

# **Fire Safety Compliance Policy**

**Date reviewed:** September 2024

**Purpose:** A key objective of this Policy is to describe how Bernicia will meet the required statutory, contractual, and regulatory requirements in relation to fire safety compliance. It will also cover how the Bernicia Board, as Duty Holder, will receive assurance of compliance.

**Scope:** The scope of this policy includes:

- all properties that fall within the remit of the Regulatory Reform (Fire Safety) Order 2005
- the undertaking of Fire Risk Assessments (FRA), and the remedial works and actions arising from the Fire Risk Assessment
- general repair and maintenance activity which could have an impact on fire safety within a building or individual property.
- Building Safety Case

The maintenance of fire safety systems (Emergency Lighting, AFD and alarm systems, fire suppression systems and Smoke Control Systems), and fire-fighting equipment **does not** fall within the remit of this policy, these items are included within the Electrical Safety policy.

The operations of the Fire Wardens, liaison with the fire brigade, consultation with tenants and site evacuation drills does not fall within the remit of this policy. These items are included in the Fire Safety Management Arrangement produced by the Head of Health & Safety.

**Definitions:** **RRFSO** is the Regulatory Reform (Fire Safety) Order 2005 which consolidates and rationalises previous fire safety legislation into one order.

**FRA - Fire Risk Assessment** - This is a risk based assessment which provides detailed and specific recommendations to minimise the incidence of fire (throughout the properties in which Bernicia has an interest (and responsibility for the FRA) or those that are owned by Bernicia) and minimise the impact from fire on life, property, the environment, and service delivery.

**Date for review:** September 2025

**Responsibility:** Head of Compliance

## 1. Introduction

- 1.1 At the time of Policy approval Bernicia owns and manages in the region of 14,000 tenanted properties. A proportion of these properties are flats, a majority of which have communal/ common areas, Bernicia own and manage Homes in Multiple Occupation, Offices, Depots, Shops and Community Centres all of which fall within the remit of the Regulatory Reform (Fire Safety) Order 2005 (RRFSO).

This policy explains how Bernicia's commitment to fire safety will be met. It is supported by a Fire Safety Management Plan which provides detailed guidance and procedures.

## 2. Policy statements

- 2.1 A key objective of this Policy is to describe how Bernicia will meet the required statutory, contractual, and regulatory requirements in relation to fire safety. It will also cover how the Bernicia Board, as Duty Holder, will receive assurance of compliance.

The scope of this policy includes:

- all properties that fall within the remit of the Regulatory Reform (Fire Safety) Order 2005;
- the undertaking of Fire Risk Assessments (FRA), and the remedial works and actions arising from the Fire Risk Assessment; and
- general repair and maintenance activity which could have an impact on fire safety within a building or individual property.
- Building Safety Case

(The inspection, testing and maintenance of fire safety systems and fire safety equipment is covered within the remit of the Electrical Safety Policy and Management Plan)

Bernicia will comply with all current and relevant legislation and specifically as detailed in the following:

- Building Regulations
- Building Safety Act 2022
- Housing Act 2004 and
- Regulatory Reform (Fire Safety) Order (RRFSO) 2005
- Fire Safety Act 2021
- Fire Safety (England) Regulations 2022

Bernicia also acknowledges its obligations under the Health and Safety at Work etc. Act 1974 and Landlord Tenant Act 1985.

In addition, as a Registered Provider Bernicia must meet the requirements of the Regulator for Social Housing's (RSH) Homes Standard.

It is essential to ensure that customers, residents, employees, and visitors remain safe in its premises (both individual homes, offices, and other non-domestic buildings). Failure to properly discharge its strategic and corporate legal responsibilities may also result in:

- Prosecution by the Health and Safety Executive under Health and Safety at Work Act 1974
- Prosecution by the Fire and Rescue Service under the Regulatory Fire Safety Order 2005
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007
- Prosecution by the Local Authority under the Housing Act 2004
- RSH intervention
- Reputational damage
- Loss of confidence by stakeholders in the organisation

**2.2** In order to comply with regulatory standards and legal obligations, and to manage the risk to customers, residents, employees and visitors to its properties, Bernicia will:

### **Process**

- Provide clear lines of responsibility for all properties within the scope of this policy supported by written guidance in the Fire Safety Management Plan.
- Ensure that a clear and consistent process including front-line engagement and enforcement, is in place to obtain access to properties to conduct the safety checks and works, including legal action when required and appropriate to the assessed risk.
- Proactively assess available data for relevant information about the customer to help gain access (disability, vulnerability, local connections, etc.).

### **Fire Risk Assessment and Evacuation**

#### **Fire Risk Assessments**

- Undertake suitable and sufficient Fire Risk Assessments in accordance with the Regulatory Reform (Fire Safety) Order 2005 (as per the table below), record the significant findings and undertake necessary remedial work within the timescales recommended by the competent person who completed the Fire Risk Assessments.
- Where Bernicia owned buildings are managed by third parties the fire safety responsibilities will be defined within the lease or management agreement.

Where the responsibility is unclear, Bernicia will undertake a Fire Risk Assessment for the building and ensure that any actions arising are completed via the most appropriate method.

- Review all Fire Risk Assessments, no matter what the risk category, following any of the events below:
  - a fire, arson, near miss or threat of arson;
  - the introduction of new work practices;
  - any works affecting the means of escape or alarm systems; and
  - structural or material changes to the building or its use.
- The above circumstances may prompt a new Fire Risk Assessment not just a review. This decision is made by the Fire Risk Assessor for the Bernicia Group. Outside of these circumstances, Fire Risk Assessments will be reviewed on or before the date recommended by the Fire Risk Assessor or external assessor undertaking the previous assessment. In any event reviews of Fire Risk Assessments will be undertaken at frequencies not greater than those in the table below:

Risk Profile of the Premises	Example of Property Type	New FRA
<b>Low Risk/Medium Risk</b>	Properties identified by the competent person, based upon risk, derived from building type, occupancy and use which require a yearly inspection.	Every year
<b>High Risk</b>	High Rise block (in excess of 11 storey), Northumbria Lodge.	Every 6 month

## Evacuation

- This is covered in the Fire Safety Management Arrangement produced by the Head of Health & Safety.

## Delivery

### Remedial Works

- Ensure that priorities and completion targets for remedial actions are defined by the competent person undertaking the Fire Risk Assessment. Any changes will be agreed by the Head of Compliance.

- All fire safety remedial work should be carried out in accordance with the relevant British Standard, approved code of practice or associated best practice guidance. The fire risk will be reviewed regularly, involving the Fire Risk Assessor, from the time of Fire Risk Assessment completion until remedial works have been completed. Upon completion of all remedial works a Fire Risk Assessment review or renew will be undertaken to provide assurance that customers, residents, employees, and visitors remain safe in the premises and in line with the RRFSo 2005.
- Where works are refused by the customer, Bernicia will treat the situation sensitively but will be clear that the work must be completed to ensure their health and safety and that of others in the property and will take legal action as appropriate and where necessary to undertake required works. This would include ensuring that modifications to leaseholder properties abutting communal areas do not represent an increased fire risk to others.
- Ensure that residential properties will receive further checks which contribute to reducing the risk of fire, including annual gas and other heating installation checks, electrical safety checks, and portable electrical appliance checks.

## Responsive, Planned and Refurbishment Works

- Ensure that contractors (internal and external) have a general awareness of fire safety and undertake a risk assessment considering fire safety when undertaking responsive repairs that may have an impact on fire safety. Repairs to be carried out in accordance with the relevant British Standard, approved code of practice or associated good practice guidance.
- Ensure contractors maintain suitable risk assessments /work method statements relating to fire stopping and compartmentation. The Bernicia Representative will carry out a sample of 'during' and 'post work' inspections to ensure compliance.
- Ensure fire risk assessments are reviewed to consider any impact on fire safety during planned or refurbishment works.
- Ensure that where the risk assessment indicates a likely impact on existing fire safety measures in a building. The Fire Risk Assessor must be consulted on any complex fire related issues.

## Management

- Comply with the requirements of the relevant building regulations and other fire safety legislation when carrying out any works.

- Prohibit the storage of any items in communal areas and escape routes without Bernicia's express permission. Maintain a no smoking policy in all communal areas.
- Housing Services will implement a risk-based approach to the periodic inspection of communal areas and escape routes in line with the Fire Safety Management Plan to enforce the above.
- Ensure that, where provided, furniture is compliant with the Furniture and Furnishings (Fire Safety) Regulations 1988.
- Ask residents to alert Bernicia to the presence of stored oxygen so that it can alert the Fire and Rescue Service to its presence.
- Within communal areas request residents to remove any alterations that they have made if the Fire Risk Assessment indicates that this is required. Bernicia will take a reasonable approach according to the risk presented but will take enforcement where required.

## **Contractors Competency**

- Internal staff members who complete Fire Risk Assessments must be suitably trained and have proven competency to undertake the assessments within social housing stock.
- When selecting external Fire Risk Assessment providers, only engage with companies assessed and registered under BAFE SP205-1 or equal and approved in providing fire risk assessment services. External fire risk assessment providers (whether individuals or companies) should be able to demonstrate reasonable experience of undertaking fire risk assessments in housing stock.
- Only engage with contractors assessed as being suitably competent to undertake the work for which they are being considered. Contractors, where possible, should be third party accredited to a nationally recognised scheme to be approved by a Bernicia Representative.
- The Head of Compliance will carry out an assessment of all contractor competencies annually or at change of contract/contractor, as detailed within the Fire Safety Management Plan.

## **Internal Competency**

- Internal staff members who complete Fire Risk Assessments must be suitably trained and have proven competency to undertake the assessments within social housing stock.

- Maintain a skills/training matrix to ensure that all staff undertaking key roles within the scope of this policy have appropriate training.
- Will operate a detailed competence framework including regular appraisals as part of the Fire Safety Management Plan.

## **Data**

- Maintain an up to date master database of all properties where it has a responsibility to provide Fire Risk Assessments (FRAs).
- Where a requirement exists, hold information including but not limited to: UPRN, property use /designation, construction type, building management, shared responsibilities, risk profile, evacuation strategy, type of systems and equipment, manufactures service requirements for systems and equipment, associated testing/servicing frequency date of the last two FIRE RISK Assessments and next Fire Risk Assessment due date.
- Maintain current and up to date records of remedial works for the entire portfolio which will detail all recommendations from the Fire Risk Assessments. The records will include; address and risk profile of the property, detail of the action required, priority and target completion person responsible, when the work was completed and who it was signed off by, and evidence of completion.
- Hold fire safety maintenance records electronically in the master database, maintained by the Compliance Team, with other Landlord Compliance records. There may be instances where a hard copy is kept on site, and these will be detailed in the Management Plan.
- Where required, and in agreement with the Fire and Rescue Service, provide specific site information within a Premises Information Box (Fire Box) on site.

## **Assurance**

- Ensure that all persons involved with the management of fire safety are appropriately trained and accredited in accordance with this policy.
- Where necessary, operate a permit to work system when safety critical work is being carried out.
- Carry out works-based assurance activity including checks on certification and post-inspection of onsite works, to the level stated within the Fire Safety



Management Plan. A proportion of such checks will be carried out by an independent party.

- Set a timetable for the review of the Fire Safety Policy and the associated Management Plan.

## **Communication**

- Operate a Fire Safety Strategy Group comprising of a cross organisation team of staff. Terms of Reference of the Group will be included in the Fire Safety Compliance Management Plan.
- The H&S Team Communicate with staff through training, fire drills, appropriate signage, and the intranet in line with the fire safety arrangement.
- The Compliance Team will ensure appropriate 'Fire Action' signage is displayed. The Housing teams will communicate with residents in conjunction with other forms of communication such as website, newsletters, leaflets, and home information packs in line with the fire safety arrangement.
- Comply fully with Article 22 of the RRFSO and ensure that where Bernicia are considered jointly responsible for a property or common area, it will share its fire risk assessment with other relevant parties and co-operate with them so far as is necessary to ensure the safety of relevant persons.
- The H&S Team will engage in a regime of regular communication with the Fire and Rescue Service to ensure good lines of communication and operational familiarity.

## **Building Safety Case**

Bernicia will appoint a principle accountable person to prepare a building safety case report for any high-rise building. The document will identify the building safety risks and explains how the risks are being managed and will contain details of:

- accountable persons
- responsible persons
- who prepared the report
- building description
- risk assessment summary
- managing risks summary
- safety management system
- planning for emergencies
- ongoing work and building improvement

## **Information required**

### **Basic building information**

- the buildings height, number of floors, residential units and staircases
- when the building was built
- relevant design codes or standards
- building control body completion certificates (where available)
- plans of the building

### **Newer buildings**

Buildings built after 2005 that involved more than one contractor will have a health and safety file.

The owner of the building will keep this file when construction is completed. If ownership of the building changes, the H&S file will be passed to the new owner.

### **Building Construction**

- a description of the primary load bearing system
- a description of the stability systems
- the materials used on the outside of the building
- the roofing material
- the insulation material
- access and escape routes
- a description of the fire compartmentation

### **Refurbishment and other changes**

We must keep information about any building work or refurbishment that may affect the buildings safety risks in the building. This can include:

- the completion certificate for the refurbishment work
- updated plans of the building specification or certification for important materials like replacement cladding

### **Resident profile**

We should keep information about residents that can have an impact on building safety risks and emergency plans, for example. residents:

- who cannot evacuate without help
- whose first language is not English

### **Services and utilities**

If the building has utilities like electricity, water, gas, telephone, internet. We should keep information about:

- where the supply enters the building

- where and how it can be isolated
- the name and contact details of the supplier
- what the supplier's responsibility for maintenance is
- who carried out the maintenance and repairs
- building plans showing plant rooms, incoming supplies, and cable routes

## **Assessing risks**

Bernicia must assess the building risks for the parts we are responsible for and keep a record of every risk assessment. We will carry out a risk assessment:

- at regular intervals
- when we think the current risk assessment is no longer valid
- when asked to do so by the Building Safety Regulator

## **Structural safety**

We will keep information about our buildings structural condition which includes any previous structural surveys or inspections, how we will manage any materials or techniques with known challenges and any existing programmes of inspection or monitoring relating to structural safety.

## **Managing risks**

We will describe the measures we have in place to prevent building safety risks from happening in order to reduce the severity of the risks should anything occur.

To do with we will keep a record of all safety measures, which includes:

- their design and installation
- how they control building safety risks
- their current condition
- how they are managed and maintained
- any impact on them from building alterations or refurbishments

We also must keep information for the safety case up to date and in an easily accessible, digital format. The building safety case report will be updated, when:

- improvement works are carried out to manage building safety risks
- work on the building impacts building safety risks

The Building Safety Regulator will be notified of any updates or revisions to the safety case report and will be provided with a copy upon request.

## **3. Responsibility for implementation**

**3.1** The policy was implemented on November 2020 following Executive Teams approval and will be reviewed annually.

Staff will be made aware of the policy via an agreed training programme. A copy of the policy will be available on the staff intranet and will also be uploaded to the Bernicia website.

## 4. Actioning the policy

- 4.1 The Head of Compliance will be responsible for the actioning of this policy.

## 5. Monitoring the policy

- 5.1 A detailed performance management suite is defined within the Fire Safety Management Plan.

Commentary will be provided for any properties out of date to include the date they became overdue, days overdue, and their position within the access process to bring them back into a compliant position. Commentary will also be provided if any properties have outstanding overdue actions. To provide additional context commentary will also include information on the proportion of activities within the reporting period that were undertaken before and after their due date.

The following assurance activity will be undertaken and reported in line with the Management Plan:

- Internal audit
- Non-negotiable Compliance Testing
- Strategic review
- 3rd Party Assurance

## 6. Equality and Diversity

- 6.1 We believe all people should be treated with dignity and respect regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including, nationality, ethnic or national origins), religion, belief or non-belief, sex, or sexuality or by association with someone with any of these characteristics or perception of having any of these characteristics.

The Policy Planning Document (PPD) was undertaken in September 2024.

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