

Crown Premises Fire Inspection Group

Date: 21st March 2017

<redacted>
<redacted>
National Offender Management Service
102, Petty France
London



Home Office

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

Our Ref: 3724/023/01

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 the Governor and AMEY 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 the Governor and National Service Management Team who may also be responsible for the safety of persons in case of fire. A reference to the letter will also be made in a public register of notices, in line with the requirement placed on enforcing authorities under the Environment and Safety Information Act 1988 to act transparently.

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>

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REGISTERED NOTICE NO. CFIG/015/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. GENERAL MAINTENANCE.			
<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) (a-e), 7(6), 8 & 17	a. The fire doors provided to safeguard prison staff and prisoners from fire are not subject to a suitable system of maintenance, so there is the potential for smoke to travel unimpeded and compromise the means of escape and firefighting actions of prison staff.	a. Effective arrangements for measuring the delivery of the TFM contract on the ground at prison level, and implementing the necessary contractual processes to ensure that the fire doors are being tested and maintained in an efficient state, in efficient working order and in good repair.	1 month from the date of this notice
Articles 4(1)(d), 7(6), 8 & 17	b. The fire main and hydrants provided for the use and protection of fire-fighters were not subject to a suitable system of testing and maintenance to ensure that they are maintained in an efficient state, in efficient working order and in good repair.	b. Effective arrangements for measuring the delivery of the TFM contract on the ground at prison level, and implementing the necessary contractual processes to ensure that the fire main and hydrants are being tested and maintained in an efficient state, in efficient working order and in good repair.	

2. FIRE SAFETY MANAGEMENT			
<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>
Article 22	a. The responsible person has not established suitable co-operation and co-ordination with other responsible persons.	a. Effective arrangements should be implemented – including the use of defect and early warning notices - to ensure that,	1 month from the date of

		<p>where fire safety facilities, equipment and devices are not in effective working order, this information has been identified and communicated effectively between responsible persons, the TFM manager, sub-contractors and other persons with control of or obligations in respect of safety at the premises.</p>	<p>this notice</p>
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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.