

Housing Fire Safety Policy

Version control

Avoid referring to printed versions of this document. Printed versions may be out of date.

Owner/responsibility for compliance		Head of Housing Technical Services	
Status (draft / approved and live)		Approved and live	
Version no:	Date approved:	Approved by:	Summary of changes made to each version:
1.1		Cabinet	New policy

1 Introduction

- 1.1 This policy is to support Swindon Borough Council ('the Council') in its function as a landlord to provide safe and effective housing management.
- 1.2 The Council 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 residential blocks of flats the Council owns and manages.
- 1.3 The Council has a duty to take general fire precaution measures to ensure, as far as is reasonably practicable, the safety of the people on our premises and in the immediate vicinity.
- 1.4 This policy is to ensure our Cabinet, Corporate Management Team, colleagues, partners and tenants are clear on our legal and regulatory fire safety obligations. This policy provides the framework our colleagues and partners will operate to meet these obligations.
- 1.5 In developing this policy residents' and partnering agencies' views and feedback have been considered. An Equalities Impact Assessment has been carried out and there are no adverse implications.
- 1.6 The results of the Equalities Impact Assessment have been considered and there are no adverse implications or if there were these have been considered and mitigated.

2 Equality and diversity statement

- 2.1 Swindon Borough Council is intent on ensuring people or communities do not face discrimination or social exclusion due to socio-economic or, any of the following protected characteristics:
 - Age

- Disability
- Sex
- Marriage & civil partnership
- Race
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy & maternity

3 Legislation and guidance

3.1 The principal legislation applicable to this policy is the following:

- Landlord and Tenant Act 1985.
- Regulatory Reform (Fire Safety) Order 2005 (FSO).
- The Fire Safety Act 2021 came into force on 16 May 2022, amending the FSO.
- The Fire Safety (England) Regulations 2022.
- Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.
- Housing Health and Safety Rating System introduced under Part 1 of the Housing Act 2004.
- Social Housing (Regulation) Act 2023.
- Awaab's Law.
- Regulatory Reform (Fire Safety) Order 2005.
- The Building Regulations 2010.
- Construction, Design, and Management (CDM) Regulations 2015.
- Defective Premises Act 1972.
- Workplace (Health Safety and Welfare) Regulations 1992.
- Provision and Use of Work Equipment Regulations 1998.
- Data Protection Act 2018.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Equality Act 2010

4 Scope

4.1 This policy applies to the housing assets which are owned by the Housing Revenue Account (the HRA) and any which are leased by the Council and rented and managed as social housing stock.

4.2 This policy also applies to any property which is leased by or managed as social housing stock or used for the purposes of temporary accommodation for those experiencing homelessness, for which the Council owes a statutory accommodation duty.

4.3 This includes domestic dwellings (houses and flats), communal areas of any blocks

containing such properties, sheltered housing, supported housing and temporary housing schemes.

- 4.4 The policy applies to all our colleagues, tenants, contractors, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities.

5 Roles and responsibilities

- 5.1 The table below highlights the key responsibilities:

Function /Task	Responsibility
Overall duty to ensure the organisation has enough funding, resource and systems in place to achieve and maintain statutory compliance.	Chief Executive Officer
The Council, the body corporate, would be the Accountable Person as defined in the Building Safety Act 2022. The Accountable Person and Principal Accountable Person roles only apply to high rise residential buildings, that is, buildings that have 7-storeys or more (18-metres in height) and consist of 2 or more residential dwellings. Such buildings are required to be registered with the Building Safety Regulator (BSR) and are known as higher risk buildings as defined by the Building Safety Act 2022.	The Council
Appoint a responsible person(s) to monitor the fire safety compliance position.	Corporate Directors
Responsible person for monitoring the fire safety compliance position.	Director of Housing
Apply this policy throughout the council and ensure any service delivery partner complies with it.	Relevant Heads of Service & Directors
Provide robust reporting around Fire safety compliance to the Council's Corporate Management Team. Reviewing budgets to ensure financial resources available.	Relevant Heads of Service & Directors
Manage the internal systems that provide an accurate programme for service and safety checks to the service delivery function.	Service Manager Compliance
The Compliance Lead – Fire Safety is the 'competent person' for fire safety.	Compliance Lead – Fire Safety
The Specialist Compliance Officer – Fire Safety will assist the Compliance Lead – Fire Safety in the execution of their duties.	Compliance Lead – Fire Safety
Manage the day-to-day delivery of the policy, fire safety compliance, reviewing policy and procedure regularly for associated teams.	Compliance Lead – Fire Safety
Strategic responsibility for the management of fire safety and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.	Head of Housing and Corporate Repairs and Head of Housing Technical Services
Aid the service delivery function in gaining access to properties	Tenancy and other

	frontline Housing teams
Applications to the Courts to provide access	Enforcement team/Legal team

6 Obligations

- 6.1 There are various health and safety regulations that directly, or indirectly, place duties on employers in relation to fire safety. This policy takes into account the following legislation and regulations:

Regulatory Reform (Fire Safety) Order 2005

- 6.2 The Council carries out a fire risk assessment (FRA) for the purpose of identifying the general fire precautions and other measures needed to comply with the Fire Safety Order 2005. Although under the Fire Safety Order 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 a Fire Risk Assessment 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 Fire Risk Assessments in a timescale appropriate to the premises and/or occupation fire risk level.

Fire Safety (England) Regulations 2022

- 6.3 The Council is required to:
- For all residential blocks of flats - provide tenants with fire safety instructions and information on fire doors on an annual basis.
 - For blocks of flats that are over 11 metres in height - undertake quarterly checks of communal fire doors and annual checks of flat entrance doors.
 - There are also additional requirements for residential block of flats that are over 18 metres in height (as defined within the Building Safety Act 2022).

Building Safety Act 2022

- 6.4 As well as bringing specific duties in respect of blocks of residential flats over 18 metres in height, the Building Safety Act amended the Fire Safety Order from April 2023. The amendments are applicable to all buildings where the Fire Safety Order applies and will require the Council to:
- Record Fire Risk Assessments in full and record fire safety arrangements.
 - Appoint a competent person to undertake/review Fire Risk Assessments and record their identity.
 - Ascertain whether other Responsible Persons have duties in respect of the premises and share relevant information with them.

- Provide relevant fire safety information to tenants (for buildings with two or more domestic premises).

7 Approach

7.1 At the time of writing the policy, the Council has identified seven high risk buildings within the asset portfolio, due to their size, structure and general tenant profile. The Council will develop and adopt a resident safety strategy for these buildings within twelve months of approval of this policy. The highest risk buildings are as follows:

- Seagry Court.
- Hatherleigh Court.
- Cleverton Court.
- Torrington Court.
- Milverton Court.
- Upavon Court.
- George Hall Court.

7.2 The competent person will review Fire Risk Assessments to ensure they meet the requirements set out in the Regulatory Reform (Fire Safety) Order.

7.3 Each property requiring a Fire Risk Assessment will have one in place, carried out by a competent fire risk assessor. The Fire Risk Assessments will comply with the Regulatory Reform (Fire Safety) Order 2005 and will conform with the British Standards Institution's PAS 79-1:2020 Fire Risk assessment Part 1: Premises other than housing – Code of practice and PAS 79-2:2020 Fire Risk assessment Part 2: Housing – Code of practice, specifications for non-residential and residential buildings, respectively. Residential Fire Risk Assessments will conform to BS 9792:2025 Fire risk assessment – Housing – Code of practice, when published.

7.4 All Fire Risk Assessments will be reviewed by means of a new assessment at intervals of:

- 12-months (higher risk properties)
- 24 Months (Medium risk properties)
- 48 -months (lower risk properties).

7.5 Fire risk assessments may be reviewed where/for:

- A fire, fire safety incident or near miss.
- Persistent and unexplained false alarms.
- Change in building use or how it is occupied.
- Change in working practices that may affect fire safety.
- Following refurbishment works.
- Change in applicable legislation
- If required following an independent fire safety audit.

- 7.6 The Council will operate robust processes to implement all general fire precaution measures identified by Fire Risk Assessments.
- 7.7 To comply with the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, which came into force on 1 October 2022, the Council has installed carbon monoxide alarms in all applicable properties:
- The carbon monoxide alarms are tested and, where necessary, replaced, as part of the annual testing (or at void stage).
 - It is the tenant's responsibility to regularly test the domestic smoke alarms in their homes and report any malfunction/ disrepair to the Council.
- 7.8 If the Council is made aware that a resident living in one of our high rise buildings has a physical, cognitive or mental impairment, the Tenancy Housing Officer, Sheltered Housing Officer, or Supported Housing Officer (depending on property type) will complete a Person-Centered Fire Risk Assessment (PCFRA) for them, if they provide their consent, and will take steps to ensure that any requirements arising from it are implemented. The council will regularly engage with tenants to ensure that this information reflects any changes to tenants' needs.
- 7.9 Personal Emergency Evacuation Plans (PEEPs) will be carried out by the Tenancy Housing Officer, Sheltered Housing Officer, or Supported Housing Officer, reviewed annually, and made available to Dorset and Wiltshire Fire and Rescue Service for use in the event of an evacuation, as follows:
- For any disabled resident within Sheltered Housing scheme; and
 - For any resident within a Council property regardless of whether we have a responsibility for carrying out a Fire Risk Assessment, where we have been notified that they are storing oxygen in their home for medical use.
- 7.10 When letting properties, the Council will consider the suitability of the accommodation for the prospective resident in respect of fire safety, taking into account any physical, cognitive or mental impairment that they may have that may adversely affect their ability to self-evacuate from the premises in the event of a fire.
- 7.11 The Council is committed to working with Dorset and Wiltshire Fire and Rescue Service to create safer places to live and work. This joint working may include sharing information, having Fire Risk Assessments reviewed and colleague training.
- 7.12 The Council will advise all new tenants of the opportunity to request a free home fire safety check, provided by Dorset and Wiltshire Fire and Rescue Service.
- 7.13 The Council will operate robust processes to gain access should any resident or leaseholder refuse access to carry out essential fire safety inspection and remediation works. For further information, see the Council's Access Policy.
- 7.14 The Council 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.

- 7.15 The Council will operate a robust process to manage immediately dangerous situations identified during fire safety programmes. If a situation arises where there is an imminent risk to life or of serious injury, or a dwelling has suffered a fire, and the Fire Service declares that the property is unsafe for the occupants to return, this will take priority. The action taken by the Council will depend on the circumstances of the situation, but emergency actions may include (but are not limited to) the following:
- Decanting the occupants of the affected dwelling(s) to a place of relative safety/ alternative accommodation.
 - Employing a waking watch (blocks of flats).
 - Carrying out emergency fire safety works/ repairs.
- 7.16 The Council will continue to enforce a sterile environment approach in all internal common areas, requiring tenants to remove combustible materials from corridors and fire escape routes. In general needs blocks of flats, this approach will be managed by the Estates Services team in partnership with the relevant Tenancy Housing Officer.
- 7.17 The Council will ensure that relevant colleagues in its employment and that frequently work within residential blocks of flats and individual dwellings, have a basic understanding of fire safety, can identify fire hazards and risks and, where appropriate, provide advice and guidance to those at potential risk, or know who to escalate fire safety concerns to.
- 7.18 All Council colleagues will be trained on how to make a safeguarding referral. Evidence of staff training shall be recorded and managed by Housing Managers and updated on an annual basis or whenever it becomes necessary to do so.
- 7.19 Any fire safety related near misses, with a near miss being defined as an unplanned event which does not result in a serious injury but had the potential to do so, shall be reported to the Service Lead - Fire Safety and or the Strategic Lead - Compliance, in the first instance. The Service Lead - Fire Safety and the Strategic Lead - Compliance will, in consultation with the Head of Housing and Corporate Repairs, decide if the reported incident meets the criteria for a RIDDOR report to the HSE.
- 7.20 The Council 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.

Barbeques

- 7.21 For any buildings which require Fire Risk Assessments, we will not permit the use of barbeques on balconies, within any internal common areas of the buildings, or within two metres of boundary fences or any flammable structures when within the external curtilage of a building. Where barbeques are used within external common areas, they

must be six metres away from the block, raised off the ground and not left unattended at any time. Barbeques must be fully extinguished and left to cool at the end of any permitted barbeque.

- 7.22 In Sheltered Housing schemes, barbeque events are only to be permitted if a Sheltered Housing team has risk assessed the proposed event in consultation with the Service Lead - Fire Safety.

8 Programmes

Fire Risk Assessments

- 8.1 The Council will ensure all communal blocks and other properties with common areas, that the Council owns and manages have a Fire Risk Assessment in place where the Council has the legal obligation to do so.
- 8.2 Thereafter, the Council will maintain a programme of Fire Risk Assessment reviews by reassessment, on a timescale appropriate to the premises and/or occupation fire risk level.
- 8.3 All blocks of flats, including sheltered housing schemes, will have as the minimum, a Type 1 Fire Risk Assessment (non-destructive assessment of common parts) which will also include a 10 percent check of flat entrance doors where access is granted by the occupants.
- 8.4 The Council will ensure that a pre-occupation Fire Risk Assessment is carried out on all new build schemes or new acquisitions where there is an obligation to do so.

Servicing

- 8.5 The Council 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 the Council owns and manages.

Regular inspections

- 8.6 The Council's Estates Services team will carry out a programme of monthly inspections to the communal areas of all blocks of flats with a fire risk assessment in place, to audit that the appropriate fire safety precautions are in place. The inspection shall include the function testing of the emergency lighting system and automatic opening vent (where present). In blocks of flats that have a communal fire alarm system, these shall be subject to a test regime. All tests are to be documented.

Sheltered Housing schemes

- 8.7 The Sheltered Housing Officer will carry out regular checks (weekdays only) of the communal areas that they are responsible for, weekly alarm function testing, and monthly function testing of the emergency lighting system and automatic opening vent (where present). All tests are to be documented.

Supported Housing schemes

- 8.8 The Supported Housing Officer will carry out regular checks (weekdays only) of the communal areas that they are responsible for, weekly alarm function testing, and monthly function testing of the emergency lighting system and automatic opening vent (where present). All tests are to be documented.

9 Follow-up work

- 9.1 The Council will, as far as is reasonably practicable, endeavour to implement all general fire precaution measures identified by Fire Risk Assessments, in accordance with the following priorities and timescales:
- Intolerable risk – within 24 hours.
 - High risk – within 3 months.
 - Medium risk – 6 months.
 - Low risk – 12 months or delivered as part of a planned programme or works.
- 9.2 Some medium and low-risk actions may be included within planned programme of passive fire safety works and be completed outside the recommended target timeframes. This will be decided on a case-by-case basis by the Head of Housing Technical Services, the Head of Housing and Corporate Repairs, in consultation with the Competent Person, and the Council's appointed fire risk assessor so as not to put any resident at risk of significant harm.
- 9.3 The Council will ensure there is a robust process in place to manage follow-up works arising from fire door audits, and servicing and maintenance checks to fire systems and equipment. Any fire doors that have been identified as being beyond economical repair or beyond the scope of approved repair techniques (ARTs), shall be replaced by the Council's approved external contractor. Any fire door that can be repaired will be either passed to the Operations team or to the Council's approved external contractor.

10 Record keeping

- 10.1 The Council will maintain a core asset register of all properties owned or managed, setting out which properties require a Fire Risk Assessment. The Council will also set out which properties require fire safety servicing and maintenance regimes (for example, fire alarms, emergency lighting, and smoke/heat detection).
- 10.2 The Council will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from fire safety programmes and the programme remains up to date.
- 10.3 The Council will hold fire safety inspection dates, Fire Risk Assessments, Fire Risk Assessment actions, and fire safety servicing records against all properties on each programme.

- 10.4 The Council will keep fire safety logbooks securely on site in a locked documents box that will be sited either adjacent to the fire control panel or within the electrical intake room.
- 10.5 The Council will keep all records and data for the duration that we own and manage the property/in line with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all fire safety related data. This information may also be shared with Dorset and Wiltshire Fire Brigade where applicable.

11 Resident engagement

- 11.1 The Council considers good communication essential in the effective delivery of fire safety programmes. Therefore, the contractors that the Council employ to deliver fire safety improvement works will be required to have an effective resident engagement strategy and communication programme. This will help all residents understand the importance of the works being carried out, which in turn shall help with access to individual flats and enable the works to be delivered safely.
- 11.2 The Council has a legal obligation to provide all tenants in blocks of flats with information on the evacuation strategy that is applicable to the block that they live in, and on the importance of fire doors, on an annual basis and to new tenants on sign-up of their tenancy. This information will be provided in leaflet form and supported by the relevant fire action notice signage displayed in the communal areas and on the internal face of flat entrance doors, sheltered housing blocks only.
- 11.3 Additional fire safety information will be promoted to all residents via regular newsletters, publications, and information on our website.
- 11.4 Tenancy Housing Officers, Sheltered Housing Officers, Supported Housing Officers and Lettings Officers shall provide tenants with general fire safety advice during tenancy sign-up visits, home visits, and property inspections. If they observe potentially unsafe conditions that could give rise to a fire in the property, the visiting officer must put their concerns and follow-up advice in writing to the tenant in question and conduct a series of follow-up visits to ensure the unsafe condition/ behaviour has been rectified.
- 11.5 If necessary, all Council Housing Officers will be required to make a safeguarding referral when the tenant's home and/ or behaviour places them and others at risk of harm.

12 Competent persons

- 12.1 The Compliance Lead – Fire Safety, aka the competent person, shall be able to demonstrate via qualifications and experience the level of their competency. It is expected that a person in the role would hold qualifications in Fire Risk Assessment and Passive Fire Safety. The Council will endeavour to support appropriate professional membership such as Institute of Fire Safety Managers (IFSM) or similar organisation such as the Institute of Fire Engineers (IFE) or Association for Specialist Fire Protection

(ASFP). The Council will support the competent person to improve and update their knowledge.

- 12.2 Any persons employed by the Council to support and assist the competent person, such as the Specialist Compliance Officer - Fire, shall also receive training in passive fire safety and fire door inspection. Training shall be delivered by third-party accredited/ suitably qualified training providers, and training records shall be maintained.
- 12.3 Only suitably competent contractors, Fire Risk Assessors and fire engineers will undertake Fire Risk Assessments or works to fire safety equipment, systems and installations. These must be certified by BAFE or equivalent and be a member of a recognised professional body. Those carrying out Fire Risk Assessments must have skills, knowledge and experience as set out in the Fire Sector Federation's guidance on choosing a competent Fire Risk Assessor.
- 12.4 Only suitably competent fire safety consultants and contractors will provide third party technical quality assurance checks.
- 12.5 The Council will check that our contractors hold the appropriate qualifications and accreditations for the work they will carry out. The Council will check this when we procure them, and thereafter on an annual basis. The Council will evidence these checks and each contractor's certification appropriately. The Council will require external contractors and their operatives who carry out repair, maintenance, installation and other work to fire doors to be accredited with the relevant BM TRADA fire door scheme or equivalent.

Training

- 12.6 The Council will deliver training on this policy and the procedures that support it, including team briefings; basic fire safety awareness training for all colleagues who deliver property compliance activity; and on the job training for those delivering the programme of Fire Risk Assessments and other fire safety programmes, planned maintenance and repairs works as part of their daily job. All training undertaken by colleagues will be formally recorded.

13 Access arrangements

- 13.1 For further information about how the Council acts, and escalation routes, where repeated access attempts are unsuccessful, see the Access Policy.

14 Reporting

- 14.1 The following performance indicators are reported to the Compliance Scrutiny and Assurance Group monthly.

- 14.2 The Council will maintain accurate records of the following:

14.3 Data

- The rate of compliance with the Fire Risk Assessment programme

- The number of Fire Risk Assessment actions that are in date and those that are overdue.
- The number of Fire Risk Assessment actions by work type.
- Properties without a valid and in date Fire Risk Assessment
- Completed, in-time and overdue follow-up works/actions arising from the programme (split by priority).

14.4 Narrative – an explanation of the:

- Enforcement Action and fire safety audits carried out by Dorset and Wiltshire Fire and Rescue Service.
- Contractors' activities, progress and performance
- Corrective action required.
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.
- Risks associated to the Fire Risk Assessment programme, Fire Risk Assessment actions, programme of passive and active fire safety works.

14.5 Additional evidence

- 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.

15 Quality assurance

- 15.1 The contracted Fire Risk Assessment provider shall have an internal method of peer review of all Fire Risk Assessments before they are released to the Council.
- 15.2 The competent person will carry out quality assurance audits of Fire Risk Assessments (field and desktop), on a sample basis.
- 15.3 External contractors employed by the Council to deliver passive fire safety works will have to hold third-part accreditation for the services that they provide. Such third-party bodies regularly audit their members to ensure the quality of workmanship and knowledge is maintained and kept up to date.
- 15.4 The fire safety works undertaken by external contractors will be proportionally checked by the Council before the payment of any invoice. Contractors that have demonstrated a high level of competence and consistently deliver high quality works will be subject to a lower level of post-works scrutiny.

16 Significant non-compliance and escalation

- 16.1 The Councils definition of significant non-compliance is any incident which has the potential to result in a material breach of legislation or regulatory standard, or which causes a risk to health or safety. 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 Council employee becoming aware of it.
- 16.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Housing & Corporate Repairs in the first instance, who will agree an appropriate course of corrective action. The Head of Housing and Corporate Repairs will report details of the incident to the relevant Accountable Person.
- 16.3 In cases of serious non-compliance, the Director of Housing, the Cabinet Member for Housing and Property and Corporate Management Team 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. In such instances, the issue will also be reported to Cabinet.

17 Monitoring and review

- 17.1 This policy will be reviewed every two years or sooner if legislation or regulations change.