



CABINET – 12TH JUNE 2018

FIRE SAFETY AND POLICY ON USE OF SPRINKLER SYSTEMS

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART A

Purpose of the Report

1. The purpose of this report is to seek the Cabinet's approval of a new policy regarding the use of sprinkler systems in County Council buildings together with a new fire risk and sprinkler priority assessment tool.
2. The report also provides a further update on the evaluation of fire safety compliance in Leicestershire academies and the current status of Government legislation and policy following the publication of Dame Judith Hackitt's report into the effectiveness of building regulations and fire safety, following the Grenfell Tower tragedy.

Recommendations

3. It is recommended that:
 - (a) The work undertaken to promote the continued safety of all occupants of County Council buildings, in particular with Leicestershire academies, be noted;
 - (b) The County Council Policy on Use of Sprinkler Systems and the associated Fire Risk and Sprinkler Priority Assessment Tool attached as Appendices A and B to this report be approved;
 - (c) The Director of Corporate Resources be authorised to amend and update the Policy on Use of Sprinkler Systems as is necessary to ensure that it is up-to-date and in line with current legislation and good practice;
 - (d) The work being undertaken to respond to expected changes in legislation and Government policy which might affect the design, construction and on-going management of County Council buildings, be noted.

Reasons for Recommendations

4. The introduction of a clearly defined policy on the use of sprinkler systems will assist the Authority in discharging its duties and responsibilities to ensure the safety of the County Council's buildings.

5. The Policy will be kept under constant review and amended by the Director of Corporate Resources as appropriate to ensure it remains up to date and in line with current legislation and good practice.
6. The County Council takes its responsibilities for the safety and well-being of its buildings seriously and it expects others with similar responsibilities, such as academy schools, to do likewise.
7. Work will continue to ensure the Council remains vigilant and is able to respond quickly to legislative changes that will specifically affect the way it designs, constructs and operates its buildings.

Timetable for Decisions (including Scrutiny)

8. In March 2018 the Children and Families Overview and Scrutiny Committee confirmed its support for work undertaken to ensure the continued safety of pupils and other occupants of Leicestershire maintained schools and academies, and the work taking place to develop the proposed new fire safety/sprinkler policy.
9. Subject to approval by the Cabinet, the new Policy and assessment tool will be implemented with immediate effect.
10. Work is ongoing to review the fire risk assessment information now provided by all 174 Leicestershire academies that were originally contacted to confirm their compliance with fire safety regulations. At the time of writing, only 8 out of the 174 academies require further investigation and work is underway to remedy this.

Policy Framework and Previous Decisions

11. At present the County Council does not have a specific policy in relation to the installation of sprinkler systems, but follows statutory regulations and guidance relating to the design, construction and management of buildings.
12. Schools must adhere to the Department for Education (DfE) guidance 'Building Bulletin 100: Design for Fire Safety in Schools' which provides direction for designers, fire engineers, building control officers and fire safety officers. Advice is also provided for head teachers, governors, teaching staff and facilities and maintenance staff regarding their responsibilities as fire safety managers.
13. The Cabinet considered the position regarding fire safety and sprinkler systems in schools at its meeting in February 2018. It agreed that further work should progress on the development of a sprinkler systems policy and risk assessment tool which would benefit not only school buildings, but all of the County Council's buildings now or in the future and that additional work take place to evaluate fire safety compliance within Leicestershire academies.

Resource Implications

14. Provision has been made within the current schools capital programme (2018/19) for the installation of sprinkler systems where risk assessments have concluded them to be necessary. These construction projects involve significant expansion, extension and adaptation of primary schools. It is expected that in future years the increase in new schemes within the schools capital programme and the commitment to fit sprinkler systems, will require additional funding to be allocated.
15. Should the Cabinet agree to adopt the proposed new Policy, a process will begin to identify and prioritise existing higher risk Council buildings. The risk assessment tool will be used to determine whether it would be appropriate to retrofit sprinkler systems to further mitigate fire risk in these buildings and this will confirm and evidence the extent of any additional resources that may be required to do this.

Circulation under the Local Issues Alert Procedure

None.

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PART B

Background

16. In the immediate aftermath of the Grenfell Tower tragedy in June 2017 the County Council began a comprehensive review of its approach to fire safety. This included a review of building materials specified in the construction of council buildings and also a review of day-to-day operational practices.
17. The County Council operates a two-tier system of fire risk assessment in its buildings:-
 - Type 1 assessments – those responsible for local site management (e.g. a tenant or a school governing body) are responsible for the safe evacuation of buildings and good day-to-day management practices such as ensuring escape routes remain clear. Type 1 fire risk assessments should be reviewed annually by those responsible on site.
 - Type 2 assessments – the County Council is responsible for structural and systems based assessments of buildings covering issues such as compartmentation, the type of fire alarm systems installed and travel distances to safe refuge. These are reviewed on a 5-year cycle by the Authority, or sooner if there has been a significant change such as an internal refurbishment.
18. As a priority following 'Grenfell', the Council reviewed all existing fire risk assessments in its buildings with a residential facility. The decision was taken to undertake a combined Type 1 and Type 2 fire risk assessment for these buildings due to the recognised additional risks associated with residential accommodation. All recommended actions from the combined fire risk assessments have now been completed and all properties with a residential function will now be subject to an ongoing annual combined fire risk assessment review.
19. In other County Council buildings fire risk assessments have been analysed and, where necessary, additional fire precautionary works have been carried out. Additionally, an ongoing programme of visits to all maintained schools to ensure their continuing compliance with fire safety regulations is near completion.

Development of the Use of Sprinkler Systems Policy

20. Sprinkler systems are an active fire protection measure that reduces both the risk to life and the degree of property damage caused by fire.
21. A policy on the use of sprinkler systems and a separate risk assessment tool have been developed to establish a clear process to determine when installing sprinkler systems might be appropriate. Both documents have been developed in consultation with a number of key services, groups and suppliers including:

- The Council's Property and Occupants Risk Management Group
 - The Council's Insurers (AIG)
 - Children and Family Services
 - Adults and Communities
 - Legal Services
 - Corporate Resources: Strategic and Operational Property Services, Health, Safety and Wellbeing Service
 - Leicestershire Fire and Rescue Service
22. A copy of the proposed Policy is attached as Appendix A to this report. It should be noted that the Policy applies to all County Council buildings and buildings will only be exempt from this where this is considered appropriate by Chief Officers, which would only be in specific and exceptional circumstances.
23. Additionally, there are also a range of properties held within both the Pension Fund and the Capital Asset Investment Fund (CAIF) that are occupied by third parties that meet their specific operational and business needs. It is considered that these properties should be outside the scope of the Sprinkler Policy. On a practical level it would not be possible for the Council to introduce its Sprinkler Policy on these existing properties, many of which are held in pooled investment funds. However, it should also be noted that they will still be required to be compliant with relevant current legislation and building regulations.
24. Where buildings are not owned by the County Council, for example, Faith or Trust schools, the respective owners will be encouraged to adopt the Policy in full. This will help to ensure the safety of all building occupants and in particular Leicestershire pupils, irrespective of the type of school they attend.
25. To assist in the application of the new Sprinkler Policy, a new sprinkler priority assessment tool has been developed, attached as Appendix B to this report. This is based on the risk assessment process adopted by the DfE as part of Building Bulletin 100 guidance, but goes further in providing a more detailed assessment of risk.

Analysis of Academy School Fire Risk Information

26. All 174 academies that were originally contacted have now provided fire risk assessment information for review. In total, 35 were placed into the red "higher risk" category based upon the information originally provided. Many of these schools had failed to provide up to date information or documented the actions taken as recommended in their latest fire risk assessment. Officers have now contacted all of these schools and visits continue to seek further assurance on fire safety improvements.
27. The majority of academies have responded positively to the work conducted by the Council. The ongoing dialogue has prompted schools to implement additional fire precautionary works and also update their own fire risk assessment documentation. At the time of writing this report, only 8 academies remain in the "higher risk" category, this is a small percentage of

the original amount and the number is reducing as further contact is made and remedial actions are implemented.

28. Where an academy's risk assessment has identified more significant fire safety issues, officers have worked with the schools to ensure that suitable ongoing action plans are being developed and implemented. Academies continue to provide updates on progress being made and continuing support is being offered and provided by the Council.
29. If academies fail to adequately engage with officers the matter will be escalated to the Department of Children and Family Services for further guidance. In such circumstances it may prove necessary to speak directly to the DfE (via the Regional Schools Commissioner) for its intervention and direction. To date this has not proven necessary.
30. There are an additional number of academies in the amber "medium risk" category where follow up action is still required. Officers will work with all academies to ensure that improvements continue to be made and standards are maintained. Complying with fire safety regulations is an ongoing process and it is expected that some schools may move between green, amber and red risk categories over time.

Proposed Changes to Fire Safety Regulatory Framework

31. On 17th May Dame Judith Hackitt's review of Building Regulations and Fire Safety was published. The primary focus of the report was upon multi-occupancy higher risk residential buildings (HRRBs) of ten storeys or more. The scope of the proposed regulatory framework is, however, expected to widen.
32. The recommendations in Dame Hackitt's report reflect a goal setting rather than a prescriptive approach, placing the onus upon key stakeholders from the construction industry and building managers to identify and implement effective risk mitigation. The lack of prescriptive requirements within the report is reflected by the absence of an immediate outright ban on the use of combustible cladding materials on high-rise buildings.
33. The proposed new regulatory framework is to be underpinned by a new enforcement authority, the Joint Competent Authority (JCA), comprising of Local Authority building control, Fire and Rescue authorities and the Health and Safety Executive. The role of the JCA will be to oversee safety management in High Rise residential Buildings (HRRBs) across the life cycle of the building.
34. Following the report, further changes to legislation, policy and guidance are expected. The next update on regulatory change is expected in July 2018 when the Ministry of Housing, Communities and Local Government (MHCLG) will publish a clarified version of the Building Regulations fire safety guidance called Approved Document B.

35. In conclusion, there are no regulatory changes at present that affect the construction and management of existing County Council buildings.

Conclusions

36. In summary, the findings outlined in this report confirm that continued progress is being made to address heightened fire safety concerns in the wake of the Grenfell Tower fire in June 2017. The report confirms that:-
- The new proposed policy on the use of sprinkler systems will provide clarity and further means for the Council to discharge its responsibility to protect the safety of all building occupants.
 - Officers continue to work with Leicestershire Academy schools to ensure all are compliant with current fire safety regulations.
 - Officers continue to monitor potential changes to fire safety legislation and plan for any impact it may have on how the Council designs, constructs and manages its buildings.

Equality and Human Rights Implications

37. There are no specific equality and human rights implications arising from the recommendations in this report. The development and consistent application of fire safety policy and procedures will ensure that in keeping with the Public Sector Equality Duty, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not, all occupants are treated fairly and operate to the same standards.

Risk Assessment

38. Any risks arising from the implementation of the Policy and use of the assessment tool will be kept under review by officers within the Corporate Resources and Children and Family Services Departments and by the Council's Property and Occupants Risk Management Group to help determine actions to mitigate these.

Appendices

Appendix A - County Council Policy on Use of Sprinkler Systems
Appendix B - Fire Risk and Sprinkler Priority Assessment Tool.

Background Papers

Report to the Cabinet on 9th February 2018 - Fire Safety in Leicestershire Maintained Schools and Academies.

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5177&Ver=4>

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