



SCOTTISH
FIRE AND RESCUE SERVICE

Working together for a safer Scotland

PREVENTION & PROTECTION
FIRE SAFETY ENFORCEMENT
POLICY FRAMEWORK
2017

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SCOTTISH FIRE & RESCUE SERVICE

Prevention and Protection Directorate

Fire Safety Enforcement

Policy Framework

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1 Introduction

1.1 Setting Direction

- 1.1.1 This Policy Framework sets out the principles, policies and priorities for Fire Safety Enforcement, which will contribute to improving fire safety outcomes in partnership with the Scottish Government, Local Authorities, and other key stakeholders.
- 1.1.2 The Policy Framework is inspired by the Scottish Fire and Rescue Service (SFRS) [Strategic Plan](#)¹, which in turn is directed by the Scottish Government's [Fire and Rescue Framework for Scotland 2016](#)² and should be read in conjunction with these documents. Cognisance should also be taken of the Prevention and Protection Directorate Plan as this provides specific strategic direction for all directorate framework documents.
- 1.1.3 Prevention and Protection encompasses four main facets of SFRS activities, namely:
- Community Safety Engagement (CSE)
 - Fire Safety Enforcement (FSE)
 - Fire Engineering (FE) and
 - Fire Investigation (FI)
- 1.1.4 In order to effectively manage service delivery across all of the above functions, specific plans and good practice will be developed that will provide more detailed information and guidance on areas of responsibility. This Policy Framework will indicate where and how Fire Safety Enforcement contributes to the priorities and outcomes detailed in the SFRS Strategic Plan.
- 1.1.5 The SFRS recognises that delivering integrated and improved local outcomes requires effective partnerships and information sharing between organisations in the public, business and voluntary sectors. The discipline of Fire Safety Enforcement is specialist and highly skilled and demonstrates one example of where cooperation between partners must be continuously refined to achieve desired results and best value.

¹ SFRS Strategic Plan (Current Version) - <http://www.firescotland.gov.uk/about-us/strategic-plan.aspx>

² The Fire and Rescue Framework for Scotland 2016 – <http://www.gov.scot/Resource/0049/00499541.pdf>

2 Corporate Strategy

2.1 Fire and Rescue Framework for Scotland

2.1.1 As stated previously, the Policy Framework is firmly embedded in national and corporate planning through its support of the Fire and Rescue Framework for Scotland as well as the SFRS's Strategic Plan. Notwithstanding this, it is important to note that the SFRS makes a contribution to the Scottish Government strategic objective of making Scotland **Safer and Stronger**³, particularly by supporting four of the national outcomes:

- We live longer, healthier lives (National Outcome 6)
- We live our lives safe from crime, disorder and danger (National Outcome 9)
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others (National Outcome 11)
- Our public services are high quality, continually improving, efficient and responsive to local people's needs (National Outcome 16)

2.1.2 The Fire and Rescue Framework for Scotland 2016 highlights the purpose of the SFRS, which is 'to work in partnership with communities and with others in public, private and third sectors on prevention, protection and response, to improve the safety and well-being people throughout Scotland'. This will assist us in ensuring our focus is firmly on Working Together for a Safer Scotland.

2.2 SFRS Strategic Plan

2.2.1 This Policy Framework sets the direction to be taken in order for SFRS to be able to return positive results and to achieve our aims as reflected in the Strategic Plan. Through the identification and delivery of priorities set out in the Fire and Rescue Framework for Scotland and by contributing towards the objectives contained within the SFRS Strategic Plan, we are confident that our journey in working with our partners and the communities of Scotland will achieve positive outcomes.

2.2.2 Through this Policy Framework we specifically aim to support the following strategic priorities:

- The SFRS should fully contribute to improving the safety and well-being of Scotland's communities and embed a prevention focus within the Service. (Strategic Priority 2: Safety, Well-being and Prevention)

³<http://www.gov.scot/About/Performance/scotPerforms/outcome>

- Community planning and partnership working with other services and communities should be embedded throughout the SFRS. (Strategic Priority 5: Partnership)
- The SFRS should develop a process for recording the number of blue light journeys made in response to unwanted fire alarm signals (UFAS). (Strategic Priority 8: Unwanted Fire Alarms Signals)
- The SFRS should ensure it has an effective approach to performance management to support robust scrutiny of the Service at national and local levels. It should also collect, produce and analyse data and other intelligence to promote the safety and well-being of communities. (Strategic Priority 9: Effective Governance and Performance)
- The SFRS should aim to be an employer of choice – maximising the effectiveness of its approach to workforce planning; promoting the safety, health and well-being of all staff; and being a learning organisation with opportunities for all. (Strategic Priority 10: People).

2.3 Prevention and Protection Directorate Plan

- 2.3.1 It is obvious from the scrutiny of our purpose and priorities just how much the FRS in Scotland has changed in the past few years in moving from a predominantly emergency response service to one that has prevention at its heart. In recent years, it has become apparent that fires, and indeed other emergencies, are not random or merely a function of chance – rather they are more often an outcome of social and economic factors.
- 2.3.2 Where and when fires occur cannot be predicted precisely but clear trends and patterns can be identified, including localities, the social groups and properties most at risk and even the times of day when there is a clear prevalence of incidents. This knowledge not only assists with the planning of enforcement activity and operational response, but also aids the targeting of community safety, prevention and protection work more accurately, so as to best prevent emergencies by affecting and changing behaviours and fire safety deficiencies that lead up to these events. Sharing of information and joint planning improves the accuracy of this work.
- 2.3.3 The four facets to the P&P Directorate work closely together and share key information and experiences that are utilised in the formation of policies and procedures.
- 2.3.4 The directorate will continue to ensure it does not work in isolation and will continue to interact with both internal and external partners to ensure the highest standard of service provision, communication and information sharing is maintained and developed. FSE and FE work closely alongside each other and the interaction between them, FI and CSE and partner interface are shown in the diagram below.

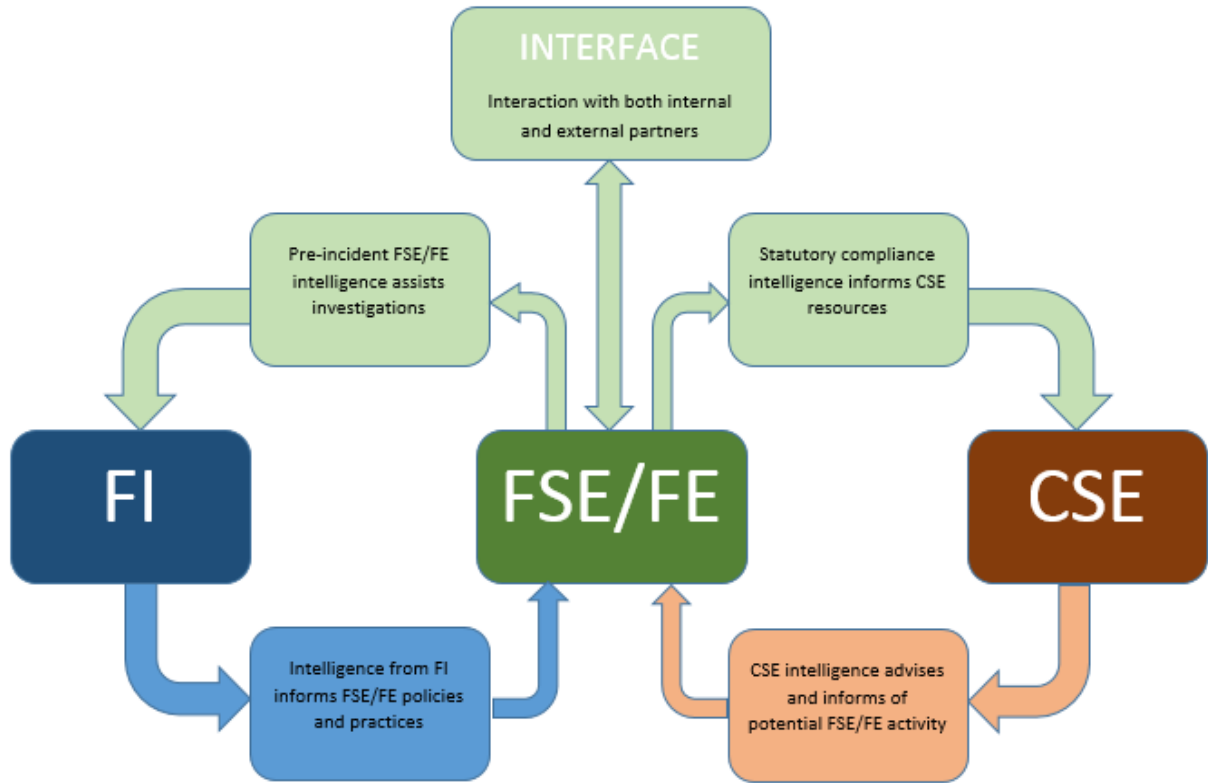


Figure 1 details the integration within the Directorate and partners

3 Fire Safety Legislation and Statutory Requirements

3.1 Statutory responsibilities - Fire (Scotland) Act 2005 as amended

- 3.1.1 The SFRS enforces the Fire (Scotland) Act 2005 on behalf of the Board of the SFRS (The Relevant Authority) and, in this respect, discharges its duties in line with national guidance.
- 3.1.2 Regulatory functions for the SFRS include promoting fire safety, providing advice and guidance on fire prevention and means of escape and enforcing fire safety duties in relevant premises. Successful application is dependent on developing good practice and supporting the outcome based approach which is integral to the Scottish Government's National Performance Framework.
- 3.1.3 A risk based approach to determining the necessary level of fire safety measures in all relevant premises lies at the heart of the fire safety provisions within part 3 of the Fire (Scotland) Act 2005 but it should be noted that the statutory responsibility for ensuring an adequate level of fire safety lies with the Dutyholder for individual relevant premises; who is usually the employer, owner or occupier.

3.2 Building (Procedure) (Scotland) 2004 regulations

- 3.2.1 The SFRS is a statutory consultee to local authority building standards verifiers under [Regulation 11 of the Building \(Procedure\) \(Scotland\) 2004](#)⁴ regulations, subject to specific criteria as listed within the regulations.
- 3.2.2 The regulation allows SFRS to review building warrant submissions against compliance with the functional standards contained within section 2 – Fire, of the published Technical Handbooks. The Technical Handbooks provide guidance on achieving the standards set in the Building (Scotland) Regulations 2004. The SFRS will review and respond appropriately to alternative or Fire Engineered solutions provided in support of such building warrant applications and/or consultations.

3.3 Advice and Guidance

- 3.3.1 Technical guidance on fire safety matters has been made available in a series of sector specific guides published by the Scottish Government which, although their application by dutyholders is non-statutory, provide guidance which assists the dutyholders in ensuring

⁴ Building (Procedure)(Scotland) Regulations 2004 - <http://www.legislation.gov.uk/ssi/2004/428/contents/made>

suitable fire safety responsibilities are met. SFRS recognise the content contained within the guides and consider them whilst undertaking enforcement and fire engineering activities.

- 3.3.2 In order to prevent areas of conflict, other than as part of their role within the SFRS and for SFRS premises only, no SFRS personnel shall;
- Undertake fire risk assessments for duty holders
 - Undertake training provision for dutyholders in relation to fire safety duties under the FSA
 - Draft fire safety policy and procedures on behalf of duty holders.
 - Act as design engineers where specifications are sought for within design proposals; and
 - Appear in court on behalf of duty holders in any prosecution brought by a third party including another enforcing authority under health and safety or fire safety legislation, except as an expert witness for the crown or when required to do so as warranted by the court.
- 3.3.3 If requested for advice on selecting a Fire Risk Assessor, Enforcement/Auditing officers will promote the use of competent fire risk assessors by directing enquires to the [Fire Sector Federation website](#) as promoted by the Scottish Government. No Enforcement/Auditing officer will make personal recommendation of an individual or company.
- 3.3.4 In maintaining the high standards of service delivery within the enforcement function and to continue to promote consistency, LSO areas and Enforcement/Auditing officers will have regard to this framework and adhere to guidelines set by the Directorate through service policy and procedures. Whilst the responsibility for identification of risk and targeted enforcement activity lies with LSOs, the structure and framework provided for effective enforcement delivery should be maintained and resourced in accordance with direction set by the Director of P&P.
- 3.3.5 SFRS will seek to support duty holders by offering information and advice on what may be necessary to comply with the Act. Auditing teams will, when requested to do so or in the course of auditing relevant premises, provide advice that is appropriate to the premises and its use and will do so by referring to nationally recognised guidance and standards. Individuals, businesses and other undertakings will be encouraged to integrate fire prevention and fire safety measures within normal working practices.

3.4 Partnerships

- 3.4.1 SFRS will continue to develop partnership working in order to promote and encourage fire safety compliance. Partnership working also ensures that the information SFRS provides can be targeted specifically to meet the needs of individual industries or organisations.

3.4.2 Key partners include, though are not limited to

- Building Standards Division of the Scottish Government
- Building Research Establishment (BRE)
- NHS Scotland
- Care Inspectorate
- Business Engagement Forum
- Local Authority Verifiers
- Local Authority Building Standards Scotland (LABSS)
- Edinburgh University
- Glasgow Caledonian University

3.4.3 By maintaining close links with other UK Fire & Rescue Services through CFOA (Protection and Enforcement) and by using the knowledge and expertise of our partners and other enforcement agencies, we will ensure adherence to national guidance in our enforcement activity.

4 Enforcement Planning and Delivery

4.1 Principles of Enforcement

4.1.1 The Scottish Regulator's Strategic Code of Practice and the [Enforcement Management Model](#)⁵ (EMM) have been acknowledged as presenting best practice for regulatory authorities in the UK. SFRS have ensured the principles are incorporated into all national fire safety enforcement guidance and procedures. The Strategic Code also promotes an approach whereby regulators seek to understand those they regulate, including taking into account economic and business factors appropriately (for example, in terms of costs, processes and timescales).

4.1.2 The [EMM](#) outlines five principles of better regulation;

- **Targeted** - resources will be focused on undertakings presenting the highest risk, reflecting local need and national priorities. Our aim is to create a 'level playing field' for businesses to ensure that duty holders failing to comply with their obligations are identified and compliant duty holders and relevant persons are protected
- **Proportionate** - enforcement action will always reflect the level of risk posed to relevant persons from the duty holder's undertaking. The aim of any action will be to promote compliance without creating unfair burdens on businesses

⁵ HSE Enforcement Management Model - <http://www.hse.gov.uk/enforce/emm.pdf>

- **Consistent** - advice to duty holders will be reliable and robust. Where circumstances are similar; duty holders can expect to be provided with consistent information. Improved access to expert advice regarding regulatory issues will promote trust and confidence across the business and voluntary sector assisting future investment and growth
- **Transparent** – duty holders must be able to understand what is expected of them and what they can anticipate in return. This clarity and transparency will build trust between “regulating” officers and those regulated, increasing efficiency and improving outcomes
- **Accountable** – All regulatory authorities are accountable to the public for their actions. All enforcement activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures. This will allow businesses and communities to shape the services they receive

4.1.3 The application of these principles will form the basis of our approach in delivering our enforcement duties. By following the model’s principles we will ensure that we maintain and develop our relationship with duty holders. We will also adhere to the Scottish Regulator’s Strategic Code of Practice as we exercise our regulatory functions of advice, guidance, and enforcement.

4.2 Risk Based Approach

4.2.1 Fire safety enforcement is risk based in accordance with the [Fire and Rescue Framework for Scotland 2016](#), the Scottish Regulator’s Strategic Code of Practice, and the recommendations made by Regulatory Review Group following their [review of Part 3 of the Fire \(Scotland\) Act 2005](#)⁶. SFRS takes an enabling approach to regulation by encouraging businesses and organisations to assume the responsibility for compliance in order to meet their legal requirements, enhance safety and subsequently support economic growth.

4.2.2 Where there are failures in compliance, SFRS will utilise their powers under the FSA to ensure adequate fire safety measures are provided and maintained. This approach is informed by the principles of proportionality in applying the law and securing compliance, and will provide stakeholder feedback. This will be reflected within revisions of the SFRS Fire Safety Enforcement Procedure and any other procedures which relate to the fire safety enforcement and fire engineering functions.

⁶ Regulatory Review Group Report of the FSA 2005 - <http://www.gov.scot/Resource/0049/00490043.pdf>

- 4.2.3 The delivery of enforcement and audit activity will be prioritised around 4 key areas;
- The impact of life safety in the event of fire
 - Emerging intelligence e.g. through operational activity or partner communications
 - A risk based methodology outlined by the Directorate.
 - Post fire audit and analysis.
- 4.2.4 As risk can change, there must be close liaison between the Directorate and LSO areas to ensure enforcement activity is appropriately targeted. Themes identified should be agreed with the Directorate to ensure that guidance and support can be given and any trends or issues identified locally can be informed to wider LSO area P&P teams.
- 4.2.5 SFRS will ensure that action is targeted where it is most needed and in support of this, SFRS will take an evidence based approach utilising all available risk information, including previous audit activity. The audit programme will provide a degree of flexibility to enable priorities to be modified where post fire analysis or locally identified trends indicate an increased risk in accordance with above, however the core enforcement activity identified by the Directorate and Service Policy will be maintained as the primary focus for LSO areas.
- 4.2.6 The emphasis shall be on the prevention of issues occurring, or from escalating significantly. In preventing fires and securing compliance with the Act, we will aim to avoid bureaucracy and the imposition of unnecessary costs on duty holders.
- 4.2.7 In order to assist in identifying potential risk types and to provide focus for future audit activity, LSO Areas may undertake structured Operational Reassurance Visits (ORV) in line with SFRS policy. This will feed back an initial overview of fire safety compliance to fire safety enforcement teams whilst capturing local intelligence for operational crews.
- 4.2.8 SFRS will be receptive to any intelligence received from external partners/agencies, members of the public or operational crews. Fire safety complaints and considered intelligence shall be investigated and where appropriate, the premises audited at the earliest opportunity.
- 4.2.9 LSO areas will analyse previous audit outcomes, ORV data, fire activity or other intelligence to identify and determine premises types demonstrating an increased risk that may have not previously been covered within their local audit programme (e.g. factories, warehouses, offices). This evidence will be used to populate part of each LSO Area audit delivery programme for the forthcoming year.

- 4.2.10 Through the enforcement model currently in place, the Directorate will support local Prevention & Protection Managers to determine the premises types or themes and assist in identifying resources as appropriate through peripatetic or other direct support as needed.
- 4.2.11 SFRS will analyse all available historical audit data, including engagement from duty holders in reducing risk. Based on this assessment, SFRS may extend the timescales between planned audits in accordance with the confirmed Management Compliance Level following the most recent audit.
- 4.2.12 Liaison with the Business Engagement Forum (BEF) will provide a vehicle to involve the business and wider fire community in the shaping of the FSE policy and relevant procedures and doctrine. In this regard, we will ensure a standardised and consistent approach is taken to regulation, whilst assisting the business community in contributing to Scotland's economic growth.

4.3 Audit programme

- 4.3.1 In undertaking our statutory duties in respect of Part 3 of the Fire (Scotland) Act 2005 (as amended), SFRS through the P&P Directorate will implement a risk based methodology and establish a programme to audit relevant premises, prioritising premises used for the provision of sleeping accommodation, those that provide care and those that present the greatest risk to life safety.
- 4.3.2 Local enforcement delivery plans, incorporating Directorate guidance and Service Policy must be developed to include premises identified through local or national risk information gathering as having high levels of non-compliance or an increasing number of fire incidents by premises type. Local plans should also consider allocating resources to thematic audits based on local needs and national campaigns e.g. Business safety week. By liaising with the Directorate in this regard, the potential for further analysis and peripatetic support where necessary can be arranged.
- 4.3.3 Local plans are a key part of working towards achieving national strategic objectives therefore core audit activity must include provision to;
- Ensure that all Care Home Services, Hospitals, Private Hospitals and Hospices which provide inpatient care are audited annually.
 - Ensure that newly registered Care Home Services are audited within seven working days of becoming operational.
 - Undertake annual audits of Hotel and Hostel premises where previous activity has identified a calculated risk level of "medium and above" and a management compliance

level of 3 or more until improvements have been demonstrated and a management compliance level of 2 or less achieved

- Undertake annual audits of all other premises where previous activity has identified a calculated risk level of “High” or “Very High” and a management compliance level of 3 or more until improvements have been demonstrated
- Plan to undertake HMO audits in line with the SFRS HMO auditing policy
- Ensure relevant premises identified as having had a fire, or other significant fire safety event, will have an audit undertaken at the earliest opportunity to determine whether the incident was initiated due to inadequate fire safety measures or a failure within the fire risk assessment process
- Undertake an initial or follow up audit as a result of meeting the criteria within Stage 3 of the SFRS UFAS Procedure.
- Continue to monitor and work in conjunction with dutyholders where areas of non-compliance have been identified and action plans have been requested, to ensure that appropriate methods of resolution are being undertaken.
- Where necessary, seek formal compliance of fire safety legislation by proportionate use of all available enforcement powers under the FSA.

4.3.4 In order to support local and national delivery of enforcement, P&P directorate personnel will assist on the reporting to the Procurator Fiscal instances where Enforcement, Alterations and/or Prohibition Notices that have been served in order to secure legislative compliance are found to have been contravened.

4.4 Structure of Fire Safety Enforcement and Fire Engineering

4.4.1 The delivery of fire safety enforcement will be achieved using a blended resourcing model. Using this model the management structure is connected from the Director of Prevention & Protection, through the three Service Delivery Area (SDA) Directors and Local Senior Officers (LSO's) to offer flexible peripatetic auditing teams with the capability to deploy to any geographic location in Scotland. A good example of this is to resource the planning and auditing of significant events such as the Commonwealth Games, European Championships that cover multiple premises and sometimes over large areas or SDAs.

4.4.2 Any peripatetic deployment, including timescales and resource requirements should be agreed between the P&P Directorate and the relevant LSO Areas. These deployments can provide a flexible approach to support unpredicted local circumstances where evidence has demonstrated an increased risk. This will allow LSO's to ensure that the core audit programme outlined within this document is delivered and is in line with service policy.

4.4.3 The P&P Directorate will give direction by developing policy and providing support to all officers across Scotland, ensuring consistency for compliance of our statutory duty for enforcement contained within the Act.

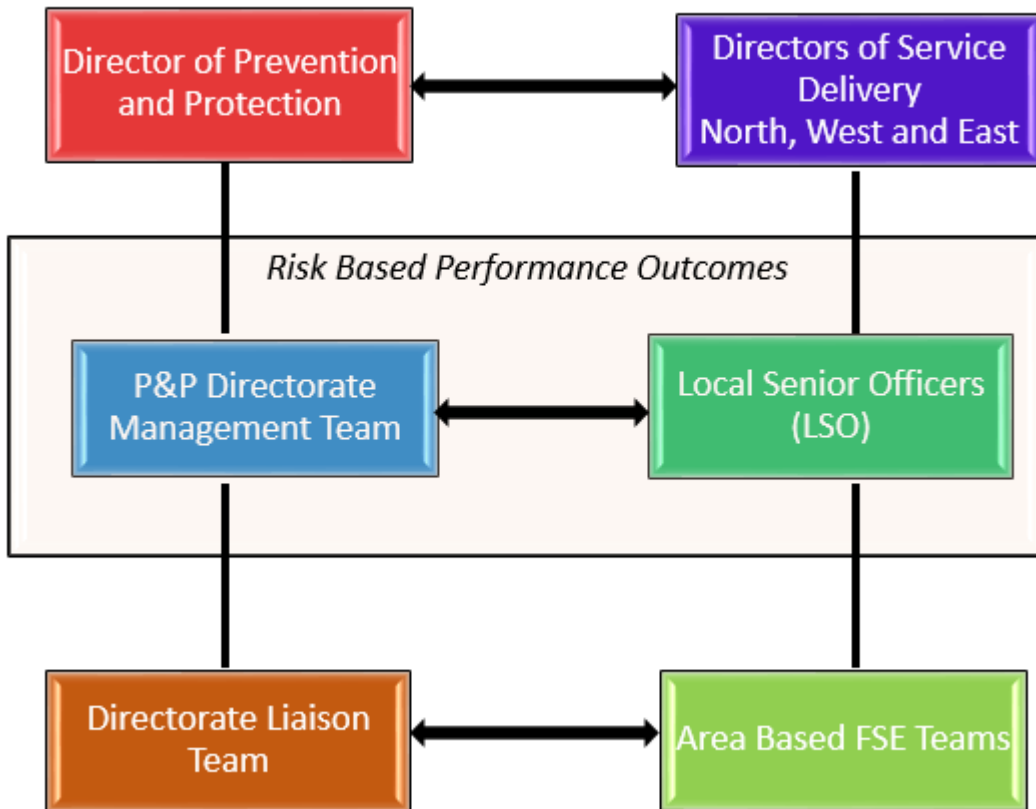


Figure 2 details the structure of governance for FSE arrangements.

5 Training and Continuous Professional Development

5.1 Workforce development

5.1.1 SFRS will offer a development pathway for all fire safety enforcement and auditing officers and will provide all necessary training and guidance to ensure that the competence of each fire safety enforcement and auditing officer is achieved and maintained. This shall be done through initially undertaking a structured educational program and continued with a series of technical awareness sessions, supported with attendance at external CPD events when appropriate.

- 5.1.2 The anticipated minimum level of professional qualification for enforcement or auditing officers will be the successful completion of the Fire Safety Modules (Level 3). Further development in the role may be offered in the form of a Diploma of Higher Education in Fire Safety Design and Regulation, and thereafter a Bachelor of Engineering (Hons) Degree in Fire Risk Engineering.
- 5.1.3 SFRS will consider the accreditation of auditors within a national register as a means to formally recognise their professional knowledge and expertise.

6 Performance

6.1 Resourcing Enforcement

- 6.1.1 Fire safety enforcement and auditing officers support each of the 17 LSO Areas by being appointed as regulators or auditors to carry out the enforcement function under Part 3 of the Fire (Scotland) Act 2005 as amended. Subject to geographical location there are varying models of resources applied and in some areas these include a blend of uniformed and non-uniformed officers. The P&P Directorate will continue to review structures to ensure that local areas are resourced appropriately and ensure any blended model is reflecting the needs of both the local area and the needs of the organisation in performing its enforcement function.

6.2 Recording Activity & Quality Assurance

- 6.2.1 There are 3 main actions that fire safety enforcement officers and auditing officers will record all work activity against; Audits; Consultations; and Specific Visits; however it is recognised that officers may support the LSO Area through other activities that may be unique to an Area but these should relate directly to the enforcement and fire engineering functions or operational resilience.
- 6.2.2 Audit activity is recorded and presented at the year end to Scottish Government, and therefore audit activity is specifically the current performance indicator for fire safety enforcement within the SFRS. It is essential that this is monitored by local P&P Managers to ensure area performance is maintained and that quality and consistency are commensurate with the standards expected within the SFRS. The National P&P Managers meeting provides an opportunity for the P&P Directorate to quality assure service performance and ensure best practice is shared.

6.3 Enforcement Outcomes

- 6.3.1 This framework aims to direct focus on outcomes in order to assist with reducing risk in relevant premises, ensuring compliance with the FSA and ensuring our resources are suitably deployed. Such outcomes will relate to the monitoring of management compliance levels, action plans requested and followed up and the number and type of formal notices served by the SFRS. In addition, the SFRS will develop further analysis tools that will complement the recommendations of the RRG and look to evaluate outcomes relating to particular areas of non-compliance.
- 6.3.2 During the previous framework, outputs were derived from the setting of targets on an annual basis for the SFRS. Whilst future target setting will be considered by the Strategic Planning, Performance and Communications Directorate it is imperative that minimum targets are set to ensure the successful delivery of this policy framework. Moving forward, whilst the Directorate owns the Policy for enforcement, LSOs must retain responsibility for appropriate outcomes. In working together and where necessary through peripatetic deployments, SFRS can ensure that such outcomes and achievements feed back to a national objective of reducing risk through a targeted approach, promoting consistency and ensuring a high standard of service delivery.
- 6.3.3 It's recognised that each LSO area may have certain characteristics that impact on the number of routine audits that can be completed by Enforcement/Auditing officers but a review of recent performance data has indicated that no LSO area should be setting an annual target of less than 122 audits per officer. The Directorate will assist P&P Local Managers through local performance forums, and provision of frequent performance information to ensure that they are reassured of targeting their resources appropriately and in line with Service Policy.

7 Bibliography and associated documents

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