

Fire Safety Policy



Name	Fire Safety Policy
Owner	Chief Officer - Housing and Property
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1.0 Introduction and Policy Objectives

- 1.1 Lancaster City Council (Lancaster) is responsible for carrying out fire risk assessments, and taking action to identify, manage and mitigate risks associated with fire within the communal areas of buildings we own and manage.
- 1.2 We have a duty to take general fire precaution measures to ensure, as far as is reasonably practicable, the safety of the people on our premises and in the immediate vicinity.
- 1.3 The key objective of this policy is to ensure that our Cabinet, Senior Management Team (SMT), the Director for Communities and Environment, employees, partners and residents are clear on our legal and regulatory fire safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a positive health and safety culture amongst staff and contractors. It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy is relevant to all our employees, residents, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon Lancaster to maintain a safe environment for residents and employees, within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

3.0 Regulatory Standards, Legislation and Guidance

- 3.1 **Regulatory Standards** - We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy.
- 3.2 **Legislation** - The principal legislation applicable to this policy is:
 - The Regulatory Reform (Fire Safety) Order 2005 (the FSO).
 - The Fire Safety Act 2021
- 3.3 **Guidance** - The principal guidance documents applicable to this policy are:
 - LACORS - Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing.
 - Local Government Association: Fire safety in purpose-built blocks of flats.
 - HHSRS Operating Guidance - Housing Act 2004: Guidance about inspections and assessment of hazards given under Section 9.

- HHSRS Operating Guidance - Housing Act 2004: Addendum for the profile for the hazard of fire and in relation to cladding systems on high rise residential buildings.
- Ministry of Housing, Communities & Local Government (MHCLG): Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (January 2020).
- National Fire Chief Council's Guidance (NFCC) - Fire Safety in Specialist Housing - May 2017: Covers sheltered schemes, supported schemes and extra care schemes.

3.4 Additional Policy Direction - The following documents set out clear direction for landlords in respect of fire safety, and whilst not statutory guidance or approved legislation, there are certain recommendations or proposals which are applicable to this policy:

- Building a Safer Future - Independent Review of Building Regulations and Fire Safety: Final Report (May 2018).
- Building a Safer Future - Proposals for reform of the building safety regulatory system: A consultation (June 2019).
- The Regulatory Reform (Fire Safety) Order 2005: Call for Evidence (July 2019).
- Grenfell Tower Inquiry: phase 1 report. Volume 1 - 4 (October 2019).
- Draft Building Safety Bill 2020.
- Fire Safety Bill 2019-2021.

3.5 Sanctions - Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution by the Fire and Rescue Service under the FSO; and via a regulatory notice judgement from the Regulator of Social Housing.

4.0 Additional Legislation

4.1 This policy also operates within the context of the following legislation:

- 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 2010: Approved Document B Fire Safety
- Electrical Equipment (Safety) Regulations 2016

- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Homes (Fitness for Human Habitation) Act 2018

5.0 Obligations

- 5.1 Lancaster is the 'responsible person' for the purposes of the legislation, by virtue of the fact that we own and/or manage homes and buildings where residents and leaseholders live.
- 5.2 The responsible person must carry out a fire risk assessment (FRA) for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005 (the FSO) and the Fire Safety Act 2021. Although under the FSO this requirement only applies to common parts of premises, in practice the responsible person will need to take into account the entire premises, including units of residential accommodation as a result of the new requirements contained within the Fire safety Act 2021.
- 5.3 The responsible person must implement all necessary general fire precautions and any other necessary measures identified by an FRA.
- 5.4 The responsible person must put in place a suitable system of maintenance and appoint competent persons to implement any procedures that have been adopted.
- 5.5 The responsible person must periodically review FRAs 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 FRA.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities under the FSO 2005 and Fire Safety Act 2021 as outlined in Section 5.
- 6.2 Each property requiring an FRA will have one in place which has been carried out by a competent fire risk assessor, and which is compliant with the British Standards Institution's PAS 79:2 specification.
- 6.3 Fire evacuation strategies will be determined on a building by building basis, in accordance with the recommendations of the competent fire risk assessor.
- 6.4 All FRAs will be renewed no later than the next risk assessment date set within the most recent FRA for that building.
- 6.5 A new risk assessment will be carried out in the event of:
- A fire;
 - Change in building use;
 - Change in working practices that may affect fire safety;
 - Following refurbishment works; or

- If required following an independent fire safety audit.
- 6.6 We will operate robust processes to implement all mandatory fire precaution measures identified by FRAs.
- 6.7 For domestic properties, we will test (and replace as required) hard-wired smoke and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage) and as part of the electrical inspection.
- 6.8 Personal Emergency Evacuation Plans (PEEPs) will be carried out by a competent person, reviewed annually, and made available to Lancaster Fire and Rescue Service in the event of an evacuation, as follows:
- For any disabled resident and/or employee within any building where we provide care services and are the employer (i.e. sheltered or supported housing schemes); and
 - For any resident within a building where we have a responsibility for carrying out an FRA, where we have been notified that they are storing oxygen in their home for medical use.
 - For any resident within a building where we have a responsibility for carry out an FRA, where the resident has self-notified to us that they would require assistance in the event of a fire.
- 6.9 When letting properties we will consider the suitability of the accommodation for the prospective resident in respect of fire safety.
- 6.10 We are committed to working with Lancaster Fire and Rescue Service to create safer places to live and work. This joint working may include sharing information, having FRAs reviewed, and staff training.
- 6.11 We will refer all new tenancies to Lancaster Fire and Rescue Service for a free home fire safety check.
- 6.12 We will ensure appropriate evacuation policies are in place across our blocks which are in accordance with the recommendations of the competent fire risk assessor and any guidance from Lancaster Fire and Rescue Service.
- 6.13 We will operate robust processes to gain access should any resident or leaseholder refuse access to carry out essential fire safety inspection and remediation works (as tested in the case Croydon Council v. Leaseholder 1st August 2014). The new Fire Safety Act 2021 will require us to check residential doors within our housing blocks.
- 6.14 We will operate robust processes to gain access to properties where resident vulnerability issues are known or identified (including hoarding), whilst ensuring we safeguard the wellbeing of the resident.
- 6.15 We will operate effective contract management arrangements with the consultants and contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.

- 6.16 We will operate a robust process to manage immediately dangerous situations identified during fire safety programmes.
- 6.17 We will adopt a sterile environment approach in all internal communal areas, requiring residents to remove combustible materials from corridors and fire escape routes.
- 6.18 We will not permit the storage of mobility scooters within internal communal areas.
- 6.19 We will establish and maintain a risk register for fire safety management and operations, setting out our key fire safety risks and appropriate mitigations.
- 6.20 We will operate robust processes to record and action any fire safety related 'near misses'. A 'near miss' is an unplanned event which does not result in an injury but had the potential to do so.
- 6.21 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to fire safety.

7.0 Inspection Programmes

- 7.1 **FRAs** - We will ensure all our communal blocks and other properties (supported schemes/offices/shops/depots), that we own or manage, have an FRA in place where we have the legal obligation to do so.
- 7.2 Thereafter, we will maintain a programme of regular FRA re-inspections, in a timescale appropriate to the premises and/or occupation fire risk level. This timescale will be determined by the fire risk assessor carrying out the FRA (and is usually between one and three years) with all high rise or high risk blocks on an annual re-inspection programme.
- 7.3 From adoption of this policy all FRAs will be Type 3 surveys which comply with PAS 79:2. Type 2 and Type 4 surveys will only be commissioned where it is deemed appropriate for a particular property.
- 7.4 We will ensure that a pre-occupation FRA is carried out on all new build schemes or new acquisitions where we have an obligation to do so, followed by a post-occupation FRA, a maximum of one month after the first tenant moves in.
- 7.5 **Properties subject to the Building Safety Act** - We have identified 11 buildings which we believe will be subject to the requirements of the building safety act. Three of these buildings are currently subject to option appraisal. We will commission a building safety gap analysis in order to ensure we fully understand what we have to do in order to comply with the new requirements, which are scheduled to come into effect in April 2023.
- 7.6 **Properties managed by others** - We will obtain FRAs where our properties are managed by a third party. If the third party does not provide the FRA, we will carry out the FRA and re-charge them for the cost of this work.
- 7.7 **Fire door audits** - We will undertake audits of communal fire doors, and audits of flat entrance doors, where the Fire Safety Act 2021 and draft Building Safety Bill require us to do so.

- 7.8 **Servicing** - We will carry out a programme of servicing, maintenance and testing, in accordance with all relevant British Standards and manufacturer's recommendations, to all fire detection, prevention and firefighting systems and equipment within buildings we own or manage.
- 7.9 **Regular inspections** - We will carry out a programme of regular inspections to all blocks with a fire risk assessment in place to audit that all required management actions are taking place.

8.0 Follow-up Work

- 8.1 We will ensure robust processes are in place to implement all mandatory fire precaution measures identified by FRAs, in accordance with the following priorities and timescales:
- Intolerable risk - within 24 hours.
 - High risk - within one month.
 - Medium risk - within three months.
 - Low risk - within six months or delivered as part of a planned programme within 12 months.
- 8.2 We will ensure there is a robust process in place to manage follow-up works arising from fire door audits, and servicing and maintenance checks to fire systems and equipment.

9.0 Data and Record Keeping

- 9.1 We will maintain a core asset register of all properties we own or manage, setting out which properties require an FRA. We will also set out which properties require fire safety servicing and maintenance regimes (for example, fire alarms, emergency lighting and smoke/heat detection).
- 9.2 We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are added or removed as required from fire safety programmes, and the programme remains up-to-date.
- 9.3 We will hold fire safety inspection dates, FRAs, FRA actions, and fire safety servicing records against all properties on each programme.
- 9.4 We will keep fire safety log books electronically (or securely on site where practical), for all properties on the FRA programme.
- 9.5 We will keep all records for at least five years, and have robust processes and controls in place to maintain appropriate levels of security for all fire safety related data.

10.0 Resident Involvement and Engagement

- 10.1 We consider good communication essential in the effective delivery of fire safety programmes, therefore we will establish a resident engagement strategy and communication programme. This will support residents in their understanding of fire safety, advise them of how they can keep themselves and other residents safe, and encourage them to report any fire safety concerns.
- 10.2 We also aim to successfully engage with vulnerable and hard to reach residents. We will share information clearly and transparently, and will ensure that information is available to residents via regular publications and information on our website.
- 10.3 We will provide and make available to residents a copy of the FRA relevant to their building upon request.

11.0 Competent Persons

- 11.1 An agreed member of the Compliance Team will hold the NEBOSH National Certificate in Fire Safety and Risk Management (or equivalent). If they do not have this already, they will obtain it within 12 months of the approval of this policy.
- 11.2 Only suitably competent contractors, fire risk assessors and fire engineers will undertake FRAs or works to fire safety equipment, systems and installations. These must be certified by BAFE and/or an IFSM member, and on a UKAS accredited certification scheme that meets the competency criteria established by the Fire Risk Assessment National Competency Council.
- 11.3 Only suitably competent fire safety consultants and contractors will provide third party technical quality assurance checks.
- 11.4 All consultant and contractor checks will be undertaken during procurement and then on an annual basis and evidenced appropriately.

12.0 Training

- 12.1 We will deliver training on this policy and the procedures that support it, including: team briefings; basic fire safety awareness training; and on the job training for those delivering the programme of FRAs and other fire safety programmes, planned maintenance and repairs works as part of their daily job. All training undertaken by staff will be formally recorded.

13.0 Performance Reporting

- 13.1 We will report robust key performance indicator (KPI) measures for fire safety. These will be provided to the SLT and the Chief Officer - Housing and Property on a monthly basis and to the Cabinet on a quarterly basis. As a minimum, we will report:

Data - the total number of:

- Properties - communal blocks and other properties;

- Properties on the FRA programme;
- Properties not on the FRA programme;
- Properties with a valid and in date FRA;
- Properties without a valid and in date FRA;
- Properties due a new FRA within the next 90 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme (split by priority).

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

In addition:

- Compliance with the fire safety equipment, systems and installations servicing and maintenance programme.
- The number of RIDDOR notifications to the HSE with regards to fire safety.
- Details of any enforcement notices from the Fire and Rescue Service or other enforcement bodies.
- Recording and reporting on property fires to identify trends and target awareness campaigns.

14.0 Quality Assurance

- 14.1 We will ensure there is a programme of external quality assurance audits of FRAs (field and desktop), on a 5% sample basis.
- 14.2 We will internally check all FRAs upon receipt in order to ensure they are suitable and sufficient and in order to progress any actions identified.
- 14.3 We will carry out a programme of regular property inspections to all properties with an FRA to audit that all required management actions have been completed.
- 14.4 We will carry out an independent audit of fire safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

15.0 Non Compliance/ Escalation Process

- 15.1 Our definition of non-compliance is: any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or becoming aware of it.

- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the Chief Officer - Housing and Property in the first instance, who will agree an appropriate course of corrective action with the Repairs & Maintenance Manager and report details of the same to SLT.
- 15.3 In cases of serious non-compliance, SLT and Cabinet will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

16.0 Glossary

16.1 This glossary defines key terms used throughout this policy:

- **BAFE:** Is the independent register of quality fire safety service providers, who are certified to ensure quality and competence to help meet fire safety obligations.
- **FRA:** A fire risk assessment is an assessment involving the systematic evaluation of the factors that determine the hazard from fire, the likelihood that there will be a fire and the consequences if one were to occur.
- **FRA survey:** The FSO states that an FRA is required, however, it does not prescribe how intrusive or destructive this should be. There are four types of FRA:
 - Type 1 - common parts only (non-destructive), basic level to satisfy the FSO.
 - Type 2 - common parts only (destructive), element of destruction on sample basis.
 - Type 3 - common parts and flats (non-destructive), considers means of escape and fire detection within at least a sample of flats.
 - Type 4 - common parts and flats (destructive).
- **IFSM:** The Institute of Fire Safety Managers.
- **PAS79:** A publicly available specification published by the British Standards Institution which focuses on making sure that all the required information that pertains to both an FRA and its findings are recorded.
- **PEEP:** A personal emergency evacuation plan is a bespoke escape plan for individuals who may not be able to reach an ultimate place of safety unaided or within a satisfactory period of time in the event of any emergency.
- **UKAS:** The National Accreditation Body for the United Kingdom, appointed by government to assess and accredit organisations that provide services including certification, testing, inspection and calibration.