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CRM

**FIRE
PROTECTION
POLICY**

1. Scope

This is a Service-wide policy.

2. Aims and Objectives

This policy is designed to assist the Cumbria Fire and Rescue Service to meet its statutory duty to enforce fire safety legislation and to reduce the risk of fire causing death, serious injury and property related losses in the community. It provides for a risk based approach to fire safety inspection; forms a fundamental element of the Authority's fire risk reduction strategy; and outlines how the Fire and Rescue Service prioritises the demand for its services in relation to fire safety.

This policy prioritises the safety of those who enter premises in Lancashire over the business needs of those who control premises, and fire inspectors appointed by the County Council will seek to ensure that those who control premises see achieving fire safety as a legitimate business overhead.

This Policy is linked to the following strategic objectives:

- Reduce the number of emergency incidents and their consequences.
- Reduce our impact on the environment.
- Deliver affordable value for money services.

3. Policy

1. Purpose

- 1.1 This policy does not cover the inspection of single private dwellings for all purposes related to community fire safety.
- 1.2 There are no statutory requirements in fire safety legislation for Fire and Rescue Authorities to maintain a fire safety inspection programme. There is, however, an implicit requirement for a Fire Authority to meet its duty to enforce the provisions of fire safety legislation. By prioritising the inspection of premises presenting higher risk, Cumbria Fire and Rescue Service will ensure resources are targeted where they can be most effective in enhancing community safety.

2. Determining the Level of Risk

- 2.1 In order to prepare the inspection programme, the generic level of risk presented by occupancy types will be considered. Whilst the risk to individual occupants is of concern to the Fire Authority, it is overall potential for loss of life or serious injury that will be the major determinant of risk for the purposes of the inspection programme.
- 2.2 Through inspection, generic risk level information will be complemented by specific findings about each building. As the inspection programme develops, this information will contribute to the overall evaluation of risk to the community of Cumbria thereby meeting the Authority's responsibility for developing and maintaining the currency of its Integrated Risk Management Plan.
- 2.3 The assessment of risk in a building and its subsequent inclusion within the audit programme will be influenced by considerations in addition to any legal duty. These include, at a national or local level:
- The strategic importance of a particular property or business;
 - The potential loss of heritage;
 - Potential environmental damage; and,
 - The need to assess likely fire fighting operations.
- 2.4 These potential losses or risks to the community are balanced alongside the Fire Authority's fire safety enforcement responsibilities.
- 2.5 The level of risk in both individual and generic building types will be determined by assessing the structure, contents and standard of fire safety management. After initial assessment of premises an audit frequency will be determined including the option not to carry out a fixed term audit. Subsequent inspections will reappraise the levels of risk and audit priority and allow the Fire Authority to demonstrate, in a measurable way:
- the contribution made by the inspection programme to the reduction of fire risk within the County; and
 - that it continues to accurately target resources at those premises presenting a higher risk.
- 2.6 In order to demonstrate that the Fire Authority is meeting its legislative responsibilities at every stage, the processes by which the levels of risk and the resulting audit activity has been determined will be recorded, transparent and auditable.

3. Linking Fire Prevention with Intervention

- 3.1 All Cumbria Fire and Rescue Service inspectors will be able to identify information during inspections that will be important to fire crews who may attend a fire at the premises. The information gathered at the time of audit may provide

for a risk register entry with turn out instructions when attending incidents at the premises, or it may trigger a more detailed Opintel inspection by fire crews and the provision of an incident plan.

- 3.2 Similarly, fire crews may, when carrying out visits for operational planning, or attending incidents, provide basic advice to responsible persons on fire safety in the workplace and identify whether a fire risk assessment has been conducted, recorded and reviewed.
- 3.3 Inspecting officers may also identify and record information during the audits that helps to determine the speed and weight of operational response (emergency intervention) appropriate to the level of risk in the premises.
- 3.4 CFS Practitioners and fire crews will be equipped to enable them to pass on to FP personnel potential issues which may have a bearing on technical fire safety when attending premises such as House in Multiple Occupation as part of their duties.

4. Enforcement

- 4.1 Whilst the risk assessment grading provides a guide to the priority and frequency of inspections, it cannot be used to dictate enforcement action as a well-managed hospital may be similar in overall risk level to very poorly managed office accommodation. In the case of the hospital, the inspecting officer need only document the inspection; whereas, in the case of the office, the inspecting officer may need to take immediate enforcement action.
- 4.2 Fire inspectors are responsible for taking enforcement action to reduce the level of risk in any premises to a point below that which enforcement action is necessary. It is the role of *responsible persons* (premises owners, employers etc as defined by law) to reduce the risk in their premises to a point that is as low as is reasonably practicable. This approach will allow the authority to utilise its resources to their best effect.
- 4.3 Fire safety enforcement decisions will be made utilising the Service's *Enforcement Logic* and in accordance with the *Fire Safety Enforcement Policy Statement*. Following the Enforcement Logic allows fire officers appointed by the Fire Authority to justify their actions in response to breaches of fire safety legislation.
- 4.4 The Fire Authority will not assume the responsibility of other enforcing authorities. The roles of other authorities should be clearly delineated and understood, with the Fire and Rescue Service engaging in memoranda of understanding and other protocols, where appropriate.

5. The Inspection Programme

5.1 Following assessment of risk levels, premises considered to be of higher risk will attract fixed term inspections. Those determined to be lower risk will be inspected by sample. The number and frequency of audits carried out by Cumbria Fire and Rescue Service will be commensurate with the resources made available through the Fire Authority in accordance with its Integrated Risk Management Plan.

6. Types of Inspection

6.1 The term inspection describes a number of activities. These range from the inspection of a report or plans only, to the on-site inspection of premises and/or its management. The inspection may be described as a:

- Full audit inspection: where the whole premises, its management systems and fire risk assessments are comprehensively examined;
- Re-inspection: where the premises forms part of the fixed term fire safety inspection programme and something less than a full inspection is completed. A re-inspection may take the form of a peak risk inspection (see below);
- Specific inspection: to examine a particular section or aspect of a premises and its management; possibly in response to a complaint;
- Peak risk inspection: inspections of premises immediately prior to or during the times that they present the highest risk to people in and around the premises. Examples of the types of premises where such inspections might take place include, retail outlets (during sale periods), hotels, hostels, places providing residential care, places of public entertainment (during the night or at weekends). These inspections are intended to ensure that premises are being managed effectively at all time in accordance with a suitable and sufficient fire risk assessment;
- Plans/consultations: when plans are examined, either for new projects or for alterations to existing buildings in connection with consultations under the Building Regulations (termed 'building regulation plans/consultations') or for other purposes, perhaps on behalf of other agencies (known as 'other plans inspections');
- Follow-up inspection: where it is necessary to follow-up issues arising from any of the above inspections. Follow-up inspections to re-inspections will only be undertaken where a serious fire safety risk has been identified and remains after the re-inspection.

7. Reasons to Inspect

7.1 In addition to fixed term inspections under the risk-based fire safety inspection programme, other reasons for an audit may include:

- Statutory consultations: in response to regulatory requests from other enforcing authorities.
- Requests for advice: by statute, fire and rescue service authorities must make provision in their area for the giving of advice on request about how to prevent fires and restrict their spread in building and other property.
- Following a fire: where it is considered appropriate to follow up issues identified through the initial fire investigation conducted by the attending fire crews. In appropriate circumstances, the inspecting officer may be required to carry out a full fire investigation leading to a detailed forensic report.
- Following a complaint: where a substantive complaint is made about a premises or its management and it is felt necessary to investigate the complaint further.
- Following intelligence or to target an issue: arising from aspects of a type of premises or its management, identified locally or nationally as requiring the attention of the Fire and Rescue Service. This may mean inspecting premises outside of the existing fixed term inspection programme.
- Sampling: selecting premises that have previously been evaluated as providing a lower risk to its occupants to re-examine the assessment, or where an action plan has been issued previously, or, selecting premises for risk evaluation that have not previously come to the attention of the Fire and Rescue Service.
- Promoting fire safety: by statute, fire and rescue authorities must make provision for the promotion of fire safety in its area, to the extent that it considers reasonable to do so. The promotion of fire safety will be balanced against the other legislative requirements of the Fire Authority and will be commensurate with the resources made available through its Integrated Risk Management Plan.
- Partnership work: involving the inspection of premises on behalf of or alongside partner agencies where the work accords with the requirements of the authorities Partnership Protocol. Such work may provide broader reciprocal benefits to the authority outside of the remit of Technical Fire Safety.

8. Statutory Consultations

- 8.1 Cumbria Fire and Rescue Service will respond to regulatory requests from other enforcing authorities for consultation, which for the purposes of this policy is defined as 'formally seeking information from others'. The Fire and Rescue Service approach to consultation will be determined by the perceived level of risk associated with the subject of the request, on the basis that resources will be allocated where they can most effectively enhance community safety.
- 8.2 Levels of response to consultation will vary from advice over the telephone, a standard leaflet or letter, to a detailed report that may involve several visits to a premises.

8.3 Inspection visits will only be undertaken to satisfy consultation agreements with other enforcing authorities where expedient and where:

- The premises fall into a medium or high fire risk property category; and
- The more information is required which can only be provided by a site visit.

9. Promoting Fire Safety

9.1 By virtue of the Fire and Rescue Services Act 2004, a fire and rescue authority will need to make provision for the promotion of fire safety in its area, to the extent that it considers it reasonable to do so. The promotion of fire safety will be balanced against the other legislative requirements of the Fire Authority and will be commensurate with the resources made available through its Integrated Risk Management Plan.

10. Requests for advice

10.1 By statute, fire and rescue authorities must make provision in their area for the giving of advice on request about how to prevent fires and restrict their spread in buildings and other property, to the extent that it considers it reasonable to do so. Reasonable advice to the occupiers and owners of buildings will range from indication of suitable published fire safety guidance covering the type and use of the premises for which advice is sought, to an inspection visit and report.

10.2 As with statutory consultations, resources will be allocated relative to risk where they can most effectively enhance community safety and the Fire Authority will not sanction the use of inspecting officers by business organisations as unpaid replacements for commercial fire safety consultants.

10.3 In considering a request for advice it is also reasonable to consider the ability of the party making the request to obtain the advice from elsewhere at a cost. It may be appropriate to give special consideration to voluntary sector organisations seeking to comply with fire regulations.

11. Following a Fire

11.1 The Fire and Rescue Service investigate all property fires to identify the cause and to record information. As a consequence of such investigations, an inspecting officer may carry out a post-fire inspection of the premises, the results of which may be to provide advice to the occupiers or to take fire safety regulation enforcement action.

11.2 Post-fire inspections will be carried out in association with other enforcing authority officers where appropriate; for example, with a Health and Safety

Executive office in some workplace fires or a housing authority officer in the case of houses in multiple occupation.

- 11.3 Certain fires may require forensic fire investigation reports to assist with enforcement issues under fire safety legislation or to support other enforcing agencies. Such reports will be prepared by suitably qualified managers.

12. Following a complaint

- 12.1 All substantive complaints relating to fire safety received by the Fire and Rescue Service about a premises or its management will be investigated. This will ordinarily involve a specific inspection.
- 12.2 As with statutory consultations, resources will be allocated relative to risk where they can most effectively enhance community safety.
- 12.3 The Fire and Rescue Service will provide a reference number that can be quoted when a complainant seeks to identify the outcome of their complaint. No information will be divulged that contravenes data protection requirements. In all cases, a record will be made of action following the complaint, even when unfounded.

13. Following Intelligence to Target an Issue

- 13.1 On occasion issues are identified, at a local or national level, regarding aspects of a type of premises or its management, which may require the attention of the Fire and Rescue Service. Examples may include a single inspection in response to unwanted fire signals from a fire alarm causing the repeated attendance of fire crews, or a number of inspections following a very serious fire that has identified a heightened risk of injury in a particular type of occupancy or a selection of buildings similar to one where a complaint has arisen about fire safety standards.
- 13.2 The fire safety inspection programme will be adequately flexible to incorporate such targeted inspections.

14. Sampling

- 14.1 The levels of fire risk within existing workplaces across Cumbria will change over time. Such change is driven by many factors including the success and decline of businesses, the introduction of new risks to existing workplaces, and changes in the competence of fire safety management.
- 14.2 Premises that have previously been profiled by the Fire and Rescue Service and considered lower risk will be subjected to sample inspections in order to re-evaluate the standards of fire safety. In addition, certain premises that have never been risk profiled before will also be subject to sample inspections.

14.3 The Fire and Rescue Service will aim for sample inspections to form 5% of the total fixed term inspection programme. Therefore, if during a year a fire safety department completed 1000 inspections of all descriptions, at least 50 of those inspections would be sampling inspections.

15. Results or Outcomes of Inspections

15.1 There may be a number of results following an inspection e.g. enforcement notices, action plans, risk profiles, evidence for prosecutions or a further audit requirement. Every audit will have a result or outcome recorded centrally on a database, and on a premises case file where one exists. This process will ensure that the results of audits are transparent and auditable.

16. Priorities

16.1 The resources available to the Fire and Rescue Service are finite and the work undertaken by inspecting officers will be prioritised in the following manner:

- Reducing the immediate risk of very serious injury to persons;
- Enforcement action in support of the above (including prosecutions);
- Other enforcement notices and action plans;
- Follow up inspections prior to the expiry of time limits on enforcement notices;
- Targeted and intelligence led inspections;
- Completing the fixed term inspection programme;
- Responding to statutory consultations within agreed timescales in an appropriate manner;
- Sample inspections;
- All other activities, including the promotion of fire safety, partnership activities, where the premises inspected do not fit within any category above and general fire safety advice on request.

16.2 The first priority of inspecting officers is to respond to conditions causing immediate risk of very serious injury to persons. These may become apparent through a complaint, a request for advice, following a fire or during an inspection. Responding to such conditions means reducing the risk to persons to tolerable levels as soon as is possible. This is achieved using a variety of informal and formal means, up to and including prohibiting or restricting the use of premises. It also means, where appropriate, carrying out enforcement action against those responsible by way of prosecution.

16.3 Effective prioritisation of work in accordance with this section will be ensured through Technical Fire Safety Department action plans and audit systems that include local audit arrangements and the inspection of records centrally.

4. Equality and Diversity Impact Assessment

This policy has been subject to an equality and diversity impact assessment and no action has been deemed necessary.

5. Reference Documents

Fire Safety Enforcement Policy Statement.

Fire and Rescue Services Act 2004.

6. Approval Agency

Service Management Team.

7. Approval Dates

This Policy was originally approved in: 2008

This version takes effect from: October 2009

Next review date: October 2010

8. Policy Sponsor

Head of Community Risk Management.

9. Diversity And Equality Statement

Cumbria Fire and Rescue Service is committed to the principles of diversity and equality and the elimination of discriminatory practices. These principles are applied to the treatment of all individuals, whether members of the public, or our own staff, be those fire officers, support staff or volunteers.

This policy will be implemented in a non-discriminatory manner. Members of Cumbria Fire and Rescue Service administering this policy are responsible for ensuring that in their application, those to whom the policy applies shall not receive less favourable treatment because of their age, colour, disability, ethnic or national origin, gender re-assignment, marital status, nationality, race, religion, sex or sexual orientation.