



LONDON FIRE BRIGADE

## FIRE SAFETY GUIDANCE NOTE

# Regulatory Reform (Fire Safety) Order 2005

Number:

# GN66

This Guidance Note provides advice on the requirements of the Regulatory Reform (Fire Safety) Order 2005 and how to complete a risk assessment for commercial premises.

This Note is one of a series produced by the Authority to provide advice on various aspects of fire safety. If you require any further guidance on the advice given or require advice on another topic please contact your local borough Fire and Community Safety Centre or visit the London Fire Brigade web site at <http://www.london-fire.gov.uk>

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## 1 ABOUT THE ORDER

- 1.1 The Regulatory Reform (Fire Safety) Order 2005 (hereinafter referred to as "the Order") came into force on 1 October 2006. The Order, made under the Regulatory Reform Act 2001, replaced many existing pieces of legislation including the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997 with a simple, single piece of legislation. Fire certificates are no longer issued.
- 1.2 The Order makes specific requirements for fire precautionary matters in the premises to which it applies. "Premises" includes any shared areas or common parts of the building e.g. staircases, corridors and shared facilities such as the fire alarm.
- 1.3 The 'responsible person' for complying with the Order in respect of any premises is:
- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control.
  - (b) in relation to any premises that are not a workplace:
    - 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 addition, the Order is also imposed upon every person who has, to any extent, control of the premises so far as the requirements relate to matters within his control.

## 2 WORKPLACES TO WHICH THE ORDER DOES NOT APPLY

- 2.1 The following premises are exempt from the requirements of the Order; all other types of premises must comply:
- Single private dwelling,
  - Any aircraft, locomotive or rolling stock etc which is in use as a means of transport,
  - Mines, other than any building on the surface of a mine,
  - A borehole site to which the Borehole Sites and Operations Regulations 1995 apply,
  - Agricultural or forestry land which is not inside a building and is situated away from the undertaking's main buildings,
  - Offshore installations (workplaces to which the Offshore Installations and Pipelines Work (Management and Administration) Regulations 1995 apply),
  - Ships, in respect of the normal ship-board activities carried out by the master and crew of the ship.
- 2.2 If you require further clarification on whether your premises must comply with the Order please contact your local Fire and Community Safety Centre.

## 3 ACTION REQUIRED BY THE RESPONSIBLE PERSON

- 3.1 Where the Order applies to your premises you must carry out a FIRE RISK ASSESSMENT and make an EMERGENCY PLAN.

- 3.2 A FIRE RISK ASSESSMENT should be a structured and systematic examination of the premises to identify the hazards from fire. Once identified, you must then decide if a hazard is significant, who is at risk and whether the existing fire precautions are adequate so that the risk associated with the hazard is acceptably low. If the existing fire precautions are not adequate you must take additional action to minimise the risk either by removing or reducing the hazard or by providing adequate control measures.
- 3.3 You must also make an EMERGENCY PLAN to plan the action that your employees and other people in the premises should take in the event of a fire. This EMERGENCY PLAN may need to be recorded (see below); if so, it should be kept in the premises, be available to your employees and the employees' representatives (where appointed) and form the basis of the training and instruction you provide. In drawing up the EMERGENCY PLAN, you need to take the results of your risk assessment into account.
- 3.4 You must record your FIRE RISK ASSESSMENT and EMERGENCY PLAN if;
- You employ five or more people,
  - A licence under an enactment is in force in respect of the premises, or
  - An Alterations Notice requiring this is in force in respect of the premises.
- 3.5 The recorded FIRE RISK ASSESSMENT and EMERGENCY PLAN should be kept available for inspection by the fire authority.
- 3.6 Together your FIRE RISK ASSESSMENT and EMERGENCY PLAN should cover the following matters:
- Identify all the significant fire hazards,
  - Identify the 'relevant persons' who are at risk from each fire hazard (this includes any person who may lawfully be on the premises and may also include any person in the immediate vicinity of the premises who may be affected by a fire on the premises),
  - Identify any group of persons who are especially at risk,
  - Consideration of any dangerous substances on the premises (including any explosive atmosphere created by dust)
  - Evaluate if existing control measures reduce risk to a tolerable level,
  - Determine what additional measures are required (include – action required/by when/by whom),
  - The means of escape from the premises in case of fire,
  - The means of detection and giving warning in case of fire,
  - The means of fighting fire,
  - Planning for an emergency – including specific responsibilities and actions,
  - Training, information and instruction to staff about fire precautions in the work place,
  - Effective maintenance and testing of fire safety equipment and precautions.
- 3.7 When changes are made in your premises which have an effect on the fire risk, people at risk or a control measure, you must review your FIRE RISK ASSESSMENT to ensure that any significant changes are effectively addressed. The fire safety measures for your premises need only be sufficient to deal with your particular fire risks. If sufficient measures are already in place then further action may not be necessary.
- 3.8 There are nine other legal duties you need to know:

- (a) You must make appropriate fire safety arrangements identified by your FIRE RISK ASSESSMENT
  - (b) You must nominate people to undertake any special roles identified in your EMERGENCY PLAN,
  - (c) You must consult your employees (or their representatives) about nominations to perform special roles and about your proposals for improving the fire precautions,
  - (d) You must inform other responsible persons in the building about any significant risks you found which might affect the safety of their employees and co-operate with them about measures to reduce the risk,
  - (e) If you are not an employer but have any control over a premises you also have responsibility to ensure compliance with the Order in those parts of the building over which you have control,
  - (f) You must establish a suitable and readily available method of calling the emergency service,
  - (g) Your employees are required to co-operate with you to ensure the premises is safe from fire.
  - (h) You must, so far as is reasonably practicable, eliminate or reduce the risk from dangerous substances.
  - (i) You must provide information to your employees on the risks identified by the risk assessment and the preventive and control measures you have put in place.
- 3.9 The Government has produced a series of Fire Safety Guides for different types of premises as listed in the Bibliography in Section 13 of this Guidance Note. We strongly recommend that you obtain a copy of the relevant Fire Safety Guide for your premises.

## **4 RESPONSIBILITY FOR ENFORCEMENT OF THE ORDER**

- 4.1 Local fire & rescue authorities have responsibility for the supervision and enforcement of the Order. If the Authority thinks you need to take further precautions, a Fire Safety Inspecting Officer will discuss the relevant matters with you and highlight the general areas of concern. It is, however, the responsible person's duty to identify and take appropriate measures to comply with the Order.
- 4.2 The Authority has formal powers that can be used in serious cases: these include the ability to prohibit, with immediate effect, the use of all or part of your premises. There is also a power to serve an 'enforcement notice', requiring you to take steps to comply with the Order. However, failure to comply with the Order, in a way which places one or more employees at risk of death or serious injury in case of fire, is a criminal offence in itself; in such cases the Authority may prosecute in the Courts.
- ### **4.3 If you make changes to your premises**
- 4.4 In most cases you will be able to make changes to your premises but you must remember that you will be responsible for managing the risk you create and you will still have to comply with the planning process and Building Regulations. You will need to revisit your fire risk assessment and look at how the changes will affect the risk in your premises, assess if your risk management measures are adequate and if you need to adopt further measures.
- 4.5 In some higher risk premises, for example, those in which the risk to life can be said to be higher than normal or where particularly complicated fire safety arrangements are required, the Authority may issue an 'alterations notice'. An alterations notice can require a responsible person to inform the Authority of any changes they intend to make to premises where those changes would create a significant increase in the risk.

## 5 HOW TO CONDUCT A RISK ASSESSMENT

- 5.1 A FIRE RISK ASSESSMENT is concerned with the identification of fire hazards and the risk associated with them. A hazard is something that has the potential to cause harm, while risk is the chance of that hazard actually causing harm.
- 5.2 For example, a highly flammable liquid is an obvious fire hazard, but the risk associated with it would depend on the circumstances. If the amount was significant and it was situated in an area where people were present, and there was an adjacent source of ignition, then it could be said that the fire risk was high. On the other hand, if the amount was small and it was kept in a secure flammable liquids store away from any source of ignition then the risk associated with it could be said to be low.
- 5.3 Your FIRE RISK ASSESSMENT is simply a process, which identifies all the fire hazards and risks present in your premises and then determines whether they are acceptable or whether further action is required to reduce or control them.
- 5.4 The assessment must be tailored to the particular premises under consideration and must be carried out by somebody who is competent and:
- Understands basic fire safety principles,
  - Is competent in FIRE RISK ASSESSMENT, and
  - Has the requisite knowledge relating to the particular premises.
- 5.5 Someone will be 'competent' for the purpose of the Order, if he or she "has sufficient training and experience or knowledge and other qualities to enable them to properly assist in undertaking the preventive and protective measures". Competence must be judged in the context of the size and complexity of the premises. In complex premises such as a large factory the competent person is likely to be an "in house" safety specialist. Alternatively, in a small office, familiarity with the "common sense" measures contained in the appropriate Fire Safety Guide should normally prove sufficient.
- 5.6 In the majority of premises the level of competence required should be available from within the workforce. You and your managers, workers and safety representatives etc are best placed to have the requisite knowledge about your business. Alternatively, if you do not have a competent employee, consultants can perform the assessment for you, providing information about your premises has been made available to them as part of the process. However the responsible person retains full responsibility for fire safety in the premises and must make sure that all safety measures are maintained through day to day management systems.

## 6 IDENTIFYING THE FIRE HAZARDS

- 6.1 For fire to occur there must be:
- A source of ignition,
  - Fuel, and
  - Oxygen.
- 6.2 If all three are present and in close proximity in the premises, then the fire risk could increase as a result. In the average premises, fire hazards will fall into the first two categories, whilst the oxygen will be present in the air in the surrounding space. Occasionally oxygen can be found in chemical form (oxidising agents) or as a gas in cylinders or piped systems.
- 6.3 Potential sources of ignition could include:
- Naked flames - smokers materials, matches, pilot flames, gas/oil heaters, gas welding, cookers, arson, etc.,

- Hot surfaces - heaters, engines, boilers, machinery, lighting (e.g. halogen lamps), electrical equipment, etc.,
- Hot work - welding, grinding, flame cutting, etc.,
- Friction - drive belts, worn bearings, etc.,
- Sparks - static electricity, metal impact, grinding, electrical contacts/switches, etc.

6.4 Potential sources of fuel. Anything that burns is a potential fuel, examples include:

- Solids - textiles, wood, paper, card, plastics, rubber, PU foam, furniture, fixtures/fittings, packaging, waste materials, etc.,
- Liquids - solvents (petrol, white spirit, meths, paraffin, thinners, etc.), paints, varnish, adhesives, etc.,
- Gases - LPG, acetylene.

Your risk assessment should list the potential sources of ignition and fuels that are present in your premises.

## 7 IDENTIFYING THOSE PERSONS AT RISK

7.1 If there is a fire, the greatest danger is the spread of fire, heat and smoke through the premises. If this happens, the main risk to people is from the smoke and products of combustion, which can very quickly incapacitate those escaping. If the premises do not have adequate means of escape or a fire can grow to an appreciable size before it is noticed, then people may become trapped or overcome by heat and smoke before they can evacuate.

7.2 Your assessment of risk to 'relevant persons' should include:

- The likely speed of growth and spread of any fire, and associated heat and smoke (remember some fuels burn much faster and produce more toxic products than others do).
- The numbers of persons working in the area (including contractors, visitors, members of the public, etc.),
- How will they become aware of any fire that occurs (will any outbreak be conspicuous or will some form of fire detection and alarm system be required?), and
- How will they make their escape (can they make their way out quickly, easily and safely?).
- How will a fire affect persons in the immediate vicinity of the premises (e.g. the effect on nearby residents if the fire were to cause dangerous substances to be released into the atmosphere).

## 8 EVALUATING THE RISKS

8.1 Once the hazards and the persons at risk have been recorded, you must assess the effect of any particular hazard on the occupants of the premises, taking account of any existing control measures that are already in place. Once this has been done, you must decide if any further control measures are needed in order to reduce the risk to an acceptable level.

8.2 Further control measures may act to reduce the possibility of ignition, minimise the potential fuel load in the premises, or assist persons to escape from the effects of a fire, should it occur.

8.3 They may fall into a number of different categories:

- Fire safety management systems,

- Means of escape,
  - Staff training,
  - Fire warning systems,
  - Means of fighting fire.
- 8.4 Different control measures can be applied to reduce the risk to an acceptable level. For example, if the risk is the possibility of a fast growing fire, potential control measures could include one or any combination of the following:
- Changing the process to use a slower burning fuel,
  - Removing all possible ignition sources,
  - Moving the hazard to an area that affects the minimum of persons, e.g. outside the premises,
  - Providing an additional exit/protected route to speed the escape of the occupants,
  - Providing a fire detection and alarm system to warn persons of the fire in its early stages,
  - Training the staff to reduce the possibility of a fire occurring, e.g. housekeeping/safe working practices,
  - Providing appropriate fire fighting equipment/fixed installation e.g. sprinkler system.
- 8.5 While this list is not exhaustive and applies to one area of risk only, it can be seen that there may be a number of different solutions depending on the nature of the situation.
- 8.6 If any areas of inadequacy are identified, an action plan must be included to show how the problem is being addressed. This should include time scales for achieving the required level of control and specify who is responsible for the action.
- 8.7 If your premises are situated in a relatively modern building it should already incorporate important control measures that were installed to meet the requirements of the Building Regulations e.g. fire escape staircases, fire lobbies, fire doors, emergency lighting etc. Many of these measures will also be found in older buildings. You should include details of these existing control measures in your FIRE RISK ASSESSMENT. Remember, a full understanding and evaluation of the existing control measures is essential – it is your starting point for deciding if any further action is necessary.

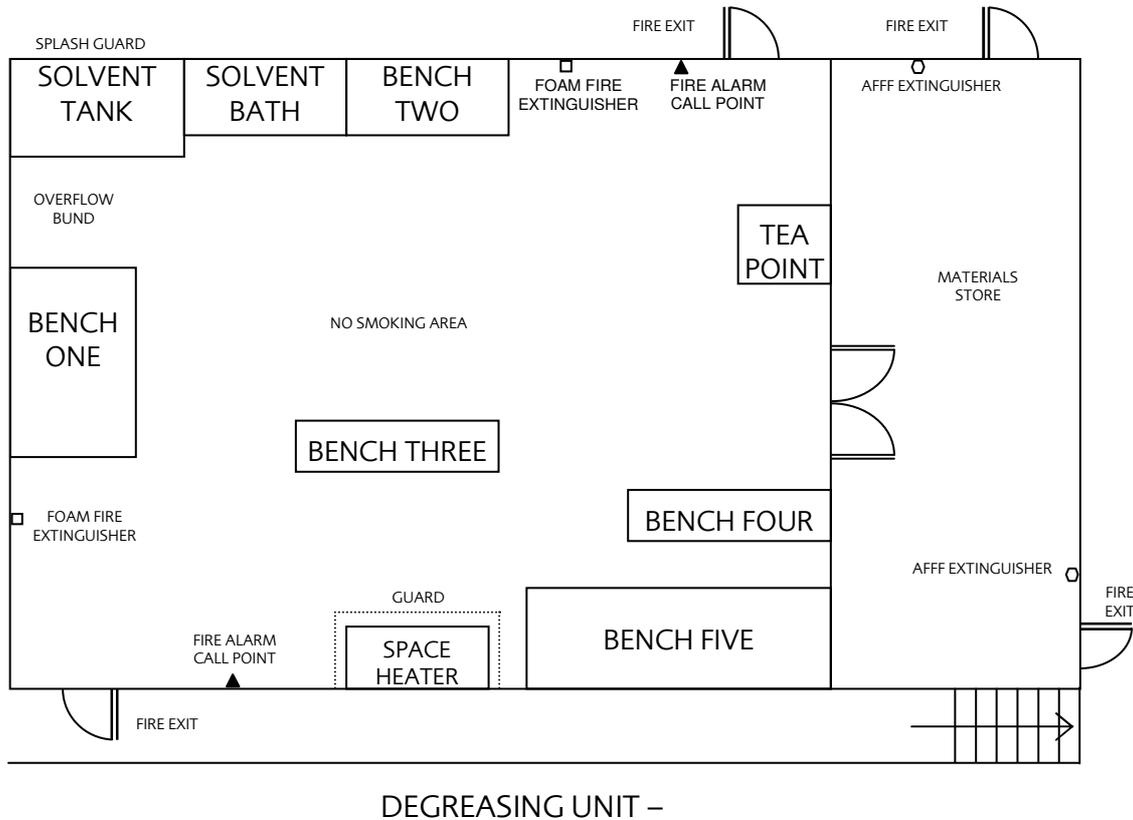
## 9 RECORD SIGNIFICANT FINDINGS AND ACTIONS TAKEN

- 9.1 If you employ five or more employees, a licence under an enactment is in force in respect of the premises or an Alterations Notice requiring such is in force in respect of the premises, you must record the significant findings of your risk assessment, together with details of any people that are at particular risk. More importantly, the record must show whether the existing control measures are adequate and, if not, what further action is required to reduce the risk to an acceptable level. An example of how this can be achieved is given in the table on page 8 (fig. 1). Remember to ensure that any control measures identified or introduced remain effective by testing and maintaining them regularly.
- 9.2 For larger premises you are encouraged to include a simple floor plan in your FIRE RISK ASSESSMENT. You can use the plan to record fire hazards and control measures in a simple format that is readily understandable. An example of a simple floor plan is also shown on page 9 (fig. 2).

**Fig. 1: Example of a simple recorded risk assessment**

Significant hazards	People/groups who are at risk from the hazards	Existing Controls	Further Action Required. (1) When? & (2) by whom?
		(A) = Adequate (I) = Inadequate	
250 litre solvent tank in ground floor workshop Space Heater  (refer to plan below)	Ground floor component degreasing operatives	Solvent kept in purpose built washing tank, with lid, splash guard and overflow bund (A) 2 Foam extinguishers adjacent to tank - operatives trained in use (I)  Wire mesh guards to space heater burner, naked flame present - possible ignition source for flammable vapours (I) 2 signed fire exits (A) No smoking policy (A) Staff trained in fire plan (A) Fire alarm to BS 5839 (A)	Nil  Foam extinguishers require servicing (1) 1 month (2) Mr Jones Replace space heater with electrical radiator (not radiant element type) (1) Immediately (2) Mr. Jones Nil Nil Nil Nil
Storage of flammable items in ground floor materials store.	Ground floor store workers.	Tidy store separated from remainder of floor by fire door & provided with 2 AFFF fire extinguishers (A) No smoking policy but smoking evident (I)  2 Fire Exits from store area – rear door hard to open (I) Staff trained in fire plan (A) Fire Alarm to BS 5839 (A)	Nil  Reinforce no smoking policy (1) Immediately (2) Mrs. Brown Repair fire door (1) 1 week (2) Mr. Jones to arrange Nil Nil
General hazards associated with medium sized open plan office Gas hob at tea point	First floor office workers	First floor provided with external fire escape stair (I) Fire blanket (I) Staff trained in fire plan (I)  No smoking policy (A) 2 AFFF fire extinguishers (A) Fire alarm BS 5839 (A)	Provide fire exit sign Provide weather protection (1) Immediately (2) Mr. Jones Replace with microwave oven (1) Immediately (2) Mrs. Brown Additional fire marshal required. (1) 1 month (2) Mrs. Brown Nil Nil Nil

**Fig. 2: Example of a floor plan used to identify fire risks**



## 10 THE EMERGENCY PLAN

10.1 You must also make an EMERGENCY PLAN. This will be specific to the premises and will detail the pre-planned procedures in place for use in the event of a fire. This must include the following features:

- Action on discovering a fire,
- Warning if there is a fire,
- Calling the fire brigade,
- Evacuation of the premises including those particularly at risk,
- Power/process isolation,
- Places of assembly and roll call,
- Liaison with emergency services,
- Identification of key escape routes,
- The fire fighting equipment provided,
- Specific responsibilities in the event of a fire,
- Training required.

- 10.2 If your RISK ASSESSMENT needs to be recorded, your EMERGENCY PLAN must be recorded, too. Remember to test your EMERGENCY PLAN by practising it with your employees, and if necessary discuss it with your local emergency services.

## 11 ADDITIONAL INFORMATION

11.1 You may find it useful to record the following additional information with your risk assessment:

- Postal address including postcode,
- Name of employer and contact number,
- Owner or agent (if different) and contact number,
- Nature of occupancy (brief description of the use of the premises),
- Use of remainder of building (if applicable),
- Construction of building (brief description of building, e.g. modern multi-storey office),
- Location of premises in building (e.g. ground and first floors),
- Total number of floors in building. Number of staircases available as exit route from premises,
- Size of premises (approx. total area in sq. metres),
- Size of building (approx. total area in sq. metres),
- Detection and alarm system (e.g. smoke detectors, bells or BS 5839 Pt 1),
- Number of final exits (i.e. no. of exits from the ground floor used by persons in the premises),
- Maximum number of employees in premises,
- Maximum number of other persons in premises,
- Name of Fire Safety Manager,
- Person completing risk assessment, if different.

## 12 REVIEWING AND REVISING THE RISK ASSESSMENT

12.1 It is important to remember that FIRE RISK ASSESSMENT is a continuous process and as such must be monitored and audited. New and existing control measures should be maintained to ensure that they are still working effectively.

12.2 However, if you introduce changes into your premises your original risk assessment may not address any new hazards or risk arising from them. For this reason it is also important to review and revise your assessment regularly. This does not mean that it is necessary to amend your assessment for every trivial change that occurs, but the impact of any significant change should be considered. For example:

- A new work process may introduce additional fuels or ignition sources,
- Changes to furniture layout or internal partitions could affect the ability for employees to see a fire and escape in time,
- Increasing the number of employees may mean that a fire exit is now too small to cope with their escape within a safe period,
- Occupying another floor of the building may mean that an electrical fire warning system is now necessary, etc.

12.3 The above list is not exhaustive and any change that could lead to new hazards or risks should be considered.

### 13 BIBLIOGRAPHY

13.1 Further advice may be obtained from the following publications:

The Stationery Office (Mail, Telephone, Fax & Internet Orders)  TSO Orders/Post Cash Dept PO Box 29 Norwich NR3 1GN  Telephone: 0870 600 5522 Fax orders: 0870 600 5533 Web: <a href="http://www.tso.co.uk">www.tso.co.uk</a>	Fire safety in offices and shops ISBN-13: 978 1 85112 815 0
	Fire safety in factories and warehouses ISBN-13: 9778 1 85112 816 7
	Fire safety in premises providing sleeping accommodation ISBN-13: 978 1 85112 817 4
	Fire safety in residential care premises ISBN-13:978 1 85112 818 1
	Fire safety in educational premises ISBN-13: 978 1 85112 819 8
	Fire safety in small and medium places of assembly ISBN-13: 978 1 85112 820 4
	Fire safety in large places of assembly ISBN-13: 978 1 85112 821 1
	Fire safety in theatres and cinemas ISBN-13: 978 1 85112 822 8
	Fire safety at outdoor events ISBN-13: 978 1 85112 823 5
	Fire safety in healthcare premises ISBN-13: 978 1 85112 824 2
	Fire safety in the transport network ISBN-13: 978 1 85112 825 9
	Fire safety in animal premises and stables ISBN 978 1 85112 884 6
Fire safety – Means of Escape for Disabled people ISBN 978 1 85112 873 7	

The "Fire Safety" guides listed above may also be downloaded free of charge from the Fire Safety Law Section of the CLG website at: [www.communities.gov.uk](http://www.communities.gov.uk).