

IMPACT ASSESSMENT REPORT: Merseyside Fire and Rescue Authority Response to the Chief Fire Officers Association Guidance for the Reduction of False Alarms and Unwanted Fire Signals

1. Purpose

The purpose of this document to highlight and rationalise inconsistency between the 2014 Chief Fire Officers Association (**CFOA**) **Guidance for the Reduction of False Alarms and Unwanted Fire Signals** (UwFS)¹ and the Protocol adopted by Merseyside Fire and Rescue Authority (MFRA). Where inconsistency cannot be rationalised this document will set actions to address the issue.

Objectives

- To identify and summarise the key aspects of the CFOA guidance;
- To identify where MFRA protocol is consistent with the key aspects of this guidance;
- To identify where MFRA protocol is not consistent with the guidance tool kit;
- To consider any legal risks to MFRA arising from inconsistency with the guidance;
- To identify the rationale behind aspects of the MFRA protocol that are not consistent with the guidance tool-kit; and
- To make recommendations on actions required to address risk concerns.

These objectives will be considered in relation to the Service Instruction SI 0039 “Risk Based Response to Automatic Fire Alarm (AFA) Actuations” which details the MFRA Protocol for responding to AFA actuations [Appendix A] and advice obtained from Queen’s Counsel and shared by other Fire and Rescue Authorities.

¹ For the purposes of brevity the ‘CFOA Guidance for the Reduction of False Alarms and Unwanted Fire Signals’ will be referred to as ‘the 2014 CFOA Guidance’ within this report.

2. Background

The 2014 CFOA Guidance for the Reduction of False Alarms and UwFS's is the latest publication issued by CFOA to support the reduction of the significant number of UwFS across England and Wales. Industry and partners including representatives from Business and Alarm Receiving Centres have been involved in the development of this guidance.

Previous national publications on this issue include:

1. "A guide to reducing the number of false alarms from fire-detection and fire-alarm systems" published by the Office of the Deputy Prime Minister in 2004.
2. "CFOA Protocol for the Reduction of False Alarms & Unwanted Fire Signals" 2010.

The main challenges that these publications sought to tackle include:

- Reducing the burden and cost of UwFS on the FRS;
- Reducing the burden and cost of UwFS on Businesses and Organisations;
- Providing (as far as reasonably practical) consistency in approach between FRA's across England and Wales.

The 2014 CFOA Guidance recognises that local priorities of individual FRS's will impact upon the ability of the FRS sector as a whole to deliver a consistent approach and therefore *"the guidance provides a "Tool Kit" approach for FRS to formulate their local strategies and policies and provides options for dealing with poor performance"*[p. 5].

3. 2014 Guidance Tool Kit

The Tool Kit has 6 stages [p. 10-13]:

- A. Highlighting the problem of UwFS and False Alarms from AFA Systems
- B. Prevention of false alarms
- C. Confirmation of the cause of alarm before calling the FRS
- D. Call handling by the FRS
- E. Investigation and follow up of false alarm calls
- F. Stakeholder Engagement

The following section will now identify the level of consistency between the MFRA protocol and the guidance detailed in the 6 stages above.

Level of Consistency

The following table identifies the level of consistency via means of a traffic light system where:

 Consistent

 Not consistent

| | |
|---|---|
| A. Generic & specific campaigns to highlight the duties for and impact of UwFS |  |
| B.1. Design, installation & commissioning of AFA systems in line with the relevant code of practice |  |
| B.2. Providing advice and guidance on the maintenance & management of fire alarm systems |  |
| C. (i). A fire alarm actuation should be investigated before the FRS is called |  |
| C. (ii). Calls from high reliability systems (co-incidence detection & sprinklers) should receive an immediate response |  |
| C. (iii). FAMO's should instigate a call back procedure. |  |
| C. (iv). Care homes should be excluded from call filtering. |  |
| D. (i). Call filtering process – mobilise PDA for fire to a confirmed fire. |  |
| D.(ii). Call filtering process – mobilise PDA for AFA (reduced attendance) where cause of AFA is unknown. |  |
| D. (iii). Call filtering process – non-response to a confirmed false alarm. |  |
| D. (iv). FRS must not recommend the investigation of an alarm during an emergency call. |  |
| E. (i). FRS consider providing feedback to FAMO's on the causes of alarm signals and the outcome of incidents. |  |
| E. (ii). FRS to advise Responsible Persons on measures to prevent false alarms. |  |
| F. FRS engage with key stakeholders to influence attitudes on AFA systems and repeat false alarms |  |

4. Liability Considerations²

Other Fire and Rescue Authorities have obtained Counsel's advice with reference to Fire and Rescue Service response to calls for assistance (2009) and CFA Guidance (2011) in relation to Automatic Fire Alarms and kindly shared this advice with MFRA.

This advice confirms that:

- Under the Fire and Rescue Services Act, 2004, there is no duty on a F&RA to answer a call for assistance nor take care to do so (court of appeals decision in *Capital and Counties PLC v Hampshire CC* (1997)).
- CFA Guidance and Protocols pertaining to this subject are not of statutory status. However it is advised that if this Guidance is not to be followed then there must be good reasons put forward as to why not. In addition a risk assessment should also be undertaken.

There are not likely to be legal liabilities to the way that MFRA approach this issues and its own Protocol (although this cannot be an absolute guarantee that no one will make a challenge – as everyone has a right to do) if MFRA ensure a risk assessment and reasons behind its own decisions are published.

² This section has been provided by Janet Henshaw, Solicitor to MFRA.

5. Comparison of MFRA Protocol and the CFA 2014 Guidance

Areas Not Consistent

The aim of this section is to highlight the areas of the 2014 CFA where the MFRA AFA Response Protocol is not compliant and then explain the justification for the non-compliance.

D.(ii). Call filtering

D.(ii). Call filtering process – mobilise PDA for AFA (reduced attendance) where cause of AFA is unknown. 

The MFRA protocol does not mobilise an attendance to an AFA where the cause is unknown. MFRA mobilise the full risk based attendance where there is a confirmed fire or signs of fire, however the 2014 CFA Guidance recommends that “*no emergency response... should only be applied if there is experience of persistent false alarms from specific premises*” [p14].

Justification:

Greater risk to the Community of Merseyside and to operational response personnel and resources (see risk assessment at section 6).

Where the responsible person has cause to believe that the MFRA AFA Response Protocol (of not mobilising an attendance to an AFA where the cause is unknown) may create a situation outside of the control of their fire risk assessment and hence put persons at risk from fire, then the responsible person is eligible to apply for an exemption from this aspect of the protocol.

D.(iv). Investigation of Alarm

D. (iv). FRS must not recommend the investigation of an alarm during an emergency call. 

The MFRA call-challenge protocol requires the caller to investigate the cause of the alarm and only to call back in the event that a fire or signs of fire are confirmed.

Justification:

To follow this guidance would undermine the effectiveness of the MFRA AFA Protocol which would have a direct impact upon performance and therefore increase risk to the Community and to operation response personnel. The investigation does not require the caller or any other person to put themselves at risk by entering any room affected by fire or products of fire, the MFRA protocol only requires them to confirm that there is a fire or signs of fire (see risk assessment at section 6).

The MFRA requirement for investigation is no different to the process detailed in the 2014 CFAO Guidance: *'Dependent on the findings of a premises fire risk assessment, the fire safety arrangements in a building should include having a system in place to check the area where the alarm has been initiated. This will confirm at an early stage if there is a fire or the cause of the false alarm..... The arrangements should be included in the fire risk assessment, fire safety policy and emergency plan for the building and will be dependent on the building, its occupancy and use... If a call is placed via the services of a FAMO and no on-site filtering is employed, consideration should be made to establishing a call-back confirmation by the FAMO before alerting FRS'* (Page 11).

Where the responsible person has cause to believe that the MFRA AFA Response Protocol (of requiring an investigation to confirm a fire or signs of fire) may create a situation outside of the control of their fire risk assessment and hence put persons at risk from fire, then the responsible person is eligible to apply for an exemption from this aspect of the protocol.

E.(i). Feedback to FAMOs

E. (i). FRS consider providing feedback to FAMO's on the causes of alarm signals and the outcome of incidents. 

MFRA have attempted to engage with FAMO's however to date it has not proved possible to provide feedback to FAMO's.

Justification:

MFRA have made numerous attempts to engage with the FAMO's however they have failed to respond to our requests and invitations.

6. Risk Assessment

Risks, Mitigation and Control Measures

| SIGNIFICANT RISKS | MITIGATING FACTORS | CONTROL MEASURES |
|---|---|--|
| <p>Delay in responding to a fire as a result of MFRA not responding to an AFA where at the time of the call no fire or signs of fire were confirmed.</p> <p>(i) Therefore increased risks to:</p> <ul style="list-style-type: none"> > Persons affected by fire; > Fire crews due to fire growth. > Property > Business Continuity. | <p>a. A review of previous incidents of fire in Merseyside over the 5 year period immediately prior to the current AFA Protocol confirmed that in the event of any significant fires at premises with AFA systems, the Service received numerous calls confirming a fire within the same time period as the actuation of the alarm;</p> <p>b. The greatest likelihood of a fire not being confirmed would be during night-time hours when less people are likely to be present in an alert state and therefore able to make an emergency call.</p> | <ol style="list-style-type: none"> 1. MFRA AFA Protocol Communication Strategy 2. MFRA AFA Protocol Automatic Exemption protocol 3. MFRA AFA Protocol Exceptional Exemption protocol 4. Risk critical training of Operational Personnel. |
| <p>Delay in responding to a fire as a result of MFRA operational response resources being committed to incidents that later prove to be UwFS.</p> <p>(ii) Therefore increased risks to:</p> <ul style="list-style-type: none"> > Persons affected by fire; > Fire crews due to fire growth. > Property > Business Continuity. | <p>a. Prior to the introduction of the new AFA Protocol in November 2012 MFRA were experiencing a growing trend in UwFS. During 2010, 1st January 2010 – 31 December 2010 there were 5801 UwFS (4064 to Non Residential premises, 1737 to Residential premises) therefore having 9,069 appliance mobilisations to false alarms at premises which had a ‘Responsible Person’. This has a direct affect upon the availability of nearest appliances to attend a real incident and therefore delays response times thus endangering lives of persons and property.</p> <p>b. Government financial reforms have resulted in MFRA reducing it’s operational fleet from 42 to 28 pumping appliances, further cuts in 2015-17 will result in a number of station closures and mergers which will decrease this further and by 2020 it is anticipated that MFRA will only have 20 fire appliances and 18 fire stations. This will significantly increase the likelihood and risk of appliance availability being lost due to attendance at UwFS</p> <p>c. Feedback from 2 periods of consultation, (May 2011 & Nov. 2011) conducted by Opinion Research Services “The forum unanimously rejected the policy of treating all AFA’s as emergencies. There was a general feeling that this pattern of response is wasteful and diverts emergency resources from more important incidents as well as fire prevention work and training”.</p> | <ol style="list-style-type: none"> 1. MFRA AFA Protocol call challenge procedure. 2. MFRA AFA Protocol Communication Strategy. 3. Risk critical training of Operational Personnel. |

| | | |
|--|--|---|
| <p>(iii) Road risk from emergency response mobilisations to responding fire crews and other road users</p> | <p>MF&RS attendance at 5801 UwFS is equivalent to: - 12,779 'blue light' mobilisations - 12,779 return journeys = 25,558 occasions other road users, pedestrians and fire crews are unnecessarily exposed to potential dangers in RTC's.</p> | <ol style="list-style-type: none"> 1. MFRA AFA Protocol call challenge procedure. 2. MFRA AFA Protocol Communication Strategy |
| <p>(iv) Increased risk to residents in Merseyside due to reduced Prevention and Protection activities.</p> | <p>The average attendance to an UwFS = 2.23 Fire appliances (2/3 appliances per call); Average time taken to respond, manage and return = 22.34 minutes; From 5802 UwFS, the hours of productivity which can be better utilised for training, community safety activity etc. totals over 20,000 hours.</p> | <ol style="list-style-type: none"> 1. MFRA AFA Protocol call challenge procedure. 2. MFRA AFA Protocol Communication Strategy |
| <p>(v) Risks to persons investigating the actuation of a fire alarm</p> | <p>The new AFA response protocol requires callers at non-exempted premises to investigate the actuation of their fire alarm and confirm the existence of a fire or signs of fire.</p> | <ol style="list-style-type: none"> 1. Responsible Persons are required to have in place a suitable and sufficient fire risk assessment that covers all 'relevant persons', including employee's. This must include the management of their fire alarm system and therefore they are required to ensure that their personnel have sufficient supervision, information and training to ensure their safety from fire. 2. MFRA AFA Protocol Communication Strategy 3. Training made available (at cost) for the safe investigation of AFA 4. Advice contained within section C of the 2014 CFA Guidance. |
| <p>(vi) Increased risk to operational fire crews due to reduction in risk critical training.</p> | <p>The average attendance to an UwFS = 2.23 Fire appliances (2/3 appliances per call); Average time taken to respond, manage and return = 22minutes 34seconds; From 5801 UwFS, the hours of productivity which can be better utilised for training, community safety activity etc. totals over 20,000 hours.</p> | <ol style="list-style-type: none"> 1. MFRA AFA Protocol call challenge procedure. 2. MFRA AFA Protocol Communication Strategy |

Risk Conclusion

In respect of a decision to respond or not to unconfirmed AFA's, either way the Authority has to accept risks to the community and to firefighters.

If MFRA continue to apply the current protocol of non-response to unconfirmed AFA actuations there are risks that could arise from delayed response in the event of a fire, albeit the experience in Merseyside demonstrates that only a small proportion (as low as 5%) of AFA actuations occur as a result of an actual fire and where this occurs the Service has quickly received back-up calls.

Alternatively, if MFRA reintroduce a response to unconfirmed AFA's there are still risks that could arise from delayed response in the event of a fire, however in these circumstances the risks would arise as a result of the Authority's shrinking operational response resources being unavailable to attend real emergencies due to being committed to response to AFA actuations. In addition to this risk would also be increased to both the Community of Merseyside and to Firefighters as the consequential resource drain from commitment to prevention, protection and safety critical operational training.

Therefore, when the risks are considered in aggregate, the response to unconfirmed AFA actuations (where a fire or signs of fire remain unconfirmed) significantly outweighs the risks from non-attendance.

Recommendations

The comparison of the MFRA AFA Response Protocol to the latest CFOA guidance (see sections 3 and 5) demonstrates that we remain compliant with all but 3 areas (D(ii), D(iv) and D(v)).

However, the justifications for compliance with D(ii), D(iv) and D(v) (see section 5) demonstrate that compliance would significantly compromise the effectiveness of the current AFA response protocol and based upon the evidence, would have a substantial negative effect on UwFS performance.

Therefore as a consequence of the risk conclusion and the justifications for variance from the CFOA guidance, this report recommends that **MFRA should continue to pursue the current AFA protocol including the aspects of the protocol that are not consistent with the 2014 CFOA Guidance.**

As part of the control measures MFRA should continue to review this protocol and the risk assessment on an annual basis.