



Home Office

Crown Premises Fire Safety Inspectorate Annual Report 2020/21

September 2022



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Introduction by the Chief Inspector Peter Holland CBE QFSM FIFireE (Life)

I am pleased to present my Annual Report on the work of the Crown Premises Fire Safety Inspectorate (CPFSI) during the period April 2020 to March 2021.

This report covers a period when the Inspectorate had to adapt during an unprecedented time, to continue the team's critical life safety regulatory role. On behalf of the Government the Inspectorate's role is to ensure that people are safe from fire in Crown Premises in England. They are government buildings, Parliament, Crown Estates, Royal Palaces and all premises which are either owned by or contracted directly by the Crown for occupation by itself or others. We undertake this important public safety role through a statutory duty under the Regulatory Reform (Fire Safety) Order 2005 (FSO). It is achieved by inspecting to check on levels of compliance and by taking the necessary action to ensure non-compliance is addressed efficiently and effectively. Employees and members of the public who resort into buildings under our regulatory responsibility have the right to expect to be safe from fire. The Responsible Person for a premises is clearly defined in the FSO and therefore they have the statutory responsibility to protect the occupiers of their buildings from fire. They must have a Fire Risk Assessment carried out by a competent person which is suitable and sufficient for the premises and occupants to enable them to escape safely from a fire.

The year 2020/21 proved to be a particularly challenging one for my Inspectorate as well as the whole Country with COVID-19 having struck at the end of the previous year. This initially disrupted inspections due to the national lockdown. However, the team rapidly responded by making significant adjustments to ways of working and adapting readily to new working practices including the wearing of personal protective equipment. Health and Safety risk assessments were quickly drawn up and jointly agreed with occupiers, nationally where possible, prior to visiting each building. This inevitably caused delays and thus impacted on the planned delivery of our risk-based inspection programme.

The highest risk premises from fire continue to be prisons and other custodial premises which had other major challenges due to the pandemic. Access to custodial premises which suffered outbreaks was therefore severely restricted. When this happened, Inspectors used this period as an opportunity to focus their inspections on other Crown buildings. This often occurred at short notice due to a sudden outbreak requiring a postponement to a later date.

We continue to work closely with Her Majesty's Prison and Probation Service (HMPPS), the Ministry of Justice (MoJ) and the private providers of prisons to drive down the fire risk to as low a level as is reasonably practicable. Whilst steps have been taken to successfully improve fire safety, the rise in injuries is of serious concern therefore even more concerted

action is necessary to continue to reduce the numbers of fires and further improve compliance with the FSO.

HMPPS continue to deliver against their fire safety improvement plan which was significantly enhanced with the inclusion of additional funding for 2020/21 and beyond to generally improve fire safety and specifically to address the current shortfall in much needed automatic fire detection in cells.¹

Our management information system (MIS) 'Themis' continues to improve our assessment of fire risk, providing up to date information on a wide range of key indicators of risk. It has already improved our ability to capture more accurate fire safety management data not only on the premises but also on external contractors and enable us to deploy our Inspectors more effectively.

I would like to take this opportunity to thank the team for their continuing hard work, dedication and professionalism.

A handwritten signature in black ink, appearing to read "Peter Holland". The signature is written in a cursive style with a large initial 'P'.

¹ <https://www.gov.uk/government/news/prisons-receive-156-million-maintenance-boost>

1. Context and role of the Crown Premises Fire Safety Inspectorate

1.1 The Home Office has policy responsibility for the Regulatory Reform (Fire Safety) Order 2005 (FSO) which applies to all premises, save for those expressly excluded, such as domestic premises. In multi-occupied residential buildings, the FSO applies to the parts of the building that are used in common, but not individual homes.² Local fire and rescue authorities are the enforcing authority for the majority of premises to which the FSO applies. The Fire and Rescue National Framework for England requires fire and rescue authorities to have a risk based inspection programme (RBIP) and management strategy in place to ensure compliance with the FSO in their area.

1.2 The Crown Premises Fire Safety Inspectorate (CPFSI), whilst based in the Home Office, operates independently under a signed protocol. It is the regulatory body which ensures compliance with the FSO in government buildings, Parliament and Royal Palaces, as well as in all premises which are either owned by or contracted directly by the Crown for occupation by itself or others. The Inspectorate is responsible for compliance with the FSO in over 10,000 Crown Premises made up of over 16,000 buildings. Many of these premises or sites comprise of multiple buildings. Ministry of Defence premises have their own fire safety inspectors within their Defence Safety Authority.

1.3 The annual budget for CPFSI of £1,010,000 provided for a further 3 new Inspectors who were recruited during 2020/21 with start dates in 2021/22. Therefore, at the end of the reporting year the team therefore consisted of 8 Inspectors, a Team Leader and a Chief Inspector supported by a Chief of Staff and an Executive Officer. The Inspectors and Team Leader are contracted home workers as their work takes them all around England. Although based in the Home Office, the Inspectors work independently with no interference in the way they carry out their inspections and write their reports, other than for normal management supervision.

1.4 Fire safety is a devolved matter in Scotland, Wales and Northern Ireland so they have their own arrangements to meet their statutory obligations for Crown Premises. Occasional assistance is given on request to the Crown Premises Fire Safety Inspector in Wales as well as sharing professional learning and development. Regular meetings take place with fire and rescue service fire safety enforcement inspectors through the National Fire Chiefs Council to share learning and best practice.

1.5 The inspection regime is based on risk of fire and injury, with the highest risk premises being prisons and other custodial secure premises. Inspectors liaise with a variety of stakeholders, including fire and rescue services, other enforcing authorities and statutory bodies, to promote consistency, share advice and guidance as well as identifying

² The Fire Safety Bill <https://services.parliament.uk/Bills/2019-21/firesafety.html> will clarify how the FSO applies to certain parts of domestic premises (flat front doors and cladding)

and highlighting increased risk. This includes providing advice on proposed building work in Crown Premises in order to ensure compliance with the Building Regulations in relation to fire safety.

1.6 The inspection process for prisons is both lengthy (involving four inspectors on site for up to three days) and complex in comparison with other inspections. This is in part because it is an extensive task to inspect the numerous buildings at a prison and partly because the inspectors have to work within detailed custodial protocols both for their personal safety and as part of ensuring that the prison continues to operate effectively during the inspection. It also reflects the complexity of the fire risk and control measures in prisons where neither the staff nor the prisoners can escape from fire as easily as in other types of buildings. Thus they demand a more detailed and rigorous approach in comparison to other Crown premises.

1.7 When initial advice and suggested actions are not put in place following our inspections, we take appropriate enforcement action, urgently where necessary, in accordance with our [Enforcement Policy](#) and follow the principles of good enforcement set out in the [Regulators Code](#). Crown Immunity from prosecution exists for Crown bodies in accordance with Section 49 of the FSO, but CPFSI has full statutory enforcement powers in relation to non-Crown bodies working in or on Crown premises.

2. The scale of the risk: Number of fires & injuries in Crown Premises

2.1 Data sources:

The Home Office Incident Recording System (IRS)³ is used by Fire & Rescue Services (FRSs) to complete an online incident form for every emergency incident attended, be it a fire, a false alarm or a non-fire incident (also known as a Special Service Call).

2.2 Fire statistics in prisons are also collected by HMPPS prison staff using an online system. These statistics include **all** fires in prisons, those attended by FRSs and fires that prison staff deem to be so small and under the full control of prison staff. No call is then made to the FRS. IRS and HMPPS statistics are not therefore directly comparable. HMPPS fire statistics are thus used in relation to prisons for greater accuracy. NB even very small fires can be an important indicator of risk as fire setting per se generally starts that way.

2.3 The rate of fires in prisons continues to be very high compared to any other premises type.

2.4 Using HMPPS fire statistics⁴ there were 1003 prison fires in 2020/21 (down 23% compared to 1308 prison fires in 2019/20). Only a very small number of fires attended by FRSs (IRS statistics) happened in other Crown Premises - 7 (2019/20) and 8 (2020/21)⁵.

2.5 It should be noted that the proportion of deliberate to accidental fires in Crown premises is very different to that in other occupancies. IRS statistics for 2020/21 show that only 19 per cent of non-dwelling fires (excluding prisons and young offender units) were deliberate but that figure was 91 per cent in prisons and young offender units.⁶

2.6 The overwhelming cause of fires in prisons is deliberate ignition. This is driven by a range of factors – such as status, regime challenge, self-harming - which are much more prevalent in prisons than in the general population. In parallel, the likelihood of injuries is far higher for fires which are started in a cell from which the occupant cannot self-evacuate to protect themselves. The 23% reduction in the number of fires could be an indication of changes within the prison during COVID-19 due to lock down. Conversely, the number of staff and prisoners who were injured as a result of these fires increased from 41 to 134⁴ in the corresponding period after a reduction the previous year from 61 to 41.

³ <https://www.gov.uk/government/publications/data-protection-and-privacy-notice/fire-and-rescue-service-incident-recording-system-privacy-information-notice>

⁴ HMPPS Fire Incident Reporting System data – unpublished.

⁵ Source – [Fires in Crown Premises attended by fire and rescue services and non-fatal casualties and fire-related fatalities in those fires, England](#)

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975021/other-building-fires-dataset-aug20.ods

2.7 All deaths and injuries are investigated by CPFSI to check whether there have been any statutory breaches of the FSO and to ensure lessons are learned to avoid similar occurrences

Figure 1: Fires in all Crown Premises, England, 2017/18, 2018/19, 2019/20 and 2020/21

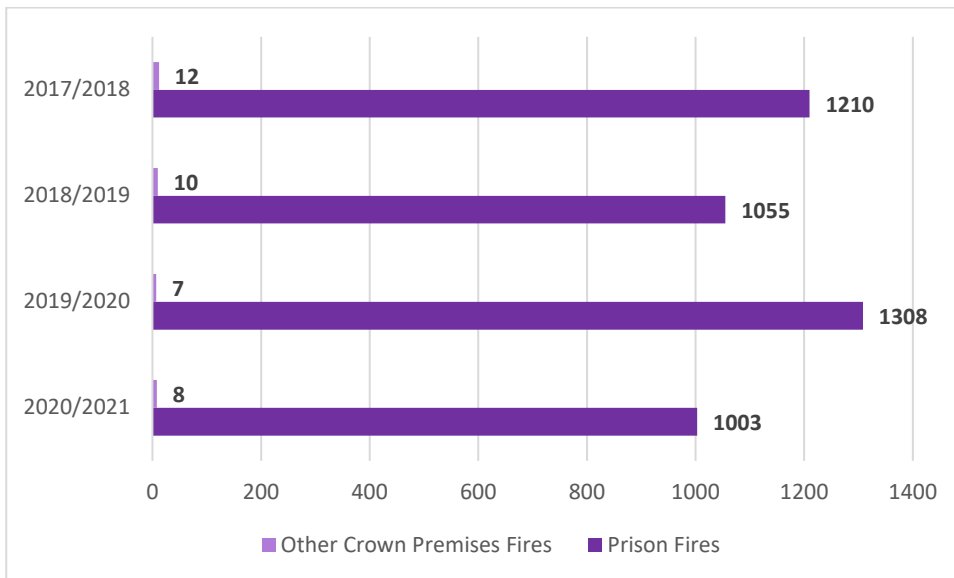
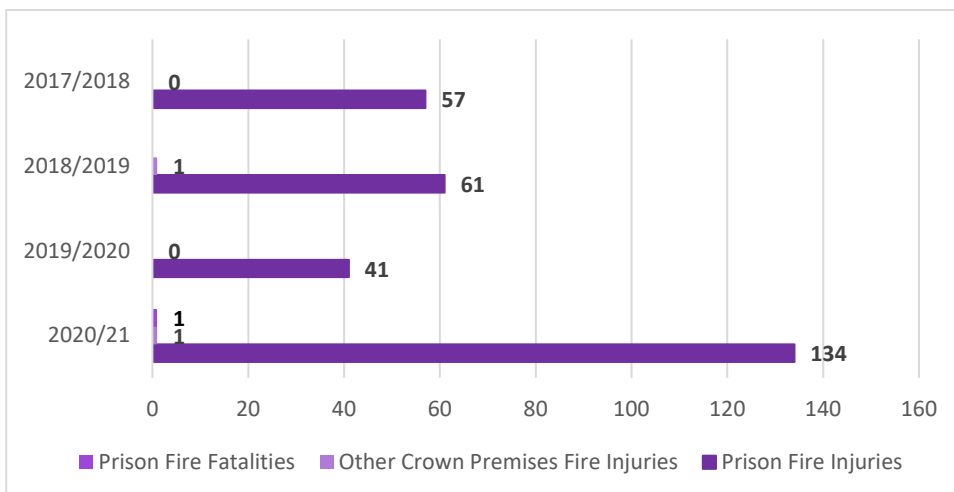


Figure 2: Fire injuries in all Crown Premises, England, 2017/18, 2018/19, 2019/20 and 2020/21



⁷ Source - Prison Fires - HMPPS Fire Incident Reporting System data – unpublished.

⁸ Source - Other Crown Premises fire injuries - [Fires in Crown Premises attended by fire and rescue services and non-fatal casualties and fire-related fatalities in those fires, England](#)

3. Report on inspection activity during the year

3.1 Due to the pandemic and in line with the Government recommendations CPFSI adopted a risk-based approach to inspections which were temporarily suspended once the lockdown period commenced on 23 March 2020 and initially only urgent inspections were undertaken adhering to necessary health and safety precautions.

3.2 Fire Safety Desktop Assurance Audits

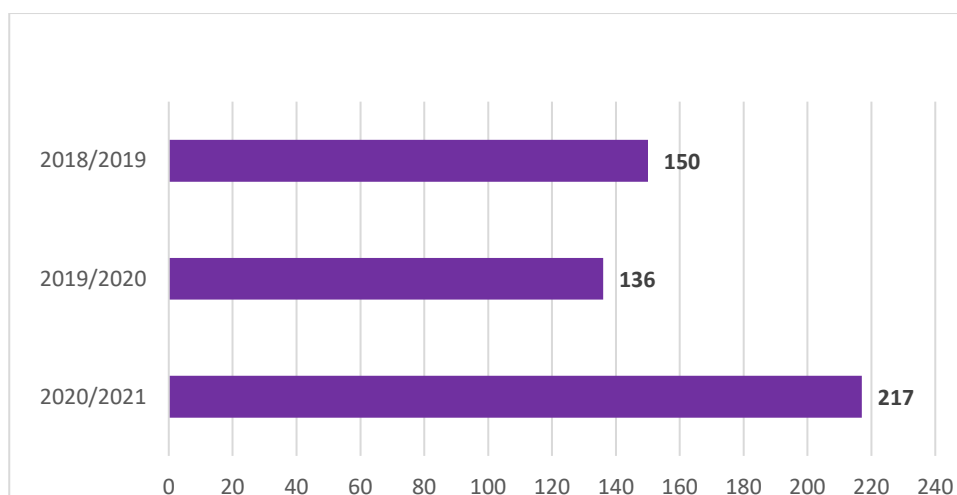
Delivery of the risk-based inspection programme was impacted by the lockdown restrictions. As an alternative to conducting on-site inspections CPFSI developed a fire safety “desktop assurance audit” which allowed elements of premises to be assessed remotely whilst inspectors were initially confined to staying at home. Information gleaned from the “desktop assurance audit” that identified individuals or groups of people who could have been at significant/serious risk in case of fire, necessitated a full fire safety audit of the premises.

3.3 As part of the return to normal on site working the team resumed the RBIP continuing to adhere to the COVID-19 Risk Assessment for safe working based on the guidance issued by Home Office and that of the organisations being inspected.

3.4 Despite the COVID-19 lockdown and subsequent restrictions the team increased the number of inspections to 217 (136 in 2019/20) 47 of which were of prisons. The visits involved a wide range of premises which were predominantly of high-risk buildings. These consisted of onsite inspections, desk top audits, fire investigations, and follow up checks. In the previous year short audits had been conducted - as an effective way of risk assessing whether a deeper dive through a full audit was necessary. However, this was changed to remote desktop audits due to the pandemic.

3.5 Even with the challenges of inspecting due to restrictions of COVID-19 the team pursued enforcement action against Responsible Persons where fire safety management didn't comply with the FSO.

Figure 3: Total number of inspections across all Crown Premises, England 2018/19, 2019/20 and 2020/21



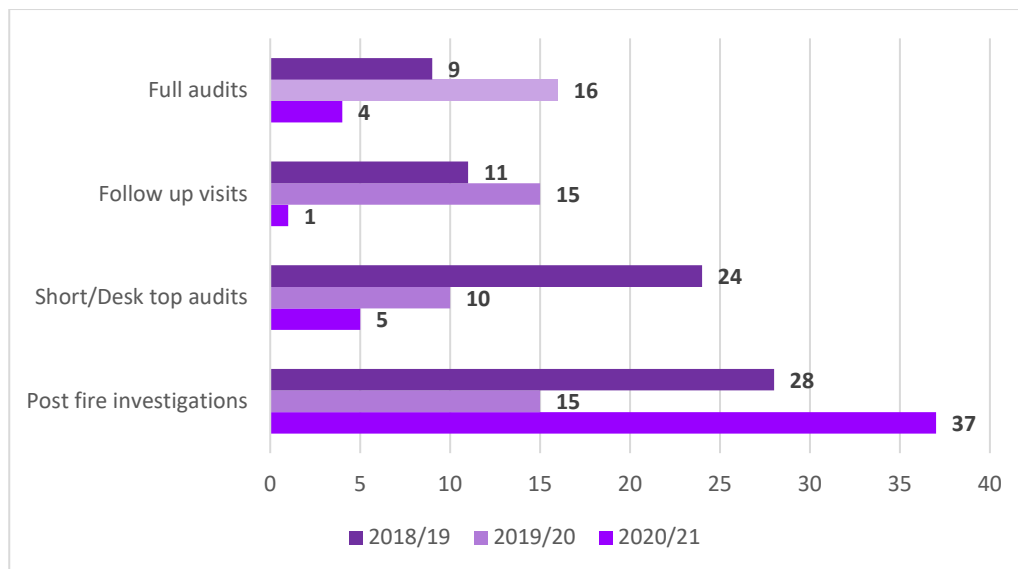
3.6 A total of 217 inspections were carried out which included remote Desk top audits for the first time. These were introduced to ensure that premises were being audited at a time when lockdown was in place and access to prisons was difficult other than for emergencies. The breakdown was as follows:

- 170 were in other Crown premises (101 Full audits, 62 Desk top audits, 4 Follow ups, and 3 investigations)
- 47 prison inspections (4 Full audits, 5 Desk top audits, 1 Follow up, and 37 investigations).

NB Desk top audits were introduced to cover for the period when COVID-19 impacted access to all premises particularly prisons.

3.7 The total number of prison inspections was lower in 2020/21 (47) compared with 2019/20 (56) due to COVID-19 with resources diverted to other Crown premises when access to prisons wasn't possible due to an outbreak in those establishments.

Figure 4: Total number of inspections in prisons, England 2018/2019, 2019/20 and 2020/21



3.8 Fires started deliberately in cells were the largest single cause of fires in prison. Where injuries resulted from those fires, the main contributing factor beyond the ignition itself lay in the extent of delays in detecting these fires. This reflects the lack of suitable in-cell automatic fire detection which remains a problem in the prison estate. Following meetings with the CEO of HMPPS to try to resolve this problem, it was agreed in 2015 that an interim solution of installing domestic smoke detectors either in the cell or immediately outside and above the cell door would provide an acceptable short-term solution. However, it has proved to be a major managerial challenge for prison staff to prevent tampering and vandalism to the domestic smoke detectors. In the short term it remains imperative that appropriate automatic fire detection is installed in every cell to ensure that

prison staff are rapidly alerted to fires. HMPPS have taken steps to address the problem by providing more capital to meet the full costs of installing automatic fire detection for all prisons which still need it. This work continued throughout the year.

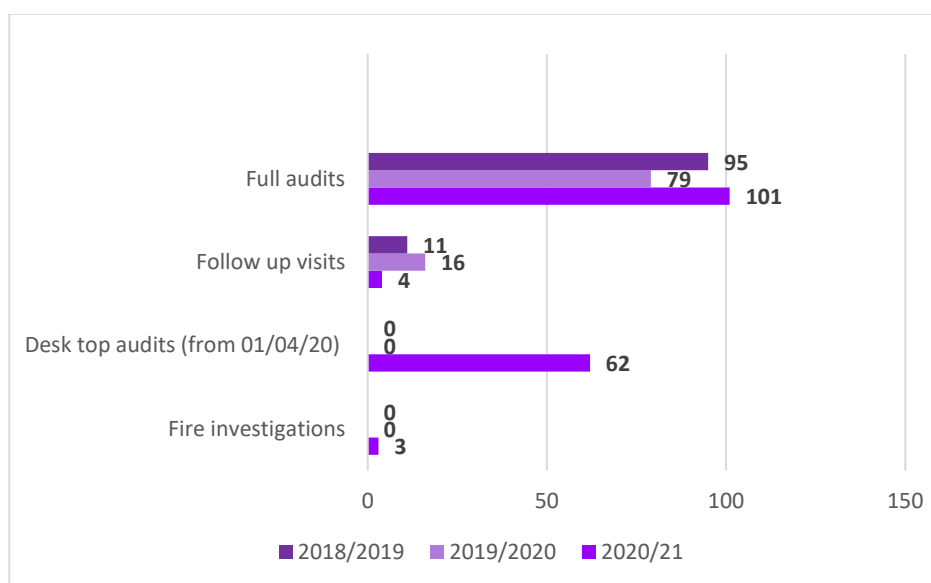
3.9 The critical success factor in the event of cell fires is having early fire detection, supported by fast responding fire suppression, respiratory protective equipment, staff instructions & training and smoke control. After factoring in the shortfall in automatic fire detection the next most serious risk in prisons related to the inadequacy of smoke control systems where these are needed to protect both staff and prisoners from the effects of smoke spread. However, this risk was primarily concentrated at a few prisons.

3.91 Finally, the inspection programme identified concerns around inadequate emergency lighting and fire-fighting equipment for staff when dealing with cell fires. In all cases of non-compliance either Action Plan notices or Enforcement Notices were served on the relevant Governors.

3.92 There were 170 inspections of other Crown Premises in 2020/21 compared with 95 the previous year due mainly to diverting resource from prison inspections when Covid outbreaks occurred. These were either full audits or follow up visits to check progress on non-compliances. Additionally, in this reporting year there were large numbers of desk top audits and investigations. The breakdown was as follows:

- 101 Full audits,
- 4 Follow up visits
- 62 Desk top audits
- 3 Fire investigations

Figure 5: Inspections of other Crown Premises, England 2018/19, 2019/20 and 2020/21



3.93 Across other types of Crown Premises, the most serious risks were visible as a general lack of preparedness to deal with fire situations. This was the result of inadequate staff training together with not using fire drills to test the emergency procedures to identify and address shortfalls. Disturbingly, some of our inspections also found evidence that people would not always be able to escape from a fire quickly and safely, often due to inappropriate security fastenings on doors and the poor state of fire-resisting fittings, including fire doors. In all these cases of non-compliance the Responsible Persons received formal notification via Enforcement Notices advising them of what they needed to do to comply with the FSO.

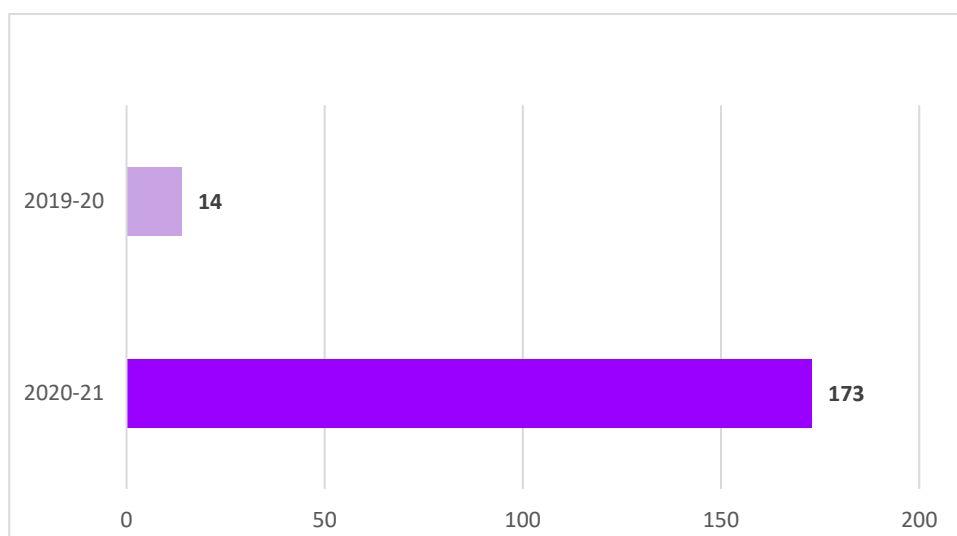
3.94 Across the whole Crown sector, those risks had clear and repeating links with specific failures of fire safety management, principally poor day-to-day management of fire safety, poor fire risk assessments and fire risk assessment action plans which would not achieve the level of safety required for compliance even if implemented. Alongside this, we commonly discovered inadequate arrangements to act as an effective client when monitoring the performance of the facilities' management providers who maintain the fire safety measures.

3.95 **Building Regulations consultations**

The Inspectorate receives Building Regulations consultations from Approved Inspectors or Local Authority Building Control departments in relation to proposed building works on both existing and new buildings that meet requirements of Part B of the Building Regulations. As a consultee the Inspectorate's role is to review consultations and provide observations on the fire safety elements of the proposals, in order for it to be possible to occupy the building in compliance with the FSO.

3.96 In 2019/20 the number of Building Regulations consultations received was low (14) but this year saw a significant increase in workload hence the introduction of this graph. It is expected that the levels would increase into 2021/22.

Figure 6: Building Regulations consultations for all Crown Premises, England 2019/20 and 2020/21



4. Compliance/non-compliance

Table 1: Details of Informal and Formal Notifications

Informal Notifications	
Minor non compliance	These are issued if minor deficiencies are identified in the fire safety measures or management and the Responsible Person can resolve the deficiencies without further intervention.
Action Plan	These are issued if significant deficiencies are identified in the fire safety measures or management and takes the view that the responsible person can resolve the deficiencies but oversight by the Enforcing Authority will be necessary.

Formal Notifications	
Alterations notice	These are served if the enforcing authority is of the opinion that the premises have high safety risks or will have high safety risks if the use of the premises changes.
Enforcement Notices (Article 30 of FSO)	These are served if the enforcing authority is of the opinion that the responsible person has failed to comply with any provision of the FSO or of any regulations made under it.
Prohibition Notices (Article 31 of FSO)	These are served on the responsible person or any other person, if the enforcing authority is of the opinion that use of premises involves or will involve a risk to relevant persons so serious that use of the premises ought to be prohibited or restricted.

4.1 Results from the 4 full audits of prisons resulted in

- 1 Enforcement Notice was served;
- 0 were required to produce an action plan within 28 days
- 1 has minor non-compliance issues to address; and
- 2 were found to be satisfactory

Following post fire investigations of prisons these resulted in

- 2 Alteration Notices being served.

4.2 In other Crown Premises, of the 101 full audits carried out:

- 1 Alteration Notice was served
- 0 Enforcement Notices were served;
- 5 were required to produce action plans within 28 days;
- 54 had minor non-compliance issues to address; and
- 41 were found to be satisfactory.

4.3 Action plan notices are used to direct the Responsible Person to set out an acceptable plan for rectifying the issues which had been identified during the inspection.

Figure 7: Initial outcomes following inspection, England 2018/19, 2019/20 and 2020/21

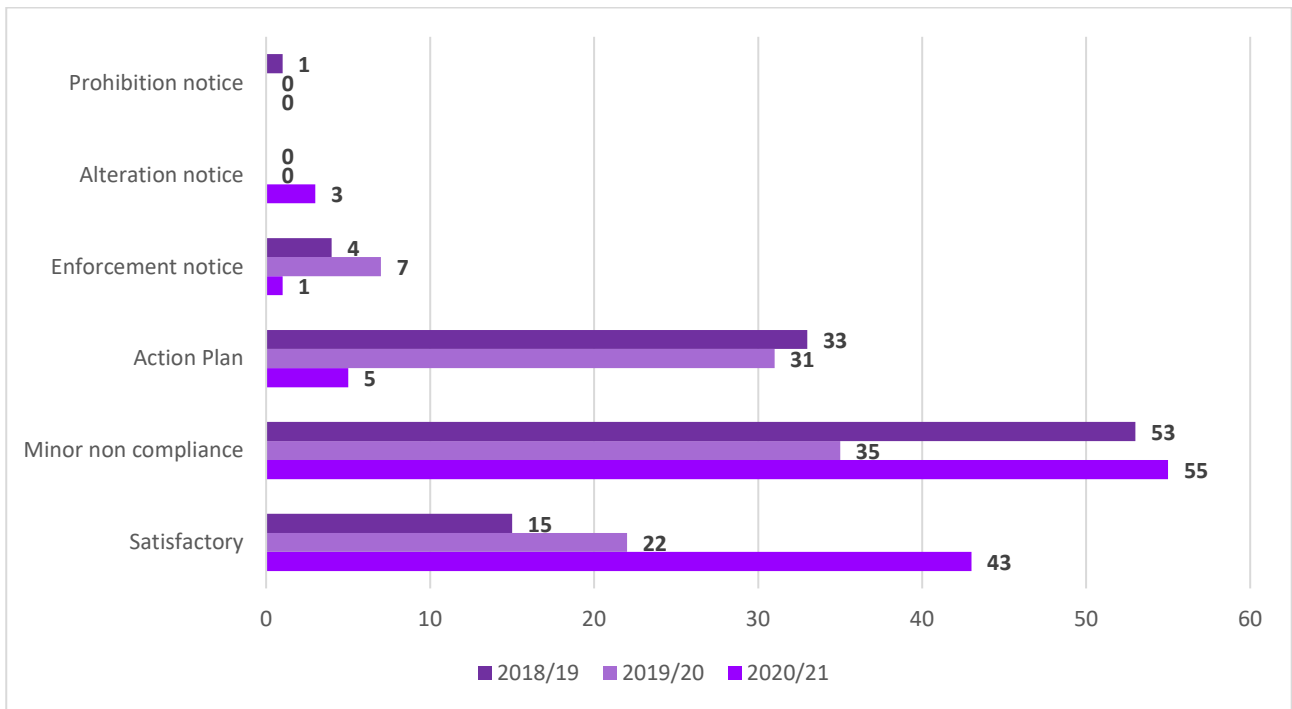
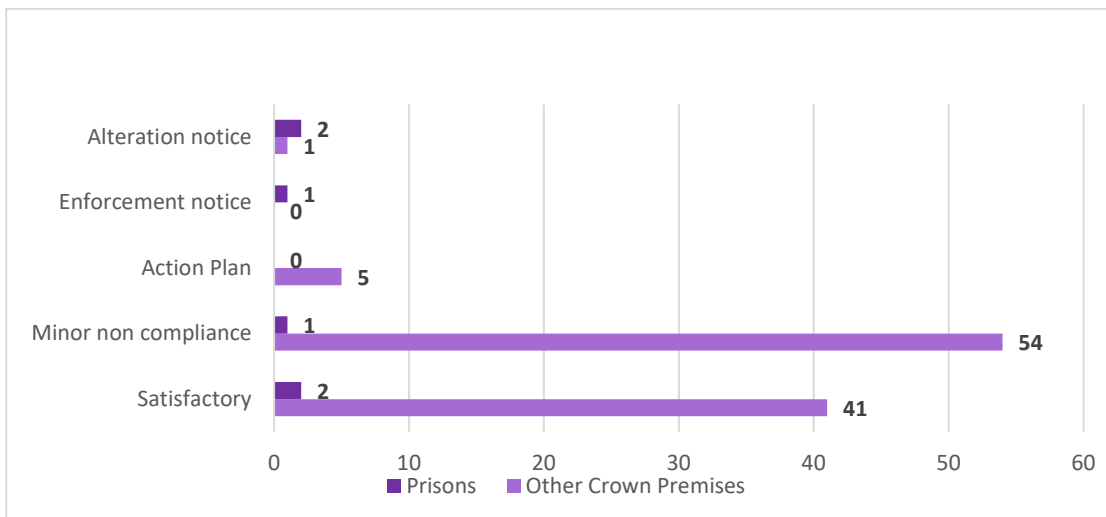


Figure 8: Initial outcomes following inspection comparing prison and other Crown Premises, England 2020/21



4.4 Follow-up inspections are carried out several weeks later (and in some cases months) on those premises which have either been served with an Enforcement Notice or an Action Plan. In those prisons which had to respond to formal enforcement action:

- 1 required to produce an effective action plan.

4.5 In other Crown Premises only a small number of follow up visits were undertaken due to the relatively low risk of fire found at most premises.

In those instances:

- 2 had minor deficiencies
- 1 deemed satisfactory
- 1 required to produce an effective action plan

Figure 9: Outcomes after follow-up inspections of all Crown Premises, England 2018/19, 2019/20 and 2020/21

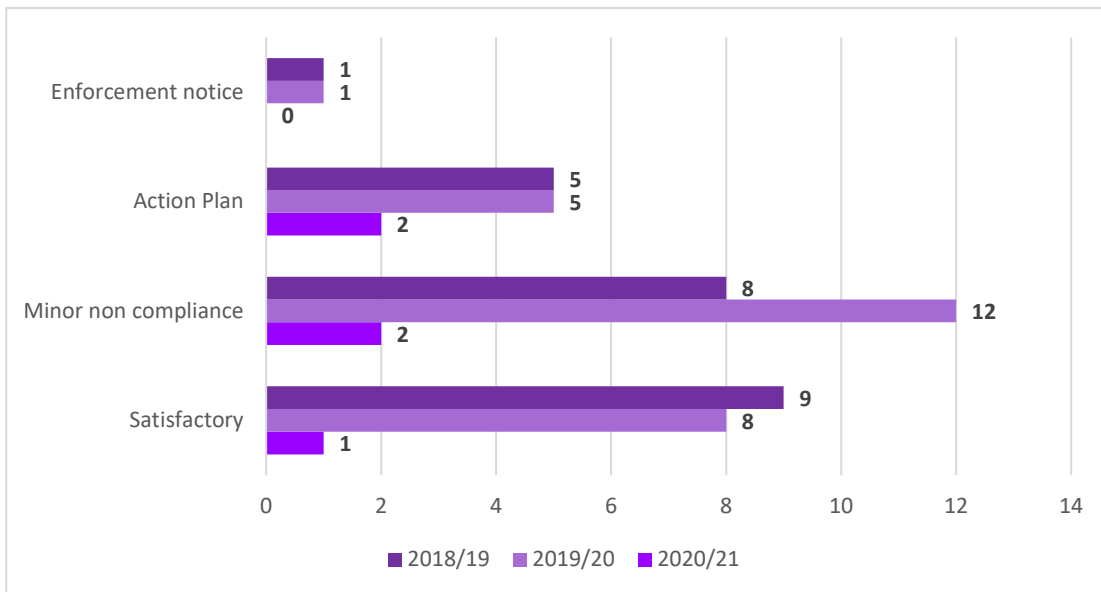
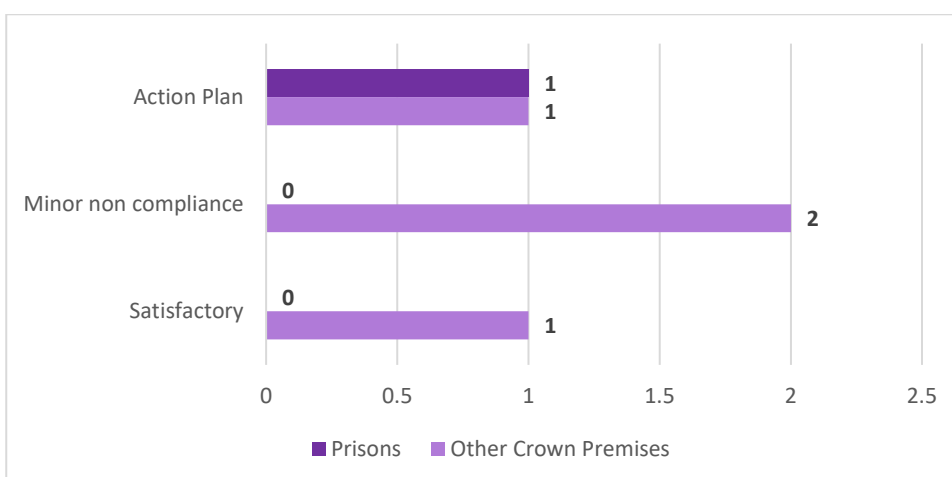


Figure 10: Outcomes after follow-up inspections comparing prisons to all other Crown Premises, England, 2020/21



4.6 HMPPS need to ensure that the officers making up the collective ‘Responsible Person’ under the FSO are appropriately accountable for meeting their statutory responsibilities. We have noted that the Governor in charge of a prison doesn’t always have the full control required to be able to act as the sole Responsible Person under the

FSO. They do not have the financial authority to take all necessary steps for compliance especially where major expenditure is required.

5. Summary of overall picture

5.1 Overall the risk from fire is generally low in the majority of non-residential/custodial Crown Premises even though in many government buildings there are large numbers of persons present. However, the highest risk is concentrated in the prison estate where most fires occur. The data masks some improvements in fire safety management in the custodial sector which creates a reasonable expectation that fire risk will be driven down if this continues to improve.

5.2 The smoking ban in prisons has, somewhat surprisingly, negatively altered the nature of fire risk. Whilst opportunistic fire-setting has reduced, we have seen an increase in serious fire injuries linked with substance abuse. The repeating nature of those incidents has raised a fresh challenge for prisons in their duty to safeguard those in custody.

5.3 There is a shortfall of suitable automatic fire detection in cells which when addressed will ensure a rapid alert to and response from prison staff. This will in turn create better outcomes i.e. reduced numbers of injuries to both staff and prisoners. HMPPS are aware of the problem and they are taking urgent steps to address this problem more quickly.⁷

5.4 In the remainder of the Crown sector, improvements are generally localised and linked to effective action by an individual or group, rather than to more general improvements by a department. All of them need make sure they manage fire safety effectively.

⁷ The foreword to this document makes additional references to the MoJ planned investment in prison fire safety measures including automatic fire detection

6. Plans going forward: 2020/21 and beyond

6.1 **Utilise Management Information System (THEMIS):**

Build team capability to more effectively utilise our Management Information System (MIS) – Themis to get more accurate and update information. Whilst enabling Inspectors to be deployed to premises with the highest risk when a significant increase had been identified.

6.2 **Professional accreditation:**

Ongoing for all Inspectors to apply to be registered by the Institution of Fire Engineers (IFE) as Fire Risk Auditors and to the Engineering Council via the IFE as Engineering Technicians.

6.3 **Increase in inspections of high- risk premises:**

Once there is more stability given the impact of COVID-19 given the increase in team capacity, resumption of increased levels of inspections of high-risk premises will take place. However, recruitment, subsequent induction and training time mean that this is only likely to be reflected in the number of inspections in 2021/22. A keen focus will continue to be made to ensure targeting of the highest risk premises. These are predominantly prisons, where inspections will be used to drive down risk by improving compliance with the FSO.

6.4 **Clearer Governance and accountability:**

During the year a working protocol was updated and then signed between the Chief Inspector, the Home Office Public Safety Group Director General and the Director of Fire Events Central Management Directorate to ensure that the Inspectorate's professional independence as a Regulator remains transparent.