

# Are you sitting safely?

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## Nick Hunt reports on requirements to ensure that building owners have the necessary fire safety information

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[Building Regulation 38](#) requires those who have constructed a building to provide as-built drawings and identify all fire safety design measures in appropriate detail on completion or occupation, to assist the "responsible person" in operating and maintaining the building safely. Approved Document B (0.13) also requires this information to be relevant to the anticipated management regime for the building.

Your client has paid for it. You have provided the information, so now you can sit back safely. Or can you? Does your client understand the importance and relevance of this information?

*Does your client's building have 'brakes', and are they being maintained to support necessary fire safety?*

By way of analogy, consider buying a new car. You drive away from the showroom with some colleagues as passengers. It has a new car smell and looks wonderful, and you are all thinking about the journey ahead. You go to apply the brakes, but they are not there. Your lives are suddenly in danger. This is hardly the time to find out that such vital components are missing.

If Regulation 38 information has not been passed forward, the responsible person will not know about fire safety measures in their building. They cannot undertake their legal duty to carry out a "suitable and sufficient" fire risk assessment and act on the findings as required by the [Regulatory Reform \(Fire Safety\) Order 2005 \(FSO\)](#). Does your client's building have the 'brakes', and are they being maintained to support necessary fire safety?

As the requirement has been in place since April 2007 ? originally as Regulation 16B of the Building and Approved Inspectors Regulations (Amendment) (No. 2) 2006, and now as Regulation 38 ? you might be forgiven for thinking that it is well known and being applied in all respects. But what is your experience? Is this what actually happens?

## Fire survey

An [International Fire and Security Exhibition Conference fire survey](#) last year found that, while 69% of the surveyors questioned knew when Regulation 38 was applicable, only 12% had working knowledge of what information needed to be provided: that is, Appendix G, Approved Document B ? Fire Safety: Volume 2 ? Buildings other than dwellinghouses.

As a fire safety officer, I have found that when auditing premises and enforcing the FSO, the responsible person has rarely been given, let alone used, the necessary information.

## Complex design

As well as the Regulation 38 requirement, there have been significant developments that have an impact on the need for this information to be given in the required form.

Building design has been developing, with complex buildings utilising the flourishing science of fire engineering to comply with safety requirements. [BS 9999](#) has been issued to support fire safety measures and within this, Section 6, part 27 (i.e. 6.27) there is a requirement for suitable and sufficient specified fire safety information for "large or complex buildings and those having extensive accommodation below ground" to be made available for the use of fire services.

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Local fire services, which are the enforcing body for the FSO in relevant buildings, are having to rationalise their operations as a result of significant cutbacks to their government grants. This action may also prompt a necessary reaction in terms of your clients' emergency plan or business continuity plan.

To help raise the profile of Regulation 38, the [Fire Sector Federation](#) has established a cross-sector working group to produce industry-wide guidance. One way to ensure that the responsible person receives the information directed could be to make this a condition of issuing a completion certificate in England and Wales, as is already the case in Scotland.

If all parties performed their duties, then the current provisions would be sufficient to achieve the objective of this regulation in contributing to safety ? but currently this is not always the case.

As well as being law, provision of this information affords heightened confidence about fire safety in buildings. It significantly assists the responsible person in discharging their legal duties. Professionals in the built environment have a key role to play: to live the letter of the law, as well as following it.

A final thought: you may be reading this in a modern building, so are you sure you are sitting safely?

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## Further information

Related competencies include: [Fire and safety](#)

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