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| Fire risk management policy  Department of Health and Human Services |
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| To receive this publication in an accessible format [email Fire Services Team](mailto:dhhs-m-fst@dhhs.vic.gov.au) <dhhs-m-fst.screening@dhhs.vic.gov.au>  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Department of Health and Human Services, January 2020.  Where the term ‘Aboriginal’ is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.  **ISBN** 978-1-76069-140-0 **(pdf/online/MS Word)**  [Available at Fire Risk Management Procedures and Guidelines](https://providers.dhhs.vic.gov.au/fire-risk-management-procedures-and-guidelines) <https://providers.dhhs.vic.gov.au/fire-risk-management-procedures-and-guidelines> |
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# Who does this policy apply to?

This policy applies to all facilities in which the Department Health and Human Services owns, operates or funds which provide bed-based care, support or sleeping accommodation for clients under its care, but does not include typical domestic style dwelling and low, medium or high rise multi-dwelling facilities used for public housing stock for individual rental agreements with tenants or accommodation facilities used as boarding facilities, guest facilities, hostels or the like, or rooming facilities as defined in the Residential Tenancies Act 1997, and crisis accommodation.

## Policy purpose

1. The purpose of this policy is to set minimum standards for documenting and compliance reporting with statutory and Guideline requirements; it also ensures that appropriate fire and emergency response procedures will be in place.
2. To manage the risk to life due to fire in certain types of buildings which are owned, operated or funded by the department.

## Legislation and/or regulation

1. [Building Act 1993 as amended](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/2184e627479f8392ca256da50082bf3e/76fb6fc121677e38ca257624001fb276!OpenDocument) <http://www.legislation.vic.gov.au/Domino/Web\_Notes/LDMS/PubLawToday.nsf/2184e627479f8392ca256da50082bf3e/76fb6fc121677e38ca257624001fb276!OpenDocument>
2. [Building Interim Regulations 2017 as amended](http://www.legislation.vic.gov.au/domino/Web_notes/LDMS/PubLawToday.nsf/7e27929611f1d5c2ca256dac00186f32/46165cd76bc0dbefca2578c00019c553!OpenDocument) < http://www.legislation.vic.gov.au/domino/Web\_notes/LDMS/PubLawToday.nsf/7e27929611f1d5c2ca256dac00186f32/46165cd76bc0dbefca2578c00019c553!OpenDocument>
3. [Building Code of Australia](https://www.abcb.gov.au/) < https://www.abcb.gov.au/>
4. Australian Standard AS3745 – 2010 (Planning for emergencies in facilities)
5. Australia Standard AS4083 – 2010 (Planning for emergencies - Health care facilities)

## Organisation requirements

Chief executives and general managers of services, agencies, networks and other facilities are responsible for ensuring the implementation of appropriate fire risk management measures required to satisfy statutory requirements and the appropriate departmental guidelines.

## Protecting clients

Protecting clients from fire risk is an important part of their care and of paramount importance to the department. The Service agreement acknowledges that an organisation is responsible for complying with all laws, mandatory standards relating to fire protection, safety, health and general safety that apply to any premises from which the organisation owns or operates, irrespective of whether the relevant regulatory requirements place the obligation on the owner or occupier of those premises.

The applicable guidelines for fire risk for department owned, operated or funded buildings/services are the [Capital Development Guidelines, Series 7, Fire Risk Management, August 2013](https://providers.dhhs.vic.gov.au/capital-development-guidelines-series-7).  
<https://providers.dhhs.vic.gov.au/capital-development-guidelines-series-7>

[Available at Capital development guidelines – series 7](https://providers.dhhs.vic.gov.au/capital-development-guidelines-series-7) <https://providers.dhhs.vic.gov.au/capital-development-guidelines-series-7>.

An organisation entering into a Service agreement must have in place an appropriate system to protect people under its care. For this reason, the department is keen to clarify its role and the role of the organisation in protecting the department's clients from fire risk.

## Fire safety audit

Every facilities should be audited every 5 years in accordance with the Capital Development Guidelines, Series 7, Fire Risk Management, August 2013 or as required by the Fire Services Team to monitor ongoing compliance, and whenever a modification or addition is proposed to be made to the building. A fire safety audit can only be undertaken by a DHHS accredited practitioner

For further information on responsibilities for fire safety audits [contact your Fire Service Coordinator](mailto:dhs-m-frmuco-ordinators@dhhs.vic.gov.au)   
<dhs-m-frmuco-ordinators@dhhs.vic.gov.au>.

## Fire safety handbook

Every facility should have a fire safety handbook which is a unique document for each building or facility that defines the fire safety strategy for that building in terms of the required levels of compliance, performance, design parameters and maintenance requirements for each physical or human measure/factor. The department’s website has the required template for the [Fire Safety Handbook](https://providers.dhhs.vic.gov.au/fire-safety-handbook) <https://providers.dhhs.vic.gov.au/fire-safety-handbook>.

**Occupational Health and Safety**

The [Occupational Health and Safety Act 2004](http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/ohasa2004273/) <http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol\_act/ohasa2004273/> as amended (OHSA) and case law provide that what is ‘reasonably practicable’ is that which is reasonably able to be done at the particular time and in a particular circumstance. This is to be determined by taking into consideration all relevant matters including the following:

(a) likelihood of the hazard or risk eventuating

(b) degree of harm that would result if the hazard or risk eventuated

(c) knowledge, including what a person ought to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk

(d) availability and suitability of ways to eliminate or reduce the hazard or risk

(e) cost of eliminating or reducing that hazard or risk.

The severest degree of harm that may result from a fire can be multiple fatalities. In light of this, considerable efforts should be made to eliminate or minimise the likelihood of a fire occurring (for example, through choice of building materials and regulation of activities within buildings) and to eliminate or minimise harm to the health and safety of people from the fire (for example, through fire suppression and timely evacuation).

## Services provided in own home

For services provided to a client in their own primary residence (whether leased or owned by the client), the department expects that the client (and where appropriate, the owner of the premises) will have responsibility for their own fire safety and ensure that the premises meet all relevant building local laws and regulations or legislation, including retrospective obligations.

The department notes that the relevant authorities (for example, local councils and fire authorities, Metropolitan Fire and Emergency Services Board and Country Fire Authority) are responsible for enforcement of fire safety provisions.

Responsibility for a client's fire safety is not specifically part of the funded service but is implied through common law or other duty of care requirements.

## Other services

For services other than in the client's home, the organisation is required to ensure that the people in its care are appropriately protected from fire risk. This includes premises, operational readiness and client placement.

## Premises

The department expects that the premises meet the relevant building local laws, regulations or legislation in force at the time of construction, including provisions that apply retrospectively (for example, requirement for smoke alarms and fire sprinklers). Any subsequent building works must meet the relevant building permit provisions at the corresponding time.

Where this is not the case, or where the organisation determines that the premises do not provide an appropriate level of fire safety, the organisation is expected to ensure that the premises are brought up to minimum regulatory standard and in compliance with the [Capital Development Guidelines, Series 7, Fire Risk Management, August 2013](https://providers.dhhs.vic.gov.au/capital-development-guidelines-series-7) <https://providers.dhhs.vic.gov.au/capital-development-guidelines-series-7>.

## Operational readiness

The organisation must ensure that appropriate operational readiness measures are developed, implemented and reviewed. This includes (but is not limited to) fire emergency management and evacuation procedures, training of staff to implement the procedures developed, and maintenance of fire safety systems.

## Management tasks

Organisation must ensure that appropriate fire safety readiness measures are developed, implemented and reviewed. This includes:

* + Emergency Planning Committee
  + a fire risk audit less than 5-year-old
  + fire emergency management and evacuation procedures
  + training of staff to implement the procedures developed
  + undertake regular evacuation drills and exercises
  + maintenance of all the fire safety systems and any deviations through alternative solutions
  + having access to a Fire Safety Handbook
  + completing weekly safety checks
  + orientation of new staff.

## Emergency procedures

**DHHS Fire and emergency preparedness and response procedures and training framework 2018** has been prepared to provide a generic framework for the management of fire and other potential emergencies. And is a mandatory requirement for Children Youth and Families Out of Home Care Facilities.

[The fire and emergency preparedness and response procedures and training framework is available](http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/ohasa2004273/) at   
<http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol\_act/ohasa2004273/>.

It is expected that an organisation prepares for, and recovers from, emergencies in accordance with the ‘all hazards’ approach. This includes but is not limited to, fire, bushfire, flood, relocation, evacuation and prolonged service interruption

Additionally, the organisation must ensure essential safety measures (as defined in the Building regulations) are adequately maintained, and an annual essential safety measure report is prepared each anniversary after the date of the relevant occupancy permit for the building.

**O**rganisation must determine whether the premises are suitable for the client to be evacuated safely, taking into account any fire safety systems installed and the evacuation capacities of the client. Where any relevant change may affect the client's ongoing ability to evacuate safely, the suitability of the placement must be reassessed immediately and appropriate action taken as soon as possible.

**Maintenance of Essential Safety Measures** - the department will fulfil its responsibilities as owner of the premises by maintaining fire safety systems. The organisation must ensure that any factor that may affect the performance or operation of fire safety equipment, fire safety fittings, fire safety measures, exits and essential services that it becomes aware of is reported to the building owner.

### Client placement

Organisations must determine whether the premises are suitable for the client to be evacuated safely, taking into account the fire systems installed and the capacity of the client to evacuate. Where changes occur that may affect the client's ongoing ability to evacuate safely, the suitability of the placement must be reassessed immediately and appropriate action taken as soon as possible.

### Fire Safety Certification – compliance process

The CEO (or equivalent) of an organisation that provides bed-based services (Service Types 3, 4, 5 and 6 see table 1) is required to complete and provide the department with the relevant fire safety certificates as part of the Service agreement process.

Even though the Service agreement is for a three-year period, the certificates must be completed annually. This ensures that the organisation provides certification to the department that they have checked all relevant services and that they meet, and will continue to meet, the department's fire safety requirements. The CEO must have appropriate procedures in place to ensure ongoing maintenance and reporting.

The annual certificates to be used are included on the forms and certificates page (see above).

Certificates covering each financial year (1 July to 30 June) must be received by Fire Service Team by **1 September** in the following financial year or at a date agreed in writing with the department.

Service type, Capital Development Guideline and fire safety certificates

| Service Type | Capital Departmental Guideline (CDG) or Fire Services Practice Notes | Fire Safety Certificate No. |
| --- | --- | --- |
| Lead tenant services -  Bed based service not providing direct care support and supervision. Lead Tenant staff provide mentoring and/or counselling only. | Refer to fire services practice note applicable for:  1 client 1 staff (LT)  2 clients 2 staff (LT) | Not required |
| Service provided to adult persons in their private home (owned or leased) and excludes shared accommodation by unrelated clients | CDG 7.8 | Not required |
| Bed based service intended for non-statutory clients non-government owned premise, either with or without 24 hour rostered/live in staff support or supervision. | Refer to fire services practice note: | [Fire Safety Compliance - Certificate No. 3](https://providers.dhhs.vic.gov.au/fire-safety-compliance-certificate-no-3-word) <https://providers.dhhs.vic.gov.au/fire-safety-compliance-certificate-no-3-word> |
| Premises owned or leased by the State Government provided with bed-based services receiving rostered/live-in staff support or supervision. | CDG 7.4 | [Fire Safety Compliance - Certificate No. 4](http://www.dhs.vic.gov.au/__data/assets/word_doc/0010/719614/Fire-Safety-Certificate-No.4-080429.doc) <http://www.dhs.vic.gov.au/\_\_data/assets/word\_doc/0010/719614/Fire-Safety-Certificate-No.4-080429.doc> |
| Premises (not a private home) owned or leased by organisations with bed-based service receiving rostered/live-in staff support or. | CDG 7.4 & 7.7 | [Fire Safety Compliance - Certificate No. 5](https://providers.dhhs.vic.gov.au/fire-safety-compliance-certificate-no-5-word)  <https://providers.dhhs.vic.gov.au/fire-safety-compliance-certificate-no-5-word> |
| Public or Private Hospitals | CDG 7.6 | [Fire Safety Compliance - Certificate No. 6](https://providers.dhhs.vic.gov.au/fire-safety-compliance-certificate-no-6-health-service-pdf)  <https://providers.dhhs.vic.gov.au/fire-safety-compliance-certificate-no-6-health-service-pdf> |

**Annual certification process map** – See attachment 2

**Fire incidents** – Fire Damage to Asset reports

Organisations are required to report all incidents of fire by completing a fire damage to asset report available online on the FRMS data base. Fire damage to asset reports are also accessible from the [Funded agency channel](https://fac.dhhs.vic.gov.au/policies-and-procedures) <https://fac.dhhs.vic.gov.au/policies-and-procedures>

For FRMS data base access [please contact Fire Services Coordinator](mailto:dhs-m-frmuco-ordinators@dhhs.vic.gov.au) allocated for your area <dhs-m-frmuco-ordinators@dhhs.vic.gov.au>.

## Definitions

**Bed based service:** A service contracted to provide overnight accommodation for clients.

**Client:** Has the same meaning as that defined in the [Capital Development Guidelines, Series 7, Fire Risk Management, August 2013](https://providers.dhhs.vic.gov.au/capital-development-guidelines-series-7) <https://providers.dhhs.vic.gov.au/capital-development-guidelines-series-7> or as amended.

**Lead tenant:** A service which provides semi-independent accommodation in a household for people who are in transition to independent living using a live-in volunteer to facilitate a supportive environment.

**Private home or residence:** A home owned by the occupant(s), or a home formally or informally leased by the occupant(s).

**Statutory client:** Clients for whom the department has custody or guardianship. Clients who receive services pursuant to the [Children, Youth and Families Act 2005](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/cyafa2005252/) <http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol\_act/cyafa2005252/>.

**24-hour support or supervision:** Staff support, or supervision is provided whenever clients are in residence and includes active night and sleepover rosters.

## Fire Safety Certification Matrix

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Property Details | | | Annual Certification | | | Responsibilities | | |
| Program | Ownership | Operated by | Certificates- Agency signoff | Certificates - DHHS signoff | ESM Report | Maintenance Statement | Operational Attestation | Operational Sign off |
| Disability | DHHS | DHHS | N/A | 7.1 | FST | FST | DAS | DAS |
| Disability | DHHS | Agency | 4 | 7.1 | FST | FST | Agency | APSS |
| Disability | Agency | Agency | 5 | N/A | Agency | FST | Agency | N/A |
| CYF - Out of Home Care | DHHS | Agency | 4 | 7.1 | FST | FST | Agency | APSS |
| CYF - Out of Home Care | Agency | Agency | N/A | N/A | Agency | FST | Agency | N/A |
| Health - Drug and Alcohol, Mental Health | DHHS | Agency | 4 | 7.1 | FST | FST | Agency | APSS |
| Health - Drug and Alcohol, Mental Health | Agency | Agency | N/A | 7.1 | Agency | Agency | Agency | N/A |
| Juvenile Justice Bloomfield Ave & Ascot Vale Rd | DHHS | DHHS | N/A | 7.1 | FST | FST | DHHS | N/A |
| Hospitals | Hospital | Hospital | 6 | N/A | Hospital | Hospital | Hospital | Hospital |
| Lead Tenant | Both | Both | N/A | N/A | N/A | FST | N/A | N/A |
| Emergency Accommodation | Both | Both | N/A | N/A | N/A | FST | N/A | N/A |
| One Carer, One Client | Both | Both | N/A | N/A | N/A | FST | N/A | N/A |
| Independent Living | Both | Both | N/A | N/A | N/A | N/A | N/A | N/A |

### For further information

James McNally, Manager, Fire Services Team   
Telephone: (03) 9096 0649   
Email: [dhhs-m-fst@dhhs.vic.gov.au](mailto:dhhs-m-fst@dhhs.vic.gov.au)

#### In addition

All areas have an allocated Fire Service Coordinator who can be contacted by email at

<DHS-M-FRMU CO-ORDINATORS <dhs-m-frmuco-ordinators@dhhs.vic.gov.au>.