

Hertfordshire Fire and Rescue Service  
Old London Road  
Hertford  
SG13 7LD

Date 21 April 2009

Reference

For the attention of Roy Wilsher

Dear Sirs

#### **HEALTH & SAFETY AT WORK ETC. ACT 1974**

On the 20<sup>th</sup> March 2009 HSE informed HFRS of the decision not to prosecute following the events on the 2<sup>nd</sup> February 2005 at Harrow Court, Stevenage and that an inspection would be carried out in the week commencing 23<sup>rd</sup> March.

This letter relates to the inspection that was carried out on the 23<sup>rd</sup>, 25<sup>th</sup> and 26<sup>th</sup> March 2009.

The investigation into the Harrow Court Incident identified a number of failures, consequently the focus of the inspection was the Service's management of health and safety and specifically looking at training and competence. The inspection consisted of a mixture of management interviews, discussions with fire fighters and examination of paperwork.

This report does not seek to comment on every risk encountered by the Service or every aspect of management within the Service.

#### **General Training**

Training within HFRS is delivered centrally by instructors at your training centre / on station, or by Crew / Watch Commanders on station to their crew.

Training needs are identified by national, regulatory factors or local changes, for example new equipment. If it is decided that the training centre will deliver the training the instructor with the subject specialism will produce a course, identifying the aims and objectives of the course. The course is signed off by SLG before being delivered.

The instructors in the training centre have undertaken the Certificate in Teaching Practice and have attended courses relevant to their area of specialism. The Instructors are formally observed a number of times throughout the year as part of the quality / performance management system.

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HM Principal Inspector  
David Head

On station each Watch has to draw up an activity plan for a month. This includes what training is going to be taking place that month. These plans are submitted to the Station Commander. The Station Commander can then check against the IPDS system what has been recorded. There are slight deviations on the use of the activity plans across the stations.

For retained staff a yearly programme for training has been drawn up. This has links to the lecture notes that are on Fireweb to be used in training.

Area development sessions have been introduced which bring together different stations to carryout a training exercise.

HFRS has a system called Sophtlogic that records when someone has been assessed as competent at a particular activity. The activities have frequencies attached to them which personnel have to demonstrate competence within the agreed time frame. The system is a useful tool in deciding what training is to be delivered on station.

The PMDS process is not yet complete, but in the future it will help identify further training that is required by individuals.

#### Observations

The instructors in the training centre are observed a number of times in the year and are assessed on the delivery of the training. A significant amount of training takes place on station and is delivered by Crew / Watch Managers. At present there is no observation of the delivery of this training to monitor its content and quality of delivery.

People are referring to the competency recording system as a training record. For people to demonstrate competence they must first have received training in the subject area and then be assessed as competent.

The person assessing someone as competent should physically see someone carrying out the task to be able to sign them off. When completing the record on the Sophtlogic system it automatically selects all the topics that have been selected for the crew. If a member of the crew has not demonstrated that activity it has to be de-selected by the assessor. It is possible that Crew / Watch Commanders may be signing someone off as competent when they may not have demonstrated that activity.

The Sophtlogic system is not as good for recording competency of Watch Managers and above. They are not always observed carrying out the activities that need to be signed off.

There is a significant amount of paperwork that firefighters need to be aware of. On the Sophtlogic system firefighters are signed off by their Crew / Watch Managers as having read and understood the SIS procedures. Firefighters must also be able to demonstrate application of these procedures through practical training exercises and experience.

#### **Monitoring**

Formal station inspections are carried out yearly. This inspection involves the watch on duty being drilled and assessed on it and looking at administration on station. This inspection is announced.

Within the districts, informal station inspections are carried out 6 monthly.

#### Operation Monitoring

There is a new operational monitoring procedure that is currently being piloted in Watford and Three Rivers. This pilot has not provided sufficient returns to enable an evaluation of the new procedure to take place. This is to be extended to increase the number of returns.

## **Incident Command Training**

A number of incident command training courses have been developed and rolled out. This has included wholetime, retained and flexi duty officers. These courses have been well received. The next stage is to devise a programme -of refresher training and assessment at a suitable timescale. This is to ensure that all incident commanders, whatever level are 'competent to undertake the task.

## **Breathing Apparatus**

The Harrow Court Investigation identified that breathing apparatus (BA) procedures were not followed.

BA is a safety critical control measure used in hazardous operations. It is essential that all operational fire fighters expected to wear BA as well as those who direct and supervise BA operations need to be able to demonstrate competence in the relevant practices and procedures which they will be expected to undertake within their role.

Initial BA training takes place at the training centre, with instructors assessing the fire fighters.

Refresher training according to Fire Service Circular 17/70 recommends that BA wearers attend a 2-3 day course at 2 yearly intervals.

HFRS ran a 1 day course titled BA refresher in 2006/07. At present HFRS are rolling out two training courses 1) compartment fire behaviour training and 2) BA door opening and branch technique course. On IPDS individual firefighters are assessed as competent by being observed when attending operational incidents and on station drills.

According to Fire Service Circular 18/2009 BA refresher training may be distinctly different from fire behaviour training, but compartment fire behaviour training could be combined with BA refresher training. This is as long as the aims and objectives for both topics are adequately identified and delivered.

The compartment fire training that is currently being delivered does not cover all the objectives of a BA refresher, for example BAEC board theory and practical and emergency procedures, which were identified as issues in the Harrow Court Investigation.

The last BA refresher was 2 years ago and the first firefighters went through that course approximately 3 years ago.

BA refresher training and assessment should be delivered by a competent BA instructor. Service wide training should be in addition to and not replace station based assessment and training as station based training can lead to deviations from Service wide procedures.

I am concerned that the current standards of BA refresher training are not sufficient to cover all aspects; therefore, I enclose an Improvement Notice requiring you to design a BA refresher program and draw up a plan for delivery to firefighters. The attached Schedule to the Notice details the requirements for compliance with the Notice.

Details on notices are in appendix 1.

## **Water Rescue Boat**

### *Training*

The rescue boat is stationed at Hatfield. It is important that the crew at Hatfield have had sufficient training to an appropriate level to operate the boat in the conditions that it is to be used. At present there are 3 levels of training that firefighters have had 1) off water with use of buoyancy aids, 2) operation in still water and 3) operation in swift water.

Due to staff moves there is currently only one instructor that is able to deliver this training, who is attached to one watch.

There must be sufficient cover of trained operators on shift that can operate in all conditions that they are likely to face, for example in swift water and competent instructors to deliver the initial / refresher training.

I enclose an improvement notice requiring you to review the boat operator training. The attached Schedule to the Notice details the requirements for compliance with the Notice.

Details on notices are in appendix 1.

### *Dry Suits*

Dry suits provided for use with the water rescue boat are provided only in sizes large and extra large. You must ensure that by wearing a larger size this does not prevent it from working how it is designed or cause difficult operating conditions.

You should review the provision of dry suits to ensure that firefighters have suitable equipment and are able to use it properly in conditions likely to be encountered.

### **High Rise Buildings**

According to the recommendations list, Operational Intelligence Packs have been produced for all high rise residential buildings. This information has been issued to stations and is available on the tough book. There were a number of high rise buildings in the Hemel Hempstead area, for example Gade Towers that was not available as it was in draft and another Goldings House that was on hold. According to the document control records these documents are labelled as issued.

Could you please confirm what is the current position with the outstanding Operational Intelligence Packs.

### *High Rise Procedure*

HFRS have a high rise incidents procedure (OPS 3/088). This was issued on the 19<sup>th</sup> February 2008. In September 2008 version 2 of the national generic risk assessment 3.2 High Rise Firefighting was issued.

When new national guidance is issued HFRS review their policies and procedures to see if there are any changes needed. It is not clear whether the HFRS High Rise Incidents procedure has been reviewed as a result of the new version of the national guidance being released. If the document has been reviewed then the date on the SIS should be changed to reflect that the procedure has been checked that it is in line with the national guidance. There may or may not be changes required to the HFRS procedure but without altering the date on the issue it is difficult to tell if the document has been reviewed in line with new updated national information.

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### *Familiarisation visits*

Familiarisation visits to high rise buildings within the station grounds appear to be taking place. Some firefighters have carried out a walk through / exercise on the high rise procedure. There are others that have read through the SIS have signed to say that it is read and understood but they have not undertaken a planned training exercised on the procedure.

### **Tough Books**

The idea of the tough book is well received and generally they are being used. The following issues were identified with them

- The front screen has 9 boxes that are big and easy to hit with the pen, but once you go past this the screen is identical to a computer screen and the icons that have to be hit become very small (for example the magnification buttons of the map screen). When demonstrated it was challenging to hit the right spot easily. When used on a vehicle in motion this would be even more difficult.
- In the SIS documents area there are 3 heading subsections, Ops 1, 2 and 3. You cannot tell what is in each section without entering. If you are looking for a particular SIS and you click into a section and it is not in that section then you are taken back to the main screen. It would be helpful if you could tell what was in each section, for example alphabetical labelling.
- On some screens there are additional icons on the tool bars that are not used. Questions were asked whether these could be taken off just leaving the icons that are used.

### **Fire Kit**

Concerns were raised in regard to the arrangements for cleaning of fire kit. Comments were made that sending them away to be cleaned can take a significant amount of time and sometimes items are not returned. This has led to a number of fire fighters washing their own kit. This can have an impact on the protective properties of the kit.

### **Tip Sheets**

Concerns were raised that the details contained in the tip sheets has been reduced. Previously the tip sheets contained the name of the road where the incident was, which road this was off and whether the call was to make pumps up job. Now the tip sheets only contain the name of the road where the incident is.

Could you please confirm what information is contained in the tip sheet.

Please could you write to me responding to the points raised in this letter as soon as possible, but at least by the expiry date of the notices.

In accordance with Section 28(8) of the Health and Safety at Work etc Act 1974, I have sent a copy to a number of representatives from the FBU.

Yours faithfully



**Jenny Morris**  
**HM Inspector of Health and Safety**

**Appendix 1**

**Improvement Notice 1-(JM - 21/04/09 - 01)**

Requires you design a BA refresher program and draw up a plan for delivery to firefighters.

Date for Compliance: **26<sup>th</sup> June 2009**

**Improvement Notice 2 - (JM - 21/04/09 - 02)**

Requires you to review the boat operator training at Hatfield Fire station.

Date for Compliance: **26<sup>th</sup> June 2009**

I draw your attention to the Notes attached to the Notice, which explain the legal significance of Notices. I must point out that failure to comply with an Improvement Notice by its expiry date is an offence and almost invariably leads to prosecution. You have a right to appeal against the Notice and I enclose the appeal form (ET19). On occasions a Notice can be extended if there are well-founded reasons and if you contact me to agree this before the date set for compliance.

Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number JM - 21/04/09 - 01

Improvement Notice

Name: Hertfordshire Fire Authority
Address: Old London Road, Hertford, SG13 7LD
Trading as: Hertfordshire Fire and Rescue Service (HFRS)
I, (Inspector's full name): Jennifer Ann Morris

one of Her Majesty's Inspectors of Health and Safety, being an Inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue this Notice

of AW House, 6-8 Stuart Street, Luton, LU1 2SJ

Telephone number 01582 444317

hereby give you notice that I am of the opinion that at

(Location of premises or place of activity) HFRS training centre and fire stations throughout Hertfordshire

you, as an employer

are contravening\* the following statutory provisions :

- Health & Safety at Work etc. Act 1974, Section 2(1)
Management of Health and Safety at Work Regulation 1999, Regulation 5, 10, 13
Provision and Use of Work Equipment Regulations 1998 regulation 9(1)
The Control of Substances Hazardous to Health Regulations 2002 (as amended) Regulation 7.12

The reasons for my said opinion are :

that refresher training on aspects of Breathing Apparatus (BA) use has not been delivered to Firefighters by a BA Instructor within the last two year period and is not currently planned to be delivered in the near future, including BA emergency procedures and BA entry control procedure, which were identified as issues in the Harrow Court investigation.

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them, by

26th June 2009 (Date for compliance)

and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contraventions or matters

Signature [Handwritten Signature] Date 21/4/09

of related to the matters contained in this Notice

This is not a relevant notice for the Environment and Safety Information Act 1988

Signature [Handwritten Signature] Date 21/4/09

**Schedule**

To comply with this notice you should

**EITHER**

1. Identify the aims and objectives of breathing apparatus refresher training.
2. Review current training courses to identify what aims and objectives are covered and where there are any gaps.

And

3. Design a training course that covers the gaps that have been identified. Outline the aims and objectives of the course.

And

4. Identify who requires the training

And

5. Produce a plan for the delivery of the training to those identified as requiring it.

**OR**

You may comply by any other equally effective means.

## NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2A) of this Act renders the offender liable on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £20,000, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years; or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice or to extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal, a form to use (ETS19) and information about where to send it are contained in booklet URN05/998 which will be provided by the Inspector with this notice. Copies are also available from the Employment Tribunal Enquiry Line (Tel: 0845 795 9775).

### Time limit for appeal

A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the notice, or notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (SI 2004 No 1861), and the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (SI 2001 No 1171) for England and Wales and the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001 (SI 2001 1170) for Scotland to the extent those Regulations remain in force.

### Public availability of information on all enforcement notices

1. The Health and Safety Executive (HSE), for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is HSE's policy that this information should be brought to the public's attention. HSE also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on an electronic database, which is available on HSE's Website ([www.hse.gov.uk](http://www.hse.gov.uk)).
2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
3. Information will be withheld where, in HSE's belief, its disclosure would:
  - cause harm or prejudice; or
  - be in breach of the law.
4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
5. If you are not satisfied with the information contained in the entry you have a further right to appeal to the HSE in the first instance.

Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number JM - 21/04/09 - 02

Improvement Notice

Name Hertfordshire Fire Authority

Address Old London Road, Hertford, SG13 7LD

Trading as Hertfordshire Fire and Rescue Service

I, Jennifer Ann Morris (Inspector's full name)

one of Her Majesty's Inspectors of Health and Safety, being an Inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue this Notice

of AW House, 6-8 Stuart Street, Luton, LU1 2SJ

Telephone number 01582 444317

hereby give you notice that I am of the opinion that at

(Location of premises or place of activity) Hatfield Fire Station, and other locations throughout Hertfordshire

you, as an employer

are contravening\* the following statutory provisions :

Health & Safety at Work etc. Act 1974, Section 2(1) Management of Health and Safety Regulations 1999, Regulation 5, 10, 13 Provision and Use of Work Equipment Regulations 1998 regulation 9(1)

The reasons for my said opinion are :

all persons who use boat equipment have not received adequate training in the methods to be adopted when responding to water related incidents

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them, by

26th June 2009 (Date for compliance)

and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contraventions or matters

Signature [Handwritten Signature]

Date 21/4/09

An Improvement Notice is also being served on

of

related to the matters contained in this Notice

This is not a relevant notice for the Environment and Safety Information Act 1988

Signature [Handwritten Signature]

Date 21/4/09

## Schedule

To comply with this notice you should

**EITHER**

1. Establish what training is required to enable sufficient response to boat incidents with regard to 1) off water with use of buoyancy aids, 2) operation in still water and 3) operation in swift water.

And

- 2 Review current levels of training on all watches at Hatfield Station to ensure that there is sufficient coverage of trained operators across all watches for the type of incidents attended.

And

3. Review how the training is delivered and by whom.

And

4. Produce a plan to address any short falls in any gaps identified in the above.

**OR**

You may comply by any other equally effective means.

## NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2A) of this Act renders the offender liable on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £20,000, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice or to extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal, a form to use (ETS19) and information about where to send it are contained in booklet URN05/998 which will be provided by the Inspector with this notice. Copies are also available from the Employment Tribunal Enquiry Line (Tel: 0845 795 9775).

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The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

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### Public availability of information on all enforcement notices

1. The Health and Safety Executive (HSE), for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is HSE's policy that this information should be brought to the public's attention. HSE also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on an electronic database, which is available on HSE's Website ([www.hse.gov.uk](http://www.hse.gov.uk)).
2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
3. Information will be withheld where, in HSE's belief, its disclosure would:
  - cause harm or prejudice; or
  - be in breach of the law.
4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
5. If you are not satisfied with the information contained in the entry you have a further right to appeal to the HSE in the first instance.