



National  
Operational  
Guidance

<b>Introduction</b> .....	2
<b><i>Legislation</i></b> .....	2
<b><i>Fire and Rescue National Framework</i></b> .....	4
<b><i>Risk management plan</i></b> .....	5
<b><i>Responsibility of fire and rescue services</i></b> .....	5



# Introduction

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The structure of this guidance follows the style and format of the fire and rescue service National Operational Guidance Programme. It relates to specific hazard and control measures following a literature review. The control statements support a fire and rescue service in developing policies and procedures that deliver the 'safe person principles' at all incidents.

This guidance supports fire and rescue authorities in putting a robust emergency response in place for all incidents. It is an essential part of the safe systems of work needed, from the point of receiving a call to considering learning after the incident closes.

In this document the term 'Incident' means any event where a fire and rescue service receives a call for help that results in an electronic record being created. An emergency resource does not have to be deployed in response to the call.

Operational response is hazardous and firefighters respond to thousands of incidents, across a wide variety of types, each year. Only simple actions and procedures are needed for some incidents to be dealt with safely as risks are low. Others are more challenging, and may quickly increase in size, complexity and duration. This guidance specifically deals with the hazards present at all incidents. The guidance provides a number of potential control measures - fire and rescue services can build on these according to their local risk assessment.

The hazards identified in this document could cause harm to the organisation, to fire and rescue service personnel or the community in which they operate.



# Legislation

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The Fire and Rescue Services Act 2004

This Act is the principal legislation for the fire and rescue services of England and Wales. It describes the duties and powers of fire and rescue authorities in providing a fire and rescue service.

Sections 7, 8 and 9 describe the duties placed on fire and rescue authorities for providing an operational response. Section 11 and 12 give fire and rescue authorities the power to respond to other types of emergency than those described in sections 7, 8 and 9.

Similar provisions exist in the Fire Scotland Act 2005 and the Fire and Rescue Services (Northern Ireland) Order 2006.

#### Health and Safety at Work, etc. Act 1974

In relation to health and safety, this Act applies to all employers. It is a wide ranging piece of legislation but in very general terms it imposes the general duty on fire and rescue authorities to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all of their employees (section 2(1)) and of those persons not in fire and rescue service employment who may be affected by fire and rescue service activity (section 3(1)). A fire and rescue service employee also has a duty to take reasonable care for the health and safety of him/her self and of other persons who may be affected by his/her acts or omissions at work.

The relevant sections of this Act apply equally to the whole of the UK.

#### Management of Health and Safety at Work Regulations 1999

Among other things these regulations require fire and rescue authorities to:

- Make suitable and sufficient assessment of the risks firefighters may be exposed to while they are on duty, and which may affect their health and safety (Regulation 3(1)(a))
- Implement any preventive and protective measures on the basis of the principles specified in the regulations (Regulation 4)
- Make arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures (Regulation 5)
- Provide such health surveillance as is appropriate with regard to the risks to health and safety that are identified by the risk assessment (Regulation 6)

Safety Representatives and Safety Committees Regulations 1977 (as amended) and Codes of Practice provide a legal framework for employers and trade unions to reach agreement on arrangements for health and safety representatives and health and safety committees to operate in their workplace.

Health and Safety (Consultation with Employees) Regulations 1996 (as amended), sets out the legal framework that will apply if employers have employees who are not covered by representatives appointed by recognised trade unions.

#### Control of Substances Hazardous to Health Regulations 2002

Fire and rescue authorities must ensure that the exposure of firefighters to substances hazardous to health is either prevented or, where prevention is not reasonably practicable, adequately controlled (Regulation 7(1)). Where it is not reasonably practicable for fire and rescue authorities to prevent the hazardous exposure of firefighters, fire and rescue authorities must, amongst other things, provide firefighters with suitable respiratory protective equipment (that must comply with the Personal Protective Equipment Regulations 2002 and other standards set by the Health and Safety Executive).

#### Dangerous Substances and Explosive Atmospheres Regulations 2002

Fire and rescue authorities are obliged to eliminate or reduce risks to safety from fire, explosion or other events arising from the hazardous properties of a 'dangerous substance'. Fire and rescue authorities are obliged to carry out a suitable and sufficient assessment of the risks to firefighters where a dangerous substance is, or may be, present (Regulation 5). Fire and rescue authorities are required to eliminate or reduce risk so far as is reasonably practicable. Where risk is not eliminated fire and rescue authorities are required, so far as is reasonably practicable and consistent with the risk assessment, to apply measures to control risks and reduce any detrimental effects (regulation 6(3)). This includes providing suitable personal protective equipment (Regulation 6(5) (f)).

#### Confined Spaces Regulations 1997

A firefighter must not enter a confined space to carry out work for any purpose unless it is not reasonably practicable to achieve that purpose without such entry (regulation 4(1)). If entry to a confined space is unavoidable, firefighters must follow a safe system of work (including using breathing apparatus) (Regulation 4(2)) and put adequate emergency arrangements in place before the work starts (Regulation 5).

#### The Work at Height Regulation 2005 (as amended)

This regulation replaces all of the earlier regulations relating to working at height. The Work at Height Regulations 2005 consolidates previous legislation on working at height and implements European Council Directive 2001/45/EC concerning minimum health and safety requirements for the use of equipment for work at height (The Temporary Work at Height Directive).

#### Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

In this section, Regulation 3 is particularly relevant because it requires fire and rescue authorities to notify the Health and Safety Executive of any 'dangerous occurrences'. Some examples of dangerous occurrences as defined in Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) that are relevant to fire and rescue service operations at tunnels and underground incidents include: "any unintentional incident in which plant or equipment either (a) comes into contact with an uninsulated overhead electric line in which the voltage exceeds 200 volts; or (b) causes an electrical discharge from such an electric line by coming into close proximity to it."

#### Data Protection Act 1998

The Act prescribes appropriate arrangements for storing, obtaining, holding, using or disclosing an individual's personal information. Personal data may be obtained directly by obtaining contact information for individuals in respect of specific sites, or by obtaining contact details on lists of specialist advisers, as examples. It may also be obtained indirectly, such as listing premises or locations where the circumstances of the individuals may identify personal information. Examples of indirectly obtained data may include people residing in a vulnerable persons' refuge, or for example, where their form of medical treatment results in the fire and rescue authority holding information regarding the use of medical gases, which may be regarded as personal information. Fire and rescue authorities who gather information that includes personal data appear to be 'data controllers', as defined by the Act. They have duties in relation to that data.



## **Fire and Rescue National Framework**

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There are national frameworks for England, Wales and Scotland. Their purpose is to provide strategic direction without specifying the method of delivery. The document encourages the communities to set the local direction.



## **Risk management plan**

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Each fire and rescue authority must develop their strategic direction through their risk management plan. To determine the extent of their firefighting capability, strategic managers will consider their statutory duties and the foreseeable risk within their area.

Work to identify risk and prepare operational plans should consider all stakeholders, including local emergency planning groups and the fire and rescue service risk management plan.



## **Responsibility of fire and rescue services**

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Fire and rescue services are responsible, under legislation and regulations, for developing policies and procedures and to provide information, instruction, training and supervision to their personnel about foreseeable hazards and the control measures used to to reduce the risks arising from those hazards.

This guidance sets out to provide fire and rescue services with sufficient knowledge about the potential hazards their personnel could encounter when attending transport incidents. Fire and rescue services should ensure their policies, procedures and training cover all of the hazards and control measures contained within this guidance.