



Essex County  
Fire & Rescue Service

# **Strategic Assessment of Risk**

  

# **Legislative Risk**

### About

Amendments to primary legislation bring significant change for the sector and for the way we deliver our services. Following the Grenfell Tower fire there is also key legislation that will impact our service delivery of fire protection and business support. Failure to comply with legislation could lead to financial, reputational, workforce or productivity implications. Serious failure could lead to criminal investigations.

Within this chapter of the Strategic Assessment of Risk, the following areas will be considered:

- Prevention
- Protection
- Response
- People

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### PREVENTION

Essex County Fire & Rescue Service aims to prevent fires and other emergencies from occurring by taking a person centred approach to prevention through our four workstreams:

- Live Safe
- Be Road Safe
- Be Water Safe
- Safeguard

Underpinning the Prevention Strategy are a number of legislative documents which include:

- The Road Traffic Act, Section 39
- Home Safety Act
- Housing Act
- Children's Act
- Working Together to Safeguard Children
- Safeguarding Vulnerable Groups Act
- Protection of Freedoms Act
- United Nations Human Rights Convention on the Rights of the Child
- Mental Capacity Act
- Mental Health Act
- Police & Crime Act
- Modern Slavery Act
- Crime and Disorder Act
- Counter Terrorism and Security Act
- The Care Act
- Homelessness Reduction Act
- Anti-social Behaviour Crime & Policing Act

We recognise the importance of harnessing data, partnership working, and taking an intelligence-led approach to targeting our prevention activities to those identified at the highest risk of harm from fire, road, water and safeguarding. We focus our efforts on creating a person centred approach, targeting those most at risk. As a Service we deliver and develop a range of innovative interventions to tackle social issues and lead to safer, healthier, and more resilient communities. We will seek opportunities to share both data and intelligence with wider partnerships to achieve shared goals.

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We believe by adopting a person centred approach we will influence behavioural changes and patterns which will positively impact future generations, and in turn reduce the risk of harm.

To achieve our goals, we will use local, regional and national forums, be a key member of community safety partnerships, develop new and existing partnerships and harness the resources available to us, including the enhanced use of volunteers across Essex.

Essex County Fire & Rescue Service has two dedicated groups of delivery Operational & Community Risk and Specialist Intervention. Operational & Community Risk considers local risk and raises awareness to the communities of the services we offer. Essex is split geographically into North and South groups. In each group our Operational and Community Risk Teams and operational crews provide prevention activities locally to raise awareness and provide advice to their communities. Central to this delivery is attendance and representation within the Community Safety Partnerships, the combined resources of the partnership have the focused ability to tackle key issues facing the local community. Whilst Specialist Intervention assess intelligence led risk and designs a person centred early intervention.

Safeguarding is overarching across the two delivery groups and our Safeguarding Team consider how we can support people living in the local community who are experiencing safeguarding issues. We have produced a signposting directory so that we are aware where and how to refer people for help. We have developed a number of products for our staff to raise awareness about hoarding and the actions we need to take. The group also supports mental health campaigns.

## PROTECTION

Essex County Fire & Rescue Services Protection Department is designed to reduce the risk and impact of fire on the community, safeguarding firefighters, heritage and the environment, reducing the loss of life, injuries, commercial, economic and social costs. As a consequence, the Service's statutory duty to enforce fire safety legislation under the Regulatory Reform (Fire Safety) Order 2005 and promote fire safety is based on risk to provide the community with value for money.

The Protection Strategy aligns itself to a number of legislative documents, including the following:

- Regulatory Reform (Fire Safety) Order
- Environment and Safety Information Act
- The Petroleum (Consolidation) Regulations
- The Explosives Regulations
- Fire and Rescue National Framework for England
- Building Safety Act
- Construction (Design and Management) Regulations
- Fire Safety and Safety of Places of Sport Act
- Police and Criminal Evidence Act
- Regulators Code
- Criminal Procedures and Investigations Act (CPIA)
- Regulatory Enforcement and Sanctions Act

The primary focus of the Protection Strategy is to support business such that all employers and places of community access meet their legal duties and maintain the safety of all those who may be present and in doing so assist the economic growth of Essex. We recognise that we can't do this alone, so we have entered into a number of agreements with other enforcing authorities to provide clarification about which authority takes the lead for particular premises types where the enforcement regimes overlap. To minimise audit and inspection burdens for regulated entities, we will continue to seek to develop, engage in and foster partnerships working with other enforcers and other stakeholder groups particularly through Safer Essex and Local Strategic Partnerships. This will encourage joint working relationships, raise awareness and foster engagement.

Premises that are identified in our Risk Based Inspection Programme (RPIB) of presenting the highest risk will be audited and visited most frequently. Premises that are considered to be a lower risk will be audited primarily in response to complaints, following incidents or on a randomly sampled basis to verify their lower risk classification and to confirm that the responsible person is complying with their

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statutory duties and requirements of fire safety legislation. The definition of a high risk is currently being reviewed; our Service is linked into the National Fire Chief Council's Community Risk Programme which will look to define this.

The methods that are used to identify the risk level of a building are:

- Historical likelihood of fire.
- Vulnerability of occupancy.
- Buildings that are already identified as high risk under our operational risk information.

As an organisation we need to proactively engage with building owners to understand the built environment that we are working in. Some buildings may not behave the way that we previously expected them to do. As part of our inspection programme, we need to resource sufficiently to understand and communicate any risk across our prevention, protection and response functions.

Our operational personnel will be trained sufficiently to engage in risk reduction work appropriate to their role and level of expertise. All our personnel will collect risk data about premises as part of their normal role under section 7iid of the Fire and Rescue Services Act. This data will be used to enable us to further target our Prevention, Protection and Response activities in an effective and efficient manner.

All protection activities including training will be delivered in line with the Competency Framework for Business Fire Safety Regulators and delivery of these activities will include:

- Business Engagement
- Risk Based Inspection Programme
- Enforcement
- Consultation and Licensing Agreements
- Fire Protection Training and Development
- Fire Protection Monitoring and Assurance

### RESPONSE

There are a number of legislative documents that form the framework for the Response Strategy of Essex County Fire & Rescue Service. These documents include but are not limited to:

- Civil Contingencies Act (2004)
- The Fire and Rescue Services Act (2004)
- Fire and Rescue Service (Emergencies) (England) Order 2007
- The Fire and Rescue Service National Framework for England (2018)
- Health & Safety at Work Act (1974)

Essex County Fire & Rescue Service is a Category 1 responder under the Civil Contingencies Act (2004) meaning we must assess the risk of emergencies happening (ranging from widespread flooding to terrorist attacks) and use this to inform contingency planning, including business continuity management arrangements.

The Fire and Rescue Services Act (2004) and the Fire and Rescue Services (Emergencies) (England) Order (2007) give Fire and Rescue Authorities mandatory functions to respond to emergencies ranging from smaller incidents such as fires and road traffic collisions through to those of a far greater nature such as terrorist incidents which require Chemical, Biological, Radiological or Nuclear (CBRN) response.

The Fire and Rescue National Framework for England (2018) makes the expectations clear with regard to collaboration, intra-operability and interoperability to ensure fire and rescue services like ours are working closer with other Category 1 and 2 responders.

Clear emphasis is also placed on authorities to not solely focus on local risk but also to be aware of the impact that more significant incidents which would require a greater level of response may have. In these circumstances, services should provide or seek support through mutual aid agreements with other services. In addition, the framework details the expectations for services to implement safeguarding, business continuity arrangements and the planning for foreseeable risk and completion of a Community Risk Management Plan.

As well as this, the Policing and Crime Act (2017) part 1, places a duty on police, fire and rescue and ambulance services to collaborate. The Service's Response Strategy looks to explore opportunities to collaborate with emergency services and other partners wherever possible to support its effective delivery.



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Finally, the Health and Safety at Work Act (1974) outlines statutory duties of employers and colleagues in relation to health and safety in the workplace. The nature of the work carried out as part of an operational response is recognised to have an increased amount of risk and the Service's Response Strategy aligns to our Health and Safety Policy and its associated responsibilities.

The Response Strategy enables the Service to achieve its strategic priorities in consideration of legislative requirements, national guidance and the strategic direction of the Service. Delivering a resilient, timely, safe and effective response through the following objectives:

- Objective 1
  - We will assess the operational risk within Essex to make sure that we have the right people, in the right places, with the right equipment and training. Response standards are met, response readiness is assured, and we learn as an organisation.
- Objective 2
  - We will improve the management and use of data to ensure optimum availability and support our people to do their jobs. We will improve how we measure, record and share our achievements.
- Objective 3
  - Develop Group Delivery Plans that target operational community risk, working with our partners to make Essex a safe place to work, live and travel.

## PEOPLE

Essex County Fire & Rescue Service proactively identifies and engages through its People Strategy with key legislation essential for the effective functioning of a public sector organisation. Through its scheduled consultation process with representative bodies (see Chapter 8 Organisational Risk for more detail) the Service regularly reviews and updates our People Policies to reflect any legislative, statutory, or other changes. The table below details how each of our People Policies corresponds with the required legislation.

Theme	People Policy	Legislation
Resourcing	<ul style="list-style-type: none"> <li>• Agency Workers</li> <li>• Job Evaluation</li> <li>• Job Sharing</li> <li>• Off-Payroll Working - IR35</li> </ul>	<ul style="list-style-type: none"> <li>• Agency Worker Regulations 2010</li> <li>• Employment Rights Act 1996</li> <li>• Equality Act 2010</li> <li>• Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (Amendment) Regulations 2002</li> <li>• Income Tax (Earnings and Pensions) Act 2003</li> </ul>
Talent Acquisition	<ul style="list-style-type: none"> <li>• Recruitment</li> <li>• Market Supplements</li> <li>• Relocation Expenses</li> <li>• Probation</li> </ul>	<ul style="list-style-type: none"> <li>• Employment Rights Act 1996</li> <li>• Employment Protection (Continuity of Employment) Regulations 1996</li> <li>• Transfer of Undertakings (Protection of Employment) Regulations 2006</li> <li>• National Minimum Wage Act 1998</li> <li>• Contracts (Rights of Third Parties) Act 1999</li> <li>• Working Time Directive (2003/88/EC)</li> <li>• Working Time Regulations 1998</li> </ul>

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Talent Management	<ul style="list-style-type: none"> <li>• Learning &amp; Development</li> </ul>	<ul style="list-style-type: none"> <li>• Health and Safety at Work etc Act 1974</li> <li>• Trade Union and Labour Relations (Consolidation) Act 1992</li> <li>• Pension Schemes Act 1993</li> <li>• Employment Rights Act 1996</li> <li>• Teaching and Higher Education Act 1998</li> <li>• Learning and Skills Act 2000</li> <li>• Employment Act 2002</li> <li>• Apprenticeships, Skills, Children and Learning Act 2009</li> <li>• Safety Representatives and Safety Committees Regulations 1997 (SI 1977/500)</li> <li>• Health and Safety (Consultation with Employees) Regulations 1996 (SI 1996/1513)</li> <li>• Right to Time Off for Study of Training Regulations 2001 (SI 2001/2801)</li> <li>• Right to Time Off for Study of Training (Scotland) Regulations 1999 (SI 1999/1058)</li> <li>• Employee Study and Training (Procedural Requirements) Regulations 2010 (SI 2010/155)</li> <li>• Employee Study and Training (Eligibility, Complaints and Remedies) Regulations 2010 (SI 2010/156)</li> </ul>
Pay, Progression & Performance	<ul style="list-style-type: none"> <li>• Acting Up and Temporary Promotion</li> <li>• Additional Responsibilities</li> <li>• Transfer Policy</li> <li>• Pay Protection</li> <li>• Performance Appraisal</li> </ul>	<ul style="list-style-type: none"> <li>• The Finances Acts</li> <li>• Protection from Eviction Act 1977</li> <li>• Social Security Contributions and Benefits Act 1992</li> <li>• Employment Rights Act 1996</li> <li>• Income Tax (Earnings and Pensions) Act 2003</li> </ul>

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Absence	<ul style="list-style-type: none"> <li>• Annual Leave</li> <li>• Attendance</li> <li>• Career Break</li> <li>• Flexible Working</li> <li>• Special Leave</li> </ul>	<ul style="list-style-type: none"> <li>• Codified Working Time Directive (2003/88/EC)</li> <li>• Working Time Regulations 1998 (SI 1998/1833)</li> <li>• Social Security Contributions and Benefits Act (1992)</li> <li>• Social Security Administration Act 1992</li> <li>• Social Security (Incapacity for Work) Act 1994</li> <li>• Statutory Sick Pay (General) Regulations 1982 (SI 1982/894)</li> <li>• Employment and Support Allowance Regulations 2008 (SI 2008/794)</li> <li>• Social Security Benefits Up-Rating Order 2022 (SI 2022/292)</li> <li>• Employment Rights Act 1996</li> <li>• Acas (Flexible Working) Arbitration Scheme (Great Britain) Order 2004 (SI 2004/2333)</li> <li>• Flexible Working Regulations 2014 (SI 2014/1398)</li> </ul>
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<p>Family Friendly</p>	<ul style="list-style-type: none"> <li>• Maternity Leave</li> <li>• Paternity Leave</li> <li>• Parental Leave</li> <li>• Adoption Leave</li> <li>• Time Off for Dependents</li> </ul>	<ul style="list-style-type: none"> <li>• Employment Rights Act 1996</li> <li>• Employment Act 2002</li> <li>• Adoption and Children Act 2002</li> <li>• Work and Families Act 2006</li> <li>• Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)</li> <li>• Social Security (Paternity and Adoption) Amendment Regulations 2002 (SI 2002/2689)</li> <li>• Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003 (SSI 2003/19)</li> <li>• Intercountry Adoption (Hague Convention) Regulations 2003 (SI 2003/118)</li> <li>• Employment Rights Act 1996 (Application of Section 80B to Adoptions from Overseas) Regulations 2003 (SI 2003/920)</li> <li>• Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003 (SI 2003/921)</li> <li>• Paternity and Adoption Leave (Amendment) Regulations 2004 (SI 2004/923)</li> <li>• Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006 (SI 2006/2014)</li> <li>• Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2008) SI 2008/1966)</li> <li>• Paternity and Adoption Leave (Amendment) Regulations 2014 (SI 2014/2112)</li> <li>• Shared Parental Leave and Paternity and Adoption Leave (Adoption from Overseas) Regulations 2014 (SI 2014/3092)</li> <li>• Equality Act 2010</li> <li>• Workplace (Health, Safety and Welfare) Regulations 1992 (SI 1992/3004)</li> <li>• Maternity and Parental Leave etc Regulations 1999 (SI 1999/3312)</li> </ul>
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		<ul style="list-style-type: none"> <li>• Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)</li> <li>• Parental Leave Directive (2010/18/EC)</li> </ul>
<p>Health &amp; Wellbeing</p>	<ul style="list-style-type: none"> <li>• Aids to Vision (Glasses)</li> <li>• Substance Misuse</li> <li>• Smoking in the Workplace</li> <li>• Wellbeing Matters</li> </ul>	<ul style="list-style-type: none"> <li>• Working with Display Screen Equipment, the Health &amp; Safety Executive (HSE)</li> <li>• Health and Safety at Work etc Act 1974</li> <li>• Working Time Regulations 1998 (SI 1998/1833)</li> <li>• Employment Rights Act 1996</li> <li>• Personal Protective Equipment at Work Regulations 1992 (SI 1992/2966)</li> </ul>

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	<ul style="list-style-type: none"> <li>• Attacks on Fire Service Personnel</li> <li>• Transitioning at Work Guidance</li> <li>• Lone Working</li> <li>• Secondary Employment</li> </ul>	<ul style="list-style-type: none"> <li>• Health and Safety (Consultation with Employees) Regulations 1996 (SI 1996/1513)</li> <li>• Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)</li> <li>• Human Rights Act 2004</li> </ul>
Employee Relations	<ul style="list-style-type: none"> <li>• Code of Conduct (incl. Core Code of Ethics)</li> <li>• Grievance</li> <li>• Disciplinary</li> <li>• Equality &amp; Diversity</li> <li>• Organisational Change</li> <li>• Social Media</li> <li>• Trade Union Facilities</li> <li>• Redeployment</li> <li>• Performance Management</li> </ul>	<ul style="list-style-type: none"> <li>• Trade Unions and Labour Relations (Consolidation) Act 1992</li> <li>• Employment Rights Act 1996</li> <li>• Employment Relations Act 1999</li> <li>• ACAS Code of Practice on Disciplinary and Grievance Procedures</li> <li>• Equality Act 2010</li> <li>• Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995 (IS 1995/2587)</li> <li>• Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (SI 2002/2034)</li> <li>• Information and Consultation of Employees Regulations 2004 (SI 2004/3426)</li> <li>• Employment Equality (Age) Regulations 2006 (SI 2006/1031)</li> <li>• Gender Pay Gap Information Regulations 2017</li> </ul>
Exit	<ul style="list-style-type: none"> <li>• Leavers Policy</li> <li>• Abatement</li> </ul>	<ul style="list-style-type: none"> <li>• Employment Rights Act 1996</li> <li>• Employment Relations Act 1999</li> <li>• Pension Schemes Act 1993</li> </ul>

Table 1

## REFERENCES

[Prevention - Fire Standards Board](#)

[Prevention-Strategy-2020-2024.pdf \(essex-fire.gov.uk\)](#)

[Protection - Fire Standards Board](#)

[Protection-Strategy-2020-24.pdf \(essex-fire.gov.uk\)](#)

[Response Strategy](#)