



Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru  
Care and Social Services Inspectorate Wales



**GWASANAETH TÂN AC ACHUB**  
Canolbarth a Gorllewin Cymru  
**Mid and West Wales**  
**FIRE AND RESCUE SERVICE**

## Protocol between Care and Social Services Inspectorate Wales and Fire and Rescue Authorities in Wales

August 2009

# **Protocol between Care and Social Services Inspectorate Wales (CSSIW) and the Chief Fire Officers Association Wales, Community Risk Reduction Committee/Fire and Rescue Authorities (CRR Wales)**

## **1. Introduction**

- 1.1. The purpose of this protocol is to clarify the working relationships between Care and Social Services Inspectorate Wales (CSSIW), and the three Fire and Rescue Services in Wales. To facilitate this, CSSIW and the Community Risk Reduction Committee (CRR Wales) will oversee the implementation, review and revision of the arrangement to ensure they continue to meet the needs of all stakeholders. The Protocol is designed to ensure consistency of approach, information sharing and, as far as possible, consistency of decision making between CSSIW and the Fire and Rescue Services across Wales.

## **2. The Legal Background: Care and Social Services Inspectorate Wales.**

In April 2007, the Care Standards Inspectorate and the Social Services Inspectorate for Wales integrated to create the Care and Social Services Inspectorate Wales (CSSIW). CSSIW is a division of the Welsh Assembly Government, but its regulatory arm has full delegated authority for its regulatory decisions. It is responsible for ensuring that all registered establishments and agencies comply with the requirements of the Care Standards Act 2000. In the case of childminders and other day care settings for children under the age of eight, CSSIW ensures compliance with Part 10A of the Children Act 1989, as amended by the 2000 Act. Since 2005 independent health care in Wales is inspected by Health Inspectorate Wales (HIW).

### **2.1. Services for Children**

CSSIW regulates the following services for children (Refer to Appendix B, Definitions):

- Children's Homes, including those providing secure accommodation
- Day Care Services for children – childminders, full day care, sessional care, out of school care, crèches and open access play
- Public and Independent sector fostering services
- Public and voluntary adoption services
- Residential Special Schools, Boarding Schools and Further Education Colleges which accommodate students under 18
- Residential Family Centres
- Adoption Support Services

## 2.2. Services for Adults

CSSIW regulates the following services for adults (Refer to Appendix B, Definitions):

- Care Homes
- Domiciliary Care Agencies
- Adult Placement Schemes
- Nurses' Agencies

2.3. CSSIW is also responsible for ensuring compliance with the secondary legislation made by the Welsh Assembly Government. The following regulations are in force, each regulating one area of care:

- The Care Homes (Wales) Regulations 2002
- The Domiciliary Care Agencies (Wales) Regulations 2004
- Adult Placement Schemes (Wales) Regulations 2004
- The Children's Homes (Wales) Regulations 2002
- The Child Minding and Day Care (Wales) Regulations 2002
- The Fostering Services (Wales) 2003
- The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003
- The Adoption Support Agencies Regulations 2005
- The Residential Family Centre (Wales) Regulations 2003
- The Day Care (application to schools) (Wales) Regulations 2005
- The Inspection of Boarding Schools and Colleges (Wales) Regulations 2002
- Local Authority Adoption Services (Wales) Regulations 2007

In addition to the above regulations there are national minimum standards which are taken into account on inspection.

2.4. Section 22 of the Care Standards Act 2000 empowers the Welsh Assembly Government to make regulations in relation to establishments and agencies, including care homes, children's homes and private and voluntary health care settings registered under Part II of the Act. In particular, Section 22(2)(c) empowers the Welsh Assembly Government to make regulations as to *"the fitness of premises to be used"*.

2.5. Section 79C of the Children Act 1989 gives the Welsh Assembly Government the power to make regulations for childminding and other day care settings for children under eight. 'Other day care' here includes day nurseries, playgroups, crèches, out of school care and open access play provision. In particular, section 79C(3)(e) enables the Welsh Assembly Government to make regulations concerning *"the maintenance, safety and suitability of premises and equipment"*.

*"Section 87 of the Children Act 1989 gives CSSIW the power to inspect residential special schools, boarding schools and further education colleges providing accommodation for children in relation to the welfare of children accommodated there. CSSIW needs to be satisfied that their*

*welfare is safeguarded and promoted and the suitability of the premises and equipment forms part of that. The Assembly can make regulations as to such inspections under section 87."*

- 2.6. Regulations made under the 2000 Act and the 1989 Act made provision for fire precautions. The Care Homes (Wales) Regulations 2002, the Private and Voluntary Health Care (Wales) Regulations 2002, the Children's Homes (Wales) Regulations 2002, the Child Minding and Day Care (Wales) Regulations 2002 and the Residential Family Centres (Wales) Regulations 2003 have since been amended by the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order (the 'FSO')) as illustrated in respect of section 24(4) of the Care Homes (Wales) Regulations –

**The Care Homes (Wales) Regulations 2002**

**11.** Regulation 24 of the Care Homes (Wales) Regulations 2002 (fitness of premises) is amended as follows -

(a) in paragraph (4) of the English language version for the words "The registered person" substitute "Subject to paragraph (4A) the registered person";

(b) in paragraph (4) of the Welsh language version for the words "Rhaid i'r person cofrestredig" substitute "Yn ddarostyngedig i baragraff (4A) rhaid i'r person cofrestredig";

(c) after paragraph (4) of the English language version insert -

" (4A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the care home—

(a) paragraph (4) does not apply; and

(b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the care home."; and

(d) after paragraph (4) of the Welsh language version insert -

" (4A) Pan fydd Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r cartref gofal -

(a) nid yw paragraff (4) yn gymwys; a

(b) rhaid i'r person cofrestredig sicrhau cydymffurfiad â gofynion y Gorchymyn hwnnw ac ag unrhyw reoliadau a wnaed oddi tano, ag eithrio erthygl 23 (dyletswyddau cyflogeion), mewn perthynas â'r cartref gofal."

This is an example and both adult and children's inspectors should be aware of the particular sections in the regulations for whichever service

they are regulating. The Fire Safety requirements of the Regulatory Reform (Fire Safety) Order 2005 also apply fully in relation to residential special schools, boarding schools and colleges providing accommodation for children.

- 2.7. In total, CSSIW will be concerned with standards in some 6,000 settings. It will inspect these services against the requirements of the Act, the relevant regulations and the national minimum standards made by the Welsh Assembly Government. CSSIW is also responsible for investigating complaints, and pursuing enforcement activities in regulated services. The Care Standards Act 2000 and the Children Act 1989 provide for two broad kinds of enforcement action where a provider is not fulfilling their obligations:
- CSSIW can pursue a **criminal** prosecution, or a formal written caution, where it considers there has been a statutory offence, a breach of conditions or an offence against the regulations; and
  - CSSIW can take **civil** action that may include refusal of registration; imposition, variation or removal of conditions; or ultimately cancellation of registration, for which there are both urgent and ordinary procedures.

Separate enforcement action can be taken in relation to residential special schools, local authority fostering and adoption services and boarding schools and colleges under the relevant education legislation and the Local Authority (Social Services) Act 1970.

### **3. The Legal Background: Chief Fire Officers Association Wales Community Risk Reduction Committee/Fire and Rescue Authorities**

- 3.1. The Chief Fire Officers Wales Community Risk Reduction Committee (CRR Wales) is the strategic body co-ordinating fire safety policy on behalf of the three Fire and Rescue Services in Wales.
- 3.2. CRR Wales is a regional branch of the CFOA National Fire Safety Committee and thus is able to monitor national impacts and their potential influence on fire safety policies and strategies within Wales.
- 3.3. The three Fire and Rescue Authorities in Wales are -
- Mid and West Wales Fire and Rescue Authority, comprising the Unitary Authority areas of Carmarthenshire, Ceredigion, Neath and Port Talbot, Pembrokeshire, Powys and Swansea.
  - North Wales Fire and Rescue Authority, comprising the Unitary Authority areas of Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham
  - South Wales Fire and Rescue Authority, comprising the Unitary Authority areas of Blaenau Gwent, Bridgend, Caerphilly, Cardiff, Merthyr Tydfil, Monmouthshire, Newport, Rhondda Cynon Taf, Torfaen and Vale of Glamorgan.

- 3.4. The Fire and Rescue Services Act 2004, Section 6, Fire Safety, requires Fire and Rescue Authorities to make provision for the giving, when requested, of advice in respect of buildings and other property, about-
- “(i) how to prevent fires and restrict their spread in buildings and other property;*
  - (ii) the means of escape from buildings and other property in case of fire.”*
- 3.5. The Regulatory Reform (Fire Safety) Order 2005 came into force on October 1<sup>st</sup>, 2006. The aim of the new legislation is to reduce burdens on business previously caused by the existence of multiple, overlapping general fire safety regimes – and consequently overlap of the responsibilities of various enforcing authorities. The Fire Safety Order (FSO) consolidates and rationalises fire safety legislation (previously scattered across a large number of statutes and secondary legislation) into one Order. In doing so it reduces the number of enforcing authorities dealing with general fire safety matters thus simplifying fire safety responsibilities. The FSO maintains and enhances the protection afforded to users of premises (and others who might be affected by a fire on the premises).
- 3.6. The FSO places particular emphasis upon the Responsible Person, who may be –
- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control;
  - (b) in relation to any premises not falling within paragraph (a) -
    - (i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or
    - (ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.
- 3.7. The ‘Responsible Person’ has a duty to ensure that a suitable and sufficient assessment is carried out of the risk from fire and to take reasonable fire precautions in relation to employees and other people using the premises. If there are five or more employees, if the premises is licensed or has been served with an Alteration Notice, the significant findings of the risk assessment must be recorded. It is important that the significant findings are actioned to reduce the risk from fire; therefore the employer must produce an action plan clearly indicating those measures to be employed for fire risk reduction and include timescales for their implementation.

- 3.8. The risk assessment must be reviewed regularly. If there is any reason to suspect that the fire risk assessment is no longer valid or there has been a significant change in the premises that has affected the fire precautions, a review and revision of the assessment is necessary

Reasons for the review could include:

- changes to the level of dependence of service users
- changes to work processes or the way they are organised, including the introduction of new equipment
- alterations to the building, including the internal layout
- substantial changes to furniture and fixings
- the introduction, change of use or increase in the storage of hazardous substances
- the failure of fire precautions, e.g. fire-detection systems and alarm systems, life safety sprinklers or ventilation systems
- significant changes to displays or quantities of stock
- a significant increase in the number of people present
- the presence of people with some form of disability
- the presence of staff or service users whose first language is other than English.

Consideration should be given to the potential risk of any significant change before it is introduced and the fire risk assessment amended accordingly.

#### **4. Framework for Co-operation**

- 4.1. Regular meetings now exist between CSSIW and the Fire and Rescue Authorities to address strategic all-Wales issues. These meetings will continue to ensure that there is effective sharing of information, policy development and joint working at this strategic level. Meetings will normally be held on a six-monthly basis, but with provision for additional meetings should either authority feel it necessary.
- 4.2. In addition, meetings will be instituted at a local Fire and Rescue Service level to bring together the Fire and Rescue Service and representatives of each CSSIW regional office in the area. The aim of these more local meetings will be to build understanding of each other's roles and responsibilities, to improve co-operation and co-ordination, to agree local working arrangements and to resolve local problems. These meetings will normally take place twice a year.
- 4.3. The Fire and Rescue Authorities and CSSIW will seek to build understanding of each other's role and to promote joint working through developing arrangements locally for joint visits to consider fire safety issues within registered premises.

## 5. What CSSIW will do for Fire and Rescue Authorities

- 5.1. CSSIW will provide information to Fire and Rescue Authorities about any policy issues that may affect proposed working arrangements.
- 5.2. CSSIW will oversee the registration process, whilst Fire and Rescue Authorities will maintain the overall enforcement responsibility for fire safety matters within premises to which the FSO applies. The introduction and maintenance of appropriate fire safety standards will be attained through continued liaison and co-operation between authorities. CSSIW will make information available to providers on how it and the Fire and Rescue Authorities work together to raise standards.
- 5.3. CSSIW will notify the Fire and Rescue Authority if, during an investigation or inspection, a CSSIW inspector identifies areas of evident concern such as those contained within the Fire Safety Checklist (See Appendix A - CSSIW Fire Safety Checklist). In these cases, CSSIW will provide the Fire and Rescue Authority with the following information:
  - contact details of the relevant CSSIW inspector
  - name, address and contact information of the provider (responsible person(s) for fire safety)
  - type of care offered
  - number of care places offered
  - whether overnight care is provided
  - the concerns about fire safety.
- 5.4. Where CSSIW has urgent serious concerns about fire safety within any care premises, they will contact the Fire and Rescue Authority in order to prompt appropriate action (See 6.7)
- 5.5. CSSIW will inform Fire and Rescue Authorities of new care premises or where a change in use of premises has been received. Wherever a service is removed from the register, CSSIW will inform the Fire and Rescue Authority and provide details of the ongoing use of the premises where known.
- 5.6. CSSIW will make information on general fire safety matters available to providers as part of the pre-registration process. The standard guidance provided is “A Short Guide to Making Your Premises Safe from Fire” available on the Welsh Assembly Government’s (WAG) website [wales.gov.uk/topics/housingandcommunity/safety/fire/safety/law/?lang=en](http://wales.gov.uk/topics/housingandcommunity/safety/fire/safety/law/?lang=en) and the 5-Step Risk Assessment Guide also available on website [www.communities.gov.uk/fire/firesafety/firesafetylaw/aboutguides/](http://www.communities.gov.uk/fire/firesafety/firesafetylaw/aboutguides/)
- 5.7. With some exceptions for domestic scale provision, CSSIW will, through its regional offices, notify the relevant Fire and Rescue Authority about all applications for initial registration or for change in ownership. In every case CSSIW will advise the applicant that the Fire and Rescue Authority is to be informed about the application. The exception refers

particularly to applications from childminders. In all other cases, it will provide the name and address of premises and the contact details of the applicant. CSSIW will limit these notifications to firm applications where they are certain the application is to be pursued (this will generally occur via the regional inspector at the point when references are sought.)

- 5.8. CSSIW will consider applications from childminders, and provide them with generic fire safety guidance agreed with the Fire and Rescue Authority.
- 5.9. CSSIW will not normally advise Fire and Rescue Authorities of applications for registration for childminding unless overnight care is provided or there are serious concerns about fire safety on the premises (See 5.14)
- 5.10. Unless serious fire safety concerns are identified, CSSIW will not await an inspection by Fire and Rescue Authorities to take place prior to completing a registration.
- 5.11. CSSIW regional offices will send a copy of any annual inspection report that raises any concerns about fire safety to the relevant Fire and Rescue Authority.
- 5.12. CSSIW will, through its regional offices, inform the relevant Fire and Rescue Authority about any variation to a registered service that could affect fire safety. Where there is any doubt about the possible impact on fire safety, CSSIW will seek advice from the Fire and Rescue Authority. CSSIW will remind providers of their legal obligation to review their Fire Risk Assessment in light of any proposed changes, including extensions and conversions, changes to the needs of the service users, changes to the staffing levels or changes in the management arrangements. CSSIW will also remind providers that structural alterations will also require Building Regulation approval (refer to 6.12) through consultation with a Building Control Body (e.g. Approved Inspector or Local Authority Building Control Officer).
- 5.13. CSSIW will inform the local Fire and Rescue Authority of any relevant enforcement action it is considering in relation to fire safety. Both Authorities will consult regarding the most appropriate action to be taken in response to any particular infringement in relation to fire safety. Monitoring inspections following enforcement action will, if considered appropriate, be carried out jointly by CSSIW and the Fire and Rescue Authority.
- 5.14. Where requested, CSSIW will provide Fire and Rescue Authorities with details of domestic scale provision (i.e. childminders, domiciliary care agencies that include Supported Housing) in order that such premises can be offered the provision of a Home Fire Safety Check.

## **6. What Fire and Rescue Authorities will do for CSSIW**

- 6.1. Fire and Rescue Authorities will carry out their legal responsibilities in accordance with the Enforcement Concordat and Health and Safety Executive (HSE) Enforcement Management Model (see Appendix C and D).
- 6.2. Fire and Rescue Authorities will provide CSSIW with information about any policy issues that may affect any proposed working arrangements.
- 6.3. Wherever CSSIW notifies the Fire and Rescue Authority of an application, the Fire and Rescue Authority will undertake an initial desk-top risk-based audit to establish if the premises require inspection. Due consideration, in line with the Fire and Rescue Authority's risk-based approach, will be given to inspect premises should CSSIW express particular concerns regarding fire safety.
- 6.4. Fire and Rescue Authorities will, as part of their risk-based inspection process, ensure that care providers have carried out a fire risk assessment and that they have taken appropriate steps to ensure the safety and wellbeing of any persons who may resort to the premises.
- 6.5. Where necessary, the Fire and Rescue Authority will provide a written report to the responsible person of the outcomes following a premises audit. The Fire and Rescue Authority will send a copy of the report to CSSIW regional office.

**NOTE: - Data sharing between enforcing authorities for the purposes of Regulatory Activity is enabled exemption from the requirements of the Data Protection Act –**

**31.** - (1) Personal data processed for the purposes of discharging functions to which this subsection applies are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of those functions.

(2) Subsection (1) applies to any relevant function which is designed-  
(e) for securing the health, safety and welfare of persons at work, or  
(f) for protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work ([www.opsi.gov.uk/acts/acts1998/19980029.htm](http://www.opsi.gov.uk/acts/acts1998/19980029.htm)).

**Data Protection Act 1998 Part iv Exemptions** (Regulatory activity)

- 6.6. The Fire and Rescue Authority will assess the risk to premises in line with their own monitoring procedures and determine an appropriate frequency of audit. The Fire and Rescue Authority will provide such information to CSSIW as required.
- 6.7. The Fire and Rescue Authority will support CSSIW inspection process by providing a copy of the written report of their last fire safety inspection and programme of improvements when requested.

- 6.8. The Fire and Rescue Authorities in Wales will agree and make available to CSSIW guidance for inspectors on triggers that would indicate the need for CSSIW to report concerns to them (see Appendix A).
- 6.9. Wherever CSSIW has notified the Fire and Rescue Authority of concerns about a provider's compliance, the Fire and Rescue Authority will audit registered premises within an appropriate timescale and will provide written reports to CSSIW as necessary. Where concerns are of a serious nature, the Fire and Rescue Authority will audit as a matter of priority. The Fire and Rescue Authority will send their report to the provider and copy it to the regional office of CSSIW.
- 6.10. The Fire and Rescue Authority will inform the regional office of CSSIW of any relevant enforcement action it is considering. The two will seek to reach agreement about the most appropriate action to be taken in response to any particular infringement. Monitoring inspections following enforcement action will, as required, be carried out jointly by the Fire and Rescue Authority and CSSIW.
- 6.11. Where Fire and Rescue Authorities provide fire safety training to the providers and staff of registered premises, they will make opportunities available to the staff of CSSIW to join the training and familiarise themselves with the areas covered.

## **7. Building Regulations Consultation Process**

- 7.1. Building control bodies (Approved Inspectors or Local Authority Building Control Inspectors) are responsible for ensuring that any new build or structural alteration are compliant with the building regulations requirements for :
- Means of Warning and Escape
  - Internal Fire Spread – Linings and Structure
  - External Fire Spread
  - Access and facilities for the fire service
- 7.2. Fire and Rescue Authorities are statutory consultees within the building regulations process and will be afforded the opportunity to comment regarding all new schemes (this will include premises regulated by CSSIW).

## **8. Specific Service Level Agreements**

- 8.1. This section contains subject areas where CSSIW and the Fire and Rescue Services in Wales require specific procedural guidance or interpretation.

### **8.1.1. Domestic Settings – Domiciliary Care (Supported Housing)**

Within private dwellings, the provision of domiciliary care falls outside the scope of the FSO. The Fire and Rescue Service may

target such premises for a home fire safety check where basic fire safety advice and some fire safety equipment can be provided (Refer to Appendix B, Definitions- Domiciliary Care Agencies).

8.1.2. **Home Fire Safety Checks** - In order to reduce the incidence of accidental dwelling fires, Fire and Rescue Services provide Home Fire Safety checks. Community fire safety staff from the services will visit domestic properties to provide home fire safety advice and in some instances, will also be able to check or install smoke detectors free of charge. These audits are the cornerstone of the proactive role the Service is now adopting in its drive to reduce the deaths and injuries that are caused by accidental fires.

8.2. Staff numbers in Care Homes –Fire Risk Assessment in Residential Care Premises (P72)

Interpretation of the paragraphs:-

***“Staff numbers***

*The numbers of staff in your premises will have a very significant influence on the outcome of your risk assessment.*

*You may need to consult your registration authority to determine or agree the numbers of staff you should have in attendance, in particular at night.”*

8.2.1. Fire and Rescue Services in Wales agree that the above paragraphs do not require the registration authority to determine the numbers of staff required to be on duty for evacuation purposes as this is the responsibility of the responsible person and should be considered as part of the provider’s overall premises fire risk assessment.

**9. Protocol Review**

9.1. This Protocol will be reviewed annually or when deemed necessary by CSSIW or CRR Wales.

Sharon Rees  
**Assistant Chief Inspector, CSSIW**

Date

Richard Smith  
**Chair, CFOA (Wales) Community Risk  
Reduction Committee**

Date

## APPENDIX A

### Fire Safety Checklist for CSSIW Inspectors

All responsibility for enforcement in relation to fire safety has now transferred to the Fire and Rescue Authority (with the exception of childminders), from October 2006. However CSSIW has an overall duty under the Care Standards Act 2000 to protect vulnerable people through the regulations and national minimum standards.

Information from the checklist below will be requested from the provider through the Self Assessment Form (SAF) which providers will be expected to return prior to an inspection in order to meet with regulatory requirements. In addition as part of our proportionate approach to inspection, inspectors will sample check a number of risk assessments, logs, plans on their inspection visit.

The items below are general areas of evident concern that may act as 'triggers' for liaison with the local Fire and Rescue Service Fire Safety Officer (refer to Guidance Notes, P./iii). This is not an exhaustive list and as an organisation CSSIW has a duty to ensure that service users are safeguarded in relation to fitness of premises. Therefore, where inspectors come across additional issues of concern these too will be raised with colleagues in the Fire and Rescue Service where appropriate. Negative answers should therefore act as a prompt for such liaison.

#### 1. Policy

a) Is there evidence of a Fire Safety Policy?

YES	
NO	

#### 2. Emergency Plan

a) Is there evidence of an Emergency Plan?

YES	
NO	

#### 3. Staff Training

a) Is there evidence of Staff Training?

YES	
NO	

#### 4. Risk Assessment

a) Is there evidence of a Fire Risk Assessment?

YES	
NO	

#### 5. Log Book

a) Is there a Log Book kept?

YES	
NO	

b) Are the Records up-to-date?

YES	
NO	

#### 6. Fire Exits

Are exit routes free from obstruction and combustible materials?

\*\* Some temporary obstructions may be acceptable for short periods of time  
e.g. servicing trolleys\*\*

YES	
NO	

#### 7. Doors

Are doors fitted with self closing devices wedged or propped open? This is not permitted and must be addressed immediately

YES	
NO	

#### 8. Staff and Service Users

Where there are staff and service users whose first language is other than English, is there provision to ensure that they are aware of emergency warning and evacuation procedures?

YES	
NO	

Your local Fire Safety Officer can be contacted via: 0370 6060699

## CHECKLIST GUIDANCE NOTES

### 1. Policy

Providers and managers of care homes should ensure that they have a clearly defined fire safety policy for the protection of service users, staff and visitors. This should be closely linked to the health and safety policy of the premises.

### 2. Emergency Plan

Providers should ensure that there is an up to date emergency plan based on the Fire Risk Assessment (see below). This should set out (amongst other things) details of:

- action to be taken by staff in case of fire
- procedure for the evacuation of the premises in case of fire by them and by any other persons present. This will depend on the numbers of staff on duty and the physical conditions in the building
- arrangements for calling the Fire Service and for informing them of any special risks
- evidence that there is an adequate number of persons responsible for supervising and controlling the putting into effect of the plan
- assurance that a copy of the plan and the findings of the risk assessment are kept on the premises and are available for inspection
- evidence that there is one named individual with management responsibility for fire safety.

An up to date drawing/plan of the premises should be maintained which indicates:

- Automatic detection and alarm systems
- Means of escape
- Sub-compartmentation
- Manual fire fighting equipment
- Fire Service access

If no plan is provided, check that items are not obviously damaged.

### 3. Staff Training

Providers and managers of care homes should ensure that all staff (including temporary and agency staff) are given appropriate information about, and instruction and training in, the fire precautions to be taken or observed in the premises, including the action to be taken in case of fire. This should be given on commencement of employment and whenever there is a change in the fire risk. All staff should attend a minimum of two sessions per year. Fire Safety training should be specific to the setting and should cover:

- fire prevention
- the correct action to be taken when a fire is discovered

- the correct action to be taken should a person's clothing or a pan of fat catch alight
- evacuation and escape procedures
- an appreciation of the importance of fire doors and their correct use and avoidance of abuse
- use of manual firefighting equipment provided, with additional training provided for those staff nominated as fire wardens/marshals

#### **4. Risk Assessment**

Is there an up to date risk assessment?

The risk assessment should be reviewed (and if necessary revised) each year and whenever there is reason to believe it is no longer realistic.

It should be reviewed too, wherever there has been a significant change in the activity carried on in the premises, or where there has been a significant change in the number or dependency of the service users

#### **5. Log Book**

Are records of the following entered at the necessary intervals?

##### **Fire Drills**

- Small and medium premises - practice drills should be held at least once a year
- Large premises - practice drills should be held at least twice a year

##### **Fire Alarm Testing and Maintenance**

- The fire alarm system is to be tested weekly using a different break glass call point for each successive test.

##### **Fire Fighting Equipment Testing and Maintenance**

- Has the fire fighting equipment provided been examined within the last twelve months?

##### **Staff Training**

- All staff should attend a minimum of two training sessions per year.

##### **Emergency Lighting Testing and Maintenance**

- A daily visual inspection to ensure that there are no defects to the system. Any defects should be logged and immediate remedial action taken
- A monthly test should be carried out to ensure correct operation of the system by simulation of a failure of the supply to the normal lighting.

#### **6. Means of Escape** - *"The structural means whereby a safe route is provided for persons to travel from any point in a building to a **PLACE OF SAFETY** beyond the building without outside assistance."*

## APPENDIX B

### **Definitions of settings, agencies and other regulated areas under the Care Standards Act 2000**

#### **Children's Homes/Secure Unit**

A children's home is an establishment which provides care and accommodation wholly or mainly for children. Some children's homes will be specialist establishments for children requiring therapeutic support or for children with disabilities and others provide respite care only. There is also one secure unit in Wales.

#### **Residential Family Centres**

A residential family centre is a place where parents undergo a residential assessment of their ability to care safely for their children, sometimes at the direction of the courts. Currently the family centre residential provision in Wales is only for mothers with young children.

#### **Public and Independent Fostering Services**

Fostering services are responsible for recruiting, assessing, training and supporting foster carers who provide a home for children 'looked after' and placed there by the Local Authority. CSSIW inspects the functioning of the service and business premises but does not inspect individual foster carers' homes. Fostering services vary in size and may recruit foster carers from a wide geographical area.

#### **Adoption Services**

Adoption services are responsible for recruiting, assessing and supporting adoptive parents and matching children to these adopters. These services are inspected every 3 years by CSSIW. CSSIW inspects the functioning of the service and business premises but does not inspect individual adopters' homes.

#### **Adoption Support Agencies**

These differ from adoption services in that their role is solely to provide adoption support services e.g. counselling for adults or children who have been adopted. These services are inspected every 3 years by CSSIW. CSSIW inspects the functioning of the service and business premises.

#### **Residential Special Schools**

These are schools for children with specific needs (e.g. physical and/or learning disabilities) and a statement of special educational needs where the children live on the premises. CSSIW inspections focus on the arrangements to meet their obligation to safeguard and promote the welfare of children for whom accommodation is provided, whilst Estyn will inspect the quality of education provided.

## **Boarding Schools**

These are schools where children live on the premises. A number have overseas students. CSSIW inspects these every 3 years and focus on the arrangements to meet their obligation to safeguard and promote the welfare of children for whom accommodation is provided, whilst Estyn will inspect the quality of education provided.

## **Further Education Colleges**

CSSIW inspects the welfare provision in colleges where residential accommodation for young people under the age of 18 is provided but they do not meet the criteria to be registered as a care home. Children and young people in these establishments will tend to be over 16. CSSIW inspects these every 3 years and the inspection framework is similar to that for boarding schools.

## **Care Homes**

A care home provides accommodation and care for service users mainly older people, people with a physical or learning disability or those who have mental health problems who are not able to care for themselves at home or are able to be cared for at home because of their specific needs. Care homes can have anything from 1 bed to 100+ beds. Some care homes can also provide nursing care if they are registered to do so.

## **Domiciliary Care Agencies**

This service recruits care workers to provide services to both adults and children who live in their own homes but need assistance to be able to do so. Under the Care Standards Act 2000 CSSIW is not legally entitled to go into a service user's home so CSSIW would only be visiting the agency to ensure that they had the systems and processes in place to meet the regulations. Supported Housing – these types of setting that are supported by Domiciliary Care Agencies are evidently not 'domestic' settings and thus fall within the scope of the Fire Safety Order. These typically comprise 'tenant-occupied' premises where each occupant has a tenancy agreement, has sole occupancy of their room/s, can select their own care provider and may share some facilities. They often have 'live-in' care and support for disabled persons or people with learning difficulties. Each will be determined based upon the circumstances of the case but will generally be enforced by the Fire and Rescue Service (the Fire Safety Risk Assessment - Sleeping Accommodation Guide or Fire Safety Risk Assessment - Residential Care Premises Guide will be utilised to assess standards as appropriate). Such premises also fall outside the scope of CSSIW regulated services. They may therefore need to be dealt with on a case-by-case basis, with additional consultation taking place with the local Housing Authority.

## **Adult Placement Schemes**

Adult placement schemes provide a service to people (mainly people who have a learning disability) where up to two service users live in a domestic setting with a family, who is not their relative. As above CSSIW has no legal powers to enter a service user's home and so regulates the scheme rather than the individual home.

## **Nurses' Agencies**

Nurses' agencies are responsible for providing services for the purposes of finding persons employment with employers such as care homes, private individuals in their own homes or supplying employers with persons for employment by them. Like domiciliary care agencies CSSIW would inspect the agency to ensure they have the appropriate systems in place to meet the regulations and not the individual settings.

**Childminders** provide care in their own home for someone else's children under the age of eight years for more than two hours a day and for reward. They may provide overnight care for minded children.

**Full daycare** may be private or community owned; family centres, children's centres or day nurseries. They may operate from privately owned purpose built or adapted premises or within community owned premises. The usual age range cared for is birth to eight years.

**Sessional care** is more commonly known as playgroups or Welsh medium cylchoedd. They usually operate in community owned premises – village hall, community centre, chapel vestry or within a primary school. They operate for 4 hours or less for one session, and may have two separate sessions in one day. The children are usually from 2 years to school age.

**Out of school care** operates for all children of school age; (for CSSIW purposes up to 8 years of age) providing care before school, after school and during school holidays. They may operate throughout the year or for short term - e.g. Easter or summer play schemes only. They are usually held in primary school premises but may be in community buildings. They are registered by CSSIW when care is provided for more than a total of 2 hours in any day. They are often called breakfast clubs or after school clubs. They are usually community managed rather than privately owned.

**Crèches** provide occasional care for children under 8 for example in a leisure centre, shopping area or community centre. Parents are usually on site. They may be a temporary arrangement (e.g. to cover a course that parents attend) or permanent for users of sports facilities. The age range may be from birth to 8 years, and children may attend from one hour to a full day according to parents' needs and the facility they use. They may be privately, community or corporately owned.

**Open Access Play** may be permanent or temporary schemes, where children aged five and over attend. Children may come and go unaccompanied by a parent/carer. These settings may have no, or limited, use of premises, and are in the main community owned. Children are given a range of outdoor learning experiences, including building their own shelters, and learning about fire making and management.

It may be helpful to know that the following organisations may provide membership support to the above:

- National Childminding Association

- Wales Pre-school Playgroups Association
- Mudiad Ysgolion Meithrin
- National Day Nurseries Association
- Clybiau Plant Cymru Kids Clubs
- PlayWales (non-membership training support).

## APPENDIX C

### **HSE Enforcement Management Model**

The process of inspecting workplaces, assessing risks and making enforcement decisions where appropriate will embody the principles, expectations and methodology of the Enforcement Management Model (EMM) produced by the Health and Safety Executive (HSE), which is considered national best practice.

The use of the EMM, encompassing an assessment of 'Responsible Person Factors' and 'Strategic Factors' will allow inspectors to make consistent and fair enforcement decisions based on clear guidelines, which will be robust if challenged, and auditable.

The EMM, together with Service procedures is intended to:

- promote consistency of enforcement
- promote proportionality and targeting by confirming the risk based criteria against which decisions are made
- be a framework for making enforcement decisions transparent
- ensure that those who make decisions are accountable for them
- help experienced inspectors assess their decisions in complex cases
- allow peer review of enforcement action.

## APPENDIX D

### Frequency of review of Fire Risk Assessment in Care Homes

The following information aims to provide clarity on the frequency of review.

The Fire Safety Guide for Residential Care Premises states:

#### Step-5 Review

You should constantly monitor what you are doing to implement the fire risk assessment, to assess how effectively the risk is being controlled.

If you have any reason to suspect that your fire risk assessment is no longer valid or there has been a significant change in your premises that has affected your fire precautions, you will need to review your assessment and if necessary revise it. Reasons for review could include:

- changes to work activities or the way that you organise them, including the introduction of new equipment;
- alterations to the building, including the internal layout;
- substantial changes to furniture and fixings;
- the introduction, change of use or increase in the storage of hazardous substances;
- the failure of fire precautions, e.g. fire-detection and alarm systems, life safety sprinklers or ventilation systems;
- significant problems reported by staff or residents;
- a significant increase in the number of people present;
- the presence of people with some different or specific form of disability;
- and
- changes in staff ratios.

You should consider the potential risk of any significant change before it is introduced. It is usually more effective to minimise a risk by, for example, ensuring adequate, appropriate storage space for an item before introducing it to your premises.

Do not amend your assessment for every trivial change, but if a change introduces new hazards you should consider them and, if significant, do whatever you need to do to keep the risks under control. **In any case you should keep your assessment under review to make sure that the precautions are still working effectively. You may want to re-examine the fire prevention and protection measures at the same time as your health and safety assessment.**

#### Checklist

- Have your staff received any fire safety training?
- Have you carried out a fire drill recently?
- Are staff aware of specific tasks if there is a fire?
- Are residents aware of specific actions if there is a fire?

- Are you maintaining a record of training sessions?
- If you use or store hazardous substances have your staff received appropriate training?

### **Part 1 • Fire risk assessment**

If a fire or 'near miss' occurs, this could indicate that your existing assessment may be inadequate and you should carry out a re-assessment. It is good practice to identify the cause of any incident and then review and, if necessary, revise your fire risk assessment in the light of this.

The Fire and Rescue Service standard letters to Responsible Persons recommend but do not stipulate that a premises risk assessment should be reviewed by the responsible person at least annually.

Whilst this may be seen to be over and above the recommendations of the fire safety guide we are trying to encourage good practice and it supports the sentence highlighted in bold print in the extract from the guide. This concurs with advice that Fire Safety Officers are giving.

# APPENDIX E



CABINET OFFICE

## Enforcement CONCORDAT



### The Principles of Good Enforcement : Policy and Procedures

This document sets out what business and others being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy.

The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice and safety.

We have therefore adopted the central and local government Concordat on Good Enforcement. Included in the term 'enforcement' are advisory visits and assisting with compliance as well as licensing and formal enforcement action. By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

### Principles of Good Enforcement : Policy

#### STANDARDS

In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance

the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

#### OPENNESS

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

#### HELPFULNESS

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice/information from us. Applications for approval of establishments, licences, registrations, etc, will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

#### COMPLAINTS ABOUT SERVICE

We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

#### PROPORTIONALITY

We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

#### CONSISTENCY

We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

### Principles of Good Enforcement : Procedures

Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what time-scale, and making sure that legal requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection or to prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).