

11. Review of the Operation of The Regulatory Reform (Fire Safety) Order 2005

Purpose of report

1. To give the Authority an initial Evaluation of the Effectiveness of The Regulatory Reform (Fire Safety) Order 2005
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Recommendations

The Chief Fire Officer recommends that the Report be noted.

Background

1. There are concerns among some FRAs and some in the fire safety industry, about the extent to which those responsible for premises covered by the FSO are aware of their fire safety responsibilities. Those FRAs interviewed for this evaluation agreed that, in their experience, 60 per cent of businesses were aware of the order. This, however, leaves a large proportion of businesses that claim either not to know about their duties under the FSO, or have not implemented its provisions. FRAs believe that it is among smaller businesses (those with fewer than 50 employees) that awareness and compliance are lowest.

Fire Research 3/2009

2. Early in 2008 Communities and Local Government (CLG) commissioned qualitative research into the effect of RRO implementation in England among enforcers of the Fire Safety Order (FSO). These were:
 - 20 enforcers, primarily Fire and Rescue Authorities (FRAs)
 - 15 representatives from the fire safety industry, consultants; and
 - 45 businesses split across a variety of sectors and company sizes.
3. The research indicates that the enforcing authorities welcome the legislation, while those from businesses (when aware of the compliance requirements of the FSO) tend to understand and support the principle of a risk assessment based approach to fire protection. Most of the respondents able to give an opinion felt that the FSO was an improvement on previous legislation. The research also shows that there are areas which enforcers and businesses have concerns about.

Local determination based on risk

4. Enforcing authorities reported a good understanding of risk and confirmed the development and implementation of audit strategies and programmes designed to focus resources on the highest risk premises. FRAs confirmed that there was a clear link between their locally determined Integrated Risk Management Plan (IRMP) and their audit programme and enforcement activity under the FSO. Data management tools to assess and target risk are becoming better understood and more effectively used.
5. There was consensus among the various enforcing authorities that effective enforcement relied on good levels of co-operation particularly between local authorities and FRAs. Enforcing respondents reported that arrangements for such co-operation were working well.

Impact on internal management arrangements

6. The FRAs interviewed reported that to date, the implementation of the FSO had not led to major organisational changes within their fire safety departments and there had not been any substantial changes to the number of technical fire safety staff employed. The resources available to fund audit and enforcement of the FSO were consistent with the position under the previous regime, but the FSO had allowed a more effective targeting of these on the narrower, risk based, range of premises.
7. FRAs recognised that the FSO required a different way of working and that this was likely to require increased resource provision in some areas. The most frequently mentioned areas where greater investment may be required in the future were:
 - training for fire safety officers;
 - increased support from FRA legal teams, and
 - greater investment in IT systems to support local understanding of effective implementation.

Conclusion / Summary

8. The general consensus from this early assessment from both enforcers and responsible persons is that the FSO is embedded well and there are many positives to take from this. All parties tend to think that the risk assessment approach is the correct one and are embracing it to a greater or lesser degree.

However, there are some areas which could benefit from further action. These include:

- Raising awareness of the requirements of the FSO
- Consideration of more tailored advice to 'responsible persons'; clarification of who a 'responsible person' is; clarification of who may have an appropriate level of fire safety expertise to assist with delivering compliance with the FSO; and,
- Ensuring FRAs continue to take a supportive and educational approach to compliance.

These are issues which can be considered further in the longer term evaluation to establish the impact and effectiveness of the FSO.

Supporting Information

None

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