

Guidance: Risk Based Inspection Programme

Profiling Risk in Regulated Premises

ECFRS Protection Methodology

| | |
|-------------------------|--------------------------------------------|
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Introduction

The Essex County Fire & Rescue Service (ECFRS) has undertaken this review of its Risk Based Inspection Programme (RBIP), formerly its Fire Safety Activity Programme (FSAP).

Scope

This guidance is intended to assist people inside and outside the Service understand how fire safety risk is identified and targeted in the premises across Essex which are regulated under the Regulatory Reform (Fire Safety) Order 2005 (the Order).

These regulated premises include all buildings used for a commercial purpose, or for public use, as well as the areas within residential buildings which are shared by more than one household.

As at March 2020 there are 34,000 premises within Essex that fall in scope of the Order.

The RBIP forms just one strand of the Protection strategy, there are many other tasks undertaken by the ECFRS Technical Fire Safety (TFS) Officers, these include:

- Statutory Consultations e.g. Building Regulations, Planning Applications, Licensing Applications
- Post Fire Investigation
- Alleged/emerging Fire Risk
- Operational Fire Safety Activity
- Enforcement Activity

Definitions

| | |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AddressBase | The Ordnance Survey national gazetteer of all UK Postal addresses. |
| Attribute | A feature of a premises which has influence on the likelihood a fire may occur or the degree of harm that may be sustained in the event of a fire. |
| (the) Authority | The Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (EPFCC). The body with a statutory duty to enforce the provisions of the Regulatory Reform (Fire Safety) Order 2005 (RRFSO). (Also the Enforcing Authority). |
| CRM | Management Information System used by ECFRS TFS Department. |
| Dwelling | A domestic premises as defined in Article 2 of the RRFSO. |
| Harm | The adverse impact on life safety of Relevant Persons. |
| Likelihood | The relative probability that an event will occur based upon local historical data from the preceding three years. |
| Protection Risk Model | The ECFRS model that incorporates a risk profile and RBIP of all regulated premises in Essex. |
| Regulated | A premises to which the RRFSO is applicable. |
| Relevant Person | Relevant Persons as defined in Article 2 of the RRFSO. |
| Risk | A combination of likelihood and severity; the likelihood that a fire will actually cause harm, together with a measure of effect. |
| Risk Based Inspection Programme | Pre-planned fire safety visits based upon the Protection risk profile. |
| Risk Data Capture | An activity whereby information is collected and recorded forming the foundation of risk profiling. |
| Risk Profile | The value assigned to one or more premises record(s) allowing comparison between individual premises, types of premises or geographic locations. |
| (the) Service | the Essex County Fire & Rescue Service (also ECFRS) |
| Severity | A value representing the potential maximum harm in the event of a fire. |

Risk Based Inspection Programme

The ECFRS RBIP identifies those premises which will be subject to a pre-planned visit by ECFRS personnel in order to check compliance with the requirements of the RRFSO. Premises will be selected based upon the risk profile of the premises. This is assessed from consideration of the use of the premises, historical data of fires at those premises and previous compliance with the RRFSO.

When considering risk, this RBIP is concentrating on the risk to life safety of relevant persons, which is the focus of the RRFSO. This is a departure from the previous Fire Safety Activity Programme, which considered other factors, including Emergency Responders, Economic, Environmental, Social Community and Heritage. This will enable resources to more accurately target those premises where the public are at risk from fire.

Enforcement

ECFRS regard activity from inspections through to audits as enforcement activity, as the purpose of these activities is to engage with those with a statutory responsibility for fire safety in order to check compliance with the RRFSO and to provide advice and information as appropriate. Officers will, where possible work with those responsible for premises to ensure that premises are compliant with the requirements of the RRFSO in order to keep relevant persons safe from fire. In situations where we are unable to resolve issues informally, or those issues are so serious as to pose a risk to relevant persons of injury or risk to life, then we will take any appropriate formal enforcement action. The levels of enforcement are listed below in ascending order, although dependent on circumstances and severity of any issues identified it is possible that enforcement activity may commence at the formal stage.

Informal Enforcement

- Advise, Educate and Inform
- Notification of Deficiencies

Formal Enforcement

- Enforcement Notice
- Prohibition Notice
- Prosecution

Profiling Risk from Fire

A Fire Hazard is defined as a source, situation or unsafe act, with the potential to result in a fire.

Fire Risk is also defined as, a combination of the likelihood of the occurrence of a fire and consequence(s) (number and severity of injuries) likely to be caused by a fire.

The risk from fire profile described in this document is derived from assessing the likelihood of a fire occurring in a premises, based upon data of fires that have occurred in types of premises (weighted dependent on the severity of injury caused), and assigning a value of potential harm to each premises based on its use/ attributes. Data used for the assessment will be from the preceding three years.

Having assessed the likelihood and potential harm, the level of risk can be assessed using the matrix method, and those premises presenting a higher risk level can be prioritised.

Capturing data

In order to create a risk profile, data must be recorded. Data collected by staff, partners or other agencies, or obtained via (up to date) datasets, provides the most accurate basis for calculations.

TFS staff provide the very best data when they collect information as part of 'risk data capture' activities during fire safety visits.

Not all premises have been or ever will be visited and there may be no other data source to confirm the individual attributes that a premises has. In order to run a Protection Risk Model (PRM) and create a risk profile where attributes have not been validated, assumed values are assigned. These assumed values are a default given to every new premises and remain until overwritten as data is acquired.

Utilising the regulated premises risk profile

The risk profile described in the method above enables ECFRS staff to target fire risk with a high level of effectiveness. It also supports evidence-based decisions involving the allocation of resources by team managers, the directorate and the Service.

The ECFRS Protection Risk Model therefore gives effect to:

- a. A Risk Based Inspection Programme (RBIP)
- b. Establishing an evidence-based team size disposition for the medium and longer term.
- c. Allocation of available staff and other resources to risk reduction for shorter term activity (thematic reviews etc.)

Protection Risk Model

Historic Risk of fire

This will be calculated from the preceding three years data for each premises type, with a weighting applied to each fire based on Table 1, below:

Table 1

| Historic Fire Risk | |
|-------------------------------|----------|
| No previous Fire | 0 |
| Unwanted Fire Signal | 1 |
| Fire | 2 |
| Fire Involving Persons | 3 |

Enforcement Action

This will be calculated from the preceding three years data for each premises with a weighting applied based on the severity of the level(s) of enforcement taken against the premises type, based on Table 2, below:

Table 2

| Historic Enforcement Outcome | |
|------------------------------|---|
| Advise, educate & inform | 0 |
| Notification of deficiencies | 1 |
| Enforcement Notice | 2 |
| Prohibition Notice | 3 |
| Prosecution | 3 |

Building Occupancy Attributes

Table 3 below shows the types of premises and their associated risk groups based upon their attributes from the Chief Fire Officers Association¹

Table 3

| Risk Groups (derived from the IRMP Note 4 and 17 FSEC categories) | | | | |
|-------------------------------------------------------------------|---------------------|-----------------------------------------|-----------------------|--------------------|
| Groups | Group A | Group B | Group C | Group D |
| FSEC Code | Sleeping Unfamiliar | Sleeping Familiar and Licensed Premises | Public Unfamiliar | Workplace Familiar |
| A | Hospitals | | | |
| B | Care Homes | | | |
| C | HMO | | | |
| D | | Flat | | |
| E | Hostel | | | |
| F | Hotel | | | |
| G | | Converted Flat | | |
| H | Other Sleeping | | | |
| J | | | Further Education | |
| K | | | Public Building | |
| L | | Licensed Premises | | |
| M | | | School | |
| N | | | Shop | |
| P | | | Other Public Building | |
| R | | | | Factory |
| S | | | | Office |
| T | | | | Other Workplace |

¹ CFOA – Fire Safety Guidance Notes and Audit – Version 4.3 (November 2015)

Table 4

| TFS Risk Descriptor | |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Level | Description |
| Very High (81-100) | <p>Data indicates that a very high number of fires have occurred in these premises. Data or local knowledge indicates that malicious fire setting is a problem in this area. High levels of non-compliance with RR (FS) O and enforcement Specific aspects of construction, occupancy, use or processes give rise for serious concern. Current risk score H to VH</p> |
| High (61-80) | <p>Data indicates that a high number of fires have occurred in these premises. Above average non-compliance with RR (FS) O and enforcement activities. Specific aspects of construction, occupancy, use or processes give rise for concern. Current risk score M to H</p> |
| Medium (41-60) | <p>Data indicates that medium number of fires have occurred in these premises. Evidence of compliance with RR (FS) O and low if any enforcement activities Specific aspects of construction, occupancy, use or processes give some cause for concern Current risk score L to M</p> |
| Low (21-40) | <p>Data indicates that low number of fires have occurred in these premises types. Evidence of compliance with RR (FS) O negligible enforcement activities Specific aspects of construction, occupancy, use or processes give little cause for concern Current risk score L</p> |
| Very Low (1-20) | <p>Data indicates very low number of number of fires have occurred in these premises types. Evidence of compliance with RR (FS) O where applicable and negligible enforcement activities. Specific aspects of construction, occupancy, use or processes give negligible cause for concern Current risk score VL to L</p> |

AddressBase

Previous iterations of the FSAP/RBIP have been based upon data held on the CRM system used by TFS Officers. This RBIP has been adapted to utilise AddressBase. The benefit of this is that AddressBase is updated every six weeks with data from local authorities in relation to premises within their respective areas.

AddressBase is a product from Ordnance Survey, which provides users with a gazetteer of all postal addresses. It is the most comprehensive and reliable database of properties available to the Service.

Addressbase is continually updated; the custodian, responsible for the currency and accuracy of the dataset is the local authority.

Table 5 below indicates the weighting of scores applied to different categories of premises dependent upon the Article.

Table 5

| Weighting/ Score Awarded to Articles | | | | | | |
|--------------------------------------|--------------------------------------------|---------------------|-----------------------------------------|-------------------|--------------------|---------------------------|
| Safety Critical Articles/Risks | | | | | | |
| Article Number | Description | Group A | Group B | Group C | Group D | Level of Deficiency/ Risk |
| | | Sleeping Unfamiliar | Sleeping Familiar and Licensed Premises | Public Unfamiliar | Workplace Familiar | |
| 8 | General Fire Precautions | 13 | 13 | 8 | 5 | Major |
| | | 7 | 7 | 4 | 3 | Minor |
| 9 | Risk Assessment | 10 | 10 | 10 | 10 | Major |
| | | 5 | 5 | 5 | 5 | Minor |
| 10 | Principles of Prevention | 5 | 5 | 5 | 5 | Major |
| | | 3 | 3 | 3 | 3 | Minor |
| 11 | Fire Safety Arrangements | 5 | 3 | 2 | 2 | Major |
| | | 3 | 2 | 1 | 1 | Minor |
| 12 | Dangerous Substances | 5 | 5 | 5 | 5 | Major |
| | | 3 | 3 | 3 | 3 | Minor |
| 13 | Fire Warning/ Alarm | 26 | 13 | 13 | 13 | Major |
| | | 10 | 5 | 5 | 5 | Minor |
| 14 | Emergency Routes and Exits | 26 | 26 | 20 | 13 | Major |
| | | 10 | 10 | 8 | 5 | Minor |
| 15 | Procedures for Imminent Danger | 5 | 3 | 2 | 2 | |
| 17 | Maintenance | 15 | 15 | 10 | 8 | Major |
| | | 7 | 7 | 4 | 3 | Minor |
| 21 | Training | 6 | 4 | 2 | 2 | Major |
| | | 3 | 2 | 1 | 1 | Minor |
| 38 | Maintenance of Firefighters measures | 3 | 3 | 3 | 3 | |
| Other Articles/ Risks | | | | | | |
| Article Number | Description | Group A | Group B | Group C | Group D | Level of Deficiency/ Risk |
| | | Sleeping Unfamiliar | Sleeping Familiar and Licensed Premises | Public Unfamiliar | Workplace Familiar | |
| 13 | Firefighting Equipment | 1 | 1 | 1 | 1 | |
| 16 | Additional Measures – Dangerous Substances | 1 | 1 | 1 | 1 | |

| | | | | | | |
|----|----------------------------------------------------|-----|-----|----|----|--|
| 18 | Safety Assistance | 1 | 1 | 1 | 1 | |
| 19 | Information to Employees | 1 | 1 | 1 | 1 | |
| 20 | Information to employers from outside undertakings | 1 | 1 | 1 | 1 | |
| 22 | Co-operation and co-ordination | 2 | 2 | 2 | 2 | |
| 23 | Employees Duties | 1 | 1 | 1 | 1 | |
| 37 | FF switches for Luminous tubes | 1 | 1 | 1 | 1 | |
| | Maximum Score | 128 | 109 | 89 | 77 | |

Risk Scoring Matrix for Enforcement Activity

Table 6 below shows recommended enforcement activity to be taken, based upon the score attained during an audit. The enforcement activity is a recommendation and the TFS Officer should exercise professional judgement when deciding upon the level of enforcement to be imposed.

Table 6

| Scoring Matrix | | |
|----------------|------------------|------------------------------------------------------|
| Score | Compliance Level | Recommended Enforcement Action |
| 0-25 | 1 | Broadly Compliant |
| 26-35 | 2 | Inform and Educate (Improvements sentence) |
| 36-45 | 3 | Fire Safety Matters (People at risk sentence) |
| 46-55 | 4 | Enforcement Notice |
| 56+ | 5 | Fast track enforcement Notice (consider prosecution) |

Geographic^[JL1]

Strategic Weighting and Overall Severity

A resulting overall risk value is assigned to each regulated premises

Process/how is the risk information used to target activity/resources

Performance/Reporting/Governance^[TK2]

Review cycle of RBIP

The RBIP will be subject to an annual review, which will coincide with the assessment of Risk to inform the RBIP for the following year. In addition to an annual review, the ECFRS TFS team will need to constantly review information provided through the Home Office, MHCLG and NFCC in relation to fire safety legislation and enforcement guidance which is likely to change in the short term as a direct result of the Grenfell fire in 2017.

Relevant Legislation

The Regulatory Reform (Fire Safety) Order 2005

The Fire & Rescue Services Act 2004

Horizon Scanning

ECFRS TFS has recently recruited new personnel against existing vacancies, which totalled in excess of 30% of the department's establishment. New staff training/induction is due to begin in January 2020. The training mentoring of new staff will take on average 2-3 years for those officers to attain competence (BTEC Level 4 Diploma Fire Safety). The mentoring and workplace training will be undertaken by existing TFS officers and this will impact the number of audits they are able to complete.

Additionally, it is recognised that significant numbers of experienced existing TFS Team members are eligible to retire within the next 12 months which could significantly impact the capacity of the Department to inspect premises. A succession plan is in place and is currently under review.

As part of 5 national work streams set up by the NFCC, one of the work streams deals specifically with RBIP's. The Eastern Region NFCC has set up working group to develop a regional approach to Risk Based Inspection Programme. Essex TFS Officers are engaged in this Group and are feeding back information both from this group and other groups from across the Country which are also tackling the RBIP issue. ECFRS will assess the RBIP's that are developed, and guidance/ recommendations produced by NFCC with a view to ensuring best practice.

A national NFCC seminar relating to Risk Based Inspection Programmes is taking place in Merseyside on the 28th January 2020. ECFRS TFS Officers are attending the Seminar to assist in the development of the Service's RBIP.

NFCC are exploring a national definition of what constitutes a high-risk premises.