

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Social Work and Health

Council: 28 November 2007

Subject: Fire Safety in Social Work Residential Units for Older People

1. Purpose

- 1.1 To provide Council with an overview of fire safety issues associated with residential care homes managed by Social Work and Health (SWH).
- 1.2 To seek the Council's approval to meet the costs of work required to address Fire safety requirements.
- 1.3 To highlight the wider implications to West Dunbartonshire Council of the enforcement of fire safety legislation by Strathclyde Fire & Rescue (SFR).

2. Background

2.1 Legislation

- 2.1.1 With the introduction of the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006, Strathclyde Fire and Rescue replaced the Health & Safety Executive as the enforcing authority for 'fire safety' legislation within local authorities under their jurisdiction. At the same time the responsibilities of the Care Commission to advise and inspect on Fire Safety issues within registered services was removed.
- 2.1.2 Following the introduction of the new legislation the publication: 'Practical Fire Safety Guidance in Residential Care Homes' was published by the Scottish Executive in September 2006 (with a revised edition issued in December 2006).

3. Main Issues

3.1 Enforcement Notice

- 3.1.1 Following a fire incident at Langcraigs Residential Unit on 22 May 2007, enforcement notices were served on the Council. Following the issue of the enforcement notices, the Council entered into dialogue with SFR to ascertain the precise requirements of the enforcement notice and to discuss how the issues raised could be resolved to the satisfaction of both parties. It was made clear at an early stage by SFR that they would expect Langcraigs (and by definition all other residential care homes) to meet the technical standards laid down in the technical annexes of the Scottish Executive publication 'Practical Fire Safety Guide for Care Homes'. Following further discussions with SFR it was agreed that WDC would fully comply with the requirements of the enforcement notice by 30 April 2008.
- 3.1.2 The Fire Authority was also critical of the evacuation procedures at the time of the incident in the Langcraigs Unit. This issue has been addressed fully as

part of the action plan and risk assessments for the movement of residents have been completed. Training to meet the requirements of the Regulations has been carried out.

3.2 Fire Safety Audits by Strathclyde Fire & Rescue

3.2.1 Since the introduction of the new fire legislation SFR have conducted fire safety audits at all of the Council's residential care homes for older people. Following these visits 'Notification of Fire Safety Deficiencies' letters have been sent to all units requesting that action plans with realistic and appropriate timescales are agreed to address concerns raised.

3.2.2 A variety of deficiencies were noted at individual units and, to date, whilst many of these have been addressed by Unit Managers / SWH, there are still outstanding issues that SWH are unable to address without input from Architectural Services and without the necessary resources being made available.

3.3 Fire risk assessments

3.3.1 On publication of the guidance from the Scottish Executive, Council health and safety advisers recognised that some external technical expertise and advice may be required to ensure that reviewed assessments met the new standards identified in the guidance.

3.3.2 The particular areas of concern were related to assessing the 'fabric and structure of the building', fire compartmentation measures and fire alarm systems. The CMT review of the issues resulted in a working party being established to look at fire safety issues across the Council. It was agreed that an external consultant would be utilised to undertake the 'technical assessment' of residential care homes for older people and, in due course, all other council premises.

3.3.3 On reviewing the findings of the 'in house' assessments, the consultant's assessment and the issues highlighted by SFR audits it was clear that, although residential units had individual issues, 'common themes' were present at each of these premises.

These included:

- Fire alarm systems did not meet the standard identified in the technical annexes;
- Lack of information on fire compartmentation (dividing the physical space to limit the spread of fire) of units; and
- Doors on fire hazard rooms not having adequate fire resistance qualities.

3.3.5 Whilst fire risk assessment reports identified 'what was needed' it was clear that further resources would be required to progress the remedial work necessary; arrange tender documentation; identify suitable contractors and instruct the work to be carried out. In view of this a paper was submitted to the CMT by SWH in October 2007 advising that resources be made available to SWH.

- 3.3.6** The CMT agreed that, given the urgency of the situation with regard to Langcraigs, the Council's Architectural Services section should be instructed to direct the necessary resources to ensure that work required to be carried out was completed before 30 April 2008.
- 3.3.7** Architectural Services have identified and costed a full programme of work for Langcraigs and the estimated cost of this work (including work already carried out) is in the region of £85,000.
- 3.3.8** It was also agreed by the CMT that a 'task force' be established with representation from Architectural Services, Risk Management, Property Services and SWH. The remit of this group is to oversee and monitor action required to address concerns raised by SFR and fire risk assessments as well as to liaise with SFR in developing action plans with 'realistic and appropriate timescales' to ensure work is carried out.

4. Financial Implications

- 4.1** As previously noted, it has been estimated that the cost of ensuring compliance with the improvement notice served on Langcraigs will be in the region of £85,000.
- 4.2** Using a breakdown of the figures provided for Langcraigs and current knowledge of issues at other residential units, it is foreseeable that the overall cost of ensuring all residential units for older people (including Langcraigs) meet the criteria required by SFR is estimated to be in the region of £350,000 to £400,000 (albeit this 'estimate' could vary significantly depending on specific issues at each unit).
- 4.3** The current staffing resources available within Architectural Services are constrained. The need to provide the support and guidance necessary for SWH to address current fire safety deficiencies has required this work to be prioritised. To meet all capital all capital programme commitments, it will be necessary to increase the resources available to Architectural Services. The CMT has agreed this action.
- 4.4** As can be seen a significant investment is required to bring the residential units for older people up to the required standard and to ensure that adequate resources are available to provide the necessary guidance and advice to SWH in dealing with issues raised by SFR. These issues will undoubtedly be repeated across all Services and will have a significant impact on capital expenditure within SWH and the Council in general.

5 Risk Analysis

- 5.1** The new fire safety requirements are in place to save lives. Increased vigilance and training can support their implementation but the risk of harm and loss of life is always there.
- 5.2** The recent Audit of Best Value by Audit Scotland identified Asset Management as a major area of improvement for the Council. Successful management of fire safety will demonstrate our capacity to improve.

- 5.3** There is a high probability that a failure to address fire safety issues highlighted by Fire Risk Assessments and / or deficiencies noted by SFR will result in further enforcement action against WDC.
- 5.4** The future of the Council's Residential Care Homes for older people will be the subject of further discussions at Council. The findings of a Best Value Review and the results of work carried out within the Asset Management Strategy will inform these deliberations. Interim findings indicate there will be substantial investment needed for the following purposes:
- to address the physical condition of the estate;
 - to measure up to Care Commission standards; and
 - to meet Fire Safety requirements. The risk therefore will be that this expenditure will not represent value for money in terms of the long term viability of some units.
- 5.5** It is the case that all local authorities are facing similar problems to West Dunbartonshire. Other local authorities have identified fire safety issues that require significant investment in residential premises with a potentially limited "shelf life". In the experience of these authorities Strathclyde Fire and Rescue do not regard the potential short future of such premises as a mitigating factor in implementing fire safety measures that they would expect in units with a long term future.
- 5.6** Directing Capital expenditure to meet these requirements will necessarily mean other projects and programmes will lose priority or funding.

6. Personnel Implications

- 6.1** The main personnel implications in relation to action required to meet the Fire Safety requirements are in relation to training for employees who work in the residential units and in relation to the employee resourcing issues within the Architect's Service. The employees within the residential units have now had their training brought up to date. As noted above the CMT has recently approved action to direct Architect's Services employee resources towards dealing with the issues raised by the Fire Safety requirements and approved the use of external resources if necessary.

7. Conclusions

- 7.1** Appropriate steps have been taken to ensure that the Council complies with the enforcement notice which has been served by before the deadline date of 30 April 2008.
- 7.2** Although residential care homes are the focus of current action by SFR it is clear that fire safety risk assessments for all premises under the control of the Council will require 'technical input' from Architectural Services to ensure that they meet the standards required.
- 7.3** The lack of resources available to Architectural Services presents serious issues in enabling WDC to meet the requirements of the Fire Safety (Scotland) Regulations 2006 particularly in relation to carry out fire safety risk

assessments that meet the standards expected by SFR. In the short term this work can be prioritised to meet immediate requirements but additional resources will be required to meet all of the demands currently placed on the service.

- 7.4** The current position within Langcraigs and other residential units for older people requires to be dealt with as a matter of urgency. The costs for Langcraigs are expected to be in the region of £85,000 and for all units between £350,000 and £400,000. This will have implications for the Council's capital budget in 2007/08 and 2008/09.
- 7.5** Any further works required by the Council in relation to all other Council premises are likely to have an effect on future year's capital budgets.

8. Recommendations

8.1 Council is asked to:

- (i) consider the implications of the new fire safety legislation;
- (ii) commit funding to ensure that the Council can comply with the requirements of the legislation in respect of residential units for older people (estimated at £350,000 to £400,000);
- (iii) instruct the relevant officers to produce a corporate risk assessment of the impact of implementing fire safety regulations across all services should be completed; and
- (iv) thereafter instruct the relevant officers to produce a further report to Council regarding implications and potential costs for all other Council premises in meeting Fire Safety regulations.

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Background Papers: Reports to CMT dated 23 October 2007 and 5 November 2007.
Enforcement Notice June 2007

Wards Affected: All