FIRE RISK ASSESSMENT REPORT
on behalf of Colchester Borough Homes

for

38 & 40 Almond Way
Colchester
CO4 3LJ

Assessed by: Vincent Kain

Checked by: Matthew Kummik

Date assessed: 30th March 2023

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Project Number: 87010

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Contents

1. Introduction

2. Risk Assessment Conclusion

3. Significant Findings/Action Plan

4. Identifying People at Risk

5. Fire Hazards and Their Elimination or Control

6. Fire Protection Measures

7. Management of Fire Safety

8. Appendices

Appendix A – Drawing(s)

Appendix B – BAFE Certificate

Appendix C – Notes

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PREFACE/CONTACTS

CLIENT

Client: Colchester Borough Homes

Client Contact: David Barthram

Telephone:

Responsible Person: Philip Sullivan

SITE

Site: 38 & 40 Almond Way, Colchester, CO4 3LJ

Site Contact & Role: No on-site staff

Site Telephone: Not applicable

FIRE RISK ASSESSOR

Eurosafe UK Address: Eurosafe House, Centurion Park, York, YO30 4RY

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Risk Assessment Consultant: Vincent Kain

Reviewed by: Matthew Kummik

SECTION 1 - INTRODUCTION

The purpose of this report is to provide an assessment of the risk to life from fire in these premises and, where appropriate, to make recommendations to ensure compliance with fire safety legislation. The report does not address the risk to property or business continuity.

This report relates to the Fire Risk Assessment carried out at 38 & 40 Almond Way. The survey was conducted by Vincent Kain of Eurosafe UK on 30th March 2023 on behalf of Colchester Borough Homes.

Risk Assessment Type:

Type 1 - common parts only (non-intrusive)

Flats Accessed

This Type 1 fire risk assessment was carried out on a sampling basis with representative sampling of the common areas.

Having not accessed the flats, the following was determined; although the door appears to be FD30s, there was no evidence to determine the fact. LD3 fire detection is installed.

Restriction and Exclusions:

There were no service risers/soil stacks externally. The Consultant was unable to check the fire stopping of the services risers running from one flat to another.

The roof space was not accessed as there was no communal hatch.

Nature of Occupancy:

38 & 40 Almond Way is a general needs low rise block. This definition applies as the building is up to and including four floors only.

The use of the building is that of general needs residential accommodation.

Building Height:

Taking each floor to be 3 metres the approximate building height to the uppermost occupied floor surface is approximately 3 metres. The overall building height is approximately 4.5 metres (including any basements).

Number of Floors:

The building is a two-storey block that contains two flats.

External Wall Construction:

External walls are understood to be formed by traditional methods which would generally be constructed using Brick & Block method. In its most simple terms, this involves the construction of internal blockwork walls, surrounded by external walls of brick or stone. There is however cladding on front of building above front entry.

Balconies and Other Building Attachments:

There are no balconies or other attachments to the external of the building.

Loft Space or Another Void Type:

The roof space was not accessed as there was no communal hatch.

Layout and Construction:

Internally, ground floor comprises of, open access to stairwell at front of property, gate to rear of property, personal storage cupboards and stairs leading to upper floor. First floor comprises of landing, and two flats.

Persons at Risk:

The number of people typically present on site is:	4
The maximum number of employees present at any one time is approximately:	Unknown
The maximum number of sleeping occupants at any one time is approximately:	4
The number of people with impaired mobility:	Unknown
The number of lone workers at any one time is approximately:	Unknown
The maximum number of young person's employed present at any one time is approximately:	Unknown

Fire Loss:

No previous fire loss information has been given prior to inspection.

The assessor was not made aware of any history of fire within the premises.

Review Period & Scope of the Fire Risk Assessment

This fire risk assessment addresses the requirements of the relevant fire safety legislation and identifies the measures required to comply. Whilst there is no specific review period for fire risk assessments stated in legislation it is generally deemed best practice that fire risk assessments are at least reviewed annually or where there is a significant change, that may affect the validity of the fire risk assessment. Please note: The Responsible Person may choose to use the Fire Risk Assessment Prioritisation Tool (FRAPT). The FRAPT is intended to assist responsible persons to develop a strategy to prioritise their buildings to review their fire risk assessments, to ensure they consider the clarifications outlined in the Fire Safety Act.

This fire risk assessment covers all areas, which to any degree are under the control of the client and has been carried out in line with the client instructions and / or the Tersus Life Safety Fire Risk Assessment - Standard Scope of Services. Work beyond the extent of the standard scope will be agreed and an amended scope of services will be issued.

This report is for the use of the party to whom it is addressed and should be used within the context of instruction under which it has been prepared.

Basis of Assessment and Limitations/Caveats

The purpose of this report is to provide an assessment of the risk to life from fire in these premises based on site conditions and fire safety management.

The Fire Risk Assessment is subjective and for guidance only. All hazards and deficiencies identified in this report should be addressed by implementing all recommendations contained in the following action plan.

Whilst our Fire Safety Consultants make every reasonable effort to access all areas of the premises for which the client is responsible, there may be some areas that are inaccessible or are difficult to access due to the fabric of the building and to do so would cause unnecessary damage. Any areas not accessed during the survey due to these considerations are outlined within Section 14. Exclusions.

The Fire Risk Assessment is based on a combination of observations made by the Consultant at the time of the survey as well as information provided by representatives of the client. All such information is accepted in good faith as being factual, accurate and a valid representation of the client's views. Any changes to the occupancy, use or other circumstances of the building will require that a review of the assessment be carried out.

Unless information is provided to the assessor no assessment can be made of the combustibility or fire protection performance of any façade materials including, but not limited to, external cladding and associated core, filler and insulation plus any signage and associated insulation. As such the assessor accepts no liability for any loss, damage or other liability directly or indirectly arising because of the combustibility or fire protection performance of any façade materials.

It should be noted that the assessment does not include a full survey of all fire doors in the premises, but representative visual assessment only of fire doors.

The checking of the integrity of fire compartmentation within floor and ceiling voids is outside the scope of this report. Compartmentation will be visually assessed, as far as is possible, in all other accessible areas of the building.

The electrical and mechanical worthiness of all plant and equipment is outside the scope of this report although the servicing and maintenance of such items may be commented upon as well as the design and coverage of installed systems.

SECTION 2 – ASSESSMENT CONCLUSION

In accordance with Regulatory Reform (Fire Safety) Order 2005 a risk assessment must be carried out (recorded when there are five or more persons employed). It is advised that this risk assessment is reviewed regularly or whenever there is reason to believe that this assessment is no longer valid. We strongly recommend that regular review meetings are arranged to ensure the necessary remedial actions are completed and that changes to workplace activities are reviewed.

Observations:

The assessor could not find electrical intake onsite to confirm fixed wire testing has been carried out within the last five years.

Having accessed the flats, the following was determined, Although the door appears to be FD30s, there was no evidence to determine the fact. LD3 fire detection is installed.

There is no emergency escape lighting noted on day of inspection, however, borrowed lighting seems to be sufficient from a dependable source, e.g., streetlamps, and it will adequately illuminate escape routes. The building has no access or use by the public.

The strategy of the building is that of Stay Put. For this strategy to be effective the building relies upon sound construction that will offer a fire resistance to fire. No common fire alarm is installed however it is understood that each flat is installed with smoke alarms. When an effective 'Stay Put' policy is put into effect, it's to keep people safe when they are not in an area directly affected by the fire. If a fire is not in their flat, residents should stay inside with the doors and the windows closed.

A site inspection was carried out. Any inaccessible areas during this assessment are detailed within an earlier section of this fire risk assessment. **Please note:** Several actions have been raised so accordingly this fire risk assessment is intended to be a working document that can be used to guide improving compliance and maintaining fire safety standards. Following this, risk assessment measures must be taken to implement effective, preventative, and protective control measures to reduce the risks identified, as well as maintaining ongoing 'general' fire precautions.

Acknowledgement: Descriptions and other relevant information provided by Colchester Borough Homes have been utilised to build the background for this fire risk assessment.

The overall risk rating for the building is Moderate. Further reasons for this are outlined in Section 3.

Risk Level:

Risk Level	Action and Timescale
Trivial	No action is required, and no detailed records need be kept.
Tolerable	No major additional fire precautions required. However, there might be a need for reasonably practicable improvements that involve minor or limited cost.
Moderate	It is essential that efforts are made to reduce the risk. Risk reduction measures, which should take cost into account, should be implemented within a define time period. Where moderate risk is associated with consequences that constitute extreme harm, further assessment might be required to establish more precisely the likelihood of harm as a basis for determining the priority for improved control measures.
Substantial	Considerable resources might have to be allocated to reduce the risk. If the premises are unoccupied, it should not be occupied until the risk has been reduced. If the premises are occupied, urgent action should be taken.
Intolerable	Premises (or relevant area) should not be occupied until the risk is reduced.

Risk Area	Intolerable	Substantial	Moderate	Tolerable	Trivial
Identifying People at Risk				✓	
Fire Hazards				✓	
Fire Protection Measures			✓		
Management of Fire Safety				✓	
Overall	**Moderate**				
On completion of the necessary remedial tasks outlined in Section 3, the existing risk factors highlighted within this report should be significantly reduced.					

SECTION 3 – SIGNIFICANT FINDINGS/ACTION PLAN

It is considered that the following action points should be implemented in order to reduce risk from fire. The timescales for the completion of the action points is determined by the priority rating. The timescales below are for guidance only, it is recommended that action points are completed according to their risk rating, as follows: The above timescales are given only as a guide to assist implementation, although it is recommended that the work be carried out as soon as reasonably practicable.

Advisory: A recommendation offered as a guide to meet best practice.

Low: Poor practices or features that, whilst not presenting an immediate increased risk to life safety, would increase overall fire safety when implemented. Also includes provision of practices and features that are favourable but may exceed the minimum adequate standards as defined by the Regulatory Reform (Fire Safety) Order 2005. Improvements should be made within the next 12 months (or added to a programme of work).

Medium: A breach of the fire safety legislation or inadequate control measures as identified by the Fire Risk Assessment. It is essential that action is taken to reduce the level of risk within the next 3 to 6 months (or added to a programme of work).

High: A serious breach of the fire legislation which may result in serious injury or death of the occupants of the building and could result in legal action being taken by the enforcing authority against the responsible person. Urgent remedial action is necessary to significantly reduce the level of risk within 1 week to 3 months (review action/attended site and assess action within 1 week).

Hazard: Electrical Sources of Ignition	**Priority: High**
Issue Ref: ES/87010/001	No Photo Available
Significant Findings: The assessor did not see any documented evidence that suggested that fixed wire testing has been carried out within the last five years.	
Action Required: Management to confirm fixed wiring has been tested within the last 5 years, alternatively, confirm there is separate landlord supply directly to own flats.	

Actioned by:	**Date of Action:**
Comments Following Action:	

Hazard: Means of Escape	**Priority: Low**
Issue Ref: ES/87010/002	
Significant Findings: Light outside both flats were not working at time of inspection.	
Action Required: Adequate artificial lighting should be provided in common escape routes, such as corridors, lobbies and stairways, to enable residents and visitors to make their way safely out of the building. Regular maintenance to be undertaken on lighting and faults to be rectified as soon as possible.	
Actioned by:	**Date of Action:**
Comments Following Action:	

Hazard: Measures to Limit Fire Spread and Development	**Priority: Low**
Issue Ref: ES/87010/003	
Significant Findings: There is some external cladding present. The consultant could not identify what material was used. There was no evidence provided to indicate that a fire risk assessment of the external wall FRAEW had been completed.	
Action Required: It is recommended that a FRAEW is completed in accordance with PAS9980 (or this is identified using some other form of suitable assessment). This must be recorded, retained and presented on request.	
Actioned by:	**Date of Action:**
Comments Following Action:	

Hazard: Measures to Limit Fire Spread and Development	**Priority: Medium**
Issue Ref: ES/87010/004	
Significant Findings: Entry was gained to flat, but information is not available to confirm door is certified FD30S.	
Action Required: As flat entrances have been fitted with composite door sets, these should have test evidence demonstrating they meet the performance requirement in Building Regulations guidance for fire resistance and smoke control from both sides. Management should confirm that suitable fire door test certificates are held and that these relate to the doors fitted. If adequacy cannot be confirmed it may be necessary for door sets to be replaced under a risk-based programme. In addition, an intrusive inspection should be carried out to confirm the adequacy of composite door set installations including the fixings and firestopping between the frame and the wall.	
Actioned by:	**Date of Action:**
Comments Following Action:	

Hazard: Measures to Limit Fire Spread and Development	**Priority: Advisory**
Issue Ref: ES/87010/005	No Photo Available
Significant Findings: The Consultant advises there were no service risers/soil stacks externally. The Consultant was unable to check the fire stopping of the services risers running from one flat to another.	
Action Required: It is recommended that a competent person is engaged to complete a fire stopping survey within each flat and the outcomes recorded. If any remedial works are completed, then records should be retained and provided on request.	

Actioned by:	**Date of Action:**
Comments Following Action:	

SECTION 4 – IDENTIFYING PEOPLE AT RISK

General – Supporting Information:

As part of your Fire Risk Assessment, it is important to identify those at risk if there is a fire. To do this you need to identify where you have people present, either at permanent locations or at occasional locations around the premises, and to consider who else may be at risk, such as residents, customers, visiting contractors etc, and where these people are likely to be found. You must consider all the people who use the premises but you should pay particular attention to people who may be especially at risk who work alone and/or in isolated areas, e.g. cleaners, security staff; people who are unfamiliar with the premises, e.g. contractors, visitors and customers; people with disabilities* or those who may have some other reason for not being able to leave the premises quickly, e.g. elderly residents, customers or parents with children.

Observations:

Elderly persons are present within the premises. None of the residents present have mobility issues or visual or hearing impairment issues. A needs assessment is conducted regularly by the scheme manager although some residents have not had recent needs assessments.

Colchester Borough Homes are understood to engage with residents to ascertain that all are capable of self-evacuation from the premises should the need arise. Where residents are identified as not able to self-evacuate or understand evacuation procedure due to English not being there first language a "Person Centred" fire risk assessment is undertaken.

No issues with hoarding noted or those with a propensity to hoard was reported at the time of inspection.

The actions of those who are leaseholders through instigated adaptations must not compromise the intended fire strategy and the compartmentation of individual flats, and therefore, the building and its occupants.

It is understood that Colchester Borough Homes Property Services has a lone working policy available on request.

Identifying people at risk	Yes / No / N/A	Further action required ✓
1. Is there a lone working policy?	**Yes**	
2. Are people who are unfamiliar with the premises e.g., contractors, visitors and customers covered by the lone working policy?	**Yes**	
3. Is sufficient information given to visitors/contractors in relation to fire evacuation procedures?	**Yes**	
4. Are there arrangements in place for people with disabilities * or people who may have some reason for not being able to leave the premises quickly e.g., elderly residents/customers or parents with children?	**Yes**	
5. Are there arrangements in place for people with language difficulties?	**Yes**	

SECTION 5 – FIRE HAZARDS AND THEIR ELIMINATION OR CONTROL

ELECTRICAL SOURCES OF IGNITION

General – Supporting Information:

All electrical equipment should be installed and maintained in a safe manner by a competent person. If portable electrical equipment is used, including items brought into a workplace by staff, then you should ensure that it visually inspected and undergoes portable appliance testing ('PAT') at intervals suitable for the type of equipment and its frequency of use (refer to HSG 107 Maintaining portable equipment). If you have any doubt about the safety of your electrical installation, then you should consult a competent electrician.

Observations and Photographic Evidence:

Under The Electricity at Work Regulations 1989 and BS 7671 IET Wiring Regulations, domestic accommodation requires annual routine checks of wiring system and 5 yearly fixed wire testing to be carried out for the common areas.

The assessor did not see any documented evidence that suggested that fixed wire testing has been carried out within the last five years.

No portable electrical appliances were seen within the common areas during this inspection.

Electrical sources of ignition	Yes / No / N/A	Further action required ✓
1. Is the use of trailing leads and multiple adapters kept to a minimum?	**Yes**	
2. Are flexes run in safe places where they will not be damaged?	**Unknown**	
3. Electrical junction boxes or fuse/circuit breaker boxes with covers/panels not left ajar?	**Unknown**	
4. Is there a suitable policy regarding the use of personal electrical appliances?	**N/A**	
5. Is there a robust portable appliance testing regime?	**N/A**	
6. Are fixed installations inspected and tested (annually / bi-annually / five-yearly)?	**Unknown**	✓

SMOKING

General – Supporting Information:

Carelessly discarded cigarettes and other smoking materials are a major cause of fire. A cigarette can smoulder for several hours, especially when surrounded by combustible material. Many fires are started several hours after the smoking materials have been emptied into waste bags and left for future disposal. In those areas where smoking is permitted, provide non-combustible deep and substantial ashtrays to help prevent unsuitable containers being used. Empty all ashtrays daily into a metal waste bin and take outside. It is dangerous to empty ashtrays into plastic waste sacks which are then left inside for disposal later.

Observations and Photographic Evidence:

Smoking is not permitted within the communal areas as per the Smoke-free (Premises and Enforcement) Regulations 2006. Residents must only smoke in the external designated smoking areas around the site or in their own demised areas.

The no smoking policy appeared to be observed, there was no evidence of illicit smoking having taken place.

Smoking	Yes / No / N/A	Further action required ✓
1. Is there a suitable policy to prevent fires as a result of smoking?	**Yes**	
2. Is smoking prohibited in all areas of the building?	**No**	
3. Is smoking prohibited in appropriate areas?	**Yes**	
4. Are there suitable arrangements for those who wish to smoke?	**Yes**	
5. Did the policy appear to be observed at the time of inspection?	**Yes**	

ARSON
General – Supporting Information:
Fires started deliberately can be particularly dangerous because they generally develop much faster and may be intentionally started in escape routes. Of all the risk-reduction measures, the most benefit may come from efforts to reduce the threat from arson.
Observations and Photographic Evidence:
The flats are usually fully let, however there could be periods of void (some unlet or held over). When there are voids, these must be clear of materials and end of tenancy checks will be carried out. The management of voids must focus on the prevention of fire starting and include ensuring that all non-essential power supplies are isolated, removing any material that might be subject to an arson attack, by ensuring all doors are closed and maintaining security to prevent arson attacks. No significant fire risks were noticed to the front or rear of the unit during the visit.

Arson	**Yes / No / N/A**	**Further action required ✓**
1. Does basic security against arson by outsiders appear reasonable?	**Yes**	
2. Are fire loads which could be at risk of ignition by outsiders kept away from the premises?	**Yes**	
3. No arson attacks or threats of arson occurred in the last twelve months?	**Yes**	

PORTABLE HEATERS AND HEATING INSTALLATIONS

General – Supporting Information:

Individual heating appliances require particular care if they are to be used safely, particularly those which are kept for emergency use during a power cut or as supplementary heating during severe weather. The greatest risks arise from lack of maintenance and staff unfamiliarity with them. Heaters should preferably be secured in position when in use and fitted with a fire guard if appropriate. As a general rule, convector or fan heaters should be preferred to radiant heaters because they present a lower risk of fire and injury.

Observations and Photographic Evidence:

Heating and hot water services to each flat are within demised areas and not part of this risk assessment.

No portable heaters or other heating installations present within the common areas at the time inspection.

No barbeques or any other such heating appliances noted within the external common areas or on any of the balconies.

Portable heaters and heating installations	Yes / No / N/A	Further action required ✓
1. Is the use of portable heaters avoided as far as practicable?	**N/A**	
2. Is the use of the more hazardous type (e.g., radiant bar fires or LPG appliances) avoided?	**N/A**	
3. Are there suitable measures taken to minimise the hazard of ignition of combustible materials?	**N/A**	
4. Are fixed heating installations subjected to regular maintenance?	**N/A**	

COOKING
General – Supporting Information:
Typical installations used in cooking processes include deep fat fryers, ovens, grills, surface cookers, ductwork, flues, filters, hoods, extract and ventilation ducts and dampers. These cooking processes can operate with high temperatures, involving large quantities of oil and combustible food stuffs. Heat sources used for cooking processes include gas, electric and microwave. The main cause of fire is ignition of cooking oil, combustion of crumbs and sediment deposits, and ductwork fires from a build-up of fats and grease.
Observations and Photographic Evidence:
To manage cooker top fires, risk residents should be encouraged to provide fire blankets for their flat. No barbeques or any other such heating appliances noted within the external common areas or on any of the balconies. Responsibility for maintaining the fixed cooking appliances within the flats lies with the leaseholder / housing authority.

Cooking	**Yes / No / N/A**	**Further action required ✓**
1. Are reasonable measures taken to prevent fires as a result of cooking?	**N/A**	
2. Are grease filters changed and cleaned regularly?	**N/A**	
3. All extraction flues and ductwork for fat and fume extraction, are regularly inspected and deep cleaned (continued cleaning to be in accordance with TR19/installers recommendations)?	**N/A**	
4. Are there suitable extinguishing appliances available?	**N/A**	
5. Do fryers have suitable temperature control?	**N/A**	
6. Main business kitchen, emergency shutdown provided for gas and electrical cooking?	**N/A**	

LIGHTNING
General – Supporting Information:
The provision of a lightning conductor system will not prevent the occurrence of a lightning strike. The purpose of the installation is to direct the current discharged from the strike to earth safely, protecting the structure and its occupants from the effects of the strike. Consideration should be given to BS/IEC 62305 'Protection Against Lightning', to the occupancy of the building, the height compared to other buildings in the area, the use of explosive chemicals and products on the site.
Observations and Photographic Evidence:
Due to the height and location of these buildings there is no lightning protection system required for the premises.

Lightning	**Yes / No / N/A**	**Further action required ✓**
1. Does the building have a lightning protection system?	**N/A**	
2. Has the system been regularly tested and inspected?	**N/A**	

HOUSEKEEPING
General – Supporting Information:
Good housekeeping will lower the chances of a fire starting, so the accumulation of combustible materials in all premises should be monitored carefully. Good housekeeping is essential to reduce the chances of escape routes and fire doors being blocked or obstructed. Keep waste material in suitable containers before it is removed from the premises. If bins, particularly wheeled bins, are used outside, secure them in a compound to prevent them being moved to a position next to the building and set on fire. Never place skips against a building they should normally be a minimum of 6m away from any part of the premises.
Observations and Photographic Evidence:
Internal common escape routes must be always kept fire sterile. Risers and other such areas are maintained shut and are kept always locked to prevent instances of unwanted storage. All arisings coming out of contractor's activity must be removed from the building and suitably disposed of. Housekeeping is of a good standard within the property and cleaning undertaken regularly, including rota displayed on notice board.

Cleaning rota	

Housekeeping	**Yes / No / N/A**	**Further action required ✓**
1. Are combustible materials separated from ignition sources?	**Yes**	
2. Is the accumulation of rubbish and waste avoided?	**Yes**	
3. Is the storage of combustible materials appropriate?	**Yes**	

HAZARDS INTRODUCED BY CONTRACTORS AND BUILDING WORKS
General – Supporting Information:
Fires are more frequent when buildings are undergoing refurbishment or alteration. You should ensure that, before any building work starts, you have reviewed the Fire Risk Assessment and considered what additional dangers are likely to be introduced. You will need to evaluate the additional risks to people, particularly in those buildings that continue to be occupied. Lack of pre-planning can lead to haphazard co-ordination of fire safety measures. Additional risks can include "hot work" such as flame cutting, welding, soldering, or paint stripping; blocking of escape routes, including external escape routes; introduction of combustibles.
Observations:
Only approved contractors will be used to carry out works on site. Any works out of the normal of those of an extended duration will be subject to the necessary planning and authorisation. No apparent structural alterations have been made to the building. NB: Those who own, manage, or are involved in the alteration of buildings must have a system in place for notifying the relevant enforcing bodies of any material changes or changes in use of the building. Please note: Building regulations are minimum standards for design, construction, and alterations for virtually every building.

Hazards introduced by outside contractors and building works	**Yes / No / N/A**	**Further action required ✓**
1. Are safety conditions imposed on outside contractors?	**Yes**	
2. Is there satisfactory control over works carried out in the building by outside contractors (including "hot works" permits)?	**Yes**	
3. If there are in-house maintenance personnel, are suitable precautions taken during "hot work", including use of hot works permits?	**Yes**	

DANGEROUS SUBSTANCES
General – Supporting Information:
Specific precautions are required when handling and storing dangerous substances to minimise the possibility of an incident. Your supplier should be able to provide detailed advice on safe storage and handling; however, the following principles will help you reduce the risk from fire HSE publishes guidance 8 about specific substances where appropriate information may need to be provided. If any of these, or any other substance that is not included but nevertheless presents more than a slight risk, is present in your premises, then you must provide such information to staff and others.
Observations and Photographic Evidence:
No dangerous substances are stored within the communal areas. Tenants may have some household items in storage which could be classed as dangerous in the event of a fire, however these are likely to be packaged and in small quantities that do not pose a significant risk.

Dangerous substances	**Yes / No / N/A**	**Further action required ✓**
1. If dangerous substances are, or could be used, has a risk assessment been carried out, as required by the Dangerous Substance and Explosive Atmosphere Regulations 2002?	**N/A**	
2. Are acetylene, propane, and butane cylinders etc, stored appropriately outside of the workplace?	**N/A**	
3. Are chemical stores sufficiently bunded in case of a leak or spillage?	**N/A**	
4. Are flammable liquids/substances stored within an appropriate fire-resistant cabinet?	**N/A**	
5. Is there a system in place to inform emergency services on arrival, of any dangerous substances on site?	**N/A**	

SECTION 6 – FIRE PROTECTION MEASURES

MEANS OF ESCAPE

General – Supporting Information:

You should ensure that your escape routes are suitable; easily, safely and immediately usable at all relevant times; adequate for the number of people likely to use them; free from any obstructions, slip or trip hazards; and available for access at all times.

Observations and Photographic Evidence:

The staircases and corridors are in the majority concrete formed with the floors formed using concrete in situ cast slabs.

Once at ground floor level the residents can evacuate into the grounds of the block or directly onto the street or common open-air car park from the block. Access to the street or common open-air car park is not restricted. External doors were found to be in good working condition.

Travel distances are not excessive and noncomplex and appear to be in line with that suggested in LGA - 'Fire safety in purpose-built blocks of flats' - 2012, section 58 – Means of escape within the flat - Flats served by a single escape stairway.

Light outside both flats were not working at time of inspection.

The block contains a single staircase.

The provision of final exit to the bottom of the staircase of the block is adequate for the occupancy numbers expected within the premises.

Light outside flats were not working	

Means of escape	Yes / No / N/A	Further action required ✓
1. Is the building is provided with reasonable means of escape in case of fire?	**Yes**	
2. Are the escape routes designed of an acceptable standard?	**Yes**	
3. Is there adequate provision of escape routes?	**Yes**	
4. Are fire exits easily and immediately operable where necessary?	**Yes**	
5. Do the fire exits open in the direction of escape where necessary?	**Yes**	
6. Do sliding or revolving doors have overrides installed?	**N/A**	

7. Is the means of securing exits suitable?	**N/A**	
8. Where there is a single direction of travel is the travel distances reasonable?	**Yes**	
9. Where there is an alternative means of escape is the travel distances reasonable?	**N/A**	
10. Is there suitable protection of escape routes?	**No**	✓
11. Are there suitable fire precautions for all inner rooms?	**N/A**	
12. There are no inner-inner rooms present?	**Yes**	
13. Are the escape routes unobstructed?	**Yes**	
14. Are escape routes kept free from displays or inappropriate storage involving combustible materials?	**Yes**	
15. Are there reasonable arrangements for means of escape for disabled people?	**Yes**	
16. Is there a suitable manual/automatic means of ventilating the staircase?	**Yes**	

MEASURES TO LIMIT FIRE SPREAD AND DEVELOPMENT

General – Supporting Information:

Many buildings are divided into different areas by fire doors and fire-resisting walls and floors. These are partly designed to keep a fire within one area, giving people more time to escape. You will need to identify which doors, walls and floors in your building are fire-resisting. There may be information available from when the building was built, if alterations have been made, or from a previously held fire certificate. High-risk areas should be separated from the rest of the premises.

Observations and Photographic Evidence:

The construction period is understood to be 1970's therefore will have been built to standards at the time.

External walls are understood to be formed by traditional methods which would generally be constructed using Brick & Block method. In its most simple terms, this involves the construction of internal blockwork walls, surrounded by external walls of brick or stone.

Horizontal compartmentation exists within each dwelling provided by the original half-hour flat entrance fire door. The escape stairwell is not protected and is not required to be so in accordance with LGA - 'Fire safety in purpose-built blocks of flats'.

To limit internal fire spread surface wall and floor coverings provided in the common corridors and stairwells are of suitably non-combustible or fire-resistant materials.

Having accessed the flats, the following was determined, Although the door appears to be FD30s, there was no evidence to determine the fact.

There is some external cladding present. The consultant could not identify what material was used. There was no evidence provided to indicate that a fire risk assessment of the external wall FRAEW had been completed.

The Consultant advises there were no service risers/soil stacks externally. The Consultant was unable to check the fire stopping of the services risers running from one flat to another.

It is understood that Colchester Borough Homes Property Services have carried out leaseholder Fire Door surveys.

It is understood that Colchester Borough Homes Property Services are carrying out a programme on Flat entrance fire doors which entails, surveying fire doors for their effectiveness at preventing the spread of fire/smoke to or from common areas, and any that are deemed unsatisfactory will be replaced/repaired as part of a fire door remedial programme. Therefore, refer to the fire door survey and remedial programme for information relating to fire door compliance within the premises.

This in line with The Fire Safety Act 2021 which states:
Responsible persons for residential buildings below 11 metres in height have a duty to put in place general fire precautions in these buildings, this duty includes making sure that all fire doors – including flat entrance doors – are capable of providing adequate protection.

External cladding	

Flat door example	

Means to limit fire spread and development	**Yes / No / N/A**	**Further action required ✓**
1. Is the external wall make up of a non-combustible nature?	**Unknown**	✓
2. (Where applicable) Is there confirmation that the premises has compliant external wall cladding installed (e.g., EWS1 or FRAEW)?	**N/A**	
3. Where an external walling system installed is there evidence that suggest that suitable cavity barriers are fitted?	**N/A**	
4. Has the responsible person shared electronically with their local fire and rescue service information about the building's external wall system?	**N/A**	
5. Balconies are constructed from non-combustible materials and would not facilitate the rapid fire spread on the external walls?	**N/A**	
6. The balconies are not vertically stacked?	**N/A**	
7. Does the construction / appearance, usage and documentation provided confirm that the fire resistance of residential balconies is suitable in preventing the risk of external fire spread to other medium / other flats?	**N/A**	
8.The standard of separation between the commercial use unit and the residential element are believed to be to a minimum of 60 minutes and is suitable for the current use of the building? [1]	**N/A**	
9. Is the compartmentation within the building of a reasonable standard?	**Unknown**	✓
10. Are there any lofts or other void types? If accessed is the compartmentation of these of a reasonable standard?	**N/A**	
11. Are the linings that might promote fire spread of a reasonable standard?	**N/A**	
12. As far as reasonably be ascertained, are fire dampers provided as necessary to protect critical means of escape against passage of fire, smoke and combustion products in the early stages of fire? [2] [3]	**N/A**	
13. Are kitchens with extensive cooking facilities adequately compartmented from other areas of the premises or is a fire suppression system installed?	**N/A**	

Means to limit fire spread and development	Yes / No / N/A	Further action required ✓
14. Do accessible structural features e.g., the supporting structure appear to be adequately fire clad, sprayed with intumescent paint or fire-retardant coatings? [4]	**N/A**	
15. Are holes in the walls/risers suitably fire stopped?	**N/A**	
16. Are there any unauthorised modifications noted to the fire doors. Does the client have a documented procedure in place for any alterations proposed? [5]	**N/A**	
17. Is the practice of holding open fire doors with manual devices avoided?	**N/A**	
18. Do fire doors have 3 no. hinges and suitable intumescent/cold smoke seals?	**Unknown**	✓
19. Do fire doors self-close effectively into the door frame or are kept locked?	**Yes**	
20. Glazing on doors, walls and windows is suitably fire rated e.g. with kitemark displayed or wired glass?	**Yes**	
21. Have the residents been provided with relevant fire safety instructions and information about the importance of fire doors? [5]	**Yes**	
22. Is there evidence or permanent labels provided to the furniture and furnishings stating fire resistance is in accordance with the Furniture and Furnishings Fire Safety Regulations 1988 (as amended)?	**N/A**	

[1]) Generally, there should be 60-minute imperforate separation between the two uses. In lower risk commercial premises, it may be possible to reduce this to 30 minutes where there is an automatic fire detection system in the commercial parts which is linked to the residential system.
[2]) Based on visual inspection of readily accessible areas, with a degree of sampling where appropriate.
[3]) A full investigation of the design of HVAC systems is outside the scope of this Fire Risk Assessment.
[4]) These features maybe in most cases be enclosed however maybe visible above suspended ceilings, via lofts, plant rooms etc.
[5]) Unauthorised modifications could be additions of cat flaps, additional iron monger etc. As with this and Q21. It will be necessary to ask the client for supporting evidence that a procedure is in place / or within the lease as a rule.

EMERGENCY ESCAPE LIGHTING
General – Supporting Information:
The primary purpose of emergency escape lighting is to illuminate escape routes, but it also illuminates other safety equipment. The size and type of your premises and the risk to the occupants will determine the complexity of the emergency escape lighting required. Borrowed lighting may be suitable in small premises where the light is from a dependable source, e.g. streetlamps, and it will adequately illuminate escape routes. Where borrowed lighting is not suitable, then a number of torches, in strategic positions, can be considered.
Observations and Photographic Evidence:
There is no emergency escape lighting noted on day of inspection, however, borrowed lighting seems to be sufficient from a dependable source, e.g., streetlamps, and it will adequately illuminate escape routes. The building has no access or use by the public.

Emergency escape lighting	Yes / No / N/A	Further action required ✓
1. Is the provision of emergency escape lighting suitable? [6]	**N/A**	
2. Are fittings in suitable condition and functioning?	**N/A**	
3. Are escape routes adequately lit?	**N/A**	
4. Suitable test facilities in place?	**N/A**	
5. Maintained illuminated signage provided where applicable?	**N/A**	
[6]) Based on visual inspection, but no test of luminance levels or verification of full compliance with relevant British Standards carried out.		

FIRE SAFETY SIGNS AND NOTICES
General – Supporting Information:
In simple premises, a few signs indicating the alternative exit(s) might be all that is needed. In larger and more complex premises, a series of signs directing people along the escape routes towards the final exit might be needed. Escape routes that do not constitute a normal means of leaving a building should be properly signed with signs that conform to the requirements of the Health and Safety (Safety Signs and Signals) Regulations 1996. These make use of pictogram s employing the running man, an open door, and directional arrows.
Observations and Photographic Evidence:
The current evacuation strategy is Stay Put as denoted by the fire action notices displayed in the common area. Directional and exit signage is not required in line with LGA - 'Fire safety in purpose-built blocks of flats' – 2012 section 63.

Stay Put fire action notice	

Fire safety signs and notices	Yes / No / N/A	Further action required ✓
1. Do the signs comply with Health & Safety (Safety Signs and Signals) Regulations 1996 or BS ISO 3864?	**Yes**	
2. Are fire action notices displayed prominently throughout the workplace?	**Yes**	
3. Are final exit doors indicated on the outside with a mandatory sign?	**N/A**	
4. Are internal fire doors labelled?	**N/A**	
5. Are escape routes clearly signed?	**N/A**	

MEANS OF GIVING WARNING IN CASE OF FIRE

General – Supporting Information:

Where an electrical fire-warning system is necessary then a straightforward arrangement typically includes the following: manual call points (break-glass call points) next to exits with at least one call point on each floor; electronic sirens or bells; and control and indicator panel. An alternative system of interconnected combined manual call points and sounders may be acceptable. If your building has areas where a fire could develop undetected or where people work alone and might not see a fire, then it may be necessary to upgrade your fire-warning system to incorporate automatic fire detection or install an automatic fire-detection and warning system.

Observations and Photographic Evidence:

There is no communal automatic fire detection on the premises as per guidance outlined in Local Government Association - Fire Safety in Purpose Built Flats, Section 20.4: '. In 'general needs' blocks designed to support a 'stay put' policy, it is unnecessary and undesirable for a fire alarm system to be provided. A communal fire detection and alarm system will inevitably lead to a proliferation of false alarms. This will impose a burden on fire and rescue services and lead to residents ignoring warnings of genuine fires.' there was however, LD3 smoke detection within the hallway of the flats. This is taken from sampled flat 38.

Smoke detection	

Means of giving warning in case of fire	Yes / No / N/A	Further action required ✓
1. Is a manual or electrical fire alarm system provided?	**N/A**	
2. Is suitable automatic fire detection provided within the building (this includes interlinked smoke alarms)?	**Yes**	
3. Is there a back-up power supply for the fire detection/warning system?	**N/A**	
4. Is the fire alarm system connected to a collector station?	**N/A**	
5. Are the fire alarm call points clearly visible and unobstructed?	**N/A**	
6. Visual warning units/indicating devices can be clearly seen in relevant areas when fire alarm is activated?	**N/A**	
7. Does zoning of the fire alarm system appear to be correct and a zone list / plan is displayed?	**N/A**	

NB: Judgements made are based on visual inspection, with no audible test or verification of full compliance with relevant British Standards.

MANUAL FIRE EXTINGUISHING APPLIANCES
General – Supporting Information:
The occupier/owner has a responsibility for the provision of appropriate firefighting equipment. It is also their responsibility to check that all firefighting equipment is in the correct position and in satisfactory order before the premises is used. Appropriate staff should be trained in the use of all such equipment. Fires are classed according to what is burning. Fire extinguishers provided should be appropriate to the classes of fire found in your premises.
Observations and Photographic Evidence:
There are no portable fire extinguishers on site. This is in line with guidance outlined in Local Government Association – Fire Safety in Purpose Built Flats, Section 21.4: 'The provision of fire extinguishers and other forms of fire-fighting equipment in common parts for use by residents is problematic. It is not expected that residents should need to tackle a fire in their flats to make their escape. Indeed, to obtain a fire extinguisher located in the common parts for this purpose would involve the person leaving their flat in the first place.

Manual fire extinguishing appliances	**Yes / No / N/A**	**Further action required ✓**
1. Are there an adequate number of suitable fire extinguishers provided? (1 per 200 m^2) (1 per special risk)	**N/A**	
2. Are fire extinguishers and fire blankets located suitably placed and ready for use?	**N/A**	
3. Are extinguishers suitably charged and within service date?	**N/A**	

AUTOMATIC FIRE EXTINGUISHING SYSTEMS
General – Supporting Information:
Fire suppression systems can include sprinklers and other types of fixed installations designed to automatically operate and suppress a fire. Such systems should be maintained by a competent person.
Observations:
There has never been any requirement under Building Regulations to install an automatic fire extinguishing system in a small purpose-built block of flats, nor is there any such requirement to date. This is in line with guidance outlined in Local Government Association – Fire Safety in Purpose Built Flats.

Relevant [7] automatic fire extinguishing systems	Yes / No / N/A	Further action required ✓
1. Are fixed firefighting installation in working order?	**N/A**	
2. Discharge head unobstructed?	**N/A**	
3. Sprinkler flow switch test facility available?	**N/A**	
4. Is a sprinkler block plan displayed?	**N/A**	
[7]) Relevant to life safety and this risk assessment (as opposed to property protection).		

FIXED SYSTEMS AND EQUIPMENT
General – Supporting Information:
Building Regulations and other Acts, including local Acts, may have required firefighting equipment and other facilities to be provided for the safety of people in the building and to help fire fighters. Fire safety law places a duty on you to maintain such facilities in good working order and at all times. These may include access for fire engines and fire fighters; firefighting shafts and lifts; smoke-control systems; dry or wet rising mains and freighting inlets; information and communication arrangements e.g. fire telephones and wireless systems and information to brief the Fire and Rescue Service when they arrive; and firelighter's switches.
Observations:
In other than very unusual circumstances, there should be no requirement to provide fire-fighting facilities in an existing block of flats or upgrade any facilities if these were not required at the time of construction to comply with the standards of the day.

Other relevant [8] fixed systems and equipment	Yes / No / N/A	Further action required ✓
1. Is there suitable provision for fire-fighters switches for high voltage luminous tube signs, etc?	**N/A**	
2. Hydrants clearly marked, adequately located, unobstructed and in good state of repair (when within the Client demise)?	**N/A**	
3. Dry riser outlet boxes accessible, in good condition/locked if appropriate, locking straps in place, no rubbish/storage present?	**N/A**	
4. Manual or automatic opening vents and/or smoke extract systems where present, are in working order?	**N/A**	
[8]) Relevant to life safety and this risk assessment (as opposed to property protection).		

SECTION 7 – FIRE SAFETY MANAGEMENT

PROCEDURES AND ARRANGEMENTS

General – Supporting Information:

Your emergency plan should be appropriate to your premises and could include: how people will be warned if there is a fire; what staff should do if they discover a fire; how the evacuation of the premises should be carried out; where people should assemble after they have left the premises and procedures for checking whether the premises have been evacuated; identification of key escape routes, how people can gain access to them and escape from them to a place of total safety; arrangements for fighting the fire etc.

Observations:

The premises is purpose-built with an adequate standard of compartmentation. The current Stay Put evacuation strategy denoted by Fire Action Notice is considered appropriate.

The responsible person should engage with residents to ascertain that all are capable of self-evacuation from the premises should the need arise. Where residents are identified as not able to self-evacuate or understand evacuation procedure due to English not being there first language a "Person Centred" fire risk assessment should be undertaken.

Procedures and arrangements	Yes / No / N/A	Further action required ✓
1. Is a suitable evacuation policy in place for these premises?	**Yes**	
2. Is a policy in place to ensure visitors to the building are accompanied at all times by a member of staff and, where not, are given sufficient instruction on arrival on fire safety arrangements?	**N/A**	
3. Are fire procedures appropriate and properly documented, with names and locations of fire wardens displayed or made available throughout the building?	**N/A**	
4. If the layout and escape routes are not familiar to the people present, are members of staff present to give instructions and advice, a voice alarm or public address system?	**N/A**	
5. Are sufficient procedures in place to ensure that in the event of a fire, the Fire and Rescue Service is notified and receive on their arrival, sufficient information on missing persons, origin of fire, plans and layout of the building and refuge areas?	**N/A**	
6. Are competent person(s) appointed to assist in undertaking the relevant general fire safety precautions?	**Yes**	
7. Is there a fire safety logbook, giving sufficient details of fire detection and alarm systems testing, fire evacuation drills with information such as evacuation times, fire safety audits, and other significant information?	**N/A**	
8. Are monthly fire safety audits undertaken by fire wardens to cover the area of the building they are responsible for?	**N/A**	
9. Are there suitable arrangements for ensuring that the premises have been evacuated?	**N/A**	

10. Is there a suitable assembly point, including trained persons and personal evacuation plans?	**N/A**	
11. Are there adequate procedures for the evacuation of any disabled people who are likely to be present including personal emergency evacuation plans?	**Yes**	
12. Have persons been nominated and trained to assist in the evacuation, including the evacuation of disabled people	**N/A**	
13. Is there appropriate liaison with Fire and Rescue Service (e.g. by fire and rescue service crews visiting for familiarisation visits)?	**Yes**	
14. Has a procedure been established to review the Fire Risk Assessment periodically or when significant changes to the building or working practices are introduced?	**Yes**	
15. If you do not have direct control over the workplace, have you notified the owner or landlord of any fire safety related issues?	**N/A**	
16. If you share the workplace with others, do they know about the risks that you have identified?	**N/A**	
17. Are all company policies relating to fire safety reviewed regularly?	**Yes**	
18. Are arrangements in place to provide tenant fire instructions at periods not exceeding 12 months?	**Yes**	
19. Where a need has been identified, has a secure location been provided for the secure storage of site emergency information, PCRAs, PEEPs etc.	**N/A**	

TRAINING AND DRILLS

General – Supporting Information:

The actions of staff if there is a fire are likely to be crucial to their safety and that of other people in the premises. All staff should receive basic fire safety induction training and attend refresher sessions at pre-determined intervals. You should ensure that all staff and contractors are told about the emergency plan and are shown the escape routes. The training should take account of the findings of the Fire Risk Assessment and be easily understood by all those attending. It should include the role that those members of staff will be expected to carry out if a fire occurs. This may vary in large premises, with some staff being appointed as Fire Marshals or being given some other particular role for which additional training will be required.

Observations:

Fire evacuation drills are not undertaken nor required at the premises.

The company policy is not to fight fires, so no extinguishers have been provided.

Training and drills	Yes / No / N/A	Further action required ✓
1. Are all staff given suitable fire safety instruction and training on induction?	**N/A**	
2. Are all staff given adequate “refresher training” at suitable intervals?	**N/A**	
3. Are fire drills carried out at appropriate intervals?	**N/A**	
4. Are staff with special responsibilities given additional training (e.g. fire wardens?)	**N/A**	

PREMISES INFORMATION BOX
General – Supporting Information:
A premises information box (PIB) is used to provide a safe location for containing information on a property and its occupants. The PIB is there to provide the local fire and rescue service with up-to-date information in paper and/or electronic form of every floor of the building, identifying the location of key fire safety systems. The type of information the PIB would normally contain include are plans of the building, the fire safety manual, building description, information on occupants (e.g. PEEPs), details of any residents using oxygen or other medical gases, details of key personnel, evacuation strategy, construction layouts, details of fire safety systems etc. The PIB may also be used to contain the fire safety logbook and other safety information, such as an asbestos register.
Observations:
Due to these being individual low-rise flats, there is no requirement for a PIB.

Premises Information Box	Yes / No / N/A	Further action required ✓
1. A premises information box is not required for this premises? [9]	**N/A**	
2. Is there a suitably located premises information box for the fire and rescue service?	**N/A**	
3. Are there arrangements to keep the premises information box up to date?	**N/A**	
[9]) If yes and none present, mark subsequent questions as N/A		

TESTING AND MAINTENANCE
General – Supporting Information:
You have responsibility for the provision of appropriate firefighting equipment. It is also your responsibility to check that all firefighting equipment is in the correct position and in satisfactory order before the premises are used. Appropriate staff should be trained in the use of all such equipment. All machinery, apparatus and office equipment should be properly maintained by a competent person. All emergency escape lighting systems should be regularly tested and properly maintained to an appropriate standard. Most existing systems will need to be manually tested. However, some modern systems have self-testing facilities that reduce routine checks to a minimum.
Observations:
It is understood that Colchester Borough Homes care team carry out block inspections on a regular basis, number of inspections carried out are governed by Colchester Borough Homes to what they deem reasonable.

Testing and maintenance	**Yes / No / N/A**	**Further action required ✓**
1. Is the weekly testing and periodic servicing (6 monthly or quarterly, if required) of fire detection and alarm system in place?	**N/A**	
2. Is there routine testing (monthly and annually) for emergency escape lighting?	**N/A**	
3. Have all emergency generators been tested (as per manufacturer's instructions, normally run for one hour)?	**N/A**	
4. Are extinguishing appliances tested and inspected annually?	**N/A**	
5. Are external staircases and gangways inspected on a regular basis?	**N/A**	
6. Six-monthly inspection and annual testing of rising mains?	**N/A**	
7. Weekly, monthly testing, six-monthly inspection and annual testing of fire-fighting lifts?	**N/A**	
8. Weekly testing and periodic inspection of sprinkler installations?	**N/A**	
9. Routine inspection of fire doors, final exit doors and or security fastenings is carried out?	**N/A**	
10. Other relevant inspections and tests Automatic door release mechanisms? Green - override points on doors linked to alarm system carried out? Smoke extract systems? Fire suppression systems in plant rooms etc? Kitchen canopy fire suppression systems?	**N/A**	

SECTION 8 – APPENDIX

APPENDIX A - DRAWINGS

Not applicable; no drawings provided during assessment.

APPENDIX B – BAFE CERTIFICATE

CERTIFICATE OF CONFORMITY

LIFE SAFETY FIRE RISK ASSESSMENT CERTIFICATE OF CONFORMITY

SSAIB Registered Provider: **NYOR061**

CERTIFICATE No. 9134842

This certificate is issued by the organisation named in Part 1 of the schedule in respect of the fire risk assessment provided for the person(s) or organisation named in Part 2 of the schedule at the premises and / or part of the premises identified in Part 3 of the schedule.

PART 1 - ISSUER DETAILS

Issuing Organisation Name	Tersus Consultancy Limited
Bafe Registration no.	103052

PART 2 - CLIENT DETAILS

Customer's Name	Colchester Borough Homes
Address	38 & 40 Almond Way Colchester Essex CO4 3LJ

PART 3 - CERTIFICATION DETAILS

Locations on premises to which this assessment applies	General needs low rise block.		
Scope and purpose of fire risk assessment	Type 1 - Common parts only (non-intrusive)		
Effective date of assessment	30/03/2023	Review Date	30/03/2028
Unique reference no.	9134842		

We, being currently a 'Certificated Organisation' in respect of fire risk assessment identified in the above schedule, certify that the fire risk assessment referred to in the above schedule complies with the Specification identified in the above schedule and with all other requirements as currently laid down within the BAFE SP205 Scheme in respect of such fire risk assessment.

Signed for and on behalf of the issuing Certified Organisation

Name: Matthew Kummik

Job Title: Validator

Date of Issue: 10/05/2023

Signature:

SSAIB (certification body) can be contacted at: 7 - 11 Earsdon Road, West Monkseaton, Whitley Bay, Tyne and Wear, NE25 9SX.
Tel: +44 (0) 191 296 3242 E-mail: certificate@ssaib.org Web: www.ssaib.org / www.ssaib.ie

BAFE, The Fire Service College, London Road, Moreton-in-Marsh, Gloucestershire, GL56 0RH www.bafe.org.uk :: +44 (0) 844 335 0897

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APPENDIX C – Fire Safety Legislation

The Fire Safety Act 2021 (the Act) & The Fire Safety (England) Regulations 2022

The Fire Safety Act 2021 (the Act) received Royal Assent on 29 April 2021 and commenced on 16 May 2022. The Act amends the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).

The Act clarifies that responsible persons (RPs) for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts. The Act applies to England and Wales. The Act clarifies the areas of a multi-occupied residential building to which the Fire Safety Order applies.

The Fire Safety (England) Regulations 2022 (the Regulations) have been introduced as an important step towards implementing the recommendations of the Grenfell Tower Inquiry Phase 1 report. The Regulations are being introduced under Article 24 of the Fire Safety Order and will came into force on 23 January 2023. The Regulations apply to England only.

Fire safety legislation places a burden of responsibility firmly on the head of the RPs regarding the fire safety of the occupants of the premises to which they have been assigned. RPs are required to co-ordinate all fire safety related issues including the carrying out of a fire risk assessment and production of associated documentation. RPs may nominate a competent person to assist in the implementation of any measures deemed necessary to ensure the fire safety of the occupants of the building. There are many factors that impact upon what may constitute adequate measures to assess the fire safety of the occupants. Tersus nor are its consultants are the RP and is unable to determine, on behalf of the client, the steps it should or must take to comply with its duties under relevant fire safety legislation.

Regulatory Reform Order (RRO)

The RRO (Order) applies in England and Wales. It covers general fire precautions and other fire safety duties which are needed to protect ‘relevant persons’ in case of fire in and around most premises. The Order requires fire precautions to be put in place ‘where necessary’ and to the extent that it is reasonable and practicable in the circumstances of the case.

Responsibility for complying with the Order rests with the ‘responsible person’. In a workplace, this is the employer and any other person who may have control of any part of the premises, e.g. the occupier or owner. In all other premises the person or people in control of the premises will be responsible. If there is more than one responsible person in any type of premises (e.g. a multi-occupied complex), all must take all reasonable steps to co-operate and co-ordinate with each other.

If you are the responsible person you must have a Fire Risk Assessment carried out which must focus on the safety in case of fire of all ‘relevant persons’. It should pay particular attention to those at special risk, such as disabled people, those who you know have special needs and young persons and must include consideration of any dangerous substance liable to be on the premises. The Fire Risk Assessment will help you identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions you need to take.

If your organisation employs five or more people, your premises are licensed or an alterations notice is in force, you must record the significant findings in the assessment. It is good practice to record your significant findings in any case.

Who enforces the Fire Safety Legislation?

The local Fire and Rescue authority (the Fire and Rescue Service) will enforce the Order in most premises. The exceptions are: Crown-occupied/owned premises where Crown fire inspectors will enforce; premises within armed forces establishments where the defence fire and rescue service will enforce; certain specialist premises including construction sites, ships (under repair or construction) and nuclear installations, where the HSE will enforce; and sports grounds and stands designated as needing a safety certificate by the local authority, where the local authority will enforce.

The enforcing authority will have the power to inspect your premises to check that you are complying with your duties under the Order. They will look for evidence that you have carried out a suitable Fire Risk Assessment and acted upon the significant findings of that assessment. If you are required to record the outcome of the assessment, they will expect to see a copy. If the enforcing authority is dissatisfied with the outcome of your Fire Risk Assessment or the action you have taken, they may issue an enforcement notice that requires you to make certain improvements or, in extreme cases, a prohibition notice that restricts the use of all or part of your premises until improvements are made.

If your premises are considered by the enforcing authority to be or have potential to be high risk, they may issue an alterations' notice that requires you to inform them before you make any changes to your premises or the way they are used. Failure to comply with any duty imposed by the Order or any notice issued by the enforcing authority is an offence. You have a right of appeal to a magistrate's court against any notice issued. Where you agree that there is a need for improvements to your fire precautions but disagree with the enforcing authority on the technical solution to be used (e.g. what type of fire alarm system is needed) you may agree to refer this for independent determination.