

Lancashire Combined Fire Authority

Planning Committee

Meeting to be held on 6 February 2023

Protection Inspection Programme - Forward Proposals (Appendix 1 refers)

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Executive Summary

As the landscape for Fire Safety Enforcing Authorities changes so must how Authorities define risk and manage available resource. This paper proposes that we re-define our 'risk based' inspection programme, taking into consideration national best practice. Through reframing the risk methodology, Service performance requirements will be more realistic and achievable and much needed capacity freed up to complete building regulation consultations within timescales, accelerate staff development to competency and increase engagement with strategic and local partners.

Recommendation

Planning Committee is asked to note the information provided and endorse to the Fire Authority that the Service refine the Fire Safety Inspection Programme.

Information

Nationally, the terminology '*Risk Based Inspection Programme*' (RBIP) is predominantly applied to a list of commercial premises which has undergone some form of scoring, triage or consideration by the Fire Safety Enforcing Authority to deem it warranting an audit by a competent Fire Safety Inspector (FSI). There is no one piece of guidance that Fire and Rescue Services (FRS) can use as the 'how to' for RBIP and there is no national scoring mechanism however, Lancashire Fire and Rescue Service (LFRS) has led on this for several years and continue to shape national thinking.

LFRS existing 'risk based' methodology is applied to circa 65k+ premises which, when additional criterion is applied, sets an inspection target of the top c.7.4k premises over a 3-year period; equating to c.2.5k audits per annum. This list of 7.4k premises is then referred to as the RBIP.

Issues with inspection programmes being discussed nationally include how best to discharge resources towards 'assumed risk' – that being derived from data – versus 'live risk' - that being the known risk i.e. Business Fire Safety Check (BFSC) outcomes, complaints, local knowledge, district planning etc. The changes within this proposal are developed with this in mind to afford LFRS the capacity to remain agile to both elements of risk. It is also noted that nationally, the application of a purely assumed weighting or score applied to a premises to determine its level of risk, will result in the

same premises being audited time and again. This, for LFRS, will result in the top c.7.4k premises being audited repeatedly.

The existing weighting/scoring methodology has been strength tested by Lancaster University and is aligned to national guidance and best practice¹.

The methodology is applied in such a way that focus is driven towards:

- Occupant's sleep, are unfamiliar with the premises and unable to escape without significant assistance and pre-planning (e.g. Hospitals, Nursing & Care Homes)
- Occupants sleep and are unfamiliar with the premises (e.g. Hotels and Hostels)
- Occupants sleep and are familiar with the premises (e.g. blocks of flats)
- Occupants are awake but unfamiliar with the premises (e.g. theatres, pubs, clubs)

To undertake this work, LFRS Protection department currently has 41 roles with differing levels of responsibility for auditing premises, ranging from:

- 'Developing' Business Safety Advisors (BSA) – no qualifications
- BSA – Level 3 (L3) competent
- 'Developing' Fire Safety Inspector – L3 competent, developing to Level 4 (L4).
- Fire Safety Inspector – L4 competent.
- Fire Safety Manager – developing towards Level 5 (L5) or L5 competent.
- Fire Engineers – Level 6/7 competent or developing.

Aligned to each role, LFRS applies a Performance Framework which outlines the inspection targets for each role.

From 1 April 2022 to 31 December 2022, the department has undertaken 6081 fire safety interventions ranging from audits, building regulation consultations, licensing applications and peak risk inspections out of hours with partner agencies.

As the regulatory environment changes, the requirements placed upon Fire Safety Enforcing Authorities continue to emerge and grow. The laying of new legislation and the creation of the Building Safety Regulator (lead by the Health and Safety Executive) are a few examples which create further demands on the Authority's ability to inspect against existing practices.

LFRS inspection activity (against its own performance criteria) is reported to the HMICFRS, NFCC Protection Policy Reform Unit (PPRU) and in turn the Home Office on a quarterly basis.

With a full complement of competent staff, the current workforce profile could complete c.3k inspections per annum. However due to the demands of recruitment, limited training providers, time to attain competency, new legislation/directives etc. we currently have capacity to undertake c.1.9k. Under the existing programme, focus is driven to the top c.7.4k premises with only inspections on these premises being reported upon. This results in a significant amount of work (c.40% of all inspection activity) being under-reported, purely by virtue of it not being deemed as 'risk based'. One area which highlights this is the development of the Business Fire Safety Check (BFSC). As

¹ IRMP GN.4 'A risk assessment-based approach to managing a fire safety inspection' (2009) along with NFCC guidance – 'Preliminary Guidance Technical Note Higher Risk Occupancies' published in 2021.

operational crews identify 'live risk' which requires follow up enforcement activity, the current reporting method does not reflect this work as these premises are not within the top 7.4k of premises within the RBIP.

Likewise, with improvements to strategic relationships with Local Authority Housing teams, Care Quality Commission and care commissioners, further referrals are drawing inspectors away from the top premises deemed as being the RBIP, however serving significantly to reducing 'live', known risk in other premises types.

With the current trend in new demands along with the impacts on workforce planning it is foreseen that LFRS current inspection methodology and performance criteria require redefining to ensure they remain cognisant of 'live risk', rather continuing to service residual or consequence risk and drift further from the present performance targets.

Summary of current issues:

- Little scope within capacity, to action 'risk' outside the existing 7.4k RBIP premises.
- Performance reporting is aligned only to the top 7.4k premises.
- The existing methodology and direction will result in the same premises being audited time and again due to 'residual risk' or perceived 'consequence'.
- The requirement to audit these premises on a cyclical basis, results in other known-risk premises not being audited.
- The target set for the 3 years (c.7.4k) period is being impacted by competency, staffing numbers and 'other work' which is not being reported or recognised as part of broader risk reduction. As such we will always be under reporting our activity against our target.
- If the existing methodology is applied to existing datasets the current approach will see the target number grow from 7.4k to an estimated 9k premises to audit in 3 years' time, outstripping inspectors' capacity.
- Currently, capacity to achieve improved performance in other aspects of work is limited e.g. responding to Building Regulation consultations within the statutory 15-day timescale.

Forward Plan

It is not proposed that any significant change occurs to the existing RBIP weightings within the methodology. This means the underpinning (tested) methodology (appendix A) remains, however is further strengthened by refining our data and defining more realistic and achievable targets. In time, as our systems improve, we will include 'previous outcome' as a weighting. This will see premises with a history of poor or non-compliance being rated as higher risk and is in line with emerging guidance.

Following significant work with our premises dataset, moving forward we can greatly refine the number of premises in Lancashire to which the Fire Safety Order applies. By aligning the premises type/use, with both the primary regulator and the competency of staff (in line with the Competency Framework for Fire Safety Regulators) we are more accurately able to define which premises LFRS is the primary regulator for; along with the level of intervention required. This, in turn, provides us with a refined list of c.5k higher risk premises² which LFRS inspectors should audit. Using the refined dataset

² 'Higher risk premises' are those whose classification/use is such that, in line with the Competency Framework for Fire Safety Regulators, requires either a L3 or L4 inspector to audit initially.

this equates to c.3.7k of premises to be audited by a Level 4 qualified inspector and 1.3k of premises to be audited by a Level 3 qualified inspector.

We have applied this methodology across the entire Lancashire commercial premises dataset (c.65k premises) and this new ethos effectively provides a risk-based list of commercial premises. Importantly, it also provides improved granularity to enable us to apply the most appropriate fire safety intervention for that premises type, making the most efficient and effective use of resources and competency. This, for example, may be the completion of a BFSC at a very low risk premises, or a Level 4 inspector at a higher risk premises. The tiered intervention approach to the entire inspection programme will enable LFRS to remain 'risk based' and deploy resources across a range of premises types rather than simply focusing on the top 7.4k.

Over the coming months, the Protection department will complete the final elements of our transformation process which will include the proposed changes to the inspection programme. This will also see the area-based teams reshaped to support the delivery of the inspection programme, the Building Safety Regulator and the ongoing delivery and development of the BFSC.

The ongoing development of our dataset will continue over many years as business as usual to ensure our resources remain managed efficiently and effectively.

The redefined c.5k higher risk premises will be the key focus for Area-based teams in line with both the performance framework and competency, with a completion target of 36-48 months.

The proposed changes to both the inspection programme targets and performance framework will ensure we remain well placed to meet our inspection programme over the 36–48-month period, whilst also ensuring that we are best placed to service a projected c.3k of BFSC follow on visits by inspecting officers, meet our statutory requirement for completion of Building Regulations submissions, and additionally continue the development of our fire safety staff to achieve competence.

Summary of Proposed Changes

- Rename the 'Risk Based Inspection Programme' to the 'Inspection Programme' (IP) incorporating all c.65k commercial premises.
- Apply a tiered fire safety intervention methodology to all commercial premises.
- Define new performance target for the higher risk premises (c.5k over 36-48 months) to balance 'known risk' vs 'unknown risk'.
- Define new performance targets for each role.
- Define the primary regulator for premises types.
- Share LFRS dataset with local authorities (as primary regulator) to assist in their inspection programmes.
- Redefine our inspection programme to both HMICFRS and PPRU as 'defined higher risk premises'.
- Update our recording system to better reflect our approach and enable better reporting into CFA, HMICFRS and PPRU.

Benefits

Reframing our methodology and changing targets will:

- Allow us to apply a new policy to auditing frequency (up to 48 months for higher risk premises) and move away from current targets and aligned to more realistic figures which reflect all the risk-based work undertaken.
- Apply the 'risk based' methodology to the 65k+ commercial premises however apply a tiered intervention approach (competency-based) i.e. BFSC, L3, L4, L5 inspections etc.
- Clearly define our inspection programme methodology to other regulators.
- With current capacity (2k audits) we will achieve or over-achieve our yearly performance target.
- Create capacity within teams to undertake work in line with the local district planning i.e. peak risk inspections, inspections based upon local KPI issues, joint inspections.
- Improve performance in terms of meeting the statutory requirements of Building Regulation consultations.
- Be better prepared for future changes and/or direction from central Government e.g. a medium-rise risk review.

Business risk

Medium

By continuing with the existing performance requirements and reporting, LFRS will continue to set a target that is unachievable due to several factors including, staffing vacancies, limited training providers, timescale to achieve competency and our existing workforce profile. This, in turn, will result in continued under-reporting to the CFA, HMICFRS and PPRU.

Sustainability or Environmental Impact

None identified

Equality and Diversity Implications

None identified

Data Protection (GDPR)

None identified

HR implications

None identified

Financial implications

None identified

Local Government (Access to Information) Act 1985

List of background papers

Paper:

Date:

Contact:

Reason for inclusion in Part 2 if appropriate: N/A