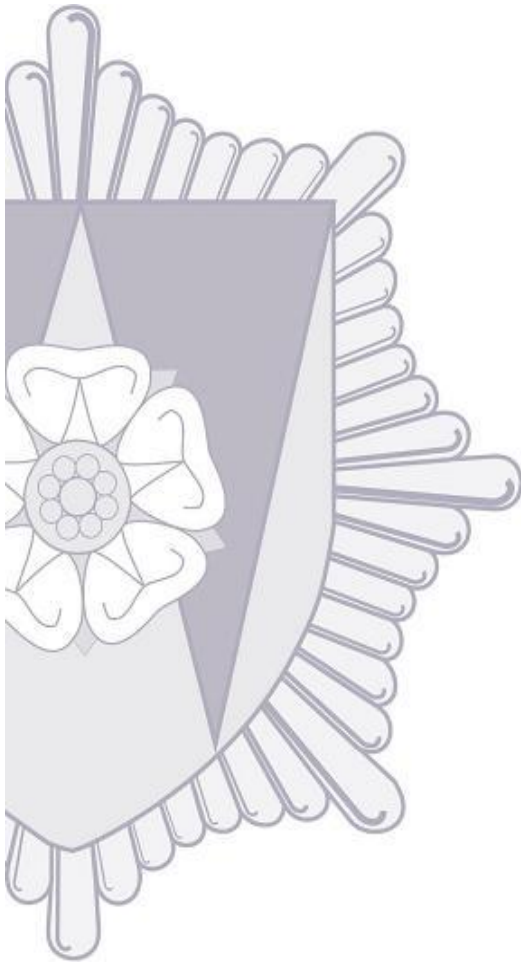


Fire Protection Policy

Fire Protection Strategy



West Yorkshire Fire & Rescue Service

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PREVENTING PROTECTING RESPONDING

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Fire Protection Strategy

1. Strategy Introduction

The West Yorkshire Fire and Rescue Service's (WYFRS) Service Plan outlines the overall ambition of "Making West Yorkshire Safer", this strategy sets out the Protection measures that will enable us to work towards that ambition.

The strategy further supports the aim, to "provide an excellent fire and rescue service working in partnership to reduce death, injury, economic loss and contribute to community wellbeing."

The Service Plan documents four strategic priorities and the overriding goal of this document is to meet, in full, the specific Strategic Priority stated below, whilst supporting the other three:

"Deliver a Proactive Fire Prevention and Protection Programme"

A significant part of achieving the above priority is to develop a more integrated approach to Fire Safety and the work that is carried out by operational personnel.

In meeting this Priority we will ensure the authority's statutory fire protection duties are discharged efficiently and effectively in order to reduce the incidence of fire and the effects of fire should it occur.

2. Purpose and Scope of Strategy

This strategy outlines how West Yorkshire Fire and Rescue Service will carry out its statutory duty to enforce compliance with fire safety law. The document is intended to be an internal document to provide direction within West Yorkshire Fire and Rescue Service.

The document articulates the context of the Community Risk Management Strategy and Service Delivery Framework to provide a holistic approach.

The strategy broadly aligns to the work streams of the Protection and Business Safety Committee of the National Fire Chiefs Council (NFCC).

This Protection Strategy outlines how West Yorkshire Fire and Rescue Service will support businesses and other employers to meet their legal requirements, enhance safety and subsequently support economic growth. The strategy is built around the legislative framework provided by the Regulatory Reform (Fire Safety Order), the Health and Safety at Work Act and the Fire and Rescue Services Act.

3. Strategic Responsibilities

Responsibility for the delivery and monitoring of these strategies sit with the following post holders:

- The Director of Service Delivery is responsible for the delivery and review of this strategy
- The Senior Fire Protection Manager is responsible for the development and delivery of this strategy.
- The Fire Protection team is responsible for the development and delivery of all policies, procedures and protocols that support the Fire Protection Strategy.
- Fire Protection staff are responsible for the delivery of Fire Protection activities.

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4. Strategy Review

Review of this strategy will occur every 2 years or on an ad hoc basis due to a fundamental change in the way that WYFRS operate in relation to Fire Protection. The purpose of the review will be to ensure that Fire Protection activities still support the Service Plan.

5. Introduction to Fire Protection Strategy

Our aim is to reduce the likelihood and impact of fire on the community, safeguarding firefighters, heritage and the environment, reducing the loss of life, injuries, commercial, economic and social costs. Our statutory duty to enforce fire safety law and promote fire safety is targeted towards premises where we believe or receive information to suggest there is poor non-compliance, this provides the community with value for money.

The primary focus of the Fire 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 West Yorkshire.

Fire Protection inspectors will carry out audits in premises where, based upon evidence, there is poor compliance with fire safety law. Where premises have previously demonstrated good compliance then we will not ordinarily continue to re-inspect the premises unless we receive further information to contradict this.

Our inspectors utilise the full range of national tools available to ensure the burden on businesses who generally comply is minimal, this includes full adoption of the CFOA/NFCC short audit process.

Operational personnel will engage in risk reduction work appropriate to their level of expertise and their role. All personnel will collect risk data about premises as part of their normal role. This data will enable us to target our prevention, protection and response functions in an effective, efficient and verifiable manner.

The following elements form the Fire Protection Strategy:

- Structure
- Enforcement
- Business Audits
- Operational Risk Visits
- Petroleum and Explosives
- Licensing
- Consultation
- Business Support
- Operations Liaison
- Fire Protection Audits
- Training
- Performance Monitoring
- Fire Protection Information
- Fire Investigation

This Authority has agreed a Constitution which sets out how it operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local citizens.

The Officers Delegation Scheme stipulates the terms and limitations upon which the Authority has empowered “authorised officers” namely the Chief Executive Officer / Chief Fire Officer, the Corporate Directors (Directors of Strategic Development, Service Delivery, Service Support and Corporate Resources) and the Chief Finance Officer to act on behalf of the Authority and to exercise delegated powers on behalf of the Authority pursuant to the statutory scheme set out in

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the Local Government act 1972 and to all other enabling legislation including statutory instruments regulations and orders.

The Director of Corporate Resources is responsible for monitoring and reviewing the Constitution.

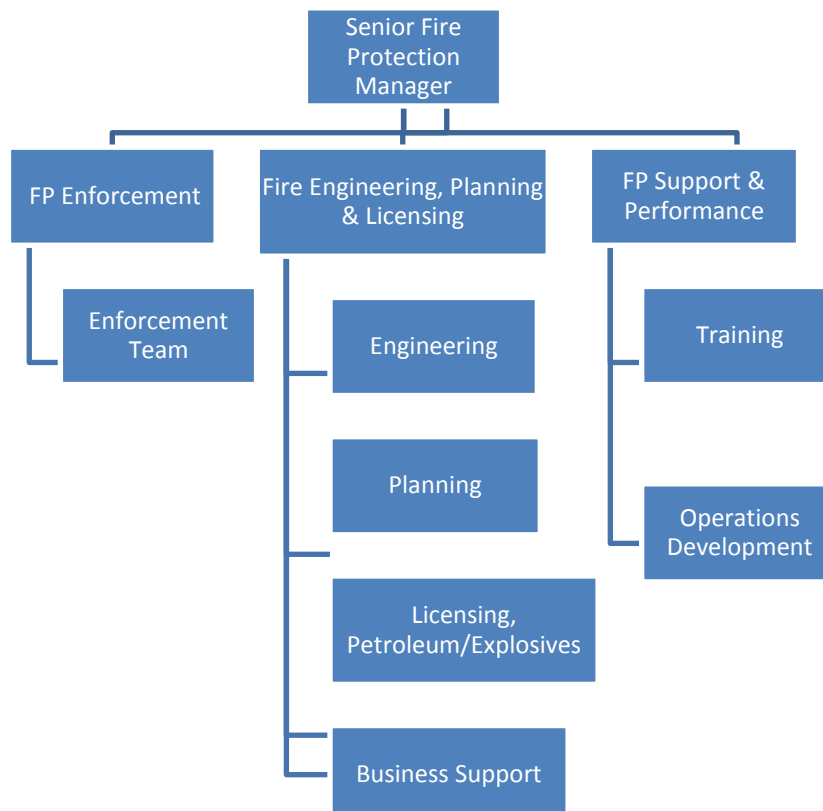
The Authority's Fire Protection responsibilities are detailed in a document entitled 'Discharge of Duties and Powers Policy'. If acting responsibly and in good faith the Authority makes a decision, which has unfortunate or even disastrous consequences upon members of the public, it incurs no legal liability in damages, even if a Judge is of the opinion that the decision was wrong. The decision was for them (the Authority), not for him (the Judge).

It follows that in order to satisfy a Court of Law the Authority must use its discretionary powers responsibly. As a result, there are clear guidelines laid down for inspecting officers to follow and it will not be left to individual officers of any rank or grade to make policy, or indeed, to substitute custom and practice for policy.

It is clear that in order to be able to prove that policy decisions were followed, and the Authority used its discretionary powers responsibly, policy statements are available which state in some detail the relevant legislation under which inspections are carried out, the duties of the Authority and the manner in which those duties are performed. This is the prime purpose of the document 'Discharge of Duties and Powers Policy'. It is the responsibility of the Area Manager (Fire Safety) to keep this document under review. This document should be read in conjunction with the Enforcement Policy and the policy and procedures for the appointment and authorisation of fire protection inspectors.

6. Fire Protection Structure

The Fire Protection department is led by the Senior Fire Protection Manager and is separated into three distinct functions as detailed in the organisational chart below:



Fire Protection Strategy

Each functional team has a number of Fire Protection inspectors who deliver the technical and detailed support in order to deliver the Fire Protection service.

7. Fire Protection Enforcement Strategy

The Authority's Enforcement Policy Statement is in accordance with the Regulators' Code 2014 and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which the Authority's officers take when enforcing both fire and health and safety.

The appropriate use of enforcement powers, including prosecution, is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health, safety and welfare.

The ultimate purpose of enforcing authorities is to ensure that duty holders manage and control compliance effectively, thus preventing harm. The term 'enforcement' has a wide meaning and applies to all dealings between enforcing authorities and those on whom the law places duties (employers, the self-employed, employees and others).

The purpose of enforcement is to:

- Ensure that duty holders take action to deal immediately with serious breaches of the law;
- Promote and achieve sustained compliance with the law;
- Ensure that duty holders who breach health and safety requirements, and directors or managers who fail in their responsibilities, may be held to account.

The enforcing authorities have a range of tools at their disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences.

8. Fire Protection Business Strategy

Poor fire safety standards can lead to serious risks / hazards to persons occupying the premises should they become involved in fire. We aim to reduce this risk to the community of West Yorkshire by not only carrying out inspections and audits but by providing advice to those who ask. Our inspectors will be mindful of the need to achieve 'compliance' rather than simply discharging the acknowledged 'duty to enforce'.

A competent and transparent service offering timely and accessible advice to those willing to comply is more likely to result in a safer and more prosperous community, as opposed to the rigid application of hard enforcement measures.

This does not preclude the need, where necessary, for each Responsible Person to ensure a competent person carries out a risk assessment. This is especially pertinent where specialist or professional advice may be required. The enforcement sanctions we use still continue to be subjected to the principles set out within the Enforcement Management Model (EMM).

The process for premises inspection in West Yorkshire is determined by our Risk Based Inspection Programme (RBIP) as required by the current National Framework and is based upon guidance given by Chief Fire Officers' Association (CFOA) in partnership with the department for Communities and Local Government (DCLG).

The RBIP will be presented each year to the Community Safety Committee for approval on behalf of the Fire and Rescue Authority.

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The RBIP enables the Authority to demonstrate that it is meeting its enforcement responsibilities in respect of the Fire Safety Order (FSO). The development of this inspection programme allows us to demonstrate that we are focusing our resources on those premises that represent the greatest risk in the event of fire.

Audits of premises are carried out to:

- Ensure the safety of persons residing there.
- Ensure compliance with the provisions of the Order.
- Assist organisations to comply with their legislative responsibilities.
- Give advice regarding appropriate standards of fire protection and potential sources of information for the Responsible Person.
- Gathering of risk information to ensure that resources can be appropriately allocated and to ensure accurate integrated risk management planning, including the transfer of information to operations.
- Fire protection audits will be completed using the CFOA/NFCC model; this will ensure a consistent approach throughout the Service and ensure that decisions made are transparent and auditable.

The intended outcome of an audit is that those who resort to where the Order applies are safe from the risk of fire.

9. Operational Risk Visit Strategy

In order to promote compliance with the Order operational crews carry out visits to commercial premises which may provide referrals to specialist fire protection personnel; these visits are termed Operational Risk Visits (ORV).

Crews carrying out ORV's will primarily collect operational risk information and in addition will consider fire protection elements within the premises during every possible visit, this will increase the overall amount of information gathered and provide WYFRS with a greater visible presence within the business community of West Yorkshire.

The Operations Risk Management Team develop an annual re-visit programme that determines which premises will receive an ORV, this is a risk based methodology based upon the requirements of PORIS (Provision of Operational Risk Information System) and incorporates factors such as firefighter safety, environmental impact, heritage, community societal and economic loss.

Visits to premises by operational personnel are a combination of safety critical risk information and fire safety brought together into a single visit (ORV). This is designed to improve crew's familiarity with higher risk premises, be the eyes and ears for fire protection and collect accurate risk information which is based on:

- Hazards/ risk to firefighters should the premises be involved in fire
- Hazards/ risks to occupants (relevant persons) in the premises should they be involved in fire
- Building information and control measures unique to the premises (i.e. fire engineered solutions)
- Recognition of the use of the premises and the relative risk it may present should it be involved in fire.
- Adoption of Chief Fire and Rescue Advisors Unit (CFRAU) / DCLG guidance

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10. Fire Protection Petroleum and Explosives Strategy

The Authority (Licensing Authority) is responsible for enforcing all or some of the provisions of the following legislation, which impose controls on the safe keeping of explosives and petroleum-spirit. In the context of the relevant legislation, the term 'safe' means safe from the risks of fire and explosion.

Explosives

- The Explosives Regulations 2014 (ER14)

Fireworks

- Consumer Protection Act 1987
- Fireworks Act 2003
- Fireworks Regulations 2004

Petrol

- Petroleum (Consolidation) Regulations 2014
- Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
- The Carriage of Dangerous Goods by Road Regulations 1996
- Public Health Act 1961, Section 73

Implementation of the Petroleum and Explosives Policy fulfils the Authority's statutory obligation under section 17 of the Health and Safety at Work Act 1974 for the enforcement of the licensing and certification requirements of the Petroleum (Consolidation) Regulations 2014 (PCR14) and the Explosives Regulations 2014 (ER14).

Under the provisions of the ER14, PCR14 and the Fireworks Regulations 2004, the Authority has a statutory duty to grant, renew, transfer and vary licenses and registrations.

The Authority adopts all the relevant approved codes of practice and guidance documents for the purposes of ensuring that sites storing explosives or petroleum-spirit are designed, constructed, maintained, operated and decommissioned so as to achieve a recognised standard of safety. Where the design of a site does not fall within the scope of current guidance, a method of third party certification and accreditation will always be sought.

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11. Fire Protection Licensing Strategy

The Authority is a “Responsible Authority” as defined within the Licensing Act 2003 (the Act). The responsibility for licensing functions under the Act is the Local Authority (LA). Responsible Authorities must be notified of applications for the grant, variation, or review of a premises license or club premises certificate.

The Fire Engineering, Planning and Licensing Team examine licence applications on behalf of the Authority and the applicant will be advised of their responsibilities under the Regulatory Reform (Fire Safety) Order 2005 (the Order). The Order is the primary piece of legislation for achieving satisfactory standards of general fire precautions in licensed premises. Applicants are referred to national guidance on how to comply with the Order. The duty to comply with the Order rests with the Responsible Person and the Authority will not provide detailed advice to individual applicants. It will be exceptional for the officers to make representations at the application stage.

Licensed premises are visited periodically as part of the risk-based inspection programme. The Authority conducts a programme of inspections of high-risk premises whilst licensable activity is taking place (During Performance Inspections). Staff will continue to support Licensing Authorities and/or Safety Advisory Groups in fire safety matters relating to licensed open air events and venues.

The team will work together with the Licensing Authorities to encourage satisfactory standards of fire safety in licensed premises. WYFRS staff are available to sit on Local Authority licensing groups to advise on fire safety matters in licensed premises and to share information in the public interest. This does not preclude the use of enforcement measures by the Authority where it is considered necessary and appropriate.

12. Fire Protection Consultation Arrangements and Joint Protocols

The prime responsibility for ‘general fire precautions’ in places other than domestic dwellings rests with this Authority. In some cases, other enforcing authorities may have responsibilities for certain fire precautions under more specific legislation. In such cases, we have effective and agreed consultation procedures with those relevant statutory authorities. The agreed consultation procedures are made available on the intranet.

The majority of statutory and non-statutory consultations, with the exception of enforcement work carried out under the Order, is the responsibility of the Fire Engineering, Planning and Licensing Team.

Owing to the overlap of certain responsibilities for fire precautions the Authority will establish and maintain close links with the authorities enforcing the provisions of the Health and Safety at Work Act 1974.

There is a statutory duty for the Authority to consult with regards to the application of Building Regulations and structures are established to ensure that this duty is met, although there is no requirement for the Authority to be consulted during the Local Authority planning process. Officers will however, wherever possible, seek to consult on those planning applications which would have a material effect on the level of risk within the county.

Through effective consultation with ‘building control bodies’ the Authority will ensure that buildings are adequately protected from the effects of fire as required by the Building Regulations. In order to facilitate the consultation process the ‘building control body’ will take the co-ordinating role with this Authority and, where appropriate, with other regulatory bodies. Any

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recommendations and advice given will be channelled through the 'building control body' to the applicant. Consultations will comply with the current national 'Building Regulations and Fire Safety Procedural Guidance' document.

Once a building is occupied and in use the Authority will take over the co-ordinating role where it has enforcement powers for general fire safety matters under the Order

The Authority and its Officers actively promote and recommend the installation of sprinkler systems or other Automatic Water Suppression Systems (AWSS) in all premises where their inclusion will support our aim of 'Making West Yorkshire Safer'. We work to achieve a greater acceptance of the benefits of AWSS at national and local level. To this end protocols have been developed with Local Education Authorities to install AWSS in new build schools or major refurbishment.

Before serving an enforcement notice under the Regulatory Reform (Fire Safety) Order 2005 which would oblige a person to make an alteration to premises, the Authority will consult fully with other relevant enforcing authorities in accordance with article 30(5) of the Order.

Consultation arrangements and 'Joint Protocols' are applied consistently throughout West Yorkshire. National guidance and agreements are adopted where they exist.

The Authority actively supports the principle of Lead Fire Authority Partnership Schemes (LFAPS), Retail and Fire Key Authority Partnership (RAFKAP) and Primary Authority Schemes (PAS) as a means of promoting consistency of enforcement among organisations with multiple premises in different brigade areas.

13. Fire Protection Business Support Strategy

The Authority is ideally placed to make a wide and valuable contribution in support of a safer society and to support businesses to comply with fire safety regulations. It also allows us to better focus and target our resources on areas where the risk from fire is greatest. By supporting businesses within West Yorkshire we are promoting the regeneration of the economy within our local communities.

We will assist businesses by:

- Following the principles of better regulation set out in the Statutory Code of Compliance for Regulators, and the Enforcement Concordat
- Setting out our commitment to priorities and planned interventions
- Operating systems to train, appoint, authorise, monitor, and maintain a competent inspectorate, including operational personnel
- Using interventions, including enforcement action, in accordance with our enforcement policy and within the principles of proportionality, accountability, consistency, transparency and targeting
- Our enforcement action will be achieved through the use of an Enforcement Management Model (EMM). Fundamental to this is the principle that enforcement action should be consistent and proportional to the fire safety risks and the seriousness of the breach
- We will take account of 'earned recognition' when planning inspection programmes
- Providing fire safety advice to businesses
- Supporting and recognising Partnerships

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A key element of the Business Support Strategy is the West Yorkshire Fire Safety Group. WYFRS work within the Panel to protect people's safety by ensuring that fire risks in a changing environment are properly controlled. This reflects the need to constantly identify and address new challenges to fire safety in the built environment.

Through its membership of the Group, WYFRS endeavour to develop new ways to establish and maintain an effective fire safety culture in a changing economy, so that all employers take their responsibilities seriously, workforces are fully involved and fire risks are properly managed.

Our Business Support Team facilitates the Primary Authority Scheme (PAS). Primary Authority enables businesses to form a legal partnership with one local authority, which then provides assured and tailored advice on complying with fire safety regulations that other local regulators must respect.

Participating in Primary Authority can give businesses greater confidence in regulated activities and reduce the risk of contravening legislation. Provided that the advice we issue is followed businesses can be confident that their approach to compliance will be consistent.

14. Fire Protection Operations Liaison Strategy

It is critical that close links exist between Operations, Fire Protection and Training to facilitate and assure the exchange of knowledge and risk information.

To this end a multi-discipline group called the Fire Safety/Operations Liaison Group has been established to ensure a joint approach is taken in the development of risk control measures and to ensure a two way flow of information between the two departments and where necessary the training department.

The availability of relevant and timely information is recognised as critical to the successful management of all operational incidents attended by any member of the West Yorkshire Fire and Rescue Service.

The Authority is responsible for the health, safety and welfare of its employees. This runs parallel to a responsibility to mitigate the risk from fire (and other emergencies) to the community and to the society that it serves, and the environment within which it operates.

As part of these responsibilities, the Authority has in place appropriate policies and procedures to address the issues concerned in achieving these objectives and, through training and development, to provide appropriate knowledge, skills and understanding to enable its employees to operate safely.

Fire Protection Inspectors provide valuable information for Operations in order to assist them in tactical planning however, it is not necessary to provide Operations with information obtained as a result of every fire safety inspection. In the majority of cases such information is not considered essential, as suitable tactical planning may be achieved via generic assessments. Each station has nominated inspectors to ensure that liaison takes place at a local level and this includes the delivery of training to increase technical knowledge of all parties.

Identifying and managing risk is at the heart of the role and responsibility of our Service, whether this is risk to its employees, the environment in which it operates, or the society that it serves. The gathering, providing, sharing, maintaining and protecting of operational risk information is considered a significant challenge and the commitment and leadership of the strategic managers within WYFRS is essential to the success of any management system.

15. Fire Protection Training Strategy

The Fire Safety Support and Performance Team are responsible for ensuring that training programmes are developed for both Fire Protection and Operational staff, which are delivered in conjunction with the Training department.

A competent workforce sits at the heart of this strategy. When advice is offered it will be targeted and transparent using the national guidance documents as a benchmark in terms of 'standards'. When dealing with businesses which do not possess the technical expertise to derive a range of acceptable outcomes, which satisfy the standard required, our officers will provide a level of advice that enables the business to understand what is required by the law, but will not extend into the field of 'consultancy'.

We recognise the importance of training and development towards the success of fire protection work and are committed to continuous professional development providing competence based training at appropriate career and development points. Personnel completing fire protection duties whether they are operational officers or specialist fire protection inspectors will be provided with the correct level of training and development required for the level of work they undertake. They will work to National Occupational Standards and adhere to the policies and procedures laid down by the Fire and Rescue Service.

16. Fire Protection Performance Monitoring

The Fire Safety Support and Performance Team are responsible for developing the systems that monitor performance in relation to the delivery of fire protection whilst the application of these systems falls to the relevant Assistant Fire Protection Managers for Fire Protection staff or Station Commanders for Operational staff.

Ultimately, the Senior Fire Protection Manager is responsible for performance management of Fire Protection to the Director of Service Delivery.

Qualitative and quantitative elements form a critical element of performance management and performance monitoring systems. Whilst both of these elements have well developed systems to support them, they are regularly reviewed in order to strive towards continuous improvement.

17. Fire Protection Personnel

Through the implementation of robust performance monitoring and management procedures we ensure that we continuously improve the service we provide to the communities of West Yorkshire and develop the skills and abilities of our staff in the performance of their roles.

This enables Fire Protection to:

- Effectively manage the department, its services and people.
- Measure, monitor and evaluate performance.
- Continuously improve the service we provide.

Irrespective of the role which an inspector fulfils, procedures are in place to ensure that we achieve and maintain a service to the community that is professional, fair and consistent, and takes into account the principles of the compliance code, enforcement activity will be subjected to regular scrutiny via the implementation of our performance monitoring process. This is a continuous programme and covers:

- Enforcement Inspectors

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- Planning/Engineering Inspectors
- Licensing Inspectors
- Petroleum and Explosives Inspectors

18. Station Personnel

Procedures are in place to ensure that ORV's are checked by the Station Commander (SC). Additionally any referrals that are sent through to Fire Protection for further action will be subject to additional scrutiny and feedback will be provided from the inspector dealing to the referring crew.

Station Commanders are supported by both Fire Safety Support and Performance Team and the Operational Risk Management Team in the monitoring of performance by Operational staff.

19. Fire Protection Information Strategy

The overall Information Strategy for Fire Protection is to ensure that wherever possible modern developments are used to enhance rather than restrict the delivery of service, with that in mind the goal is to minimise the level of administrative burden that is associated with the delivery of Fire Protection.

The shape and size of the Service is ever changing but the need to provide high levels of service to our community will remain and be set against a backdrop of reduced budgets. With these new challenges will come new opportunities; using ICT to enable the Service to achieve efficiencies, providing the infrastructure to support and keep pace with citizens' changing needs and expectations.

ICT is no longer just a support service; it has become a critical service. If it is unavailable, it is very difficult for the organisation to operate. It has the ability to transform the way services are organised and delivered. It has a fundamental role to play in improving efficiency, reducing cost across the organisation and underpinning the organisational change programme.

We will continue the process of standardisation and simplification based on the premise of a common infrastructure designed to enable local delivery suited to local needs.

We place a strong emphasis on providing choice in the way people access services. This ensures maximum choice to respond to individuals' circumstances and preferences, and the provision of quick and effective responses.

Our programme of embracing modern working practices, rationalising office accommodation, eliminating unnecessary bureaucracy and administration, and supporting community based service delivery drives efficiencies.

Investing in our people is a high priority. We continue to improve the ICT skills of our workforce, equipping them with the skills they need to enhance their community.

We continually review the replacement and upgrading of ICT hardware and systems to ensure that our workforce has the right solutions for their work.

Information security is a critical focal point within the strategy given the increase in the amount of malware and the diverse ways that information can be shared. We place great emphasis on protecting our systems against threats and continue to invest in training and education for our users, to raise awareness of security risks and to promote good data security practice.