

# FIRE SAFETY – YOU ARE RESPONSIBLE



Terry Martiny, BAFE Marketing Manager, reminds us where responsibility for fire safety lies - with the employer.

BAFE (British Approvals for Fire Equipment) is a non-profit-making organisation that was formed in 1984 to promote quality and competence within the fire protection industry. It adopts and/or writes Certification Schemes that are of the appropriate quality to satisfy the needs of the British Fire Protection Industry, licensing these to organisations such as SSAIB who operates them providing the end user with an independent third party Certificate of Conformity for their fire protection systems.

BAFE is regulated by means of its Council which has members representing all aspects of the fire protection community, from the Fire Service and Central Government, to the Association of British Insurers (ABI) and the Health & Safety Executive (HSE). It is currently chaired by the President of the Chief Fire Officers Association (CFOA) Phil Toase, CBE, who in March 2008 appointed its first Chief Executive Officer, Tom Carroll QFSM (Queen's Fire Service Medal), former Chief Fire Officer of Cambridgeshire Fire & Rescue Service.



Phil Toase, CBE, President of CFOA and BAFE Chairman

The introduction of the Regulatory Reform (Fire Safety) Order (RRFSO) has impacted on just about every place of work in England and Wales (all those with 5 or more employees), and it has become obvious that the awareness of the changes, particularly in small businesses, is certainly not at the level it needs to be.

The extent of the legislation is wide ranging, but undoubtedly the main focus of attention is on the 'responsible person'. The new legislation places responsibility for ensuring effective fire safety measures are put into place very squarely with the employer. Given the increasing complexity and sophistication of fire protection systems, it is, of course, unreasonable to expect an employer to be an expert in the field of fire protection. Nevertheless, the responsible person must ensure that the company and the people employed to carry out a risk assessment, and subsequently install and maintain the fire protection measures, are competent to do so.

## Competency

Definitions of 'competency' are somewhat vague but a means through which the responsible person can demonstrate that they have satisfied their statutory 'duty of care' is by employing companies whose products and services have been certificated by an independent third party. Although the new Fire Safety Order stops short of making third party certification mandatory, it clearly states that

**'fire protection equipment should be installed and maintained by a competent person.'**

The inference is that there needs to be some qualification of competence which should involve an independent third party. Furthermore, the Guidance Notes published in advance of the Order state that:

**Third-party certification schemes for fire protection products and related services are an effective means of providing the fullest possible assurances, offering a level of quality, reliability and safety that non-certificated products may lack.**

## The Benefits

Independent third-party certification provides end-users and enforcers with assurance that the fire safety products installed will provide the required level of performance, in compliance with standards and the risk assessment. It also gives assurance to employers that they have

taken reasonable steps to fulfil their duty of care responsibilities under the Fire Safety Order.

Third-party certification raises levels of public safety and provides a proper documented audit trail that makes enforcement of the Order easier.

It raises levels of competence in the fire industry and the wider fire community. It drives the industry to embrace all harmonised standards and helps businesses generate better and more efficient processes.

## Third Party Schemes

The majority of independent third party certification schemes require the assessment and ongoing audit of the Certification Body to ensure that they also are competent to undertake their assessments and audits. This is usually undertaken by UKAS (United Kingdom Accreditation Service) in accordance with the requirements of the relevant European Standard.

There are a number of third party certification schemes covering fire precautions. An example which demonstrates how such schemes work is the BAFE SP203 scheme for the design, installation, commissioning and maintenance for fire detection and fire alarm systems.

A company that believes it meets the criteria specified in the scheme document applies to a Third Party Certification Board (TPCB), such as SSAIB, that is licensed by BAFE to operate the scheme. In this case SSAIB would then undertake a thorough assessment of the applicant company and, providing it met the scheme criteria, it would Certicate the company. The company is then able to promote its certificated status as a means of advertising its competence. At predetermined intervals, defined in the scheme document, the TPCB visits the company to audit their work to ensure it continues to meet the requirements of the scheme.

Another scheme that has also been adopted by BAFE is for technicians involved in the service and maintenance of portable fire extinguishers to become a BAFE Registered Technician. This requires the candidate to have a nationally recognised qualification supplemented by on the job training and ongoing assessment in the field.

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## A Clear Way Forward

Small businesses are increasingly facing a plethora of legislation and an element of frustration at yet another situation to grapple with is understandable. However, one of the reasons for introducing the Fire Safety Order was to draw together more than 100 pieces of separate legislation that had been introduced at various times over many years. With the Order having replaced the issuing of the traditional Fire Certificate with a risk assessment based regime and putting the onus of responsibility squarely on the employer, this is a piece of legislation that, as a life safety issue, the small business ignores at its peril. As with any new legislation, it will take time for companies to become familiar with their responsibilities and there will inevitably be a certain degree of confusion. With a robust definition of competency still to be formalised, third party certification schemes certainly offer a clear way forward and, should the situation arise, provide the means to help defend a position in a court of law. SSAIB, working in partnership with BAFE, provide a strong and experienced team that has safety and quality at the head of its agenda.

More information is available at:  
[www.bafe.org.uk](http://www.bafe.org.uk)

