

THE Burning Issue™

KEEPING YOU INFORMED ABOUT FIRE SAFETY LEGISLATION

Fire Prevention - The First Step in Fire Risk Assessment

In the December issue of *Burning Issue*, we highlighted a major contrast between traditional fire safety legislation and the new Regulatory Reform (Fire Safety) Order. The contrast is that, under traditional fire safety legislation, the focus was on keeping people safe once fire occurred, rather than preventing the occurrence of fire. Under the Fire Safety Order, there is a clear duty to prevent, as far as reasonably practicable, the occurrence of fire.

Indeed, the Fire Safety Order is peppered with references that make this contrast quite clear. Thus, for example, the definition of the "general fire precautions" that must be taken by the Responsible Person includes measures to reduce the risk of fire on the premises. More notably, Article 10 requires that the "principles of prevention" be applied by the Responsible Person. These principles are specified in Part 3 of Schedule 1 to the Fire Safety Order. They include "avoiding risks", "combating the risks at source", "replacing the dangerous by the non-dangerous or less dangerous" and "developing a coherent prevention policy".

This approach to fire safety brings fire safety more in line with the discipline of general health and safety, in which the first step in a risk assessment is to identify the hazards (i.e. the sources or situations that can lead to harm) and to adopt suitable control measures to ensure that the hazards are eliminated or avoided. By analogy, an early step in a fire risk assessment should clearly involve identifying the fire hazards (the sources or situations that could cause a fire) and adopting suitable control measures to prevent fire.

Although perhaps not explicitly required under legislation, good practice should always have been to give as much attention to preventing fire as to installing measures to deal with an outbreak of fire. This has always been advocated by fire insurers and corporate risk managers, who recognized that any fire, even if adequately controlled and posing no threat to life, had the potential to result in serious damage to property and interruption to business. It has also been recognized by inquiries into disasters. *Continued overleaf*

