

# Health and Safety Bulletin

## Is your fire risk assessment suitable and sufficient?

It is now over ten years since the first successful prosecution under the Regulatory Reform (Fire Safety) Order – this article gives us the opportunity of the anniversary to review how the law is being enforced.

A recent review of 100 cases prosecuted in the north-west of England has indicated some interesting information:-

- In 92% of the cases the defendants pleaded guilty
- The majority of sentences handed down by the Courts were fines – a total of £427,400 with £266,339 costs for the 100 cases under review, although there were six imprisonment sentences
- In 85% of the cases, the charges included an alleged breach involving fire risk assessments
- Approximately 60% of cases involved the lack of a fire alarm or working fire alarm, and the next most common charge was a lack of appropriate fire doors

### The Regulatory Reform (Fire Safety) Order - basic requirements

The most significant change from the previous fire legislation was the requirement for a responsible person to carry out a fire risk assessment – this replaces the fire certificates that used to be issued by Fire Authorities.

To support businesses through the changes, the Home Office publishes a number of free downloadable guides that outline the risk assessment process step by step – these guides are available at <https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>.

The steps include: -

- Identifying the fire hazards (fuels, ignition sources and sources of oxygen)
- Identifying the people at risk (especially those who are particularly vulnerable)
- Evaluating, removing, reducing and protecting from risk (this involves assessing your current level of risk, and prevention and mitigation control measures allowing you to decide whether your overall level of fire risk is tolerable)
- Recording, planning, informing, instructing and training (to ensure all workers/ visitors understand their fire-related responsibilities and the action to take in the event of a fire)
- Reviewing (regularly check that the fire risk assessment is valid)

Many Fire Authorities have produced fire risk assessment recording formats based on PAS79. The responsible person is expected to issue (and progress) an action plan based on the results of the assessment.

### Enforcement

Under current guidance, enforcing authority officers (based within the Fire Authority) must first discuss potential fire safety issues before issuing an enforcement notice. However, if they believe there is a risk to life that requires immediate action, they can issue a Prohibition Notice. They also have an option of issuing an Alteration Notice where they believe the premises, or any proposed change to the premises, may constitute a significant risk.

### Conclusion

The aim of the Regulatory Reform (Fire Safety) Order was to rationalize the health and safety legislation in the UK. It placed the onus on the duty holder (commonly the controller of the premises) to carry out an assessment of the fire risks and mitigation controls in place.

Evidence from prosecutions indicates that a common initiator is a lack of suitable and sufficient fire risk assessments. In some cases this has been linked to the lack of competence of the person completing the assessment, for example, to identify sources of fuel or suitable control measures.

### Articles in this newsletter:

- Fire risk assessment
- Improving health by using your stairs...
- Case law update

### Useful contacts:

HSE website  
[www.hse.gov.uk](http://www.hse.gov.uk)

HSE Books:  
PO Box 1999  
Sudbury  
Suffolk  
CO10 2WA  
Tel: 01787 881165

Environment Agency  
website:  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

### Recently issued health and safety information:

- HSE's Improving Health and Safety Outcomes in Construction  
<http://www.hse.gov.uk/construction/lwit/assets/downloads/improving-health-and-safety-outcomes-in-construction.pdf>
- HSE's video showing how different methods of flour sieving can create significantly different levels of dust  
[https://www.youtube.com/watch?v=ZQ3cPVjLwP0&utm\\_source=govdelivery&utm\\_medium=email&utm\\_campaign=digest-16-feb&utm\\_term=text-2&utm\\_content=flour](https://www.youtube.com/watch?v=ZQ3cPVjLwP0&utm_source=govdelivery&utm_medium=email&utm_campaign=digest-16-feb&utm_term=text-2&utm_content=flour)
- IOSH review of the impact of shiftwork on rates of cancer  
<https://www.iosh.co.uk/Books-and-resources/A-review-of-the-impact-of-shift-work-on-occupational-cancer.aspx>

## Improving health by using your stairs....

Many organisations are now taking a holistic approach to health and safety – viewing improvements in health not only in terms of work-related hazards but also developing and implementing health-focused strategies to try and improve workers' approach to a healthy lifestyle.

Recently Clwyd Associates has come across the company "Step Jockey" at <https://www.stepjockey.com/>.

At this company's website you can enter information about the staircases in your

buildings and it will calculate the calorie rating of your stairs and then create posters that you can display at the bottom of each staircase indicating how many calories workers will burn if they use the stairs instead of the lift!

On their home page they say "StepJockey fights sedentary behaviour by gently 'nudging' staff to move a little more everyday" – we think it's a really simple but effective idea.

### About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.



## Case Law update

*This issue focuses on cases involving breaches of fire legislation*

A South Wales based construction company has been fined **£100,000** for running an unsafe timber-frame construction site. Fifty-four timber-frame houses were under construction, which carry a serious fire risk to construction workers if not planned or managed properly. During an unannounced visit, HSE found that measures to prevent a fire starting and getting out of control had not been properly taken. The court found that all the houses were under construction at broadly the same stage with little fire protection, a lack of site management control, insufficient means to detect a fire and raise the alarm, poor control of ignition sources and a general lack of emergency planning

Asda Stores Limited was fined more than **£55,000** in fines and costs for committing serious fire-safety breaches at a store in Berkshire. During an inspection the local fire authority found two fire-exit doors chained and locked shut, obstruction of fire-escape routes and fire-exit doors and fire-exit doors wedged open

A car mechanic suffered severe burns when the inspection pit he

was standing in burst into flames. Investigators found it was common practice for employees to puncture the fuel tank on vehicles to allow fuel to drain into an open container on the floor of the pit and concluded that the most likely cause of the fire was that the drained fuel was set alight by a spark from the electric drill or an extension lead in the pit. Lancashire Fire and Rescue Service also found the company did not have suitable fire detectors and alarms, failed to provide adequate fire safety training to staff, and failed to have appropriate procedures in place for dealing with fires. The employer was prosecuted and fined **£40,000** with **£25,000** costs

A Welsh recycling company has been fined **£45,000** plus **£3,207** costs after a visit by South Wales Fire and Rescue Service. The court was told one fire exit was completely blocked by stacked recycled material, and the only other one available had LPG cylinders and combustibles stored by it. Other offences included storing waste materials and LPG Cylinders inappropriately at the site and it was also found the site was not fitted with an appropriate working fire alarm system or any emergency lighting

JD Sports was fined **£60,000** in October 2017, following an inspection by West Midlands Fire Service (WMFS) at the retailer's Merry Hill premises in Dudley near Wolverhampton. Examples of the inspector's findings included corridors being used to house clothes rails and crates - in one example, there was only 30cm left available as an escape route. In addition, some corridors had packaging waste obstructing exits. JD Sports had conducted its own Fire Risk Assessment in 2014 which flagged concerns about blocked fire escape routes and fire exits. The WMFS inspection took place 18 months later and inspectors discovered that no-one had seriously addressed these issues

### Are your fire risk assessments adequate?

Clwyd Associates consultants are trained and experienced in fire risk assessment, having carried out assessments at a variety of commercial premises. We can complete your fire risk assessments or audit your current assessments – contact us for more information



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