

Diocese of London
Property Department, Care of Churches



FIRE SAFETY IN CHURCHES

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1. SUMMARY

- The law affecting fire safety has changed. See [Section 2](#).
- The law now applies to all churches as well as to other buildings (except individual dwellings). See [Section 3](#).
- First it is necessary to identify the 'Responsible Person'. The law defines who this person is (see [Section 4](#)).
- The Responsible Person must carry out a risk assessment, with particular attention to any hazards to the safety of persons. See [Section 5](#).
- The Responsible Person has legal responsibility for planning and implementing fire precautions indicated by the risk assessment.

This should include evacuation planning and other measures.
See [Section 6](#).

- Some of this work can be delegated to one or more 'competent person(s)' ([Section 7](#)).
- The Responsible Person must communicate properly with employees and others, and provide training. See [Section 8](#).
- The London Fire & Emergency Planning Authority is responsible for enforcing the law ([Section 9](#)).
- Most other regulations have been absorbed into the new law, but some older requirements may still have to be followed. See [Section 10](#).
- Guidance is published by the government and this should be followed ([Section 11](#)).
- The [Diocesan Property Department](#) may be able to assist with further information and advice ([Section 12](#)).
- Always inform your [archdeacon](#) of any problems. Always comply with your buildings insurance policy. In the event of fire, inform your **insurers** immediately. ([Back to top](#))

2. INTRODUCTION

- This guidance note is for those running churches and church property in the Church of England Diocese of London.
- Since 1 October 2006, the law affecting fire safety has changed. A range of overlapping and diverse regulations previously applying have been tidied up into a single set of requirements.
- The new law brings new responsibilities to employers, and those who manage and own premises. In addition to business and the voluntary sector, all places of worship are required to comply. Previously only those with several staff, or requiring a public entertainments licence, or carrying out works, were obliged to take special measures. *There are no exceptions or exemptions* for churches or church property, except for single family dwellings.
- This guide is intended to summarise the position under the new law. The law itself is set out in the '*Regulatory Reform (Fire Safety) Order, 2005*'. See:- <http://www.opsi.gov.uk/si/si2005/20051541.htm> .
- The Order has replaced the Fire Precautions Act and the system of fire certificates, also requirements under the Health & Safety at Work

Act and the Licensing Act. Most other fire regulations have been amended to suit or abolished altogether. See [Section 10](#). The government has produced official guidance ([Section 11](#)). This guide is not intended to replace the government's guidance, which should still be referred to.

- Instead of inspections to decide what works or other measures are needed to premises, these will be determined from now on by a risk assessment (see [Section 5](#)) to be conducted by or on behalf of the 'Responsible Person' (see [Section 4](#)). ([Back to top](#))([This section only](#))

3. SCOPE OF THE FIRE SAFETY SYSTEM

- The system applies to all buildings except private homes, not just places of work.
- If a house, including any clergy house, is occupied by one family only, the house is exempt from the Regulatory Reform (Fire Safety) Order. If residential accommodation shares a building with other uses, eg a clergy flat above a church vestry, the requirements of the Order apply to everywhere except inside the flat itself. Where there are several dwellings in one building (eg a flat on each floor), the Order applies to the common parts, ie the stairs, landings etc.
- Particular regulations apply to sleeping accommodation in a church or church hall (eg night shelters). ([Back to top](#))([This section only](#))

4. THE RESPONSIBLE PERSON

- The Regulatory Reform Order defines a 'Responsible Person', with a duty to provide for the safety of:-
 - (1) Persons employed on the premises, and -
 - (2) Persons, other than employees, who may visit the premises.
- Who is the Responsible Person is a matter of identifying who fits the definition in **Clause 3** of the Order. See:-
<http://www.opsi.gov.uk/si/si2005/20051541.htm>
The Responsible Person is not an appointment to be made at a church's discretion, or for someone to volunteer to take it on. He/she has that role, as a point of fact, by virtue of the position and status he/she occupies. The *legal responsibility* of the Responsible Person cannot be delegated (although some tasks may be, see [Section 7](#)).
- To identify the Responsible Person, you need to answer three questions, according to the individual arrangements and circumstances of your particular church:-

(1) Is anyone employed on the premises?

If the workplace is controlled by the employer, then the Responsible Person will be the employer. In a church, this will usually be the PCC (which may function as a 'person' in this context) or, sometimes, a company controlled by the PCC. In the case of a church, this will only apply to staff, not to parish clergy (clergy are not employed by the PCC). A member of staff cannot be the Responsible Person.

IF (1) DOES NOT APPLY, THEN -

(2) Who controls the premises, and what goes on in them from day to day?

Whoever fits this definition is the Responsible Person. This may be a churchwarden, or chair of a key PCC committee #. It might sometimes be the Incumbent or Priest-in-Charge, but this should not be taken for granted.

Make sure that the Responsible Person has control of the premises and their use, not one without the other.

IF (1) AND (2) DO NOT APPLY -

(3) Who is the building owner?

If the building is not used by an employer and his/her staff, AND no particular person is in control of the premises and their use (eg if the building is empty), legal responsibility reverts to the building owner. This might be the London Diocesan Fund, or the Incumbent *.

It is important to be clear about who is the Responsible Person. Practical and legal responsibility must not be allowed to fall between different stools.

- **See our flow chart, to help you work out who is the Responsible Person in your Church.**

It might still be the PCC itself, under question (2), even though (1) does not apply.

* If he/she has the freehold, otherwise the Bishop of London on his/her behalf.

- There may be more than one responsible person within a church building. If part of a church is licensed for occupation by another organisation, eg a nursery or a charity, then that organisation will have its own Responsible Person, a member of its own organisation not that of the Church. This person will be responsible within the part of the premises

which has been let out. Other areas will be covered by the Church's Responsible Person (and/or those of other licensees).

- The terms of any licence should make clear the extent of the parts being let, and explicitly give the licensee appropriate control over them, whilst not conflicting with the responsibilities of the PCC towards the Church as a whole.

Advice should always be sought from the Diocesan Registry, concerning any licence affecting church premises.

- If another organisation is hiring a room in the Church or Hall regularly, or for a one-off event, who is the Responsible Person needs to be ascertained.

It is important for the Church and any licensee or hirer to communicate about appropriate precautions (see [Section 6](#)).

- If a church is organising a special event, outside church premises, careful consideration should be given to who is the Responsible Person on that occasion. ([Back to top](#))([This section only](#))

5. THE RISK ASSESSMENT

- The Responsible Person ([Section 4](#)) is legally responsible for making the Risk Assessment and implementing its findings.
- Separate risk assessments may be needed for:-
 - (1) **The Church** as a whole;
 - (2) **Parts of it occupied** by licensees;
 - (3) **Events off the premises** (see [Section 4](#)).
- In order of importance, the Risk Assessment will assess the risk to:-
 - (1) **Persons;**
 - (2) **The fabric of the building** – to the extent that it indirectly affects the persons in it.
- The aim of the Risk Assessment is to reduce the hazard to *people* from fire in the buildings where they live, work and otherwise spend their lives. Therefore the first priority is to make sure that should a fire occur, it will be detected and everyone in the building can get out safely in time. Obviously it is desirable that the Church should not burn down, but that is less important than avoiding injury or loss of life.
- All persons, whether workers, visitors or the public, must be taken into account in assessing risk. Some people may be more vulnerable to risk, eg disabled persons, or anyone on their own.

- Particular consideration must be given to young persons, because they lack experience and a practical sense of risk.
- *Hazards* which may *cause a risk* need to be identified. It must not be assumed that churches are more safe than other buildings. The electrical wiring may not have been checked for years. There may be an out-of-date kitchen with unsafe cookers; or combustible materials such as gas cylinders, petrol for the mower, even wax floor polish. The level of risk needs to be assessed. The effect of any fire on neighbouring premises should also be considered.
- The responsibility to carry out the Risk Assessment has applied since 1 October 2006. Churches should go about this responsibility in a careful and methodical way - but, at the same time, it would be unwise to procrastinate. Better to set a reasonable programme and timetable, then make every endeavour to stick to it.
- Although the Responsible Person is obliged to have the Risk Assessment carried out, he or she does not actually have to undertake it in person. The Government's 'Short Guide' (see <http://www.communities.gov.uk/index.asp?id=1500383> and [Section 11](#)) states that the Responsible Person may delegate actually preparing the Risk Assessment to another 'Competent Person' (See also [Section 7](#)).
- The Responsible Person does not *have* to delegate the task of making the Risk Assessment. For the smallest churches with a simple design and layout and very few occupants - especially if there are no staff (apart from clergy) - a churchwarden or building manager as Responsible Person might carry out the Risk Assessment himself/herself (see [Section 4](#)). The 'Short Guide' will help with this.
- For any other churches, it is advisable to consider employing a professional firm of Fire Engineers or Surveyors to act as a 'Competent Person' (see [Section 7](#)) to undertake the Risk Assessment. For larger churches, with a complex design and layout, and/or with a large congregation and/or staff on the premises, it is strongly advised that professional help be sought to carry out this task. At the same time, the Responsible Person needs to 'own' the Risk Assessment and control the implementation and ongoing review process (see [Section 6](#)).
- The [Diocesan Property Department](#) or **your Insurers** may be able to suggest names of firms undertaking risk assessments. The Property Department will not make a recommendation however. It will be a matter for the PCC to find out about any firm, and assess its suitability, before appointing them. As always, beware of cowboy companies offering their services! There are several organisations accrediting those who can undertake risk assessments.

- The findings of the Risk Assessment must be written down if there are five or more persons employed. It is advised that it should always be written down.
- The Risk Assessment must be regularly *reviewed*, and should be *amended* where necessary, to incorporate lessons learnt and take account of changes to the building or any circumstances.
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6. **FIRE PRECAUTIONS**

- The Responsible Person must:-
 - (1) **Plan and give effect to the measures advised by the assessment**, so far as is reasonable and practicable, and –
 - (2) **Record the plan and the action taken.**
- Any hazards identified in the Risk Assessment need to be removed or mitigated. Fire extinguishers should always be provided, as well as fire and smoke detectors and alarms. Escape routes and exits will need to be signed, emergency lighting, perhaps a sprinkler system installed. Systems like this need to be properly maintained. The building itself may need to be upgraded, making doors self-closing, replacing hazardous materials, even increasing the fire resistance of partitions.
- Not all of these measures will be needed in every case. The government guides (see [Section 11](#)) indicate what kind of measures are reasonable and practicable, but they are not prescriptive. Alternatives can be adopted which achieve the same level of prevention and protection. For example, a sprinkler system may be an alternative in some buildings when other alterations are unfeasible.
- *It is up to the Responsible Person to prove it*, if he/she feels that it is not practicable to carry out any measures which the Order requires and/or are indicated by the Risk Assessment. If in doubt, the Responsible Person should seek the advice of a fire safety engineer or other qualified professional.
- Each Church's plan of action must include a carefully thought-through **evacuation plan**, starting with the action to be taken when a fire is discovered, the means of sounding the alarm, and the method of calling out the emergency services and procedure for liaising with them after they have arrived. Safety routines such as checking fire extinguishers, closing fire doors (but not locking them on escape routes), making sure corridor lights are working, that stewards are posted during events and that assistance is on hand for any disabled person, also need to be planned.
- The manner in which the premises are managed, staff trained and supervised, drills conducted, may go a long way to reduce the effect of

unavoidable shortcomings in the building. On the other hand, poor or irresponsible management and housekeeping may contribute to fatalities in a fire affecting a building which is designed perfectly correctly. It is noteworthy how many fire disasters in the news have occurred when large crowds were shut in by locked fire doors, or combustible materials were lying in escape routes.

- The principles of fire prevention are described in the Regulatory Reform Order, **Schedule 1 Part 3**. Schedule 1 also give information about special risks, and in particular how to take account of young persons (**Schedule 1 Part 2**) – this is very important in a church. In **Part 2** of the Order itself, there is information about fire fighting and detection, emergency routes and exits, procedures, communication and cooperation, drills, maintenance, training.
See:- <http://www.opsi.gov.uk/si/si2005/20051541.htm> .
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7. COMPETENT PERSONS

- In order to carry out all necessary measures, the Responsible Person should normally appoint one or more 'Competent Person(s)' to assist in day-to-day arrangements, supervision and monitoring.
- These responsibilities are set out in **Clauses 13, 15 and 18** of the Order. See:- <http://www.opsi.gov.uk/si/si2005/20051541.htm>

They cover precautions and drills, and also fire fighting arrangements.

- The Competent Person(s) should have the knowledge and other qualities to properly assist with the necessary preventive and protective measures. They must have appropriate training and experience. They may well not be the same as the Responsible Person. Unless he/she, or his/her business partner, or an employee, has the training and experience another 'competent person' with training and experience must be appointed to undertake the necessary routines.
- If an employee has the training and experience, *that person* should carry out tasks of this kind on the premises, *in preference to a consultant* coming in from outside. This will make sure a close eye is kept on things, rather than relying on periodic visits.
- However, it is advised that when the Risk Assessment is to be prepared by anyone other than the Responsible Person (see [Section 5](#)), then a professional firm should be appointed as the Competent Person for this task. ([Back to top](#))([This section only](#))

8. EMPLOYEES

- The Responsible Person must provide:-

- (1) All necessary information** to employees and others, and –
- (2) Training** for employees.

- Employees themselves have duties under the Order - to take care, follow instructions, cooperate with the employer, inform the employer of any risk they are aware of. ([Back to top](#))([This section only](#))

9. ENFORCEMENT

- Except for events taking place in sports stadia, the law affecting all premises, and for events inside and outside churches, may be enforced by the local fire and rescue authority. In London this is the London Fire & Emergency Planning Authority (or the local fire brigade); sometimes the Health & Safety Executive as well.
- Enforcement may begin with a visit to check up, then notices requiring alterations, followed if these are not complied with by enforcement notices – and, as a last resort, prosecution. At the point of issuing an enforcement notice, the authority must consult the local Borough Council. Although a serious offence would be needed to incur penalties, it is advisable not to put off taking necessary action. There is a right of appeal, but it should never be allowed to get to that point. It is best to be open with the authorities, take them into your confidence, seek their advice and help.
- If any person suffers harm in a fire, they may also be able to claim civil damages.

Make sure you speak to your [Archdeacon](#) and your **Insurers** in any crisis. The Archdeacon may refer you to the [Diocesan Solicitors](#). Never ignore an enforcement order from any public authority. ([Back to top](#))([This section only](#))

10. OTHER REGULATIONS

- The majority of laws previously relating to fire precautions have been repealed or amalgamated into the Regulatory Reform Order.
- Other laws affecting premises continue to apply when works are proposed. They are not overridden.
- The national Building Regulations still apply when work are carried out. Building control officers and fire officers are required to work together, to make sure different standards are not applied by different authorities to the same premises or works.
- Listed buildings may have particular needs, and the guidance documents acknowledge this. The [Care of Churches Team](#) in the [Diocesan Property Department](#) can help you work through how to make any alterations avoiding damage to a listed church building.

- It is also important to realise that any requirements which were already imposed on a church by a Local Authority or a Fire Officer, before 1 October 2006, continue to apply. They may have been laid down under, for example, the Fire Precautions (Workplace) Regulations. Although these Regulations have been repealed, any requirement made when they were in force must still be adhered to.
- There are other regulations, such as the Health and Safety Signs & Signals Regulations 1996 (requiring 'running men' signs for example). These regulations have *not* been repealed, so they too must still be observed. You should make sure that all the correct signs, including for fire, hazardous chemicals, any other hazards, are properly displayed. See:- <http://www.hse.gov.uk/pubns/indg184.htm> .
- If you need to do work in order to comply with any government regulations, you are still likely to need a **faculty** for the work concerned. Check with the **Care of Churches Team** or your **Archdeacon**, who together with the **Diocesan Registry** will assist you in getting permission quickly.
- For some very major works, you may also need planning permission. ([Back to top](#))([This section only](#))

11. GOVERNMENT PUBLICATIONS

- The Regulatory Reform (Fire Safety) Order, 2005 is to be found at the following web address:-
<http://www.opsi.gov.uk/si/si2005/20051541.htm> .
- The Regulatory Reform Order itself is supported by several guidance documents. There is a summary document known as '*A Short Guide to Making your Premises Safe from Fire*'. This may be found at: <http://www.communities.gov.uk/index.asp?id=1500383> .
PCCs and churchwardens are advised to download this document, and read it carefully: it is written for non-experts, and is not too long or complex. It provides a series of easy steps towards preparing a risk assessment, also details of precautions needed and guidelines regarding escape routes.
- The Short Guide is supplemented by detailed guidance in a range of booklets. Churches are covered by:-
'Fire Safety Risk Assessment: Small and Medium Places of Assembly' (Guide 6) <http://www.communities.gov.uk/index.asp?id=1162110>
'Fire Safety Risk Assessment: Large Places of Assembly' (Guide 7) <http://www.communities.gov.uk/index.asp?id=1162102>

Large places are those with a maximum capacity over 300 persons.

- If there are other uses within church premises in addition to worship, other guides may apply, including 'Offices and Shops' (Guide 1), 'Sleeping Accommodation' (Guide 3), and 'Educational Premises' (Guide 5).
- All these documents can be downloaded and printed for free, via:- <http://www.firesafetylaw.communities.gov.uk/> .
- The detailed guidance documents are substantial. Although they are written in plain English, they must be intended mainly for professional use. Each contains two principal sections: Part I 'Fire Risk Assessment' and Part II 'Further Guidance on Fire Precautions'.

Part I gives in detail the stages in making a risk assessment.

Part II offers more information on what needs to be done.

- In addition, the Secretary of State for Communities and Local Government may make additional regulations, by Statutory Instrument. She does not appear to have done so yet, but experience suggests that since the power exists, it will be used. Therefore it is likely that supplementary regulations will be made, at some stage.
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12. **FURTHER INFORMATION**

- Make sure you have consulted your **Insurance Company**, and that you give careful thought to any guidance issued by them.

In the event of fire or other adverse event, inform your insurers at once. Always comply with any requirements of your insurance policy.

- The London Fire Brigade's website is at:- www.london-fire.gov.uk/ .
The page concerning the London Fire and Emergency Planning Authority is at: www.london-fire.gov.uk/lfepa/lfepa.asp.
More information about the Fire Safety Order is at:- www.london-fire.gov.uk/az/new_fire_safety_law.asp.
- The Fire Brigade is running a series of seminars, information on which can be found at the address above, or by emailing:- RRO@london-fire.gov.uk .
Your local fire brigade may also be able/willing to provide you with a proforma risk assessment.
- The Churches Main Committee (CMC) has produced a guide entitled 'Fire Risk Assessment Principles for Church Premises'. This is to be found at www.cmainc.org.uk (bottom of the menu to left of the page). Like the full government guides (see [Section 11](#)), the CMC guide is most appropriate for professional use, rather than the general user. From the third page onwards (beginning at the heading "What is a Fire Risk

Assessment”), this guide may usefully be referred to in addition to the Government’s guides, by any professional preparing a Risk Assessment (See [Section 5](#)). It also contains helpful checklists, part reproduced with permission from the government’s documents.

- **Concerning the Fire Safety Order as a whole, as distinct from the preparation of the Risk Assessment in particular, this Diocese’s advice is contained in this guidance note, rather than those published by other organisations.**
- The [Diocesan Property Department](#) has also published guidance on setting up a [Disaster Recovery Plan](#), which includes Emergency Planning and Recovery Planning as well as Risk Assessment. For more help or advice, contact the [Care of Churches Team](#), on **(020) 7932 1230**. ([Back to top](#))([This section only](#))

**Diocese of London
Care of Churches Team
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