

# NOT GETTING ON LIKE A HOUSE ON FIRE

GROWTH

## QUICK TIPS

- *It's important for practices to understand the implications of the Regulatory Reform (Fire Safety) Order 2005.*
- *Practices need to appoint a responsible person to take control of the practice's risk assessments. They need authority to act.*
- *Remember to consider risks that are outside of the practice and which may come from third-party premises.*
- *Practices need to have regard not just for their own staff and patients but for anyone who may be on the premises.*

Fire safety is often not the first thing on your mind when running a practice, but when fire strikes it can be utterly destructive. And opticians have suffered. Back in 2014, a branch of Specsavers in Coventry was badly damaged in a fire that required eight crews to contain and put out. The premises were subsequently forced to close for two months to allow for major renovation. In November 2016, a fire that started in a cellar took hold of Eye2Eye Opticians in Leeds. Engineers from Northern Power Grid were called to the scene along with two fire crews.

## FIRE SAFETY REQUIREMENTS

Laura Guntrip, a partner at Lester Aldridge LLP solicitors, says the governing legislation for fire safety is the Regulatory Reform (Fire Safety) Order 2005. The Order applies throughout England and Wales and covers general fire precautions and other fire safety duties which are designed to protect relevant people in the case of a fire. 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.

"The responsibility for complying with the Order rests with the 'responsible person', and in a retail

environment this is the employer and any other person who may have control of any part of the premises, for example an occupier or an owner," says Ms Guntrip.

She notes that the responsible person must carry out a fire risk assessment which must focus on the safety of all relevant people who may be affected by a fire, adding: "it should pay attention to those at particular risk and must include consideration of any dangerous substances which are likely to be on the premises which may act as an accelerant." This could be paper records, cleaning materials, or sources of heat and lighting.

It's clearly important that the responsible person for the premises is fully aware of the need to manage the premises to ensure the safety and wellbeing of those onsite at all times. Staff must be trained to prevent or limit the risk of fire, to recognise and neutralise potential fire hazards and to know how to respond to an emergency both individually and collectively.

Guntrip says that to achieve this: "it is not only critical to have good and regularly updated staff training, but also to have robust procedures to avoid fires occurring, to ensure the maintenance of installed fire safety systems and to ensure that emergency escape routes are accessible. It is also critical to have clear emergency plans in place so that everyone knows how to respond to a fire if one were to occur." And this applies no matter how small the premises might be, so long as they're commercially run.

## FIRE RISK ASSESSMENT

The need for a fire risk assessment is clear, but what does it involve? From Ms Guntrip's point of view it's "an organised and methodical look at the premises, the activities carried on there, and how a fire may start."

She considers the aim of a fire risk assessment is to identify fire hazards, reduce the risk of those hazards causing harm to as low as reasonable practicable and decide what physical fire precautions and management arrangements are necessary to ensure the safety of people within the premises if a fire does start.

1. <https://www.coventrytelegraph.net/news/coventry-news/fire-hit-opticians-reopened-coventry-cleaner-8769288>

2. <https://www.yorkshireeveningpost.co.uk/news/fire-engines-called-to-leeds-opticians-blaze-1-8237173>

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## FIRE SAFETY DUTIES

But there is more to the obligation. In addition to the completion of a robust fire risk assessment and action plan, practices also need to comply with a number of other fire safety duties.

"The first step," says Ms Guntrip, "is to appoint one or more 'competent persons' to assist in undertaking any of the preventative and protective measures required by the Order." She defines a competent person as someone with enough training and experience or knowledge or other qualities to be able to properly implement these measures.

As part of this process, employees must be provided with comprehensive information on the risks to them identified by the fire risk assessment, details of the measures taken to prevent fires, and how these measures will protect them if a fire breaks out.

## BUT OTHERS ARE PROTECTED TOO

"Any non-employees, such as agency staff and locums, need to be told of the relevant risks to them. They too should be told about the fire safety procedures for the premises. The same information ought to be given to any agency employing those individuals," says Ms Guntrip. It is important to remember that health and safety law applies to anyone else on the premises including patients.

Employees should be given ongoing information, instruction and training, during their normal working hours, about fire precautions in the workplace.

Naturally, it is important to consider the presence of any dangerous substances and the risk this presents to fire. Ms Guntrip also notes what should be obvious: "There should be a suitable means of contacting the emergency services and providing them with relevant information about dangerous substances." In other words, it is useful for staff to have access to mobile phones on networks that offer coverage.

Lastly, the premises and anything connected with firefighting, fire detection and warning, plus emergency routes and exits, must be regularly maintained by a competent person to ensure they are in good working order.

Ms Guntrip's parting advice is that action needs to be taken to ensure compliance with the law in this area. As she points out, "failures can be expensive in a number of ways."

**By Adam Bernstein**



## FURTHER INFORMATION

**The government has guidance specifically for retail premises at**

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-offices-and-shops>.

**Guidance on fire risk assessments:**

[https://www.thefpa.co.uk/advice--guidance/advice--guidance\\_detail.fire-risk-assessment-guidance-booklet.html](https://www.thefpa.co.uk/advice--guidance/advice--guidance_detail.fire-risk-assessment-guidance-booklet.html)

**HSE guidance on fire safety:**

<http://www.hse.gov.uk/toolbox/fire.htm>

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## A FIRE SAFETY RISK ASSESSMENT INVOLVES FIVE STEPS:

### 1. IDENTIFY FIRE HAZARDS

#### a. Sources of ignition for example:

- Smoking materials e.g. cigarettes/matches or lighters;
- Naked flames
- Electrical gas or oil filled heaters;
- Cooking equipment;
- Faulty or misused electrical equipment;
- Lighting equipment;
- Hot surfaces and obstruction of equipment ventilation

#### b. Sources of fuel for example:

- Paints and cleaners;
- Plastics;
- Seasonal and religious decorations;
- Flammable cleaning products;
- Paper products, books and stationery;
- Waste storage;
- Materials used in the construction of the premises which may contribute to the spread of fire.

#### c. Sources of oxygen

### 2. IDENTIFY PEOPLE AT RISK

#### a. People in and around the premises.

#### b. People especially at risk (anyone with mobility, hearing, visual or cognitive impairments).

### 3. EVALUATE, REMOVE, REDUCE AND PROTECT FROM RISK

#### a. Evaluate the risk of a fire occurring.

#### b. Evaluate the risk to people from fire.

#### c. Remove or reduce fire hazards:

- Remove or reduce sources of ignition (including a safe smoking policy);
- Remove and reduce sources of fuel;
- Remove and reduce sources of oxygen.



#### d. Remove or reduce the risks to people through:

- Detection and warnings;
- Firefighting;
- Escape routes;
- Lighting;
- Signs and notices; and
- Maintenance.

### 4. RECORD, PLAN, INFORM, INSTRUCT AND TRAIN:

- Record significant findings and action taken;
- Prepare an emergency plan;
- Inform and instruct relevant people;
- Provide training.

### 5. KEEP THE ASSESSMENT UNDER REVIEW AND REVISE WHERE NECESSARY