

Fire Risk Assessment Policy



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1.0 Introduction

- 1.1 Residents of properties left unprotected against fire have a much higher than average chance of being injured or killed in their home. There were 268 fatalities recorded between May 2018 and June 2019 and the Fire and Rescue Services in England attended 182,491 fires in that same period (Home Office, Fire & rescue incident statistics, England, year ending June 2019).
- 1.2 In addition to this there have been high profile fires in social housing high-rise blocks (most notably Lakanal House in 2009 and Grenfell Tower in 2017) which resulted in many tenants losing their lives.
- 1.3 Most fires are preventable. Those responsible for buildings to which the public have access can avoid them by taking responsibility for and adopting the right behaviours and procedures. In October 2006, the Regulatory Reform (Fire Safety) Order 2005 (FSO) came into force. This FSO places a duty on persons responsible for buildings to carry out risk assessments and implement adequate fire prevention measures to their buildings.

2.0 Scope

- 2.1 TDC (hereafter referred to as TDC) must establish a policy which meets the requirements of the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. In addition to this, the policy must provide assurance to TDC that measures are in place to identify, manage and/or mitigate risks associated with fire.
- 2.2 TDC must also ensure that compliance with fire safety legislation is formally reported to the TDC Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all TDC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon TDC to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and 'other' properties owned and managed (offices, commercial shops, depots, etc.).

3.0 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH) in April 2012.
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. These regulations place a duty on TDC to take general fire precaution measures to ensure, as far as is reasonably practicable, the safety of the people on their premises and in the immediate vicinity. TDC is the 'responsible person' for the purposes of the legislation by virtue of the fact that they own and manage homes and buildings housing tenants/leaseholders through the tenancy agreement and lease obligations.
- 3.3 **Guidance** - the relevant guidance documents applicable to this policy are:
 - **LACORS - Housing - Fire Safety:** Guidance on fire safety provisions for certain types of existing housing

- **Local Government Association:** Fire safety in purpose-built blocks of flats
- **HHSRS Operating Guidance - Housing Act 2004:** Guidance about inspections and assessment of hazards given under Section 9
- **HHSRS Operating Guidance - Housing Act 2004:** Addendum for the profile for the hazard of fire and in relation to cladding systems on high rise residential buildings
- **Ministry of Housing, Communities & Local Government (MHCLG):** Building safety advice for building owners, including fire doors (January 2020)
- **Ministry of Housing, Communities & Local Government (MHCLG):** Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings (January 2020)
- **National Fire Chief Council's Guidance (NFCC) - Fire Safety in Specialist Housing - May 2017,** covers sheltered schemes, supported schemes and extra care schemes
- **Practical Fire Safety Guidance for Existing Premises with Sleeping Accommodation 2018 -** guidance for those with responsibility for ensuring fire safety in certain premises within sleeping accommodation in Scotland
- **Building a Safer Future - Independent Review of Building Regulations and Fire Safety: Final Report (May 2018)**

3.4 **Interim Guidance** - the relevant documents of interim fire safety guidance applicable to this policy are as follows, although these documents are subject to change and should be reviewed regularly:

- **Building a Safer Future -** Proposals for reform of the building safety regulatory system: A consultation (June 2019)
- **The Regulatory Reform (Fire Safety) Order 2005:** Call for Evidence (July 2019)
- **Grenfell Tower Inquiry:** phase 1 report. Volume 1 - 4 (October 2019)

3.5 **Sanctions** - TDC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice, and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, prosecution by the Fire and Rescue Service under the FSO and via a serious detriment judgement from the Regulator of Social Housing.

3.6 **Tenants** - TDC will use the legal remedies available within the terms of the tenancy agreement should any tenant refuse access to carry out essential fire safety related inspection and remediation works.

3.7 **HRA Commercial Stock** - TDC will use the legal remedies available within the terms of the lease agreement should any leaseholder or shared owner refuse permission and/or access to carry out essential fire safety related inspection and remediation works (as tested in the case Croydon Council v. Leaseholder 1st August 2014).

4.0 Additional Legislation

4.1 This fire safety policy also operates in the context of the following additional legislation:

4.1.1 Housing Act 2004

- 4.1.2 Health and Safety at Work etc Act 1974
- 4.1.3 The Management of Health and Safety at Work Regulations 1999
- 4.1.4 Management of Houses in Multiple Occupation (England) Regulations 2006
- 4.1.5 Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- 4.1.6 Gas Safety (Installation and Use) Regulations 1998
- 4.1.7 The Furniture and Furnishings (Fire Safety) Regulations 1988
- 4.1.8 The Health and Safety (Safety Signs and Signals) Regulations 1996
- 4.1.9 The Building Regulations 2000: Approved Document B Fire Safety
- 4.1.10 Electrical Equipment (Safety) Regulations 2016
- 4.1.11 Construction (Design and Management) Regulations 2015
- 4.1.12 Data Protection Act 2018
- 4.1.13 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- 4.1.14 Homes (Fitness for Human Habitation) Act 2018

5.0 Obligations

- 5.1 The responsible person (TDC) must carry out a fire risk assessment (FRA) for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005 (FSO). Although under the FSO this requirement only applies to the common parts of premises, in practice the responsible person will need to take into account the entire premises - including, to some extent, the units of residential accommodation (known as a Type 3 FRA survey).
- 5.2 The responsible person (TDC) must implement all necessary general fire precautions and any other measures identified by a fire risk assessment.
- 5.3 The responsible person (TDC) must put in place a suitable system of maintenance and appoint competent persons to implement any procedures that have been adopted.
- 5.4 The responsible person (TDC) must periodically review fire risk assessments in a timescale appropriate to the premises and/or occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the fire risk assessment.

6.0 Statement of Intent

- 6.1 TDC acknowledges and accepts its responsibilities under the Regulatory Reform (Fire Safety) Order 2005 (FSO).
- 6.2 A stay safe evacuation strategy will be adopted across each of the TDC property types unless otherwise stated within the recommendations of the competent fire risk assessor. TDC will also continue to engage with the Kent Fire and Rescue Service to regularly review this evacuation strategy.
- 6.3 TDC will hold accurate records against each property it owns or manages setting out the requirements for having a fire risk assessment in place.
- 6.4 FRA inspection and re-inspection dates, FRA surveys and FRA actions will be held electronically.

- 6.5 TDC will hold accurate records against each property it owns or manages setting out the requirements for servicing, maintenance and repair of fire prevention, detection and fire-fighting equipment. These include fire alarm systems, emergency lighting, smoke/heat detectors, hose reels, dry and wet risers, auto window/door openers, fire extinguishers, fire blankets, sprinkler systems and any other equipment relating to fire safety.
- 6.6 TDC will establish and manage programmes to deliver servicing and maintenance in accordance with all relevant British Standards and manufacturer's recommendations for all fire detection, prevention and fire-fighting systems and equipment within buildings owned or managed by the organisation.
- 6.7 TDC will ensure that each property requiring an FRA has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) that has been carried out by a competent fire risk assessor.
- 6.8 TDC will ensure that all FRAs are reviewed no later than the review date set within the FRA, and that this review is carried out by a competent fire risk assessor.
- 6.9 TDC will ensure that the FRA to a building is reviewed following a fire, change in building use, change in working practices that may affect fire safety, following refurbishment works to the building or if required following an independent fire safety audit, and that this review is carried out by a competent fire risk assessor.
- 6.10 TDC will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by FRAs.
- 6.11 TDC will ensure that robust processes are in place to record and action any 'near miss' reports with regard to fire safety. A 'near miss' is an unplanned event which does not result in an injury but had the potential to do so.
- 6.12 TDC will test all smoke alarms/CO alarms as part of the annual gas safety check visit (or at void stage) and replace where necessary.
- 6.13 Where TDC have been notified that a resident within a building requiring a fire risk assessment is storing oxygen in their home for medical use the organisation will ensure that they have a Personal Emergency Evacuation Plan (PEEP) in place and that this PEEP will be reviewed annually by a competent person.
- 6.14 TDC will have robust processes and controls in place to ensure that consideration is made when letting properties to the suitability of the accommodation for the prospective tenant with regards to fire safety.
- 6.15 TDC will refer all new tenancies and other tenants (via general information) to the Kent Fire and Rescue Service for a free home safety check (also known as 'Safe and well visits').
- 6.16 TDC will ensure that only suitably competent fire risk assessors and fire safety engineers appropriately certified under BAFE and UKAS accredited certification schemes undertake fire safety assessments or works for the organisation.
- 6.17 TDC will have a robust process in place to gain access should any tenant or leaseholder refuse access to carry out essential fire safety related inspection and remediation works.
- 6.18 TDC will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.

- 6.19 TDC is committed to working with relevant Fire Services to create safer places to live and work. Joint working will include sharing information, the fire service reviewing risk assessments and providing training to TDC staff.
- 6.20 TDC will establish and maintain a plan of all continuous improvement activity undertaken with regards to fire safety.
- 6.21 TDC considers good communication essential in the safe delivery of fire safety and will therefore ensure that information about fire safety and fire prevention measures is available to residents and building users via information within welcome packs at the start of a tenancy and through regular ADHOC communication with tenants in regards to fire safety. From 1 October 2021, TDC will also publish a tenant friendly version of each FRA on their website.
- 6.22 TDC will ensure that a redacted version of the fire risk assessment will be made available to tenants upon request.
- 6.23 TDC will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.24 TDC will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.
- 6.25 TDC will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.26 TDC will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.27 TDC will ensure that there is a robust process in place for the management of immediately dangerous situations identified during the fire safety programme.
- 6.28 TDC will adopt a sterile approach to fire safety in the communal areas of their properties, and will have a managed approach to the removal of tenant's goods from these communal areas.
- 6.29 TDC will not permit the storage of scooters within the communal areas of their properties.
- 6.30 TDC will have a robust process in place to manage properties with known hoarding issues, as well as new hoarding issues which arise.

7.0 Compliance Risk Assessment/Inspection Programmes

- 7.1 **Risk assessment** - TDC will establish and maintain a risk assessment for fire safety management and operations. This risk assessment will set out the organisation's key fire safety risks together with appropriate mitigations.
- 7.2 **CDM** - to comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repair work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement and refurbishment works where applicable.
- 7.3 **Fire risk assessments (non-domestic and other)** - TDC will complete a programme of fire risk assessments to all non-domestic (communal blocks) and 'other' properties (offices, commercial shops, depots etc.) owned and managed within its HRA.

- 7.4 Thereafter, TDC will carry out a programme of fire risk assessment reviews, ensuring that all fire risk assessments are reviewed no later than the review date set by the fire risk assessment and that this review is carried out by a competent fire risk assessor (generally this review period will be annually for high rise stock and two yearly for all remaining stock, unless otherwise specified by the fire risk assessor).
- 7.5 All future fire risk assessments will be Type 3 surveys as a minimum. Type 4 surveys will be commissioned for all high rise stock as the initial risk assessment, followed by Type 3 surveys thereafter. A Type 4 survey may also be commissioned following any planned works which may impact the compartmentation within a high rise building.
- 7.6 **Commercial Stock Assigned to the HRA** - TDC will ensure they have records of a valid FRA where properties they own or manage are managed by another person or organisation (i.e. are managed by managing agents). These properties will be included on the TDC Fire Safety programme, so a new FRA can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out the FRA, TDC will step in and carry out the FRA and re-charge the managing agent for the cost of this work.
- 7.7 TDC will adopt a pro-active approach to fire door auditing, and will regularly review the approach to ensure that it remains in line with all changes in legislation.
- 7.8 TDC will ensure that each property requiring a fire risk assessment has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) and that it has been carried out by a competent fire risk assessor.
- 7.9 TDC will carry out a programme of servicing and maintenance, in accordance with all relevant British Standards and manufacturer's recommendations, to all fire detection, prevention and firefighting systems and equipment within buildings owned or managed by the organisation.
- 7.10 TDC will carry out a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be undertaken at regular intervals by caretakers and housing advisors and inspections records will be kept.
- 7.11 **New Build Properties** - TDC will ensure that a pre-occupation fire risk assessment is carried out on all new build properties where required, and that a post-occupation FRA is also commissioned within three months of the first tenant moving in.

8.0 Compliance Follow up Work

- 8.1 TDC will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by fire risk assessments. This will be done as soon as reasonably practicable and in the following priority order:
- Intolerable actions
 - Substantial actions
 - Moderate actions
 - Tolerable actions
 - Trivial actions

If this cannot be achieved an alternative mitigation plan will be put in place.

- 8.2 TDC will ensure that robust processes are in place to implement all fire precaution measures identified by the regular property inspections carried out by Housing Response Officers and Housing Officers.
- 8.3 TDC will ensure there is a robust process in place for the management of any follow-up works required following the completion of servicing and maintenance checks to fire detection, prevention and fire-fighting systems and equipment.

9.0 Record Keeping

- 9.1 TDC will establish and maintain a core asset register of the communal blocks and 'other' properties that require a fire safety risk assessment. This register should also identify all fire safety equipment, systems and installations within each building.
- 9.2 The register must show the date of the previous and current fire risk assessment (where applicable), along with the due date of the next fire risk assessment. The register will also be used to record and track the progress of all fire safety actions required, as identified from the fire risk assessments.
- 9.3 FRA inspection and re-inspection dates, FRA surveys and FRA actions will be electronically stored.
- 9.4 TDC will establish and maintain a register against each property asset of any smoke/heat detection equipment contained within domestic dwellings.
- 9.5 TDC will establish and maintain accurate records of all completed fire risk assessments, fire risk assessment reviews and associated completed remedial works from these reports, and keep these as per the organisation's Data Retention Policy.
- 9.6 TDC will establish and maintain accurate records of all completed servicing and maintenance checks on fire safety equipment, systems and installations and details of associated completed remedial works, and keep these as per the organisation's Data Retention Policy.
- 9.7 TDC will maintain an appropriate Fire Safety Log Book and keep securely on site, where practical, for all high risk buildings requiring a fire risk assessment. High risk schemes include all high rise buildings and any building with a personalised evacuation strategy.
- 9.8 TDC will establish and maintain records of all fire safety related training undertaken by staff.
- 9.9 TDC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all fire safety related data.

10.0 Key Roles and Responsibilities

- 10.1 TDC's Cabinet will have overall governance responsibility for ensuring the Fire Safety Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 TDC's Cabinet will receive regular updates on the implementation of the Fire Safety Policy and fire safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.

- 10.3 The Head of Housing and Planning has strategic responsibility for the management of fire safety and for ensuring compliance is achieved and maintained. They will oversee the implementation of the Fire Safety Policy.
- 10.4 TDC's Compliance Manager will be responsible for overseeing the delivery of the agreed fire risk assessment and re-assessment programmes, and the prioritisation and implementation of any works arising from the fire risk assessments. They are also responsible for overseeing the delivery of service, maintenance and repair programmes to all fire detection, alarms and fire-fighting equipment within property assets owned or managed by TDC.
- 10.5 TDC's CMT will receive reports in respect of fire safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.6 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 10.7 TDC's Head of Housing and Planning will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will also ensure that this review process takes place before the policy expires in March 2022.
- 10.8 The Head of Housing and Planning will ensure that this policy is saved on the shared drive and distributed to all relevant members of staff.

11.0 Competent Persons

- 11.1 TDC will ensure that the manager with lead responsibility for operational delivery holds a suitable qualification. TDC will fund training as necessary so they gain this qualification and membership, if they do not have it at the time this policy is approved. This will happen within 12 months of the approval of this policy or within 12 months of the start of employment for any new employee.
- 11.2 TDC will ensure that only suitably competent fire risk assessors, certified by BAFE and on a UKAS accredited certification scheme that meets the competency criteria established by the Fire Risk Assessment Competency Council, are procured and appointed to undertake fire risk assessments.
- 11.3 The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken as part of the procurement process and/or on an annual basis thereafter and evidenced appropriately.
- 11.4 TDC will ensure that only suitably competent contractors and engineers, certified by a UKAS accredited certification scheme, are procured and appointed to undertake works to fire safety equipment, systems and installations. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken as part of the procurement process and/or on an annual basis and evidenced appropriately.

12.0 Training

- 12.1 TDC will ensure that all operatives working for, or on behalf of the organisation have the relevant training required for their role. This will be managed via periodic

assessments of training needs and resulting programmes of internal and/or external training.

13.0 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure TDC is able to report on performance in relation to fire safety.
- 13.2 KPI measures will be produced and provided at service level on a monthly basis and at TDC's CMT and elected members on a quarterly basis. As a minimum, these KPI measures will include reporting on:

Data - the total number of:

- Properties - split by communal blocks and 'other' properties;
- Properties on the FRA programme;
- Properties not on the FRA programme;
- Properties with a valid 'in date' FRA. This is the level of compliance expressed as a number and a %;
- Properties where the FRA has expired and is 'out of date'. This is the level of non-compliance expressed as a number and a %;
- Properties which are due for a new FRA within the next 90 days. This is the early warning system;
- Follow-up works - number of actions (by priority) - raised in period, 'completed', and number of actions live and length of time since identified in the FRA.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow up works.

In addition:

- Compliance with the fire safety equipment, systems and installations servicing and maintenance programme;
- Recording and reporting on property fires to identify trends and target awareness campaigns.

14.0 Quality Assurance

- 14.1 TDC will carry out an independent audit of fire safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and approved codes of practice and identify any non-compliance issues for correction.
- 14.2 TDC will carry out independent third party quality assurance audits of fire risk assessments, fire equipment servicing and follow-up actions. This will be a 100% check of fire safety works carried out on high rise properties and a 10% sample of the total fire safety works carried out on the remaining stock.

- 14.3 TDC will implement a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be carried out by caretakers and housing advisors and be undertaken at regular intervals, with inspection records evidenced and kept against each property. In addition to this TDC will ensure regular testing of all fire alarms and emergency lighting systems.

15.0 Non-Compliance/ Escalation Process

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Housing & Planning in the first instance.
- 15.3 The Head of Housing & Planning will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the CMT.
- 15.4 The Head of Housing and Planning will ensure the Cabinet Member for Housing and Safer Neighbourhoods is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue the CMT and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

16.0 Glossary

- 16.1 This glossary defines the key terms used throughout this FRA policy:
- 16.1.1 **FRA:** Fire Risk Assessment - an assessment involving the systematic evaluation of the factors that determine the hazard from fire, the likelihood that there will be a fire and the consequences if one were to occur.
- 16.1.2 **PEEP:** Personal Emergency Evacuation Plan - a bespoke 'escape plan' for individuals who may not be able to reach an ultimate place of safety unaided or within a satisfactory period of time in the event of any emergency.
- 16.1.3 **PAS79:** is a Publicly Available Specification published by the British Standards Institution which focuses on making sure that all the required information that pertains to both a fire risk assessment and the findings are recorded.