

Premises Reference: 4703/800/01	Serial number of notice: [REDACTED]
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CROWN PREMISES INSPECTION GROUP
CROWN ENFORCEMENT NOTICE

The Regulatory Reform (Fire Safety) Order 2005

Name(s) of person(s) on whom the notice is served.	(1) Mr Phillip Wheatley Director General HM Prison Service Cleland House Page Street, London SW1P 4LN	(2) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
	Premises to which the notice relates. [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Crown Department responsible for the premises.	Home Office 2 Marsham Street London SW1P 4DF	
Fire Inspector dealing	[REDACTED]	Tel. (mobile): [REDACTED] Tel. (office): 020 7944 5789
	E. Mail: [REDACTED]	
HM Fire Service Inspectorate Crown Premises Inspection Group	Address: HM Fire Service Inspectorate Group Manager Crown Premises Inspection Group DCLG PO Box 50200 Floor 5C Allington Towers 19 Allington Street London SW1E 5WY	Tel: 020 7944 5789

	E. Mail: CPIG @communities.gsi.gov.uk
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I, [REDACTED], a fire inspector appointed by the Secretary of State under section 28 of the Fire and Rescue Services Act 2004, hereby give you notice that I am of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by virtue of Article 5 of The Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises.

2. The matters which I consider constitute the failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005 are specified in the Schedule to this notice.

3. I am further of the opinion that the steps identified in the Schedule to this notice (or any alternative steps that might be agreed with me) need to be taken to remedy the specified failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005.

4. Unless the steps identified in the Schedule to this notice (or alternative steps-see note below) have been taken within the time limit stated you will be deemed not to have complied with this notice and further action may be taken. You may however apply for an extension to this time limit in writing to me.

Note: The specified steps may not be the only way to meet the functional requirement of the relevant article. You may propose an alternative solution, in which case you should do so in writing to me before commencing any work.

Signed

[REDACTED]

Fire Inspector
HM Fire Service Inspectorate
Crown Premises Inspection Group

Dated 4th December 2006

ENFORCEMENT NOTICE NO. [REDACTED]

Schedule

Relevant article of the The Regulatory Reform (Fire Safety) Order 2005 (The Order)	Reason for non compliance	Steps considered necessary to remedy the failure to comply	Time scale in days to address non - compliance
Duty to take general fire precautions Article 8 (1) (a) and (b)	Articles 9;11;13; 14;18;19 and 21 have not been complied with as detailed in this schedule These failures place relevant persons at risk from fire.	Provide suitable general fire precautions (see article 4) to ensure the safety of all relevant persons in the premises.	120
Risk Assessment Article 9 (1) Article 9 (3)	The risk assessment did not identify all the measures needed to ensure the safety from fire for all relevant persons The risk assessment has not been revised to take account of significant changes to organisational measures and organisation of work.	Revise the fire risk assessment to identify the necessary general fire precautions required (see article 4) to be taken to comply with The Order. Procedures to be put in place to ensure the fire risk assessment is kept up to date and acted upon.	60

<p>Fire Safety Arrangements Article 11 (1)</p>	<p>Arrangement have not been made and implemented for the effective planning organisation, control, monitoring and review of the preventative and protective measures. Specifically, the arrangements for the evacuation of relevant persons from secure areas are ineffective because:</p> <p>(a) Staff training in evacuation procedures and fire-fighting is insufficient; and</p> <p>(b) Measures to mitigate the effects of a fire and for ensuring the means of escape can be safely and effective used (being general fire precautions under article 4) have not been taken.</p>	<p>Management procedures to be put in place to ensure that enough competent persons are in place to carry out assisted evacuation and necessary fire-fighting activity</p> <p>Refer to steps in article 13, 18 and 21</p> <p>Measures to restrict the spread of fire [REDACTED] identified as necessary by the risk assessment, to be implemented.</p>	<p>60</p> <p>60</p>
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<p>Fire-fighting and fire detection Article 13 (1)(a)</p>	<p>The fire detection arrangements for Bravo wing are ineffective. This is because a fire [REDACTED] could spread undetected before staff are aware and able to implement the emergency plan, causing a risk to the safety of relevant persons.</p>	<p>Provide an automatic fire detection system that will identify a fire, give warning of fire and allow the emergency plan to be acted upon, so as to ensure, so far as is reasonable and practicable, the safety of relevant persons.</p> <p>The following options or any combinations of systems that will meet the requirements of article 13 should be considered:</p> <p>(1) Install an automatic fire detection system capable of giving an early warning of fire in secure areas in sufficient time so that staff can implement the emergency plan effectively.</p> <p>(2) Install an automatic fire detection, warning and suppression system that can detect and suppress a fire sufficiently so that staff can implement the emergency plan</p>	<p>60</p>
<p>Article 13 (3)(b)</p>	<p>Staff nominated for fire-fighting activities on Bravo wing have not received sufficient training to be competent to carry out that role</p>	<p>Staff nominated to carry out fire fighting activities must receive appropriate training. Refresher training must be given periodically so as to ensure each nominated member of staff remains competent to undertake fire- fighting duties.</p>	<p>60</p>

<p>Safety Assistance Article 18 (1) and (3)</p>	<p>Evidence from the training records and from the questioning of staff shows that many of those nominated to give effect to the emergency plan have not received sufficient training and do not consider they have appropriate experience, knowledge and other qualities to be competent in this role.</p>	<p>Implement measures to ensure that persons who are nominated to carry out specific tasks are suitably trained so as to be competent to carry out that role.</p>	<p>60</p>
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Provision of information to employees Article 19 (1)	Staff have not been provided with adequate information or instruction.	Provide appropriate information and instruction to employees nominated to give effect to the emergency arrangements in case of fire	60
Training Article 21 (1)	Evidence from training records and questioning staff highlighted a lack of knowledge and understanding required to implement the emergency plan.	Provide appropriate safety training to staff to give effect to the emergency arrangements in case of fire. Records of information instruction and training should be maintained as a significant finding in accordance with article 9(6) and (7) of the Order	60

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the fire inspector, need to be taken in order to comply with The Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation with other enforcing authorities undertaken by the fire inspector, before you make any alterations to the premises which constitute building works you must apply to your local building control body (the local authority or an approved inspector) for any necessary approvals, and to any other body which has a statutory interest in the premises, if their permission is required for those alterations to be made.

APPEALS

There may be occasions when Government departments, individuals or organizations feel unhappy with the inspection process or with some other aspect of enforcement activity. The Crown Premises Inspection Group recognizes this and, even though the legal appeals provisions of the The Regulatory Reform (Fire Safety) Order 2005 do not apply to premises owned or occupied by the Crown (Crown premises) the group offers an avenue of appeal through its complaints procedure.

Complaints and criticism form an important feedback mechanism which can help the Crown Premises Inspection Group improve the service it offers. All matters are taken seriously and will receive sensible and urgent consideration.

The complaints procedure is as follows:

1. If you feel aggrieved you should make a complaint within 21 days from the day the enforcement notice is served. The first action you should take is to refer the matter to the fire inspector who carried out the inspection by contacting him direct or through HM Fire Service Inspectorate, Crown Premises Inspection Group. The name and contact details can be found above in the notice. Most matters can be dealt with by this procedure, which can also help clear up any misunderstandings, explain methodologies and agree alternative methods of achieving the objective.
2. In the event of failure of the first action you should refer the matter to the Crown Premises Inspection Group Manager through one of the methods of contact listed above. An informal discussion should resolve most outstanding complaints.

If the above informal procedure fails to resolve your complaint then you should write formally to HM Chief Inspector of Fire Services detailing the grounds for your complaint. The address to write to is:

HM Chief Inspector of Fire Services
HM Fire Service Inspectorate
DCLG
PO Box 50200
Floor 5C
Allington Towers
19 Allington Street
London SW1E 5WY

NOTES

1. The Regulatory Reform (Fire Safety) Order 2005 binds the Crown, except for the enforcement and prosecution provisions. Even though the Crown has immunity from enforcement and prosecution under health and safety legislation (including fire) it is not the intention of the Crown to put relevant persons at any greater risk in its premises than relevant persons in non-Crown premises. To safeguard relevant persons in Crown premises from a Crown failure to comply with health and safety legislation, the Cabinet Office has therefore issued clear guidelines to all Crown departments and agencies through the Civil Service Management Code. The code requires full compliance with the provisions of any legislation which binds the Crown, or any other legislation which Ministers consider should apply, as if it were binding on the Crown. Any department which considers that the law or the guidelines should not apply in any particular case must first obtain exemption from the Cabinet Office.

Enforcing authorities for Crown premises treat any health and safety legislation as if the Crown was fully subject to the legislation but apply modified 'enforcement' procedures. The method of 'enforcement' employed by Crown fire inspectors' follows a similar procedure to the legal

procedure used by enforcing authorities for non-Crown premises. This means that, where appropriate, an 'enforcement' notice will be served on the responsible person and any other person who may be deemed to be responsible, in the same way as if the legal enforcement provisions applied. Any person to whom a notice has been issued who does not feel that they are responsible under the Order for the safety of relevant persons in the premises should follow the appeals procedure in the notice.

If you wish to discuss the notice further you should, in the first instance, contact the fire inspector detailed in the notice

2. You may 'appeal' against an enforcement notice served by using the complaints procedure detailed above. An 'appeal' may be brought on the grounds that you think that:
 - (a) the service of an enforcement notice was based on an error of fact;
 - (b) the service of the enforcement notice was wrong for any reason;
 - (c) the fire inspector erred in the exercise of his discretion in serving the enforcement notice.

Without prejudice to the grounds of 'appeal' set out in paragraphs (a) to (c) above, examples of other situations which may be the subject of an 'appeal' are where:

- (d) you dispute any of the facts in the notice which detail the steps which have to be taken in order to comply with the The Regulatory Reform (Fire Safety) Order 2005 ;
 - (e) you think that an unreasonable time period has been set for the taking of the steps set out in the notice.
3. The fire inspector may grant, at his discretion, an extension (or further extension) of the time specified for the steps to be taken. Application for an extension of time should be addressed to the inspector at the address detailed in the notice.
4. To assist with administrative procedures, it would be helpful if you could quote the reference number (at the top of this notice) when dealing with the Crown Premises Inspection Group.

From: Kim Whittingham
To: peter.wright06@hmpps.gsi.gov.uk
Date: 04/12/06 15:12:16
Subject: HMP Whatton enforcement kw 04-12-06-01.doc

Peter

Please find attached a copy of the CPIG enforcement notice that is being served. You will receive a hard copy by post shortly, should you wish to discuss any items in the notice please feel free to contact me.

Kim

Kim Whittingham DMS, GIFireE
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Crown Premises Inspection Group
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CC: prison email group