

Construction Division

██████████
*HM Principal Inspector of
Health & Safety*

Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Sr Coroner Andrew Harris
HM Coroner, London Inner South
1 Tennis Street
London
SE1 1YD

Date: 4 May 2023

Dear Senior Coroner Harris

**MR TOMAS CEIDA, DECEASED
REPORT TO PREVENT FURTHER DEATHS
CORONERS (INVESTIGATIONS) REGULATIONS 2013**

Thank you for your Regulation 28 letter dated 9 March 2023 and addressed to ██████████. Your letter has been passed to me as Acting Head of HSE Construction Sector to provide a response. May I take this opportunity to express my sadness and condolences at the tragic circumstances that gave rise to the inquest.

Your letter sets out six matters of concern. The first five each sit with other bodies so I will only attend to the last of those matters of concern which relates to whether there is a lack of public awareness of the laws and duties for securing general fire precautions as they stand since the fire.

Public Awareness of the Law and Guidance Pertaining to General Fire Precautions on Construction Sites.

As the health and safety regulator for construction sites HSE's work includes supporting those who create the risk to understand what they need to do to better control those risks. To help achieve this, HSE has produced free guidance specifically for fire safety on construction sites - HSG168 *Fire Safety in Construction* www.hse.gov.uk/pubns/priced/hsg168.pdf.

This guidance describes the measures that can be taken to manage fire risk by those with legal duties under the Construction (Design and Management) Regulations 2015 (CDM 2015). The guidance is relevant to all construction projects, small and large. The aim is to reduce fire risks at the design stage, prevent fires starting and to keep people safe when they do. The guidance acts as the benchmark for compliance with relevant legislation.

Appendices 1 and 2 of HSG 168 cover temporary accommodation units and sleeping accommodation respectively. Appendix 3 provides guidance on the basic precautions for small sites and additional precautions for higher-risk sites. Appendix 4 contains the 'Who does what?' guidance setting out a summary of duties under the Construction (Design and Management) Regulations 2015 for each CDM duty holder.

The guidance is designed to ensure that dutyholders understand what they need to do to ensure a safe site and how to achieve compliance throughout the life of the project.

Dutyholders are directed to consult specialists where appropriate, such as on more complex and high-risk projects e.g. timber frame structures or high-rise buildings.

Although the construction fire safety guidance is aimed at CDM 2015 duty holders it is also available to the public (including construction workers) with the intention of raising general awareness about fire safety in construction. This should encourage the reporting of concerns either with a construction company directly, or via HSE.

Other legislation covers general fire precautions on a premises - the Regulatory Reform (Fire Safety) Order 2005 (RRFSO 2005). HSE has responsibility for enforcing that legislation only in very specific circumstances. Overarching responsibility for the RRFSO 2005 rests with the Home Office. They have published their own guidance on the Gov.uk website: www.gov.uk/government/collections/regulatory-reform-fire-safety-order-2005-guidance-notes. Additionally, the National Fire Chiefs' Council has produced *Enforcers' Guidance* www.cfoa.org.uk/12002 which provides enforcing authorities with a standardised approach to the Order and explains who has vires.

HSE supports the above guidance by publishing HSG151 *Protecting the public* www.hse.gov.uk/pubns/priced/hsg151.pdf which contains advice about work in industrial and commercial premises where CDM does not apply which includes providing information about risks and emergency procedures.

In addition to publishing guidance, HSE engages with stakeholders, including the National Fire Chiefs' Council, about fire safety guidance and current industry standards. However, in general, it is the duty holders responsibility to obtain suitable advice or information so that they achieve legal compliance.

HSE uses the standards in the above guidance when deciding whether to take enforcement action. Our approach to enforcement decisions, including the role of guidance can be found on the HSE website - www.hse.gov.uk/enforce/emm.pdf.

Availability of Fire Safety Guidance

HSE fire safety guidance is freely available to duty holders and the public through the HSE website. The website has pages on general guidance for fire safety in construction - www.hse.gov.uk/construction/safetytopics/generalfire.htm - as well as construction process fire safety guidance - www.hse.gov.uk/construction/safetytopics/processfire.htm. Links to all the above publications are found on the HSE webpages.

In addition, HSE's guidance document HSG150 *Health and Safety in Construction*, www.hse.gov.uk/pubns/priced/hsg150.pdf most recently published in 2006 contains guidance about fire safety including a list of precautions to take to prevent fires e.g. for hot works, means of giving warning, means of escape and means of fighting fire.

There are other industry-based sources of information on fire safety in construction. Practical management tools are available free online such as the Construction Health and Safety Groups' Construction Fire Safety: Responsibility & Competence Matrix - www.chsg.co.uk/construction-fire-safety/.

Construction Industry Training Board (CITB) publishes information about fire risk assessment and hot-work permits. CITB has produced a free eCourse *Fire safety awareness in construction and the built environment*. <https://ecourses.citb.co.uk/learningprograms/viewprogram/id,19>.

The Fire Protection Association has published a number of documents including *Fire Prevention on Construction Sites: The Joint Code of Practice on the Protection from Fire*

of Construction Sites and Buildings Undergoing Renovation. www.thefpa.co.uk/advice-and-guidance/free-documents.

Building Safety Regulator

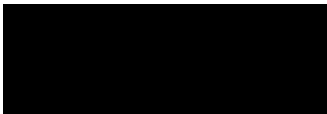
The HSE is setting up the new Building Safety Regulator (BSR) to implement the new more stringent regulatory regime for high-rise residential buildings in England. While the building in question was not high-rise the BSR will also have responsibility to oversee the safety and standards of all buildings. In addition, the BSR is implementing the new arrangements to regulate the building control profession and will also have a role to encourage and support building control professionals and the built environment industry to improve their competence. The operational functions of the BSR are being established over the next 12 months, with the first of these the high-rise building register, now open for applications.

There is some guidance available now on HSE's website and as the BSR becomes more established further guidance will be published www.hse.gov.uk/building-safety/regulator.htm. In addition, anyone can sign up for the free BSR eBulletin <https://public.govdelivery.com/accounts/UKHSE/signup/15087>.

In conclusion, I acknowledge the need for guidance to keep pace with developments driven by technical innovation, serious incidents, or government policy and for that to be available to those who need it. I hope the above shows that the guidance provided by HSE or by key industry stakeholders provides a range of resources that are readily available to support the successful management of the risk from fire on construction sites.

I trust my response has been of use and am happy to help explain any of the contents of this letter should you require me to.

Yours sincerely



Acting Head of HSE Construction Sector