

Protocol between Wiltshire Fire and Rescue Service and the Department for Education regarding fire safety in independent schools.

Standard Operating Procedure No. TFS - 043

Document Overview: - Under the Education Act 2002, the Department for Education are required to be satisfied that an Independent School is broadly compliant with the Regulatory Reform (Fire Safety) Order 2005 prior to registration. Registration cannot take place without this audit.

This protocol details the method for instigating necessary audits as such requests would fall outside of the normal risk-based audit programme currently employed by Wiltshire Fire and Rescue Service. This is in line with the Chief Fire Officers Association circular and revised Memorandum of Understanding reference 2009/1034.

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This document has been Equality Impact Assessed in accordance with Wiltshire FRS procedure. To view the assessment [click here](#) (to be completed via CRR).

1.0 Introduction

- 1.1 Under the Education Act 2002, the Department for Education (DfE) (formerly the Department for Children Schools and Families) are required to be satisfied that an Independent School is broadly compliant with the Regulatory Reform (Fire Safety) Order 2005 (The Order) prior to registration. Registration cannot take place without this audit.
- 1.2 This protocol details the method for instigating necessary audits as such requests would fall outside of the normal risk-based audit programme currently employed by Wiltshire Fire and Rescue Service (Wiltshire FRS) however the volume of such requests is not expected to be onerous and is in line with the Chief Fire Officers Association (CFOA) circular and revised Memorandum of Understanding (MoU) reference 2009/1034.
- 1.3 The MoU agrees that new Independent Schools should not open until a suitable response has been received from the FRS.
- 1.4 This protocol relates to all independent schools and includes Boarding and both Day and Residential Special Schools and any other premises affected by the specific requirement of the Education Act 2002.

2.0 General Arrangements

- 2.1 All correspondence, where possible, will be generated by email.
- 2.2 DfE will ensure that a list of all relevant premises and updated contact information will be provided to Wiltshire FRS. This is expected to be in December each year. [See appendix A.](#)
- 2.3 Contact details for Wiltshire FRS (Protection) Department (general enquiries), the Group Manager (Protection) and the Procedures Manager will be provided to DfE in response. NOTE: DfE are advised to use the general enquiries email for all normal business correspondence as this is subject to routine monitoring. [See appendix A.](#)
- 2.4 On receipt of any relevant application from a new school wishing to be registered within Swindon or Wiltshire, DfE will ask the school to forward the relevant information (with a set of plans to indicate fire strategy) to Wiltshire FRS to enable the required response to be initiated.

3.0 Wiltshire FRS Response Arrangements

- 3.1 **New school applications:** On receipt of an application, DfE will ask the school to contact Wiltshire FRS who will inspect within one month. The frequency of future inspections will then be determined in line with the current re-inspection policy and according to the resultant risk level.

- 3.2 **Audit reports;** A copy of the audit report will be sent to the school with a copy to DfE to indicate that the findings were broadly compliant or whether remedial action will be necessary to ensure compliance with The Order. Section 165 of the Education Act 2002 also allows DfE to de-register a school on the grounds of inadequate fire precautions in addition to any action deemed necessary by Wiltshire FRS.
- 3.3 **New build or alterations requiring Building Regulations approval;** if the application is subject to Building Regulations approval (i.e. new build or change of use) Wiltshire FRS will take part in a full consultation process with the local Building Control body. In addition and prior to the issue of a completion certificate, a joint “pre-completion” inspection may be undertaken. The school will be informed as part of the normal building regulations consultation process.
- 3.4 **Additional school premises;** where notified by the school of additional school premises at an independent school, Wiltshire FRS will decide through its normal risk analysis approach which category the premises fall within, i.e. very low to very high, in order to determine the level of response.
- 3.5 **Inspection protocol for established independent schools;**
- 3.5.1 Wiltshire FRS will not conduct routine 3-year inspections. Follow-up fire safety audits will be scheduled in accordance with its current risk management strategy.
- 3.5.2 Following any inspection, a report should be provided to the DfE within 15 working days.
- 3.6 **Response to areas of concern;** Wiltshire FRS will provide an urgent response to concerns identified by other inspectorates through the Independent School inspection process as follows:
- 3.6.1 Where there is immediate risk to life, a suitable inspection will be arranged within 24 hours of the request.
- 3.6.2 In all other cases, a response to a query or concern will be within 28 working days.
- 3.6.3 General queries and day to day support and advice will be provided by the local fire safety office.

Please Note: Contact should be via email whenever possible

DfE Contact

Area	Contact	Phone	Email	Last Updated
Wiltshire & Swindon	Karen Bielby	01325 735642	Karen.BIELBY@education.gsi.gov.uk	January 2011

Postal Address

Independent Education and Boarding Team
 Department for Education
 Lower Ground Floor Room 11
 Mowden Hall
 Darlington
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 DL3 9BG

Wiltshire FRS Contacts

Position	Contact	Phone	Email	Last Updated
	General Enquiries		TFSCF@wiltsfire.gov.uk	January 2011
GMP	Julian Parsons	01380 731171	julian.parsons@wiltsfire.gov.uk	January 2011
TFS-PM	Neville Mullings	01380 731167	neville.mullings@wiltsfire.gov.uk	January 2011