



Buckinghamshire & Milton Keynes Fire Authority

Meeting and date: Fire Authority – 7 December 2022

Report title: Building Risk Review and Protection Update

Lead Member: Service Delivery, Protection and Collaboration

Report sponsor: Area Commander Calum Bell

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Action: Update including the Fire Standard Protection self-assessment – For information and noting.

Recommendations: It is recommended that Building Risk Review, Protection update, and Fire Standard Protection Self-assessment be noted.

Executive summary:

The purpose of this paper is to provide an update on the Building Risk Review (BRR) and Protection activity, since the last Fire Authority Meeting held on 8 December 2021 ([viewed here](#)) as initially proposed at the Authority meeting of 17 February 2021 ([viewed here](#)).

Building Risk Review (BRR)

The Buckinghamshire Fire & Rescue Service (BFRS) High Risk Residential Building Team Manager has been leading on the delivery of the Home Office (HO) Building Risk Review (BRR) programme, the scope of which was to triage every high-rise residential building above 18m, by 31 December 2021.

Using both the HO information and its own data the Service identified 57 premises within the scope of the work. BFRS completed the return for all these premises to the HO by the beginning of December 2021 well within the proposed timescale for completion.

Following this return BFRS have been continuing to work with the responsible persons for each of these premises to resolve a number of outstanding concerns raised through the initial scoping. These include areas such as external wall systems and compartmentation. All of these responsible persons will continue to be engaged with moving forward as part of the Risk Based Inspection Programme.

PROTECTION ACTIVITY

BFRS continues to deliver the Protection Uplift Programme, utilising the associated grant funding to deliver improvements in fire safety delivery and training, response

staff knowledge, improved software and wider support for business engagement. To date the uplift grant for Protection has totalled £175,540 with an additional £172,120 planned for the 2022/23. The grant continues to be spent on additional staff within Protection to support the delivery of this function. This is planned to continue into 2024. The funding has also been used for fire safety training both to the operational crews and to enhance the training within the protection department as part of the commitment to develop its staff.

Other spending has contributed to the improvement in the Premises Risk Management System to improve the communication and coordination of Site Specific Risk Information, Prevention activity and Protection audits to improve the way the Service can make its staff and the communities safer.

Business Engagement

BFRS continue to employ staff on a temporary basis (as highlighted above); these staff are focussing on business engagement, targeting those premises types that are not deemed the highest risk and are unlikely to receive a physical visit through the Risk Based Inspection Programme (RBIP).

To support this work, a self-assessment form has been developed, which will be accessed through BFRS's external website. Targeted premises will be sent the link and responses will be reviewed, resulting in a percentage of those targeted receiving a physical visit. This approach not only enables BFRS to receive information from premises in relation to their fire safety management arrangements, but also share fire safety advice and guidance relevant to individual sectors.

Risk Based Inspection Programme (RBIP)

BFRS has sought to use data available from the Data Intelligence Team to create a RBIP. This has started and is presently focussing on multi-occupied residential buildings including high rise buildings and will shortly move on to other commercial risks, concentrating on sleeping risk, such as care homes and hotels.

The programme has already resulted in the Protection teams visiting previously unvisited premises that have resulted in informal actions to improve safety within some of these buildings. The on-going programme will see the Protection team visit other identified high-risk premises and make best use of their time.

Staff Training

Following a procurement process, a training delivery provider has been procured to deliver fire safety training to response staff. A two-day pilot has been delivered to twelve Flexi Duty Officers in October 2021, ready to roll out to the wider staff group over the following months. This fire safety training has continued throughout the year to all wholtime and day crewing watches across all relevant stations. The timetable will have all stations and watches visited by the end of December 2022. It has already been identified that there are a number of operational personnel that

through leave and other training will have missed this input and there are anticipated to be 'mop up' sessions in the new year to ensure these personnel receive the fire safety training.

The funding for this training was sought from the Uplift grant that continues to be provided from the Home Office to improve the Protection activity of Fire Services nationally. The stated aim of the training was to improve the communication and cooperation between response crews and the Protection department. This has proved to be very successful with the number of inquiries and complaints received by Protection, from the response crews, has increased significantly. This has provided a vital resource to support the activities of the Protection teams and in all cases the information received has proved valuable and pertinent to improving the safety of the communities in buildings that the Service might otherwise not come across.

Staff training remains ongoing with the expectation that response crews will perform low level Protection visits and during performance inspections. This will allow the Service to use its resources appropriately using the most qualified fire safety personnel to carry out the more complex and higher risk buildings.

Technology

Scoping work is underway, to identify how technology can assist in the delivery of fire safety activities. This includes lone working, body worn cameras, web site development, mobile devices and media content production.

As part of this the Service is presently reviewing its Fire Safety pages to get the greatest benefit from any media activity. This activity has recently included engagement during Business Safety Week. BFRS has also hosted a page set up by the NFCC to allow smaller businesses to follow a virtual tour through an office and a warehouse to focus on fire safety. This will allow those businesses which the Service is unlikely to be able to visit to receive fire safety advice in the most efficient way.

Competency

The National Fire Chiefs Council (NFCC) Competency Framework for Fire Safety Regulators, revised, aims to assist Enforcing Authorities in demonstrating how they assure the competence of their fire safety staff and their commitment to invest in their people, thereby creating a more competent and professional service, increased consistency of regulation and greater reassurance of the professionalism of Fire Safety Regulators to business and members of the public alike. This will, in time, provide a fire safety competency which will allow better participation in multi-disciplinary teams as part Building Safety Regulator (see Building Safety Act 2022 below).

BFRS aims to fully comply with the competency framework, which can take up to two years for a non-qualified staff member to achieve Level 4 Diploma status.

BFRS is also aligning with the Competency Framework for Fire Safety Regulators, which recommends that all fire safety inspectors (FSI) working on higher risk premises (residential care, hospitals, buildings in scope of the Building Safety Bill, prisons and some specialised housing) should be third party validated.

Fire Standards

The Fire Standards Board has been set up to oversee the identification, organisation, development and maintenance of professional Standards for fire and rescue services in England. The Board has since launched the Protection Fire Standard. An implementation tool was developed with Protection Fire Standard in order to assist BFRS in its self-assessment. This self-assessment has been undertaken and has resulted in a gap analysis to see where BFRS meets these professional standards or still needs further work. The full Standard can be viewed in Appendix 1 along with the summary of the self-assessment in Appendix 2. Please note that in an update issued on 3 September 2021 the Fire Standards Board removed the requirement of point two following national consultation. This requirement was deemed to be unnecessary as fire safety guidance makes regular consideration for those with protected characteristics and this is now incorporated into point one. Therefore, our self-assessment for point one is a little out of date.

The Fire Safety Act 2021:

After a series of attempts to amend the Fire Safety Bill, the House of Lords passed the unamended version of the Fire Safety Bill on 28 April 2021.

On 29 April 2021 the Fire Safety Bill received Royal Assent and became the Fire Safety Act 2021 (the Act), this is being viewed as a key step to deliver the Government's commitment to implement the Grenfell Tower Phase One Report recommendations.

On 30 September 2021, Lord Greenhalgh wrote to all chief fire officers regarding the expectation of the Home Office and the responsibilities each FRS has to their communities about the lessons learnt and the improvements made following the Grenfell tragedy. This letter highlights that each FRS must transparently show the progress made in meeting the Phase One Inquiry's recommendations and that these recommendations affect all services.

The Act clarifies that under the Regulatory Reform (Fire Safety) Order 2005 (the Order), owners and/or managers of multi-occupied residential buildings (two or more sets of domestic premises) the Responsible Person (RP) must manage and reduce the risk of fire for the structure and external walls of the building. This includes cladding, balconies and windows and the entrance doors to individual flats, that open on to common parts. These areas were previously covered by the Housing Act 2004 and enforced by Local Authority, Private Sector Housing. The Act can be found [here](#).

The Home Office are providing a Building Prioritisation Tool, which will enable RPs to undertake an assessment of their building portfolios and target assessment works at the potentially highest risk premises. This is due largely to an anticipated shortage of qualified and competent fire risk assessors, with the requisite knowledge and experience to undertake assessments of External Wall Systems (EWS).

The Fire Safety (England) Regulations 2022:

The Regulations have been introduced under Article 24 of the Regulatory Reform (Fire Safety) Order in order to meet the recommendations that have come out of the Phase 1 Grenfell Tower Inquiry. These Regulations will come into full force on 23 January 2023 and can be viewed in their entirety [here](#).

The Regulations impose additional measures on the responsible person (RP) of a multi-occupied residential building and the RP must now be preparing to work on the new regulations in order to meet the requirements by this date. The requirements depend upon the height of the buildings with those above 18m having the most stipulations. These include providing fire services with information about their buildings including floor plans, the state of fire-fighting equipment and other relevant information in order to assist with any fire-fighting action. For all multi-occupied residential buildings including those below 18m the RP must provide information and checks that will assist residents escape safely.

Building Safety Act 2022:

The Building Safety Act provides for a new regulator (the Building Safety Regulator [BSR]) to be established under the Health and Safety Executive. The aim of the regulator is to secure the safety of people in and around buildings with respect to the risk arising from them. The outcome is to improve the standards of buildings. Within the Act there is an expectation that all higher risk buildings must be registered with the regulator by October 2023 and there will be an additional approvals process for these buildings.

The role of the fire service nationally is to assist the regulator with any fire safety concerns within these building with the proposal of multi-disciplinary teams that may include other agencies as required. Work is presently taking place at a regional level to ascertain the nature and expectations required of these teams and specifically the role that BFRS will have within them. This Act can be found [here](#).

Financial implications:

Monitoring and reporting of grant expenditure continues to be undertaken by the Protection Group Commander and authorised by the Director of Finance and Assets. All grants received are deemed as one-off allocations.

The additional grant received to support Recognised Prior Learning (RPL) and third-party accreditation requirements will be ring fenced to support initial and ongoing accreditation costs (as detailed above).

Additional grant funding for 2021/ 22 has been made available to United Kingdom Fire and Rescue Services and funding for 2022/23 is expected in two parts after the first half and at the end of the financial year. This is anticipated to be £172,120.

Risk management:

Although a comprehensive programme of building inspections is scheduled through the Risk Based Inspection Programme (RBIP), the failure to ensure that the relevant authority/responsible person is adequately maintaining a high-rise residential building could compromise the safety of the residents should a fire occur, and firefighters when tackling a fire in one of the affected types of premises. For this reason these types of building have been prioritised as part of the RBIP.

Failure to positively demonstrate the value added by the Section 31 Grant will see diminished confidence in the sector by the Minister of State for Fire and possibly affect the allocation of future funding grants.

Any new workloads introduced by these programmes should not negatively impact on the ongoing RBIP programme and fulfilment of statutory duties.

Any data captured through activities undertaken and shared through monitoring reports is commercial and reflected within the Protection team Records, Retention, and Disposal / Information Assets Register.

No personally identifiable information is shared externally.

All expenditure relating to these programmes is accurately recorded, monitored by the finance team and verified by the Director of Finance and Assets prior to the submitting of any reports.

Legal implications:

The Authority has responsibilities under the Fire and Rescue Services Act 2004 to promote fire safety and to give advice about how to prevent fires, how to restrict their spread and about means of escape. However, it is also the enforcing authority for dealing with breaches by any Responsible Person (RP) of fire safety requirements imposed by the Order.

The Order does not apply to most domestic premises, but it does apply to the 'common parts' of residential properties, such as high-rise residential buildings, where typically the RP will be the owner of the freehold or leasehold.

The proposed approaches and the use of the grant funding will support BFRS in fulfilling its fire safety and its enforcement roles

Under the Order it is the responsibility of the RP, not BFRS, to carry out an assessment of the risks from fire, to identify what general fire precautions are required for those particular premises, and to put in place appropriate fire safety arrangements.

Privacy and security implications:

There are no direct privacy or security implications identified as part of the Protection activities considered within in this paper.

Duty to collaborate:

Whilst there is no specific requirement to collaborate on Protection programmes, BFRS continue to work closely with the other Thames Valley FRs on a variety of protection activities.

There are regular meetings with Thames Valley Protection colleagues to discuss and progress opportunities of joint working and best practice.

Home Office Protection programmes are standing agenda items for the NFCC South East Protection and Business Safety Group. This group is currently exploring the feasibility of a South East Fire Engineering (Level 6/7).

The Protection team also consults upon and feeds back to both the Home Office and NFCC on all its programmes and proposed legislative changes.

Health and safety implications:

Any general Health & Safety issues are considered as part of business-as-usual activities.

COVID-19 continues to be a factor in Protection activities, however, BFRS are currently operating as business as usual, cognisant of any re-emergence of the virus.

The continued delivery of the activities above, will lead to a reduction of risk for all residents in BFRS's highest risk buildings and improvements in firefighter safety due to more compliant premises.

Environmental implications:

There are no direct environmental impacts identified as part of the Protection activities considered within in this paper though throughout all Protection Activity there is an implicit acceptance that fire safety is concerned with the environment and the local community and any reduction in fires will have a positive impact on both.

Equality, diversity, and inclusion implications:

Inspections of in scope high rise residential buildings and subsequent improvements/compliance will impact positively on residents, making them safer in these buildings.

An increase in Protection activity and engagement will support life safety and assist businesses to comply with relevant legislation, supporting business continuity and the economy.

This continued and increased engagement with the Home Office through the NFCC around recent changes to legislation and guidance will assist in understanding different community needs and deliver accessible local services, building safer places.

BFRS's diverse teams will feel better equipped to deliver high quality services, through greater training, development, and accreditation. Equality Impact assessment completed and attached as Appendix 3.

Consultation and communication:

Performance Monitoring Board (PMB) – 29 September 2022

Strategic Management Board (SMB) – 18 October 2022

Background papers:

FA Cover Paper - Protection activity update, including Protection Policy Statement.

Appendix	Title	Protective Marking
1	Protection Fire Standards Board	No markings
2	Protection Fire Standards Board Self-assessment	No markings
3	Equality Impact Assessment for Building risk Review and Protection Update	No markings