

Be prepared

In light of the Grenfell Tower disaster, which claimed at least 80 lives in June, *Meredith Jones Russell* looks at current fire safety advice and how it might affect childcare settings

The effects of the Grenfell Tower tragedy, which claimed at least 80 lives, will be felt for years to come. While pictures of the Kensington-based towerblock engulfed in flames will long be ingrained on the public consciousness, this preventable disaster could lead to criminal charges, while there is pressure for wholesale changes to fire safety regulations and even housing policy as a result.

All of the 40 children who attended Grenfell Nursery, which was based on the first floor of the tower block, have been accounted for, as have their parents. The setting itself was completely destroyed.

Cladding has dominated discussions about the Grenfell fire, and with good reason. Tests have shown the cladding system applied to the west London tower during renovation works last year did not comply with current regulations. What's more, it was far from alone: maintained nurseries in schools and universities are now being asked by the Department for Education to do their own building checks. More than 100 buildings have failed new safety tests. Grenfell has the potential not to be a one-off.

Of the 20 nurseries with settings in hospital buildings/on school sites contacted by *Nursery World*, none had cladding. However, settings are on the alert.

LEYF has a nursery a ten-minute walk away from the Grenfell site. April Rawlings, LEYF facilities manager at Tresham Crescent Community Nursery, which is also close to Grenfell, says, 'We have spoken to all our nurseries to heighten the alert around fire and we continue to carry out weekly audits and visits to check safety. We have actually not had much advice from local authorities in general, and considering we have two nurseries very close to Grenfell, that is quite surprising.'



Grenfell Nursery, on the tower's first floor, was destroyed

Privately owned residential buildings that may be used for childcare, including childminders' settings, are covered by the Department for Communities and Local Government (DCLG), which has asked occupiers to carry out checks on their buildings, as well as asking local authorities to identify whether any newbuilds or refurbishments have used the same type of aluminium composite material (ACM) cladding that was on Grenfell Tower.

The DCLG is offering testing for any samples of cladding suspected to be ACM, and has issued instructions on how to submit a sample for testing, but confirmed it is prioritising buildings more than six storeys in height.

Thomas Lane, building and ecobuild editor at *Building Design*, says this is due to the practicalities of fire rescue rather than the dangers of ACM itself. 'The theory is that in a building of under 18 metres, you should be able to get out,' he says. 'The height has been set because it is where a ladder can reach, and as this is ultimately about life safety, a building you can escape from is viewed as less critical.'

A spokesperson for the DCLG says, 'The offer is for the initial test-

ing only and the cost of any remedial action will be the responsibility of the owner of the building. We would not expect individual leaseholders within a building to send off samples for testing.'

The DCLG says it has written to all local authorities and housing associations to outline funding arrangements, and says it will 'work with relevant bodies so current restrictions on the use of their financial resources do not prevent them from making essential fire safety upgrades to buildings.'

OTHER CAUSES

'It's important to say that so-called "full loss fires", which burn down the whole building, are very rare,' says Jerry Beere, director of childcare insurance specialist Morton Michel. 'I think we've seen three or four fires in early years settings in the past 25 years. What is much more common is a localised fire that takes out one room such as a kitchen. While it might be possible to relocate children, you will still have people coming in and out of the building and making changes, so it can be much more disruptive and expensive than you might think.'

Twickenham Park Day Nursery suffered a fire at night in its kitchen last year. Manager Jo Clarke says, 'It was just one of those freak things. We had all the correct procedures in place; it was not down to negligence. The fire doors really saved our bacon, I can't reiterate the importance of them. Thanks to them it was really only the kitchen that was written off.'

Even though existing fire safety regulations have come in for much criticism, Mr Beere also warns of the importance of following them for insurance purposes. 'It is very important that the owner has done what they are obliged to by statute. Electrical fires are more likely than anything else, and electrical safety is very clearly governed by stat- ➤



FURTHER INFORMATION

- Home Office guide to fire safety risk assessments for educational premises, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14887/fsra-educational-premises.pdf
- DCLG advice on providing ACM cladding for checks, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/622619/Melanie_Dawes_letter_to_private_residential_bodies.pdf
- Fire Protection Online guidance,

ute. If owners have wilfully refused to get PAT (portable appliance testing) done, for example, the insurance company is within its rights to say they are in breach of statutory requirements and refuse to pay out.'

RISK ASSESSMENT

The Regulatory Reform (Fire Safety) Order of 2005 states that 'a responsible person', defined as an owner, employer or occupier, must keep their premises safe from fire and ensure it is possible to escape safely.

The EYFS requires that providers 'take reasonable steps to ensure the safety of children, staff and others on the premises in the case of fire or any other emergency, and must have an emergency evacuation procedure'.

In the case of multiple occupancy of a building, the role of 'responsible person' should be shared, but nursery owners are ultimately responsible for carrying out fire checks for their settings themselves.

Guidance from the Home Office is available, but specifies that it has been written for fire assessments in (relatively) 'less complex premises'.

It states that any manager who feels they cannot follow the guidance 'should seek expert advice of a competent person. More complex premises will probably need to be assessed by a person who has comprehensive training or experience in fire risk assessment'.

Organisations such as the Fire Protection Association offer training on carrying out risk assessments, while some will do the assessments on nurseries' behalf, but these services come with a cost.

Fire Protection Online's website provides blogs with tips on doing your own risk assessment. Spokesman Stuart Collyer says, 'When we carry out assessments for people, first we look at hazards – electrical equipment or where cleaning products or cooking equipment are stored, and we install extinguishers or provide training on how to use fire equipment. Then we look at risk to people, especially children or people with mobility issues.'

'With very young children it's important to make sure there are measures in place to help them escape, like instructing adults to take them by the hand, and making sure fire escapes are as close as possible to the rooms they are based in to reduce the time it takes to exit.



Glenview Cottage Nursery found it wasn't fully insured

Thirdly, we look at how to tackle the fire, so extinguishers, blankets, how to raise the alarm, and so on.'

In theory, local authorities have the right to come and conduct tests at any time, and issue warning notices if they feel fire safety is not up to scratch. Simon Marciniak, solicitor at Miles and Partners LLP and chair of the Housing Law Practitioners' Association, says risk assessments are important for nursery owners and childminders for this reason.

He adds that managers working in settings owned by third parties would still have responsibility in the event of a fire on their premises.

He explains, 'In the event that the manager does not own the building, we are in the realm of what is called "occupied liability". This field of law states that any occupier still has a duty to ensure everyone on the premises is free from personal injury – there is an automatic duty of care and the liability would be on the manager for that.'

INSURANCE

The origins of property insurance can be traced back to the Great Fire of London in 1666, and Mr Beere says that as a result all nursery insurance policies will include fire cover. He adds, however, that there are three key aspects to fire insurance that a nursery manager must consider when choosing a policy:

- Are the contents fully covered? Equipment and resources should be covered for the full replacement value.
- Who is responsible for the building? If it is owned by a third party, it is up to them to get it insured.



FURTHER INFORMATION (CONTINUED)

www.fireprotectiononline.co.uk/info/fire-regulations-independent-shop

- Fire safety in the workplace, <https://www.gov.uk/workplace-fire-safety-your-responsibilities>
- Fire Safety Record by the Pre-School Learning Alliance allows providers to record fire safety training and equipment checks, <https://shop.pre-school.org.uk/A105/fire-safety-record>

- What will be the loss to revenue? If the nursery is forced to stop operating as a result of fire, the insurance company will pay out.

Mr Beere adds, 'There is no issue with fire from an insurance company point of view. Companies were initially set up more than 300 years ago to insure against fire, so they know what they are doing. Hopefully that means it shouldn't be an issue for owners either.'

The reality can sometimes feel different, however. Glenview Cottage Nursery in Tullibody, Scotland was the victim of an arson attack on the nursery garden in April. Nursery manager Heather O'Hagan says that while the attack did not mean the nursery had to close, dealing with the insurance claim was much more complicated than expected.

'Insurance documents are like a foreign language to a normal person,' she says. 'You aren't always covered for what you think you are. We were covered for the driveways and paths but not our AstroTurf, which was a disaster as it is the most expensive part and covered most of the garden. It was going to cost between £10,000 and £13,000 to resurface. They sent someone round to go through the documents and take photos, and even he said it was confusing.'

'We had to wait so long for him to come out [to the nursery], which was a real shame as we couldn't clear it for ages. It's such an eyesore and we had to warn parents before they came round, as the garden is the first thing you see when you arrive. It's absolutely clear the insurance company's main aim is to give you as little as possible. If the area is completely destroyed like ours was, it's very difficult to prove what was even there in the first place.'

'In the end they did agree to pay a small amount, but it meant we had to be very careful about what we decided to replace and it really was a battle. When you've been paying into a policy for 12 years and you've just gone through a fire, that's really the last thing you want to do.'

Ms O'Hagan says the nursery received a lump sum by June, and has now renewed the policy to make sure the garden is fully covered. ■