



HUMBERSIDE FIRE AND RESCUE SERVICE

Protection

Protection Policy

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Responsible Person	Heads of Protection
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1. INTRODUCTION

The Community Risk Management Plan (CRMP) and Strategic Plan transfer statutory responsibility for public safety into the Protection delivery plan to ensure that service delivery is effective, efficient and economical.

Core Code Of Ethics

Humberside Fire and Rescue Service (HFRS) has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do; therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY, DIVERSITY AND INCLUSION

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services or in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

3. AIM AND OBJECTIVES

HFRS is committed to delivering Protection activities through a strategic intelligence-led, risk-based and outcome focused approach, as outlined in our Protection Tactical Delivery Plan. This plan ensures that our efforts are targeted, evidence-informed, and focused on achieving measurable outcomes that contribute to safer communities.

Our education role seeks to reduce the demand upon our enforcement and response roles. We will continue to target those businesses that put our communities at risk by not complying with fire safety standards.

The Protection Delivery function plays a vital role in helping business communities prepare for and respond to emergencies. Working closely with partners, we will reduce risk through proactive education, engagement and targeted audits that support protection priorities.

The policy sets out the principles that guide our decisions and actions, in line with HFRS's commitment to public safety. The delivery of this policy enables HFRS to meet its core functions under the Fire and Rescue Services (FRS) Act to promote fire safety and The Regulatory Reform (Fire Safety) Order 2005 to ensure safety in

business and public buildings. Our approach will focus on building safer and more resilient business communities by identifying local risks and promoting safer behaviours. We will maintain a balanced approach ensuring public safety whilst minimising the burden on businesses. We will continue to target those businesses who put communities at risk by failing to comply. By supporting businesses to meet fire safety standards, we can reduce emergencies and the need for enforcement.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Assessment](#)
- [Legal References](#)

This policy outlines the Public Safety framework, responsibilities, performance management and monitoring and review process that enable statutory compliance with the:

- Fire & Rescue Services Act 2004
- Fire and Rescue National Framework
- Regulatory Reform Fire Safety Order 2005.
- Data Protection Act 2018
- UK General Data Protection Regulations (UK GDPR).
- [National Guidance](#)
 - Fire Protection Standard
 - NFCC Competency Framework for Fire Safety Regulators
 - Regulators' Code

5. PROTECTION DATA AND INTELLIGENCE

Protection activities will be guided by our data and intelligence processes which help us to identify business properties at greatest risk. We are committed to producing an annual commercial risk profile using available data sources and processes. This ensures our services are targeted where they are needed the most, delivering the greatest impact and supporting our local businesses.

By embedding these approaches into our everyday operations, we enhance the delivery of our Strategic Plan objectives and maximise the impact of our protection work.

6. PUBLIC ENGAGEMENT

HFRS produce a public safety annual calendar of events and communications, within the public safety communications plan, which details the year-round activities and themes, delivered to promote public safety to our communities within Humberside.

The National Fire Chiefs Council (NFCC) calendar, together with other applicable national and local themes and events are utilised to populate the annual calendar. Communication of these themes will be through relevant channels such as social media, local media outlets, TV/radio coverage and website channels. Themes include, fire door safety week, sprinklers education week.

7. WORKING IN PARTNERSHIP

HFRS recognises that individual organisations frequently share similar objectives, and it is often possible to achieve more, by working in partnership and sharing information or resources, than would be achieved in isolation. In line with our strategic priorities and reflecting the approach outlined in HFRS CRMP we are committed to working with partners, sharing information effectively and delivering a joined-up response to risk in the built environment.

HFRS will integrate partnership working into its protection planning processes, ensuring active engagement in strategic partnerships and other collaborative forums that support the delivery of the Service's Strategic Plan. Collaboration through partnership will be the means by which HFRS ensure that the community is served with optimum efficiency through a multi-agency approach.

8. PROTECTION ACTIVITIES

HFRS is an enforcing authority and has a duty to enforce in line with the requirements of the Regulatory Reform (Fire Safety) Order 2005. Protection activities will be delivered in line with the provision of data and intelligence procedures. This will ensure targeted approaches to those that require our services the most.

Business Safety Audits

A business safety audit is an inspection of premises by qualified protection staff under the Regulatory Reform (Fire Safety) Order 2005. The emphasis of the audit is on the responsible person for the premises demonstrating that they have met the duties required by the legislation above. The Inspection may take the form of a short inspection, ensuring the premises are safe enough, or a full inspection including inspection of relevant documents which demonstrate due diligence in fire safety management of the premises.

We will determine which premises to audit based on an assessment of risk, utilising data from a number of internal and external sources. Using our Business Risk Profile, we will target our resources at those businesses which present the greatest risk.

As well as our Business Risk Profile, we may also carry out an audit after a premises has had a fire, or when we receive a concern from a member of the public or a referral from one of our partner agencies. These concerns will be assessed for level of risk and targeted accordingly and in line with standard delivery guidance.

All protection staff will be in uniform, carry identification and adhere to relevant procedures such as lone working and ICT use.

Business Support Visits

There may be some premises whose risk profile does not match our criteria for a business safety audit but may still require help and guidance to fully comply with relevant fire safety legislation. This will be given during a Business Support Visit, which will be carried out by our operational fire crews. This will not be an audit of the premises; it is an engagement exercise to ensure fire risk is driven down as low as possible in businesses. Our crews will offer advice and guidance on some issues, but if they discover potentially more serious contraventions of the legislation, they will refer the premises to protection staff, and a full audit may be carried out.

Operational crews may also follow up a Business Safety Audit to see the levels of progress in relation to any requirements which our protection staff have asked for.

Business Safety Advice

As well as carrying out visits, we will provide advice to businesses on how to comply with the regulations and make premises safe from fire. We will also publish position statements on common themes such as reducing unwanted fire signals (false alarms), sprinkler systems in premises and other fire safety matters. This will be done in consultation with the National Fire Chiefs Council (NFCC) where appropriate and information will be made available on our website. In addition to this, we may be able to offer advice over the phone depending on the nature of the enquiry.

Business Safety – Consultation

Where there is a proposal to erect or make any extension or structural alteration to a building, plans are normally deposited with a Local Authority or Registered Building Control Approver (RCBA). The Local Authority or RCBA must consult with us before passing those plans.

We are also a relevant body in the consultation of issues such as the granting of licenses under legislation such as the Licensing Act 2003 or the Housing Act 2004.

Business Safety – Enforcement

We aim to educate and inform businesses on fire safety and ensure that preventative and remedial action is taken to keep people safe and to ensure compliance with the regulatory system. In some cases, we may have to take informal or formal action to ensure these matters are addressed.

We will endeavour to minimise the cost of compliance for businesses by ensuring that any action taken, or advice offered, is proportionate to the risk. We will take particular care to work with all businesses and organisations so that they can meet their legal obligations without unnecessary expense.

We will carry out our statutory duties in a fair, equitable and consistent manner. HFRS staff will exercise their professional judgement to deal effectively with specific matters and adhere to standards and guidance to promote consistency. We will liaise with other authorities and enforcement bodies to achieve coordination and best practice.

We will help those responsible for complying with the Order to understand what is expected of them and what they should expect from the Service. We will distinguish between statutory requirements and advice or guidance about what is desirable but not compulsory to meet the legislation.

If the responsible person does not rectify any fire safety deficiencies, or breaches any issued formal notices, then we may take legal action, which could result in a caution or legal action via the criminal courts.

Only staff members authorised in writing by the Chief Fire Officer may undertake enforcement duties.

9. STAFF COMPETENCY

Competency frameworks for the delivery of public safety activities govern the level of qualification, knowledge, skills and experience of staff required to deliver.

Protection staff who have responsibility for regulating fire safety will be given the appropriate level of training to achieve a Level 4 Fire Safety qualification, depending on their role. An accredited qualification assures businesses and our partners of the competence of our staff to undertake regulatory duties. Staff will also undertake continuing professional development relevant to their roles.

10. PERFORMANCE MANAGEMENT

To ensure that our public safety work is having a positive impact on the safety of our communities, we will monitor and analyse the number of fires and other incidents impacting on businesses in Humberside.

We will annually refresh the Business Risk Profiles to take account of emerging trends and issues and adjust our delivery to this need.

We will quality assure our activities through suitable methods to ensure our delivery is of the highest standards, rectifying underperformance where necessary.

We will monitor and ensure that any formal consultations and complaints are responded to promptly, and any enforcement action which we take will be analysed to make sure it is proportional to the risk posed.

11. STANDARD DELIVERY GUIDANCE

Our Protection activities will be delivered consistently across the communities of Humberside. To support this, a suite of standard delivery guidance (SDGs) detailing internal processes in relation to specific activities, will be adhered to by managers and teams.

SDGs will be continually reviewed and refreshed in line with changes in legislation, national guidance, data and intelligence analysis, strategic plan alignment, quality assurance processes, internal learning and public/partner feedback.

12. POLICY REVIEW

This policy will be kept under review and as a minimum, be reviewed every three years or when significant changes, nationally or locally, impact upon the policy.

**If anyone needs any further guidance / information regarding this document
please contact Protection Team**

APPENDIX 1: ENFORCEMENT POLICY STATEMENT

Humberside Fire Authority

Fire Protection

ENFORCEMENT POLICY STATEMENT

Policy Statement

Humberside Fire Authority will meet its statutory duty to enforce fire safety legislation and reduce the risk of fire causing death, serious injury and property related losses in the community.

1: Principles

- (a) Humberside Fire & Rescue Service (the Service) carries out fire safety enforcement work on behalf of the Fire Authority (FA).
- (b) The Service believes in firm but fair enforcement of the [Regulatory Reform \(Fire Safety\) Order 2005](#), (the Order). As a result, as is general to the [Health and Safety Commission's Enforcement Policy Statement](#), we aim to achieve this by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how we operate and what the regulated may expect; and accountability for our actions.

2: Proportionality

The Service will endeavour to minimise the cost of compliance for business by ensuring that any action taken, or advice offered, is proportionate to the risk. As far as the law allows, we will take account of the circumstances of the case and attitude of the people involved when considering action. We will take particular care to work with small businesses and organisations so that, where practicable, they can meet their legal obligations without unnecessary expense.

3: Consistency

Consistency of approach does not mean uniformity; it means taking a similar approach in similar circumstances to achieve similar goals. The service will therefore

perform its duties in a fair, equitable and consistent manner. Inspectors are expected to exercise their professional judgement to deal effectively with specific matters but, where possible, we will adhere to standards and guidance referred to below to promote consistency. We will liaise with other authorities and enforcement bodies to achieve co-ordination and locate best practice.

4: Standards

The Service will conduct its enforcement and advisory functions in an impartial, practical, and consistent manner. We will adhere the [Regulators' Code](#) and to policy and guidance issued by the National Fire Chiefs Council (NFCC) where published. National and local targets for the quality of delivery of service will be identified and incorporated into our procedures.

5: Openness

The Service will provide information and advice in plain language on the rules that it applies and will disseminate this as widely as possible. The Service will be open about how it sets about its work, including any charges that it sets, consulting business, voluntary organisations, charities, consumers, and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties within the legal framework governing the Service.

6: Helpfulness

The Service is of the opinion that prevention is better than cure and that its role therefore actively involves working with business, especially small and medium sized businesses, to advise and assist with compliance. We will provide a courteous and efficient service, and our staff will identify themselves by name. We will provide contact points and telephone numbers for further communications dealings with them and will encourage business to seek advice/information. We will also strive to co-ordinate our services effectively to minimise unnecessary overlaps and time delays.

7: Fairness

The Service will treat all people fairly; we will respect their privacy, dignity and pay particular attention to those with additional needs.

8: Transparency

We will help those responsible (the responsible person) for complying with the Order to understand what is expected of them and what they should expect from the Service. We will distinguish between statutory requirements and advice or guidance about what is desirable but not compulsory to meet the legislation.

9: Accountability

The Service is accountable to the public for its actions. This means we must have policies and standards against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.

10: Complaints

Complaints against the Service can be made [here](#).

11: Targeting

Our policy on inspections will be to focus primarily on those whose premises/workplaces and activities give rise to the most serious risk to life. We will maintain a strategy that will identify and assess the risks within premises/workplaces and the community and allocate resources to conduct inspections accordingly. Where enforcement action is necessary, we will identify the person responsible for creating the risk. This may be the owner, occupier, employer, manager, or other responsible person. We will seek compliance and may act against those regarded as primarily in breach.

12: Enforcement Procedures

- (a) The Service will seek compliance with the law by offering the responsible person information and advice both verbally and/or in writing. This will include an explanation of why any specified work is necessary and a time period for completion. Legal requirements will be clearly distinguished from best practice or non-statutory fire safety advice. We may deal with this by informal means or where appropriate we may serve, alterations, enforcement and prohibition notices, issue formal cautions, and may prosecute in the most serious cases. Before formal enforcement action is taken (unless immediate action is required to reduce the risk to life or to prevent evidence from being destroyed), inspectors will provide the person responsible with an opportunity to discuss the circumstances of the case, and if possible, resolve points of difference.
- (b) Where immediate action is considered necessary, an explanation of why such action is required will be given at the time and confirmed in writing in most cases within five working days and in all cases within ten working days.
- (c) Where, in our opinion, particular premises could, as a result of any future change of circumstances to the premises or to the use of the premises, result in a significant increase in risk to people using the premises, we may serve an **Alterations Notice** requiring the responsible person, before making any changes, to notify us of the proposed changes.
- (d) Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing and issued with the documentation.

- (e) All staff that take enforcement decisions will be required to follow the principles and guidance in the 'Enforcement Management Model' (EMM) issued by the Health and Safety Commission.
- (f) The Service may, where it is considered necessary to focus attention on what preventive and protective measures are necessary to achieve compliance with the Order, issue additional guidance to the responsible person in the form of an action plan.

13: Dealing with Contraventions

- (a) Where less serious deficiencies are discovered during a visit to a premises, an informal notification identifying those matters considered to be failures to comply and the steps considered necessary to remedy the failures, will be issued.
- (b) Premises with more serious deficiencies will, in most instances, require the issuing of an **Enforcement Notice**.
- (c) Where dangerous conditions are found, and the Service are of the opinion that the use of the premises involves or will involve a risk to persons in case of fire so serious that the use of the premises ought to be prohibited or restricted, and that risk cannot be remedied immediately, the Service will issue a **Prohibition Notice** prohibiting or restricting the use of the premises.
- (d) The failure to comply with an Alterations, Enforcement or Prohibition notice constitutes an offence and may result in prosecution of the person responsible.
- (e) **Alterations, Enforcement and Prohibition Notices** might be withdrawn at any time but should be deemed to be in force until such time as it is withdrawn or cancelled by the Service or a Court.
- (f) Where fire-fighters' switches for high voltage luminous tube signs are installed or are proposed to be installed in or on premises to which the Order applies, the Service may, if the position, colour, and marking does not comply with the current regulations of the Institution of Electrical Engineers, serve a notice on the responsible person.

14: Simple Cautions and Prosecution

- (a) Simple cautions and prosecutions can be used to bring those responsible for alleged breaches of the law to account. Where appropriate, we will use one of these measures in addition to issuing an enforcement or prohibition notice.
- (b) A simple caution is a statement by the Service that is accepted in writing by the responsible person, that the responsible person has committed an offence for which there is a realistic prospect of conviction. A simple caution will only be used where a prosecution could be properly brought. It will be kept on file

for 3 years and if the responsible person is convicted for a further offence in that period, it will be introduced to the court.

- (c) A prosecution may be taken following full consideration of the many factors arising for the alleged breaches of the law. These will include:
- (i) The seriousness of the offence (the severity and scale of potential and actual risk and the seriousness of any breach of law).
 - (ii) The previous history [including the safety performance of the party (the responsible person) concerned].
 - (iii) The willingness of the party to correct the situation and prevent a recurrence of the problem.
 - (iv) An acceptable explanation for the occurrence (the breach in law).
 - (v) The likelihood of the accused being able to establish a satisfactory defence.
 - (vi) The probable public benefit of a successful prosecution.

15: Public Register

In accordance with the [Environment and Safety Information Act 1988](#), the Service is obliged to enter details of certain notices called “relevant notices” into a register which the public have access to. Details of Alteration, Enforcement and Prohibition notices which have been issued can be found on the [NFCC website](#).

16: Data Protection

The Service will comply with the principles of the [Data Protection Act 2018](#) governing the use of personal data received or obtained and will respect the rights and freedoms of those individuals when processing their details.

17: Freedom of Information

Under the [Freedom of Information Act 2000](#), individuals are given ‘a general right of access to information held by public authorities in the course of carrying out their functions subject to certain conditions and exemptions’. Under Section 19 of the Act, public authorities are required to produce a publication scheme setting out details of the information routinely published or made available, how the information is made available (in hard copy and on-line), and whether it is available free of charge or on payment. HFRS have adopted the Information Commissioner’s Office revised [Model Publication Scheme](#).

18: Education and Information

Educating, informing, and advising responsible persons about their duties under fire safety legislation forms a fundamental element of the Services enforcement regime. The Service will fulfil its obligation under section 6(2) of the [Fire & Rescue Services Act 2004](#) to give on request, advice on fire safety free of charge.