safety equipment, systems and installations and details of associated completed remedial works and keep these for a period of not less than 5 years.
- 9.5 WLBC will maintain an appropriate Fire Safety Log Book and keep securely on site, where practical, for all buildings requiring a fire risk assessment.
- 9.6 WLBC will establish and maintain records of all fire safety related training undertaken by staff.
- 9.7 WLBC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all fire safety related data.

## **10 Key Roles and Responsibilities**

- 10.1 WLBC Cabinet will have overall governance responsibility for ensuring the fire safety policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Cabinet will formally approve this policy and review should there be a material change in regulation, legislation or codes of practice).
- 10.2 The Cabinet will receive regular updates on fire safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 The Council's most senior management team will receive reports in respect of fire safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 The Director of Housing and Inclusion has strategic responsibility for the management of fire safety and ensuring compliance is achieved and maintained. The Property Services Manager and Deputy Property Services Manager will oversee the implementation of the fire safety policy.
- 10.5 The Property Services Manager and Deputy Property Services Manager will be responsible for overseeing the delivery of the agreed fire risk assessment and re-assessment programmes, and the prioritisation and implementation of any works arising from the fire risk assessments. They are also responsible for overseeing the delivery of service, maintenance and repair programmes to all fire detection, alarms and firefighting equipment within property assets owned or managed by WLBC.

10.6 The Director of Housing and Inclusion will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also initiate appropriate legal process to gain access as necessary.

## **11 Competent Persons**

11.1 WLBC will ensure that the manager with lead responsibility for operational delivery is appropriately qualified; holding a recognised fire safety management qualification (e.g. NEBOSH National Certificate in Fire Safety and Risk Management).

11.2 WLBC will ensure that only suitably competent Fire Risk Assessors, certified by BAFE and on a UKAS accredited certification scheme that meets the competency criteria established by the Fire Risk Assessment Competency Council, are procured and appointed to undertake fire risk assessments. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

11.3 WLBC will ensure that only suitably competent contractors and engineers, certified by a UKAS accredited certification scheme, are procured and appointed to undertake works to fire safety equipment, systems and installations. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

## **12 Training**

12.1 This policy and the procedures that support it will be subject to a range of training across WLBC and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.

12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of fire safety but who may not be actively involved in the delivery of the fire safety policy. This will be basic fire safety awareness training.

12.3 On the job training will be provided to those employees who will be responsible for managing the programme of fire risk assessments (FRAs) and FRA reviews and programmes of servicing and maintenance to fire safety equipment, systems and installations as part of their daily job. The manager(s) with lead responsibility for operational delivery will hold the NEBOSH National Certificate in Fire Safety and Risk Management. WLBC will fund training as necessary so they gain this qualification and membership. This will happen within 12 months of the approval of this policy.

12.4 Training will be provided to all WLBC employees with specific duties regarding fire safety such as Fire Wardens, Estate Managers and Scheme Managers.

12.5 Regular tool box talks will be given to operatives and WLBC contractor partners will be required to do this in the form of appropriate fire safety training and evidence the same.

12.6 Briefings will be provided to those employees involved in the monitoring of compliance performance in relation to fire safety.

### **13 Performance Reporting**

13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure WLBC is able to report on performance in relation to fire safety.

13.2 KPI measures will be produced and provided at the Council's most senior management team level on a regular basis and at Cabinet level within the performance suite of KPI's. These KPI measures will include reporting on:

- The number (and percentage) of properties with a valid in date fire risk assessment (FRA) in place for all buildings owned or managed by WLBC which require one

13.3 WLBC will carry out an independent audit of fire safety at least once every five years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

### **14 Non-Compliance**

14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Housing and Inclusion in the first instance.

14.2 The Director of Housing and Inclusion will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the Council's most senior management team.

14.3 The Director of Housing and Inclusion will ensure the Cabinet are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

14.4 In cases of a serious non-compliance issue the Director of Housing and Inclusion and the relevant Portfolio Holder will consider whether it is necessary to disclose the issue to Homes England in the spirit of co-regulation as part of the Regulatory Framework.