



SELECTING A COMPETENT FIRE RISK ASSESSOR

*by a representative of the
IFE Fire Risk Assessors' and Auditors' Register Professional Review Panel*

Introduction

Previous speakers have identified, and examined, the legislative basis that necessitates the carrying out of a fire risk assessment by the Responsible Person ('RP') and by any other person who has, to any extent, control of the premises. Notwithstanding the title of this presentation, it should be noted that the legislation itself does not specifically require that the person who carries out the fire risk assessment must be 'competent'. This was a somewhat contentious issue during the drafting process of the Regulatory Reform (Fire Safety) Order ('RRO'). However, the Government's view appeared to be that to make a requirement for the person carrying out the fire risk assessment to be competent would necessitate, or at least imply, that the fire risk assessment should be carried out by a specialist, such as an external consultant.

It was argued that this would then be contrary to Government policy of easing, rather than adding to, legislative burdens. However, the guides produced by the ODPM, while based on an assumption that the RP, with no formal training or experience, should be able to carry out a fire risk assessment in less complex premises, more complex premises would probably need to be assessed by a person who has comprehensive training or experience in fire risk assessment. Thus, it is not, perhaps, so much that a fire risk assessment can readily be carried out by an 'incompetent' person, but that the level of competence will vary with the nature and complexity of the premises, so that specialist skills are not necessarily required for small, simple and straightforward premises.

The Required Competent Person

However, other than in the case of the self-employed, the RP must appoint one or more competent persons to assist him in undertaking the measures required by the RRO. This person may, or may not, be the person who carries out the fire risk assessments, but, in either case, it is obvious that persons should have a basic understanding of the legislation and its requirements in respect of fire risk assessment. It should also be noted that the RRO requires that, where there is a competent person in the RP's employment, that person must be appointed in preference to a competent person (such as a consultant) not in his employment.

The In-House Fire Risk Assessor

In the case of small enterprises, it is, arguably, often more appropriate for the fire risk assessment to be carried out by the RP or a person in his employment. On the one hand, this person will, in the case of a small organization, not usually have specialist



knowledge. However, on the other hand, the person knows his own business, the premises, the activities, the managerial arrangements, etc. Moreover, by carrying out the fire risk assessment, he will better understand, and be better able to manage, the fire risks to which persons within his premises are exposed. Thus, while the person may overlook some matters that a more skilled fire risk assessor would identify, if the RP or his employee carries out the fire risk assessment with reasonable commitment it is unlikely that such matters will result in significant risk to occupants; the fact that the RP will often more readily 'buy into' the fire risk assessment and pay attention to its findings by carrying out the fire risk assessment himself may often more than compensate for minor shortcomings in his fire risk assessment skills. In order to ensure that a person in the Responsible Person's employment is capable of the task, it may be sufficient for the person to participate in a simple training course, possibly of only one day's duration.

At the other extreme, within many large organizations, there are one or more fire safety specialists, and it may be that these internal specialists both act as the competent person and as the fire risk assessor.

The IFE supports the above principles. For example, within the Institution's Register of Fire Risk Assessors and Auditors, there is the facility to register those who only carry out fire risk assessments within their own organization, as well as those who carry out fire risk assessments on a commercial basis (e.g. consultants).

Within many medium to large enterprises, there will be one or more competent persons to assist in compliance with the legislation, but insufficient skill or resources to carry out fire risk assessments for all premises within the organization. This will particularly be the case in respect of large groups with many hundreds of premises, but possibly only one or two specialist personnel dealing with health, safety and fire. Under these circumstances, the RP (and, similarly, persons having control of premises, such as managing agents or property owners) will, very often, seek the services of a suitably qualified consultant. (In this connection, it is interesting to note that, under the Management of Health and Safety at Work Regulations 1999, a person may be deemed to be competent to provide safety assistance if, *inter alia*, he recognizes his own limitations and seeks external advice where necessary.)

The External Fire Risk Assessor

It is important that, in this case, the person carrying out the fire risk assessment is particularly skilled and 'competent', as both criminal and civil liability may arise for the person employing the consultant if the resulting fire risk assessment is so incompetent that it fails to obviate serious risk to occupants from fire. While the consultant himself may also incur liabilities, the principal duty rests with the RP or person having control of the premises, and it is incumbent on them to ensure that any advice they seek in respect of compliance with their duties is rendered by a competent person.

Competencies and Skills

In selecting a suitable specialist fire risk assessor, what competencies and skills should the employer of the fire risk assessor (i.e. the RP or person having control of



the premises) seek? In addressing this question, we should firstly note that fire risk assessment is not really a brand new discipline, science or something completely different to the traditional practise of fire safety. Indeed, it might be argued that there should always have been, at least, an element of fire risk assessment within the application of traditional prescriptive legislation and codes of practice. Equally, it is arguable that it was insufficient consideration of fire risk, resulting in measures that were not appropriately risk proportionate, that led to the need for more formal fire risk assessment. In the view of the IFE, however, fire risk assessment normally involves merely a minor cultural shift from the traditional approach to fire safety.

It follows from the above that, in order to carry out competently a fire risk assessment, it is necessary (but not always sufficient) for the fire risk assessor to have a good underpinning knowledge of the principles of fire safety, as practised traditionally, a fundamental knowledge of the causes of fire and means for prevention of fire, a knowledge of the design of fire protection measures, an understanding of the behaviour of fire in buildings, and an understanding of the behaviour of people in fire.

The Route to Competence

There is no single prescription for the route that should have been followed by the fire risk assessor to achieve the above knowledge. However, it will arise from an appropriate recipe of education, training and experience. Thus, competence does not necessarily depend on the possession of specific qualifications, although such qualifications might contribute to the demonstration of competence. The education of the fire risk assessor might involve formal education of a relatively academic nature, culminating in a qualification. Training of a fire risk assessor in the principles of fire safety will often have been of a practical nature, sometimes given 'on the job'.

Education, training and experience in the principles of fire safety need not each be extensive; the important point is whether the combination of each results in adequate knowledge. A high level in respect of any one of these three parameters might compensate for a lower level in another (see figure 1). This figure, which has been incorporated in PAS 79¹, is used as a simple guideline for assessment of applicants to the IFE Register of Fire Risk Assessors and Auditors.

The Cultural Shift

What then of the 'minor cultural shift' that it is expected that the fire risk assessor should have made in approach to the practise of fire safety that we should find in a fire risk assessment? In this connection, we need to consider what differentiates the approach to the actual assessment of fire risk, and to the consequent development of an action plan, from the application of traditional legislation and prescriptive codes of practice. While this is a matter of opinion, on which there could be lengthy debate, possible differences include:

¹ PAS 79: 2005. *Fire risk assessment - Guidance and a recommended methodology.*



- A greater consideration of 'soft' issues, relating to management of fire safety, which should not only be investigated within a fire risk assessment, but taken into account in the assessment of fire risk and the measures appropriate to address the risk.
- The significance of the actual likelihood of fire and measures taken to prevent fire. Traditional legislation made no requirements in respect of preventing the occurrence of fire, but merely endeavoured to ensure that people were safe when fire occurred. This approach will not be sufficient under the RRO.
- Recognition that codes of practice on any aspect of fire protection are merely, as is 'stated on the tin', codes of good practice, which might not need to be followed slavishly. This does not, however, imply that fire risk assessment should be used as a tool to 'risk assess away' measures that are universally accepted good practice within the profession.
- Recognition that it is the overall ' fire safety package' that is important; this means consideration of the overall picture, rather than separate consideration of each individual fire protection measure in total isolation of any consideration of other measures.

Verification of Competence

While the experience and competence of the fire risk assessor in the practise of fire safety principles can probably be gleaned from a simple curriculum vitae, the cultural shift described above may be more difficult to verify. Discussion with the fire risk assessor of the approach that will be adopted to the type of premises in question may, however, be of assistance. Also, if the fire risk assessor has a 'track record', references from other clients (particularly those in an associated field of business) can be of comfort to the employer.

However, a particularly powerful tool in the selection process is to examine the format in which the documented significant findings of the fire risk assessment will be produced. Most fire risk assessors use some form of pro-forma report or template. At the very least, examination of this will determine whether the appropriate matters will be investigated and reported on within the fire risk assessment. The experience of the IFE in operating the Register of Fire Risk Assessors and Auditors is that examination of the fire risk assessment format, and perusal of sample fire risk assessments (which the employer could also ask to examine, with all relevant names of clients, etc removed), is an extremely powerful tool in determining whether an applicant should be registered.

It is, perhaps, a reflection of both the vigour of the IFE process and the value of this approach that around 40% of applicants are rejected for registration at the stage at which samples of documented fire risk assessments are examined by the IFE's Professional Review Panel. This is not to suggest that this proportion of applicants are not competent in the principles of fire safety, but it is of concern that, in the view of the Panel, in the case of these applicants the documented fire risk assessments presented to clients were not suitable and sufficient to demonstrate the competence of the fire risk assessor in conjunction with the requisite cultural shift.



It is as a result of the relatively high rejection rate that the IFE supported the production of PAS 79. This specification is not prescriptive, and, although an example of a suitable pro-forma for a fire risk assessment under the Workplace Fire Precautions Legislation was incorporated, this was only offered as an example of a suitable format. On the other hand, PAS 79 offered benchmarks for suitable and sufficient fire risk assessments, and the guidance is in the process of amendment to address the RRO, rather than the Workplace Fire Precautions Legislation.

Accordingly, the employer of a fire risk assessor might wish to consider the scope of the proposed document in the light of guidance contained in the new guides under the RRO and/or the guidance in PAS 79.

The Content of the Fire Risk Assessment

Although Government policy is that there is no right or wrong way of carrying out, or documenting, a fire risk assessment, a suitable and sufficient fire risk assessment is likely to investigate, and record, information about:

- The building (e.g. height, construction, etc).
- The occupants (e.g. number, familiarity with the building, factors that put them at special risk, etc). It should be noted that it is a specific requirement that occupants at special risk be recorded.
- Fire loss experience (as information on previous fires at the premises might be of value in identifying fire hazards.)
- The fire hazards and measures for their control (e.g. ignition sources and measures to mitigate the likelihood of fire).
- Fire protection measures (e.g. means of escape, fire warning systems, emergency lighting, signs, fire extinguishing appliances, smoke control systems, etc).
- Management of fire safety (e.g. policies, procedures, staff training, fire drills, testing and maintenance, record keeping, etc).
- The actual assessment of fire risk (given that this is a fire risk assessment, it is reasonable to assert that it should contain an expression of the level of fire risk).
- A suitable action plan.

Third Party Certification of Fire Risk Assessors

Are there any shortcuts that the busy employer might adopt in selecting a suitable fire risk assessor? In this connection, it is relevant to note that Government appears, from the new guidance documents, and from other guidance, such as Approved Document B under the Building Regulations, and statements made by representatives of the Government, to be committed to the support of third party certification schemes for fire protection products and fire protection services, such as those applicable to installers of fire detection and fire alarm systems, automatic sprinkler systems, etc.



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The use of third party certificated firms is generally held to constitute material evidence of due diligence on the part of the RP or person having control of the premises to ensure the adequacy of their fire protection measures. Perhaps a similar approach is relevant in the case of due diligence in selection of a competent fire risk assessor. Ideally, what is needed is suitable third party certification of the competence of individuals carrying out fire risk assessments, and perhaps a certification scheme for the organization that carries out the fire risk assessment (e.g. in terms of quality assurance procedures, professional indemnity insurance, etc). It will be interesting to observe whether Government, professional bodies and certification bodies follow the lead in this respect given by the IFE in creating its Register of Fire Risk Assessors and Auditors.

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