

RQIA SEMINAR FOR CARE HOME PROVIDERS

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THE ROSEPARK CARE HOME FIRE

PHOTOGRAPHS



Photographs are provided courtesy of the following:

- Building Research Establishment
- Dr J.H. Burgoyne & Partners LLP
- Crown Office & Procurator Fiscal Service
- The Scotsman
- Scottish Government

ROSEPARK CARE HOME





ROSEPARK CARE HOME





ROSEPARK CARE HOME, UDDINGSTON



THE FIRE

- OCCURRED AROUND 4.25 A.M. 31 JAN 2004
- 10 RESIDENTS DEAD AT SCENE 4 DIED IN HOSPITAL
- SEVERAL FAILED PROSECUTIONS

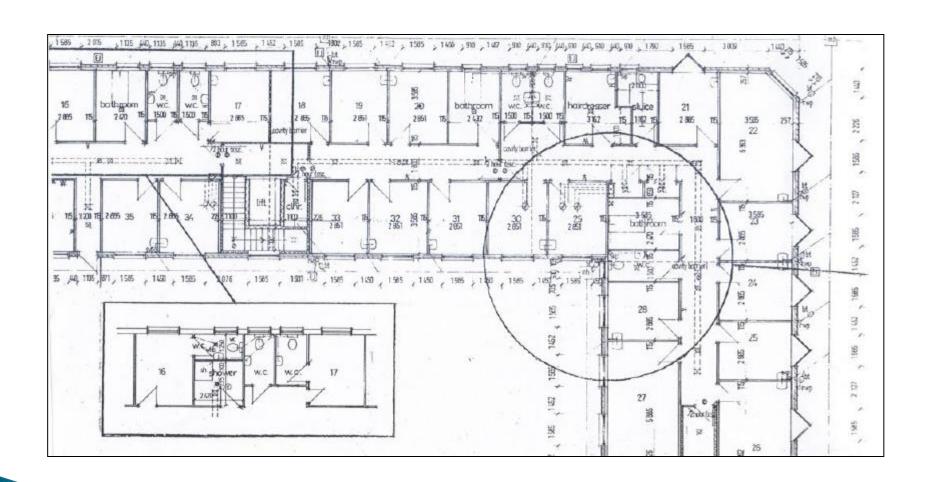
THE FAI



- ORDERED BY LORD ADVOCATE IN PUBLIC INTEREST
- UNDER THE FATAL ACCIDENTS AND SUDDEN DEATHS INQUIRY (SCOTLAND) ACT 1976
- 141 DAYS OF EVIDENCE BY 212 WITNESSES
- RAN FROM NOV 2009 AUG 2010
- PARTIES' SUBMISSIONS PUBLISHED IN APPENDIX

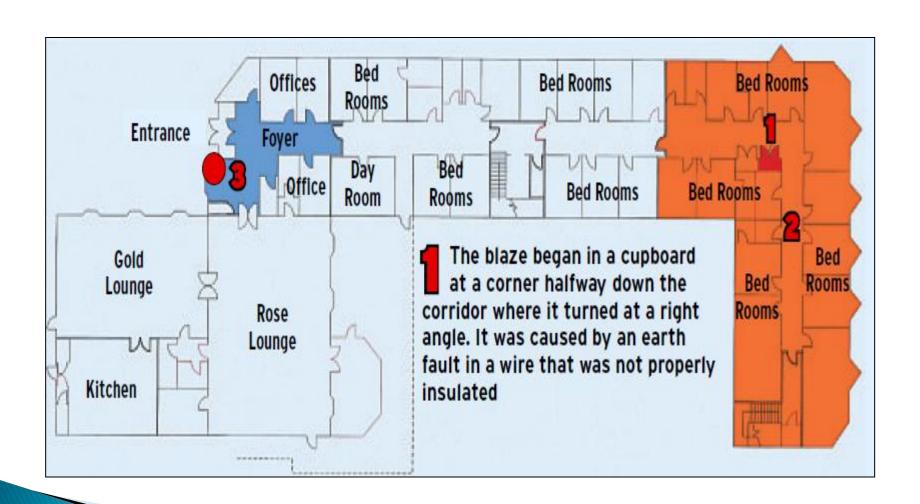
PART OF GROUND FLOOR PLAN





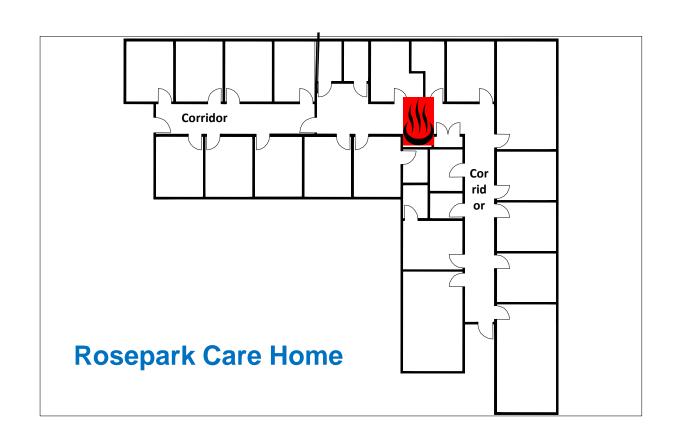
ROSEPARK CARE HOME, UDDINGSTON





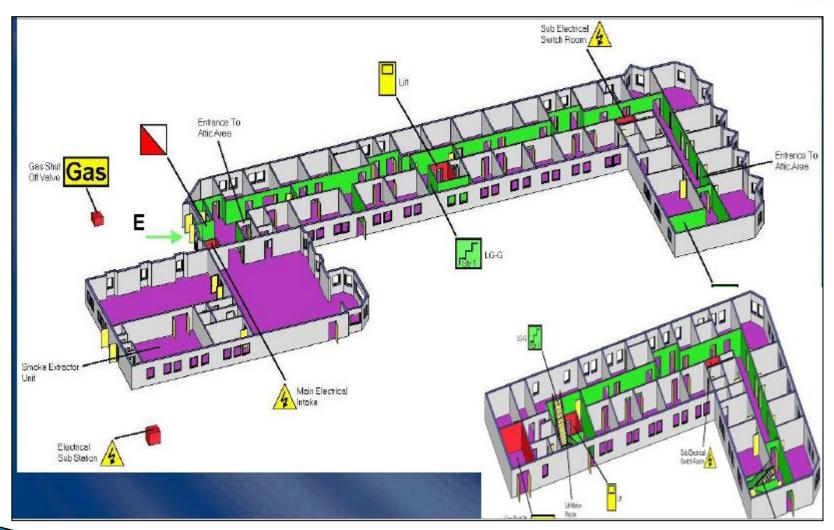
ROSEPARK CARE HOME, UDDINGSTON





PLAN OF HOME





ACTUAL HOME





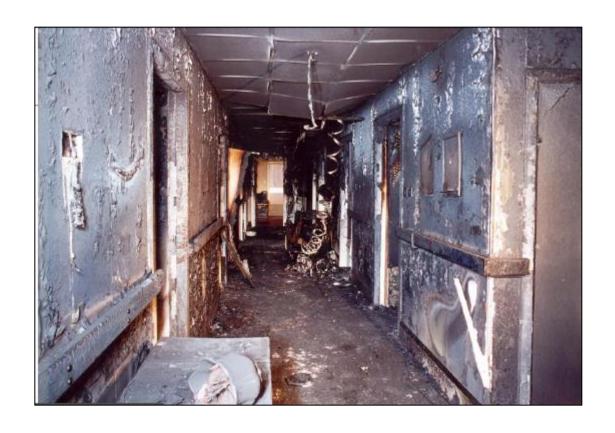






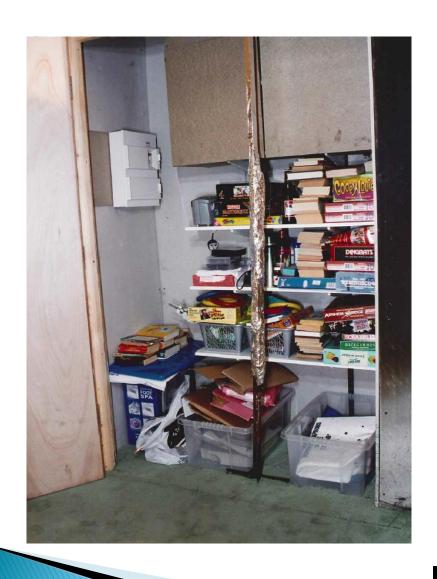
GROUND FLOOR CORRIDOR





IGNITION SOURCE



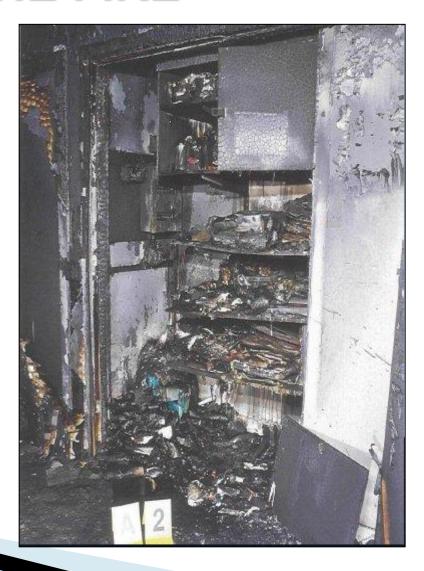


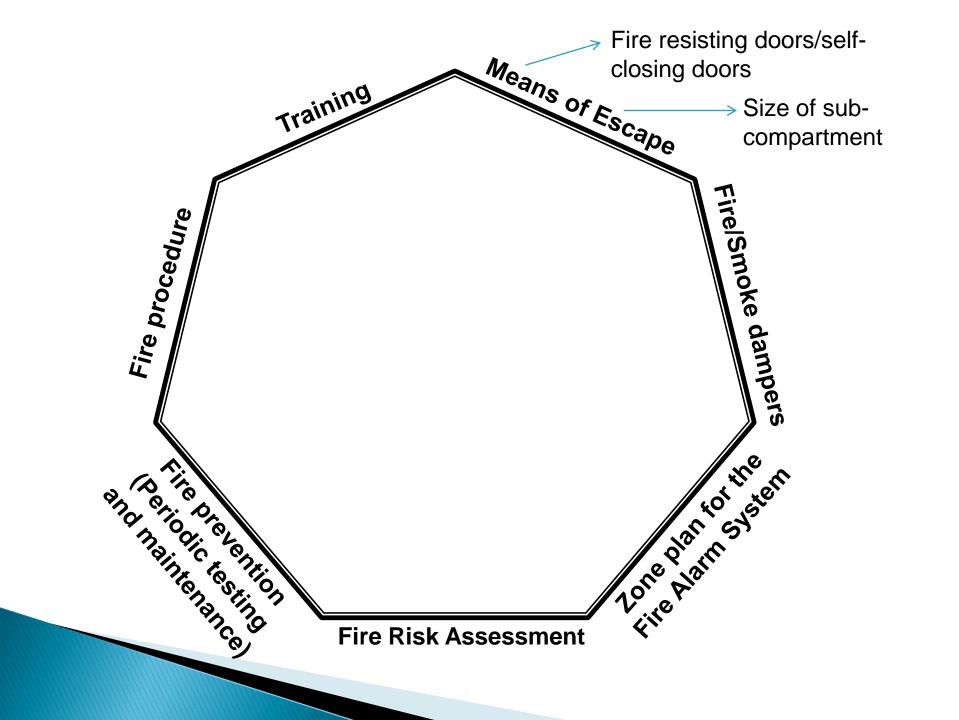




THE CUPBOARD AFTER THE FIRE









- **THE CROWN**
- THE BALMERS
- STRATHCLYDE F&RS
- NHS LANARKSHIRE
- CARE COMMISSION
- NORTH LANARKSHIRE COUNCIL
- SCOTTISH MINISTERS
- GEORGE MUIR

- ALEXANDER ROSS
- SARAH MEANEY
- ISOBEL QUEEN
- BRIAN NORTON
- IRENE RICHMOND
- YVONNE CARLISLE
- JOSEPH CLARK
- JAMES REID

A SHERIFF'S DETERMINATION



- DOES NOT ESTABLISH BLAME, FAULT OR CIVIL/CRIMINAL LIABILITY
- ESTABLISHES (ON BALANCE OF PROBABILITY):
 - WHERE/WHEN DEATHS AND ACCIDENT TOOK PLACE
 - CAUSES OF DEATHS AND ACCIDENT
 - REASONABLE PRECAUTIONS WHEREBY DEATHS AND ACCIDENT MIGHT HAVE BEEN AVOIDED
 - ANY DEFECTS IN ANY SYSTEM OF WORKING CAUSING/ CONTRIBUTING TO ACCIDENT OR DEATHS
 - ANY OTHER FACTS RELEVANT TO CIRCUMSTANCES OF DEATHS
- "REASONABLE PRECAUTIONS" APPLIES "WISDOM OF HINDSIGHT"



WHERE AND WHEN DEATHS TOOK PLACE

- THOSE DEAD AT SCENE DIED IN THEIR ROOMS AT AROUND 4.38 A.M. 4.39 A.M.
- FOUR DEATHS OCCURRED IN HOSPITALS ON 1 OR 2 FEB

WHERE AND WHEN ACCIDENT TOOK PLACE

- FIRE STARTED AT 4.25 A.M. ON 31 JAN 2004
- FIRE STARTED LOW DOWN IN CUPBOARD IN UPPER CORRIDOR



CAUSES OF DEATHS

INHALATION OF SMOKE AND THE FIRE GASES

CAUSE OF ACCIDENT

- EARTH FAULT WHERE CABLE PASSED THROUGH KNOCKOUT IN DIS BOARD
- LIVE CONDUCTOR CAME INTO CONTACT WITH METAL EDGE OF KNOCKOUT
- ARC GENERATED
- CABLE SHEATH STRIPPED BACK TOO FAR
- KNOCKOUT HAD NO GROMMET
- PVC INSULATION ABRADED
- SPARKS IGNITED EITHER COMBUSTIBLES OR FLAMMABLE CLOUD

FINDINGS



REASONABLE PRECAUTIONS

RP1: GROMMET AT KNOCKOUT AND CABLE
SHEATH NOT STRIPPED BACK (FIRE AND ALL

DEATHS)

RP2: INSPECTION AND TESTING OF ELECTRICAL INSTALLATION (FIRE AND ALL DEATHS)

- ON COMPLETION
- WHEN CABLE ADDED
- WHEN INSTALLATION 5 AND 10 YEARS OLD



RP3: PROTECTION OF MEANS OF ESCAPE

RP3.1: CUPBOARD DOORS

RP3.1.1: CUPBOARD DOORS LOCKED SHUT OR

AT LEAST SECURELY CLOSED (SOME

OR ALL DEATHS)

RP3.1.2: FIRE DOORS TO CUPBOARD (SOME OR

ALL DEATHS IF SECURELY CLOSED)



RP3.2: CLOSED BEDROOM DOORS

- ONLY TWO BEDROOM DOORS CLOSED
- WOULD HAVE BEEN RP TO FIT DOOR RELEASE MECHANISMS
- DEVICES AVAILABLE AT ALL RELEVANT TIMES
- RELIANCE ON STAFF WOULD NEED ATTENTION TO TRAINING/DRILLS/STAFF NUMBERS
- SUITABLE AND SUFFICIENT FRA WOULD HAVE IDENTIFIED NEED
- CLOSED DOORS WOULD HAVE STARVED FIRE



RP3.2 (cont'd):

EFFECTS ON OUTCOME

- IMPROVED PROSPECTS FOR TWO RESIDENTS WITH CLOSED DOORS
- OTHER DEATHS IN THAT CORRIDOR MIGHT HAVE BEEN AVOIDED
- TWO RESIDENTS IN NEXT CORRIDOR MIGHT HAVE SURVIVED
- RP3.3 SMOKE SEALS ON BEDROOM DOORS (TWO DEATHS)
- RP3.4 MINIMISE COMBUSTIBLES IN CUPBOARD;
 PARTICULARLY NO AEROSOLS (TWO DEATHS PLUS ALL
 OTHERS IF PROMPT STAFF ACTION AND SECURED DOORS)



RP3.5: SUBDIVIDE CORRIDOR 4 (7 DEATHS)

- OBVIOUS TO FIRE SAFETY PROFESSIONAL
- WOULD HAVE BEEN IDENTIFIED BY SUITABLE AND SUFFICIENT FRA

ALTERNATIVES

- INTERIM MEASURE -TAKE FEWER RESIDENTS
- MOVED HEAVILY DEPENDENT RESIDENTS ELSEWHERE
- SPRINKLER SYSTEM
- ADDITIONAL STAFF AT NIGHT

FINDINGS



REASONABLE PRECAUTIONS

RP3.6: FIRE DAMPERS (2 DEATHS FROM SMOKE

INHALATION PLUS DIFFERENT STAFF/FIRE

SERVICE ACTIONS SO SOME OF OTHER DEATHS)

RP4: PROMPT AND EFFECTIVE ACTION BY STAFF

RP4.1 CLEAR INFO AT FIRE PANEL,

PARTICULARLY ZONE PLAN (SOME OR ALL

DEATHS)



RP4.2: TRAINING AND DRILLS (SOME OR ALL

DEATHS)

RP4.3: INSTRUCTION OF MATRON IN NEW

FIRE PANEL (SOME OR ALL DEATHS)

RP5: EARLY INVOLVEMENT OF FIRE BRIGADE

(4 DEATHS NOT OTHERS)

RP5.1: IMMEDIATE CALL/EMERGENCY

PROCEDURE/ARC CONNECTION (9 MIN

DELAY)



RP5.2: INFO FOR 999 CALL IN MATRON'S OFFICE

RP5.3: ACCESS ADDRESS AT TOP OF CALLOUT

SLIP

RP5.4: CLASSIFICATION OF ROSEPARK AS

SPECIAL RISK, SO ANNUAL 1(i)(d) EACH

WATCH

RP5.5: FIRST APPLIANCE TO HAVE ATTENDED

ROSEPARK AVENUE (4 MIN 25 SEC DELAY)



RP6: SUITABLE AND SUFFICIENT FRA (FIRE AND SOME OR ALL DEATHS)

- FRA BY NOT SUITABLE AND SUFFICIENT
- NO ACTION BY MANAGEMENT IN ANY CASE
- FAILED TO CONSIDER RESIDENTS
- FAILED TO ADDRESS MANY ISSUES



RP7: EARLY AND SUFFICIENT RESOURCING OF

INCIDENT BY FIRE BRIGADE (ONE DEATH)

- SHERIFF ACKNOWLEDGES FIRE UNIQUE

IN 14 WAYS NOT KNOWN TO OIC

NOW, WITH BENEFIT OF HINDSIGHT:

RP7.1: OIC TO EXAMINE FIRE PANEL/ZONE CARD

TO VERIFY STAFF INFO

RP7.2: OIC TO TREAT UPPER FLOOR RESIDENTS

AS UNACCOUNTED FOR



RP7.3: OIC TO CONFIRM WHETHER BEDROOM

DOORS OPEN OR CLOSED

RP7.6: MAKE PUMPS 6 MESSAGE 35 MINS

EARLIER WHEN "PERSONS REPORTED"

SENT

FINDINGS



DEFECTS IN ANY SYSTEM OF WORKING

DS1: MAINTENANCE OF ELECTRICAL

INSTALLATION (FIRE AND ALL DEATHS)

DS2: FIRE SAFETY TRAINING AND DRILLS

(SOME OR ALL DEATHS)

DS3: MANAGEMENT OF FIRE SAFETY

DS3.1: MANAGEMENT OF FIRE SAFETY WAS

SYSTEMATICALLY AND SERIOUSLY

DEFECTIVE (SOME OR ALL DEATHS)

FINDINGS



DEFECTS IN ANY SYSTEM OF WORKING

DS3.2: A NUMBER OF KEY CIRCUMSTANCES

WOULD HAVE BEEN DIFFERENT (SOME OR

ALL DEATHS)

DS4: MANAGEMENT OF CONSTRUCTION

PROCESS [FAILURE TO IDENTIFY

ABSENCE OF ELEC INSPECTION/TESTING

CONTRIBUTED TO FIRE AND DEATHS]



DEFECTS IN ANY SYSTEM OF WORKING

DS5:

INTERACTION BETWEEN ROSEPARK AND LANARKSHIRE HEALTH BOARD (SOME OR ALL DEATHS)

- INADEQUATE APPRECIATION OF STATUTORY RESPONSIBILITIES
- NO SETTING OF STANDARDS FOR SUITABLE AND SUFFICIENT FIRE PRECAUTIONS
- HEALTH BOARD DID NOT RECOGNIZE THAT IT SHOULD HAVE EXAMINED FIRE PRECAUTIONS
- FUNDAMENTAL MISUNDERSTANDING OF ROLE OF STRATHCLYDE F&RS

FINDINGS



OTHER RELEVANT FACTS

OF1: STRATHCLYDE F&RS WERE NOT INSPECTING CARE

HOMES

OF2: THE CARE COMMISION AND ITS INTERACTION WITH

ROSEPARK 2002-2004

- NATIONAL CARE STANDARDS RESULTED IN WEAKER REGIME OF INSPECTION

- IN 2003 FIRE SAFETY AT ROSEPARK NOT SCRUTINISED IN ANY DEPTH
- WAY IN WHICH FIRE PRECAUTIONS EXAMINED UNLIKELY TO UNCOVER DEFECTS IN POLICIES/PROCEDURES
- FOCUS ON CARE, RATHER THAN SAFETY
- NO BASIS FOR FINDINGS THAT APPROPRIATE POLICIES/PROCEDURES/RECORDS/STAFF KNOWLEDGE

FINDINGS



OTHER RELEVANT FACTS

OF3: CARE COMMISSION/STRATHCLYDE F&RS

UNDERSTANDING OF RESPECTIVE ROLES

OF4: COMPLETION CERTIFICATE ISSUED WHEN

SERIOUS COMPLIANCE FAILURE (DAMPERS)

OF5: NO EXTERNAL CHECK OF DOCUMENTATION FOR

TESTING/INSPECTION OF ELEC AND VENTILATION

INSTALLATIONS

OF6: NO STATUTORY REQUIREMENT FOR QUALS OF

FIRE RISK ASSESSORS OF CARE HOMES

FINDINGS



OTHER RELEVANT FACTS

OF7: DEVELOPMENTS SINCE THE FIRE

OF7.1: ADVISORY VISITS AFTER FIRE

OF7.2: MoU BETWEEN CARE COMMISSION AND THE

8 F&RS

OF7.3: OPERATIONAL CHANGES AND

DEVELOPMENTS IN STRATHCLYDE F&R

OF7.4: THE FIRE (SCOTLAND) ACT

OF8: CHANGES MADE TO BUILDING REGULATIONS

OF9: CHANGES AT ROSEPARK ITSELF

FINDINGS



OTHER RELEVANT FACTS

OF10: FUTURE REGULATORY DEVELOPMENTS

- SCSWIS (LOSE PRIVATE HOSPITALS)

OF11: SHERIFF COMMENDS COLIN TODD'S

RECOMMENDATIONS TO SCOTTISH

MINISTERS FOR CAREFUL

CONSIDERATION

SHERIFF'S CONCLUSIONS



- Fire Safety Consultants
- 1. BALMER CARE HOMES LTD HAVE TAKEN STEPS TO ERADICATE DEFICIENCIES.
- 2. THE HEALTH BOARD'S APPROACH WAS DEFECTIVE. THE CARE COMMISSION'S APPROACH ADOPTED THE TENOR OF THE LEGISLATION. F&RS NOW CARRY OUT INSPECTIONS.
- 3. STRATHCLYDE F&RS HAVE IMPLEMENTED CHANGES.
- 4. SHERIFF MAKES PROPOSALS RE ROLE OF ARCHITECT AND BUILDING CONTROL.
- 5. THERE SHOULD BE CHECKING OF DOCUMENTATION RE INSPEC/TEST OF ELEC/VENT SYSTEMS. CONSIDERATION SHOULD BE GIVEN TO CERT OF COMPARTMENTATION AT REGISTRATION.

SHERIFF'S CONCLUSIONS



- 6. STAFF TRAINING RE DUTIES IS REQUIRED. DUTIES SHOULD BE AUDITED.
- 7. THERE SHOULD BE FORMAL FOOTING FOR RELATIONSHIP BETWEEN SCSWIS, F&RS AND HSE.
- 8. SHERIFF COMMENDS COLIN TODD'S REPORT TO SCOTTISH MINISTERS.
- 9. RESIDENTS/POTENTIAL RESIDENTS SHOULD BE REASSURED. SCOTTISH MINISTERS WILL CONSIDER WHETHER GUIDANCE REQUIRES FURTHER REVISION IN VIEW OF DETERMINATION AND IN PARTICULAR RECS OF COLIN TODD.

C. S. TODD RECOMMENDATIONS



Fire Safety Consultants

- 1. INSPECTION AND TESTING OF ELECTRICAL INSTALLATIONS
- 2. ADDRESSABLE FIRE ALARM SYSTEMS
- 3. ZONE PLANS
- 4. STAFFING NUMBERS
- 5. SPRINKLER SYSTEMS
- 6. PROTECTED CORRIDORS
- 7. SELF CLOSING DEVICES
- 8. ARC CONNECTIONS
- 9. STAFF ALARMS

C. S. TODD RECOMMENDATIONS



Fire Safety Consultant.

- 10. THIRD PARTY CERTIFICATION
- 11. STAFF TRAINING
- 12. ROUTINE INSPECTIONS
- 13. PLANS FOR FRS USE
- 14. PRINCIPLE OF CARE
- 15. CALL CHALLENGING
- 16. FAMILIARIZATION VISITS
- 17. COMPETENCE OF RISK ASSESSORS
- **18. INFORMATION ON FIRE STRATEGY**

INSPECTION AND TESTING OF ELECTRICAL INSTALLATIONS



- SHOULD BE CARRIED OUT EVERY 5 YEARS
- COULD THIS BE A CONDITION FOR REGISTRATION?
- SHOULD REGISTRATION BODY CHECK CERTIFICATES?
- SHOULD THERE BE REQUIREMENTS FOR COMPETENCE?
- SHOULD THERE BE SIMILAR REQUIREMENTS FOR PAT?
- SYSTEM AT ROSEPARK NOW INSPECTED QUARTERLY

ADDRESSABLE FIRE ALARM SYSTEMS



- THE ROSEPARK SYSTEM WAS CONVENTIONAL
- RAPID LOCATION OF A FIRE IN A CARE HOME AT NIGHT IS CRITICAL
- ADDRESSABLE SYSTEMS OFFER MAJOR ADVANTAGES
- BSI HAVE AMENDED BS 5839-1
- REPLACEMENT SYSTEMS SHOULD BE ADDRESSABLE
- ROSEPARK SYSTEM IS NOW ADDRESSABLE



- A RECOMMENDATION OF BS 5839-1 SINCE 1988
- A PLAN IS NEEDED (A CHART/LIST DOES NOT COMPLY)
- · THIS IS THE WELL-KNOWN "BLIND SPOT"
- BENEFITS TO THE F&RS ARE OBVIOUS
- BSI HAVE NOW MADE FREQUENT, EMPHATIC REFERENCES IN BS 5839-1

STAFFING NUMBERS



- MEDIUM SIZED CARE HOMES PRESENT THE GREATEST RISK
- DCLG GUIDANCE IS UNREALISTIC
- SCOTTISH GOVERNMENT IS MORE PRAGMATIC AND PRACTICAL
- NO BENCHMARKS EXIST (BUT ARE GIVEN IN HTM 84)
- SCOTTISH GOVERNMENT WILL NOT GIVE BENCHMARKS



- A REQUIREMENT OF THE BUILDING (SCOTLAND) REGULATIONS
- · IN NI, NO REQUIREMENT
- IN E&W, SPRINKLERS OFFER "DESIGN FREEDOMS"
- POTENTIAL FOR RETRO-FITTING
- POTENTIAL FOR PARTIAL PROTECTION (SCOTTISH GOVERNMENT ACCEPT THIS)
- · INTERFACE WITH STAFF NUMBERS

PROTECTED CORRIDORS



Fire Safety Consultar

- NEED IS OBVIOUS
- HIGH LEVEL OF INTEGRITY REQUIRED
- DETERMINATION IN E&W REGARDING SELF-CLOSING DEVICES ON BEDROOM DOORS

SELF-CLOSING DEVICES



- · A LONG-STANDING CONTENTIOUS ISSUE!
- ULTIMATE SOLUTION IS SWING-FREE DEVICES
- ACOUSTICALLY-LINKED SWING-FREE AVAILABLE
- RADIO-LINKED DOOR RELEASE DEVICES AVAILABLE
- BS 7273-4 ADVISES AGAINST ACOUSTICALLY-LINKED DEVICES ON STAIRWAYS
- DETERMINATION IN E&W



- AT ROSEPARK, 9 MINUTES DELAY IN SUMMONING F&RS
- ARC CONNECTIONS NOW REQUIRED UNDER BUILDING (SCOTLAND) REGULATIONS
- BSI HAVE AMENDED BS 5839-1 TO RECOMMEND ARC CONNECTIONS IN CARE HOMES
- POTENTIAL FOR LOSS OF ARC SERVICE IN E&W (IF CHARGING ARISES)



SHERIFF'S VIEW:

"The dangers of delaying a call to the fire service in the event of a fire alarm sounding in a care home at night are plain from the circumstances of this case."

"In the case of a residential care home, where one is dealing with a large life risk to elderly people, it is absolutely essential that the home's fire procedure should require a call to the fire brigade immediately the fire alarm sounds."

STAFF ALARMS



SHERIFF'S VIEW:

"There are no circumstances in which one would condone a procedure that involved sending members of staff to look and see if there was a fire before calling the fire brigade. Any delay would be a matter of grave concern."



7.4

- SCOTTISH GOVERNMENT WILL STRENGTHEN GUIDANCE RE IMMEDIATE CALL TO THE F&RS AT NIGHT
- SCOTTISH GOVERNMENT WILL PROBABLY CONSIDER ANY DELAY UNACCEPTABLE, EVEN DURING THE DAY
- BSI HAVE AMENDED BS 5839-1 TO ADVOCATE AGAINST STAFF ALARMS IN CARE HOMES

THIRD PARTY CERTIFICATION



Fire Safety Consultan

- TRADITIONALLY, MAJOR CONTRAST BETWEEN THE VIEW OF REGULATORS IN E&W AND SCOTLAND
- E&W RECOGNIZE AND EMPHASIZE THE BENEFITS
- SCOTTISH GOVERNMENT HAVE AMENDED THE FIRELAW WEBSITE
- SCOTTISH GOVERNMENT WILL AMEND SECTOR-SPECIFIC GUIDE (PLUS OTHER GUIDES ON REVISION)



· A WELL-KNOWN "CINDERELLA" AREA

CARE REGARDING TOKEN COMPLIANCE

ROUTINE INSPECTIONS



- FRA IS LIKE AN MOT
- SCOTTISH GOVERNMENT CONSIDERING WHETHER EXISTING GUIDANCE IS ADEQUATE



 PLANS OF ROSEPARK WERE NOT AVAILABLE TO THE F&RS

- · VALUE IS OBVIOUS
- SCOTTISH GOVERNMENT NOT CONVINCED THAT THIS SHOULD BE A MATTER FOR THE HOME

PRINCIPLE OF CARE



FIRE REMAINS AN "ADD-ON"

 SCOTTISH GOVERNMENT CONSIDERING ADEQUACY OF MESSAGE IN GUIDANCE

CALL CHALLENGING



- NOT ADOPTED IN SCOTLAND IN ANY CASE
- BUT CAUTION NEEDS TO BE EXERCISED IN THE CASE OF CARE HOMES
- NOTE THE VIEWS OF THE SHERIFF

FAMILIARIZATION VISITS



- CARE HOMES SHOULD BE ENCOURAGED TO BE PRO-ACTIVE
- THIS IS CONSISTENT WITH THE MANAGEMENT OF HEALTH & SAFETY AT WORK REGULATIONS 1999
- COULD BE ARGUED AS CONSISTENT WITH REGULATION 12(3)(c) OF THE FIRE SAFETY REGS (NI) ("ARRANGE NECESSARY CONTACTS")



- A MAJOR HOT TOPIC
- THE FRA FOR ROSEPARK WAS NOT SUITABLE AND SUFFICIENT
- AN AREA OF HUGE ACTIVITY
- A NEW THIRD PARTY CERTIFICATION SCHEME WAS FORMALLY LAUNCHED ON 30 MAY 2012
- THIRD PARTY COMPETENCE SCHEMES NOW RECOGNIZED BY SCOTTISH GOVERNMENT

INFORMATION ON FIRE STRATEGY



- SCOTTISH GOVERNMENT AGREE THAT A GAP EXISTS BETWEEN BUILDING DESIGN AND ONGOING USE
- IN E&W, GAP WAS BRIDGED BY REGULATION 38 (PREVIOUSLY 16B)
- FIRE STRATEGY NEEDS TO BE AVAILABLE TO CARE HOME OPERATOR AND FIRE RISK ASSESSOR



PERSON REGISTRATION OR CERTIFICATION

PROFESSIONAL BODY REGISTERS: IFE: 166. (NI: 54 OPERATE.

7 BASED.)

IFSM: 118 (1 BASED IN NI)

IFPO: 13 (NI: 6 OPERATE.

1 BASED.)

• CERTIFICATION BODIES:

WARRINGTON CERTIFICATION: (FRACS). UKAS ACCREDITED. (23)

RoSP: UKAS ACCREDITED. (?)



COMPANY CERTIFICATION

- BAFE SP 205. UKAS ACCREDITED. (11)
 AVAILABLE FROM ECA CERTIFICATION, NSI or SSAIB
- WARRINGTON CERTIFICATION (FRACS COMPANY). (1)
- · FUTURE IFC CERTIFICATION SCHEME.



- A VERY HOT TOPIC! (DCLG RESEARCH PROJECT FOUND DEMAND BY BUSINESS COMMUNITY)
- FRACC HAVE PRODUCED GUIDANCE ON COMPETENCIES REQUIRED



FRACC: GUIDANCE TO DUTYHOLDER

FREE DOWNLOAD FROM RQIA WEBSITE

"The FRACC recommends the use of fire risk assessment companies, including sole traders, which are third party certificated to appropriate schemes operated by Certification Bodies which have been UKAS accredited to certificate against such schemes."