

Consultation on Fire and Rescue Service and Fire Safety Policy Principles

November 2024



Introduction

This public consultation seeks to gather insight and feedback from the public regarding the Department's efforts in updating legislation in relation to the Fire and Rescue Service.

The Department has a commitment to bring forward:

- 1) the Fire Services Bill, a modernising piece of legislation to clarify the services provided by the Fire and Rescue Service; and
- 2) the Fire Safety Bill to modernise the fire protection legislation to include all places of work.

The consultation seeks views on draft policy principles that are under consideration to underpin updates to the current legislation. It also seeks to gain insight and views on how those principles would take effect in order to support with drafting the legislation.

The consultation is split into two parts; the first part sets out draft policy principles in relation to Fire Services Bill, and the second part sets out draft policy principles in relation to the Fire Safety Bill. There are common themes in each part, including an overall aim to meet the same standards that are required in neighbouring jurisdictions and being proportionate to the needs of the Isle of Man.

Questions

The policy principles themselves are set out in the following sections and take the form of a key overarching principle, with additional detail provided. Each principle then has one or more specific questions that the Department seeks views upon.

Part One: Fire Services Bill

Principle 1 – There should be transparency and accountability on the services to be delivered by the Isle of Man Fire & Rescue Service (FRS).

The Fire Services Act 1984, which is currently in operation, does not comprehensively reflect the wide-ranging responsibilities that FRS have and duties that the service carry out.

The intention for the new Fire Services Bill is to make clear the roles and responsibilities of FRS and set out the additional work that the service does that isn't already covered in existing legislation.

Explanatory Note –

The current Fire Services Act 1984 only instructs the Department to make provision for firefighting purposes.

Since 1988, the FRS has operated as a Fire & Rescue Service and delivers a broad range of rescue functions in addition to the traditional firefighting role.

The Department intends to capture these additional functions and responsibilities in new primary legislation that will set out the core functions of the FRS, along with any other

functions that the service might be called on to perform, for example, in situations where people might imminently be injured, or the environment imminently damaged.

The Department proposes that the FRS be required to provide assurance and demonstrate how the service keeps the Island's community safe through a Community Risk Management Plan (or similar), detailing how the FRS allocates budget and resource across Preparedness, Prevention, Protection, Response and its People.

The operational demand on the FRS has changed significantly over the past 30 years, with annual demand for non-fire related incidents now exceeding that of fire related incidents.

As the Fire and Rescue Service is required to maintain sufficient staffing levels with appropriate training and access to necessary equipment to respond effectively to a range of risks, there are opportunities for these skills to be utilised more broadly. Expanding the scope of our firefighters' roles can help support demand and alleviate pressure in other services.

Non-fire related incidents include attending road traffic collisions, flooding and technical rescues, providing emergency assistance to other agencies, and undertaking fire prevention and protection work, such as inspecting buildings and providing fire safety advice.

Q1. Do you think that the FRS should have a statutory duty to be prepared to respond to a full range of foreseeable risks?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

Q2. If you don't think that the FRS should be prepared to respond to a full range of foreseeable risks, broader than just fire related incidents, please explain why?

Q3. The Department proposes that new legislation should capture those core functions already being delivered by the Fire & Rescue Service.

To assist in informing the prioritisation of resources and training please rate how important you feel it is for the Fire & Rescue Service to provide the following core functions?

These current core functions consist of those that are existing statutory requirements, those undertaken through identified risk management and some that are requested and contracted by other parties.

1 being **not very** important and 5 being **very** important.

Fires	Responding to structure fires, vehicle fires and outdoor fires, including wildfires on open land.	1	2	3	4	5
Road Traffic Collisions (RTCs)	Responding to RTC's and providing trauma care, vehicle stabilisation, extraction of casualties and vehicle make safe, post incident.	1	2	3	4	5
Heavy Rescue	Providing a heavy cutting and lifting capability for incidents involving HGV's, heavy machinery, and transport systems, such as trains and aircraft.	1	2	3	4	5
Urban Search & Rescue	Responding to part or full building collapses and providing specialist shoring, stabilisation, and search rescue capabilities.	1	2	3	4	5
Fire Protection	Providing advice on fire protection requirements in existing or new buildings to ensure they are safe places to work, live and enjoy. Officers also have a responsibility to ensure compliance with fire safety legislation.	1	2	3	4	5
Fire Prevention	Providing specialist officers to work with community partners to reduce fires, deaths and accidents across the island. Providing fire prevention and wellbeing interventions to our most vulnerable residents, whilst also providing general fire prevention advice to the wider community.	1	2	3	4	5
Marine Firefighting (harbour/alongside)	Providing a marine firefighting response and specialist advice to ships masters at incidents involving vessels entering the island's harbours or berthed alongside.	1	2	3	4	5
Off-Shore Marine Firefighting (at sea)	Providing an offshore marine firefighting response to vessels within Manx territorial waters.	1	2	3	4	5
Hazardous Material Response & Chemical Identification	Responding to incidents/accidents involving hazardous materials and substances that could harm people, the environment, or both, and the ability to contain, identify and prevent further escalation.	1	2	3	4	5
Chemical, Biological, Radiological and	Providing a capability to respond to a CBRN type incident, (possibly terrorism related) to contain and reduce harm to the public.	1	2	3	4	5

Nuclear (CBRN) Response						
Automatic Fire Alarms calls (Cause unknown)	Responding to automatic fire alarm calls where the cause for activation is unknown.	1	2	3	4	5
Automatic Fire Alarms calls (Known false alarm)	Responding to automatic fire alarm calls where the owner/occupier has stated it's a false alarm and a non-fire situation.	1	2	3	4	5
Domestic Flooding (Extreme Weather)	Responding to serious/significant domestic flooding incidents following an extreme weather event.	1	2	3	4	5
Domestic Flooding (Non weather related)	Responding to domestic flooding due to a plumbing failure, or similar, but not weather related.	1	2	3	4	5
Irresponsible burning off	Responding to incidents as a result of irresponsible outdoor burning off (heather & bracken etc;) that has become out of control, or the burning of waste materials.	1	2	3	4	5
Fire Investigation	Providing specially trained fire investigators to investigate the cause of fires and identify trends and safety concerns.	1	2	3	4	5
Risk Management for events	Providing firefighters through a contracted service to be on site during local events as part of a risk management strategy.	1	2	3	4	5

If you rated any of the core functions as 1 (not very important), please explain your reasoning and suggest which agency might be better suited to deliver this service?

Q4. The Fire & Rescue Service also delivers other ancillary/rescue functions which the Department wishes to reflect in the proposed new legislation.

To assist in informing the prioritisation of resources and training please rate how important you feel it is for the Fire & Rescue Service to provide the following ancillary/rescue functions?

1 being **not very** important and 5 being **very** important.

Line Rescue Response	Providing a casualty rescue response in confined spaces, around high structures/places, or technically difficult incidents, due to the environment or casualty's condition.	1	2	3	4	5
		1	2	3	4	5

Water Rescue Response	Providing a casualty rescue response in the island's rivers and reservoirs and during periods of urban and rural flooding following significant weather events.					
Search Team	Responding to missing persons or providing casualty extraction in an urban or rural environment.	1	2	3	4	5
Off-Road Ambulance Response	Providing an off-road ambulance response on behalf of the Ambulance Service to extract casualties from difficult to reach places. This collaboration utilises existing FRS staff who are specially trained in off-road driving.	1	2	3	4	5
Assisting the Ambulance Service	Providing an emergency response to assist the Ambulance Service in patient recovery, either due to the location of the patient, or their injuries. This includes bariatric patients.	1	2	3	4	5
CPR First Response	Providing an initial emergency first response on behalf of the Ambulance Service to CPR incidents, supplementing the Ambulance Services response.	1	2	3	4	5
Entrapment Rescues	Providing an emergency response to persons who have become entrapped, e.g. People locked in rooms, cars or entrapped in a fixture, such as a piece of furniture.	1	2	3	4	5
Livestock Rescues (non-domestic pets)	Providing an emergency response to rescue and assist distressed livestock (generally horses and cows).	1	2	3	4	5
Rescuing Domestic Pets	Providing an emergency response to rescue and assist domestic pets in distress.	1	2	3	4	5
Flooding Incidents (Commercial)	Responding to commercial premises experiencing flooding due to any cause.	1	2	3	4	5
Lift Rescues	Providing a rescue response to persons stuck in lifts.	1	2	3	4	5

If you rated any of the ancillary functions as 1 (not very important), please explain your reasoning and suggest which agency might be better suited to deliver this service?

Q5. Are there any other core or ancillary functions you would like to see the Fire & Rescue Service deliver?

The Department proposes to hold the FRS accountable through a Community Risk Management Plan (CRMP)¹; which is an over-arching plan covering all areas of the FRS. This plan would reference key documents such as FRS Strategies, annual divisional plans, and finances; and would ensure that the following priorities are met-

1. To be accountable to the communities for the service they provide;
2. To identify and assess the full range of foreseeable fire and rescue related risks on the island;
3. To make appropriate provision for fire prevention education, protection activity and response to fire and rescue related incidents;
4. To develop and maintain a workforce that is professional, resilient, skilled, flexible and delivers;
5. To collaborate with other emergency services and local and national partners to increase the efficiency and effectiveness of the service they provide.

Q6. Do you agree that the FRS should be held accountable through a Community Risk Management Plan or something similar?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't agree please explain why and suggest an alternative way of measuring FRS performance?

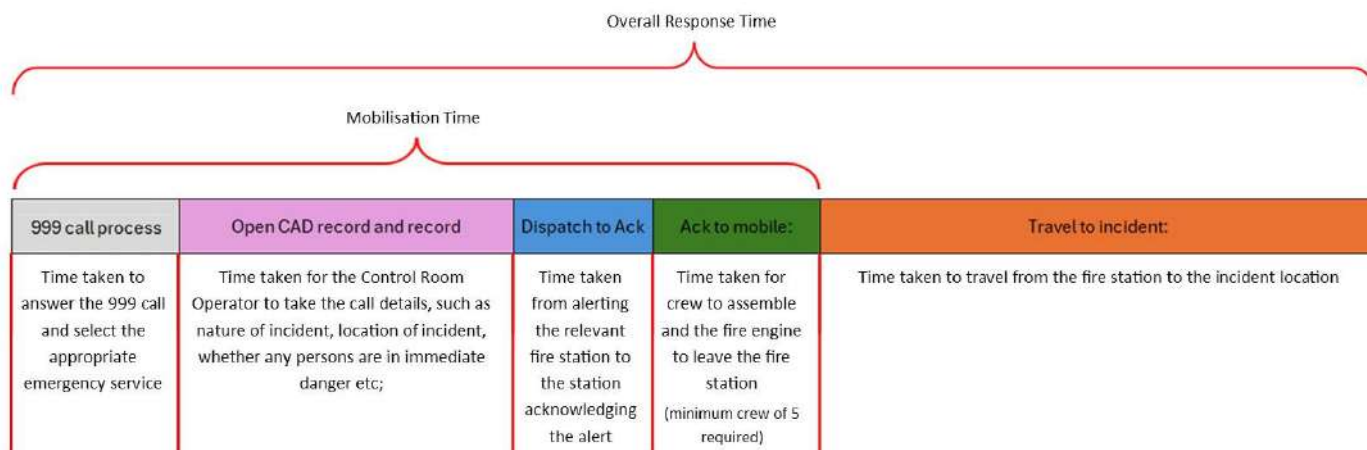
The Department would like to understand what level of emergency response the public expect from their FRS.

Explanatory Note –

Response time is measured as the time taken from when the emergency call is received in the Emergency Services Joint Control Room (ESJCR), up to the time when the first fire engine arrives at the incident.

This overall response time includes, call handling and information gathering, mobilisation of the nearest fire crew, and the travel time for the first fire engine to arrive on scene at the incident.

¹ Link to an example CRMP (Cornwall FRS): [Community Risk Management Plan 2022-2026 \(cornwall.gov.uk\)](https://www.cornwall.gov.uk/Community-Risk-Management-Plan-2022-2026)



Only Douglas Fire Station has a whole-time crew that is based at the fire station on a 24/7 basis. All other fire stations around the Island are staffed by on-call firefighters who are alerted and attend their station as and when required.

Currently, the FRS have a target response time from receiving the call in the Emergency Services Joint Control Room to the arrival of the first fire engine on scene of 10 minutes for a whole-time crew and 13 minutes for on-call (retained) crews.

The Key Performance Indicator is to meet these response times for 80% of their calls. This target was developed during 2023 and was based on comparable services in England and Wales and local performance data.

Although there is no national standards for fire services in the UK, the average response time in England to a Primary Fire² is 9 minutes 13 seconds in predominately urban areas, and 10 minutes 46 seconds in areas classed as predominately or significantly rural.

Work is currently underway to establish a Key Performance Indicator covering the call handling process which is managed by the Emergency Services Joint Control Room on behalf of the FRS. The average time in England for a fire control room to handle the initial emergency call, up to dispatch, is 1 minute 26 seconds.

Q7. Do you think the FRS should be measured against a response time standard?

Yes	No

If not, please explain your answer?

² Primary fires are potentially more serious fires that harm people or cause damage to property and meet at least one of the following conditions:

- any fire that occurred in a (non-derelict) building, vehicle or (some) outdoor structures
- any fire involving fatalities, casualties or rescues.

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If you answered yes to Q7, would you agree that there should be a different response time standard for a whole-time crewed fire engine (staffed 24/7), compared to an on-call crewed fire engine? (staffed on a return to duty basis when required)?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you think the response time standard should be the same for all Fire Service responses, please explain why?

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Please indicate what time frame you consider acceptable for a fire engine to arrive at the scene of an emergency, starting from the moment the call is received in the control room (overall response time)?

The key performance indicator for a whole-time response is 10 minutes @ 80% of calls.

Whole-time fire engine response time (Please tick one)

	10 minutes	11-15 minutes	16-20 minutes	Over 20 minutes

The key performance indicator for an on-call response is 13 minutes @ 80% of calls.

On-Call (retained) fire engine response time (Please tick one)

13 minutes	14-17 minutes	18-20 minutes	Over 20 minutes

Q8. If you answered YES to Question 7; do you think response times should change depending on the type of emergency call the FRS are attending? (for example, do you think a structure fire or an incident involving casualties should have a different response time target compared to a response to an automatic fire alarm call or a non-life risk flooding incident)?

(Please tick one)

Yes	No	Don't know

If you chose yes to Q8, please explain your answer?

Principle 2 – The legislation should reflect an equivalent level of service provided by the FRS as is provided in other jurisdictions.

The Fire Services Act 1984 does not comprehensively reflect the type of services a modern-day Fire & Rescue Service is expected to deliver and provides no assurance as to how the FRS draws on prevention, protection, and response activities to reduce risk across the community. Updating our legislation allows for assurance and accreditation to be given to the Department and FRS officers respectively, and will ensure that training meets the same standards as required in the UK (with similar legislation), and is proportionate to the needs of the Isle of Man.

It will also provide greater accountability to communities for the services the FRS provides.

The existing Isle of Man Fire legislation is out of step with its counterpart in the United Kingdom. There are no formal accredited training pathways under the Fire Precautions Act 1975 (as amended), meaning if FRS staff wish to be trained to the most up to date legislation in this area, they have to do so in the UK, under UK legislation and practices which don't correspond with the Island's current Fire Precautions legislation.

Explanatory Note –

The FRS will need to demonstrate how it identifies, plans and manages foreseeable risk across the community through Prevention, Protection and Response activity. It is proposed that the service will evidence this and provide assurance through a Community Risk Management Plan.

Identifying foreseeable risk will help determine future resource allocation and ensure that the Island is prepared for all normal eventualities.

Updating and aligning legislation more closely with neighbouring jurisdictions will assist with operational training of officers through recognised UK training pathways³.

Careful consideration of the core functions of the FRS along with any other functions which they are called on to fulfil will ensure that training matrices can be implemented ensuring our officers continue to be trained in a way that prepares them to protect the Island's community, and themselves.

³ The benefits of this alignment will mean the Island's FRS can more readily utilise broader resources, such as those from the National Fire Chiefs Council (<https://nfcc.org.uk/>) and Fire Standards Board (<http://firestandards.org>)

Aligning more closely to neighbouring jurisdictions will be beneficial in allowing the FRS access to National Resilience arrangements⁴ and enhance collaboration opportunities with UK partners.

The Department proposes that future fire protection legislation will move towards a risk-based approach, albeit with some existing Manx legislation remaining in place to reflect the unique remoteness of the Island and the limited operational resources available to the FRS. Unlike UK counterparts, the Island's FRS cannot rely on immediate cross border support and therefore must provide its own operational resilience.

Fire safety officers working to national standards (for example in relation to fire safety in dwellings and other buildings)⁵, will allow the FRS to align more closely to key stakeholders such as Building Control.

The new legislation will allow the FRS to transition from being predominately an emergency intervention service, towards becoming a prevention and protection focused service.

New primary legislation will help reduce risk across the community and not just in certain building types, ultimately improving public and firefighter safety.

Q9. Do you agree that the Island's FRS should be required to provide an equivalent level of service to that found in a neighbouring FRS in the UK?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't agree, please explain why?

The Island's remoteness means it is difficult for the FRS to access supporting operational resources from neighbouring jurisdictions in a timely manner.

Q10. Would you agree that the Island's FRS should be sufficiently resilient and prepared to respond on its own to all normal eventualities, without the immediate intervention of UK assistance?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

Please explain your answer?

⁴ <https://fireengland.uk/national-overview/fire-and-national-resilience>

⁵ https://assets.publishing.service.gov.uk/media/639ae876e90e0721839ea637/Approved_Document_B_fire_safety_volume_2_-_Buildings_other_than_dwellings_2019_edition_incorporating_2020_and_2022_amendments.pdf

Q11. Do you agree that local Fire Officers should be trained to National Standards in line with other UK Fire & Rescue Services?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

Please explain your answer?

Principle 3 – The legislation will support joined up working, particularly with the Island’s wider emergency services.

In modernising the legislation under which the FRS operates, working practices will be more compatible with those of other emergency services in operation on the Island. FRS officers will be trained to respond within a multi-agency scenario, to the same standards as seen in neighbouring jurisdictions, ultimately better supporting responses to such scenarios.

Explanatory Note –

The Department is proposing that the new legislation will provide a statutory duty for the FRS, IOM Constabulary, Emergency Services Joint Control Room and Manx Care to collaborate and share risk-based information with each other.

The Department also expects the FRS to collaborate with other blue light services, blue light support services and the Island’s resilience services.

The Department believes that officers across its blue light services should be trained to the same national multi-agency standards⁶.

Training to a national standard would remove potential future barriers if the Department needed to access additional FRS resources through National Resilience and Mutual Aid arrangements with other UK Fire & Rescue Services⁷.

Q12. Would you agree that the Department’s Emergency Services should be trained to the same multi-agency emergency response standards?

⁶ Such standards of joint working include the Joint Emergency Services Interoperability Principles - <https://www.jesip.org.uk/>

⁷ The UK Fire and Rescue National Resilience provides specialist capabilities, personnel and resources that could be made available to the Island in instances where it would be necessary - <https://fireengland.uk/national-overview/fire-and-national-resilience>

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't agree, please explain why?

Q13. Would you agree that it should be a statutory requirement for Island's Emergency Services to work collaboratively together?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

Please explain your answer?

Q14. Would you agree that the Island's Emergency Services should be required to share risk information with each other to help improve public safety?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't think the emergency services should share risk information, please explain why?

Principle 4 – The legislation should be responsive and flexible to meet the evolving needs of society.

Currently, FRS operate under the Fire Precautions Act 1975 (as amended) and Fire Services Act 1984 – both of which are now out of step with similar legislation currently in use in England and Wales. The Department's current legislation does not readily allow for updates to reflect the changing risks facing our community and subsequently changes to the operating models and services to be able to adapt to those risks. By bringing a new Fire Services Bill, this will reflect the activities of a modern FRS, and provide clarity on the role of the FRS.

The intended approach to enable the service to keep operational practices appropriate to the current needs of society, is to allow under primary law for Regulations, Orders, and guidance to be brought as needed.

Explanatory Note –

The new legislation will allow the allocation of fire protection resources to be more agile and responsive, targeted on a risk-based approach rather than pre-determined occupancies.

The new legislation will contain provisions to make changes to legislation through secondary instruments, ensuring the Act can be updated to stay aligned with other legislation and remain future proof.

It will provide a greater emphasis on prevention and target resources as and when they are required towards the Island’s most vulnerable.

It will allow for a more effective and efficient use of limited fire protection and prevention resources, being targeted at the highest risk areas to maximise risk reduction.

It will allow the FRS to adapt more effectively to national changes in legislation following enquiries such as the Grenfell disaster and the Manchester Arena Inquiry.

It will allow for responsive targeted fire safety campaigns, following national trends and local incident data analysis.

It will recognise the broad operational capabilities of a modern FRS and provide assurance that appropriate preparedness activity is undertaken.

Q15. Do you agree that future legislation should be adaptable to reflect a changing risk profile and allow resources to be targeted more effectively?

Strongly Agree	Agree	Don’t know	Disagree	Strongly Disagree

Please explain your answer?

Principle 5 – Core services will always be free at the point of need; however the Department will reserve the right to charge.

Core services provided by FRS have always been and will remain free to the service user at the point of need. However, FRS have encountered issues in the past specifically in relation to unnecessary or avoidable call outs which officers have to attend in the same manner as they would any genuine emergency, they do so with no fee to the service user, other than in some circumstances by agreement. Such callouts have a negative effect on the ability to deal with legitimate calls and impact further on operational training, preparedness work and the delivery of prevention activity.

Incorporated in the Fire Services Bill will be provision for the Department to reserve the right to charge in cases in line with policy, where the call out is not believed to be appropriate, for example, if the call is not genuine, repetitive calls to the same address that could or should be avoided, if the FRS are requested and contracted to attend for non-emergencies (such as false Automatic Fire Alarms) as part of a business's risk management process, or other similar reason.

There are also certain commercial or private events where the organisers determine that attendance from the FRS would be of benefit in mitigating identified risk. This attendance would result in direct cost to the FRS and so the Department would seek to permit charging the event organiser under these circumstances.

Where the right to charge is utilised, the amount will be based on cost recovery with the intention to meet costs and deter poor behaviour, as opposed to generate income.

This principle will not affect attendance in response to a genuine 999 call.

Explanatory Note –

The FRS will still have a statutory responsibility to provide emergency response services to the community free of charge. Where attendance could have been avoided through negligence, deliberate or reckless acts or poor systems of work, or requesting a service that could be supplied by another provider, the Department believes that it is appropriate for the FRS to levy a charge to cover the inappropriate use of FRS assets.

The ability to make an appropriate charge for certain services will not be used for revenue raising, it simply provides a mechanism to ensure that the Island's limited FRS resources remain ready and available for the reason they exist and are not misused.

The FRS already charges for certain services such as commercial flooding, property searches and fire reports, the new provisions will formalise existing procedures.

At the time of this consultation, there are a small number of distinct provisions being considered by the branches of Tynwald through the Treasury (Miscellaneous Provisions) Bill 2024⁸. These provisions are being progressed in a shorter timescale than the new Fire Services Bill to clarify a position in relation to the legal powers to charge under certain circumstances, in line with existing policy and an approach of charging by agreement. This consultation aims to understand views on this broad principle outside of these particular instances. The Department intends that under normal circumstances core services – that is, emergency response, will always be free.

The Department believes this principle will assist in prioritising FRS resources to ensure they are in the right place, at the right time for genuine emergency calls.

The Department believes these measures will reduce the taxpayer burden related to unnecessary false alarm call outs. This is particularly relevant to on-call (retained) fire crews where there is a direct financial implication of any call-out.

⁸ Bill can be found here: <https://tynwald.org.im/business/bills>

The Department wishes to redirect demand to the appropriate provider (e.g. the FRS is repeatedly called out to flooding in domestic properties due to domestic plumbing issues. These types of incidents could be dealt with by a plumber and not the FRS.)

The FRS often attends incidents where areas of outdoor land are being purposely burnt and become uncontrolled, this leads to significant resources being committed to what is an avoidable incident.

Similarly, the FRS receives repeat calls to incidents involving the burning of commercial waste, which is illegal to burn on the Island. Commercial waste should be disposed of through the appropriate channels and this type of call is not seen as a legitimate use of FRS resources; and can endanger public safety and the environment.

Q16. Would you agree that under certain circumstances it is appropriate for the FRS to levy a charge on a cost recovery basis for demand that:

- ***is deemed to be deliberate or reckless ;***
- ***is optional (such as providing services at private or commercial events); or***
- ***could be met by a private provider?***

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you disagree or strongly disagree, would you suggest whether there are any occasions where it would be appropriate for the FRS to levy a charge for providing certain services?

Principle 6 – Transitional Arrangements

The FRS, in bringing updated legislation, would seek to grant a transitional period between the legislation being enacted and the deadline for the requirement to evidence compliance.

This means, in practice, that the current existing legislation under which the service operates would continue, whilst operational preparations are made for the enactment of any new Bill, ensuring that service users affected are appropriately supported and provided education prior to the move to operate under a new regime.

Explanatory Note –

An updated Fire Services Act (as proposed) is intended to formalise work already undertaken by the FRS and, therefore, the public will see little transitional impact. However, it is recognised that some provisions may have some impact on some individuals, for example in relation to what the FRS will attend or for what it may charge for.

Q17. What length of transitional period do you think is required to implement a new Fire Services Bill?

(Please tick one)

None	1 month	3 months	6 months	12 months	24 months

Please explain your answer?

Part Two: Fire Safety Bill

Principle 1 – The legislation should centre on a proportionate risk-based approach to allow more efficient use of resources.

The FRS continues to perform under the existing Fire Precautions Act 1975 (as amended) with limited resource and scope, however the introduction of new primary legislation centring on a risk-based approach would support better targeted use of limited resources to ensure greater risk reduction across all areas of the Island and not just in specific designated areas. It will allow officers to deliver an agile protection and prevention response aligned to risk.

Explanatory Note –

Under the Fire Precautions Act 1975; the FRS only inspects certain building uses, known as designated and regulated premises. These types of premises are inspected on a regular basis regardless of their risk profile. The Department proposes that new legislation will cover virtually all building types (with the exception of single domestic dwellings) on the Island and allow the FRS to target protection resources on a risk based approach, identifying those premises that would present the highest impact to the community and firefighters safety, if involved in fire.

The new legislation will allow the FRS to provide greater assurance of risk reduction across the community.

The scope of Fire Safety legislation will broaden to include 'places of work,' leading to safer workplaces and communities.

The new legislation will improve the effectiveness of a limited staffing resource, by targeting protection activity towards those premises deemed to be the highest risk.

The new legislation will allow officers to be more proactive and respond more efficiently to data driven trends, enabling risk reduction across the community.

The new legislation will allow those 'persons' with duties under fire safety legislation, to use a risk assessment approach to demonstrate how they keep relevant people safe from fire.

The new legislation will put a greater emphasis on prevention activity and fire safety education.

Q18. Would you agree that future fire safety legislation should be based on a risk assessment approach?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't agree that future Fire Safety legislation should be based on a risk assessment approach, please explain why and suggest an alternative approach?

Q19. Do you think the FRS is the appropriate authority to regulate, and if required, enforce fire safety standards on the Isle of Man?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't agree, please suggest who should regulate fire safety on the island?

Q20. Would you agree that the proposed fire safety legislation should cover all building types (with the exception of single domestic dwellings) on the Island and not just the designated and regulated premises currently covered under the Fire Precautions Act 1975?

Premises currently covered under the Fire Precautions Act 1975 ("designated & regulated premises") –

- *Hotels & Boarding Houses*
- *Licensed Premises & Entertainment Premises*
- *Nursing Homes*
- *Houses of Multiple Occupation & Flats*
- *Compartments over 5000m²*

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't agree that future fire safety legislation should be broader and cover all building types on the Island; please explain why and suggest what types of buildings you think should be covered?

Q21. Do you operate a building that currently falls under the Fire Precautions Act 1975; or have experienced working with this legislation?

Yes	No

If you answered yes, did you find the Fire Precautions Act 1975; easy to follow and implement into your working environment?

Yes	No

If you answered no, please explain what challenges you experienced?

Q22. The introduction of risk-based fire safety legislation would likely see an increase in private operators providing fire risk assessment services. Do you agree that private fire risk assessors should be regulated to ensure a minimum standard is met?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you agree that private risk assessors should be regulated, to what standard do you think this should be?

Principle 2 – The legislation should set out clear lines of responsibility.

At present, the existing legislation doesn't accurately reflect the parties which ought to be responsible/accountable for the varying obligations as required. Updating the legislation to clearly set out who is responsible for each discrete obligation will not only support the FRS in managing compliance, but also support the service user to understand what is required of them under law.

At present, there are also multiple pieces of legislation setting out public responsibilities when it comes to fire safety/health and safety – the legislation should be comprehensive, consistent and enable a simplified process.

Explanatory Note –

The new legislation will clearly define the role of a responsible person for any building that falls under the legislation and will set out what is expected from them.

Appropriate fire safety guidance and education material will be provided to responsible persons to assist them with compliance.

The new legislation will clarify which agency is responsible for fire protection and prevention on the Island.

The new legislation will reduce the burden on individuals who have responsibility for fire safety, by reducing bureaucracy and streamlining processes through a single agency.

The new legislation will provide a single pathway for fire safety and prevention campaign messaging.

Q23. Would you agree that a single agency should have responsibility for fire safety on the Isle of Man?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

Please explain your answer?

Q24. Which of the following agencies do you think are best suited to deliver fire safety on the Isle of Man?

(Please tick one)

Fire & Rescue Service	Health & Safety Executive	Building Control	Other

Please explain your answer?

Q25. Do you follow the FRS's fire safety messaging through their social media channels?

Yes	No

If yes, how would you rate the fire safety messaging output?

(1 being poor – 5 being very good)

1	2	3	4	5

If you answered no to Q25, please explain why not?

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Q26. Would you agree that it's important for the FRS to offer fire safety advice and education to the public?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

Please explain your answer?

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Principle 3 – The legislation should be flexible and responsive to emerging risks.

Currently, the existing legislation is outdated and no longer fit for purpose, particularly in comparison with the legislation and standards in place in the United Kingdom.

It is imperative that the FRS are supported by modern, fit for purpose legislation, which allows the service to operate and respond appropriately to emerging risks. Additionally, the intended approach for updating the primary legislation is to incorporate provisions for Regulations, Orders and guidance to be made under it, which will allow the FRS to respond flexibly and in a timely manner to emerging risks.

Explanatory Note –

The new legislation will allow the allocation of fire protection and prevention resources to be more agile and responsive, targeted on a risk-based approach rather than a pre-determined building use.

It will allow for agile and effective fire safety campaigns following national trends and local incident data analysis.

It will provide a greater emphasis on prevention and target resources as and when they are required.

It will enable the FRS to respond more effectively to evolving national threats and emerging risks, such as the transition from traditionally fuelled vehicles to electric power.

It will allow the FRS to respond more effectively to the outcomes of national enquiries such as the Grenfell disaster and the Manchester Arena enquiry.

Q27. Would you agree that future fire safety legislation should be based around foreseeable risk and be adaptable to emerging threats?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

Please explain your answer?

Principle 4 – The legislation should reflect the standards in place across England & Wales.

The key focus in bringing new primary legislation in this space will always be improvement on the current levels of fire safety seen on the Island, and a sustainable manner in which to maintain this.

The FRS aim to operate consistently (in the context of our small Island community) with standards in place across England & Wales, specifically in relation to the provision of fire safety. To do so, new legislation needs to consider what frameworks are currently in place in these jurisdictions and appropriately apply these on Island.

This alignment will also enable our Fire Safety Officers to share and receive learning and understanding with colleagues outside the Island.

Explanatory Note –

The new legislation will provide modern fire safety legislation, similar to that of England and Wales;

It will allow officers to be trained to the latest standards and gain development opportunities with other UK FRS's;

It will allow the FRS to adopt existing guidance material;

It will allow the FRS to access professional mutual aid, such as advanced fire engineering and share fire safety expertise.

The Department proposes to introduce new fire safety legislation similar to that in place for England and Wales; for the reasons as outlined above.

Q28. Do you agree that the proposed fire safety legislation should be similar to our closest neighbouring jurisdictions?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't agree, which other jurisdiction or standard should the department consider?

Q29. Do you agree that the Island's fire safety officers should be trained to the latest fire safety standards?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you disagree or strongly disagree, please explain your answer?

Principle 5 – Introduction of the legislation will reduce barriers to inward investment.

The Island's current fire safety legislation is not consistent with neighbouring jurisdictions and can cause confusion with those wishing to develop on the Island. The responsibility for fire safety sits across several government departments, and local authorities. The current Fire Precautions Act 1975 (as amended) only covers approximately 5% of the total number of registered commercial businesses on the Isle of Man. It is the intention for the new legislation to apply to the widest possible range of buildings/premises on the Island so that they are subject to a single regulator, which will ultimately support economic development.

Explanatory Note –

The Department proposes to introduce fire safety legislation that would provide clear commonality with fire safety regulations in neighbouring jurisdictions.

The Department proposes to remove outdated fire certificates through the introduction of new fire safety regulations, as fire certificates are now unfamiliar to UK developer's wishing to do business on the Island.

Adopting a similar standard to England and Wales would allow the FRS to access the Primary Authority Scheme (PAS) and provide an efficient pathway for developers to undertake development on the Island (subject to any local legislation).

It will create a more efficient and effective process by reducing bureaucracy and streamlining processes through a single agency.

Q30. Do you have any comments on this principle?



Principle 6 – The legislation will be suitable to reflect the local context of our small Island community.

Any new legislation to be brought, specifically new primary instruments that shape the way in which the FRS operate, must be proportionate to the needs of our small Island community and the maintenance of its safety. It is expected that the new legislation would reflect the risk assessment model for workplace safety already adopted by most businesses and align with health and safety legislation, thereby, having minimal impact but ensuring consistency in safety standards.

As such, to ensure that the FRS are able to continue to respond in the most effective manner, the FRS and the Department will closely monitor the implementation of any new legislation, to ensure it functions well for both the service user and the services provided by FRS.

Explanatory Note –

Although the Department proposes to align future fire safety legislation with neighbouring jurisdictions, the Department does intend to transfer some existing IOM Regulations across to the new Bill as these reflect the Island's unique remoteness and the FRS's limited operational resources.

Unlike UK counterparts, the Island's FRS cannot rely on immediate cross border support to bolster operational capability, nor can it readily share operational assets.

The Island has a maximum of twelve standard firefighting appliances available for operational response and does not have unlimited resources, as found in other jurisdictions. Without additional fire suppression measures in certain circumstances, the Island's FRS could find itself overwhelmed which could lead to a catastrophic incident beyond the Island's capabilities.

Parts of the Island's national infrastructure are given a greater rating of national importance in comparison to other jurisdictions, as these pieces of infrastructure are often a one-off (e.g. the Island only has one major trauma hospital, so any impact on this facility from a fire or other incident type, would have a significant impact on Island life).

The Department intends to retain and transfer provisions contained within the Fire Precautions (Fixed Fighting Systems) Regulations 1999⁹ to new primary legislation. These Regulations recognise the Island's limited operational resources.

The Department also intends to retain and transfer the provisions contained within the Fire Precautions (Houses in Multiple Occupation & Flats) Regulations 2016¹⁰ across to new primary legislation. These Regulations protect the most vulnerable in our society.

Q31. Although the Department proposes to align the Island's fire safety legislation as close as possible to other jurisdictions, do you agree that it is reasonable for the Department to retain and transfer existing IOM specific Regulations that reflect the Island's limited operational resources?

Strongly Agree	Agree	Don't know	Disagree	Strongly Disagree

If you don't think that this is a reasonable approach, please explain why.

Principle 7 – Transitional Arrangements

The FRS, in bringing any new primary legislation, would seek to grant a transitional period between the legislation being enacted and the deadline for the requirement to evidence compliance.

This means, in practice, that the current existing legislation under which the service operates would continue, whilst operational preparations are made for the enactment of any new Bill, ensuring that service users affected are appropriately supported and provided education prior to the move to operate under a new regime.

Explanatory Note –

It is the Department's intention to engage with local businesses and those with existing Fire Certificates prior to implementation of the new Act, and to provide guidance and assistance for them to develop their own Fire Risk Assessment. Over time, the FRS will migrate those premises with Fire Certificates onto the Fire Risk Assessment Programme.

The FRS intends to hold a series of seminars to highlight the differences in legislation and support stakeholders through the transition from prescriptive to risk based legislation.

⁹ <https://www.tynwald.org.im/spfile?file=/links/tls/SD/1999/1999-SD-0666.PDF#search=%22fixed+firefighting+systems%22>

¹⁰ <https://www.tynwald.org.im/spfile?file=/links/tls/SD/2016a/2016-SD-0218.pdf#search=%22fire+precautions%22>

Q32. What length of transitional period do you think is required to allow businesses time to adapt to new fire safety legislation?

None	1 month	3 months	6 months	12 months	18 months	24 months	36 months

Q33. What additional support would you like to see made available to help building owners and those members of the public who have responsibility for fire safety within their properties?

Q34. Is there anything else you think the Department should consider when developing the proposed legislation?

Confidentiality

You are not required to provide any of your personal information to complete this consultation. Should you wish to provide your personal information, please note that if you select "Publish in full", your name, organisation and answers to the questions may be published on the Consultation Hub. Your email address will not be published.

If you select "Publish anonymously" or "Do not publish", none of your personal information will be published on the Consultation Hub. What this means:

- Publish in full – your first name and surname, organisation name, along with full answers **may** be published on the hub (your email will **not** be published)
- Publish anonymously – only your responses **will** be published on the hub (your name, organisation and email will **not** be published)
- Do not publish – **nothing will** be published publically on the hub (your response will only be part of a larger summary response document)

The collection and processing of your personal information in relation to this consultation are done so on the basis of your consent (Article 6(1)(a) of the Applied GDPR). Should you wish to withdraw your consent at any time, please contact the Department at GeneralEnquiries.DHA@gov.im or in writing (to the address detailed at the end of this consultation document), after which your personal information will be deleted from the dataset within one calendar month.

Further information about the Isle of Man Government Consultation principles and guidance on these can be found here: <https://www.gov.im/consultation>

Reasonable adjustments & alternative formats

The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all.

We will take steps to accommodate any reasonable adjustments and provide such assistance as you may reasonably require to enable you to access or reply to this consultation.

If you would like to receive this document as a paper copy, in another format or need assistance with accessing or replying to this consultation, please email Rebecca.Wiles@gov.im or telephone (01624) 694318.

Storage of personal data

The Department will ensure that data is only retained and used in accordance with GDPR rules.

For more information regarding GDPR, visit <https://www.gov.im/about-the-government/data-protectiongdpr-on-the-isleof-man/>.

All responses submitted will be held within the Isle of Man Government's Consultation Hub and will be treated in accordance with the privacy policy.

What happens next?




The Department will use the responses to this consultation to finalise the policy principles and inform drafting of the new primary legislation as well as planning implementation phases.

We will liaise further with respondents as necessary.

A consultation summary will be produced and made available on the Consultation Hub.

Any questions?

Any comments or questions about the consultation should be sent to Rebecca.Wiles@gov.im

 made via the questionnaire on the consultation hub at www.consult.gov.im;
 submitted via email to Rebecca.Wiles@gov.im; or
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