

VAN Briefing

The voice of the Voluntary Arts

Health & Safety in offices – Fire Safety

In 2004, fires in non-domestic buildings in England and Wales alone killed 38 people and injured over 1,300. The costs – including property damage, human casualties and lost business – were estimated at £2.5 billion.

If you run a charity or voluntary organisation, if you are self-employed or if you employ others, you are legally obliged to take reasonable steps to reduce the risk of fire. This briefing will provide an overview of the rules along with some practical instructions on how to do so. It is intended as an overview only – **for more detailed guidance please refer to the resources listed at the end of the briefing.**

The main legislation:

- England and Wales – *Regulatory Reform (Fire Safety) Order 2005*
- Scotland – *Fire (Scotland) Act 2005*
- Northern Ireland – *Management of Health and Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations (Northern Ireland) 2003*
- Republic of Ireland – *Fire Services Act 1981 & 2003*

A. New rules for England, Wales, Scotland and Northern Ireland

New fire safety rules for all non-domestic premises came into force in England, Wales and Scotland on 1 October 2006 (for information on the Republic of Ireland, see section B).

This legislation is intended to streamline and simplify previous fire-safety rules. The new rules:

- emphasise **preventing fires and reducing risk**;
- make it **your responsibility** to ensure the safety of everyone who uses your premises and in the immediate vicinity;
- mean that fire certificates issued under previous legislation are **no longer valid**.

Instead of relying on fire certificates as in the previous system, you must now carry out a **fire risk assessment** to

demonstrate to your fire authority that you are aware of the dangers associated with fire, and that you are making every reasonable attempt to minimise them. You can find details of your fire authority using the websites in the *Further Resources* section.

Unlike in England, Wales and Scotland, you can still apply for fire certificates in Northern Ireland, which are used to 'top up' the precautions put in place through the fire risk assessment.

i. Who is responsible?

The new rules require any person with **some level of control** over a premises to take reasonable steps to reduce the risk from fire and ensure occupants can safely escape if a fire does occur. This person is known as the **'responsible person'**. They could be:

- an **employer** (a specified manager of paid staff or volunteers) who is responsible for the parts of premises where employees may go;
- an **owner** or **agent** who is responsible for shared parts of premises (such as foyers or toilets) or shared fire safety equipment (such as fire-warning systems or sprinklers);
- an **occupier** (e.g. a self-employed person in a rented office) if they have any control over the premises;
- any **other person** who has some control over a part of the premises.

Although in many cases it will be obvious where the responsibility lies, there may be times when a number of people have some responsibility and will need to co-ordinate their efforts to ensure that the new rules are met. If they are not, all parties may be held partially liable.

The new rules for England, Wales, Scotland and Northern Ireland apply to virtually all premises and cover nearly every type of building, structure and open space, including offices, community halls, clubs, schools, care homes and hospitals, and even tents and marquees. They do not apply to people's private homes, including individual flats in a block or house.

This briefing has been written to provide guidance for offices only. For other voluntary arts premises, such as theatres, community halls and festival grounds, information is available from the websites listed in the *Further Resources* section of this briefing.



The fire risk assessment

If you are the 'responsible person' you must carry out a fire risk assessment. Alternatively, you may nominate someone else to carry out the assessment if you prefer, but you will still be held responsible for complying with the law.

The assessment should pay particular attention to **those at special risk** (such as disabled people, older people, children, etc.), and any **dangerous substances** (including sources of ignition, fuel and oxygen) to be found on the premises. You must, as far as is reasonably practical, make sure that everyone on the premises, whether they are employees, contractors or visitors, can react quickly and escape safely if there is a fire.

Step 1 – Identify hazards on your premises

- sources of ignition (such as naked flames, heaters, etc.);
- sources of fuel (such as built up waste, piles of paper, cardboard boxes, etc);
- sources of oxygen (such as air conditioning or medicinal oxygen supplies).

Step 2 – Identify people at risk

- people working near to fire hazards (see *above*);
- people working alone or in isolated areas;
- children, or parents with babies;
- the elderly or infirm;
- people who are disabled.

Step 3 – Evaluate and reduce the risk

Depending on the size and use of your premises, you must appoint one or more competent persons (you can nominate yourself for this purpose) to carry out the measures needed to reduce the hazards highlighted in steps one and two.

A competent person is someone with enough training and experience to be able to implement the measures properly.

The action you take should be common-sense and not necessarily expensive. If any requirements prove to be prohibitively expensive you may put temporary measures in place until the full measures are affordable. However, **this kind of temporary measure will only be acceptable if there is no serious risk to people**. If in doubt, contact your local fire authority. Simple changes might include:

- replacing highly flammable materials (e.g. gas heaters) with less flammable ones (e.g. electric radiators);
- separating highly flammable materials (e.g. cardboard boxes) from sources of ignition (e.g. toasters).

For more examples of practical fire prevention requirements (see section C).

When you have reduced the risk as far as possible, you must assess any risk that is left and decide whether there are any further measures you need to take to make sure you provide a reasonable level of fire safety.

Step 4 – Record and inform

You **must** record the significant findings of the assessment if:

- your organisation employs five or more people;
- your premises are licensed, or;
- an alterations notice is in force.

However, even if these cases do not apply to you, it is good practice to record your significant findings in any case, to help you regularly review your fire-risk assessment.

Record the hazards and people you have identified as especially at risk in steps one and two, and what you did about it in step three. Two simple diagrams of your premises drawn roughly to scale, one before and one after the fire risk assessment, can demonstrate this. Show any structural features (such as staircases), and how particular areas are used (such as storage). Use symbols to represent possible sources of ignition, fuel and oxygen, and mark the location of people at significant risk.

You will also need to write an **emergency plan**, tailored to your premises. It should include instructions on what everyone must do in the event of a fire at your premises or any premises nearby. You must make these instructions available to all staff, volunteers and visitors – in short, anyone identified as being at risk.

Step 5 – Review

You are required to ensure that your fire risk assessment reflects your current circumstances. If you suspect it is no longer valid (for example after a significant change to the level of risk in your premises) you will need to re-examine your fire risk assessment accordingly.

This could happen if, for example:

- you begin to store more materials which could catch fire easily;
- you introduce an extension of working hours;
- there is a change in the type or number of people using your premises.

Note: These steps are sometimes given in a different order. For a definitive list for your region, refer to nation-specific websites (see *Further Resources* section).



ii. What do we need to do?

Duties imposed by the new rules fall into seven general categories:

- Carrying out a fire risk assessment of the premises (see *opposite*).
- Identifying the safety measures necessary as a result of the fire risk assessment.
- Implementing these safety measures.
- Maintaining these safety measures on an ongoing basis.
- Reviewing the fire risk assessment if circumstances change.
- Record keeping.
- Complying with any additional requirements of the legislation.

A **fire risk assessment** is simply an organised and methodical look at your premises, the activities carried out there and the likelihood that a fire could start and cause harm to those in and around the premises. It is a practical way to help you identify the risks that can be removed or reduced and decide the nature and extent of the general fire precautions you need to take. But don't panic. The new rules require only that precautions be put in place 'where necessary' and to the extent that it is reasonable and practicable to do so in each circumstance.

If your premises had a fire certificate issued soon before the introduction of the new rules, or if the premises were built to recent building regulations, then it is unlikely you will need to make any significant improvements to your existing physical fire protection arrangements, as long as you have made no material alterations and all the existing fire precautions have been properly maintained. However, you **must** still carry out a fire risk assessment and, if circumstances change, keep it up to date to ensure that all the fire precautions in your premises remain current and adequate.

iii. The risks of non-compliance

If you do not meet the new rules, the fire authority will provide practical advice or, if the risk is serious, a formal notice. Except in the most serious cases, the fire authority will work with you to achieve a satisfactory level of fire safety. If there is a very serious risk to life, the fire authority can issue a notice preventing the premises being used for certain things, or preventing people from using all or part of the premises. In all cases you will have a right of appeal, both informally and formally.

B. The Republic of Ireland

The **Fire Services Act 1981 & 2003** is one of the main pieces of legislation relating to fire safety in buildings in Ireland. This act places a duty on every person having control over

non-domestic premises to:

- take all reasonable measures to guard against the outbreak of fire;
- provide reasonable fire safety measures for the premises, and prepare and provide appropriate fire safety procedures for ensuring safety of persons on the premises;
- ensure that the fire safety measures and procedures are applied at all times;
- ensure, as far as is reasonably practicable, the safety of persons on the premises in the event of an outbreak of fire.

The premises must be suitable for their intended use, with the appropriate fire safety features in place. In addition, a proactive fire safety management policy must be implemented to minimise the risk of a fire occurring and ensure the safety of persons on the premises in an emergency. Having emergency procedures in place in case of fire in the workplace is also covered under the **Safety, Health and Welfare at Work Act 2005**.

To help people meet their responsibilities for fire safety, the Department of the Environment and Local Government has published a series of fire safety publications for a range of different building types and functions (*for more details see the Further Resources section*).

C. Some practical precautions

- **A fire-detection and warning system** – must be able to warn people in all circumstances. If a fire risk assessment shows that people using one floor would not be aware of a fire on another, you may need an appropriate automatic fire detection and warning system (available from your local hardware shop or via your Fire Authority).
- **A means of fighting a small fire** – you should have one extinguisher for roughly every 200 square metres of floor space, with at least one on each floor. Ensure that the type of extinguisher is suited to the type of fire (e.g. electrical, liquid, etc.) most likely to occur and have all extinguishers serviced at recommended intervals (*for more information, contact your local Fire Authority*).
- **A means of contacting the emergency services** – and providing them with any relevant information about the nature of an emergency.
- **Safe routes for people to leave the premises** – if possible there should be more than one escape route from all parts of the premises. If there is only one possible route, it should be as short as possible (less than 18 metres in normal circumstances, or less than 12 metres in high-risk areas) and kept clear of obstructions and material that could catch fire. If there is more than one route, the distance travelled should not normally be more than 45 metres (or 25 metres in



high-risk areas). The escape route should lead to a final exit and a safe place.

- **Suitable fire exit doors** – you should be able to use fire exit doors and any doors on the escape routes without a key and without any specialist knowledge. In premises used by the public or large numbers of people, you may need push (panic) bars or push pads.
- **Other measures** – emergency lighting, fire safety signs, a safe smoking policy, etc. Consult your local Fire Authority for guidance on these and other measures.
- **A management system** – for maintaining your fire safety systems in an efficient state, in working order and in good repair, by a competent person. This may take the form of an action plan to check and (if necessary) replace systems on a weekly or monthly basis, as specified by the manufacturer and/or your Fire Authority.
- **Information** – for your employees and visitors about the risks posed to them and the measures you have taken to protect them if a fire breaks out. For employees, this information should be made available to them during their normal working hours when they start working for you, and from time to time throughout their employment.
- **Training** – for anyone who may be expected to help in the event of a fire.
- **If you take on a child** – as a volunteer or paid staff member, you must provide a parent with clear and relevant information on the risks to that child identified by the risk assessment, the measures you have put in place to prevent/protect them from fire and inform any other responsible person of any risks to that child. All other rules relating to child protection and safety should also be in place.

Further Resources

- **Health and Safety Executive** website – www.hse.gov.uk
- **Fire Kills** website – www.firekills.gov.uk
- **Communities and Local Government** website – www.firesafetylaw.communities.gov.uk – has guidance for educational premises, places of assembly, theatres, cinemas and outdoor events in the UK.
- **Fire Gateway** website – www.fire.gov.uk – developed by the UK Government in partnership with the Fire & Rescue Authorities. Here, you can fill in an online self-assessment form, and have the option to view your results and any suggestions for improvements.
- **The Scottish Executive** website – www.scotland.gov.uk/Topics/Justice/Fire – on fire safety and legislation.
- **FireLaw** website – www.infoscotland.com/firelaw – information and advice on fire law in Scotland.
- **Health and Safety Executive, NI** website – www.hseni.org.uk
- **Health and Safety Authority, RoI** website – www.hsa.ie
- **Fire Safety – An Employer’s Guide**, published by the Home Office/DOE (Northern Ireland) – available from www.official-documents.co.uk ISBN: 0-11-341229-0.
- **Northern Ireland Fire & Rescue Service** website – www.nifrs.org
- **Department of the Environment and Local Government** website – www.environ.ie
- **Citizen’s Information** website – www.citizensinformation.ie – public service information for The Republic of Ireland.

Information contained here may go out of date and you are therefore advised to check its currency.
Updated information may be available on the VAN website: www.voluntaryarts.org

Disclaimer: Reasonable precautions have been taken to ensure the information in this document is accurate. However, it is not intended to be legally comprehensive; it is designed to provide guidance in good faith at the stated date but without accepting liability. We therefore recommend you take appropriate professional advice before taking action on any of the matters covered herein.

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