

## **Fire Protect Programme**

### **Ethics, Transparency & Audit Panel Issue Date: November 2020**



#### **Please Note:**

Due to Covid-19 the finalisation of the review has taken longer than anticipated, sometime has elapsed since the field work for the review and due to this there is an update in Appendix 1 of the actions taken by FARS management on the recommendations made.

Review number 19003

## About ETAP

The Ethics, Transparency and Audit Panel (ETAP) is made up of members of the public, who play a significant and central role in ensuring effective accountability and governance is delivered.

ETAP is about much more than fulfilling statutory Audit Committee responsibilities, it has used its wide-ranging and rigorous powers to scrutinise crime recording, forensics, Taser use, and stop and search to make sure decisions made by the police are correct and in the best interests of the public.

ETAP was set up by Matthew Ellis, the Staffordshire Commissioner for Police, Fire and Rescue and Crime to make policing in Staffordshire the most open and transparent in the country.

To find out more about ETAP and see previous reports go to, <https://staffordshire-pfcc.gov.uk/ethics/>

<b>Review</b>	<i>Fire Protect Programme</i>
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<b>Approved by</b>	Strategic Governance Board (SGB)
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# **Fire Protect Programme**

## **Objective**

All fire and rescue services must promote fire safety, including fire protection. ETAP seek reassurance that Staffordshire Fire and Rescue (FARS) comply with all conditions to meet this requirement.

The desired outcome is reassurance that FARS are categorising the risk of premises, prioritising inspections, maintaining and complying with inspections and undertaking appropriate enforcement actions.

This review of fire protection within the service is to include the Risk Based Inspection Programme, how inspections are undertaken, enforcement action follow-up and available resources.

(Source: Thematic Review Terms of reference)

## **Methodology**

The methodology undertaken by the team was to obtain information from a series of interviews with key operational staff (at Station level) and senior management with responsibility for compliance with the protection legislation. Formal interviews were arranged and key questions identified in order to inform the Terms of Reference brief requirements.

As a result of COVID 19 and associated lockdown issues, work on the review was immediately suspended and put on hold with effect from March 2020. As a result, planned interviews with Hanley-based operations staff / management and discussions with senior management to validate interview findings, recommendations or team review could not be undertaken. This report is therefore presented with the caveat that all the work undertaken was done some time ago and additional work would have been undertaken had circumstances allowed. Where further information has subsequently become available this has been incorporated into the report by way of update.

## **Summary findings**

This report summarises the main findings identified following interview of key officers (Operational Staff (Cannock Community Fire Station) and Headquarters staff (Pirehill HQ). The review has been interrupted by COVID 19 as this restricted the ability of the team to complete the full information gathering process (i.e. review of Hanley operations and processes), review of requested documentation and formally agree a team report.

This report has been produced to identify findings to date and recommendations on the basis of the work that the review team was able to complete.

The main findings are detailed below:

## **1. Legal Environment**

- The pieces of Primary Legislation which empower the FARS to undertake their work are:
  - The Fire and Rescue Services Act 2004
  - The Regulatory Reform (Fire Safety) Order 2005
- Fire safety law changed in October 2006 with the introduction of the Regulatory reform (Fire Safety) Order 2005. This covers general fire safety in England and Wales and places the responsibility on individuals within an organisation to carry out risk assessments to identify, manage and reduce the risk of fire – these individuals are identified as ‘responsible person’. Guidance for the responsible person is available through a suite of documents which are also familiar to the FARS.
- The Fire Service has regulatory oversight and enforcement responsibility for the fire safety of the common parts of the regulated buildings, as described by the Regulatory Reform (Fire Safety) Order 2005.
- In parallel, Environmental Health Officers working for local authorities have general (and sometimes overlapping) powers under the Housing Act 2004 to uphold minimum housing standards against key hazards such as poor fire safety. During refurbishment/change of use, each of the regulators can become involved, albeit in overlapping processes designated by several pieces of legislation.
- All FARS must promote fire safety, including fire protection.
- FARS Duty to promote Fire Safety – letters are sent to premises to identify that an audit is to be undertaken and an appointment confirmation and guidance on what is expected (pre inform Auditee of inspection/what is required in order at time of visit they are prepared).
- It is the responsibility of the responsible person to make sure that the premises are in order. The role of FARS is to advise unless serious and enforcement action is required to escalate action and ensure compliance. Advice/information is given at the audit visit.

## **2. Risk Based Inspection Methodology / Risk Assessment**

- The FARS complies with the spirit of the 2004 Fire Safety Legislation and undertakes a risk-based approach to carrying out its Fire Safety Audit Inspections.
- The Experian Data base records all business properties identified, prioritising those most at risk of fire.

## Property Risk Assessment

- The system assesses each property on its risk to fire on a score up to 100 – High Risk Properties i.e. those rated 90%+ plus, fire referrals form the basis of the inspection regime (**inspection under 7.2d of the Fire and Rescue Service Act 2004**).
- The FARS has an approved process for undertaking risk reviews. (see **Appendix 2: PORIS/EXPEDIA – Risk Based Flowchart**).
- The Experian System provides the dataset for the Fire Safety Inspection Audits.

## Risk Modelling

- The modelling system used to assess High Risk Properties for review/inspection takes into account the Experian Dataset, Sleeping Risk, time since last visit and history of fire. Risk profiling is heavily influenced by the Ministry of Housing, Communities and Local Government, the Home Office and the National Fire Chiefs Council, all of which provide external checks on risk stratification as well as supplying and providing access to other data sets.
- The use of the Experian Risk assessment model was planned for a 12-month period (2018); performance of the model should then have been reviewed and assessed for delivery of inspection lists for Fire Safety Audit Inspection.
- The Staffordshire Fire and Rescue Services undertake risk-based audits on 'High Risk Premises'. The risk is identified by undertaking Fire Safety Audits under the Regulatory Reform (Fire Safety) Order 2005 and Site-Specific Risk Inspections under 7.2d of the Fire and Rescue Service Act 2004.
- A high-risk premise is defined as either:
  - I. Premise scoring 90 or more on the risk percentile provided by Experian (and is also a sleeping risk premises), and,
  - II. any building deemed High or Very High Risk following an **inspection under 7.2d of the Fire and Rescue Service Act 2004**.
- Safety Audits are undertaken at all high-risk premises (1770 premises in 2019) over a 2-year time period. Fire Safety (Protection) Risk Based Inspection Programme data collected is fed into the development and evaluation of the Service's Safety Plan and fire risk in the community. High risk premises are identified either from the Experian Data Base or from referrals following fire inspections/fire incidents.

- Premises identified for Audit Inspection are provided from Audit inspection lists produced by the Experian System, whereby a list of premises is provided that are deemed at the highest risk.

### **The Risk Based Inspection Programme**

- Forms part of the Service's overall integrated approach to management by prioritising the visits by Fire Service Protection staff to the premises. This will initially be determined by the dataset provided by Experian for non-domestic premises in Staffordshire.
- The Experian list is further prioritised by inclusion of sleeping risk premises (including Nursing Homes, Hospitals & Multi Occupational Properties) that are deemed to be a fire risk and infirm/at risk occupancies.
- Premises that also score as high or very high risk following an inspection under 7.2d of the Fire and Rescue Service Act 2004 will also be classified as a premise that will be deemed as high risk, this includes domestic premises where the Regulatory Reform (Fire Safety) Order 2005 applies, and warrants an audit under the Regulatory Reform (Fire Safety) Order 2005. Any premises that is deemed as unsatisfactory following a fire safety audit (where a re-visit from a Fire Safety Officer is required following the initial audit, generally action plan or higher), will also receive an inspection under 7.2d of the Fire and Rescue Service Act 2004.
- The review did not see evidence of any formal process for feeding back information/risk review into the risk assessment process, other than verbally at team meetings.

### **3. Daily Management Operations System (identified as CFRMIS)**

- Management operate the CFRMIS System for managing daily operations, providing management with the information for maintaining, record and monitoring compliance data from inspections.
- Daily Computer Operating System providing daily administrative support including file records, administrative information and letters, appointments, inspection results, etc.
- Officers confirmed that they were not aware of any system failures but identified that the system was old and required a review (it can be identified as a business-critical system for day-to day delivery of service). If the system did not work, then this would cause operational difficulties and risk. This identified that the system had a lot of bespoke work and previously had been supported by an external consultant. It could not be confirmed whether appropriate system/file backup or business continuity could be assured.

- Information from Audit inspections carried out is fed into CFRMIS (including correspondence files). The CFRMIS also records the Audit Safety Reports (Paper Base) Admin staff have access to system – and all premises on the list. But they do not know if any properties/business has been missed.
- Management have no issues with CFRMIS but current issues raised by the thematic review question the controls operated over the system re:
  - Recovery Processes,
  - Future flexibility of its development to service changes,
  - Business Continuity/system identified as the critical system maintaining/holding operational data/daily service needs/information & records,
  - Contingency Plans in case of system failure.

(Note: the decision has now been taken to replace CFRMIS with the Infographic prevention/protection module in line with the Service Digital Strategy).

#### **4. Management Review of Inspection Resource & Inspection Resource Demand**

- HMICFRS has national concerns that appropriate Inspection resources are in place to appropriately undertake inspections in compliance with the Protect Legislation.
- Results from the previous pilot inspections (tranche 1 & 2) emphasised the theme of the sufficiency of Inspection resources. As a result, FARS undertook a review of its resources compared with expected future demand – the review identified a shortfall and 3 FTE's were added to establishment – these posts will be fully operational during 2020.
- Management feel confident that the current level of resources for Fire Safety Inspection/Audit are appropriate for the level of demand to ensure High Risk Inspections can be undertaken within the 2 yr. deadline.
- Management should undertake regular Inspection Resource Reviews to ensure resources match the demand needs.
- Additional FTE's will help release capacity to undertake more Audit Inspections in light of demands on the service to meet Statutory duties Building Regulation & Licensing requirements.

#### **5. Enforcement**

- The FARS takes on a supportive approach to working with businesses in its delivery of fire safety compliance. Formal enforcement powers are available to ensuring fire safety compliance. FARS focus is on more prevention rather than legal enforcement action and prosecution. Staffordshire Fire and Rescue Service has not used its powers to prosecute in any year since 2010/11 since records began (HO Data).

- The type of notices that can be issued are: -
  - Informal notifications,
  - Alteration notification,
  - Enforcement notices, and
  - Prohibition notices.
- Fire Safety inspectors receive training to prepare cases for prosecution, with a small team of Fire Safety Officers used to undertake prosecutions. This is due to the competency required and the need to maintain experience.
- Because there have been no prosecutions, experience of preparing and delivering them has not been accumulated. However, some cases have been prepared for legal view/assessment but, following legal advice and a test of public interest, have not gone forward for prosecution. Legal support, where required, can be obtained from other local services (i.e. Derbyshire Fire & Rescue Services) and the Staffordshire Commissioner's Office.
- Fire Protection Team meetings are used to share knowledge in building cases but actual confidence and skill sets could be improved with more extensive training.

## **6 Competing Resource allocation – Re Inspections of High-Risk Properties**

- The Inspection resource within FARS is shared between resource demands from:
  - a) Fire Safety Inspection Audits,
  - b) Inspections in relation to Building Control (requires 15 day turn around), and
  - c) Ad hoc Licencing inspections.
- Building Control inspections have to be undertaken within 15 days – these are high priority and are undertaken before Fire Safety Inspections. Once Building Regulation inspections are completed, then remaining resources are focused on Fire Safety Inspection Audits.
- All correspondence in relation to audits and inspections is validated by management.

## **7 Web Site Usage Review and Future Opportunities**

- There is a large amount of information on the website and the Service points people to other sources of information as well as participating in national campaigns using a wide range of social media.
- The review identified that more proactive use could be made of the website re the Protect Strategy, both to advertise/inform public about it and to inform businesses of their responsibilities.



- In respect of the Protect Strategy & Fire Safety Inspection/Audits officers were not aware that the website contained information in respect to this area to allow businesses to access information of what was expected of them or what they needed to do.

## **8 Out of Hours Cover is provided**

- Out of hours cover is provided.
- If no one is available, a message facility is available – subsequently referred to the help desk.
- Calls/phone calls to Fire Stations are responded to by the Fire Safety Officer on Duty or Station Manager. Consideration was being given to setting up a more formalised rota but a cost benefit analysis pointed to this not being the most efficient solution.

## **9 HMICFRS Review 2018/19 Tranche 3 (Staffordshire Review)**

- The results of the inspection review issued 17<sup>th</sup> December 2019 identified Staffordshire Fire and Rescue as “Good” in its assessment criteria.
- No material issues were raised in respect to the Protect Strategy but reference was made for *‘management to ensure that regular reviews were undertaken to ensure that adequate resource was available to undertake Safety Audit Inspections to all High-Risk Properties within a two-year period’*.
- Resources are a critical issue as they are shared between competing inspection processes – Fire Safety Inspections, Building Regulation Inspections and some licencing reviews. Building Regulations take priority as they require a turnaround of 15 days; when these are completed resources are then focused on undertaking Fire Safety Inspections. The demands re Building Regulations Inspections and potential adverse impact on Fire Safety must be monitored and managed.

## **10. Future Issues & Opportunities**

- Training (Fire Crews): there is an expectation that this will be rolled out to fire crews during 2020- this would allow additional resource for the Protect Strategy in the following 5yrs - Fire crews to carry out fire safety audits - but this would be subject to crew competence/education & training being undertaken – at present fire crews do not undertake Fire Safety Audit Inspections.

## Conclusions

1. From preliminary information obtained from the interview process and review:
  - a) It was evident that a risk-based approach is being adopted for high risk property inspections. However, it is not clear whether the property data base is complete, independently verified or the criteria for high risk is appropriate – though subsequent information provided assurance on this (See the section on Risk Modelling above). The risk criteria are determined by Experian software program which generates the daily inspection sheets.
  - b) Can give ETAP a level of assurance (re-assurance) that appropriate mechanisms and processes are in place to enable the Staffordshire Fire to comply with legislative requirements. This will be further re-enforced subject to management's response to the recommendations of this Review which are outlined below.
2. The level of resources allocated to the Protect Strategy was highlighted in the Tranche 3 – Fire & Rescue Service Inspections 2018/19 (HMICFRS) (and the previous two pilot reviews) as an area that Fire Authorities keep under close review. The Staffordshire Commissioner Fire and Rescue Authority undertook a detailed review of its resources which resulted in the establishment being increased by 3 FTE Inspectors. The additional resource was deemed to be sufficient at that time to enable high risk safety audits (90%+) to be undertaken within a two-year timeframe.
3. There was little evidence of prosecution action as management adopt an approach of proactively working with businesses and managers feel that a collaborative approach gets the better results.
4. It was identified that the daily computer systems (CFRMIS) managing the operations and file records was old and was potentially in need of review. Users of the system could not confirm at interview whether or not there were appropriate back-up processes for the system or recovery of data held to ensure business continuity. In the event of any system failure daily operations would be dependant solely on any hard copy held which could lead to operational disruptions.
5. In discussions with the Director of Finance (S151 Officer) it was identified that appropriate resources were in place to deliver the Protect agenda and if any resourcing issues were to arise then these would be financed from contingencies within the budget.

## Recommendations

It is recommended that management:

1. Review the process criteria and methodology used by Experian to create the database and methodology re property selection (90%+ rating of fire risk). In addition, management should seek independent validation that the properties held on the system (rated high/higher risk) are complete and none are missing.
2. Review the level of Fire Inspection resource (FTE) on a regular basis to ensure it is sufficient to undertake inspections in a timely manner and the High-Risk Properties (Inspection Register) rated 90%+ on the Experian Data Base can be achieved within the planned two-year timeframe.
3. Undertake a review of the backup and administrative controls exercised over the Computer Administrative System (CFMIS) which is a business critical, being used to manage day to day activity and administrative operations in order to ensure business continuity/no system failures which would adversely affect the ability of the station to operate. Specific attention should be focused on who owns and manages the system, file backup/recovery, security access ongoing maintenance and appropriate IT support. Any issues/risks should be recorded and monitored through the Directorate Risk Register. This would be subject to actions taken in compliance with item 4.
4. Urgently pursue other options for the replacement/updating of its operational computer system (CFMIS) day to day system recording & controlling key administrative data re Fire Safety Inspections, Inspection Register, Inspection Findings and operational records re ensuring business continuity as a result of the potential replacement system SEED which is not being progressed by Hull University. The CFMIS system is service critical and should be replaced. Without the system there appears to be no alternative way of accessing the information, ie no hard copy. As regards the existing situation regarding prosecutions there is a vital knowledge gap. None have been undertaken and the team lack the knowledge and skills to undertake the work. Therefore, there is an obvious and urgent training need which requires addressing. We recommend imminent training of at least a basic level.
5. Urgently review its enforcement actions/process including the capabilities and knowledge base of staff to undertake prosecutions where appropriate. As no prosecutions have taken place there is a training need which was identified as a potential weakness from staff discussion. If staff have no idea what the prosecutions entail this leaves them at a disadvantage when making assessments.
6. Review the methodology/inspection criteria re identification of high-risk properties and consult with other Authorities (Family Group) National Groups on the appropriateness of the current criteria (90%+ plus referrals).
7. Review the website content on Fire Protect to ensure that it is comprehensive in terms of its guidance and provides information on key contacts for sources of help and advice, both to raise awareness of Fire Protect amongst the general public and to maximise knowledge transfer to businesses.

## Contributors to the Report

We wish to thank the following for their assistance and cooperation:

Matt White, Fire Safety Officer.  
Jess Taylor, Fire Safety Officer.  
David Williams, Fire Safety Officer.  
David Greensmith, Finance Director.  
Glynn Luznyi, Director of Response.

## Documents and/or Systems used in the scrutiny process

### External Documents:

- a) HMICFRS Pilot Review Reports (Tranche 1 & 2 – 2018 – 19 Inspections),
  - Summary of findings from Tranche 1 – Issued Dec 2018.
  - Summary of findings Tranche 2 – Issued June 2019.
- b) HMICFRS Tranche 3 (Including Staffordshire Fire & Rescue Authority) Report Issued 17<sup>th</sup> December 2019.

### Internal Documents:

- c) Fire & Rescue Plan 2019/20.
- d) Risk Based Inspection Programme – End Project Report Template.
- e) Fire safety Officer – Out of Hours.
- f) Fire Safety Training Operating crews.
- g) PID Risk Based Inspection Programme.
- h) Protect Performance Meeting – Update Teams.
- i) Resourcing Fire Safety Teams to Risk – SMB 06/09/2019.
- j) Risk Based Inspection Programme & Guidance (Appendix 3 – Risk Based Flowchart).
- k) Fire safety Mtg – Nov 2019 – Review Statutory Notices (prohibition Notices/ Enforcement & BR & Fire Safety Inspection Audit).

## Declaration

The conclusions and recommendations made by ETAP are on an independent basis and will not be changed unless by factual challenge or based on new information provided.

Recommendation	Response
<p>1. Review the process criteria and methodology used by Experian to create the database and methodology re property selection (90%+ rating of fire risk). In addition, management should seek independent validation that the properties held on the system (rated high/ higher risk) are complete and none are missing</p>	<p>The data sets used internally are now validated and cross mapped with data sets from Ministry of Housing, Communities and Local Government (MHCLG). This is a result of the Building Safety Programme following the Grenfell Tower fire. Progress against the agreed list of high and very high risk premises is monitored by Central Government with monthly returns being made by the Service.</p>
<p>2 .Review the level of Fire Inspection resource (FTE) on a regular basis to ensure it is sufficient to undertake inspections in a timely manner and the High-Risk Properties (Inspection Register) rated 90%+ on the Experian Data Base can be achieved within the planned two-year timeframe.</p>	<p>The additional resource (3 FTE inspecting officers) agreed by the Authority in Sept 2019 was sufficient to undertake the High Risk inspection programme as planned in 2019. Since the review the sector has worked with Central Government to establish the Building Safety Programme to make sure that buildings are safe - and people feel safe - now, and in the future. MHCLG have provided additional data sets identifying high risk residential buildings (as mentioned in recommendation one) and additional funding to increase capacity to undertake these inspections. This funding is being used to train additional staff, particularly operational firefighters to undertake these inspections. All these buildings will be inspected in accordance with the funding timeline and are due for completion by December 2021.</p>

Recommendation	Response
<p>3. Undertake a review of the backup and administrative controls exercised over the Computer Administrative System (CFMIS) which is a business critical, being used to manage day to day activity and administrative operations in order to ensure business continuity / no system failures which would adversely affect the ability of the station to operate. Specific attention should be focused on who owns and manages the system, file backup / recovery, security access ongoing maintenance and appropriate IT support. Any issues / risks should be recorded and monitored through the Directorate Risk Register. This would be subject to actions taken in compliance with item 4.</p>	<p>3. and 4. Since the ETAP audit the Service has implemented a Digital Strategy and invested in a replacement IT system which replaced CFMIS and the other Protection and Prevention Software. The new Prevent and Protect system provides one integrated location and database for safety audits, enforcement, operational risk, 'safe &amp; well' and hydrant information. This integrated data set combines elements such as fire fighter risk analysis, typical occupancy, and number of storeys and provides resilient access to information for anyone in the Service. The Service are the first FRS to adopt an integrated solution that seamlessly joins up work and data flows across Resource Management departments, Emergency Response, and Prevention and Protection.</p>
<p>4. Urgently pursue other options for the replacement / updating of its operational computer system (CFMIS) day to day system recording &amp; controlling key administrative data re Fire Safety Inspections, Inspection Register, Inspection Findings and operational records re ensuring business continuity as a result of the potential replacement system SCEED which is not being progressed by Hull University. The CFMIS system is service critical and should be replaced. Without the system there appears to be no alternative way of accessing the information, i.e. no hard copy. As regards the existing situation regarding prosecutions there is a vital knowledge gap. None have been undertaken and the team lack the knowledge and skills to undertake the work. Therefore there is an obvious and urgent training need which requires addressing. Could we definitely recommend imminent training of at least a basic level.</p>	

Recommendation	Response
<p>5. Urgently review its enforcement actions / process including the capabilities and knowledge base of staff to undertake prosecutions where appropriate. As no prosecutions have taken place there is a training need which was identified as a potential weakness from staff discussion. If staff have no idea what the prosecutions entail this leaves them at a disadvantage when making assessments.</p>	<p>The Service will always work with business in accordance with the enforcement concordat to support local economic growth and a safe built environment. Where necessary enforcement action is taken and if it is deemed in the public interest prosecution is used. Enforcement action is taken, where appropriate, following Protect Inspections, operational activity, or when the Service is made aware of any fire safety concerns. The Service maintains the skills and appropriately uses the suite of enforcement actions including: Alteration notices, Improvement plans, prohibitions and prosecutions. The Service currently has two live prosecution cases with external Barristers. One has originated from an operational incident and one from Protect activity.</p>
<p>6. Review the methodology / inspection criteria re identification of high-risk properties and consult with other Authorities (Family Group) National Groups on the appropriateness of the current criteria (90%+ plus referrals)</p>	<p>The criteria for high-risk properties has been reviewed and increased to include the factors coming out of the National Building Safety Programme. This is constantly reviewed and updated based on evidence from across the country.</p>
<p>7. Review the website content on Fire Protect to ensure that it is comprehensive in terms of its guidance and provides information on key contacts for sources of help and advice, both to raise awareness of Fire Protect amongst the general public and to maximise knowledge transfer to businesses</p>	<p>The website has been reviewed and contains links to comprehensive guidance for both business and the general public. The Service is also working with an external national provider and partnering with the national 'Fire Kills' campaign to further improve the online offer.</p>

## PORIS – EXPERIAN : FIRE SAFETY AUDIT FLOWCHART

