

STA Advice Note 15

Fire safety guidance



No. 15 - Part 1, June 2017

Part 1 - Legal responsibilities for fire safety on construction sites

Who should read this advice note?

There are legal requirements for a project Principal Designer and Principal Contractor to manage the risk of fires during the construction phase of a project.

At tender stage the Principal Designer shall ensure that there is sufficient design information for the Principal Contractor to price a project and then for the Principal Contractor to undertake relevant fire risk assessments and as a result establish a fire safety plan for the site.

Fire Risk Management starts with a Fire Risk Assessment to consider the hazards from all parts of the process. Fire Risk Assessment starts at the design stage of any project.

This guidance supports the STA 16 Steps to Fire Safety. This advice note is to address the Principal Designer's obligation to consider fire risk and request action from the Principal Contractor (as appropriate) and the Principal Contractor's role to manage the site risks and the off the site risks during the construction phase.

The legislation affecting health and safety in construction, with particular reference to fire safety, falls under the following:

The Construction (Design and Management) Regulations - 2015

The CDM 2015 regulations are focused to ensure that health and safety issues are properly considered during a project's development. The project development from initial concept through to site works.

Health and Safety at Work Act 1974

This Act of Parliament is the main piece of UK health and safety legislation. It places a duty on all employers "to ensure, so far as is reasonably practicable, the health, safety and welfare at work" of all their employees so covers general aspects of safe working in terms of risk of fire to the site workforce.

Fire safety legislation

In England and Wales it is the Regulatory Reform (Fire Safety) Order 2005 (RRO). In Scotland, it is The Fire (Scotland) Act 2005 (FSA), In Northern Ireland it is the Fire Safety Regulations (Northern Ireland) 2010 (FSR). These pieces of legislation cover specific responsibility and the requirement to have a responsible person on the site (as a work place) to manage fire risks.

A full list of Health and Safety guidance and legislation is available from the HSE web site under the section referenced construction.





Specific legal requirements for fire safety on construction sites

| Type of development | | Legal requirements for fire risk assessment | | Guidance | Support |
|---------------------|---|---|--|--------------|-----------------------------|
| Private | Self-build houses | CDM 2015 <i>NOTE 2</i> | England and Wales RRO – Regulatory Reform (Fire Safety) Order 2005 Scotland FSA Fire (Scotland) Act 2005, supported by the Fire Safety (Scotland) Regulations 2006 Northern Ireland Fire and Rescue Services Order (FRS) 2006 <i>NOTE 1</i> | STA 16 Steps | STA member Site Safe Policy |
| Commercial | Single house development | | | | |
| | Multiple occupancy projects, for example: residential buildings, hotels, care homes, student accommodation | | | | |
| | Understand moisture durability issues | | | | |
| | Public space buildings, for example: schools, centres, teaching, leisure, offices, shops, restaurants, hospitals, halls | | | | |

Table 1: Legal equipment for fire risk assessments

NOTE 1

There are legal links to the Health and Safety at Work Act 1974 and associated legislation (e.g. CDM 2015, Management Regulations 1999, etc.) which come into action as appropriate. For a more detailed understanding expert legal advice should be sought. The purpose of this description is to make it known that there is a significant legal basis for enforcement to the stakeholders of fire safety during the construction process.

NOTE 2

Compliance with the Construction (Design and Management) Regulations 2015 is a legal requirement for all parties involved in construction work.

Legal enforcement: For standalone construction sites the Health and Safety Executive (HSE) has the responsibility to enforce general fire precautions. Inspectors can use the RRO/FSA (and Northern Ireland equivalent) and or CDM 2015 as an enforcement tool where it is appropriate to do so.

Key roles in fire safety on construction sites

The Principal Designer

The Principal Designer shall consider the off the site risk assessment. There are a number of safety responsibilities which fall under the CDM 2015 Principal Designers duties. Fire safety starts with the choice of material and its application and this responsibility falls under the direction of the design team, led by the Principal Designer. The Principal Designer has ultimate responsibility to advise the Client of actions to take; for example off the site risk mitigation measures will be required that shall be included in the tender documents either as outline proposals for the contractor to complete or a full risk mitigation measures to price in the tender.

The Principal Contractor

The Principal Contractor shall consider the on the site risk assessment. An on the site fire risk assessment is a significant part of the CDM 2015 Principal Contractor's construction phase planning. Such a risk assessment covers stopping a fire occurring in the first place and providing reasonable safety measures for the site labour and visitors. The Principal Contractor shall ensure that there is a risk review for fire spread outside the site boundary and, where appropriate, conditions are addressed as presented in the risk assessment.



Design and Build contracts

Under CDM regulations where a project is being run under a design and build contract, and the client's team has not chosen the material type and process, then the Principal Designer role in respect to the construction fire safety measures are transferred to the design and build company who will also cover the Principal Contractor role. The contract between the client and design and build contractor can be such that the Principal Designer's role is taken on by the Contractor.

Private self-build developments

Where a domestic client exists in a private self-build contract the contractor engaged to undertake the works takes on the duties of the Principal Designer and Principal Contractor. Refer to STA AdviceNote 9.2. The self-build client can take back the responsibility of the risks including fire safety by managing the works themselves if they have a high level of control of the work being done.

House building developers

The house builder may be the Principal Designer and Principal Contractor and will follow the same path as a design and build contract process.

Structural timber building system supplier

Where the supplier is undertaking the design and erect duties of the structural frame and not as the Principal Contractor (i.e. the initial site works and follow on trades to complete the building is not managed by the structural building supplier) then the supplier provides the following:

Sub contract designer

Sub contract designer to the Principal Designer providing where appropriate information for the pre-construction phase specifically information to other members of the project team to help them fulfil their duties under fire risk assessments. The structural timber designer must take into account the general principles of fire prevention and any pre-construction information must be discussed to take steps to control the risks through the subsequent design or agreed site process. The designer is to provide information about those fire risks to the principal designer; and provide appropriate information for the health and safety file.

As a sub contract designer to the Principal Designer the Structural Timber Building System supplier has not decided on the general material choice of timber as the structural material so the responsibility of the fire risk assessments rests with the Principal Designer and client. The Principal Designer or Client may have provided the sub-contractor timber system supplier with a generic risk assessment for which it is expressed that a detailed risk assessment will be undertaken by the subcontractor.

Sub contract contractor

Sub contract contractor to the Principal Contractor providing where appropriate the planning for the management and monitoring of the specific element of construction work under their control so that it is carried out without risks to health and safety.

A sub-contractor must have a work force with the necessary skills, knowledge, training and experience to carry out the tasks for a structural timber building.

Each worker under the sub-contractor control to have appropriate supervision a suitable site induction or fire, where not already provided by the Principal Contractor.