



Document reference	FS001	Document type	Policy
Version	4	Date of issue	March 2024
Classification	Official		

FS001 Enforcement and Engagement Policy

1 Introduction

1.1 Purpose and Scope

1.1.1 The purpose of this Fire Safety (FS) Enforcement and Engagement Policy is to detail the process that all Fire Safety Officers or other warranted officers will use when deciding what action to take when carrying out their statutory duties on behalf of the Tyne and Wear Fire & Rescue Authority (the Authority). It also details the engagement duties the department will undertake to assist the business community of Tyne and Wear.

1.1.2 This policy details the enforcement and engagement made with the business sector of Tyne and Wear, the North East Region and Nationally through our Primary Authority Scheme (PAS) partnerships and is to be used and viewed by the public, other enforcing and consulting bodies, as well as employees of TWFRS.

1.2 Legal and Regulatory Requirements

1.2.1 The Authority has a number of legislation, which must be enforced, licensed and consulted on, the most notable being:

- The Regulatory Reform (Fire Safety) Order 2005; and
- The Health and Safety at Work Act 1974 (Petroleum and Explosives legislation)
- The Building Regulations 2010
- The Licensing Act 2003
- The Fire Safety (England) Regulations 2022
- The Building Safety Act
- The Fire Safety Act 2021

1.2.2 To enable the Authority to perform the duties imposed by the relevant legislation for which it is responsible, the Authority will delegate responsibility to the Tyne and Wear Fire and Rescue Service (TWFRS) Chief Fire Officer (CFO) who will appoint personnel that are warranted for the purpose of conducting inspections and enforcing the relevant legislation. These warranted personnel include; Fire Safety Officers, Flexi Duty Officers, and a number of Senior Officers.

1.2.3 All warranted personnel will seek to provide advice that is appropriate to the premises and their use. They will do so by reference to relevant legislation, nationally recognised guidance and standards.

1.3 Exclusions from this policy

1.3.1 This policy does not cover single private domestic dwellings.

2 Definitions

- Enforcement – the proper execution of the process of ensuring compliance with laws and regulations.
- Engagement – a two-way process between TWFRS and businesses to promote compliance with the relevant legislation.

3 Principles of the policy

3.1 TWFRS aim to educate business and commerce on fire safety issues, to ensure that preventative remedial action is taken to protect relevant persons and to secure compliance with the regulatory system. This action may take the form of engagement or enforcement.

3.2 Engagement is the preferred method. It may take the form of giving general advice to improve fire safety measures or specific advice on a targeted basis dependent upon the business needs. The purpose of engagement is to:

- Actively engage the business and commercial sector to raise awareness and understanding of responsibilities in respect of fire safety and the regulatory reform framework.
- Develop effective partnerships and relationships to improve the application of fire safety methodology.
- Work with interested parties towards the achievement of mutually agreed solutions to fire safety deficiencies.
- The need for enforcement may stem from a lack of knowledge or a deliberate or negligent act. The term enforcement has a wide meaning and applies to all dealings between TWFRS and those on whom the law places a duty. The purpose of enforcement is to:
 - Promote and achieve sustained compliance with the law;
 - Ensure that the person responsible for the premises subject to fire safety regulation takes action to deal immediately with serious risks to the safety of relevant persons.
 - Ensure those individuals, businesses and other undertakings that breaches in fire safety legislation are dealt with appropriately, which may include bringing alleged offenders before the courts.

3.3 The Human Rights Act 1998 places general obligations on enforcement bodies to ensure fair treatment for all, to prevent any form of prejudice and to provide a right to privacy. This policy reflects the provisions of this Act and the Regulators' Code.

- 3.4 While it is understood that it is primarily the responsibility of individuals and businesses to ensure compliance with relevant legislation, TWFRS will help them, where possible, to understand their legal responsibilities.
- 3.5 Warranted personnel will endeavour to explain any non-compliance in plain English. Where possible, TWFRS will assess alternative approaches so that the Responsible Person can choose the best solution for their particular premises. In certain circumstances, the Responsible Person should also consult with other enforcing agencies i.e. Building Control Body on measures that require compliance with Building Regulations.
- 3.6 Only Fire Safety Officers or appropriately warranted personnel may undertake enforcement duties. The CFO will only warrant personnel when satisfied with their level of qualification, training, experience and competence. All warranted personnel including, FS Inspectors undertaking enforcement duties, will be suitably trained to ensure they are fully competent to undertake their enforcement activities. These competencies will be reviewed on a regular basis.
- 3.7 Additionally, the training requirements to achieve the necessary level of competence will be regularly reviewed. All enforcement activity shall be quality assured prior to implementation.
- 3.8 Audits completed under The Regulatory Reform Fire Safety Order 2005 (FSO) will be recorded on the Fire Safety Audit and Data Gathering Form on the Community Fire Risk Management Information System (CFRMIS) following the principals of the CFOA Audit Procedures. This premises audit form is in common use with most Fire and Rescue Services in England and Wales and should encourage consistency when determining levels of compliance and enforcement outcomes.
- 3.9 Audits and inspections will be undertaken by FS Inspectors on the basis of the FS Department Risk Based Inspection Programme (RBIP) under which priority will be given to premises that have been assessed as being of higher risk. The greatest audit and inspection effort will be allocated to premises where a compliance breach would pose a serious risk to the safety of persons and TWFRS has reason to believe that there is a high likelihood of non-compliance with the law.
- 3.10 Service Delivery conduct Operational Health Checks/Visits incorporating engagement and also influences enforcement action as an outcome of these visits. FS will endeavour to conduct any reactional workload such as Operational Health Check Referral and statutory consultations either within a reasonable time period as defined by the identified risk or within any statutory response period.
- 3.11 Enforcement decisions shall be consistent, balanced, fair and relate to common standards that ensure the public, businesses and employees are adequately protected. Such decisions will be made using the same method as the Health and Safety Executive (HSE) Enforcement Management Model (EMM), which is included in the Premises Audit form template, since Fire & Rescue Services and Local Authorities having enforcement responsibilities accept this method as national best practice.
- 3.12 In deciding what action to take to ensure compliance with the law, the matters the Authority considers includes the following:
 - The nature and seriousness of any alleged offence/s;

- The risk of death or serious injury
- Previous experience and record of compliance of the responsible person;
- Action taken to prevent any recurrence;
- The likely effectiveness of the various enforcement options;
- Any explanation offered and the circumstances and attitude of the responsible person;
- Any statutory defence available.

3.13 TWFRS will always seek to use enforcement action that is proportionate, primarily to the circumstances of the offence and the risk to life, but in so doing will also consider other factors such as the size of the business or undertaking and the nature of its activities.

3.14 Choices of enforcement or engagement approaches available to TWFRS are:

- Educate and Inform
- Notification of Deficiencies;
- An agreed action plan;
- Relevant/statutory notice (Enforcement/Improvement Notices) identifying the nature of the corrective action needed;
- Prohibition / restriction of use;
- Refusal/revoke licenses;
- Referral to other agencies;
- Conducting an investigation into the breaches in legislation where the decision has been made to seek a conviction in a court of law, resulting in the issuing of a Simple caution or successful prosecution.

3.15 TWFRS will keep its regulatory activities under review through management of its fire safety enforcement function. This will ensure, so far as reasonably practicable, that all actions are proportionate and impose the minimum burden necessary to secure reasonable compliance with the law and public safety.

3.16 TWFRS recognises that the decision to seek a conviction in Court of Law is significant and could have far reaching consequences for the offender. The decision to prosecute is a serious step. Fair and effective prosecution forms a legitimate element of the Authority's strategy to reduce the risk of death and injury by enforcing fire safety law. Any prosecution has serious implications for all involved – including the person prosecuted, casualties, witnesses and Service personnel. TWFRS will apply the guidance set out below so that it can make fair and consistent decisions about prosecutions.

3.17 The decision to prosecute will take account of the evidential test and the relevant public interest factors. No prosecution may go ahead unless the Authority finds there is sufficient evidence to provide a realistic prospect of conviction and decides that prosecution would be in the public interest. The final approval for the decision to prosecute will be given by the Chief Fire Officer based on the information gathered as part of the investigation and legal advice from the Service's legal advisors.

3.18 In relation to the Public Interest Test, the matters considered by TWFRS will include the following in deciding whether or not to prosecute:

- The nature and seriousness of any alleged offence/s;
- The risk of death or serious injury;
- Previous experience and record of compliance of the responsible person;
- Action taken to prevent recurrence;
- The likely effectiveness of the various enforcement options;
- Any explanation offered and the circumstances and attitude of the Responsible Person;
- Any statutory defence available.

3.19 Where there is sufficient evidence (evidential test), TWFRS will normally consider prosecution in any of the following circumstances:

- Breaches of legislation that placed people at risk of death or serious injury
- Persistent breaches of statutory requirements in relation to the same undertaking;
- Failure to comply with formal remedial requirements;
- Reckless disregard for fire safety requirements;
- Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information
- Obstruction of warranted personnel in carrying out their powers. TWFRS regards the obstruction of, or assaults on, its warranted personnel while lawfully carrying out their duties as a serious matter.

3.20 TWFRS will consider publicising any conviction, which could serve to draw attention to the need to comply with fire safety requirements, or deter anyone tempted to disregard their duties under fire safety law. Details of statutory notices served will be held on publicly available registers at Service Headquarters in accordance with the Environment and Safety Information Act 1988. Where any notice is served that is relevant for the purposes of the above Act, the Authority will publish the details on its website and also publish the notices as an entry on the NFCC National Enforcement Register.

3.21 If any person is unhappy with the action taken, the information or advice given by FS Inspectors of TWFRS, or believe they have not received fair or consistent treatment as outlined in this policy, they will be given the opportunity to raise the matter in accordance with Tyne and Wear Fire and Rescue Service's Policy for Managing Compliments and Complaints (BI005). The Policy ensures that compliments and complaints are properly administered, recorded, acknowledged and, where necessary, investigated. This policy will ensure that anyone making a complaint will be treated in a fair, reasonable and consistent manner.

4 Accountability and Responsibility

4.1 The Executive Leadership Team approves this policy. The Fire Safety department oversee compliance with the policy in line with legislative requirements.

5 Monitoring and Review

5.1 The Head of Fire Safety will review the policy every 3 years.

6 Other Information

6.1 Tyne and Wear Fire and Rescue Service recognises that the Competency Framework for Fire Safety Regulators is a beneficial objective which will provide identified benchmarks to confirm competences, but Tyne and Wear Fire and Rescue Service notes the acknowledgement in paragraph 6.3 of the Competency Framework that it may take time for enforcing authorities to implement the Framework. The position of Tyne and Wear Fire and Rescue Service is that it's fire safety regulators, who are working towards the objectives of the Framework, are not to be regarded as not competent to carry out their respective fire safety duties, if such officers meet all other criteria for competence in the Framework, as fire safety regulators will only be appointed to roles which (name of FRS) considers that its fire safety regulators can competently fulfill.

7 Authority for Issue

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Classification:	Official		
Version Number:	4		
Version Date:	March 2024		
Author:	Head of Fire Safety		
EIA Completed	Yes	Date:	November 2023
Consultation:	Staff	Date:	N/A
	Unions	Date:	N/A
	SLT	Date:	N/A
	ELT	Date:	March 2024
	FA	Date:	N/A
	Legal Services (D.Stotesbury)	Date:	January 2024
	Other(s)	Date:	N/A
Authorisation:	Paul Russell	Date:	March 2024
Implementation:	ELT	Date:	N/A
Review Cycle: Frequency:	3 years	Date:	March 2027
Link to Strategy:	This policy relates directly to the Authority's Community Risk Management Plan and TWFRS Strategy 2025.		
Links to other policies	<ul style="list-style-type: none"> • The Risk Based Inspection Programme • Fire Safety Operating Plan • The Risk Based Attendance Policy • The Unwanted Fire Signals Strategy 		

INC002 RECORD OF EQUALITY IMPACT ASSESSMENT

Title of Proposal : Fire Safety Policies and Procedural and Technical Guidance Notes							
Completed By: Lucy Scott				Department: Fire Safety			
Contact Details: lucy.scott@twfire.gov.uk				Date of Submission: November 2023			
Is this Proposal: New [X] Updated [] Other [] Specify:							
ANALYSIS RATING (Please tick one)				*In the case of an Amber Rating, proportionate, objective justification must also be ticked.			
RED		AMBER		GREEN	✓	Proportionate, Objective Justification	

Intended Outcomes

Summary of intended outcomes and benefits of the proposal? These should be linked to strategic or corporate outcomes where appropriate.	<p>The policies and procedures linked to this EIA, cover the processes our Fire Safety staff follow whilst undertaking statutory enforcement and engagement activities in relation to Fire Safety legislation. This covers both reactive and planned fire safety work by staff, in both an engagement and enforcement capacity; as well as Operational staff undertaking Fire Safety Operational Health Checks and Flexi Duty Officer's reactive work. This EIA covers the following Policies and all Fire Safety's procedural and technical Guidance Notes.</p> <p>Policies:</p> <ul style="list-style-type: none"> • FS001 Enforcement and Engagement Policy • FS003 Risk Based Attendance Policy • Fire Investigation Policy • Risk Based Inspection Programme Guidance Note
Who will be affected by the proposal and in what way? (e.g. applicants, employees, local communities other services etc).	<ul style="list-style-type: none"> • Business owners (Responsible Persons) • Members of the public • TWFRS employees • Other stakeholders

Data and evidence collection

<p>Please list sources of information have been used to inform this analysis</p>	<p>NFCC Guidance & Positions Statements</p> <p>Peer review of other FRS and national Policies Procedures</p> <p>Integrated Risk Management Planning Guidance Note 4: A risk assessment based approach to managing a fire safety inspection programme</p> <p>The Regulator's Code 2014</p> <p>Competence Framework for Fire Safety Regulators 2023</p> <p>All Service Inclusion Policies</p> <p>Local Government and Social Care Ombudsman training - Effective complaint handling, in accordance with Tyne and Wear Fire and Rescue Service's BI005 Policy for managing compliments and complaints.</p>
<p>Are there any gaps in the data or intelligence available?</p> <p>If so please describe what they are and what actions have been taken to obtain or improve the information.</p>	<p>None identified</p>

Establishing Relevance and Equality Analysis

- Demonstrate how you used the data and evidence listed above
- Demonstrate consideration of the actual and potential impact
- Demonstrate actions taken to reduce or eliminate negative impact
- Consider whether the proposal will or is likely to influence TWFRS’s capacity to meet the PSED aims to:
 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act and other relevant legislation.
 2. Advance equality of opportunity between different groups of people.
 3. Foster good relations between people who share a protected characteristic and those who do not.

Protected Characteristic	Neutral Impact	Positive Impact	Negative Impact	Justification for rating (neutral/positive/negative) and actions taken to reduce negative impact and / or increase positive impact
Age	X			<p>Our policies and procedures are both external and internal facing documents and are available in alternative formats upon request, such as alternative languages and large print. They can also be accessed electronically which means font size can be altered and tools such as google translate to read aloud can be used if required. Our documents comprise of black writing on a white background so that readers are able to change the colour contrast if required. The documents can also be printed in large font if necessary.</p> <p>Relevant Notices are always served in writing (in accordance with statutory requirements) however, stakeholders can interact with the Department via several means depending on preference i.e. in writing, by telephone, in person, via a web form or social media and further help is available from staff, should this be required.</p> <p>In accordance with the Regulators’ Code 2014, all our staff endeavour to communicate in the clearest and most transparent way possible. This is especially important when discussing often complex and technical legislative requirements.</p> <p>Contact can also be made with the Department by a third party, such as a carer or family member on behalf of an individual, if desired.</p>

Disability	X			<p>Our policies and procedures comprise of black writing on a white background so that readers are able to change the colour contrast if required.</p> <p>Our documents can be accessed electronically in conjunction with the software provided by the organisation to assist in computer based work. Electronic publication also means font size can be altered, and tools such as google translate to read aloud can be used if required.</p> <p>Our documents can be made available in alternative formats on request.</p> <p>In accordance with the Regulator's Code 2014, contact with our Fire Safety staff can be made via several means, such as in writing, by telephone, in person, via a web form or social media, therefore are accessible to those with additional needs. Staff working with a Fire Safety remit will support stakeholders through their interaction with the Service, to ensure individual needs are met.</p>
Gender Reassignment	X			<p>Correspondence can be addressed appropriately and Fire Safety staff will support the individual through the Fire Safety enforcement and engagement process to ensure that their individual needs are met.</p>
Pregnancy & Maternity	X			<p>Contact with the Department can be made in several ways therefore, are accessible to those with additional needs or time restraints. Contact can be made in a variety of formats such as in writing, by telephone, in person, via a web form or social media and Fire Safety staff will support stakeholders through the process to ensure that their needs are met.</p>
Race - this includes ethnic or national origins, colour or nationality	X			<p>There are no terms in the documents which refer to race and this information is not collected as part of the policies or procedures. Due consideration has been given with regards to race and ethnicity and alternative formats of our documents can be requested.</p> <p>Any legal notices served are sent in writing however electronic copies can also be sent on request meaning that users who prefer to work an alternative language and then translate this back into English can do so using web based software (such as google translate). Fire Safety staff will support an individual to ensure that their needs are met.</p> <p>Our Fire Safety staff are able to use the services of interpreters whilst undertaking our</p>

			<p>fire safety work, including for formal Interviews under Caution, should this be requested or required. This ensures that if English isn't the first language, the Responsible Person will not be disadvantaged in terms of their interaction with the Service. Our Community Advocates also assist us in this respect to ensure the best interaction and outcomes with all members of Tyne and Wear's business community. Our staff also have the option of accessing Language Line (a telephone interpretation service) who can be contacted via Control.</p> <p>The aim of the Tyne and Wear Fire and Rescue Fire Safety Department is to undertake a programme of engagement with the business community within Tyne and Wear. This engagement focuses on the building risk, occupancy type and previous compliance within the built environment and not on the ethnicity of those that operate, own or use a certain premises type. Engagement is driven by the Services Risk Based Inspection Programme, which assesses the known risks within the built environment to ensure workload is directed to those most at risk or those most likely to be non-compliant. However, so that we address the most immediate risks within our community, we undertake a substantial amount of reactive work, which is driven by concerns raised by partner agencies, members of the public or internally from fire crews. We also undertake post fire engagement work within the local area and similar premises types, so that stakeholders are aware of any new risks.</p> <p>The activities of the Fire Safety Department are delivered in accordance with the Services Enforcement and Engagement Policy, which is underpinned by the Regulators' Code, to ensure all enforcement action is delivered fairly and in a transparent manner relative to the risk identified.</p>
Religion / Belief - this includes lack of belief	X		<p>There are no references to religion in our documents and this information is not collected as part of our fire safety work, with the exception of our premises property type information held on our Community Fire Risk Management Information System (CFRMIS) database. The property type information is necessary to allow us to categorise the fire safety risk and therefore priority rate of all of our non-domestic buildings within Tyne and Wear. Our Fire Safety staff will support Responsible Persons through the fire safety process to ensure that individual needs are met as far as practicable. When planning and conducting visits to places of worship, our officers will be respectful and considerate to the practices and beliefs of the premises they are visiting. Our Community Advocates support our staff where necessary to ensure the</p>

				best possible outcomes are achieved. For example, our Community Advocates have attended visits to mosques and other places of worship with our Fire Safety Officers to ensure safety messages around sleeping in commercial premises are most effectively communicated and understood.
Sex	X			The language used in all our documents is inclusive and uses non-gender specific pronouns. Staff will support individuals through the fire safety process to ensure that their needs are met.
Sexual Orientation	X			The language used in all our documents is inclusive and uses non-gender specific pronouns. Staff will support individuals through the fire safety process to ensure that their needs are met.

Will this proposal impact people who are marginalised as a result of other characteristics not protected by the Equality Act 2010? E.g. social economic factors (i.e. poverty and or isolation, caring responsibilities, unemployment, homelessness, urbanisation, rurality, health inequalities or any other disadvantage). It may also be relevant to consider whether all employees of the service are able to equally access your proposal, given the diversity of roles within the organisation.

Identified Characteristic	Neutral Impact	Positive Impact	Negative Impact	Justification for rating (neutral/positive/negative) and actions taken to reduce negative impact and / or increase positive impact
	X			The production of accessible, easy to follow, up to date policies and procedures puts the Department in the best position to allow good working relationships with our stakeholders and therefore assist in creating a safer business community. As part of our engagement with businesses, we are also able to capture valuable feedback from our service users. By listening to and acting upon feedback, this helps us to improve the service Tyne and Wear Fire and Rescue Service's Fire Safety Department provides. Having well managed fire safety policies and procedures ultimately helps us to improve safety within Tyne and Wear's business community.

Response to Analysis, Action Plan and Monitoring

Recommendations

Decision	Rating	Statement of Justification
Continue as planned, no major change.	GREEN	There does not appear to be any adverse effects on people marginalised on the basis of protected characteristics and / or local non legislative factors are identified, no further action currently required.
Continue as planned but some adjustment to the proposal may be required before proceeding. Ensure actions are completed before submitting proposal.	AMBER	
Stop the proposal.	RED	
Proportionate, Objective Justification		Our policies and procedures will be regularly reviewed, taking into account any feedback received from our stakeholders in relation to the undertaking of our fire safety activities and the necessary amendments will be implemented.

Monitoring and review

What procedures are in place to monitor the impacts outlined in the analysis?	Review should there be relevant changes
How often will this take place?	As necessary
Date of next planned review?	December 2025

Declaration: I believe that due regard has been paid to the aims of the Public Sector Equality Duty as it relates to the proposal.

Completed by:	Lucy Scott	Date:	December 2023
Head of Dept:	Chris Lane	Date:	December 2023

Please follow section 6 of the BSI001 Policy & Procedure Writing Guidance in order to progress the proposal and accompanying Record of EIA through the consultation process. No proposals are to be published without an accompanying EIA.

If you require further assistance regarding the Equality Impact Assessment, please contact the Inclusion Manager.