



# Unit 2

## Fire Safety Legislation

### Learning Outcomes

By the end of this unit the learner will be able to:

- ✓ Understand and comply with all legislation set out in DSEAR
- ✓ Discuss the importance of conducting regular risk assessments in the workplace
- ✓ Identify which areas at work are at the highest risk of fires or similar incidents

## Unit 2

### Fire Safety Legislation

Previously, around seventy pieces of fire safety legislation were in place in the United Kingdom, the most important of which the Fire Precautions Act 1961 were and the Fire Precautions (Workplace) Regulations 1997/1999. As a result, in 2001, it was decided that the legislation needed to be simplified. In England and Wales, this was accomplished through the Regulatory Reform (Fire Safety) Order 2005.

The Fire Safety (Scotland) Regulations 2006, as well as a number of other relevant fire safety documents, were introduced in Scotland as separate fire service and fire safety legislation. The website of the Scottish Government has more information.

In 2010, the Northern Ireland Fire Safety Regulations (Northern Ireland) were enacted. Northern Ireland Fire and Rescue Service has more information.

#### **England and Wales' Regulatory Reform (Fire Safety) Order 2005**

The Order went into effect on October 1, 2006.

With a few exceptions, the Order is intended to provide a minimum fire safety standard in all non-domestic premises. If it is a workplace, the Responsible Person is the employer (RP). If anyone else has some level of control, they may be subject to the Order's provisions. If it is not a workplace, the Responsible Person can be anyone who has some control over the situation, including the owner. Those individuals, or someone acting on their behalf, are responsible for a variety of fire safety responsibilities, including ensuring that general fire precautions are adequate and conducting a fire risk assessment. If there are more than five people working, a written fire risk assessment is required.

#### **DSEAR Regulations**

The Dangerous Substances and Explosive Atmospheres Regulations of 2002 are abbreviated as DSEAR.

The Dangerous Substances and Explosive Atmospheres Regulations of 2002 deal with fire, explosion, and other similar events that can occur when dangerous substances are used or present in the workplace. Since June 2015, DSEAR has also covered high-pressure gases and metal-corrosive substances. This is to allow for changes to the EU Chemical Agents Directive, which has physical hazards aspects that are implemented in the UK via DSEAR.

They establish minimum standards for the protection of workers from fire and explosion hazards posed by dangerous substances and potentially explosive atmospheres, as well as gases under pressure and metal-corrosive substances, and they require employers to manage the risks to employees' and others' safety posed by these hazards.

#### **What are dangerous substances?**

Any substance used or present at work that, if not properly controlled, could cause harm to people as a result of a fire, explosion, or metal corrosion, is considered a dangerous

substance. Solvents, paints, varnishes, flammable gases such as liquid petroleum gas (LPG), dusts from machining and sanding operations, dusts from foodstuffs, pressurised gases, and metal-corrosive substances can all be found in nearly every workplace.

### **What are the requirements of DSEAR?**

Employers are required to:

- Learn about the hazardous substances in their workplace and the dangers they pose.
- Put in place control measures to either eliminate or, if that isn't possible, control those risks.
- Implement controls to mitigate the consequences of any incidents involving dangerous substances.
- Make plans and procedures for dealing with dangerous substance accidents, incidents, and emergencies.
- Ensure that employees are properly informed and trained on how to control or deal with the dangers posed by hazardous substances.
- Identify and classify areas of the workplace where explosive atmospheres are likely to occur, and stay away from ignition sources (such as unprotected equipment) in those areas.

### **Where does DSEAR apply?**

DSEAR applies to workplaces that have, use, or produce hazardous substances. Workplaces are any buildings or parts of buildings that are used for work. This includes industrial and commercial buildings, land-based and offshore installations, mines and quarries, construction sites, vehicles and vessels, and other locations. Houses and other domestic premises, if people are at work there, are also premises, as are common parts of shared buildings, private roads and paths on industrial estates, and road works on public roads.

Some DSEAR requirements, such as those dealing with explosive atmospheres, are not applicable to industries like offshore oil and gas production. For more information, see the 'Explosive atmospheres and ATEX' section.

The Regulatory Reform (Fire Safety) Order 2005, which was designed to simplify the existing legal requirements at the time, collects all fire safety legislation in England and Wales. Except for a few small exceptions, these regulations apply to all non-domestic premises. Every business must have a designated "Responsible Person" whose job it is to ensure that certain responsibilities are met and that steps are taken to prevent fires as well as to prevent injury or death if one does occur.

These are important responsibilities that should be taken seriously, as there are nearly 20,000 commercial fires in the UK each year. It is suggested that the 'Responsible Person' hires a professional fire safety company to help them meet their company's needs.

## UK Fire Safety Legislation Simplified

### No 1. Your Fire Risk Assessment

A Fire Risk Assessment is required for all businesses. This is the cornerstone of fire protection in your business, and one of the first things a fire authority inspecting officer will ask to see if they inspect your premises, along with your Fire Safety Log Book.

Unless you have more than four employees, your Fire Risk Assessment does not need to be written down, but it is always a good idea to have it documented for easy reference.

#### Your Fire Risk Assessment must:

- Be reviewed regularly
- Be documented if there are 5 or more employees in the business or;
  - The premises require a licence or;
  - The fire department has issued a notice requiring you to make the necessary changes.

The main findings and any actions to be taken must be recorded in the fire risk assessment document.

You don't have to hire a professional fire risk assessor if you don't want to, but anyone who conducts a Fire Risk Assessment in your company must be confident in their ability to:

- Recognise the potential sources of fire in the workplace.
- Determine who is at risk.
- Evaluate the effectiveness of existing fire safety measures, such as fire alarm systems and escape routes.
- Evaluate the business's ongoing fire safety management, such as fire drills and staff training.
- If changes are required, create a fire safety action plan.
- Make a list of all significant findings.
- If an action plan is required, put it into action.
- Update the fire risk assessment on a regular basis.

### No 2. Fire Extinguishers

You must provide "appropriate fire-fighting equipment" according to UK fire safety legislation.

Portable fire extinguishers are typically required, but some higher-risk businesses may also require hose reels or sprinklers. A restaurant, or one that needs to store chemicals or flammable materials, is an example of a higher-risk business.

Your fire extinguishers must:

- Be the appropriate type for the type of business you have and the location where they are used.
- Be kept in good working order.
- Be subjected to an annual maintenance inspection.
- Be maintained by a "competent" individual.

They may also be required to be certified in accordance with industry standards.

### No 3. Fire Safety Signs

The following is a list of the different types of fire safety signs and when they should be used:

- **Fire Action Notice** – explains what to do in the event of a fire and is required for all businesses.
- **Fire Extinguisher Identification Sign** – identifies and describes each type of extinguisher. Mandatory.
- **Fire exit signs** – where to go if there's a fire. All but the smallest and most basic properties require it.
- **Fire alarm call point signs** – indicates where the fire alarm should be activated. If you have an alarm, this is a must.
- **Signs for other fire equipment** – if you have a hose reel or a dry riser, you must mark their location.
- **Signs of Caution and Prohibition** – Draws attention to the danger. If there's a higher risk of fire on your property, this is a must.

### No 4. Fire Alarm Systems

If you run your business out of a small space, such as a shop, where you can see a fire developing and a shout of FIRE can be heard throughout the space, a fire alarm system may not be necessary.

Alarms are recommended for some higher-risk businesses, such as restaurants, as an extra precaution.

All other businesses must have an appropriate fire detection system, according to UK fire safety regulations.

- If a fire is likely to go undetected or block exit routes, you'll need an automatic system.
- The alarm must be audible to everyone in the building.
- Every exit on every floor must have an alarm call point.
- Furthermore, your fire detection system must be kept in good working order.
- You must test your fire alarm at least once a week.
- Your fire alarm must be serviced at least once every six months.
- The person performing the testing and maintenance must be qualified.
- They may require certification and approval in accordance with industry standards.

### No 5. Emergency Lighting

Emergency lighting is required in buildings in the United Kingdom to provide light in the event that normal lighting fails during a fire.

Emergency lighting serves three main purposes:

- Exit route lighting: illuminates exit routes and aids occupants in locating firefighting equipment in the event of a fire.
- Open Area Lighting, also known as 'Panic Lighting,' is a type of lighting that is used to illuminate a large area. To reduce panic, communal areas are kept lit in the event of a fire.
- Lighting for High-Risk Task Areas: provides light to help shut down potentially dangerous situations.

If your building doesn't have enough 'borrowed' light to safely exit the premises in the event of a power outage, or if there are any 'danger areas,' such as commercial kitchens or plant rooms, you'll need emergency lighting. In rooms larger than 60 square metres, emergency lighting is also recommended.

Monthly 'flick-testing' (turning off and on) and a full service should be performed on your emergency lights.

According to the most recent British Standard, you should perform a 3-hour emergency lighting test once a year, during which your main light circuit should be turned off and your emergency lights should be left on for 3 hours to see if any of them fail to work for the entire time. The three-hour time frame is intended to give the fire department enough time to respond in the event of a fire after all of the building's occupants have safely evacuated. Because turning off the main light circuit for three hours can be extremely disruptive to many businesses, an alternative method of testing is to perform a one-hour emergency lighting test twice a year.

### **No 6. Fire Safety Training**

Your entire team should know what to do in the event of a fire, and new employees should be shown how to do so as soon as they start working for you.

The following is required by UK fire safety legislation in terms of fire safety training:

- Refresher training should be provided on a regular basis – usually once a year.
- If there are any changes, such as building alterations, updated fire safety training is required.
- You must practise fire drills on a regular basis.
- In the event of an alarm, you must appoint people, known as Fire Marshals or Wardens, to do the following:
  - Use fire extinguishers when necessary.
  - Make contact with the emergency services
  - Assist with evacuating the building

### Further Reading:

- ✓ Legal Considerations for Fire & Emergency Services 3rd Edition by J. Curtis Varone , 2014
- ✓ A Practical Guide to the Regulatory Reform (Fire Safety) Order 2005 Paperback – November 20, 2019 by Laura Phillips