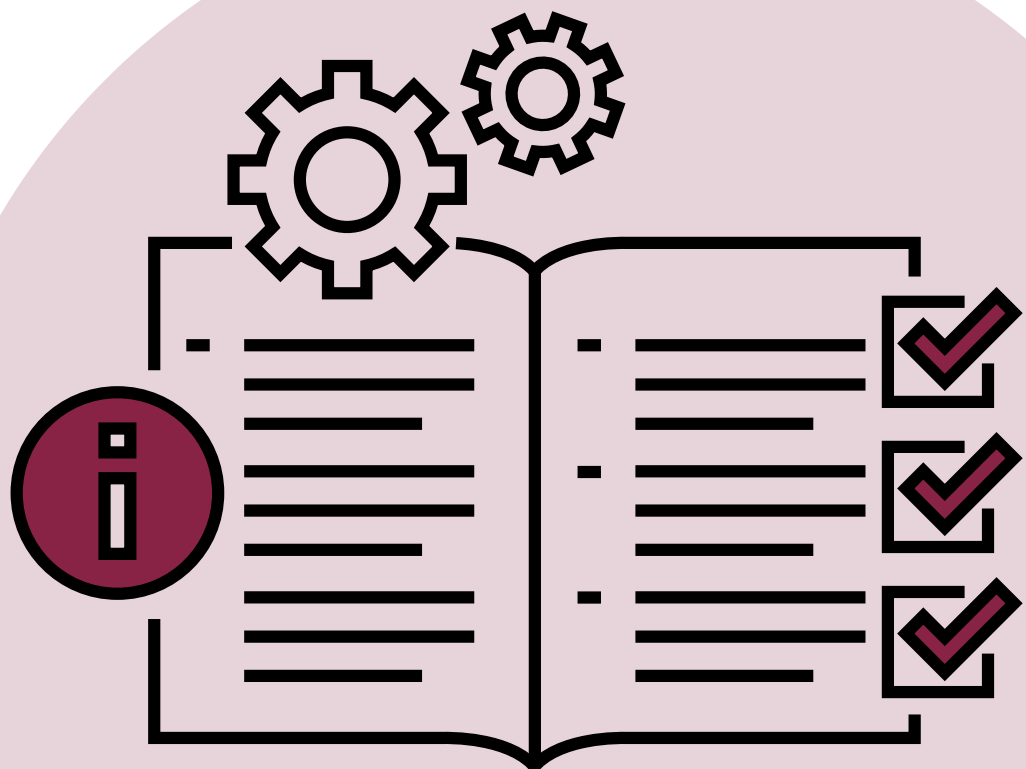




Home Office

# A guide for persons with duties under the Regulatory Reform (Fire Safety) Order 2005 (as amended) and the Fire Safety (England) Regulations 2022



This guidance is issued by the Secretary of State in accordance with Article 50 of the Regulatory Reform (Fire Safety) Order 2005



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# Foreword

**This short guide is intended to assist 'persons' with duties under fire safety legislation in England to comply with the legislation. Its purpose is to explain the duties in simple, nonlegal language. As such, it is not a guide to completing a fire risk assessment (see Annex A)**

This Guide will help you to decide the identity of the Responsible Person(s) at any premises. In some cases, there might be more than one Responsible Person. In these circumstances, the Responsible Person must co-operate with each other to co-ordinate their fire safety measures in order to ensure compliance with fire safety legislation.

In the context of fire safety legislation and this guide, a 'person' will commonly be an organisation, such as a limited company, rather than a living person. The organisation will then depend on managers and employees to make sure that it complies with its duties under fire safety legislation.

It is very rare a contract will make an employee responsible for 'maintaining' fire safety systems, this will be carried out by external contractors (under a contract which will give them a level of responsibility under the law) who are competent (this is key). If your contract of employment makes you responsible for fire safety (e.g. you are the company fire safety manager) or for certain aspects of fire safety (e.g. testing of fire protection systems where competent), you, as well as the organisation, may be a duty holder. More generally, under fire safety legislation, all employees in a workplace must take reasonable care for their own safety and the safety of other people who could be affected by things they do or do not do.

Inevitably, this guidance does not exhaustively list the legislative requirements. For more specific details, you should refer to the relevant legislation or to other guidance listed in Annex A.

This Guide will help you understand your duties but is not intended to provide technical guidance on the measures you must take to keep people safe from fire in your premises. Again, guidance listed in Annex A will help you with those measures. In this Guide, the sources of technical guidance on the measures necessary for compliance with legislation are described as the ‘technical guides’.

If you are unsure as to whether you are a Responsible Person, or, as to the requirements of fire safety legislation, you should seek advice from a competent person (either within, or external to, your own organisation). Fire and rescue services can also provide you with advice, but they cannot give any detailed advice on the specific fire safety measures that are required. Responsible Persons are required to determine this for themselves by carrying out a fire risk assessment.

Article 50 guidance has been strengthened by legislative changes to make clear that in court proceedings for alleged breaches of the Fire Safety Order or Regulations made under it, compliance with or deviation from guidance issued under Article 50 may be relied upon as tending to establish whether or not there was a breach of the Fire Safety Order or Regulations.

# 1. Introduction

- 1.1 The principal fire safety legislation applicable to England comprises:
  - The Regulatory Reform (Fire Safety) Order 2005 (the 'Fire Safety Order').<sup>1</sup>
  - The Fire Safety (England) Regulations 2022.<sup>2</sup>
  - The Fire Safety Act 2021.<sup>3</sup>
- 1.2 The Fire Safety Order came into force in 2006. It replaced all previous fire safety legislation (other than the Fire Precautions (Sub-surface Railway Stations) Regulations, which are not considered further in this guide).
- 1.3 The Fire Safety Order applies to virtually all premises, other than single residential dwellings (bungalows, houses, flats, etc.) – in particular, with very rare exceptions, it applies to all premises used as a workplace.
- 1.4 The Fire Safety Order also applies to the common parts (communal corridors and stairways) of blocks of flats and houses in multiple occupation (HMOs). An HMO is a property rented out by at least three people who are not from one 'household' (for example a family) but share facilities like the bathroom and kitchen.
- 1.5 The Fire Safety Order applies to the building's structure, external walls (including windows, balconies, and other attachments), and any common parts. The common parts include plant rooms, communal rooms, and doors (including doors between the dwelling and the common parts).
- 1.6 In multi-dwelling premises, it is only the dwellings (i.e. individual flats) themselves that fall outside the general scope of the Fire Safety Order.
- 1.7 The Fire Safety (England) Regulations make additional requirements for fire safety measures in blocks of flats, particularly those blocks over 18 metres in height. This Guide takes into account the requirements of these Regulations in general terms, but, for detailed guidance on the requirements imposed on Responsible Persons for purpose-built blocks of flats, reference should be made to Home Office guidance that is specific to these premises.<sup>4</sup>

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1 [The Regulatory Reform \(Fire Safety\) Order 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

2 [The Fire Safety \(England\) Regulations 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

3 [Fire Safety Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

4 [Fire safety in purpose-built blocks of flats – GOV.UK](https://www.gov.uk)

- 1.8 The Fire Safety Order was amended by the Building Safety Act 2022 to ensure residents have relevant fire safety information that they can understand, co-operation is improved between people with responsibilities under fire safety legislation and that there is a continual record throughout the building's lifespan of fire safety information. The details of requirements will be covered in this guide where applicable.
  
- 1.9 The broad scope of the Fire Safety Order means that very few premises in which people are employed to work fall outside the scope of the Order. These include offshore installations, mines, borehole sites, fields and woods away from main buildings, vehicles used for transport and ships under the control of a master and crew.



## 2. Responsible Person

2.1 For all premises that fall within the scope of the Fire Safety Order, there will be an identifiable Responsible Person, but the identity of the Responsible Person will depend on whether or not the premises are a workplace.

### **The Responsible Person (Workplaces)**

#### **Workplaces under the control of the employer**

2.2 If the premises is a workplace, and the premises (i.e. the workplace) is, to any extent, under the control of the employer, they will be the Responsible Person. In some cases, the Responsible Person may be the Building Owner (landlord) or depending on the lease agreement there may be joint responsibility between the employer and the landlord.

2.3 The employer is, quite simply, the 'person' who employs the employees in the premises that are under the employer's control. The Responsible Person is often an organisation, such as a limited company, and not a living person. In this case, the organisation is known as a 'legal person'.

2.4 Where there is doubt as to the identity of the employer, information sources such as contracts of employment or employers public liability certificates, etc. can be helpful to identify the Responsible Person. The entity that is named is likely to be the Responsible Person if the workplace is, to any extent, under their control. However, the identity of the Responsible Person is a matter of law and not a role that can be chosen by the employer or any other party.

2.5 In workplaces, the Responsible Person will be a living person (known in law as a 'natural person') if they directly employ people to work for them.

- 2.6 By way of example, in the case of a hotel chain, retail chain or limited company, the Responsible Person will not be the general manager of the hotel, the store manager of one of the retail outlets, the company secretary or the chief executive officer of the limited company, etc. – the Responsible Person will be the company itself. Employers have very strict duties to ensure the safety of everyone in workplaces under their control. For example, if your company rents one floor of a multi-storey office building, in which the company employs people to work, your company must make sure that all fire safety measures in the escape routes from your floor to the final exit(s) from the building (and not just those on your floor) are adequate to ensure the safety of your company's employees and everyone else who legally enters your premises (even as short-term visitors) or is in the immediate vicinity and would be at risk from fire on the premises
- 2.7 However, the general manager or store manager will have day-to-day responsibilities/duties, especially where they have some control of the premises; to assist the Responsible Person to ensure they are complying with the Fire Safety Order.
- 2.8 So, for example, in a multi-occupied building, where a tenant leases an entire floor of the premises, the landlord might be responsible for maintenance of the stairway(s) leading to this floor, and for all fire safety measures (such as the emergency lighting) within the stairway (the terms of the lease will indicate the areas of the premises that each of the parties is responsible for maintaining).
- 2.9 However, your company is also responsible for making sure that the stairway is safe for those people that you have responsibility for (e.g. your staff and visitors) by confirming that the landlord has provided an adequate emergency lighting system, and that the landlord has arranged for routine testing and maintenance of the system. Your landlord is required to co-operate with you to provide you with relevant information such as the significant findings of their fire risk assessment. In a multi-occupied premises, it is essential that your workplace and actions do not affect the safety of any of the other occupants of the premises (e.g. propping open fire doors to shared corridors and staircases).
- 2.10 Similarly, in a multi-storey office building, there will normally be a single fire alarm system throughout the building; it will normally be the responsibility of the building owner to provide, routinely test and maintain this system. However, if parts of the building are each leased by different employers, each employer must ensure that the fire alarm system, its testing and its maintenance is adequate to ensure the safety of people in their premises.
- 2.11 If you are prosecuted, as an employer, for offences under the Fire Safety Order, it is not a defence to claim that the offence was the fault of one (or more) of your employees. So, it is important that employees are properly instructed and trained in fire safety.

## Workplaces not under the control of the employer

- 2.12 If, for example, a maintenance engineering company sends maintenance engineers to visit non-domestic premises, the employer of the maintenance engineer does not, to any extent, have control over the workplaces that they visit. So, the employer is not, in this case, the Responsible Person for the premises in which the maintenance engineers work.
- 2.13 The employer does however have a duty to communicate and co-operate with the Responsible Person for the building in which their employees are undertaking work. The Responsible Person for the building must ensure that the employer for the maintenance engineering company is given information on the risks that the maintenance engineers are likely to encounter within the building, and the measures that need to be taken to reduce those risks.

## The Responsible Person (Non-Workplaces)

- 2.14 If the premises are not in use as a workplace (e.g. the common parts of an HMO, or a community hall), there will still be a Responsible Person.
- 2.15 In this case, the Responsible Person is the person who has control of the premises in connection with the trade, business or other undertaking carried out (for profit or not) which could also be the owner.

- 2.16 If the person in control is not carrying on any trade, business or other undertaking (e.g. a derelict, vacant building), the Responsible Person is the owner of the premises.
- 2.17 Where the premises are not a workplace, the duties of the Responsible Person are limited to things over which they have control. For example, by ensuring that the means of escape are appropriate, that there is an appropriate means of raising the alarm in the event of a fire, and that there is emergency lighting, to ensure the safety of the relevant persons.

## Dutyholders with control over premises

- 2.18 In addition to the Responsible Persons described above, there are dutyholders who nevertheless, have the same duties as Responsible Persons. However, their duties are limited to the extent of their control over the premises, or fire safety measures within the premises. In this case, the duties arise if, for example, under a contract or tenancy agreement (e.g. a lease), the dutyholder has a responsibility for any of the following:
- maintenance or repair of the premises
  - maintenance or repair of anything in or on the premises (e.g. the fire alarm system in the premises)
  - the safety of the premises

2.19 Therefore, dutyholders could include:

- the landlord of a commercial property, who will have duties in relation to any fire safety measures in the building that they are required to maintain or repair under the lease with each tenant
- the managing agents, if (as will normally be the case) their contract with the landlord makes them responsible for arranging maintenance or repair of the premises or fire safety measures in the premises, or makes them responsible for the safety of the premises
- contractors who maintain fire protection systems and equipment (such as fire extinguishers, emergency lighting and fire alarm systems). In this case, they only have duties, under the Fire Safety Order, in relation to maintenance of systems and equipment that they are contracted to maintain
- Contractors whose work may affect other fire safety elements of the building (e.g. where installing cables or pipes through compartmentation)
- external consultants contracted to carry out fire risk assessments (see Section 3), as their contract relates to the safety of the premises
- residents of who could impact on the safety of the premises by failing to maintain (if required by lease), or interfering with, the flat entrance door to their home

## Dutyholders in multiple occupancy, non-domestic premises

2.20 It follows from paragraph 2.18 that, in the case of, for example, non-domestic premises in multiple occupation (e.g. an office building or workshops with various different employers) there can be numerous dutyholders under fire safety legislation. Each employer will be a Responsible Person and, depending on the extent of control they have of the building, the landlord and managing agents may either be considered the Responsible Person or a dutyholder. Others, such as maintenance contractors and fire risk assessors, will also be dutyholders.

2.21 Under these circumstances, there is obviously a need for the various dutyholders to co-operate with each other to enable co-ordination of all the measures required under fire safety legislation. It is a specific requirement of the Fire Safety Order that such co-operation takes place.

2.22 For example, the landlord or managing agents will normally arrange for regular fire drills to be carried out. It would not be acceptable for tenants to refuse to participate in the fire drills. If there is a common fire alarm system in the building, tenants will need to permit access to their premises, so that fire alarm devices within their premises can be tested and maintained regularly.

2.23 Tenants will also need to co-operate with the landlord or managing agents to make sure they do not undermine the landlord's fire safety policies (e.g. keeping escape routes clear and making sure that they do not wedge open fire doors between their premises and common parts of the building).

# 3. Fire risk assessment

## Requirement to carry out a fire risk assessment

3.1 If your premises fall within the scope of the Fire Safety Order, the Responsible Person is required to carry out a 'suitable and sufficient' fire risk assessment. Responsible Persons can carry out their own fire risk assessments if they are competent to do so. You must keep a record of your completed fire risk assessment.

## Objective of a fire risk assessment

3.2 The objective of a fire risk assessment is to make sure all relevant persons are safe from fire. So, you should think of the fire risk assessment as the foundation on which fire safety measures in your premises are built.

3.3 Relevant persons include anyone who is lawfully on your premises (employees, customers, visitors, contractors, people who live in the building etc.) but also include anyone in the immediate vicinity of your premises who is at risk from a fire on your premises (e.g. people in a flat above a shop, or other businesses in the case of a multi-occupied premises).

3.4 Before you employ a young person (under 18 years of age) or use dangerous substances (certain materials that are particularly flammable, explosive materials, certain dusts that can explode when mixed with air, or oxidising agents), you must ensure that, in relation to the risk of fire to young persons or the use of dangerous substances, this is addressed in your fire risk assessment.

## Who Carries out the fire risk assessment?

3.5 In the case of small premises, the fire risk assessment is commonly carried out by the owner or occupier of the premises, where they are competent to do so. The Home Office publish simple, easy to read guides to assist such Responsible Persons to carry out their own fire risk assessments by explaining the fire safety measures required.

3.6 These simple guides, which are listed in Annex A, apply to:

- small, low risk, non-domestic premises, with no more than a basement, ground and first floor, and no floor greater than 280m<sup>2</sup> – examples are small offices or factory units, newsagents, hairdressers, food outlets, small bars and restaurants, workshops, community halls, etc.

- small, purpose-built blocks of flats or houses converted into blocks of flats, comprising no more than a ground and two upper floors, and no more than six flats
  - small bed and breakfast or self-catering accommodation, comprising no more than a ground and first floor, accommodation for no more than 10 persons, and with no more than three bedrooms on the first floor
- 3.7 For larger premises, the Home Office publish a separate suite of technical guides (listed in Annex A). These provide more extensive guidance on the fire safety measures appropriate for larger premises.
- 3.8 Again, Responsible Persons can use the technical guides to carry out their own fire risk assessments, but, commonly, the Responsible Person will engage the services of a consultant or another third party ('a fire risk assessor') to carry out the fire risk assessment(s) for their premises. If you choose to employ someone to do this on your behalf, you must record their identity.
- 3.9 You must ensure that any Fire Risk Assessment is suitable and sufficient as per paragraph 9(1) of the Fire Safety Order (2005). If you cannot do this yourself, the Home Office strongly recommends that you use a professional Fire Risk Assessor. It is very important that, if you either employ a person directly to undertake your fire risk assessment, or you engage the services of a third-party professional fire risk assessor, you must ensure that they are competent, not just to carry out fire risk assessments generally, but for your type of premises, and the risk associated with them.
- 3.10 For example, a fire risk assessor with ample experience of carrying out fire risk assessments for offices, factories, shops and other workplaces might not have adequate experience to carry out fire risk assessment for a residential care home, high rise block of flats, or a heritage/historic building (and vice versa).
- 3.11 The Home Office advise that, in choosing a fire risk assessor, preference be given to companies (which can include sole traders), that are certificated by a recognised third-party certification body, or to persons who are certificated as competent to carry out Fire Risk Assessments under a recognised certification scheme or are registered as such by a professional body. In future, there will be a legislative requirement that all Fire Risk Assessors must have such certification in order to carry out assessments of high-risk premises.

- 3.12 Use of such companies, or individual fire risk assessors, is particularly important if your premises are high risk (e.g. because people sleep on the premises, the premises cater for vulnerable people, or there are processes that result in a significant fire hazard).
- 3.13 Guidance on choosing a competent fire risk assessor is published by the Fire Sector Federation (FSF). The FSF guidance will provide you with information on appropriate registration and certification schemes and direct you to registers of appropriate companies and individual fire risk assessors.<sup>5</sup>
- 3.14 A fire risk assessor who is not independently registered or certificated may not necessarily lack the competence to carry out a suitable and sufficient fire risk assessment. However, it can be difficult for you to judge the competence of companies and persons who advertise fire risk assessment services.
- 3.15 The fact that a person or company is operating in the fire sector, or that someone has previous fire and rescue service experience, does not mean that they are a fire safety specialist. Registration and certification schemes provide confidence that the competence of the company or person has been independently evaluated.
- 3.16 Even if you select a fire risk assessment company or individual Fire Risk Assessor from an appropriate register, it is advisable to:
- check that they have experience and training/knowledge of working for your kind of business and premises
  - be clear about the scope of the work to be carried out and ensure that the assessor is provided with access to all areas of the premises and with relevant information
  - obtain alternative quotations, making such that all quotations cover the same scope, so that you can draw a proper comparison
  - consider requesting references from previous clients in similar types of premises
  - ask for proof that they have sufficient professional indemnity and public liability insurance
  - keep and maintain records of the steps you took in selecting your fire risk assessor

5 A Guide to Choosing a Competent Fire Risk Assessor is available at [www.firesectorfederation.co.uk/wp-content/uploads/2020/10/FSF\\_Guide\\_V2.pdf](http://www.firesectorfederation.co.uk/wp-content/uploads/2020/10/FSF_Guide_V2.pdf)

## Liability for the fire risk assessment

- 3.17 The Responsible Person is liable in law if the fire risk assessment is not suitable and sufficient. It is important, therefore, that you show all due diligence in ensuring that the fire risk assessor is competent.
- 3.18 If, as a result of an inadequate fire risk assessment, people are placed at risk of death or serious injury in the event of fire, the Responsible Person who is required by the Fire Safety Order to carry out the fire risk assessment (and the fire risk assessors themselves) have committed an offence for which they can be prosecuted.

## What is a fire risk assessment?

- 3.19 A fire risk assessment is simply a methodical, structured examination of the risk from fire to which relevant persons are exposed in your premises. In broad terms, the fire risk assessment considers three different things, namely:
- The fire hazards (i.e. things that can start a fire or contribute to development of a fire after it starts). This could be electrical equipment, cooking equipment, illicit smoking, etc. Combustible material within an escape route is another form of fire hazard because it could allow fire to develop within escape routes that must remain safe for people to use during a fire.
  - As well as identifying the fire hazards, the fire risk assessment considers the adequacy of measures to prevent the outbreak of fire as a result of them.

- Measures to protect people from a fire when it occurs. These can include an appropriate means of detection and warning (e.g. a fire alarm system) suitable escape routes that are adequately protected from smoke and fire, emergency lighting and signs on the escape routes, etc.
  - These measures must be appropriate for the needs of all the relevant persons, including those with mobility issues and disabilities.
  - Arrangements for fire safety. These are very important measures, as shortcomings here are often the fundamental cause of fatal fires in workplaces. The measures include formulation of a fire safety policy, a suitable emergency evacuation plan (including personal emergency evacuation plans for those relevant persons that may require assistance to evacuate the building in the event of a fire); and appointment of employees with special responsibilities in the event of fire (e.g. fire wardens), fire drills, testing and maintenance of fire protection systems and equipment, etc.
- 3.20 It is also important that you have access to competent advice on compliance with fire safety legislation (preferably from someone within your organisation, but, otherwise, from external advisers, such as your fire risk assessor or even your local fire and rescue service).



## 4. Review of fire risk assessments

- 4.1 A fire risk assessment is not a 'one off' exercise. There is a need to review it regularly to keep it up to date. The Fire Safety Order does not specify the frequency with which fire risk assessments should be reviewed. However, it specifies that reviews must be carried out regularly, and will in particular be required if there is reason to suspect it may no longer be valid or if there has been a significant relevant change, e.g. to the premises or the activities within them. Your fire risk assessor should advise you as to the frequency with which reviews should be carried out. However, for small and simple premises, an annual review is recognised as good practice.
- 4.2 A review of a fire risk assessment does not necessarily involve carrying out a completely new fire risk assessment. A competent individual might just check that action has been taken regarding measures identified as necessary in the previous fire risk assessment, that there have been no changes in the premises or their management that affect fire risk, and that there has been no deterioration of fire safety measures (e.g. that fire doors are still effective in stopping the spread of fire and smoke).
- 4.3 The frequency for reviewing the fire risk assessment will vary depending upon the circumstances, complexity, and risk within the premises. While there is not a specified legal frequency around the need to review, the overarching principle is that it must be kept up to date and a review conducted when you suspect that it is no longer valid or there has been a significant change to the premises or processes being carried out.
- 4.4 If you suspect that your fire risk assessment is no longer valid (e.g. there have been significant changes to the premises, the occupants, or the management of the premises, or when a fire has occurred), you should arrange for a review of the fire risk assessment to ensure that it remains valid.
- 4.5 Whether the Responsible Person has conducted the fire risk assessment, or whether this has been done by a professional fire risk assessor, the significant findings of that assessment must be actioned within the designated period specified.

## Further guidance on fire risk assessments

- 4.6 Further guidance on carrying out fire risk assessments can be found in the technical guides listed in Annex A. In addition, the Home Office publish a simple five process for carrying out a fire risk assessment, along with a simple checklist of things to consider.<sup>6</sup>

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<sup>6</sup> [6.8253 – PSG – Fire risk assessment checklist 2022 – Guides & checklist \(publishing.service.gov.uk\)](#)

# 5. Prevention of fire

- 5.1 Any fire has the potential to injure your staff, customers and anyone else on the premises. It is for this reason that the 'general fire precautions' that you are required to take by fire safety legislation include measures that will actually **prevent** the occurrence of fire.
- 5.2 The primary aim of fire safety is to prevent injury and loss of life. However, a serious fire can cause major interruption to your business and some businesses never recover after the occurrence of a large fire. If you are a housing provider, you may be responsible for re-housing residents after a fire.
- 5.3 Most fires are accidental and many of these fires can be prevented by relatively simple measures and good management. Even deliberate fires, many of which are the result of casual vandalism and similar anti-social behaviour, can often be prevented by simple security measures and good housekeeping.
- 5.4 For a fire risk assessment to be suitable and sufficient, it should consider the risks arising from fire hazards. Such hazards could include those related to ignition sources such as cooking processes, faults in electrical wiring and equipment, careless use or disposal of smoking materials, and deliberate ignition (arson). The risk assessment should consider whether the fire hazards identified are adequately controlled and, where necessary, make recommendations for further control measures to prevent the outbreak of fire.
- 5.5 This Guide is not intended as a source of information on the measures that you need to take to prevent fires, such as those resulting from the causes described above. You will find such information in the suite of technical guides listed in Annex A. You should make yourself familiar with the technical guide that is specific to your type of premises.
- 5.6 If there is a fire at your premises, the fire and rescue service may wish to carry out a 'post-fire inspection'. This will be to check that appropriate measures had been taken, as required by fire legislation, to ensure that people were safe when the fire occurred. The relevant measures are discussed in further sections of this Guide.

## 6. Means of escape from fire

- 6.1 The pre-defined routes and fire exits that are designed for people to use to evacuate a building when fire occurs are described, in technical terms, as the 'means of escape from fire' or simply 'means of escape'.
- 6.2 In a small shop, the means of escape might comprise simply the exit from the shop. In larger, multi-storey premises, means of escape include stairways and corridors within which people will be relatively safe from the effects of fire and smoke until they reach a place of ultimate safety beyond the building; there should be no fire hazards or combustible materials, within these areas.
- 6.3 The provision of adequate means of escape from a fire is the most fundamental of the fire precautions incorporated in the design of a building. Therefore, fire safety legislation makes a number of requirements in respect of provision and maintenance of means of escape.
- 6.4 If your building was constructed within the last 30 years, compliance with the building regulations applicable to the building work at the time of its construction, conversion, extension, or alteration should have ensured that the design of the means of escape is adequate.
- 6.5 However, your fire risk assessment should ensure the means of escape are appropriate based upon the current layout, use and occupancy of the premises.
- 6.6 If your building is older (the design of, and provisions within) the means of escape might not meet modern standards. This, in itself, does not necessarily mean that people are placed at unacceptable risk, but a suitable and sufficient fire risk assessment will determine whether upgrading of means of escape is required for compliance with fire safety legislation.
- 6.7 The overriding requirement of fire safety legislation is that, if a fire occurs, everyone in the premises must be able to escape as quickly and as safely as possible. In support of this very broad requirement, the Fire Safety Order makes more specific requirements.

6.8 You must comply with the following requirements, **where necessary**:

- Means of escape, including fire exits from the premises, must be kept clear at all times. You must make sure that escape routes, such as corridors, stairways and fire exits are not obstructed.
- Escape routes and fire exits must lead as directly as possible to a place of safety. This means that, for example, people on any storey should not need to walk too far to reach a fire exit, which, on upper floors, will be to a stairway. The distance they need to walk is known as ‘travel distance’.
- Appropriate travel distances are set out in the technical guides listed in Annex A for the type of premises in question and can be quite complicated to apply. However, you should make sure that travel distances do not become unduly convoluted or extended (e.g. as a result of changes in partitioning or furniture layout).
- There must be an adequate number of escape routes (including stairways) and fire exits, all of which must be of adequate width; a narrow fire exit might not satisfy the overriding objective that people can escape as quickly and safely as is possible and necessary. The number of escape routes and exits is governed by both the acceptable travel distance and the number of people who need to use them for escape.
- It is necessary to check (e.g. when carrying out a fire risk assessment) that the provision, and widths, of fire exits is sufficient for the number of people likely to be present at any one time. This number may need to be limited so that, on any storey, everyone can pass through all the fire exits quickly enough to escape from a fire.
- In the case of premises such as nightclubs, function rooms and other places of entertainment, the maximum number of occupants should be specified in the fire risk assessment, based on methods of calculation given in the technical guides.
- Fire exit doors must open in the direction of escape (though, as discussed below, this is not absolutely essential if the door will only be used by a limited number of people in the event of fire).
- Sliding or revolving doors must not be used for exits that are specifically intended as fire exits.
- All doors forming part of the means of escape should be immediately openable and easy to operate without the need of a key or code.
- Signage and adequate emergency lighting must be used for the routes and exits where necessary.

6.9 It should be noted that there will be cases where it is not necessary to comply with all the requirements above.

- 6.10 The most obvious of these is the requirement for fire exit doors to open in the direction of escape. The purpose of this requirement is to prevent a situation in which there is a crush of people against a fire exit door that cannot then be opened inwards against the pressure of people. Clearly, this cannot arise where only a limited number of people will ever need to use the fire exit door (e.g. because of a limited number of people in the building or because of the number of fire exit doors available).
- 6.11 Guidance on this matter can, again, be found in the technical guides listed in Annex A that advise on fire safety measures for specific premises. However, for many premises, an appropriate limit on the number of people for whom an inward opening fire exit is acceptable is around 60 people.
- 6.12 Similarly, there may be circumstances in which, at some times of day, certain fire exits could be locked. An example would be a large entertainment venue, in which there is a need for a large number of fire exits to cater for the number of members of the public who will be present during a performance. At certain other times, there might only be a few cleaners on the premises, so the number of available fire exits could be reduced provided the cleaners are aware of which exits they should use in the event of fire, and provided that securing specific exits does not result in excessive travel distances.

# 7. Emergency escape lighting

- 7.1 Emergency escape lighting is lighting that provides adequate illumination of escape routes if the normal lighting fails. This can happen if, for example, a fire damages the cables to the normal lighting. Emergency escape lighting is commonly described simply as 'emergency lighting' (though, strictly, the latter term is broader in scope and includes lighting that enables normal activities to continue during a power cut, which is not a matter for fire safety legislation).
- 7.2 The Fire Safety Order requires that **where necessary**, if escape routes and exits require artificial illumination, they must also be provided with adequate emergency lighting. It is only in very small premises that emergency lighting may not be necessary. For example, this might be the case in a small shop situated on a well-lit street, from which there is ample borrowed lighting in the event of power failure within the shop. Borrowed light is obtained from an adjacent reliable source, that is expected to be available at all material times.
- 7.3 In larger, modern premises, emergency lighting would have been installed when the premises were built. However, the adequacy of emergency lighting needs to be checked in a fire risk assessment. You must also ensure that the emergency lighting is regularly tested and maintained.
- 7.4 Requirements for testing and maintenance of emergency lighting are discussed later in this Guide. The technical guides listed in Annex A provide advice on emergency lighting in different types of premises.

## 8. Signs and notices

- 8.1 The Fire Safety Order requires that, **where necessary**, escape routes and exits must be indicated by signs. Again, in small premises (e.g. a shop with a single entrance/exit or a block of flats with a single stairway), fire exit signs may not be necessary, but the need for these signs, and the adequacy of any existing signs, needs to be checked in the course of the fire risk assessment.
- 8.2 As discussed later in this guide, the Fire Safety Order also requires that you formulate adequate fire procedures. In order that the procedures are effective, it is normally necessary to display fire procedure notices; in a building with a fire alarm system, a suitable location for these is adjacent to each break-glass fire alarm call point.
- 8.3 In blocks of flats, with one or more floors higher than 11 metres above ground (typically blocks of more than four storeys), you are required to provide signs that are visible in low level lighting conditions or when illuminated by a torch to assist the fire and rescue service with orientation. These must be provided on the landing of each stairway and must show the floor number and the flat numbers on that floor. In high-rise blocks of flats (typically blocks of more than six storeys), these signs must be visible to firefighters when they open the doors of any lift provided for their use.
- 8.4 Various other signs are normally provided as good practice, their need will be identified in a suitable and sufficient fire risk assessment. For example, fire doors that must self-close should be marked with an instruction that they must be kept shut, and there should be additional signage to identify essential firefighting equipment within the building.
- 8.5 Detailed guidance on the signs and notices that are appropriate for your premises can be found in the technical guides listed in Annex A.



## 9. Fire alarm systems

- 9.1 The Fire Safety Order requires that, **where necessary**, premises must be provided with an appropriate fire detection and alarm system.
- 9.2 In small, single storey premises with open-plan layouts and small numbers of people, who would become aware of a fire without delay (e.g. a small shop), a fire alarm system might be unnecessary and the alarm could be raised by word of mouth (by shouting 'fire!'). In some small premises, the alarm could be raised by a hand-operated bell or siren.
- 9.3 However, most premises to which the Fire Safety Order applies will need an electrical fire alarm system, incorporating break-glass call points, by means of which the fire alarm system can be triggered manually. In premises in which people sleep, the fire alarm system must incorporate automatic fire detectors (primarily smoke detectors).
- 9.4 Fire detectors might also be necessary in certain other premises (e.g. to give a warning if fire occurs in unoccupied areas, from which it could spread to affect means of escape from occupied areas).
- 9.5 In modern premises, an appropriate fire alarm system, incorporating fire detectors where necessary, is likely to have been installed at the time of construction. However, it is essential that the adequacy of the fire alarm system is checked as part of the fire risk assessment for the premises. You must also ensure that the fire alarm system is regularly tested and maintained.
- 9.6 In many buildings, the fire alarm system will also cause other systems to operate, change state or shut down. Examples are release of electronic locks, grounding of lifts, operation of a smoke control system, etc. It is important that these additional functions of the fire alarm system are checked regularly for correct operation.
- 9.7 Fire alarm systems should be installed, managed and maintained, in such a way as to ensure that they do not give rise to false alarms. False alarms are a significant burden for businesses, residents, and the Fire and Rescue Service. Frequent false alarms can lead to occupant apathy and complacency resulting in people not responding to alarms in the appropriate manner.
- 9.8 Requirements for testing and maintenance of fire alarm systems are discussed later in this Guide. The technical guides listed in Annex A provide advice on fire alarm systems for different types of premises.

# 10. Portable fire extinguishing equipment

- 10.1 The Fire Safety Order requires that, **where necessary**, premises must be provided with appropriate firefighting equipment.
- 10.2 To comply with this requirement, it will normally be necessary to provide an adequate number of appropriate portable fire extinguishers, typically sited at fire exits and on escape routes.
- 10.3 In some premises, fire extinguishers are supplemented (but not replaced) by hose reels. However, there is no requirement for the provision of hose reels, and they may be detrimental to safety of occupants (e.g. if the hose, when in use, runs through doorways and prevents fire doors from closing). Because of the continuous supply of water, without limit of time, hose reels might encourage people to attempt to fight a fire for longer than it is safe to do so, so this would need to be addressed in staff training.
- 10.4 Fire extinguishing equipment must be easily accessible (e.g. must not be obstructed by storage, etc.), simple to use and may need to be indicated by signs (e.g. if extinguishers are not readily visible).
- 10.5 You must, where necessary, include potential use of extinguishers in your fire procedures. You must also nominate a sufficient number of employees (or other competent persons, where this is not possible) to ensure that there will always be adequate number of people to use the fire extinguishing equipment and you must provide those employees with suitable training.
- 10.6 Where the fire risk assessment identifies fire extinguishers are required on the premises, it should check that there is an adequate number of them and that they are suitable for the types of fire that can be expected. You must also ensure that fire extinguishers are adequately maintained, and it is good practice to carry out routine checks to confirm that they are still in place and undamaged.
- 10.7 Requirements for checking and maintenance of fire extinguishers are discussed later in this Guide. The technical guides listed in Annex A provide advice on the provision of fire extinguishers.

# 11. Fixed firefighting systems

- 11.1 Fixed firefighting systems (i.e. suppression systems) may be installed in some premises. Such systems can be installed throughout a premises, or they may be provided to address a localised risk only (e.g. within a kitchen). Systems may be intended to operate automatically or manually and may use water (e.g. sprinklers) or gas as their extinguishing agent.
- 11.2 Where premises have fixed firefighting systems, these must be regularly maintained by a competent person, and must not be tampered with, or altered in any way by any person that is not competent to do so
- 11.3 The devices must not be obstructed in a way that would alter or obstruct the flow of water being discharged. This includes ensuring that nothing is placed close to or over them, such as decorations, furnishings, or items being stored on shelves/ racking. Nothing should ever be hung on a sprinkler head.
- 11.4 Where the discharge head is recessed and hidden behind a flat plate, such as on a ceiling, it is essential to ensure that these plates are not painted or papered over as this may affect their operation.

# 12. Fire safety management

- 12.1 Having considered all the relevant physical fire safety measures for your premises, and having ensured that they were all considered in the fire risk assessment for the premises, you now need to make sure that arrangements for management of fire safety are adequate for compliance with fire safety legislation. You must keep a record of the fire safety arrangements for your premises.
- 12.2 Proper management of fire safety is a critically important aspect of fire safety, along with the physical fire safety measures that have been discussed so far. It is true to say that, when a serious, multiple-fatality fire occurs in non-domestic premises, the fundamental cause is nearly always a failure to manage fire safety properly.
- 12.3 It is essential that fire safety is at the forefront of an organisation's operations, and is embedded from board level in a limited company right down to the most junior management and, ultimately, all employees.
- 12.4 The Fire Safety Order requires that you make, and give effect to, such arrangements as are appropriate (taking into account the size of the activities in the premises) for the effective planning, organisation, control, monitoring and review of the fire safety measures that have been identified as necessary by your fire risk assessment. The following paragraphs give you practical advice on compliance with this requirement.
- 12.5 Proper management of fire safety begins with a documented fire safety policy produced, or endorsed, by senior management. This is not any different from a similar requirement made under health and safety legislation.
- 12.6 The policy will set out the high-level arrangements made to ensure the safety of all occupants of the premises from fire. So, it will establish the organisation's commitment to fire safety, discussing responsibilities for various aspects of fire safety within the management structure of the company.

- 12.7 The policy will discuss, in broad terms, arrangements for warning and evacuation of occupants in the event of fire, describing the roles and responsibilities of various employees. It will identify the means by which the organisation obtains advice on fire safety and the arrangements for carrying out fire risk assessments. It will set out high level policy on arrangements for ensuring that all fire safety systems and equipment remain in efficient working order and good repair.
- 12.8 Fire safety arrangements for each premises must be recorded.
- 12.9 More detailed documents will set out the fire procedures etc. for each building. These and other aspects of fire safety management are discussed in further sections of this Guide.

# 13. Fire safety assistance

- 13.1 The Fire Safety Order requires that Responsible Persons must appoint one or more competent persons to assist them in compliance with fire safety legislation. This is not required if a self-employed employer, or at least one person from a group of individuals carrying on a business as a partnership, has sufficient competence to undertake this role themselves.
- 13.2 The person that you have appointed to undertake this function provides competent advice to management of the organisation regarding arrangements for fire safety measures within the organisation, and the measures appropriate for their premises. While larger organisations may employ staff in dedicated fire safety positions, within smaller organisations this is unlikely to be a full-time position and will be in addition to their primary role. This may also include external service providers such as fire alarm engineers, sprinkler engineers, fire risk assessors etc.
- 13.3 This is not usually the person who carries out the fire risk assessment, other than in a small organisation in which an in-house employee provides the assistance and carries out the fire risk assessments, or in which an external fire risk assessor is also engaged to provide ongoing advice as the 'fire safety assistant'.
- 13.4 If you have an employee who is competent to provide this assistance, you should appoint this person as your source of fire safety assistance in preference to anyone who is not in your employment. This does not mean that the fire safety assistant cannot use outside assistance, such as consultants, to provide them with advice, carry out fire risk assessments, etc.
- 13.5 Indeed, one indicator of a person's competence is a recognition of limitations of their own abilities and demonstration of a willingness to supplement their own knowledge with external advice.
- 13.6 If your premises contains two or more sets of domestic dwellings then there is an additional requirement to provide residents with the identity of any competent person where such has been nominated by the Responsible Person to implement firefighting measures (for example this may be a concierge or other employee/ volunteer).

# 14. Fire procedures

- 14.1 The most fundamental aspect of fire safety management is to formulate appropriate procedures for people to follow when fire occurs or the fire alarm system operates. The Fire Safety Order requires that you must establish, and give effect to, appropriate procedures.
- 14.2 The appropriate procedures will vary with the type of premises (e.g. the appropriate procedures for a hospital will be very different from those adopted in an office building). The procedures may also depend on the size of the premises (e.g. in a high-rise office building, evacuation may take place in a number of phases, beginning with the floor on which a fire is located and the floor above).
- 14.3 The procedures may sometimes need to be adjusted for the time of day. For example, in some premises, when a smoke detector operates during the day, there might be a short period for investigation before the premises are evacuated and the fire and rescue service are summoned. This might not be acceptable during the night.
- 14.4 The most common fire procedure is one involving 'simultaneous evacuation', in which, when the fire alarm system operates, all occupants should evacuate the building immediately.
- 14.5 In care homes and hospitals, 'progressive horizontal evacuation' is normally adopted; people in the area of the fire are initially moved horizontally to an adjacent safe area on the same storey.
- 14.6 In purpose-built blocks of flats, a 'stay-put' strategy may be adopted; whereby only residents within the flat in which fire occurs need to evacuate, while others should be safe to remain within their own flats unless their flat is affected by fire or smoke, or they are instructed to evacuate by the fire and rescue service. However, this would not prevent any persons choosing to self-evacuate at any time.
- 14.7 In staffed premises, your fire procedures must include the arrangements for summoning the fire and rescue service in the event of fire, as well as other external emergency services. It should also be established as to who will meet the fire and rescue service on arrival. The procedures must be such that people do not re-enter the building until instructed that they may do so by the fire and rescue service or those in charge of the building.
- 14.8 Having established appropriate fire procedures, you need to make sure that they are disseminated to your employees and made available to all visitors to your premises. This is achieved by suitable training of staff (see Section 7) and display of fire procedure notices.

- 14.9 In buildings with two or more domestic premises from which residents would need to evacuate via common parts, the responsible person must provide information on the fire procedures to all residents, specifically how to report a fire, the evacuation strategy for the building, and any other information that tells residents what they must do once a fire has occurred.
- 14.10 In staffed premises, you must also nominate a sufficient number of competent people to implement the fire procedures. Other than in small premises, this will usually involve the appointment of fire wardens, who assist in shepherding occupants from the premises and checking that areas for which they are responsible have been evacuated.
- 14.11 The fire risk assessment should review your fire procedures and determine as to whether they are appropriate. Further information on fire procedures for different types of premises is given in the technical guides listed in Annex A.



# 15. Fire drills

- 15.1 Having established your fire procedures, it is necessary to test them regularly by means of fire drills. The Fire Safety Order requires that, where necessary, fire drills are carried out. It will usually only be in the case of small premises, employing only single numbers of staff, that fire drills might not be necessary. Guidance issued by the National Fire Chiefs Council in their Simultaneous Evacuation Guidance explains that fire drills are not recommended or residents in the case of blocks of flats or houses in multiple occupation but should be undertaken for any staff of a staffed building where it has a simultaneous evacuation strategy. It is essential that information about the evacuation strategy is provided to all residents.
- 15.2 Fire drills provide two benefits. They reinforce the training given to staff (see Section 17). In addition, they provide valuable feedback on how people will behave if a fire does occur, whether they use the correct escape routes, how long it will take to evacuate the building, etc.
- 15.3 There is no laid down frequency with which fire drills should be carried out, but it is likely to be necessary for these to be carried out at least annually and often more frequently (e.g. every six months). Where shift workers are employed, it is important that, for example, permanent nightshift workers, as well as those working only during the day, participate in fire drills.
- 15.4 It should be confirmed by means of your fire risk assessment that the arrangements for carrying out fire drills is satisfactory. Guidance on carrying out fire drills can be found in the technical guides listed in Annex A.

# 16. Provision of information

- 16.1 The Fire Safety Order requires that you provide certain comprehensible and relevant information to your employees, to other employers with employees working in your premises and to any self-employed people.
- 16.2 Your employees, and the employer of any employees who work in your premises, must be informed about:
- the risks to the employees, about which any persons working in the premises who are not your employees must also be informed
  - the fire safety (preventative and protective) measures in the premises
  - the identities of people who will assist with evacuation (e.g. fire wardens) and with firefighting, even if people working on your premises are not your employees, they must also be aware of this information
- 16.3 You must also provide your employees, and any other persons working in your premises, with information on the fire procedures for the premises.
- 16.4 Your employees must also be informed as to who you have determined is expected to use fire extinguishers in the event of fire. In addition, you must inform your employees of any risks notified to you by any other Responsible Persons in the premises.
- 16.5 Before employing a child, who is not over the compulsory school age, you must provide their parent or person with parental responsibility with comprehensible and relevant information on:
- the risks to the child identified in your fire risk assessment
  - the fire safety measures in the premises
  - any fire risks notified to you by any other Responsible Persons in the premises

16.6 Under the Fire Safety Order, people should feel safe in their homes and understand what you are doing to comply with your responsibilities as a Responsible Person. As such, in buildings which contain two or more sets of domestic premises, you must provide residents with the following information:

- any risks identified in the fire risk assessment and the preventive and protective safety measures have been put in place to address them
- your name and UK address, the identity of anyone who assisted with doing or reviewing the fire risk assessment, as well as the identity of anyone who has been appointed to implement firefighting measures and making or reviewing the fire risk assessment
- how to report a fire to their local fire and rescue service
- the fire evacuation strategy in place for the premises (be that stay-put or simultaneous), and the action to take should they discover a fire in their own flat or in the common areas, including what means of escape are present if they need to, or choose to, leave the building
- being made aware of the importance of maintaining their flat entrance doors and their self-closing devices where appropriate including that they should not tamper with them. That fire doors should be kept shut when not in use, and that any faults or damage to the door should be reported immediately

# 17. Fire safety training

- 17.1 The Fire Safety Order requires that your employees are provided with adequate fire safety training when they are first employed (e.g. as part of induction training). This training must be provided during working hours.
- 17.2 The training will need to be repeated periodically. There is no specific frequency laid down in legislation, but recognised practice is that this should be no less frequent than annually or where equipment changes – see paragraph 17.5.
- 17.3 In some premises, more frequent ‘refresher’ training will be necessary. This might apply in the case of high-risk premises, such as care homes, and will apply to permanent nightshift workers in premises in which people sleep, such as hotels.
- 17.4 The appropriate frequency for refresher training should be considered as part of your fire risk assessment. The technical guides listed in Annex A provide further information about staff training, including the frequency at which it should normally be carried out.
- 17.5 Fire safety training must be given if employees are exposed to new or increased risks because of a change of role or responsibility. Training must also be given if work equipment changes, new technology is introduced or there is a new system of work.
- 17.6 All fire safety training must be suitable and sufficient to enable employees to understand the fire safety measures in the premises and the actions they must take to safeguard themselves and other relevant persons. The training must be adapted to take account of any new or changed risks and be provided in a manner appropriate to risks identified in your fire risk assessment.

# 18. Maintenance of fire safety measures

- 18.1 The fire safety measures provided for the purpose of compliance with fire safety legislation must be maintained regularly and suitably, and must be kept in an efficient state, efficient working order and good repair. This requirement also applies to equipment installed under legislation (e.g. the Building Regulations) for use by, or the safety of, firefighters.
- 18.2 This is achieved by regular inspection, testing and servicing of all fire safety systems and equipment. You must also ensure that defects are repaired as soon as practicable. Where anyone is appointed or tasked to carry out testing and maintenance, they must be competent to do so.
- 18.3 In most premises, you will need to put in place arrangements for inspection or testing, and servicing, the following systems and equipment if they are provided:
- fire alarm systems
  - emergency lighting
  - fire doors
  - fire extinguishers
- 18.4 In some premises, there will be other fire safety systems that must be inspected or tested and serviced. These include:
- door release mechanisms that enable self-closing fire doors to be held open, but to close automatically on operation of the fire alarm system
  - sprinkler systems and any other fire suppression systems
  - smoke control systems, including fire dampers
  - rising mains by which the fire and rescue service obtain water for firefighting
  - lifts designed to be used by the fire and rescue service to assist with firefighting and lifts designed for evacuation of disabled people
  - equipment designed to assist disabled people in the event of fire (e.g. evacuation chairs and emergency voice communication systems in refuges for disabled people)

- 18.5 Compartmentation in a premises is a system of fire resisting construction to prevent the spread of fire. This is achieved through the provision of fire resisting walls and floors, and includes measures to address any openings in the compartment lines, such as fire doors, glazing, service penetrations and ductwork. Responsible Persons should ensure regular checks are undertaken to ensure the compartmentation remains effective, particularly after any works are undertaken that might penetrate or damage the integrity of the compartmentation, and have them repaired by a competent person where such are found.
- 18.6 Your fire risk assessment should ensure that there are suitable arrangements for this work to be carried out. The technical guides listed in Annex A provide further information on maintenance of fire safety measures and recommended frequencies for checking, testing, and servicing of fire safety systems and equipment.
- 18.7 Where any essential fire safety equipment is found to be faulty or out of service, this would require immediate assessment of the risk posed by the failure, and identification of the remedial actions that are required to mitigate the risk presented by it. Where the premises is a high-rise residential building falling within the scope of the Fire Safety (England) Regulations 2022 (i.e. over 18 metres above ground level in height or with at least seven storeys), and the fault cannot be rectified within 24 hours, the Responsible Person will also be required to inform their local fire and rescue service of the defect, as well as its subsequent repair. You can find out [here](#) if your premises fall under the scope of these regulations.<sup>7</sup>

<sup>7</sup> [www.gov.uk/government/publications/fire-safety-england-regulations-2022-fire-door-guidance](http://www.gov.uk/government/publications/fire-safety-england-regulations-2022-fire-door-guidance)

# 19. Co-operation and co-ordination with other Responsible Persons

- 19.1 It is not uncommon for there to be more than one Responsible Person within the same premises. For example, this occurs in many office buildings, in which it is common to find a number of different companies within the same building. It also occurs in every shopping centre.
- 19.2 Fire safety within these multiple occupancy premises will only be achieved if every dutyholder co-operates with other dutyholders to co-ordinate their fire safety measures, such as their individual fire procedures, and where necessary participation in fire drills, etc.
- 19.3 The Fire Safety Order requires that the respective Responsible Persons co-operate in this way. For example, in a multiple occupancy office building, there is a need for a coherent, single fire procedure, of which all occupants must be aware and should adopt.
- 19.4 As a further example, the landlord's fire risk assessment will determine the escape routes that must be kept clear at all times. Tenants must co-operate by ensuring that, for example, they do not store materials within these escape routes.
- 19.5 Each Responsible Person must carry out a fire risk assessment. They must take reasonable steps to inform all other Responsible Persons regarding any risks arising from their activities and make sure that their fire safety measures align and complement the fire risk assessment(s) for the rest of the building to ensure a whole building approach to fire safety.
- 19.6 It is now a requirement that Responsible Persons take reasonable steps to identify themselves to one another and once identified to provide their name and UK based address. They should also confirm the extent of their responsibilities under fire safety legislation and keep a record of this.

19.7 Responsible Persons are also required to share any relevant fire safety information with incoming Responsible Persons to provide a continual record of fire safety information throughout a building's lifetime. Relevant fire safety information includes:

- the fire risk assessment and review records (including any fire safety information provided by other Responsible Persons)
- the identity of any person who assisted with the fire risk assessment/review
- the name and UK address of any Responsible Person or any person acting on behalf of the Responsible Person who will accept notices or other documentation
- the identity of the Accountable Person, where known (if a higher risk residential building)
- any information given under regulation 38 of the Building Regulations 2010 (such as the information provided when a building is built or extended)

19.8 Where there is more than one Responsible Person within premises where an explosive atmosphere may occur, the Responsible Person who has overall responsibility for the premises must co-ordinate the measures that need to be taken to protect people from any risk from the explosive atmosphere (see also Section 20).

19.9 Responsible Persons in a higher risk residential building, which is defined under the Building Safety Act 2022 as at least 18 metres in height, or with at least seven storeys, and containing at least two residential units, must take reasonable steps to identify the Principle Accountable Person(s),<sup>8</sup> and any other Accountable Persons,<sup>9</sup> within the building. Once identified, the Responsible Person must cooperate with the Accountable Person(s) to enable them to perform any duties required of them under the Building Safety Act which would include, for example, sharing the fire risk assessment.

8 When there are multiple accountable persons, then whoever owns or has a legal obligation to repair the structure and exterior of the building is the principal accountable person.

9 An accountable person is an organisation or individual who owns or has a legal obligation to repair any common parts of the building.



# 20. Precautions in relation to dangerous substances

- 20.1 Certain substances result in potential risk to occupants of premises, either because they may be likely to start a fire or explosion, or may greatly accelerate a fire. These are not present in most premises; in premises in which they are present, the organisation is usually aware of the substances and their hazards. Responsible Persons should always seek advice from a competent person for any premises that has hazardous substances present.
- 20.2 In workplaces, there are special regulations in relation to such substances, which may include some substances, such as diesel oil that might be regarded as of minimum hazard.<sup>10</sup> The Fire Safety Order also makes certain requirements in relation to these substances.
- 20.3 In general terms, for the purpose of the Fire Safety Order, 'dangerous substances' comprise the following:
- explosive materials
  - flammable gases
  - flammable liquids
  - materials that will spontaneously combust or will emit flammable gas when in contact with water
  - oxidising agents, such as peroxides
  - dusts which can form an explosive mixture with air
  - any other substances which, because of its physico-chemical or chemical properties and the way it is used or is present, creates a risk
- 20.4 When certain of these materials are present in significant quantities, special, technical or organisational measures are put in place to minimise the fire hazard. Such measures can include, for example, extract systems to keep the quantity of flammable vapours below a level that can ignite and cause an explosion. Other measures include special design of electrical equipment so that it cannot ignite a flammable vapour.
- 20.5 Special, technical, and organisational measures provided in a workplace in connection with the use or storage of dangerous substances are out of the scope of the Fire Safety Order; they are a matter for DSEAR.
- 20.6 However, where a dangerous substance is present in your premises, you must ensure that the risk to people from the substance is either eliminated or reduced so far as is reasonably practicable. Where reasonably practicable, this includes replacing a dangerous substance, or its use, with a substance or process that either eliminates or reduces the risk to people.

10 The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR).

- 20.7 Where it is not reasonably practicable to eliminate the risk, you must, so far as is reasonably practicable, take measures, consistent with your fire risk assessment, to control the risk and mitigate the effects of fire. Generally, this involves ensuring that the other 'general fire precautions' described in this guide take account of the presence or use of dangerous substances.
- 20.8 You must also arrange for the safe handling, storage and transport of dangerous substances and any waste containing dangerous substances as well as undertaking fire drills and making sure there are enough competent people to implement all of this.
- 20.9 Unless the results of a risk assessment show that, because of the small quantity of dangerous substances, there is only slight risk to people, you must ensure that there is adequate information for people including the hazards involving work associated with dangerous substances or that will arise at the time of an accident involving dangerous substances as well as making sure you inform them of the steps take to protect them. The information includes proper identification (using hazard warning signs) regarding the dangerous substances.
- 20.10 Under these circumstances you must also pay particular attention, in consideration of the fire safety measures in your premises, to ensure that there are adequate means of warning people in the event of an incident involving dangerous substances. You must also pay particular attention to means of escape from a fire involving dangerous substances which means they can stop work and immediately proceed to a place of safety.
- 20.11 Unless the results of a risk assessment determine that it is unnecessary, you will need to display warning signs about the dangerous substances so that emergency services are made aware of their presence.
- 20.12 If you think that, in your premises, there are dangerous substances in quantities that may result in material risk to people (e.g. something more significant than a small can of thinners in a workshop), you should seek the advice of competent specialists (whether in-house or external). You should also study the requirements of the Fire Safety Order in relation to dangerous substances (including Parts 1 and 4 of Schedule 1 of the Order).
- 20.13 It is essential that your fire risk assessment takes account of the presence of dangerous substances. Further guidance on the use of dangerous substances in particular types of premises can be found in the technical guides listed in Annex A.

# 21. Firefighters' switches for luminous tube signs etc.

- 21.1 The Fire Safety Order requires that, if your premises have luminous tube signs designed to operate at high voltage<sup>11</sup>, a cut-off switch, sited, coloured or marked as required by the fire and rescue service, must be readily recognisable and accessible to firefighters.
- 21.2 These requirements of the Fire Safety Order can normally be satisfied by compliance with the Institution of Engineering and Technology (IET) Regulations for Electrical Installations (also published as BS 7671).

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<sup>11</sup> 1000 volts AC or 1500 volts DC if measured between any two conductors, or 600 volts AC or 900 volts DC if measured between a conductor and earth.

## 22. Enforcement of fire safety legislation

- 22.1 Enforcement of the Fire Safety Order and the Fire Safety (England) Regulations normally rests with the local fire and rescue authority, who discharge their enforcement duty by appointing fire safety inspectors within the local fire and rescue service.
- 22.2 However, for certain premises other enforcing authorities enforce the legislation. This will apply, for example, in the case of Crown premises, construction sites, certain sports grounds, nuclear establishments and Ministry of Defence establishments.
- 22.3 The enforcing authority, for most places the local fire and rescue authority, carries out routine inspections of premises to check that Responsible Persons are complying with fire safety legislation. It is also normal for the enforcing authority to carry out an audit after a fire has occurred, or an alleged fire risk has been reported to them. Inspections may be carried out at any reasonable time, and you are required to co-operate with the fire safety inspector.
- 22.4 The outcome of an inspection will be recorded as either satisfactory or unsatisfactory by the enforcing authority. If an enforcing authority determines that a Responsible Person has failed to comply with the fire safety legislation, it has a range of options available to enforce the fire safety legislation. This includes verbal advice, non-statutory (informal) and statutory (formal) notices. In addition to civil enforcement action, failure to comply with statutory duties under the Fire Safety Order (or Regulations made under it), causing risk of death/serious injury to arise, and/ or with any statutory notice/s issued by an enforcing authority, can lead to prosecution and criminal sanctions.
- 22.5 A fuller guide to enforcement options, and the sanctions available for non-compliance, can be found [here](#).<sup>12</sup>

# Annex A: Guidance

Fire safety: guidance for those with legal duties – GOV.UK ([www.gov.uk](http://www.gov.uk))

## Legislative guidance

Fire Safety (England) Regulations 2022: fire door guidance

Fire Safety Act – addendum

Check your fire safety responsibilities under the Fire Safety (England) Regulations 2022

Check your fire safety responsibilities under Section 156 of the Building Safety Act 2022

## Enforcement guidance for Responsible Persons

The Regulatory Reform (Fire Safety) Order 2005 (as amended) & the Fire Safety (England) Regulations 2022: enforcement and sanctions for non-compliance

## Fire risk assessment checklist

Fire safety risk assessment: 5-step checklist

## Guidance for evacuating disabled persons

Fire safety risk assessment: means of escape for disabled people

## Guidance or fire safety in small premises

Making your small block of flats safe from fire

Making your small paying guest accommodation safe from fire

Making your small non-domestic premises safe from fire

## Guidance for residential buildings under the Fire Safety Order

Fire safety in purpose-built blocks of flats

## Guidance for non-domestic premises

Fire safety risk assessment: offices and shops

Fire safety risk assessment: open-air events and venues

Fire safety risk assessment: transport premises and facilities

Fire safety risk assessment: factories and warehouses

Fire safety risk assessment: theatres, cinemas and similar premises

Fire safety risk assessment: educational premises

## **Guidance for livestock premises**

Fire safety risk assessment:  
animal premises and stables

## **Guidance for workplaces where people sleep**

Fire safety risk assessment:  
residential care premises

Fire safety risk assessment:  
sleeping accommodation

Fire safety risk assessment:  
healthcare premises

## **Guidance for places of assembly**

Fire safety risk assessment:  
large places of assembly

Fire safety risk assessment:  
small and medium places of assembly