



TAI CANOLBARTH CYMRU MID-WALES HOUSING

Yn barod **amdani** **Equal** to the challenge

Fire Safety Policy

Strategic Aim:	To Comply with the Regulatory Reform (Fire Safety) Order 2005) and current Building Regulations to ensure that adequate levels of fire safety are provided and maintained for the protection of all residents and anyone else in or around our buildings.
Reference No:	Fire Safety Policy v1. September 2017
Date Of Issue:	September 2017
Next Review Date:	September 2020
Departments Affected:	Community Housing and New Business Teams (Development & Maintenance)
Approved By/Date:	Board of Management September 2017
Associated Policies	Asset Management Strategy Health & Safety Policy Gas, Oil and Solid Fuel Safety Policy
Lead Officer:	Sian Howells, Director of New Business
Statutory Compliance:	<ul style="list-style-type: none"> - Welsh Government Regulatory Performance Standards - Regulatory Reform (Fire Safety) Order 2005 - Building Regulations 2010 Approved Document Part B (as amended in 2017)

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Title: FIRE SAFETY POLICY

1.0 Introduction

- 1.1 Fire safety within the home is an extremely important issue, especially in mixed-use premises and where unrelated occupiers, who live independently of one another, share common areas of the same building. Both the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005 cover this area of law.
- 1.2 The Regulatory Reform (Fire Safety) Order 2005 (FSO) places a duty on the “responsible person” to take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on the premises and in the immediate vicinity. ‘Responsible person’ means “the person who has control of the premises in connection with the carrying on of a trade, business or other undertaking”.

In practice, this will usually be the landlord, but in the case of absentee landlords where the “carrying on of the business” is undertaken by a managing agent, it may be the managing agent.
- 1.3 The Order does not apply, except in limited circumstances, to private dwellings. However, residential premises such as blocks of flats and Houses of Multiple Occupancy (HMOs) are covered by the Order to the extent that they comprise common parts and systems (stairs, corridors, shared kitchens, bathrooms and lounges etc.), which are used by the occupants of more than one dwelling.
- 1.4 The responsible person must carry out a fire risk assessment to identify the general fire precautions and other measures needed to comply with the FSO. Although under the FSO this requirement only applies to the common parts of premises, in practice, the responsible person will need to take into account the entire premises – including, to some extent, the units of accommodation themselves.
- 1.5 The legislation establishes an approach to fire safety that is risk-assessment based and consistent with other health and safety legislation. This requires the implementation of fire precautions that will ensure, so far as is reasonably practicable, the safety of all relevant people which includes all those who have access to the premises, such as employees, contractors and visitors.
- 1.6 While the FSO has limited application to certain types of property (e.g. extra care homes), the principles of fire safety risk assessment apply across the board, and their application should ensure compliance with all the legislation.
- 1.7 Having identified and implemented any general fire precautions that are necessary, the responsible person must put in place a suitable system of maintenance and review by competent persons to ensure they remain satisfactory and sufficient to manage the perceived risks posed by fire in our properties.

- 1.8 In the case of new and converted houses or flats, the Welsh Government made recent changes to the Building Regulations 2010 (Approved Document B Volume 1, Regulation 37A refers), which states that as from 1st January 2016, all such dwellings have to be fitted with automatic fire suppression systems (sprinklers).
- 1.9 There are certain transitional arrangements in place but generally, it is now a design requirement for all new residential schemes to include a domestic sprinkler system. Approved Document B also sets out requirements in respect of:
- warning and escape;
 - internal fire spread;
 - external fire spread;
 - access;
 - facilities for the fire service.

2.0 Role of Boards

The Board is responsible for ensuring its business complies with the Regulatory Reform (Fire Safety) Order 2005 and all consumer protection duties. Its role is to seek robust assurance that the Association is compliant with all relevant health and safety legislation relating to fire and that the associated risks are identified and managed and proper controls and assurance reporting is in place.

The Board will receive regular reports on compliance with all fire safety requirements.

3.0 Delegation of 'Responsible Person' Duties

- 3.1 At Mid Wales Housing Association, the **Director of New Business** is responsible for ensuring compliance with this policy, together with meeting statutory requirements and delivering our fire safety commitments.
- 3.2 **Performance** of the 'Responsible Person' duties is delegated to the **Senior Contracts Officer** in relation to our housing stock and the **HR Manager** in respect of our office accommodation.
- 3.3 Where we manage but do not own the property, the 'Responsible Person' must be identified in the terms of the management agreement or lease. Even if we are not the 'Responsible Person', we still have responsibility to ensure that the 'Responsible Person' for that property is meeting all legislative requirements.
- 3.4 Where we lease a property to a third party/support provider, then in line with the above, we retain the responsibility to ensure that the lessee is meeting all legislative requirements to complete a fire risk assessment in accordance with the terms set out in the associated Management Agreement.

4.0 Policy Statement

We will ensure that:

- 4.1 We are compliant with the requirements of the Regulatory Reform (Fire Safety) Order 2005. This includes carrying out, updating and regularly reviewing fire risk assessments of all relevant accommodation we own, manage or occupy, to identify the risks to which customers are exposed and take appropriate measures to minimise the risk to life and property from fire in accordance with Articles 8 to 22 of the above Order.
- 4.2 We have positive working relationships with the local fire authority and local housing authorities, including complying with any orders they issue in writing and seeking advice as to the severity of the risks identified.
- 4.3 In accordance with Article 12 of the FSO, any risk to persons related to the presence of dangerous substances is eliminated or reduced by either replacing the substance or minimising its use. Where the risk cannot be eliminated, we will control the risk to mitigate against the possibility of a fire in accordance with the priority order of control measures contained therein (see paragraphs 4.12.2- 4.12.5 below).
- 4.4 General precautions are taken, including carrying out planned programmes of work in all of our properties to install/renew mains wired fire detectors and alarms when the units reach the end of their recommended life expectancy.
- 4.5 Condition surveys are carried out on all our properties including an assessment of fire risks, and implement any preventive or protective measures in accordance with the principles set out in Article 10 of the FSO.
- 4.6 So far as it is within our control and in accordance with Article 11 of the FSO, we put in place appropriate arrangements for the effective planning, organisation, control, monitoring and review of fire prevention and protective measures, including (where appropriate) property or person specific evacuation plans(PEEPs), taking account of the particular needs of customers including those with disabilities.
- 4.7 Routes to the emergency exits and the exits themselves are kept clear in accordance with Article 14 of the FSO.
- 4.8 We establish and give effect to appropriate procedures to be followed in the event of serious and imminent danger and nominate competent persons to implement those procedures as far as they relate to evacuation of premises.
- 4.9 Accurate record keeping is established which we will share with the local fire authority, as appropriate.
- 4.10 All staff receive training appropriate to their duties under the FSO and those with delegated responsibility for fire safety, to complete specific training up to Health & Safety Fire Safety Management (NEBOSH) level, together with any

associated reviews necessary, to assure and demonstrate their competency to undertake their required duties.

4.11 Staff Responsibilities

All staff should look out for danger signs and fire hazards. Any concerns must be reported immediately to the Senior Contracts Officer in relation to our housing stock or to the HR Manager in relation to our office premises.

4.12 Residents' Responsibilities

We will publicise the importance of fire safety to all customers, regardless of tenure, but generally, the responsibility for safety in all individual private domestic properties that are not sheltered or supported housing falls on the individual, rather than on us, including carrying out regular tests of their individual fire detection system (i.e. smoke detectors).

- 4.12.1 We take responsibility for fire safety in supported and sheltered housing properties, and for communal areas in all tenures. This includes communal areas shared by a mix of tenures.
- 4.12.2 Where the actions of customers may affect the fire safety of a building, such as having stored oxygen in their properties for medical reasons, they are required to inform the Association of this need.
- 4.12.3 Where we are aware that oxygen is stored at the property and where a resident has not already done so, we will notify the relevant fire authority of the presence of stored oxygen. Where appropriate, stickers or signs posting a warning against smoking or other high-risk activities in the area will be used.
- 4.12.4 Storage of residents' or third-party goods in communal areas is not allowed without our express permission and we will take action to remove items that are left in these areas.
- 4.12.5 Barbeques are considered "open fires" and, in accordance with Fire Brigade advice, are not permitted in any of our properties including any balcony areas, which are extensions of properties.
- 4.12.6 Customers (including leaseholders) should not fit metal security gates to their homes without seeking permission from MWhA first. As gates of this type can often hinder entry to and exit from the premises for purposes of evacuation and fire-fighting, permission will not normally be given for the fitting of these items.
- 4.12.7 Where customers have already fitted metal security gates or similarly, bars to windows and these are identified as an unacceptable fire risk in the fire risk assessment, we will request these fittings to be removed. If necessary, we will take action in line with the tenancy agreement to ensure this happens.

5.0 Audit, Compliance and Review

- 5.1 Because this is such a high-risk area, we will carry out an external audit every three years as a minimum. In addition, we will continually monitor compliance

with our associated fire safety procedures and report such matters regularly to our Health & Safety Group.

- 5.2 We will manage compliance and keep accurate records, which are stored and updated using the Group IBS database.
- 5.3 The **Technical Services Manager** has responsibility to ensure that all maintenance and cyclical /servicing contractors used by the Association are compliant with all relevant health and safety legislation.
- 5.4 Annual reviews of contractor health and safety procedures as well as regular review of contractor compliance and performance are carried out.
- 5.5 This policy is reviewed annually, validated externally and will be updated whenever Legislation or regulations change.
- 5.6 We will retain written records of the risk assessment for at least five years or until one year after a new assessment has been completed and any fire precautions put in place to address the risks identified.

6.0 General Precautions

- 6.1 All dwellings owned across the Group (excluding leasehold and shared - ownership properties) will have mains operated smoke/fire detection systems installed as part of tailored planned improvement programmes, void improvement works or cyclical maintenance contracts such as electrical testing.
- 6.2 Where it is deemed appropriate in the recommendations of site-specific fire risk assessments, communal areas will also be fitted with mains operated fire detection systems.
- 6.3 Maintenance checks of such systems will be carried out either weekly, bi-weekly, quarterly or in accordance with manufacturers' instructions. Where the resident refuses works, we will treat the situation sensitively but will be clear that the work must be completed to ensure the health and safety and protection of others in the property.
- 6.4 We will respond appropriately to meet the needs of residents who inform us they have a disability such as a hearing impairment, and where we are directly responsible for the management of the property (as opposed to a support provider), install appropriate equipment to ensure that they are alerted in the event of a fire.
- 6.5 We will ensure that all shared and supported housing properties and communal areas of other tenures are appropriately equipped with fire protection equipment and emergency lighting, fire doors, and safety signs, as advised by a fire risk assessment.
- 6.6 In addition, all residential properties (including mutual exchanges) will receive:
 - an annual gas and heating installations safety check, thereby reducing the risk of fire from gas faults (see Gas Safety policy).

- a five-yearly electrical safety test in general needs accommodation and three-yearly electrical safety tests in sheltered and supported schemes, thereby reducing the risk of fire from faulty electrical systems (see Asset Management Strategy).
- where a property is re-let or in the case of any mutual exchange or transfer, there will be an additional gas safety check and electrical safety test.
- In all residential properties where portable electrical appliances (such as vacuum cleaners or toasters) are provided, regular checks and testing will be carried out in line with the Portable Appliance Testing procedure.

6.7 In all residential properties where furniture is provided, whether in common areas or as part of a furnished tenancy, furniture will be fire retardant in compliance with the Furniture and Furnishings (Fire Safety) Regulations 1988.

7.0 Fire Risk Assessments

7.1 Written fire risk assessments will be provided for all relevant accommodation owned, managed or occupied by us including all supported and sheltered accommodation, and common parts of other tenures.

7.2 The FSO is not prescriptive and does not define how often fire risk assessments should be reviewed. However, as a minimum, we will review fire risk assessments **no matter what the risk category** is:

- annually;
- following a fire, near miss or threat of arson;
- following any residency changes which may impact upon fire risks (for example, a customer becomes disabled or a new disabled resident joins a scheme);
- whenever there has been any structural or material changes to the building or its use.

7.3 The above circumstances may prompt a new fire risk assessment not just a review.

7.4 Fire Risk Assessment reviews or renewals will be carried out as outlined in the table below.

Risk Level	Example of Property Type	Review of existing FRA	New FRA
Low Risk	Modern, low-rise block (e.g. a block of no more than three storeys above ground, built within the last 20 years)	Annual	Every four years
Medium Risk	Converted street property but not HMO; older low-rise blocks (e.g. a block of no more than three storeys above ground and older than 20 years)	Annual	Every three years
High Risk	Sheltered and supported housing, HMO and any block over four storeys in height	Annual	Every two years *in very high risk cases, new annual fire risk assessments may be appropriate

Strategic Risk Factors	- Risk to H & S of employees, tenants, contractors or third parties as a result of the Association not managing the risk posed by fire to its properties; (Strategic Risk Map Reference SR17/008).	
Equality Impact Audit	<i>How does/will this policy ensure needs are met fairly, particularly with regard to race, gender, disability etc.?</i>	The allotted responsibilities outlined in this Policy comply with relevant Statutory legislation and do not conflict with the needs of any minority group or on the grounds of race, gender or disability
	<i>Is it felt that this Policy might affect different groups adversely. If so what is the justification for this, and is it legally permissible?</i>	Not applicable.

	<i>Have any representative groups in the locality been asked for their opinion and if so what was the outcome?</i>	Only in relation to certain aspects of this Policy but not in its entirety.
Tenant Engagement	<i>How does/will this policy ensure the needs of tenants are met?</i>	By ensuring that the Association has “Best Practice” processes in place to meet its Regulatory responsibilities to its residents, contractors and third parties in relation to fire safety regarding the properties it owns, rents or manages.
	<i>How is it felt this Policy will impact on the rights and obligations of tenants?</i>	No impact.
	<i>Have tenants been consulted and were the outcomes of that consultation taken into account when considering the introduction of this Policy?</i>	Yes, although limited and only through tenant membership of Health & Safety Group given the Statutory obligations covered by this Policy.