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Transforming the approach to achieving fire safety in the UK

Abstract. This paper, will describe the evolution of the approach to achieving fire safety in occupied buildings in the UK, highlighting significant changes. The emphasis on prevention has increased, performance standards have replaced prescription, and the regulatory approach has been amended to focus on testing for compliance by the employer, along with other significant changes to the arrangements for fire and rescue services, as part of an integrated risk management framework.

Keywords: fire safety, prevention.

Historians often credit the Roman invasion in the year 64 as the starting point for an organised response to fires to the UK, along with several other welcome innovations such as central heating and sewage disposal. Building control measures to protect people from fire have broad and deep roots. Thatch was banned from use in the City of London in 1212, the Great Fire of London, 1666, destroyed 80% of the buildings and led to the King's proclamation to require that new buildings in the City were to be constructed from brick or stone, with wider streets than had been the norm before. The origins of „fire prevention”, in the way that we apply the term today, cannot be easily dated.

UK fire law that is applicable to the management of buildings has been transformed over the last ten years. Fire Brigades became involved in „enforcement” during the 1960's, following major incidents in shops and factories. The requirement to obtain a „fire certificate” was part of a centralised approach, applied to some factories, offices, shops and railway premises. The process of „certification” included application on a prescribed form, interim measures prior to inspection, an inspection by the regulator that could lead to a notice of works, and finally the issue of a document, setting out the „relevant measures”. This was a highly prescriptive process, as was the norm at that time, as the fire brigades had evolved from the emergency measures set up during and after World War II. Whilst the 1960's and 1970's laws achieved a great deal in terms of reducing the incidence of multi fatality fires, the emphasis was quite firmly on the enforcing body, almost exclusively the fire service, to drive the process and set the standards for fire precautions. It was impli-

cit in the fire certificate that all that had been approved and provided must be maintained, in many instances the issuing of the fire certificate was seen as the end of the process, allowing managers to get on with running the business, feeling little or no ownership or control over fire matters.

A „functional” approach towards fire protection issues was introduced in changes to the Building Regulations in the 1980's. Whilst offering designers a framework of matters that should be addressed, the Regulations were supported by a number of „Approved Documents” that contained outcome based statements, allowing the designer to innovate subject to the solution satisfying general requirements for the provision of life safety. This approach was later underpinned with guidance published as British Standards, giving reference points for the tests to be applied for the likely outcome of innovative solutions. The application of alternative solutions to those described in the approved documents has become to be seen as the „fire engineered approach”. Whilst the design and construction of new buildings was regulated by Local Authority Building Control Officers, the enforcement of fire safety requirements fell to the fire service on occupation of the building. Managers of occupied buildings were referred to a suite of guides that were produced by the Government, tailored to several „occupancy” types, setting out specifics such as travel distances, fire warning requirements, fire fighting equipment and signage.

UK law started to become aligned to the European Union in the 1990's. General health and safety legislation became underpinned by six fundamental regulations that included workplace safety. The approach to compliance was based on the responsible person (owner/employer) carrying out a risk assessment and taking suitable and sufficient steps to manage down risk, so that it was as low as reasonably practicable. Employers in

businesses with more complex risks were required to employ a person with suitable skills and knowledge (competent) to carry out the risk assessment. In most instances the significant findings of the assessment had to be recorded, as well as the actions to reduce risks. The „Fire Precautions (Workplace) Regulations 1997 implemented the EU directive for fire safety issues. The decision to continue the certification process and exempt premises that had one, caused a degree of confusion, but progressed the debate about the method of achieving fire safety – further shifting the responsibility from the regulator to the employer. The 1990's also saw the introduction of a new approach to achieving Building Regulations approval for plans. „Approved Inspectors” came into the legal framework, in effect private companies could be contracted to approve plans and issue completion certificates. This marked a significant change in the approach to regulation from a fire perspective, challenging the monopoly of the Local Authority's to regulated building work, and increasing the scope for innovation, as some major companies established relationships with approved inspectors.

The whole framework for fire and rescue services and associated fire laws came under review and scrutiny in the early 2000's. Strikes by the Fire Brigades Union brought the services to the attention of the Government and following a fairly swift review a new Act for Fire and Rescue Services (Fire and Rescue Services Act 2004) swept away prescribed standards of fire cover, centralised decision bodies, restrictions on selection and promotion processes and introduced a requirement for an „integrated risk management plan” to be created for each fire authority area, in consultation with the public and key stakeholders. This plan, the IRMP, is required to address all the actions of the service, including, specifically, fire prevention, protection and response. It should also be noted

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that „Fire and Rescue Service” (FRS) roles also include duties to deal with fires and other emergencies, that were not specific in the preceding 1947 Act. Another central control mechanism was removed at the same time – Her Majesty’s Inspector of Fire Services was replaced by the Chief Fire and Rescue Advisor. This effectively broke a historic link between Government and the services, with the intention, it was said, to allow innovation and local solutions to local issues. Pay and conditions remained to be set nationally, with facility for local negotiation to support local risk plans.

The „Regulatory Reform (Fire Safety) Order” 2005 cemented the changes started by the implementation of the EU Directive via the Workplace Regulations, and went a great deal further. Well over 100 pieces of fire law were either repealed or amended, creating a simple single piece of law, with its base tenet being that those identified as responsible persons (the employers usually) are required to ensure that fire risks are identified and addressed. The now familiar health and safety language of „suitable and sufficient” and „as low as reasonably practicable” can be seen in the tone and style of the law. Enforcement remained almost entirely with the fire and rescue authority, with minor exceptions for certain special risks, buildings under construction and those occupied by the Crown. The scope of the Act is almost total. Replacing a patchwork of historic laws with a simple list of exclusions, the most notable being private dwellings, the requirement to manage the risk of fire falls upon the management of all occupied buildings. The requirement to take actions to prevent a fire occurring is a major departure from all of the previous regimes, they had started with the assumption that a fire might occur and steps should be taken to protect people from it. Fire prevention is now a le-

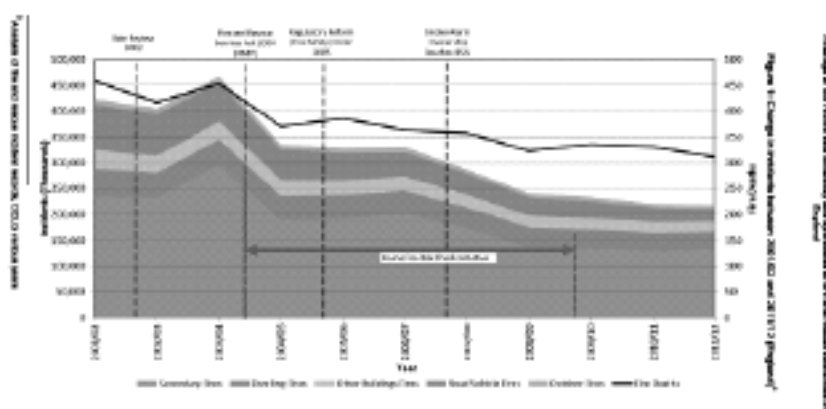


Fig. 2. Change in incidents between 2001/2 and 2011/12 (England)

gal requirement. Fire and Rescue Services now publicise their plans to check compliance with the law, with complete local freedom to determine priorities and degree of effort.

2014 has seen a further step change in the shift of Governmental or central control of fire safety issues. Following extensive pilot testing, supported by the UK Chief Fire Offi-

cers Association, the door has been opened for businesses to enter into a relationship with a fire and rescue service, on what has become to be known as a „Primary Authority Scheme” basis. A business with premises across England and Wales can form an agreement with any fire and rescue service, with intent to gain „assured advice”, effectively

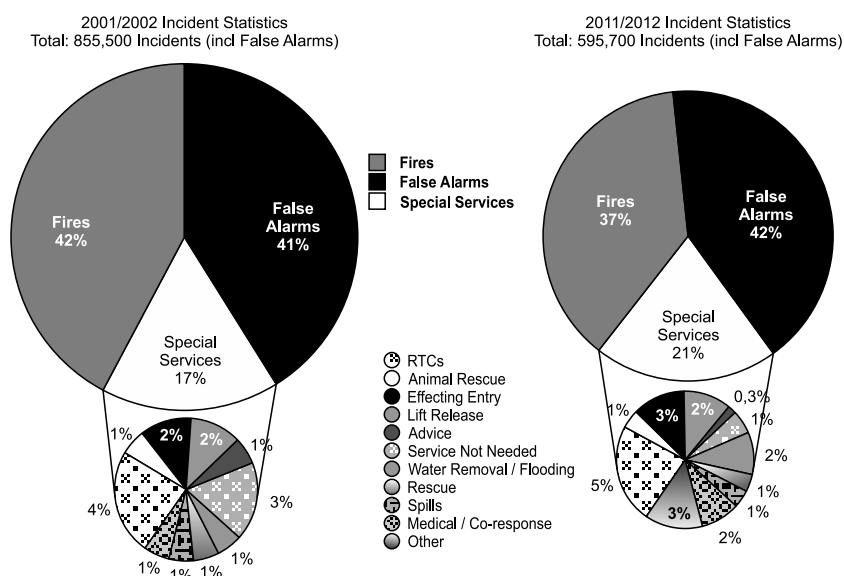


Fig 3. Breakdown of types of work done by Fire and Rescue Services 2001/2 – 2011/12

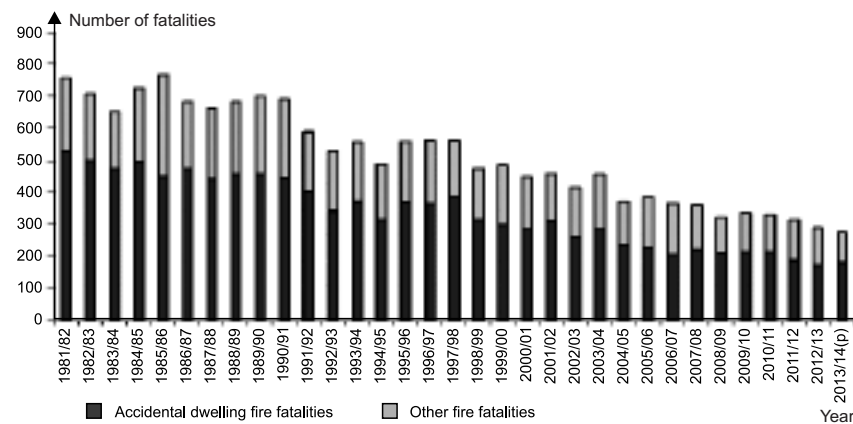


Fig. 1. Fire fatalities, England. 1981-82 to 2013-14 (p)

stepping in to replace the local service enforcement role. By testing strategic and operational compliance the partner business, developing greater understanding of the risks and controls, it is intended to support further innovation and remove inconsistency, seen to be an unnecessary cost on businesses struggling to recover from the recession.

The statistics for fire in England and Wales portray a remarkable story, over the period referred to in this paper. For reasons that include all of the above, and more, the headlines are (taken from Sir Ken Knights review „Facing the Future” May 2103) – in the last decade: *(continued on page 138)*