



Fire Protection Enforcement Policy

Policy: POL 3024

Scope

Mandatory for all employees taking part in Fire Protection Activity on behalf of Nottinghamshire Fire and Rescue Service.

Summary

This policy sets out how the Service will enforce the Regulatory Reform (fire safety) Order 2005 with businesses under its jurisdiction. Our priority continues to be supporting businesses in accordance with the Better Regulators Delivery Office (BRDO) Regulators Code. This builds on the Services continued support for making businesses in Nottingham and Nottinghamshire safer and improves people's lives.

Security classification	Official			
Author	GM Protection			
Department	Prevention & Protection			
Approved by	Head of Prevention, Protection & Fire Investigation			
Assessments done	n/a			
Version		Date	Modified by (job role)	Changes
1.0		13.02.20	GM Protection	New policy document

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1. Key Information

1. INTRODUCTION

- 1.1 Nottinghamshire Fire and Rescue Service (NFRS) has the statutory responsibility, under the Regulatory Reform (Fire Safety) Order 2005 (RRO), Part 3, Section 25, as the enforcing authority for premises that do not fall under the remit of the Health & Safety Executive, Defence, Crown or Local Authority responsibilities.
- 1.2 NFRS's vision is 'Creating Safer Communities' and this is fulfilled through the organisations Corporate Plan and subsequent strategies. The Service's Safer Communities Strategy outlines the core activities and ambitions of the Service in relation to fire protection activities, within Service Delivery.
- 1.3 This Enforcement Policy is based on the principles of 'Better Regulation' contained in the Regulators Compliance Code and sets out the approach the NFRS will take in enforcing legislation. It will be used in conjunction with guidance issued by Parliament; Ministry of Housing, Communities and Local Government; the Department for Business Enterprise and Regulatory Reform, other relevant government departments and agencies; and the Local Better Regulation Office.
- 1.4 Compliance with fire safety legislation will be achieved through engagement and education - by providing advice and guidance to business owners and responsible persons - and by formal enforcement action if required. Securing compliance with statutory requirements and proportionate use of enforcement powers, including prosecution, are important parts of this document.

Primary information

1. Advice and Guidance

1.1 NFRS regards prevention as better than cure and aims to secure compliance, whilst avoiding bureaucracy or imposing excessive cost, by engaging with business owners and responsible persons; offering information and advice to maintain appropriate fire safety standards. Individuals, businesses and other undertakings are encouraged to put safety first and to integrate fire prevention and fire protection requirements in to normal working methods.

1.2 In accordance with its duties under Section Six of the Fire and Rescue Services Act, 2004, NFRS shall make provision for the purpose of promoting fire safety in its area:

- A fire and rescue authority must, to the extent that it considers it reasonable to do so, make arrangements for;
 - (i) The provision of information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire;
- A fire and rescue authority must, to the extent that it considers it reasonable to do so give of advice, on request, about—
 - (ii) how to prevent fires and restrict their spread in buildings and other property;
 - (ii) the means of escape from buildings and other property in case of fire.
- The provision of information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire;
- The provision of advice, on request, about how to prevent fires and restrict their spread in buildings and other property;
- The means of escape from buildings and other property in case of fire.

1.3 In exercising its duty to provide advice and information, NFRS will not:

- Undertake fire risk assessments for regulated persons;
- Appear in court on behalf of regulated persons in any prosecution brought by a third party including another enforcing authority, under health and

safety or fire safety legislation, except as an expert or neutral witness to give general mitigating evidence;

- Draft fire safety policy and procedures on behalf of regulated persons. It is incumbent upon regulated persons to comply with fire safety legislation;
 - Other than in those circumstances, which appear to NFRS to be in the public interest and appropriate to the functions of a best value Service, such as under the Primary Authority act as a consultant on fire safety related issues other than as required to meet statutory consultation requirements imposed on other bodies and persons.
- 1.4 For the purposes of business engagement, advice and support, the Service employs a Business Education Advocate (BEA) who's primary role is to engage, educate and inform business owners and responsible persons of their duties in relation to fire safety. The Service will undertake a variety of engagement activities in order to fulfil this requirement.
 - 1.5 NFRS Fire Safety Inspectors (FSIs) will seek to provide advice that is appropriate to the premises and their use and will do so by reference to nationally recognised guidance and standards that regulated entities have assisted in developing.
 - 1.6 Where use of national guidance is not appropriate in the circumstances of the case, local guidance will be used.
 - 1.7 Comments from regulated entities on style, format and content will be welcomed to assist in the review of guidance used; and to assist in the further development of any guidance that NFRS may produce from time to time.
 - 1.8 Where a regulated entity seeks advice or guidance from NFRS, or its Officers, about actions needed to correct fire safety deficiencies, or otherwise secure compliance with the law, this will not automatically lead to formal enforcement action by the NFRS. Should enforcement action prove to be necessary in the circumstances of the case, it will be based on the principles, expectations and methodology of the Enforcement Management Model (EMM) produced by the Health and Safety Executive (HSE), which is considered national best practice.
 - 1.9 The default position of NFRS will be to advise and guide rather than serve notices or prosecute, but the Service absolutely reserves the right to act in the public interest according to the circumstances of each case.

2. Purpose and methodology of Enforcement

- 2.1 The purpose of the NFRS's enforcement function is to ensure that preventative remedial action is taken to protect relevant persons and to secure compliance with the regulatory system. The need for enforcement may stem from a lack of knowledge or a deliberate or negligent act. The term 'enforcement' has a wide meaning and applies to all dealings between NFRS and those on whom the law places a duty.
- 2.2 The purpose of enforcement is to:
- Promote and achieve sustained compliance with the law;
 - Promote and achieve fire precautions to protect people from harm;
 - Ensure that the person responsible for premises subject to fire safety regulation takes action to deal immediately with serious risks to the safety of relevant persons;
 - Ensure those individuals, businesses and other undertakings that breach fire safety requirements are held to account, which may include bringing prosecutions before the courts.
- 2.3 NFRS employs a team of FSIs and Fire Safety Managers (FSMs) who are qualified and competent to undertake the role of enforcement, in line with the National Fire Chief's Council (NFCC) Competency Framework for Fire Safety Regulators.

Support information

1. Related Documents/Useful Websites

- [Regulators Code](#)
- [Enforcement Management Model](#)
- [Competence Framework for Fire Safety Regulators](#)