

Crown Premises Fire Inspection Group

Date: 21st March 2017

<redacted>
HMP Wealstun
Thorp Arch
Wetherby
SL23 7AZ



Crown Premises Fire Inspection Group
Policing and Fire Directorate
2nd Floor NW Fry Building
2 Marsham Street
London
SW1P 4DF

Our Ref: 6227/800/01

Please reply to: <redacted> [@homeoffice.gsi.gov.uk](mailto:<redacted>@homeoffice.gsi.gov.uk)

Dear <redacted>,

The Regulatory Reform (Fire Safety) Order 2005 (the Order)

Premises: HMP Wealstun, Thorp Arch, Wetherby, LS23 7AZ

I am writing to you as a person responsible under the above Order for ensuring that persons are adequately safeguarded in case of fire at the above premises.

The Order binds the Crown, except for the enforcement and prosecution provisions. The absence of formal enforcement powers does not, therefore, allow those managing Crown premises to adopt a lower standard of safety than applies to other buildings.

An inspection of the premises was carried out recently by Crown Premises Fire Inspectors. The inspection identified a number of significant failures to meet the requirements of the Order. These were outlined to yourself at the time, and are set out in the attached schedule. You will need to take action to address these failures.

If the enforcement provisions in the Order applied to you, such is the seriousness of the deficiencies at the premises that you would be served with an Enforcement Notice under Article 30 of the Order. This would require you to take timely steps to comply with the Order, and you would face prosecution if you failed to do so.

In the event that a permanent solution cannot be implemented immediately, you will need to introduce interim measures to reduce the level of risk whilst longer-term measures are being prepared.

Fire safety measures are largely interactive, and fire risks can be controlled in many ways. Therefore, whilst the schedule refers to solutions you could adopt, I am not directing you to choose any one of them. It will be acceptable for you to implement any measures which achieve an appropriate standard of safety from fire.

Successful approaches to assessing and managing risk can be provided by accepted guidance, BS9999: 2008 or fire engineering calculations. Each of these requires the involvement of a person with comprehensive training or experience.

A copy of this letter has been sent to National Service Management Team who may also be responsible for the safety of persons in case of fire. <redacted>

If you do not feel that you are responsible under the Order for the safety of relevant persons in the premises, please contact the person named at the top of the letter.

If you believe that the contents of the schedule are incorrect, and that you do not need to take action in respect of any matter, then you should send your written reasons to the Chief Fire and Rescue Adviser at the above address within 28 days of the date of this letter.

Yours faithfully

<redacted>

Crown Premises Fire Inspection Group
Office of the Chief Fire & Rescue Adviser

CC - <redacted>

CC - <redacted>

CC – <redacted>

CC - <redacted>

CC - <redacted>

CC – <redacted>

REGISTERED NOTICE NO. (CPFIG/013/EN/2017)

The Regulatory Reform (Fire Safety) Order 2005 (the Order)

Premises: HMP Wealstun, Thorp Arch, Wetherby, LS23 7AZ

Date of Issue: 21st March 2017

This schedule should be read in conjunction with the CFRA letter dated 21st March 2017

Schedule

| 1. PROTECTION OF STAFF AND PRISONERS. | | | |
|--|--|---|---|
| WARNING OF FIRE – MEASURES FOR FIRE-FIGHTING – RISK OF FIRE SPREAD – SECURING THE MEANS OF ESCAPE | | | |
| <i>Relevant article of the Order</i> | <i>Specific Failure to Comply with the Order</i> | <i>Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure</i> | <i>Steps to be completed by Date</i> |
| Articles 4(1)(c), 7(6), 8 & 14. | <p>a. There was no water misting equipment in <redacted>-Wings.</p> <p>b. No interim measures were in place to mitigate the inability of unmaintained fire doors to control smoke spread, plus the absence of mechanical smoke control and water misting equipment in <redacted> Wings</p> | <p>a. Sufficient water misting equipment should be provided so that, allowing for the predicted time for fire detection, water-mist inundation is commenced within six minutes from ignition. Portable water-misting equipment for deployment in <redacted> Wings should be obtained or procured immediately.</p> <p>b. Mitigatory interim measures should be implemented, including tested plans for the immediate evacuation of prisoners from any one corridor during both day and night-state, and arrangements to ensure that prisoners at higher-risk of setting fires are located in atrium wings wherever possible.</p> | One Month from date of letter |

2. STAFF INSTRUCTIONS FOR ACTIONS IN THE EVENT OF FIRE.

CELL FIRE RESPONSE.

| Relevant article of the Order | Specific Failure to Comply with the Order | Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure | Steps to be completed by Date |
|--------------------------------------|---|---|--------------------------------------|
| Articles 4(1)(f), 7(6), 8 & 15. | a. There is no a plan to use water mist equipment (<redacted> Wing) as soon as possible in every case, and always within 5 minutes. | <p>a. The fire-fighting plan should be time-based, starting from when the fire is started, and taking into account the predicted time for fire detection. By six minutes from ignition – including the time for detection - the fire-fighting plan must ensure that water-mist inundation has been commenced.</p> <p>Initial inundation should be carried out where necessary in order to reduce the level of hazard created by the fire, but instructions should be given for this to be supplemented as soon as possible with the application of water mist equipment, and in every case if the prisoner might not be released from the cell within six minutes of the fire starting, allowing for the predicted time for fire detection.</p> | One month from date of letter |

3. EFFECTIVENESS OF STAFF ACTIONS TO TAKE IN THE EVENT OF FIRE.

FIRE TRAINING – EVACUATION

| Relevant article of the Order | Specific Failure to Comply with the Order | Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure | Steps to be completed by Date |
|--------------------------------------|---|--|--------------------------------------|
| Articles 4(1)(f), 7(6), 8, 13 & 15 | a. An insufficient number of prison staff members working in residential wings during night state were able to safeguard themselves and relevant persons in the event of a cell fire. This was because an insufficient number of staff had either not received training or were out of currency with their training in wearing RPE and carrying out the cell fire response plan SSoW. | a. A sufficient number of the prison staff working must be trained in wearing RPE and carrying out the cell fire response plan SSoW in order to safeguard themselves and relevant persons from fire. | One month from date of letter |

4. FIRE SAFETY MANAGEMENT

| Relevant article of the Order | Specific Failure to Comply with the Order | Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure | Steps to be completed by Date |
|--------------------------------------|---|--|--------------------------------------|
| Article 11 | a. Day to day arrangements of the fire safety arrangements was inadequate. | a. Effective arrangements should be implemented to ensure that: <i>i) the action points arising from the fire risk assessment are acted upon.</i> | One month from date of letter |
| Article 22 | b. The responsible person has not established suitable co-operation and co-ordination with other responsible persons. | b. Effective arrangements should be implemented to ensure that information about the status of fire safety facilities, equipment and devices is communicated effectively between responsible persons and other persons with control of the premises. | |

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the Crown Premises Fire Inspection Group, need to be taken in order to meet the requirements of the Order.

Note: Notwithstanding any consultation with other enforcing authorities undertaken by the Crown Premises Fire Inspection Group, before you make any alterations to the workplace which constitutes 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 workplace if their permission is required for those alterations to be made.