



**NORTH YORKSHIRE
FIRE & RESCUE SERVICE**

Protection (Technical Fire Safety) Strategy 2016/17 – 2018/19

Introduction

This strategy sets out our approach to fulfilling the legislative and enforcement responsibilities of the Fire Authority under the Regulatory Reform (Fire Safety) Order 2005, along with other primary and secondary legislation, government guidance and industry best practice, as it relates to non-domestic premises.

Overall approach

The strategy aims to secure the safety of occupiers, workers and visitors to non-domestic premises in North Yorkshire and the City of York, by assisting in preventing fires occurring and to restrict fire spread should it occur.

The key elements of this strategy are:

- We aim to strike a balance between ensuring public safety and minimising the burden on businesses and other organisations.
- We operate a risk based inspection programme, which is driven by the data on fires in premises types, and we prioritise audits where fires have occurred or where there have been complaints as these have been shown to be the highest risk.
- We will use the powers of legal enforcement and prosecution available to us, where this is appropriate to ensure public safety; the approach we will take is “firm but fair”.
- We will respond to all statutory consultations within the required timeframes and, wherever possible, provide timely and accurate advice to those who request it.
- We ensure that in order to deliver the best service to the community, any staff who carry out fire safety work are adequately trained and have the appropriate support to undertake their role.
- Due to the technical nature of this area of work, we ensure continuity of the necessary skills through succession planning.
- We aim to deliver value for money through performance management and regular review, to ensure that the cost of delivering technical fire safety is proportionate to the risk in North Yorkshire and the City of York.

This strategy has been formulated on an assessment and evaluation of what the Service has previously achieved and reflects national best practice.

Fire Safety Audits (Inspections)

A fire safety audit is undertaken under the Regulatory Reform (Fire Safety) Order 2005 (RRO). It is an inspection by us of premises and relevant documents to ascertain the fire safety management of the premises. The fire safety inspector undertaking the audit may also wish to talk to members of staff to confirm their level of fire safety awareness. All fire safety inspectors will be in uniform and carry identification.

The emphasis of the audit is on the responsible person for the premises demonstrating that they have met the duties required by the RRO. For this reason the inspector may ask to see the following documents as evidence:

- A suitable and sufficient fire risk assessment completed by a competent person. The fire risk assessment should be the foundation for all the fire precautions in the premises.
- Preventative and protective measures with regard to fire.
- Action plans related to any significant findings of the fire risk assessment.
- Emergency plans for the premises (what to do in the event of a fire).
- Fire drills and staff fire training records (who, when, and what training).
- Fire safety maintenance checklist (what is checked, by who, and when).
- Staff information on fire safety and dangerous substances.
- Evidence that the following have been tested by a competent person: fire detection. and warning system; emergency lighting; sprinkler system; ventilation system; firefighting equipment; electrical wiring in the building; portable appliance tests.

We may visit premises where the RRO applies and undertake a fire safety audit on a scheduled basis. These will usually be prearranged by an inspecting officer.

We try and hold information on all non-domestic premises, but it is not possible to audit all of these. Even if we could it would not provide value for money and would be an unnecessary burden on businesses and other organisations. By identifying higher risk premises and the types of premises that have fires through analysis of incident data and any other intelligence (such as external identification of national trends or emerging issues with certain premises types) it is possible to identify premises that are:

- Less likely to comply with legislation
- More likely to have a fire that will result in death or injury
- More likely to have a severe fire that will have a greater impact on the business and the community

Analysis has shown that ‘after the fire audits’ and audits following complaints from members of public or other partner agencies are more likely to result in fire safety deficiencies being identified than scheduled audits. Therefore, we undertake an ‘after the fire’ audit on all occasions where a fire has occurred in premises where the RRO applies or where the fire has affected a premises or part of a premises where the RRO applies. We aim to undertake an audit following a complaint within 24 hours (as long as the complaint is about premises covered by the RRO). These audits are generally carried out by more qualified or experienced fire safety officers. Depending on the seriousness of the complaint an inspection may be carried out without an appointment.

Enforcement

Following an audit, a compliance level score is automatically generated based on a number of factors. A fire safety officer can adjust the audit outcome by increasing or decreasing the compliance level score using their professional judgement and a moderating tool within the audit form. The HSE Enforcement Management Model is an integral part of the audit form and there is explicit guidance from the Chief Fire Officers Association (CFOA) on how to apply it. This score then determines the level of any enforcement action. This is set out in the table below.

Compliance Level	Enforcement action
1	Broadly compliant – no action or advice only
2	Notification of minor areas of deficiencies – no revisit
3	Notification of deficiencies – an inspector will revisit
4	Enforcement notice
5	Enforcement notice (fast-track/short timescale)

An inspecting officer may also issue a prohibition notice if there is an immediate risk to life or death or injury from fire.

If the responsible person does not rectify the deficiencies, breaches the enforcement notice or the prohibition notice we may then take formal legal action, which could result in a caution or legal action through the criminal courts.

Formal legal action, including prosecution, is an important part of the strategy to maintain high levels of compliance with the legislation and, therefore, public safety. It is an offence to fail to meet the requirements of the RRO and, where that failure puts lives at risk, we will take formal legal action in cases of the most severe offences. We will use the considerations in the table below to determine whether formal action is to be progressed in these cases.

Factors for formal action	Factors against formal action
A fire has occurred (and there was an offence under the RRO)	*Responsible Person did not knowingly cause offences
People were, injured, rescued or had to be evacuated from a fire (and there was an offence under the RRO)	Responsible Person acted swiftly to put matters in order
*Relevant persons were at risk and the responsible person was not in a position of control over the risk.	Responsible Person co-operated fully
Repeat offences	Offences were of minor nature
Numerous offences	Offences had not been present for a long time
Life safety systems knowingly inoperative/ disabled/not provided	Officers are unlikely to be able to gather sufficient evidence to secure a conviction
Offences were driven by financial gain or consideration	A long time period has passed since the offences (and the offences have been rectified)
Little if any consideration has been given to fire precautions	
Offences had been present for considerable time	
Offences would have continued without intervention	
Responsible Person did not co-operate fully	

*The 'Responsible Person' is the legal term for the person responsible, under the RRO, for the fire safety of that premises.

**A 'Relevant Person' is any person lawfully on your premises and any person in the immediate vicinity, but does not include firefighters carrying out firefighting duties.

Premises that have enforcement action in place are published on the [CFOA website](#) for five years. A link to this information is also available on our [website](#).

Advice

As well as enforcing fire safety legislation, we also provide advice to businesses and other organisations. This includes:

- Guidance documents on how to carry out risk assessments and how to make a business premises safe from fire
- Pro-formas and templates to assist businesses with risk assessments and record keeping
- Arson prevention advice
- Automatic fire alarm reduction advice

Most of this is made available through our website. In addition to this we may be able to offer advice over the phone, depending on the complexity of the enquiry.

We will carry out Business Engagement Seminars throughout the year at various locations within North Yorkshire and the City of York. These will provide information and guidance on general, and occasionally specific, fire safety measures depending on the type of business or premises, for example, bed and breakfasts, heritage buildings or manufacturing.

Business Engagement Seminars will be advertised through the press, our website and social media as appropriate. We may also write to specific business owners if we intend to hold Business Engagement Seminars based on a particular business sector.

We will not give specific advice on a risk assessment, but we will provide broad guidance on which areas of a risk assessment require further investigation.

Consultation

Where it is proposed to erect a building, to make any extension or structural alteration to a building, to change the use of a building or part of a building, then plans are usually submitted to the local authority Building Control who must consult us (as we are the enforcing authority) before passing those plans. We aim to respond with comments regarding the fire safety measures within the plans within 14 days.

Other consultations may come from:

- Local Authority Housing Departments
- Approved Inspectors
- Safety Advisory Groups

We also aim to respond to these in a timely manner.

Staff and training

The more complex audits, dealing with consultations and providing technical advice, are the responsibility of technical fire safety staff. These staff are organised in a technical fire safety department, the structure of which is set out in the table below.

Role	Number	Responsibilities
Group Manager Prevention & Protection	1	Responsible for the overall performance, policy, planning and delivery of both technical fire safety (TFS) and community safety (CFS).
Technical Fire Safety Station Manager District	2	Provides the technical support and guidance to TFS staff and operational crews; primarily in the conduct of our statutory responsibilities within the Fire Services Act 2004, and the RR(FS)O 2005. Provides 'day to day' management, guidance and advice on technical issues which arise from the work of the district fire safety staff. Conducts complex fire safety audits and deals with more complex consultations.
Technical Fire Safety Station Manager Technical & Legal	1	Provides the technical support and guidance to TFS staff on prosecution and enforcement of the statutory responsibilities within the RR(FS)O 2005.
Technical Fire Safety Watch Mangers	6	Conduct fire safety audits and deals with the majority of consultations Provides the technical support and guidance on fire safety issues to Assistant Inspectors and operational crews.
Assistant Inspectors	6	Conduct fire safety audits and deals with some consultations.

Staff that have responsibility for regulating businesses will be placed on a relevant training programme¹ to achieve both the technical knowledge and a qualification, depending on their role as set out below:

- TFS Station Managers - Level 4 Diploma
- TFS Watch Managers - Level 4 Diploma
- TFS Assistant Inspectors - Level 4 Certificate
- Operational Crew and Watch Managers - Level 3 Certificate

The qualifications provide assurance to businesses and others of the competence of our staff to undertake regulatory duties. Staff will also be offered continuing professional development opportunities, and be encouraged to attend seminars and events relevant to their roles.

Our training plan is designed to embed greater fire safety knowledge and awareness across other staff in the organisation, particularly operational crews (i.e. those staff on fire appliances). The relationship between technical knowledge and application in risk critical situations, particularly when fire fighting in the built environment, is a primary objective of the programme. It also allows operational crews to identify fire safety issues.

The staffing structure and training regime set out above allows us to undertake succession planning for the more senior fire safety staff. This ensures a continuity of service and a consistency of approach.

Performance management

In order to ensure that the protection work is having a direct and positive impact on the safety of businesses and other organisations we will:

¹ This is the CFOA Competency Framework for Business Fire Safety Regulators

- Monitor the number of fires in non domestic premises
- Analyse fires in non domestic premises by type and cause to better target the scheduled audits
- Use data and information from external sources to target specific risks

In order to make sure that we are delivering against the public expectation we will:

- Monitor the fire safety audits undertaken to ensure that they are being aimed at the highest risk premises
- Monitor the prosecutions and other enforcement activity to ensure that it is proportional to the risk
- Monitor the consultations to ensure that we have responded in time
- Monitor the fire safety complaints to ensure that we have responded in a timely manner
- Monitor the after the fire audits to ensure that we undertaken them within 24 hours
- Undertake a satisfaction survey each year that consults at least 40 businesses

In order to ensure that we remain good value for money we will:

- Periodically benchmark our costs, work outputs and outcomes against other fire and rescue services (as far as is possible given the limitations of the available information)

Associated Documents (hyperlinks)

- Website links