

From the Chief Executive

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Sent via email: office@fbu.org.uk

10th August 2023

Mr Matt Wrack
General Secretary
Fire Brigades Union
Bradley House, 68 Coombe Road
Kingston-upon-Thames
Surrey, KT2 7AE

Dear Matt,

Last week, Jane Lassey (Acting Director of Regulation) and I met with Riccardo la Torre and Ben Selby to discuss the FBU's concerns about committing firefighters beyond the 'Entry Control Point' not under air. Whilst it is clear that these concerns, originally raised with us last year, are complex and of national importance, this does not excuse the time taken to investigate, nor the poor engagement that the FBU has experienced to date, for which I offer my apologies on behalf of the Health & Safety Executive.

Prior to our meeting, as we explained to Riccardo and Ben, we identified that we have not yet fully addressed all your concerns and I want to again acknowledge these shortcomings. We take this failure seriously and I wish to assure you that a thorough review of our investigation to date is now underway.

We recognise that the potential risks associated with a system of work that commits firefighters beyond the 'Entry Control Point' to maintain the stairwells of tall buildings, whilst not under air, apply equally across Great Britain. The communication between us, in September 2022, setting out the scope of the proposed investigation, narrowed the ambit of the investigation and limited the enquiries to the two named Fire and Rescue Services, Hampshire and Isle of Wight and Dorset and Wiltshire. Clearly this did not align with your expectation and our approach will be reviewed.

As the independent regulator for workplace health and safety we do not routinely approve systems of work or assessments of risk. We assess dutyholder compliance with legislative requirements by comparing the reality on the ground with expected benchmark standards; using industry guidance where it is the most specific benchmark. Often, the National Fire Chief Council (NFCC) standards for firefighting techniques provide this benchmark standard.

The available NFCC guidance on Fires in Tall Buildings was considered the benchmark standard for the firefighting technique. We assessed the suitability of the assessments of risk and competence of those persons undertaking them at the two Fire Rescue Services. We were satisfied that the arrangements in place were sufficient to demonstrate compliance with these statutory requirements. Compliance at this local level was, however, not taken to represent the national picture and each fire and rescue service must ensure they have sufficient competent persons to assist them comply with their statutory requirements. We did not assess whether the NFCC guidance provided a suitable benchmark for this technique.

Going forwards, there are two issues we need to address –

First is the suitability of the NFCC standards as an appropriate benchmark and whether compliance with requirements of relevant legislation is achieved. To achieve this, we will engage with a number of Fire and Rescue Services who have not adopted the NFCC guidance to establish what risk control measures they have implemented. We will compare their systems of work against the NFCC guidance to ensure they provide at least the same levels of protection.

Second, our investigations at the two Fire Rescue Services will be reviewed to ensure all of the points in your letters have been addressed with them. This is underway.

In addition, we are also reviewing whether the NFCC system of work complies with the specific requirements of the Personal Protective Equipment Regulations and Control of Substances Hazardous to Health Regulations. Upon completion of this we will engage with the NFCC.

I hope this letter reassures you that we are committed to thoroughly reviewing your concerns and ensuring all the points raised are addressed. I appreciate that the investigations have taken too long, and we will now act as quickly as possible; I estimate that the review will be completed by the end of October. We will keep you informed on progress and once we have completed the review you have my commitment that we will engage directly with you on the findings.

Additionally, in relation to Riccardo's enquiry about any planned HSE interventions with FRS's this year please note that we are responding to the research findings of Professor Anna Stec about the health risks to firefighters associated with decontamination. Our work is at an early stage and we will be seeking to finalise a date to meet with Riccardo to discuss.

Thank you again for bringing these matters to my attention and I hope this letter provides reassurance going forwards.

Yours sincerely

Sarah

Sarah Albon
Chief Executive, Health and Safety Executive

Cc:

Mr Riccardo la Torre: Riccardo.laTorre@fbu.org.uk

Mr Ben Selby: Ben.Selby@fbu.org.uk

Mrs Jane Lassey: [REDACTED]

Mrs Sarah Newton: [REDACTED]

Mr Ged Nichols: [REDACTED]

Ms Claire Sullivan: [REDACTED]