

The person legally responsible for implementing the requirements of the FSO is called 'THE RESPONSIBLE PERSON (the Duty Holder in Scotland).

He or she is described by the FSO as follows –

- (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.

The Responsible Person cannot avoid his or her legal responsibility. The person who fits the above descriptions will hold legal responsibility, irrespective of any arrangements they might make for others to perform their duties, including General Fire Precautions.

The FSO describes General Fire Precautions as follows –

- (a) Measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises.
- (b) Measures in relation to the means of escape from the premises.
- (c) Measures for securing that, at all material times, the means of escape can be safely and effectively used.
- (d) Measures in relation to the means of fighting fire on the premises.
- (e) Measures in relation to the means of detecting fire on the premises and giving warning in cases of fire on the premises.
- (f) Measures in relation to the arrangements for action to be taken in the event of fire on the premises, (including measures relating to the instruction and training of employees to mitigate the effects of a fire).

The Responsible Persons Fire Safety Duties include the following —

- (a) Take such fire precautions as will ensure, as far as is reasonably practicable, the safety of any of his employees.
- (b) In relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.
- (c) Carry out, or arrange to have carried out, a fire risk assessment (including procedures in respect of serious and imminent danger and for danger areas and emergency measures for dangerous substances) that must be regularly reviewed and the findings acted upon.
- (d) Ensure adequate fire-fighting and fire-detection.
- (e) Ensure emergency routes and exits are established adequately sign-posted and kept clear. ,
- (f) Ensure maintenance of the premises and any facilities, equipment and devices necessary for the safety of relevant persons.
- (g) Appoint one or more competent persons to assist him in his duties'
- (h) Provide information to employees take in event of fire, in respect of risks and action t°

(i) Provide information to employers and the self-employed from Outside undertakings who are working in or on the premises'

(j) Ensure his employees are provided with adequate fire safety training,

(k) Co-operate and co-ordinate with other responsible Persons who share or have duties in respect of the premises (whether on a temporary or permanent basis).

Fire Risk Assessments must be in written form when 5 or more persons are employed. IFEDA recommends that the Responsible Person should be encouraged to always do a written risk assessment so that they can prove they have done it.

It should be remembered that all businesses should already have a Fire Risk Assessment as required by the (now replaced) Fire Precautions in the Workplace Regulations 1997, as amended 1999.

Instructions to employees in action to take in the event of fire must be in written form, as must fire action plans, irrespective of the number of persons employed.

Employee training must take place during working hours; employers may not impose conditions whereby training takes place during the employees' unpaid time.

The Responsible Person must take steps to ensure -

"Fire protection products and their related services must be fit for their purpose and properly installed and maintained in accordance with the manufacturers' instructions or the relevant British Standards.

Third-party certification schemes for fire protection products and related services are an effective means of providing the fullest possible assurances, offering a level of quality, reliability and safety that non-certificated products may lack. This does not mean goods and services that are not third-party approved are less reliable, but there is no obvious way this can be demonstrated.

Third-party quality assurance can offer the Responsible Person great comfort, both as a means of satisfying him that goods and services he has purchased are fit for purpose, and as a means of demonstrating he has complied with the law".

The above is contained in the FSO Guidance Notes.

The FSO lists the general duties of employees as follows:

Every employee must, whilst at work -

(a) Take reasonable care for the safety of himself and of other related persons who may be affected by his acts or omissions at work.

(b) As regards any duty or requirement imposed by his employer or under any provision of the F50, co-operate with him as far as is necessary to enable that duty or requirement to be performed or complied with.

(c) Inform his employer or any other employee with specific responsibility for the safety of his fellow employees of any work situation which represent a danger to safety, or any matter, which may reasonably represent a shortcoming in the employers' protection arrangements for safety.