



# FIRE SAFETY POLICY

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## **1.0 Introduction and objectives**

- 1.1 As a landlord, Arun District Council (Arun) is responsible for carrying out fire risk assessments, and taking action to identify, manage and mitigate risks associated with fire within the common 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 Committee, Corporate Management Team, employees, partners, and tenants are clear on our legal and regulatory fire safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

## **2.0 Scope**

- 2.1 The properties within scope of this policy are general needs, sheltered accommodation and temporary accommodation owned and managed by Arun. This policy does not include for commercial and public buildings.
- 2.2 This policy is relevant to all our councillors, employees, tenants, 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.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon Arun to maintain a safe environment for tenants and employees, within the home of each tenant, and within all common areas of buildings and other properties we own and manage. Adherence to this policy is mandatory.

## **3.0 Roles and responsibilities**

- 3.1 Arun is the 'Responsible Person' for the purposes of the legislation because we own and manage homes and buildings where tenants and leaseholders live.
- 3.2 The Council has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards and has appointed the Housing and Wellbeing Committee with responsibility to achieve this. As such, the Housing and Wellbeing Committee will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).

- 3.3 For assurance that this policy is operating effectively in practice, the Housing and Wellbeing Committee will receive regular updates on its implementation, fire safety performance and non-compliance.
- 3.4 The Corporate Management Team (CMT) will receive monthly performance reports in respect of fire safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.5 The Director of Environment & Communities has strategic responsibility for the management of fire safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.6 The Compliance Manager has operational responsibility for the management of fire safety and will be responsible for overseeing the delivery of these programmes.
- 3.7 Neighbourhood teams will provide support where gaining access to properties is difficult.

#### **4.0 Legislation, guidance and regulatory standards**

4.1 **Legislation** - The principal legislation applicable to this policy is as follows:

- a) Regulatory Reform (Fire Safety) Order 2005 (FSO)
- b) The Fire Safety Act 2021 came into force on 16 May 2022 and amends the FSO
- c) The Fire Safety (England) Regulations 2022 are being laid under the FSO and will come into effect on 23 January 2023. As a result, this may impact definitions and requirements and result in further changes to this policy
- d) The Building Safety Act 2022 will amend the FSO when it comes into effect from approximately April 2023. As a result, this may impact definitions and requirements and result in further changes to this policy

4.1.1 This policy also operates within the context of additional legislation, industry guidance and government policy direction (see Appendix 1).

4.2 **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. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

4.3 **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 from the Regulator of Social Housing.

## 5.0 Obligations

### 5.1 Regulatory Reform (Fire Safety) Order 2005 (the FSO)

5.1.1 The Responsible Person (Arun) must:

- a) Carry out a fire risk assessment (FRA) for the purpose of identifying the general fire precautions and other measures needed to comply with the FSO. Although under the FSO this requirement only applies to common parts of premises, in practice the Responsible Person will need to consider the entire premises, including units of residential accommodation.
- b) Consider who may be especially at risk.
- c) Implement all necessary general fire precautions and any other necessary measures identified by an FRA to remove or reduce any risks.
- d) Implement a suitable system of maintenance and appoint competent persons to carry out any procedures that have been adopted.
- e) Periodically review FRAs in a timescale appropriate to the premises and occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the FRA.

### 5.3 Fire Safety Act 2021

5.3.1 The Act amends the FSO by clarifying that in buildings with two or more sets of domestic premises, the FSO applies to:

- a) the structure and external walls of the building, including cladding, balconies and windows; and
- b) all doors between the domestic premises and the common parts, for example, entrance doors to individual flats which open on to common parts.

5.3.2 The Responsible Person must ensure that FRAs comply with the criteria outlined above by appointing a competent person to review them (if the FRAs do not already comply). See Section 11 for competency requirements.

## 5.4 **Fire Safety (England) Regulations 2022**

5.4.1 When the Regulations come into force on 23 January 2023 the Responsible Person will be required to:

- a) For all buildings - provide tenants with fire safety instructions and information on fire doors
- b) For buildings over 11 metres - undertake quarterly checks of communal fire doors and annual checks of flat entrance doors
- c) There are other provisions for buildings over 18 metres which are not applicable to Arun as we do not have any buildings of this height.

## 5.5 **Building Safety Act 2022**

5.5.1 As well as the provisions for buildings over 18 metres, the Building Safety Act will also amend the FSO when it comes into effect from approximately April 2023. The amendments will be applicable to all buildings where the FSO applies and will require the Responsible Person to:

- a) Record FRAs in full and record fire safety arrangements.
- b) Appoint a competent person to undertake/review FRAs and record their identity.
- c) Ascertain whether other Responsible Persons have duties in respect of the premises and share relevant information with them.
- d) Provide relevant fire safety information to tenants (for buildings with two or more domestic premises).
- e) For higher-risk buildings (as defined in within the Act), ascertain if the premises has an Accountable Person and co-operate with them to enable them to carry out their duties under the Act.

## 6.0 **Statement of intent**

6.1 We acknowledge and accept our responsibilities under the FSO (as amended by the Fire Safety Act 2021) as outlined in Section 5. Where legislation has not yet come into force, we will monitor this regularly and update this policy accordingly.

6.2 We will review all our FRAs to ensure they meet the requirements set out in the Fire Safety Act 2021 by 29 April 2022.

6.3 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 79-1:2020 and PAS 79-2:2020 specifications for non-residential and residential buildings respectively.

- 6.4 All FRAs will be reviewed annually and in the event of:
- a) A fire, fire safety incident or near miss
  - b) Change in building use
  - c) Change in working practices that may affect fire safety
  - d) Following refurbishment works
  - e) Change in applicable legislation; or
  - f) If required following an independent fire safety audit.
  - g) We will operate robust processes to implement all general fire precaution measures identified by FRAs.
- 6.5 Fire evacuation strategies will be determined on a building-by-building basis, in accordance with the recommendations of the competent fire risk assessor and with any guidance from West Sussex Fire and Rescue Service Fire.
- 6.6 To comply with the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which come into force on 1 October 2022, we will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage). We have a target date of 1 October 2023 to ensure each property has a smoke alarm and carbon monoxide alarm installed.
- 6.7 If we are made aware that a customer has an issue with mobility or a cognitive impairment, a person-centred fire risk assessment (PCFRA) will be completed.
- 6.8 Personal Emergency Evacuation Plans (PEEPs) will be carried out by a competent person, reviewed annually, and made available to the Fire and Rescue Service in the event of an evacuation, as follows:
- a) For any disabled tenant and/or employee within any building where we provide care services and are the employer (i.e., sheltered or supported housing schemes); and
  - b) For any tenant 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



- c) For any person occupying a flat in a general needs building who may need assistance to evacuate in the event of a fire; in these instances, we place the information within the premises information box
- 6.9 When letting properties, we will consider the suitability of the accommodation for the prospective tenant in respect of fire safety.
- 6.10 We are committed to working with West Sussex 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 advise all new tenants of the opportunity to request a free home fire safety check, provided by West Sussex Fire and Rescue Service.
- 6.12 We will operate robust processes to gain access should any tenant 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).
- 6.13 We will operate robust processes to gain access to properties where tenant vulnerability issues are known or identified (including hoarding), whilst ensuring we safeguard the wellbeing of the tenant.
- 6.14 We will operate effective contract management arrangements with the 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.
- 6.15 We will operate a robust process to manage immediately dangerous situations identified during fire safety programmes.
- 6.16 We are adopting a sterile environment approach in all internal common areas, requiring tenants to remove combustible materials from corridors and fire escape routes. This will be fully implemented by 1 April 2023.
- 6.17 We will not permit the storage of mobility scooters within internal common areas.
- 6.18 We will establish and maintain a risk assessment for fire safety management and operations, setting out our key fire safety risks and appropriate mitigations.
- 6.19 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement and refurbishment works.

- 6.20 To comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002, we will consider the safety of our workplaces and plant/boiler rooms of our residential blocks.
- 6.21 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.
- 6.22 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 and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

## **7.0 Programmes**

- 7.1 **FRAs** - We will ensure all our communal blocks and other properties with common areas, that we own or manage, have an FRA in place where we have the legal obligation to do so. All FRAs will be reviewed annually.
  - 7.1.1 All FRAs will be Type 3 surveys. Type 2 and Type 4 surveys will only be commissioned where it is deemed appropriate for a particular property.
  - 7.1.2 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 three months after the first tenant moves in.
- 7.2 **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.
- 7.3 **Fire door checks** - To comply with the Fire Safety (England) Regulations, we will undertake quarterly checks of communal fire doors and annual checks of flat entrance doors to all buildings over 11 meters in height.
  - 7.3.1 For all other communal blocks and other properties with common areas, we will undertake a six-monthly check of all communal fire doors and an annual check of 25 per cent sample of flat entrance doors. This sample will increase if issues are found on the initial sample.
- 7.4 **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 and manage.

7.5 **Regular inspections** – We will carry out a programme of monthly 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 general fire precaution measures identified by FRAs, in accordance with the following priorities and timescales:

a) Intolerable risk – within 24 hours

b) High risk – within one month

c) Medium risk – within three months

d) 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 records**

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 not omitted 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. These will be held in the QL and Geometra systems.

9.4 We will keep fire safety logbooks electronically for all properties on the FRA programme.

9.5 We will keep all records and data indefinitely and will have robust processes and controls in place to maintain appropriate levels of security for all fire safety related data.

## **10.0 Tenant engagement**

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

## **11.0 Competent persons**

- 11.1 The Compliance Manager will hold the NEBOSH National Certificate in Fire Safety and Risk Management (or equivalent), or Level 4 VRQ Diploma in Asset and Building Management. 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 be in line with the Fire Sector Federation's guidance on choosing a competent Fire Risk Assessor.
- 11.3 Only suitably competent fire safety consultants and contractors will provide third party technical quality assurance checks.
- 11.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification 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 CMT monthly and to the Housing and Wellbeing Committee on a quarterly basis. As a minimum, we will report:

- a) Data – the total number of:
- b) Properties – communal blocks and other properties
- c) Properties on the FRA programme
- d) Properties not on the FRA programme
- e) Properties with a valid and in date FRA
- f) Properties without a valid and in date FRA
- g) Properties due a new FRA within the next 90 days; and
- h) Completed, in-time and overdue follow-up works/actions arising from the programme (split by priority).

13.2 Narrative - an explanation of the:

- a) Current position
- b) Corrective action required
- c) Anticipated impact of corrective action; and
- d) Progress with completion of follow-up works.

13.3 In addition:

- a) Compliance with the fire safety equipment, systems and installations servicing and maintenance programme
- b) The number of RIDDOR notifications to the HSE with regards to fire safety
- c) Details of any enforcement notices from the Fire and Rescue Service or other enforcement bodies
- d) 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 five per cent sample basis. These will be implemented by March 2023.

14.2 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.

14.3 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 Significant non-compliance and escalation**

15.1 Our definition of significant 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 Compliance Manager in the first instance, who will agree an appropriate course of corrective action with the Head of Housing and report details of the same to CMT.

15.3 In cases of serious non-compliance, CMT and the Housing and Wellbeing Committee 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:

- a) 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
- b) 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
- c) 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).

d) IFSM: The Institute of Fire Safety Managers

e) 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.

f) 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.

g) 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.

## **Appendix 1 – Additional legislation and policy direction**

**Legislation** - This policy also operates within the context of the following legislation:

- a) The Defective Premises Act 1972
- b) Health and Safety at Work Act 1974
- c) The Occupiers' Liability Act 1984
- d) Furniture and Furnishings (Fire) (Safety) Regulations 1988
- e) Health and Safety (Safety Signs and Signals) Regulations 1996
- f) Gas Safety (Installation and Use) Regulations 1998
- g) Management of Health and Safety at Work Regulations 1999
- h) Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
- i) Housing Act 2004
- j) Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- k) Management of Houses in Multiple Occupation (England) Regulations 2006
- l) Building Regulations 2010: Approved Document B Fire Safety
- m) Homes (Fitness for Human Habitation) Act 2018
- n) Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- o) Construction (Design and Management) Regulations 2015
- p) Electrical Equipment (Safety) Regulations 2016
- q) Data Protection Act 2018
- r) Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022



**Guidance** – The principal guidance documents applicable to this policy are:

- a) Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing (Local Authorities Coordinators of Regulatory Services), August 2008
- b) Fire safety in purpose-built blocks of flats, 2011 (hosted by the Home Office and to be read alongside the National Fire Chiefs Council's guidance on simultaneous evacuation). [Note this guidance should be viewed as no longer comprehensive; the Home Office is currently working on a revised version but in the interim, it is continued to be made available as it contains relevant and useful information for purpose-built blocks of flats]
- c) Fire Safety in Specialised Housing (National Fire Chiefs Council), May 2017. This guidance covers sheltered schemes, supported schemes and extra care schemes
- d) Housing Health and Safety Rating System Operating Guidance: Housing Act 2004 Guidance about inspections and assessment of hazards given under Section 9 (Ministry of Housing, Communities & Local Government), February 2006
- e) Housing Health and Safety Rating System Operating Guidance: Addendum for the profile for the hazard of fire and in relation to cladding systems on high rise
- f) residential buildings (Ministry of Housing, Communities & Local Government), November 2018
- g) Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (Ministry of Housing, Communities & Local Government), January 2020
- h) Simultaneous Evacuation Guidance: Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built blocks of flats (National Fire Chiefs Council), October 2020.

**Additional guidance and 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:

- a) Fire Sector Federation – Approved Code of Practice: A National Framework for Fire Risk Assessor Competency (November 2020)
- b) Fire Sector Federation – A Guide to Choosing a Competent Fire Risk Assessor (Version 3, October 2020)
- c) Setting the Bar: A new competence regime for building a safer future (October 2020)
- d) The Regulatory Reform (Fire Safety) Order 2005: Call for Evidence (July 2019), and summary of responses (March 2020)
- e) Building a Safer Future - Proposals for reform of the building safety regulatory system: A consultation (June 2019)
- f) Grenfell Tower Inquiry: phase 1 report. Volume 1 – 4 (October 2019)
- g) Building a Safer Future - Independent Review of Building Regulations and Fire Safety: Final Report (May 2018)