



## **AGENDA ITEM: 7**

### **NORTH WALES FIRE AND RESCUE AUTHORITY**

**5<sup>th</sup> February 2008**

#### **MANAGEMENT OF HEALTH AND SAFETY AT INCIDENTS**

**Report by Simon Smith,  
Chief Fire Officer**

##### **Purpose of Report**

- 1.** To provide Members with information in relation to the Improvement Notice that was issued to Warwickshire Fire and Rescue Service and potential consequences for the UK Fire and Rescue Service (FRS).

##### **Introduction**

- 2.** Members will be aware of the fire at the food packing plant Atherstone on Stour, Warwickshire in November 2007 which resulted in four firefighters losing their lives.
- 3.** As a consequence of that tragic event the Health and Safety Executive (HSE) are working with Warwickshire Police who are leading an ongoing criminal investigation into the circumstances of the deaths.
- 4.** The investigation is a thorough look at all aspects of the incident which includes the wider arrangements Warwickshire Fire and Rescue Authority (WFRA) has in place for managing risks, both at incidents and generally.



## **Considerations**

- 5.** FRAs as the employer of firefighters have the legal duty for compliance with the requirements of the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999.
- 6.** The Fire/Incident ground is deemed to be a workplace.
- 7.** FRAs are specifically required under the Management of Health and Safety at Work Regulations 1999 to have appropriate arrangements to identify risks to health and safety and provide comprehensible information about those risks in order to secure health and safety.
- 8.** FRAs are subject to a further duty under the Fire and Rescue Services Act 2004 s7(2)(d) which requires Authorities to make arrangements to obtain information needed for the purposes of extinguishing fire and protecting life and property in the event of a fire, including that necessary for the protection of operational firefighters.

## **Current Situation**

- 9.** As a result of the investigation the HSE has formed the opinion that the current arrangements employed by WFRA do not comply with the statutory duties to provide its firefighters with all the information they should have to assist them in making the appropriate decisions when attending a fire.
- 10.** The HSE issued an Improvement Notice on the 16<sup>th</sup> January 2008. WFRA have 21 days to appeal against service of the notice. After this time, if no appeal is lodged, the HSE will publish details of the Notice.



## **Implications**

- 11.** Central Government, the Department for Communities and Local Government (CLG), is reviewing the information and guidance it provides to FRS in relation to risk and it is envisaged that there will be a heavy concentration of new work and guidance in this area.
- 12.** As a result of the Improvement Notice all FRS will be reviewing their policies and procedures in relation to risk assessment and risk information at operational incidents.
- 13.** It is unclear as yet the effect this will have on North Wales Fire and Rescue Service's current policies and processes, but it is highly probable that operational intelligence gathering will have to be increased. This has the potential to impact significantly on the Service's resources and delivery of Community Fire Safety.

## **Recommendation**

- 14.** That Members note the implications and impending workloads.