



HUMBERSIDE FIRE AND RESCUE SERVICE

Prevention and Protection

Public Safety Policy

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Responsible Person	Heads of Prevention and Protection
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What we must
do well



How we support our
communities



We value and support
the people we employ



We efficiently manage
the Service

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1. INTRODUCTION

The Community Risk Management Plan (CRMP) and Strategic Plan transfer statutory responsibility for public safety into the Public Safety delivery plan to ensure that service delivery is effective, efficient and economical.

Core Code Of Ethics

Humberside Fire and Rescue Service (HFRS) has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY AND INCLUSION

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services nor in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

3. AIM AND OBJECTIVES

HFRS will engage in public safety activities through a carefully co-ordinated and focused approach. This is achieved through the public safety delivery plan which aims to be intelligence-led, risk-based and outcome focused. The Prevention and Protection Service Area will continue to help people to prepare for emergencies; working with our partners to reduce risk. We will help to keep our communities safe and make our area a better place to live, travel and work. We will aim to strike a balance between ensuring the safety of the public and minimising the burden on businesses. Our education role seeks to reduce the demand upon our enforcement and response roles. We will continue to target those businesses that put our communities at risk by not complying with fire safety standards. This policy is a formal statement of principles established by HFRS that provide the parameters for decision making and actions.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Analysis](#)
- Legal References

This policy outlines the Public Safety framework, responsibilities, performance management and monitoring and review process that enable statutory compliance with the:

- Fire & Rescue Services Act 2004
- Fire and Rescue National Framework
- Regulatory Reform Fire Safety Order 2005.
- Data Protection Act 2018
- UK General Data Protection Regulations (UK GDPR).
- National Guidance
There is no specific National Guidance relevant to this policy.
- [Safeguarding Policy](#)

5. PUBLIC SAFETY DATA AND INTELLIGENCE

Public safety activities will be delivered in line with the provision of data and intelligence procedures. This will ensure targeted approaches to those that require our services the most. Our data and intelligence for delivery of public safety services will be within our two risk profiles:

- Business Risk Profile
- Domestic Risk Profile

The management of our Performance and Risk forms a core element of Prevention and Protection's approach to continuous improvement. This enables Prevention and Protection to promote continuous improvement, exploit opportunities and effectively manage risks to our communities, partners, staff and the organisation, ensuring that the objectives set out ultimately by the Strategic Plan are achieved.

Our public safety data and intelligence procedures provide:

- An appropriate method of recording and monitoring performance and risk with continuous review.
- Effective channels for the communication of performance and risk.
- Analysis, identification and management of risk and vulnerability.
- Analysis, identification and management of opportunities.
- Identification of barriers, good practice and implementation of appropriate improvement strategies.
- Continuous evaluation to ensure response and interventions are appropriate and effective.
- A robust framework to predict and prevent future demand.

Recording of data

All public safety activities are recorded in the Public Safety Information Recording System. The system captures information at source, using electronic means to gather information during delivery of the activity.

All staff will maintain accuracy in the recording of information; this is critical to the analysing and relevance of data used in all public safety activities.

The Service is committed to compliance with all relevant UK laws in respect of personal data, and the protection of the “rights and freedoms” of individuals whose information the Service collects and processes in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulations (UK GDPR). More information is available within our Data Protection Policy.

The system will also be used to record non-delivery of service including situations in which services are refused or declined.

6. SAFEGUARDING

The Service has a Safeguarding Policy which must be adhered to. Safeguarding is the process we have in place to help protect the safety and welfare of children, young people and adults at risk that the service comes into contact with, in the course of their work. The Service recognises that the protection and safety of vulnerable people is everyone’s responsibility. HFRS has a duty of care to protect the wellbeing of those groups or individuals in its care, who are considered to be especially at risk of harm. It also includes any specific activities that are undertaken to protect people who are suffering, or likely to suffer, abuse.

7. PUBLIC ENGAGEMENT

HFRS produce a public safety annual calendar of events and communications, within the public safety communications plan, which details the year round activities and themes, delivered to promote public safety to our communities within Humberside.

The National Fire Chiefs Council (NFCC) calendar, together with other applicable national and local themes and events are utilised to populate the annual calendar. Communication of these themes will be through relevant channels such as social media, local media outlets, TV/radio coverage and website channels. Themes included within this cover fire, road and water safety as well as public health communications and large-scale local events that include the Service (e.g. rescue day/veterans day).

HFRS deliver road safety activities through a partnership strategy under the Safer Roads Humber partnership. For further information on this, please see the SRH strategy.

Arson Reduction

HFRS works closely with Humberside Police and other partners in reducing the number of incidents and the impact of arson. We deliver services to protect individuals and domestic/commercial properties identified as being ‘at risk’ from arson.

The level of risk is predominantly determined in a partnership environment through existing groups (e.g. Multi-Agency Public Protection Arrangements and Multi-Agency Risk Assessment Conferences). However, on occasion it may be directly reported to HFRS, and in this instance, a risk assessment will be completed, and our approach will be determined on an individual basis.

Youth Engagement

We will deliver a range of youth engagement activities and will work to increase participation in activities with young people to increase fire, road and water safety awareness, as well as increase health outcomes and aspirations of the young people of Humberside.

Our activities are delivered in line with relevant guidance and accreditation, with competent staff, and we are subjected to Ofsted inspection, as well as other external verification, to ensure we are delivering effectively and in line with standards.

We have a detailed guide of our youth activities is held on our website.

8. WORKING IN PARTNERSHIP

HFRS recognises that individual organisations frequently share similar objectives, and it is often possible to achieve more, by working in partnership and sharing information or resources, than would be achieved in isolation. HFRS will incorporate partnership working within their strategic planning and will play a full and active part in various Strategic Partnerships and other beneficial groups that support the Strategic Plan. Collaboration through partnership will be the means by which HFRS ensure that the community is served with optimum efficiency through a multi-agency approach.

Those partnerships considered to pose the highest risk or of a strategic nature up to a value of £50k must be presented to the relevant director with referral to the Strategic Leadership Team (SLT) as appropriate. For all partnerships over £50k, approval should be sought from an Executive Director.

All partnerships/business sponsorships entered into by HFRS must 'add value' and fit in with the Strategic Plan and local objectives. All partnerships should take the SMART (Specific, Measurable, Achievable, Realistic, Time-bound) approach to objectives.

Definitions

Collaboration: encompasses any activity where two or more are working together to produce something. May be an informal arrangement rather than an official partnership; all partners are collaborators but not all collaborations will be partnerships. A collaboration involves cooperation for mutual benefit but in which parties are not necessarily bound contractually. A Memorandum of Understanding is required for all Collaborations as a minimum; further guidance can be obtained from Corporate Assurance.

Partnership: A formal legally binding strategic agreement between two or more agencies which sets out clearly defined guidelines and objectives that the collaborative activities can be measured against.

Guidance

Overall management of partnerships is the responsibility of the tactical group overseeing the relationship. Where funding streams become available within partnership environments, the relevant tactical group overseeing the relationship and member of staff directly involved will complete an equality impact analysis of the partnership as well as a risk impact assessment.

Support for the management of partnerships is available through the Public Safety Central support team.

9. BUSINESS SAFETY ACTIVITIES

Public safety activities will be delivered in line with the provision of data and intelligence procedures. This will ensure targeted approaches to those that require our services the most. Our data and intelligence for delivery of business safety services will be within our **Business Risk Profile**.

Business Safety Audits

A business safety audit is an inspection of premises by qualified Business Safety Staff under the Regulatory Reform (Fire Safety) Order 2005. The emphasis of the audit is on the responsible person for the premises demonstrating that they have met the duties required by the legislation above. The Inspection may take the form of a short inspection, ensuring the premises are safe enough, or a full inspection including inspection of relevant documents which demonstrate due diligence in fire safety management of the premises.

We will determine which premises to audit based on an assessment of risk, utilising data from a number of internal and external sources. Using our Business Risk Profile we will target our resources at those businesses which present the greatest risk.

As well as our Business Risk Profile, we may also carry out an audit after a premises has had a fire, or when we receive a concern from a member of the public or a referral from one of our partner agencies. These concerns will be assessed for level of risk and targeted accordingly and in line with standard delivery guidance.

All Business Safety staff will be in uniform, carry identification and adhere to relevant procedures such as lone working and ICT use.

Business Support Visits

There may be some premises whose risk profile does not match our criteria for a Business Safety Audit, but that still require help and guidance to fully comply with

relevant fire safety legislation. This will be given during a Business Support Visit, which will be carried out by our operational fire crews. This will not be an audit of the premises, it is an engagement exercise to ensure fire risk is driven down as low as possible in businesses. Our crews will offer advice and guidance on some issues, but if they discover potentially more serious contraventions of the legislation they will refer the premises to Business Safety staff and a full audit may be carried out.

Operational crews may also follow up a Business Safety Audit to see the levels of progress in relation to any requirements which our Business Safety staff have asked for.

Business Safety Advice

As well as carrying out visits, we will provide advice to businesses on how to comply with the regulations and make premises safe from fire. We will also publish **position statements** on common themes such as reducing unwanted fire signals (false alarms), sprinkler systems in premises and other fire safety matters. This will be done in consultation with the National Fire Chiefs Council (NFCC) where appropriate and information will be made available on our website. In addition to this, we may be able to offer advice over the phone depending on the nature of the enquiry.

Business Safety – Consultation

Where there is a proposal to erect or make any extension or structural alteration to a building, plans are normally deposited with a local authority or Approved Inspector (AI). The local authority or AI must consult with us before passing those plans.

We are also a relevant body in the consultation of issues such as the granting of licenses under legislation such as the Licensing Act 2003 or the Housing Act 2004.

Business Safety – Enforcement

We aim to educate and inform businesses on fire safety and ensure that preventative and remedial action is taken to keep people safe and to ensure compliance with the regulatory system. In some cases, we may have to take informal or formal action to ensure these matters are addressed.

We will endeavour to minimise the cost of compliance for businesses by ensuring that any action taken, or advice offered, is proportionate to the risk. We will take particular care to work with all businesses and organisations so that they can meet their legal obligations without unnecessary expense.

We will carry out our statutory duties in a fair, equitable and consistent manner. HFRS staff will exercise their professional judgement to deal effectively with specific matters and adhere to standards and guidance to promote consistency. We will liaise with other authorities and enforcement bodies to achieve coordination and best practice.

We will help those responsible for complying with the Order to understand what is expected of them and what they should expect from the Service. We will distinguish

between statutory requirements and advice or guidance about what is desirable but not compulsory to meet the legislation.

If the responsible person does not rectify any fire safety deficiencies, or breaches any issued formal notices, then we may take legal action, which could result in a caution or legal action via the criminal courts.

Only staff members authorised in writing by the Chief Fire Officer may undertake enforcement duties.

10. HOME SAFETY SERVICES

HFRS recognises that the most effective way of preventing fires, and death or injury by fire, is to ensure we engage with those considered most at risk in our community and provide effective advice and risk mitigation. We risk assess against a prioritising methodology and carry out routine Home Fire Safety Visits (HFSVs) raised by partners and public referrals, and following incidents where appropriate, to ensure we target our resources at the right people. These visits need to be done because they are **known risk**. However, we also believe that we should work proactively to support vulnerable members of our community, who might not have come to the attention of any other agency and to try to prevent them from reaching crisis point.

HFSVs contribute towards Making Every Contact Count (MECC) and delivering health and wellbeing priorities across our Service area in line with the Service's strategic plan. These subject areas are: falls prevention, smoking cessation, cold homes, social isolation and crime prevention.

Fire Fatality Profile

The **Fire Fatality Profile** (FFP) drives our **proactive** HFSV fire prevention provision, targeting vulnerable people, which is an **assumed risk**. This FFP risk profile is created by analysing local, regional and national data, as well as considering information learned in our analysis of previous fatal fires, during incident attendance and prevention activity. This annual analysis informs us of the current key attributes of risk for people. We source and use data that gives us insight into these key attributes of risk at a personal and at a household level.

HFSVs will be delivered on this **targeted basis** with the focus being on households/individuals at greatest risk from fire. Properties that are determined to be within **defined risk categories (A to D)**, as detailed below, will be offered a HFSV.

The properties will be identified by a number of means most notably:

- **Post Fire:** following an emergency call to Service resulting in the attendance at that address of operational staff. Crews will ensure that all consequential post incident prevention, protection and safeguarding needs are actioned.

- **Referral:** Request from the householder/family member/neighbour or partner agency which will undergo a **priority assessment measured against fire risk** and subsequently scored at priority levels A to D or low risk.
- **Fire Fatality Profile Intelligence Identified Risk:** Individual addresses will be identified through risk-based intelligence analysis utilising a myriad of data sets, including but not limited to: Social Demographic open data, Mosaic information, NHS England Exeter data, Local Authority data, Public Health data, HFRS emergency response data. Whilst every opportunity to gain contact details will be explored, where this is not possible, staff will directly contact through appropriate means.

Managers may also instigate local risk-based initiatives to target vulnerable individuals/members of our community to ensure that our HFSV programme is as effective as possible. Such decisions will be intelligence-led, based on information received locally from partner agencies and our Risk and Intelligence Analysts. The expected completion for these proactive targeted visits will be over a twelve-month period, contact will be made with the occupier through an **initial door knock** and a leaflet to offer our HFSV services.

For known risk referrals we aim to make direct contact and visit all properties deemed to be within a risk category (A to D). Where a direct person to person contact has not been achievable following a **minimum of three attempts**, secondary action will be taken by providing advice and guidance through other means (post, via partners).

Notwithstanding the need to prioritise risk outlined above, where referrals are received the following minimum timescales will apply in all instances:

<p>Priority A Category (Exceptional Risk) (Priority A – PA)</p>	<p>Referrals from partners with known specific risk such as threat of arson.</p>	<p>Where exceptional risk is established, contact should be attempted within 24 hours. A visit should be carried out <u>within 48 hours of the initial referral</u>.</p>
<p>Priority B Category (High Risk) (Priority B – PB)</p>	<p>Referrals within this category are likely to hit all or most of the domestic risk profile factors</p>	<p>Where high risk is established, contact should be attempted within 3 days. A visit should be carried out <u>within 7 days of the initial referral</u>, under normal circumstances. Where the referral is through online contact routes, this targeted information will be displayed online.</p>

<p>Priority C Category (Medium Risk) (Priority C – PC)</p>	<p>Referrals within this category may have some factors missing from the domestic risk profile but still present a high level of risk from fire.</p>	<p>Where high risk is established, contact should be attempted within 3 days. A visit should be carried out <u>within 14 days of the initial referral</u>, under normal circumstances. Where the referral is through online contact routes, this targeted information will be displayed online.</p>
<p>Priority D Category (Low Risk) (Priority D – PD)</p>	<p>Referrals within this category may have some factors missing from the domestic risk profile but still present a level of risk from fire.</p>	<p>Where high risk is established, contact should be attempted within 3 days. A visit should be carried out <u>within 28 days of the initial referral</u>, under normal circumstances. Where the referral is through online contact routes, this targeted information will be displayed online.</p>
<p>Priority I Category (Priority Information - PI)</p>	<p>Referrals within this category have little or no factors from the domestic risk profile but may be better positioned to self-help.</p>	<p>Targeted safety information appropriate to the identified risk should be sent to the household/individual <u>within 28 days of the initial referral</u>, under normal circumstances. Where the referral is through online contact routes, this targeted information will be displayed online.</p>
<p>Priority N Category (No Engagement - PN)</p>	<p>Referrals within this category do not consent to fire service information or engagement.</p>	<p>No Fire Service activity will be carried out.</p>

Partner Agencies

Referrals from partner organisations received by the Service will be dealt with in the same manner as a direct referral, having regard to the expertise and professional judgement of the respective organisation. Consideration should include whether the referral relates to a high-risk individual/household and applying an appropriate timescale for conducting a HFSV.

Where partner organisations are referrers to HFRS, or they undertake HFSVs themselves, appropriate arrangements should be adopted to ensure adequate fire safety training is given, recording mechanisms are in place, and a quality assurance process is applied.

Revisits

HFRS may adopt a process for revisiting at-risk properties and individuals. There is no frequency for revisits, however if deemed appropriate, a timescale will be applied on an individual basis and within the discretion of local Public Safety managers.

When making arrangements for revisits as a result of a failure to contact, all subsequent visits should be conducted at alternative times of the day/week to maximise the chances of success.

11. FIRE INVESTIGATION

HFRS have a statutory duty under the Fire and Rescue Services Act (2004) to investigate all incidences of fires. The overall aim of this is to determine the probable cause and origin of each fire and provide data to complete the Incident Recording System (IRS) of the Home Office, thereby better informing the risk reduction strategy.

In-line with the National Fire Chiefs Council Fire Investigation Competency Framework, the service has adopted the following level of operational response:

- **Tier 1:** Routine Fire Investigation is undertaken by trained personnel to a Skills for Justice Level 2 Award in Introduction to Fire Investigation or equivalent.
- **Tier 2:** Specialist Fire Investigation support provided by suitably trained, experienced and qualified personnel to a Skills for Justice Level 5 Certificate in Fire Investigation or equivalent. Two suitably qualified Tier 2 Fire Investigation Officers will be available for advice, guidance and operational response at all times, as part of the on-call FDS duty rota.
- **Regional:** An additional support team, which has received additional training and qualification in Fire Investigation, is available upon request through the Yorkshire and Humberside Regional Fire Investigation Network. Regional Tier 2 Fire Investigation Officers will be requested to attend all fires which involve fatally or seriously injured people, fires which result in significant financial or heritage loss and any fires of special interest.

12. SERIOUS INCIDENT REVIEWS (SIR)

- The purpose of the Serious Incident Review (SIR) is to investigate an incident that has led to the serious injury or death of a person(s). This inclusive process will enable HFRS along with partners and stakeholders to come together and identify, develop, implement and embed learning opportunities. Ultimately, improving the way we work together in preventing and protecting our communities from death and serious injury occurrence. The review is not conducted to hold any individual or organisation to account but to jointly share learning outcomes locally, regionally and nationally.
- The data collection aims to detect trends using profiling tools to target those most at risk in our communities so we can effectively utilise our resources.

Furthermore, this will inform us of any contributory factors associated with a specific incident.

- The SIR sits outside of Her Majesty's Coroner's Inquest process but information from the review may be shared with the coroner.
- A Serious Incident Review will be held at one of two levels:
 - Service Level, where multi agency involvement with the person(s) involved, significant learning across the service and partners.
 - Local Level, no involvement with agencies and internal learning only.
- The initial communication of a serious incident comes from Fire Service Control to the District Head of Service Delivery (or nominated person). They will be responsible for initiating the communication to the District Prevention Manager.
- The District Prevention Manager (or nominated lead in their absence), will communicate an immediate joint course of action with the operational Watch Manager who attended the incident, or the oncoming Watch Manager and Fire Investigation Officer to ensure the management of prevention or protection activities.
- A Service or Local Level Serious Incident Review is to be conducted within 30 days of the serious incident. A full fire report produced by the Fire Investigation Officer will be submitted to Her Majesty's Coroner and / or Humberside Police 30 days following the conclusion of the Serious Incident Review unless extreme circumstances prevent (i.e ongoing police investigation).

13. STAFF COMPETENCY

Competency frameworks for the delivery of public safety activities govern the level of qualification, knowledge, skills and experience of staff required to deliver.

Business safety staff who have responsibility for regulating fire safety will be given relevant training to achieve a Level 4 qualification, depending on their role. An accredited qualification assures businesses and our partners of the competence of our staff to undertake regulatory duties. Staff will also undertake continuing professional development relevant to their roles.

14. PERFORMANCE MANAGEMENT

To ensure that our public safety work is having a positive impact on the safety of our communities, we will monitor and analyse the number of fires and other incidents in Humberside.

We will annually refresh the Domestic and Business Risk Profiles to take account of emerging trends and issues and adjust our delivery to this need.

We will quality assure our activities through suitable methods to ensure our delivery is of the highest standards, rectifying underperformance where necessary.

We will monitor and ensure that any formal consultations and complaints are responded to promptly, and any enforcement action which we take will be analysed to make sure it is proportional to the risk posed.

15. STANDARD DELIVERY GUIDANCE

Our Public Safety activities will be delivered consistently across the communities of Humberside. To support this, a suite of standard delivery guidance (SDGs) detailing internal processes in relation to specific activities, will be adhered to by managers and teams.

SDGs will be continually reviewed and refreshed in line with changes in legislation, national guidance, data and intelligence analysis, strategic plan alignment, quality assurance processes, internal learning and public/partner feedback.

16. POLICY REVIEW

This policy will be kept under review and as a minimum, be reviewed every three years or when significant changes, nationally or locally, impact upon the policy.

**If anyone needs any further guidance / information regarding this document
please contact Prevention & Protection**

Appendix 1

ENFORCEMENT POLICY STATEMENT

Humberside Fire Authority

Fire Protection

ENFORCEMENT POLICY STATEMENT

Policy Statement

Humberside Fire Authority will meet its statutory duty to enforce fire safety legislation and reduce the risk of fire causing death, serious injury and property related losses in the community.

1: Principles

- (a) Humberside Fire & Rescue Service (the Service) carries out fire safety enforcement work on behalf of the Fire Authority (FA).
- (b) The Service believes in firm but fair enforcement of the [Regulatory Reform \(Fire Safety\) Order 2005](#), (the Order). As a result, as is general to the [Health and Safety Commission's Enforcement Policy Statement](#), we aim to achieve this by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how we operate and what the regulated may expect; and accountability for our actions.

2: Proportionality

The Service will endeavour to minimise the cost of compliance for business by ensuring that any action taken, or advice offered, is proportionate to the risk. As far as the law allows, we will take account of the circumstances of the case and attitude of the people involved when considering action. We will take particular care to work with small businesses and organisations so that, where practicable, they can meet their legal obligations without unnecessary expense.

3: Consistency

Consistency of approach does not mean uniformity; it means taking a similar approach in similar circumstances to achieve similar goals. The service will therefore perform its duties in a fair, equitable and consistent manner. Inspectors are expected to exercise their professional judgement to deal effectively with specific matters but, where possible, we will adhere to

standards and guidance referred to below to promote consistency. We will liaise with other authorities and enforcement bodies to achieve co-ordination and locate best practice.

4: Standards

The Service will conduct its enforcement and advisory functions in an impartial, practical, and consistent manner. We will adhere to the [Regulators' Code](#) and to policy and guidance issued by the National Fire Chiefs Council (NFCC) where published. National and local targets for the quality of delivery of service will be identified and incorporated into our procedures.

5: Openness

The Service will provide information and advice in plain language on the rules that it applies and will disseminate this as widely as possible. The Service will be open about how it sets about its work, including any charges that it sets, consulting business, voluntary organisations, charities, consumers, and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties within the legal framework governing the Service.

6: Helpfulness

The Service is of the opinion that prevention is better than cure and that its role therefore actively involves working with business, especially small and medium sized businesses, to advise and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide contact points and telephone numbers for further communications dealings with them and will encourage business to seek advice/information. We will also strive to co-ordinate our services effectively to minimise unnecessary overlaps and time delays.

7: Fairness

The Service will treat all people fairly; we will respect their privacy, dignity and pay particular attention to those with additional needs.

8: Transparency

We will help those responsible (the responsible person) for complying with the Order to understand what is expected of them and what they should expect from the Service. We will distinguish between statutory requirements and advice or guidance about what is desirable but not compulsory to meet the legislation.

9: Accountability

The Service is accountable to the public for its actions. This means we must have policies and standards against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.

10: Complaints

Complaints against the Service can be made [here](#).

11: Targeting

Our policy on inspections will be to focus primarily on those whose premises/workplaces and activities give rise to the most serious risk to life. We will maintain a strategy that will identify and assess the risks within premises/workplaces and the community and allocate resources to conduct inspections accordingly. Where enforcement action is necessary, we will identify the person responsible for creating the risk. This may be the owner, occupier, employer, manager, or other responsible person. We will seek compliance and may act against those regarded as primarily in breach.

12: Enforcement Procedures

- (a) The Service will seek compliance with the law by offering the responsible person information and advice both verbally and/or in writing. This will include an explanation of why any specified work is necessary and a time period for completion. Legal requirements will be clearly distinguished from best practice or non-statutory fire safety advice. We may deal with this by informal means or where appropriate we may serve, alterations, enforcement and prohibition notices, issue formal cautions, and may prosecute in the most serious cases. Before formal enforcement action is taken (unless immediate action is required to reduce the risk to life or to prevent evidence from being destroyed), inspectors will provide the person responsible with an opportunity to discuss the circumstances of the case, and if possible, resolve points of difference.
- (b) Where immediate action is considered necessary, an explanation of why such action is required will be given at the time and confirmed in writing in most cases within five working days and in all cases within ten working days.
- (c) Where, in our opinion, particular premises could, as a result of any future change of circumstances to the premises or to the use of the premises, result in a significant increase in risk to people using the premises, we may serve an **Alterations Notice** requiring the responsible person, before making any changes, to notify us of the proposed changes.
- (d) Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing and issued with the documentation.
- (e) All staff that take enforcement decisions will be required to follow the principles and guidance in the 'Enforcement Management Model' (EMM) issued by the Health and Safety Commission.
- (f) The Service may, where it is considered necessary to focus attention on what preventive and protective measures are necessary to achieve compliance with the Order, issue additional guidance to the responsible person in the form of an action plan.

13: Dealing with Contraventions

- (a) Where less serious deficiencies are discovered during a visit to a premises, an informal notification identifying those matters considered to be failures to comply and the steps considered necessary to remedy the failures, will be issued.
- (b) Premises with more serious deficiencies will, in most instances, require the issuing of an **Enforcement Notice**.

- (c) Where dangerous conditions are found, and the Service are of the opinion that the use of the premises involves or will involve a risk to persons in case of fire so serious that the use of the premises ought to be prohibited or restricted, and that risk cannot be remedied immediately, the Service will issue a **Prohibition Notice** prohibiting or restricting the use of the premises.
- (d) The failure to comply with an Alterations, Enforcement or Prohibition notice constitutes an offence and may result in prosecution of the person responsible.
- (e) **Alterations, Enforcement and Prohibition Notices** might be withdrawn at any time but should be deemed to be in force until such time as it is withdrawn or cancelled by the Service or a Court.
- (f) Where fire-fighters' switches for high voltage luminous tube signs are installed or are proposed to be installed in or on premises to which the Order applies, the Service may, if the position, colour, and marking does not comply with the current regulations of the Institution of Electrical Engineers, serve a notice on the responsible person.

14: Simple Cautions and Prosecution

- (a) Simple cautions and prosecutions can be used to bring those responsible for alleged breaches of the law to account. Where appropriate, we will use one of these measures in addition to issuing an enforcement or prohibition notice.
- (b) A simple caution is a statement by the Service that is accepted in writing by the responsible person, that the responsible person has committed an offence for which there is a realistic prospect of conviction. A simple caution will only be used where a prosecution could be properly brought. It will be kept on file for 3 years and if the responsible person is convicted for a further offence in that period, it will be introduced to the court.
- (c) A prosecution may be taken following full consideration of the many factors arising for the alleged breaches of the law. These will include:
 - (i) The seriousness of the offence (the severity and scale of potential and actual risk and the seriousness of any breach of law).
 - (ii) The previous history [including the safety performance of the party (the responsible person) concerned].
 - (iii) The willingness of the party to correct the situation and prevent a recurrence of the problem.
 - (iv) An acceptable explanation for the occurrence (the breach in law).
 - (v) The likelihood of the accused being able to establish a satisfactory defence.
 - (vi) The probable public benefit of a successful prosecution.

15: Public Register

In accordance with the [Environment and Safety Information Act 1988](#), the Service is obliged to enter details of certain notices called "relevant notices" into a register which the public have access to. Details of Alteration, Enforcement and Prohibition notices which have been issued can be found on the [NFCC website](#).

16: Data Protection

The Service will comply with the principles of the [Data Protection Act 2018](#) governing the use of personal data received or obtained and will respect the rights and freedoms of those individuals when processing their details.

17: Freedom of Information

Under the [Freedom of Information Act 2000](#), individuals are given 'a general right of access to information held by public authorities in the course of carrying out their functions subject to certain conditions and exemptions'. Under Section 19 of the Act, public authorities are required to produce a publication scheme setting out details of the information routinely published or made available, how the information is made available (in hard copy and on-line), and whether it is available free of charge or on payment. HFRS have adopted the Information Commissioner's Office revised [Model Publication Scheme](#).

18: Education and Information

Educating, informing, and advising responsible persons about their duties under fire safety legislation forms a fundamental element of the Services enforcement regime. The Service will fulfil its obligation under section 6(2) of the [Fire & Rescue Services Act 2004](#) to give on request, advice on fire safety free of charge.