

# Corporate Guidance on the Regulatory Reform (Fire Safety) Order 2005

## Introduction

The Regulatory Reform (Fire Safety) Order 2005 was made under the Regulatory Reform Act 2001. It replaces most fire safety legislation with one simple order and means that any person who has some level of control in premises must take reasonable steps to reduce the risk from fire and make sure people can safely escape if there is a fire.

The Order covers general fire precautions and other fire safety duties, which are needed to protect **'relevant persons'** in case of fire in and around most **'premises'**.

The Order requires fire precautions to be put in place **'where necessary'** and to the extent that it is reasonable and practicable in the circumstances of the case.

Responsibility for complying with the Order rests with the **'responsible person'**.

## Definitions

### Responsible Person

- In relation to a workplace, the employer, if the workplace is to any extent under his control;

In relation to any premises not falling within the above;

- The person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not);

***or***

- The owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

In Merton the **'Responsible Person'** are the members of staff within Corporate Facilities Management.

## Relevant Persons

- Any person (including the responsible person) who is or may be lawfully on the premises;

***and***

- Any person in the immediate vicinity of the premises who is at risk from a fire on the premises

But does not include fire fighters carrying out fire fighting duties

## Premises

- Any place, such as a building and the immediate land bounded by any enclosure of it;

***and, in particular, includes***

- Any workplace
- Any vehicle, vessel, aircraft or hovercraft

## General Fire Precautions

In relation to premises “**general fire precautions**” mean:

(a) measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;

(b) measures in relation to the means of escape from the premises;

(c) measures for securing that, at all material times, the means of escape can be safely and effectively used;

(d) measures in relation to the means for fighting fires on the premises;

(e) measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and

(f) measures in relation to the arrangements for action to be taken in the event of fire on the premises, including:

(i) measures relating to the instruction and training of employees; and

(ii) measures to mitigate the effects of the fire.

## Fire Safety Duties

### Duty to take general fire precautions

The responsible person must -

- (a) take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of employees; and
- (b) in relation to relevant persons who are not direct employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

### Risk assessment

The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions needed to be taken to comply with the requirements and prohibitions imposed by or under the Order.

Where a dangerous substance is or is liable to be present in or on the premises, the risk assessment must include consideration of the matters set out in **Part 1 of Schedule 1**.

Any such assessment must be reviewed by the responsible person regularly so as to keep it up to date and particularly if:

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates

Where changes to an assessment are required as a result of a review the responsible person must make them.

### Young persons

The responsible person must not employ a young person unless he has, in relation to risks to young persons, made or reviewed an assessment.

In making or reviewing the assessment, the responsible person who employs or is to employ a young person must take particular account of the matters set out in **Part 2 of Schedule 1 – Matters to be taken into particular account in risk assessment in respect of young persons**.

## **Prescribed information**

The prescribed information is:

- (a) the significant findings of the assessment, including the measures which have been or will be taken by the responsible person pursuant to this Order; and
- (b) any group of persons identified by the assessment as being especially at risk.

## **New work activity**

No new work activity involving a dangerous substance may commence unless:

- (a) the risk assessment has been made; and
- (b) the measures required by or under this Order have been implemented.

## **Principles of prevention to be applied**

Where the responsible person implements any preventive and protective measures he must do so on the basis of the principles specified in **Part 3 of Schedule 1**.

## **Fire safety arrangements**

(1) The responsible person must make and give effect to such arrangements as are appropriate, having regard to the size of the undertaking and the nature of the activities, for the effective planning, organisation, control, monitoring and review of the preventive and protective measures.

(2) The responsible person must record the arrangements referred to in paragraph (1) where:

- (a) there are five or more employees;
  - (b) a licence under an enactment is in force in relation to the premises;
- or
- (c) an alterations notice requiring a record to be made of those arrangements is in force in relation to the premises.

## **Elimination or reduction of risks from dangerous substances**

(1) Where a dangerous substance is present in or on the premises, the responsible person must ensure that risk to relevant persons related to the presence of the substance is either eliminated or reduced so far as is reasonably practicable.

(2) In complying with his duty under paragraph (1), the responsible person must, so far as is reasonably practicable, replace a dangerous substance, or the use of a dangerous substance, with a substance or process which either eliminates or reduces the risk to relevant persons.

(3) Where it is not reasonably practicable to eliminate risk pursuant to paragraphs (1) and (2), the responsible person must, so far as is reasonably practicable, apply measures consistent with the risk assessment and appropriate to the nature of the activity or operation, including the measures specified in Part 4 of Schedule 1 to this Order to:

- (a) control the risk, and
- (b) mitigate the detrimental effects of a fire.

(4) The responsible person must:

- (a) arrange for the safe handling, storage and transport of dangerous substances and waste containing dangerous substances; and
- (b) ensure that any conditions necessary pursuant to this Order for ensuring the elimination or reduction of risk are maintained.

## **Fire-fighting and fire detection**

(1) Where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons, the responsible person must ensure that:

- (a) the premises are, to the extent that it is appropriate, equipped with appropriate fire-fighting equipment and with fire detectors and alarms; and
- (b) any non-automatic fire-fighting equipment so provided is easily accessible, simple to use and indicated by signs.

(2) For the purposes of paragraph (1) what is appropriate is to be determined having regard to the dimensions and use of the premises, the equipment contained on the premises, the physical and chemical properties of the substances likely to be present and the maximum number of persons who

may be present at any one time.

(3) The responsible person must, where necessary:

(a) take measures for fire-fighting in the premises, adapted to the nature of the activities carried on there and the size of the undertaking and of the premises concerned;

(b) nominate competent persons to implement those measures and ensure that the number of such persons, their training and the equipment available to them are adequate, taking into account the size of, and the specific hazards involved in, the premises concerned; and

(c) arrange any necessary contacts with external emergency services, particularly as regards fire-fighting, rescue work, first-aid and emergency medical care.

(4) A person is to be regarded as competent for the purposes of paragraph (3)(b) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the measures referred to in that paragraph.

### **Emergency routes and exits**

(1) Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times.

(2) The following requirements must be complied with in respect of premises where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons:

(a) emergency routes and exits must lead as directly as possible to a place of safety;

(b) in the event of danger, it must be possible for persons to evacuate the premises as quickly and as safely as possible;

(c) the number, distribution and dimensions of emergency routes and exits must be adequate having regard to the use, equipment and dimensions of the premises and the maximum number of persons who may be present there at any one time;

(d) emergency doors must open in the direction of escape;

(e) sliding or revolving doors must not be used for exits specifically intended as emergency exits;

- (f) emergency doors must not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency;
- (g) emergency routes and exits must be indicated by signs; and
- (h) emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in the case of failure of their normal lighting.

### **Procedures for serious and imminent danger and for danger areas**

(1) The responsible person must:

- (a) establish and, where necessary, give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons;
- (b) nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation of relevant persons from the premises; and
- (c) ensure that no relevant person has access to any area to which it is necessary to restrict access on grounds of safety, unless the person concerned has received adequate safety instruction.

(2) Without prejudice to the generality of paragraph (1)(a), the procedures referred to in that sub-paragraph must:

- (a) so far as is practicable, require any relevant persons who are exposed to serious and imminent danger to be informed of the nature of the hazard and of the steps taken or to be taken to protect them from it;
- (b) enable the persons concerned (if necessary by taking appropriate steps in the absence of guidance or instruction and in the light of their knowledge and the technical means at their disposal) to stop work and immediately proceed to a place of safety in the event of their being exposed to serious, imminent and unavoidable danger; and
- (c) save in exceptional cases for reasons duly substantiated (which cases and reasons must be specified in those procedures), require the persons concerned to be prevented from resuming work in any situation where there is still a serious and imminent danger.

(3) A person is to be regarded as competent for the purposes of paragraph (1) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the evacuation procedures

referred to in that paragraph.

### **Additional emergency measures in respect of dangerous substances**

(1) Subject to paragraph (4), in order to safeguard the safety of relevant persons arising from an accident, incident or emergency related to the presence of a dangerous substance in or on the premises, the responsible person must ensure that:

(a) information on emergency arrangements is available, including:

(i) details of relevant work hazards and hazard identification arrangements; and

(ii) specific hazards likely to arise at the time of an accident, incident or emergency;

(b) suitable warning and other communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs;

(c) where necessary, before any explosion conditions are reached, visual or audible warnings are given and relevant persons withdrawn; and

(d) where the risk assessment indicates it is necessary, escape facilities are provided and maintained to ensure that, in the event of danger, relevant persons can leave endangered places promptly and safely.

(2) Subject to paragraph (4), the responsible person must ensure that the information required by article 15(1)(a) and paragraph (1)(a) of this article, together with information on the matters referred to in paragraph (1)(b) and (d) is:

(a) made available to relevant accident and emergency services to enable those services, whether internal or external to the premises, to prepare their own response procedures and precautionary measures; and

(b) displayed at the premises, unless the results of the risk assessment make this unnecessary.

(3) Subject to paragraph (4), in the event of a fire arising from an accident, incident or emergency related to the presence of a dangerous substance in or on the premises, the responsible person must ensure that:

(a) immediate steps are taken to—

- (i) mitigate the effects of the fire;
- (ii) restore the situation to normal; and
- (iii) inform those relevant persons who may be affected; and

(b) only those persons who are essential for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with:

- (i) appropriate personal protective equipment and protective clothing; and
- (ii) any necessary specialised safety equipment and plant, which must be used until the situation is restored to normal.

(4) Paragraphs (1) to (3) do not apply where:

- (a) the results of the risk assessment show that, because of the quantity of each dangerous substance in or on the premises, there is only a slight risk to relevant persons; and
- (b) the measures taken by the responsible person to comply with his duty under article 12 are sufficient to control that risk.

## **Maintenance**

(1) Where necessary in order to safeguard the safety of relevant persons the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order or, subject to paragraph (6), under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

(2) Where the premises form part of a building, the responsible person may make arrangements with the occupier of any other premises forming part of the building for the purpose of ensuring that the requirements of paragraph (1) are met.

(3) Paragraph (2) applies even if the other premises are not premises to which this Order applies.

(4) The occupier of the other premises must co-operate with the responsible person for the purposes of paragraph (2).

(5) Where the occupier of the other premises is not also the owner of those premises, the references to the occupier in paragraphs (2) and (4) are to be

taken to be references to both the occupier and the owner.

(6) Paragraph (1) only applies to facilities, equipment and devices provided under other enactments where they are provided in connection with general fire precautions.

### **Safety assistance**

(1) The responsible person must, subject to paragraphs (6) and (7), appoint one or more competent persons to assist him in undertaking the preventive and protective measures.

(2) Where the responsible person appoints persons in accordance with paragraph (1), he must make arrangements for ensuring adequate co-operation between them.

(3) The responsible person must ensure that the number of persons appointed under paragraph (1), the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks to which relevant persons are exposed and the distribution of those risks throughout the premises.

(4) The responsible person must ensure that:

(a) any person appointed by him in accordance with paragraph (1) who is not in his employment:

(i) is informed of the factors known by him to affect, or suspected by him of affecting, the safety of any other person who may be affected by the conduct of his undertaking; and

(ii) has access to the information referred to in article 19(3); and

(b) any person appointed by him in accordance with paragraph (1) is given such information about any person working in his undertaking who is:

(i) employed by him under a fixed-term contract of employment,

**or**

(ii) employed in an employment business, as is necessary to enable that person properly to carry out the function specified in that paragraph.

(5) A person is to be regarded as competent for the purposes of this article where he has sufficient training and experience or knowledge and other qualities to enable him properly to assist in undertaking the preventive and protective measures.

(6) Paragraph (1) does not apply to a self-employed employer who is not in partnership with any other person, where he has sufficient training and experience or knowledge and other qualities properly to assist in undertaking the preventive and protective measures.

(7) Paragraph (1) does not apply to individuals who are employers and who are together carrying on business in partnership, where at least one of the individuals concerned has sufficient training and experience or knowledge and other qualities:

(a) properly to undertake the preventive and protective measures; and

(b) properly to assist his fellow partners in undertaking those measures.

(8) Where there is a competent person in the responsible person's employment, that person must be appointed for the purposes of paragraph (1) in preference to a competent person not in his employment.

### **Provision of information to employees**

(1) The responsible person must provide his employees with comprehensible and relevant information on:

(a) the risks to them identified by the risk assessment;

(b) the preventive and protective measures;

(c) the procedures and the measures referred to in article 15(1)(a);

(d) the identities of those persons nominated by him in accordance with article 13(3)(b) or appointed in accordance with article 15(1)(b) ; and

(e) the risks notified to him in accordance with article 22(1)(c).

(2) The responsible person must, before employing a child, provide a parent of the child with comprehensible and relevant information on:

(a) the risks to that child identified by the risk assessment;

(b) the preventive and protective measures; and

(c) the risks notified to him in accordance with article 22(1)(c), and for the purposes of this paragraph, "parent of the child" includes a person who has parental responsibility, within the meaning of section 3 of the Children Act 1989[19], for the child.

(3) Where a dangerous substance is present in or on the premises, the responsible person must, in addition to the information provided under paragraph (1) provide his employees with:

- (a) the details of any such substance including:
  - (i) the name of the substance and the risk which it presents;
  - (ii) access to any relevant safety data sheet; and
  - (iii) legislative provisions (concerning the hazardous properties of any such substance) which apply to the substance; and
- (b) the significant findings of the risk assessment.

(4) The information required by paragraph (3) must be:

- (a) adapted to take account of significant changes in the activity carried out or methods or work used by the responsible person; and
- (b) provided in a manner appropriate to the risk identified by the risk assessment.

### **Provision of information to employers and the self-employed from outside undertakings**

(1) The responsible person must ensure that the employer of any employees from an outside undertaking who are working in or on the premises is provided with comprehensible and relevant information on:

- (a) the risks to those employees; and
- (b) the preventive and protective measures taken by the responsible person.

(2) The responsible person must ensure that any person working in his undertaking who is not his employee is provided with appropriate instructions and comprehensible and relevant information regarding any risks to that person.

(3) The responsible person must:

- (a) ensure that the employer of any employees from an outside undertaking who are working in or on the premises is provided with sufficient information to enable that employer to identify any person nominated by the responsible person in accordance with article 15 (1)(b) to implement evacuation procedures as far as those employees are concerned; and
- (b) take all reasonable steps to ensure that any person from an outside undertaking who is working in or on the premises receives sufficient information to enable that person to identify any person nominated by

the responsible person in accordance with article 15 (1)(b) to implement evacuation procedures as far as they are concerned.

## **Training**

(1) The responsible person must ensure that his employees are provided with adequate safety training:

- (a) at the time when they are first employed; and
- (b) on their being exposed to new or increased risks because of:
  - (i) their being transferred or given a change of responsibilities within the responsible person's undertaking;
  - (ii) the introduction of new work equipment into, or a change respecting work equipment already in use within, the responsible person's undertaking;
  - (iii) the introduction of new technology into the responsible person's undertaking; or
  - (iv) the introduction of a new system of work into, or a change respecting a system of work already in use within, the responsible person's undertaking.

(2) The training referred to in paragraph (1) must:

- (a) include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises;
- (b) be repeated periodically where appropriate;
- (c) be adapted to take account of any new or changed risks to the safety of the employees concerned;
- (d) be provided in a manner appropriate to the risk identified by the risk assessment; and
- (e) take place during working hours.

## **Co-operation and co-ordination**

(1) Where two or more responsible persons share, or have duties in respect of, premises (whether on a temporary or a permanent basis) each such person must:

(a) co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under this Order;

(b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed on him by or under this Order with the measures the other responsible persons are taking to comply with the requirements and prohibitions imposed on them by or under this Order; and

(c) take all reasonable steps to inform the other responsible persons concerned of the risks to relevant persons arising out of or in connection with the conduct by him of his undertaking.

(2) Where two or more responsible persons share premises (whether on a temporary or a permanent basis) where an explosive atmosphere may occur, the responsible person who has overall responsibility for the premises must co-ordinate the implementation of all the measures required by this Part to be taken to protect relevant persons from any risk from the explosive atmosphere.

### **General duties of employees at work**

(1) Every employee must, while at work:

(a) take reasonable care for the safety of himself and of other relevant persons who may be affected by his acts or omissions at work;

(b) as regards any duty or requirement imposed on his employer by or under any provision of this Order, co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with; and

(c) inform his employer or any other employee with specific responsibility for the safety of his fellow employees:

(i) of any work situation which a person with the first-mentioned employee's training and instruction would reasonably consider represented a serious and immediate danger to safety; and

(ii) of any matter which a person with the first-mentioned employee's training and instruction would reasonably consider represented a shortcoming in the employer's protection arrangements for safety, in so far as that situation or matter either affects the safety of that first-mentioned employee or arises out of or in connection with his own activities at work, and has not previously been reported to his employer or to any other

employee of that employer in accordance with this subparagraph.

## **Schedule 1 Part 1 Article 9(2)**

### **Matters to be considered in risk assessment in respect of dangerous substances**

The matters are:

- (a) the hazardous properties of the substance;
- (b) information on safety provided by the supplier, including information contained in any relevant safety data sheet;
- (c) the circumstances of the work including:
  - (i) the special, technical and organisational measures and the substances used and their possible interactions;
  - (ii) the amount of the substance involved;
  - (iii) where the work will involve more than one dangerous substance, the risk presented by such substances in combination; and
  - (iv) the arrangements for the safe handling, storage and transport of dangerous substances and of waste containing dangerous substances;
- (d) activities, such as maintenance, where there is the potential for a high level of risk;
- (e) the effect of measures which have been or will be taken pursuant to this Order;
- (f) the likelihood that an explosive atmosphere will occur and its persistence;
- (g) the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective;
- (h) the scale of the anticipated effects;
- (i) any places which are, or can be connected via openings to, places in which explosive atmospheres may occur; and
- (j) such additional safety information as the responsible person may need in order to complete the assessment.

## **Schedule 1 Part 2 Article 9(5)**

### **Matters to be taken into particular account in risk assessment in respect of young persons**

The matters are:

- (a) the inexperience, lack of awareness of risks and immaturity of young persons;
- (b) the fitting-out and layout of the premises;
- (c) the nature, degree and duration of exposure to physical and chemical agents;
- (d) the form, range, and use of work equipment and the way in which it is handled;
- (e) the organisation of processes and activities;
- (f) the extent of the safety training provided or to be provided to young persons; and
- (g) risks from agents, processes and work listed in the Annex to Council Directive 94/33/EC[46] on the protection of young people at work.

## **Schedule 1 Part 3 Article 10**

### **Principles of Prevention**

The principles are:

- (a) avoiding risks;
- (b) evaluating the risks which cannot be avoided;
- (c) combating the risks at source;
- (d) adapting to technical progress;
- (e) replacing the dangerous by the non-dangerous or less dangerous;
- (f) developing a coherent overall prevention policy which covers technology, organisation of work and the influence of factors relating to the working environment;
- (g) giving collective protective measures priority over individual protective measures; and

(h) giving appropriate instructions to employees.

## **Schedule 1 Part 4 Article 12**

### **Measures to be taken in respect of dangerous substances**

**1.** In applying measures to control risks the responsible person must, in order of priority:

(a) reduce the quantity of dangerous substances to a minimum;

(b) avoid or minimise the release of a dangerous substance;

(c) control the release of a dangerous substance at source;

(d) prevent the formation of an explosive atmosphere, including the application of appropriate ventilation;

(e) ensure that any release of a dangerous substance which may give rise to risk is suitably collected, safely contained, removed to a safe place, or otherwise rendered safe, as appropriate;

(f) avoid:

(i) ignition sources including electrostatic discharges; and

(ii) such other adverse conditions as could result in harmful physical effects from a dangerous substance; and

(g) segregate incompatible dangerous substances.

**2.** The responsible person must ensure that mitigation measures applied in accordance with article 12(3)(b) include:

(a) reducing to a minimum the number of persons exposed;

(b) measures to avoid the propagation of fires or explosions;

(c) providing explosion pressure relief arrangements;

(d) providing explosion suppression equipment;

(e) providing plant which is constructed so as to withstand the pressure likely to be produced by an explosion; and

(f) providing suitable personal protective equipment.

**3. The responsible person must:**

(a) ensure that the premises are designed, constructed and maintained so as to reduce risk;

(b) ensure that suitable special, technical and organisational measures are designed, constructed, assembled, installed, provided and used so as to reduce risk;

(c) ensure that special, technical and organisational measures are maintained in an efficient state, in efficient working order and in good repair;

(d) ensure that equipment and protective systems meet the following requirements:

(i) where power failure can give rise to the spread of additional risk, equipment and protective systems must be able to be maintained in a safe state of operation independently of the rest of the plant in the event of power failure;

(ii) means for manual override must be possible, operated by employees competent to do so, for shutting down equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions, provided that the provision or use of such means does not compromise safety;

(iii) on operation of emergency shutdown, accumulated energy must be dissipated as quickly and as safely as possible or isolated so that it no longer constitutes a hazard; and

(iv) necessary measures must be taken to prevent confusion between connecting devices;

(e) where the work is carried out in hazardous places or involves hazardous activities, ensure that appropriate systems of work are applied including:

(i) the issuing of written instructions for the carrying out of work; and

(ii) a system of permits to work, with such permits being issued by a person with responsibility for this function prior to the commencement of the work concerned.