

Fire Safety Policy



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Owner	Property Compliance Manager
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1.0 Introduction and Objectives

- 1.1 As a landlord, Cheltenham Borough Council (CBC) is responsible for carrying out fire risk assessments, and taking action to identify, manage and mitigate risks associated with fire within the common areas of buildings we own and manage.
- 1.2 The key objective of this policy is to ensure that our Cabinet, Leadership Team, employees, partners and tenants are clear on our legal and regulatory fire safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.3 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy applies to the following property types:
 - Communal blocks.
 - Sheltered / independent living schemes.
 - Commercial buildings.
- 2.2 Some aspects of this policy also apply to individual domestic properties (houses, flats bungalows, and so on). Applicable items will be clearly referenced.
- 2.3 This policy is relevant to all our employees, tenants, contractors, stakeholders and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

- 3.1 CBC is the Responsible Person as defined by the legislation (see Section 4) because we own and manage homes and buildings where tenants and leaseholders live.
- 3.2 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.3 The Leadership Team (LT) will receive monthly performance reports in respect of fire safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

- 3.4 The Property Compliance Manager has strategic responsibility for the management of fire safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Interim Capital Repairs Manager has operational responsibility for the management of fire safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 Housing teams will provide support where gaining access to properties is difficult.

4.0 Legislation, Guidance and Regulatory Standards

4.1 Legislation - The principal legislation applicable to this policy is:

- **Regulatory Reform (Fire Safety) Order 2005 (FSO).**
- **Fire Safety Act 2021** - came into force on 16 May 2022 and amends the FSO.
- **Fire Safety (England) Regulations 2022** - came into force on 23 January 2023.
- **Building Safety Act 2022 (Section 156)** – came into force on 1 October 2023 and amends the FSO.
- This policy also operates within the context of additional legislation, industry guidance and government policy direction (see Appendix 1).

4.2 Regulatory standards – We must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.

The Social Housing (Regulation) Act 2023 changes the way social housing is regulated and may result in future changes to this policy.

4.3 Sanctions – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution by the Fire and Rescue Service under the FSO; and via a regulatory judgement from the Regulator of Social Housing.

5.0 Obligations

5.1 Regulatory Reform (Fire Safety) Order 2005 (the FSO)

As the Responsible Person under the FSO (CBC) must:

- Carry out a fire risk assessment (FRA) in all workplaces, commercial buildings and non-domestic parts of multi-occupied residential buildings.
- The FRA should identify general fire precautions and other measures needed to comply with the FSO. Although under the FSO this requirement only applies to

common parts of premises, in practice the responsible person will need to consider the entire premises, including units of residential accommodation.

- Consider who may be especially at risk.
- Implement all necessary general fire precautions and any other necessary measures identified by an FRA to remove or reduce any risks.
- Implement a suitable system of maintenance and appoint competent persons to carry out any procedures that have been adopted.
- Periodically review FRAs in a timescale appropriate to the premises and/or occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the FRA.

5.2 Fire Safety Act 2021

The Act amends the FSO by clarifying that in buildings with two or more sets of domestic premises, the FSO applies to:

- The structure and external walls of the building, including cladding, balconies and windows.
- All doors between the domestic premises and the common parts, for example, entrance doors to individual flats which open on to common parts.

CBC must ensure that FRAs comply with the criteria outlined above by appointing a competent person to review them (if the FRAs do not already comply). See Section 11 for competency requirements.

5.3 Fire Safety (England) Regulations 2022

CBC is required to carry out the following under these regulations:

- **All** buildings with two or more sets of domestic premises: provide tenants with fire safety instructions and information on fire doors.
- Buildings **over 11 metres in height**: undertake quarterly checks of communal fire doors and annual checks of flat entrance doors.

5.4 Building Safety Act 2022 – Section 156

Section 156 of the Building Safety Act amends the FSO and requires Responsible Persons to do the following:

- Record FRAs in full and record fire safety arrangements.
- Record the name of the individual and/or organisation undertaking the FRA and share with tenants.
- Identify other Responsible Persons/Accountable Persons and cooperate with them.

- Share relevant fire safety information with other Responsible Persons and tenants.
- Provide tenants with easy to understand, relevant fire safety information.

There will be an additional requirement to appoint a competent person to undertake and review FRAs which will come into force at a later date, which may result in future changes to this policy.

6.0 Statement of Intent

- 6.1 We acknowledge and accept our responsibilities under all the legislation set out in Section 4 and Section 5. We will endeavour to meet all the requirements of this legislation and set out how we will do this in our supporting procedures and process maps.
- 6.2 All our FRAs will be reviewed by a competent person to ensure they meet the requirements set out in the Fire Safety Act 2021 by December 2026.
- 6.3 Each property requiring an FRA will have one in place which has been carried out by a competent fire risk assessor, and which is compliant with the British Standards Institution's PAS 79-1:2020 and PAS 79-2:2020 specifications for non-residential and residential buildings respectively.
- 6.4 All FRAs will be reviewed no later than the review date set within the most recent FRA and in the event of:
- A fire, fire safety incident or near miss.
 - Change in building use.
 - Change in working practices that may affect fire safety.
 - Following refurbishment works.
 - Change in applicable legislation.
 - If required following an independent fire safety audit.
- 6.5 Fire evacuation strategies will be determined on a building-by-building basis, in accordance with the recommendations of the competent fire risk assessor and with any guidance from Gloucestershire Fire and Rescue Service.
- 6.6 To comply with the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into force on 1 October 2022, we will install, test and replace (as required) battery operated and/or hard-wired smoke alarms and carbon monoxide alarms as part of the annual gas safety check visit (or at void stage).
- 6.7 If we are made aware that a customer has an issue with mobility or a cognitive impairment, a person-centred fire risk assessment (PCFRA) will be completed.

- 6.8 Personal Emergency Evacuation Plans (PEEPs) will be carried out by a competent person, reviewed annually, and made available to the Fire and Rescue Service in the event of an evacuation, as follows:
- For any disabled tenant and/or employee within any building where we provide care services and are the employer (i.e., sheltered or supported housing schemes); and
 - For any tenant within a building where we have a responsibility for carrying out an FRA, where we have been notified that they are storing oxygen in their home for medical use.
- 6.9 When letting properties, we may consider the suitability of the accommodation for the prospective tenant in respect of fire safety.
- 6.10 We are committed to working with Gloucestershire Fire and Rescue Service to create safer places to live and work.
- 6.11 We will advise all new tenants of the opportunity to request a free home fire safety check, provided by Gloucestershire Fire and Rescue Service.
- 6.12 We will operate robust processes to gain access should any tenant or leaseholder refuse access to carry out essential fire safety inspection and remediation works (as tested in the case Croydon Council v. Leaseholder 1st August 2014).
- 6.13 We will operate robust processes to gain access to properties where tenant vulnerability issues are known or identified (including hoarding), whilst ensuring we safeguard the wellbeing of the tenant.
- 6.14 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.15 We will operate a robust process to manage immediately dangerous situations identified during fire safety programmes.
- 6.16 We will adopt a sterile environment approach in all internal common areas, requiring tenants to remove combustible materials from corridors and fire escape routes.
- 6.17 We will permit the storage of mobility scooters within specified areas, storage specifications will be in line with our mobility scooter policy.
- 6.18 We will establish and maintain a risk assessment for fire safety management and operations, setting out our key fire safety risks and appropriate mitigations.
- 6.19 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement and refurbishment works.

- 6.20 To comply with the requirements of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002, we will consider the safety of our workplaces and plant/boiler rooms of our residential blocks.
- 6.21 We will operate robust processes to record and action any property fires and fire safety related near misses. A near miss is an unplanned event which does not result in an injury but had the potential to do so.

7.0 Programmes

- 7.1 **FRAs** - We will ensure our communal blocks, schemes and commercial premises have an FRA in place where we have the legal obligation to do so.
- 7.2 We will undertake a new FRA in a timescale appropriate to the premises and occupation risk level. This timescale will be determined by the fire risk assessor and will be between one and three years. All higher-risk buildings will receive a new FRA annually.
- 7.3 All FRAs will be Type 3 surveys. Type 4 surveys will only be commissioned where it is deemed appropriate for a particular property.
- 7.4 We will carry out desktop reviews of FRAs every 12 months where the reassessment timescale is longer than every 12 months.
- 7.5 We will ensure that a pre-occupation FRA is carried out on all new build schemes or new acquisitions where we have an obligation to do so, followed by a post-occupation FRA, a maximum of three months after the first tenant moves in.
- 7.6 **Fire door checks** – To comply with the Fire Safety (England) Regulations, we will undertake quarterly checks of communal fire doors and annual checks of flat entrance doors to all buildings over 11 meters in height.
- 7.7 For all other communal blocks and other properties with common areas, we will undertake a six-monthly check of all communal fire doors, and an annual check of all flat entrance doors.
- 7.8 **Servicing** - We will carry out a programme of servicing, maintenance and testing, in accordance with all relevant British Standards and manufacturer's recommendations, to all fire detection, prevention and firefighting systems and equipment within buildings we own and manage.
- 7.9 **Regular inspections** – We will carry out a programme of fortnightly inspections to all blocks and schemes.

8.0 Follow-up Work

- 8.1 We will ensure robust processes are in place to implement all general fire precaution measures identified by FRAs, in accordance with the following priorities and timescales:

- Intolerable Risk (Category 1) – within 24 hours.
- High Risk (Category 2) – within seven days
- Medium Risk (Category 3) – within one month.
- Low Risk (Category 4) – within six months or delivered as part of a planned programme within 12 months.

8.2 We will use the date the FRA was undertaken on-site as our timeframe to start completing FRA actions.

8.3 We will ensure there is a robust process in place to manage follow-up works arising from fire door checks, and servicing and maintenance checks to fire systems and equipment.

9.0 Data and Records

9.1 We will maintain a core asset register of all properties we own or manage, setting out which properties require an FRA. We will also set out which properties require fire safety servicing and maintenance regimes (for example, fire alarms, emergency lighting and smoke/heat detection).

9.2 We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from fire safety programmes and the programme remains up to date.

9.3 We will hold fire safety inspection dates, FRAs, FRA actions, and fire safety servicing records against all properties on each programme. These will be held in the QL system and Documotive.

9.4 We will keep fire safety logbooks electronically (or securely on site where practical), for all properties on the FRA programme.

9.5 We will keep all records and data, for the duration that we own and manage the property and will have robust processes and controls in place to maintain appropriate levels of security for all fire safety related data.

10.0 Tenant Engagement

10.1 We consider good communication essential in the effective delivery of fire safety programmes, therefore we will establish a tenant engagement strategy and communication programme. This will support tenants in their understanding of fire safety, advise them of how they can keep themselves and other tenants safe, and encourage them to report any fire safety concerns.

10.2 We also aim to successfully engage with vulnerable and hard to reach tenants. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

11.0 Competent Persons

- 11.1 The Compliance Manager will hold the NEBOSH National Certificate in Fire Safety and Risk Management (or equivalent), or Level 4 VRQ Diploma in Asset and Building Management. If they do not have this already, they will obtain it within 12 months of the approval of this policy.
- 11.2 Only suitably competent contractors, fire risk assessors and fire engineers will undertake FRAs or works to fire safety equipment, systems and installations. These must be certified by BAFE and/or an IFSM member and be in line with the Fire Sector Federation's guidance on choosing a competent Fire Risk Assessor.
- 11.3 Only suitably competent fire safety consultants and contractors will provide third party technical quality assurance checks.
- 11.4 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

12.0 Training

- 12.1 We will deliver training on this policy and the procedures that support it, including team briefings; basic fire safety awareness training; and on the job training for those delivering fire safety programmes, planned maintenance and repairs works as part of their daily job. All training undertaken by staff will be formally recorded.

13.0 Performance Reporting

- 13.1 We will report key performance indicator (KPI) measures for fire safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came into force on 1 April 2023 and must be reported to the RSH on an annual basis.
- 13.2 We will report the following fire safety performance:

Report recipient	Frequency
Regulator of Social Housing	Annual
Leadership Team	Monthly
Cabinet	Quarterly
Tenants	Quarterly

- 13.3 We will also report the following:

Data – the total number of:

- Properties split by category (communal blocks/schemes, commercial/ other).

- Properties on the FRA programme.
- Properties not on the FRA programme.
- Properties with a valid and in date FRA.
- Properties without a valid and in date FRA.
- Properties due a new FRA within the next 30 days.
- Completed, in-time and overdue follow-up works/actions (split by priority).

Narrative - an explanation of the:

- Current position.
- Corrective action required.
- Progress with completion of follow-up works.

In addition:

- Compliance with the fire safety equipment, systems and installations servicing and maintenance programme.
- The number of RIDDOR notifications to the HSE with regards to fire safety.
- Details of any enforcement notices from the Fire and Rescue Service or other enforcement bodies.
- Recording and reporting on property fires to identify trends and target awareness campaigns.

14.0 Quality Assurance

- 14.1 We will internally review 100 per cent of FRA surveys.
- 14.2 We will carry out property inspections to 20% of properties with an FRA to audit that all required management actions have been completed.
- 14.3 We will carry out post-inspections of FRA actions related to building fabric work.
- 14.4 We will carry out an independent audit of fire safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

- 15.1 Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety, and which needs to be managed as an exception to routine processes and procedures.
- 15.2 All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of a CBC employee becoming aware of it.

- 15.3 Any non-compliance issue identified at an operational level will be formally reported to the Interim Capital and Repairs Manager in the first instance, who will agree an appropriate course of corrective action with the Property Compliance Manager and report details of the same to the LT.
- 15.4 In cases of serious non-compliance, LT and Cabinet will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.
- 15.5 We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to fire safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

16.0 Glossary

16.1 This glossary defines key terms used throughout this policy:

- **BAFE:** Is the independent register of quality fire safety service providers, who are certified to ensure quality and competence to help meet fire safety obligations.
- **FRA:** A fire risk assessment is an assessment involving the systematic evaluation of the factors that determine the hazard from fire, the likelihood that there will be a fire and the consequences if one were to occur.
- **FRA survey:** The FSO states that an FRA is required, however, it does not prescribe how intrusive or destructive this should be. There are four types of FRA:
 - Type 1 – common parts only (non-destructive), basic level to satisfy the FSO.
 - Type 2 – common parts only (destructive), element of destruction on sample basis.
 - Type 3 – common parts and flats (non-destructive), considers means of escape and fire detection within at least a sample of flats.
 - Type 4 – common parts and flats (destructive).
- **IFSM:** The Institute of Fire Safety Managers.
- **PAS79:** A publicly available specification published by the British Standards Institution which focuses on making sure that all the required information that pertains to both an FRA and its findings are recorded.
- **PEEP:** A personal emergency evacuation plan is a bespoke escape plan for individuals who may not be able to reach an ultimate place of safety unaided or within a satisfactory period of time in the event of any emergency.

- **UKAS:** The National Accreditation Body for the United Kingdom, appointed by government to assess and accredit organisations that provide services including certification, testing, inspection and calibration.

Appendix 1 – Additional Legislation and Policy Direction

Legislation - This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- Health and Safety at Work Act 1974
- The Occupiers' Liability Act 1984
- Furniture and Furnishings (Fire) (Safety) Regulations 1988
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Installation and Use) Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
- Housing Act 2004
- Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Building Regulations 2010: Approved Document B Fire Safety
- Homes (Fitness for Human Habitation) Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Electrical Equipment (Safety) Regulations 2016
- Data Protection Act 2018
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022
- Social Housing (Regulation) Act 2023

Guidance – The principal guidance documents applicable to this policy are:

- Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing (Local Authorities Coordinators of Regulatory Services), August 2008.
- Fire safety in purpose-built blocks of flats. This guidance should be viewed as no longer comprehensive; the Home Office is currently working on a revised version but in the interim, it is continued to be made available as it contains relevant and useful information for purpose-built blocks of flats.
- Fire Safety in Specialised Housing (National Fire Chiefs Council), May 2017. This guidance covers sheltered schemes, supported schemes and extra care schemes.
- Housing Health and Safety Rating System Operating Guidance: Housing Act 2004 Guidance about inspections and assessment of hazards given under Section 9 (Ministry of Housing, Communities & Local Government), February 2006.
- Housing Health and Safety Rating System Operating Guidance: Addendum for the profile for the hazard of fire and in relation to cladding systems on high rise residential buildings (Ministry of Housing, Communities & Local Government), November 2018.

- Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built blocks of flats (National Fire Chiefs Council), fourth edition, August 2022.

Additional guidance and policy direction – The following documents set out clear direction for landlords in respect of fire safety, and whilst not statutory guidance or approved legislation, there are certain recommendations or proposals which are applicable to this policy:

- Fire Sector Federation – Approved Code of Practice: A National Framework for Fire Risk Assessor Competency (November 2020).
- Fire Sector Federation – A Guide to Choosing a Competent Fire Risk Assessor (Version 3, October 2020).
- Grenfell Tower Inquiry: phase 1 report. Volume 1 – 4 (October 2019).
- Building a Safer Future - Independent Review of Building Regulations and Fire Safety: Final Report (May 2018).