

**Freedom of Information request reference number:** 8408.1

**Date of response:** 06/03/2024

**Request:**

Request for Participation in UK Fire Safety Research Study Dear London Fire Brigade, I hope this message finds you well. We are currently undertaking a comprehensive research study focused on fire safety practices within the UK. Our objective is to identify and address any potential challenges faced by fire safety inspectors during their inspections. Your expertise and insights would be invaluable to our research, and we would greatly appreciate your willingness to answer a few targeted questions. Our research aims to understand the following aspects: 1. Legal Requirements and Fire Codes: We seek to clarify the specific legal obligations and fire codes applicable to buildings and properties in the UK, particularly those dictating when inspections must be conducted by professional contractors versus building owners themselves. 2. Inspection Frequency and Regulations: We are interested in understanding the required frequency for professional inspections and the authoritative body or documentation that prescribes these intervals. For comparison, in the U.S., such frequencies are outlined by the NFPA within each system-specific codebook (e.g., NFPA 10 for extinguishers). 3. Inspection Documentation: When a fire protection contractor is engaged for an inspection, what forms are completed? Is there a standardized national form, or do requirements vary locally? 4. Reporting Process: We aim to explore the reporting mechanisms in place within the UK, identifying key players and understanding the process for submitting required forms. Specifically, we wish to know who is responsible for submission and the extent to which practices vary regionally. Your contribution to this study could significantly impact the improvement of fire safety inspection practices. Please let us know your availability for a brief discussion or if you prefer, feel free to respond to these queries at your convenience via email. Thank you for considering our request. We look forward to the possibility of your participation in enhancing fire safety standards.

**Response:**

*1. Legal Requirements and Fire Codes: We seek to clarify the specific legal obligations and fire codes applicable to buildings and properties in the UK, particularly those dictating when inspections must be conducted by professional contractors versus building owners themselves.*

His Majesty, King Charles III's Government dictate through Acts of Parliament and regulations, the law and legislation with regard to fire that affect people and building owners in the UK. The 4 countries that form the UK, England, Scotland, Wales, and Northern Ireland all produce laws in their own right that affect fire safety in the separate domains. Whilst some laws and guidance apply to more than one country, other laws do not, i.e.: Scotland and Northern Ireland have their own separate versions of the law to that which is used for fire safety in England and Wales, namely:

- England and Wales – The Regulatory Reform (Fire Safety) Order 2005 (the FSO)
- The Fire (Scotland) Act 2005

- The Fire Safety Regulations (Northern Ireland) 2010

These separate and disparate pieces of legislation differ in their approach. The LFB only deal with that information provided in English Law and, therefore, can only comment on the law applicable to them. The National Fire Chiefs Council (NFCC) will be able to provide greater detail on the legislative approach concerning the other countries.

Fire safety law in England recognises subtle differences between new built property and existing buildings, called premises in the FSO. The first approach for building regulations was formulated as a result of the Great Fire of London in 1666, where King Charles II issued the first complete code of building regulations and means for its implementation in 1667.

The landscape of fire law is complex, with numerous Acts of Parliament and many sets of regulations to come to terms with, and which go back over numbers of years. London has many buildings that still exist today but met differing criteria for their build in the past years.

The tragedy at Grenfell Tower in 2017 changed that landscape again, bringing in more amendments to legislation and new laws, with more to come.

A small synopsis of the way LFB operate under the current law is as follows:

The London Fire Commissioner (LFC) was created on 1 April 2018 as part of a nationwide reform of governance following the Policing and Crime Act 2017. It replaced the London Fire and Emergency Planning Authority, which had itself, replaced the London Fire and Civil Defence Authority. The LFC also operates under the Fire and Rescue Act 2004, which has, in the text, fire safety and community safety (or Prevention and Protection) elements.

The Regulatory Reform (Fire Safety) Order 2005 was enacted on 1 October 2006, and put into place European directives on health and safety in the workplace. This legislation has been subject to amendment through Regulations issued under Article 24, The Fire Safety Act 2021, The Fire Safety (England) Regulations 2022 and parts of the Building Safety Act 2022. This legislation deals with existing buildings only, and the LFB are an enforcer of the legislation as a fire and rescue service as detailed in Article 25. The Acts and Regulations made amend differing Articles of the FSO and add to the responsibilities of the named functionary in the FSO of the Responsible Person (RP), who may not be a person, but a corporate body identified in Article 3.

The Secretary of State for fire introduces guidance for the RP in Article 50, which is also used by the enforcing authorities. Article 9 requires the RP to have a Fire Risk Assessment undertaken by a competent person within their own employ, or by a private contractor. It is for the RP to decide who to undertake this task, as the FSO was never meant to be a contractor's charter. The fire safety duties within the FSO all belong to the RP, and the FRA is a means for checking compliance with this and assessing the level of fire protection. The FRA should produce action plans, where necessary, to recommend to the RP if further provisions need to be made.

Buildings have always had to have planning permission in order to be built and are subject currently to the Town and Country Planning Act 1992, and in London, the Mayor also has responsibilities. The Building Act 1984, and a raft of Regulations under this, also affect the way a building is built, with a number of approved documents supporting this across all elements of the build. Fire being part of Approved Document B, which is in 2 volumes. However, other parts, such as Approved Documents M, and Q, also have a part to play in the fire side of the build.

A series of British Standards, updated regularly, are also referenced for builds, fire detection and alarm, emergency escape lighting, fire signage and fire extinguishers. These sit alongside older guides for build and build quality, and sector specific guides, such as those for Specialised Housing and blocks of flats.

*2. Inspection Frequency and Regulations: We are interested in understanding the required frequency for professional inspections and the authoritative body or documentation that prescribes these intervals. For comparison, in the U.S., such frequencies are outlined by the NFPA within each system-specific codebook (e.g., NFPA 10 for extinguishers).*

The LFB has a Risk Based Intervention Programme (RBIP) which dictates when our inspecting staff visit premises in order to audit parts or whole of the building, alongside other visits dictated by other legislation that LFB staff have to accommodate, such as the Greater London Council General Powers Acts.

As regards inspection, testing and maintenance, nominally British Standards (BS) dictate the frequency of this approach, although in a number of cases this can be completed on a risk assessment basis. These BS are authored by committees of fire and technical professionals, and when drafted, subjected to a wide consultation exercise before being finalised and issued. Other professional bodies, such as the Smoke Control Association, the Fire Industry Association and the Fire Sector Federation, bring about methodology for inspection and maintenance and professional criteria.

*3. Inspection Documentation: When a fire protection contractor is engaged for an inspection, what forms are completed? Is there a standardized national form, or do requirements vary locally?*

Fire Risk Assessments under the FSO are currently not specific, although one document, PAS 79 is an approach that can be used. A draft BS, BS 9792, is currently in draft and out for a consultation exercise. This relates to the competence of an assessor and applies a sector specific assessment format. However, there are a number of fire Risk Assessors that utilise their own proforma, as there is currently no specific assessment form that HM Government has dictated be used.

*4. Reporting Process: We aim to explore the reporting mechanisms in place within the UK, identifying key players and understanding the process for submitting required forms. Specifically, we wish to know who is responsible for submission and the extent to which practices vary regionally. Your contribution to this study could significantly impact the improvement of fire safety inspection practices.*

Fire and Rescue Authorities conduct their audits of premises using a specific format published by the NFCC. The LFB has a form embedded into a mobile device which is set to calculate risk and provide outcomes in different values, from verbal warnings to enforcement approaches. The methodology for this, and other inspection type, is provided to our staff in policy documents and information and guidance documents authored by specific technical staff.

Information on the audits conducted, the types of premises these are conducted on, and the resultant enforcement outcome, is provided by the LFB to the Home Office of the UK Government on an annual basis. LFB staff always consider prosecution and have policies and procedure in place to deal with these issues, as and when they occur.

Fire Risk Assessments are conducted in accordance with the legislative approach, which does not require a specific time frame, but does require review and reassessment. These are carried out by, or on behalf of, the RP who keeps the FRA and actions the detail where necessary. These have to be available to LFB staff when they visit to audit the premises.

We have dealt with your request under the Freedom of Information Act 2000. For more information about this process please see the guidance we publish about making a request on our website: <https://www.london-fire.gov.uk/about-us/transparency/request-information-from-us/>