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Update on work relating to the Regulatory Reform (Fire Safety) Order 2005

Issued by:

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Fire and Resilience Policy Division

Addressed to:

**The Chair of the Fire and Rescue Authority
The Chief Executive of the County Council
The Clerk to the Fire and Rescue Authority
The Clerk to the Combined Fire and Rescue
Authority
The Commissioner of the London Fire and
Emergency Planning Authority
The Chief Fire Officer**

Please forward to:

Heads of Fire Safety

Summary

This document provides an update on work relating to the Regulatory Reform (Fire Safety) Order 2005 covering: changes to handling enquiries from the public; promotional work; the final technical fire risk assessment on animal premises and stables; outstanding legislation work relating to the Fire Precautions (Sub-Surface Railway Stations) Regulations 1989; and new guidance for enforcing authorities.

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1.0 Introduction

1.1 The Regulatory Reform (Fire Safety) Order 2005 ("the Order") came into force on 1 October 2006. Having just passed the first anniversary, it is timely to provide an update on the Department's programme of work to assist implementation of the Order. The work programme until March 2008 comprises five projects: enquiry handling; promotion; guidance; outstanding legislation and enforcement. This Circular provides an update on each of the projects.

2.0 Enquiry Handling

- 2.1 To assist the general public in understanding their duties under the legislation, the Department has committed some resource to answering individual enquiries. Many enquiries are very specific and best answered by fire safety experts based in local Fire and Rescue Services and we have referred many enquirers to contact their local service. Now that we have passed the first anniversary of the Order we are now winding down this service.
- 2.2 From 1 November 2007, we will no longer advertise the enquiry email fire.safetyreform@communities.gsi.gov.uk on the CLG web site and on the Fire Gateway web site. We would be grateful if you could remove any reference to it on your own web sites.
- 2.3 To ease the transition we will continue, until the end of November, to read the emails that come into this account and where they are of a more general nature we will respond. We will not respond to specific enquiries. Any emails into this account already receive an automatic response advising enquirers that the Department no longer answers enquiries from the public and that they should approach their local Fire and Rescue Authority for advice on matters relating to fire safety.
- 2.4 Whilst we will no longer be able to answer enquiries from the general public, we will continue to respond to enquiries from Fire and Rescue Authority staff on technical matters. From 1 November 2007, any technical fire safety enquiries related to the Order should be directed to the Chief Fire and Rescue Advisors Unit using the email: firesafety.cfrau@communities.gsi.gov.uk. Any messages sent through the FINDS system related to the RRO should go to this email address. Any matters sent to FINDS of a wider nature, should go to the generic cfrau@communities.gsi.gov.uk.

3.0 Promotion

3.1 You will be aware that we launched a substantial £1.3 million promotional campaign just before the Order came into force last year. Using a combination of direct mail, radio and web based advertising, we raised awareness of the impending changes to fire safety legislation. Our tracking research showed that the direct mail was particularly successful in raising awareness amongst small and medium sized enterprises in particular.

- 3.2** Learning from our previous experience, we are now looking at more targeted advertising to continue awareness raising in areas that we know from our enquiry service are struggling to understand their responsibilities under the Order. Our promotional work has two key objectives: to raise awareness of the RRO in targeted sectors (SMEs, holiday lets and animal premises - plus a drive to promote the disabled access guide); and to identify and establish third party channels through which we can promote the RRO more widely.
- 3.3** Promotional material will focus on relaying the duties of the responsible person under the legislation and understanding risk management. This is ongoing work that will develop and deliver over the next twelve months.

4.0 Guidance

- 4.1** The Department has issued a series of technical risk assessment guides to help the responsible person to understand their duties under the Order in particular premises. We have issued 11 of these guides and the twelfth and final guide focused on premises with animals has now been published. This is available on the CLG website (along with all the others at www.communities.gov.uk/fire) and in hard copy through the usual channels.
- 4.2** In addition to the main series, the Department published in March this year a supplementary guide 'Means of Escape for Disabled People'. This looks at disabled access across all types of premises and should be read alongside guides from the main series.

5.0 Outstanding legislation

- 5.1** During the passage of the Order through Parliamentary Committee, Ministers agreed to keep the Fire Precautions (Sub-surface Railway Stations) Regulations 1989 and not revoke them along with the rest of the Fire Precautions Act 1971. They exist as if they were made under the Order, as Regulations under article 12. However, Ministers did commit to review this position and to provide further guidance to the industry - this became the Transport Premises and Facilities Guide that was published earlier this year.
- 5.2** As part of the review of the 1989 Regulations, a working party comprising representatives from relevant organisations drew up a table comparing the Order with the 1989 Regulations to ascertain the extent to which the Order overlapped with the 1989 Regulations. Since this work was completed, Ministers have met trade union representatives and agreed to go forward to public consultation on changes to the 1989 Regulations. Those Fire and Rescue Authorities who are directly affected by the 1989 Regulations because they have sub-surface railways in their area have been invited to a pre-consultation meeting on 16 November to discuss a draft of the consultation. It is likely that the consultation paper will be published before Christmas.

6.0 Enforcement

- 6.1** To assist Fire and Rescue Authorities in understanding their duties as enforcing authorities under the Order, the Department will be publishing a series of Guidance Notes, in the same vein as the old Fire Precautions Circulars. This series will be ad hoc and demand led, based on the experience of Fire and Rescue Authorities.

- 6.2 The first in this series is the Enforcers Guide. This is an article by article explanation of the Order. It provides background information about the thinking behind the articles and clarifies points that have arisen from Fire and Rescue Authorities to date. This Guide has been widely discussed with stakeholders.
- 6.3 The second note in the series is focused on the determinations procedure which is set out in article 36 of the Order. Where the responsible person and the enforcing authority cannot agree on the changes that need to be made to fire precautions arising out a fire risk assessment, both parties may jointly request a determination by the Secretary of State. To assist Fire and Rescue Authorities in using this part of the Order we have produced some external guidance on what the process is and what documentation we need.
- 6.4 Both of these guides are now available in electronic format only from the CLG website at www.communities.gov.uk/fire.

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