

OFFICIAL

Community Protection



Fire Investigation Policy

Title:	Fire Investigation Policy
Community Protection	
Procedure Process	Detail
Authored by:	D. Stevenson – Fire Investigation Manager
ELT Approved:	
FBU Consultation:	Not required
Unison Consultation:	Not required
Executive Committee Approved:	
CFA Approved:	
Review Date:	
Implementing Officer:	L Brown – Assistant Director PPP
Updated:	Version 1.0, May 2025

Contents	Page No.
1. Policy	4
1.1 Policy Statement	4
1.2 Policy Aims	4
1.3 Policy Objectives	4-5
1.4 Scope	5
1.5 Policy Category	5
2. Organisational Roles and Responsibilities	5-6
2.1 The Cleveland Fire Authority	6
2.2 The Chief Fire Officer	6
2.3 The Assistant Chief Fire Officer, Director of Community Protection	6
2.4 The Assistant Director of Protection, Prevention and Engagement	6-7
2.5 The Fire Investigation Manager	7
2.6 Tier 1 and Tier 2 Fire Investigators	7
2.7 Incident Commanders	7-8
2.8 All employees	8
3. Planning and Implementing	8
3.1 Resource Implications	8
3.2 People Impact Assessment	8
3.3 Monitoring	8
3.4 Audit	8-9
Appendix 1 – Fire Investigation Procedure	10-39
Appendix 2 – Equality Impact Assessment document	40-43

1. Policy

1.1 Policy Statement

This policy is designed to comply with the Fire and Rescue Services Act 2004, The Codes of Practice for Investigators of Fire and Explosions for the Justice System in the UK (2021), the National Fire Chiefs Council (NFCC) Competency Framework for Fire Investigations (Second Edition) and the National Fire Chiefs Council (NFCC) Fire Standards for Fire Investigation, which lay down the legalities, requirements and standards placed on fire investigation activities.

1.2 Policy Aims

To Determine the Cause and Origin of Fires

Establish the most probable cause and point of origin of all fires attended, using recognised investigation techniques and methods.

Support Criminal and Civil Proceedings

Provide accurate and reliable evidence to support the justice systems of the United Kingdom, in collaboration with partners such as the police, insurers, and forensic experts.

Enhance Community Safety and Prevention

Use information gleaned from fire investigations to inform prevention strategies and reduce the incidence of fires, especially those that are deliberate.

Improve Operational Learning

Identify operational learning opportunities to improve fire service response, safety procedures, and training both locally and nationally.

Meet Statutory and Regulatory Duties

Fulfil obligations under legislation such as the Fire and Rescue Services Act 2004 and the Criminal Procedure and Investigations Act 1996 and comply with national guidance including the NFCC standards.

1.3 Policy Objectives

Conduct Tiered Fire Investigations

Deliver proportionate investigations using a tiered approach (e.g., Tier 1 by operational crews, Tier 2 by specialist officers), escalating appropriately based on complexity or suspected criminality.

Ensure Investigator Competence and Continuous Development

Maintain a trained cadre of competent fire investigators, with regular training and assessment aligned to the NFCC Competency Framework for Fire Investigations.

Maintain Accurate Records and Evidence Management

Record all findings in a structured, secure, and auditable manner, using nationally agreed and accepted templates which comply with the Streamlined Forensic Reporting guidelines and, where appropriate, other current legislation and guidance.

Collaborate Effectively with Partner Agencies

Work jointly with police, forensic services, local authorities, and insurers to ensure effective and efficient investigations.

Use Findings to Influence Policy and Risk Reduction

Feed intelligence into local and regional prevention strategies, target hardening, and risk-based inspection programmes.

Monitor, Audit and Assure Quality

Implement quality assurance mechanisms to monitor investigation standards, identify trends, and drive continuous improvement.

1.4 Scope

This policy and its associated procedures apply to all staff employed by Cleveland Fire Brigade who play a role in the delivery of Fire Investigation. This is not restricted to the Fire Investigator.

1.5 Policy Category

This policy is categorised as Strategic within the policy framework.

2. Organisational Roles and Responsibilities

The following are responsible for ensuring that the Fire Investigation Policy is implemented and maintained:

2.1 The Cleveland Fire Authority is responsible for

- Setting the Authority's vision, mission and strategic goals of the organisation.
- Establishing an efficient and effective corporate governance framework for the Authority including fire investigation arrangements.

- Approving the Fire Investigation Policy and its contingency arrangements.

2.2 The Chief Fire Officer is responsible for

- Confirming and ensuring the Policy and any applicable contingency arrangements are implemented.
- Directing the development and implementation of fire investigation strategies.
- Ensuring that fire investigation is carried out effectively in line with national and local guidance and frameworks.
- Reporting to the Fire Authority on significant incidents, trends and issues relating to fire investigation.

2.3 The Assistant Chief Fire Officer, Director of Community Protection is responsible for

- Setting the vision and strategic direction for protection activities as a whole to include as part of that remit the Fire Investigation activities conducted by its staff.
- Overseeing the development of fire investigation policies and procedures in line with national and local working practices.
- Representing Cleveland Fire Brigade in multi-agency forums, ensuring fire investigation findings contribute to wider public safety and crime reduction initiatives.
- Maintaining an overview of fire investigation to ensure compliance with regulations, codes of practice and policy.

2.4 The Assistant Director of Prevention, Protection & Engagement is responsible for

- Providing the appropriate resources for the implementation of the Fire Investigation policy.
- Reporting issues and outcomes of Fire Investigation to the Executive Leadership Team as required.
- Dealing with serious issues that are identified such as gross misconduct, theft etc.
- Provide support to the Fire Investigation Manager in the discharge of their responsibilities.

2.5 The Fire Investigation Manager is responsible for

- Developing and implementing the Fire Investigation policy.
- Ensuring all staff adhere to the policy and procedures regarding Fire Investigation.
- Collecting quantitative and qualitative data regarding Fire Investigation activities and provide this to The Senior Head of Prevention, Protection & Engagement to be included in reports.
- Dealing with issues that are identified with any process, escalating the issues of required.
- Dealing with non-compliance to the policy and procedure.
- Ensuring issues with resources are dealt with.
- The development of training packages and plans to embed and then maintain competency of Tier 1 and Tier 2 Fire investigators.

2.6 Tier 1 and Tier 2 Fire Investigators are responsible for

- Adhering to Fire Investigation policy and relevant procedures for related activities.
- Contributing to the quality of Fire Investigation activities to ensure they are delivered consistently and to the highest standard.
- Reporting issues with Fire Investigation activities or the quality assurance of them to their line manager.
- Identifying if and when the investigation is outside their scope of knowledge or ability and request appropriate support and assistance.

2.7 Incident commanders are responsible for

- Ensuring that the scene is safe, secure and preserved to prevent contamination of loss of evidence and that access is limited to essential personnel only.
- Conducting an initial assessment to determine the level of fire investigation required based on the relevant criteria and information present at the scene.
- Facilitate support for investigators including overcoming access issues, providing sufficient lighting and safety equipment.
- Identifying and preserving potential evidence, including fire patterns, ignition sources and witness accounts, and preventing unnecessary disturbance of the scene.
- Completion of all incident and post-incident paperwork including the Fire Investigation Briefing Note (FIBN), the Incident Recording System (IRS) and IDENT.

2.8 All employees are expected to

- Abide by all policies, procedure and guidance relating to fire and explosion investigations

3. Planning and Implementing

The Fire Investigation Policy is supported by the Authority's Information Governance Framework. Both are reviewed and implemented to ensure that the Fire Investigation Policy and arrangements are communicated appropriately to staff, managers and relevant members. The fire investigation policy is maintained on the intranet and is available to all staff.

3.1 Resource Implications

There is no financial resource implication directly associated with this Policy. Any resource required to develop and deliver the Business Continuity Policy will be addressed through the Brigade's formal financial planning processes.

3.2 People Impact Assessment

This policy has been subject to a People Impact Assessment, carried out in line with the Brigade's procedure and no issues have been identified. (Appendix A)

3.3 Monitoring

The Fire Investigation Manager will monitor adherence to this Policy and ensure that relevant information is maintained.

3.4 Audit

The Assistant Director of Prevention, Protection and Engagement will undertake a review of this policy annually to ensure it is taking into account any new or emerging political, economic, social, technological, legislative and reputational factors. The policy will also be reviewed at any point should there be a requirement in the interim period to ensure it remains effective and relevant.

Appendix 1 - Procedure

1. Introduction

- 1.1 All fire and rescue services in the UK, including Cleveland Fire Brigade, have a duty to investigate every fire and explosion incident attended to determine its cause. Any such investigation will be proportionate and will consider the size, complexity, consequence, and implications of the incident.
- 1.2 The overarching purpose of a fire investigation is to establish the origin and cause of a fire and / or explosion. It may lead on to a hypothesis regarding the development of the fire and resulting damage, but it must be borne in mind the original purpose of the investigation.
- 1.3 Where the cause of the incident is suspected to be malicious, Cleveland Police must be informed, and further investigation ceased until such time as the police can be in attendance. The role of the Fire Investigation Officer (FIO) will remain unchanged, i.e., to determine origin and cause, but it will now be completed under the direct guidance of the police to ensure compliance with evidential and judicial requirements.
- 1.4 Criminal investigations will be conducted as a joint investigation, normally with an FIO working in conjunction with a Police Crime Scene Investigator (CSI). Together, they will develop examination and forensic strategies to ensure that the investigation is comprehensive and complete as well as bound by evidential and forensic regulations.
- 1.5 It must be remembered that in all cases, the FIO works on behalf of the relevant court to provide an honest and transparent investigation and hypothesis. The FIO does not work for either the prosecution or defence.
- 1.6 This procedure is designed to protect and maintain the health, safety and welfare of the following people who may be involved in a fire or explosion investigation:
 - Fire Investigation Officer (FIO).
 - Operational Personnel.
 - Prevention and protection personnel.
 - Any other individual who has been requested to assist with the investigation.
 - Members of the public and any other stakeholders.

2. Levels of competency

- 2.1 There are two levels of investigation as detailed within the Fire Investigation Competency Framework Document. They are:
- Tier One investigations
 - Tier Two investigations
- 2.2 The decision as to which level of investigation is required at each scene or incident is determined by the on-scene Incident Commander (IC).

3. Tier One Investigations

- 3.1 These can be defined as routine or uncomplex investigations which are normally undertaken to satisfy the requirements to provide information nationally through the Incident Recording System (IRS). They are usually completed by the on-scene IC.
- 3.2 Personnel conducting Tier One investigations should be trained and competent to undertake investigations to a minimum level which meets the criteria laid down within the Competency Framework document.
- 3.3 This training should also allow the investigator to identify when an investigation is beyond their level of training and when to appropriately request the support of Tier Two investigators.
- 3.4 Tier One investigations will be carried out at incidents where the cause and origin are easily established. However, although the origin and cause may be readily available, assistance should be requested from a Tier Two investigator if it is believed:
- that the incident is criminal,
 - persons are seriously injured or have died
 - or if the case would class as special interest (i.e. large-scale disruption, high value, heavy media presence etc).
- 3.5 This is to ensure that all information and evidence is obtained correctly and to avoid the need for operational crews to be attending at court.

4. Tier Two Investigations

- 4.1 These are defined as complex fire and/or explosion (non-terrorist) incidents where the origin and cause are not easily established.

- 4.2 Incidents which are not suspicious, or crime related, may be conducted solely by the Cleveland Fire Brigade FIO without the requirement to involve any other agency, although other agencies, partners or departments may be able to offer valuable help, advice and information which will assist the FIO in their investigation.
- 4.3 Fires which require a Tier Two involvement will include the following as a minimum:
- Fires / explosion incidents involving fatalities.
 - Fires / explosions resulting in non-fatal serious and/or life changing injuries.
 - Where serious fire / explosion injury occurs to a casualty which may result in a fatality.
 - Where unusual substantial damage occurs or where the financial loss is significant, and the cause is not easily apparent or suspected to be suspicious.
 - Explosions or where radioactive or other dangerous substances are involved.
 - Fires considered to be of special interest.
 - Where 5 or more appliances are required at an incident.
- 4.4 Tier Two investigators may also be required at incidents where detailed information may be requested by another organisation and a charge may be incurred for the investigative work conducted and the report.
- 4.5 Tier Two investigations could be protracted in nature, may require a greater level of expertise, may involve multi agency co-ordination or detailed report writing and evidence gathering.
- 4.6 Should the need arise, FIO's who are competent in the role may be provided on a regional collaborative basis. This is detailed within the Memorandum of Understanding (MOU) that exists between the four North East Fire and Rescue services. If an FIO from Cleveland Fire Brigade is not available or the incident is such that further FIO's are required beyond the capability of Cleveland Fire Brigade, then a request can be made to Northumberland, Tyne and Wear or County Durham and Darlington Fire and Rescue Services for mutual aid cooperation.
- 4.7 To enable the completion of quality and meaningful reporting, it is essential that the on scene OIC makes early decisions regarding the attendance of a FIO.

- 4.8 It is imperative that the OIC records their observations of the fire and overall situation which should be used to give the attending FIO a comprehensive briefing.
- 4.9 Although the guidance sets out the requirements for the different levels of investigations, it should be acknowledged that some incidents may be investigated by a higher level than normal.
- 4.10 Ideally, any incident that may be processed through the criminal justice system should be investigated by a Tier Two FIO.
- 4.11 Durham and Darlington FRS have the facility of a Fire Investigation Search Dog which is available on request. If required, this can be requested for mutual aid through Fire Control. This dog can indicate the presence or otherwise of an ignitable liquid, giving an idea of location and extent.
- 4.12 In relation to criminal cases, the FIO should present the option of a dog to the Police at the earliest opportunity so that they can make an assessment as to whether they intend to invest in the resource, as payment may be levied.
- 4.13 There may also be instances where an FIO is required to support a private FI at an incident. This is normally associated with insurance claims. It should be borne in mind that the experience and additional resources available in the private sector can be beneficial however, GDPR considerations must be always complied with. This type of joint working can also reduce the risk of being required to attend court if all parties agree on the information to be submitted.
- 4.14 The need for a professional approach to fire investigation and the accurate presentation of facts must be the aim of every FIO. This will ensure that investigations report on the circumstances surrounding the immediate and underlying cause correctly.

5. Roles and Responsibilities

The following lists, which are not exhaustive, detail the primary tasks of personnel who function within a role in respect to fire investigation.

Fire Control

- 5.1 Will, on receipt of a request made for a Tier 2 FIO, contact the nominated Tier 2 FIO on the duty sheet.
- 5.2 Will contact the Fire Investigation Manager immediately in relation to any fire involving a fatality or other such incident whereby the requirements placed on the FIO(s) may have a detrimental effect on their mental or physical wellbeing and/or the incident involves complex aspects which may require stand-alone co-ordination.
- 5.3 Inform the FIO of the CSI attending and the details of the incident including:
- Incident Number
 - Full address including post code
 - Time of Call
 - Appliances attending
 - Initial OIC

On-scene Incident Commander/Tier 1 Investigator

- 5.4 To investigate the cause of every fire attended and record the outcomes.
- 5.5 To secure and preserve the scene as soon as reasonably practicable for the purpose of conducting subsequent fire investigations.
- 5.6 To request the attendance of the Police where the cause of the fire/explosion is believed to contain a criminal element.
- 5.7 To request the attendance of a Tier Two FIO for the purposes of providing assistance and advice, in order that the cause of a fire can be determined.
- 5.8 Gathering information from crews that may not be easily available later as they leave the fire scene, possibly to go onto rota leave.
- 5.9 Gathering information from witnesses before they leave the scene (in cases of suspected criminal activity, these details should be passed to the police at the earliest opportunity).
- 5.10 Observing firefighting operations.

- 5.11 Observing fire behaviour.
- 5.12 To complete the Incident Recording System (IRS) and where required a Tier One Fire Investigation Report (all primary fires and any of special interest, e.g., multiple grass/rubbish/bin fires where a pattern or link has been observed).
- 5.13 To inform on possible failures of fire protection measures.
- 5.14 To update the IRS with any supplementary or additional information obtained that may affect the investigation or cause of the fire.
- 5.15 To offer a professional opinion on the origin, cause, and development of a fire within their area of expertise and not to overstep the boundaries of their expertise, requesting assistance from a Tier Two FIO should this be the case. This will include any fire where there are large scale losses, serious injury or possible court proceedings to ensure that all evidence is gathered and avoid crews having to attend court.

Fire Investigation Officer

- 5.16 A suitably trained and qualified Flexi Duty Officer (FDO) will be nominated to carry out this role.
- 5.17 To support the Incident Commander in exercising their responsibilities as detailed above.
- 5.18 To investigate the origin and cause of fires and explosions (non-terrorist) which meet the Tier Two criteria, gathering accurate information to assist in the determination of the origin and cause using the scientific method.
- 5.19 To fulfil the role of Cleveland Fire Brigade as part of a multi-agency team, working specifically alongside Cleveland Police.
- 5.20 To request and deploy sufficient resources to efficiently conduct the investigation.
- 5.21 To provide, when necessary, an effective hand-over relating to the progress of the investigation.

- 5.22 To complete full records as necessary and, in the case of fatalities, deliver a copy of the completed report to the coroner's office.

The Tier Two FIO should also adhere to the following specific responsibilities:

- 5.23 Understanding their role within the investigation and the investigative team.
- 5.24 Understanding the potential for other evidence types which may be present at the fire scene.
- 5.25 Understanding relevant crime scene and laboratory procedures (including relevant PPE requirements) required to ensure the preservation, integrity, continuity, and confidentiality of evidence as well as disclosure obligations.
- 5.26 Ensuring that the methods used in the investigation of the fire scene are accepted by the fire investigation community and/or are peer reviewed (for example in the relevant scientific literature).
- 5.27 Reporting and justifying in case notes or within their statement/report as appropriate, any variations from accepted fire scene investigation practice.
- 5.28 Ensuring that their examination does not adversely affect the requirements of other specialists at the scene but rather dovetails with other specialists to maximise the opportunities for the recovery of evidence at the scene.
- 5.29 Exercising all reasonable professional skill and care to prevent avoidable danger to health or safety and to prevent an adverse effect on the environment.
- 5.30 Making and retaining full, contemporaneous, clear, and accurate records of the examinations undertaken. These may include (but are not limited to) the terms of reference, photographs, a scene plan detailing where items were within the scene including, if appropriate, wiring diagrams, scene examination strategy, the time tasks were undertaken, and exhibits/productions recovered.
- 5.31 All records must be maintained in appropriate and secure storage and must be disclosed in their entirety, in a timely manner, when requested.

- 5.32 Ensuring the security and storage of all correspondence in electronic or physical format, including text and images, in accordance with nationally recognised protocols.
- 5.33 Understanding that any destructive examination may make the original observations unavailable for re-examination by others and such critical findings must be recorded.
- 5.34 On completion of an investigation ensure that all equipment used and PPE are cleaned and free from contaminants.
- 5.35 Writing statements and reports and attending court to give evidence if called upon to do so.
- 5.36 Undertaking appropriate peer review and critical checks of statements and reports.
- 5.37 Undertake case reviews, both internally and as requested by other investigating authorities.
- 5.38 Presenting findings and evidence in a logical, balanced, transparent and robust manner confining opinions to those based on personal skills, professional experience, and knowledge.
- 5.39 Ensuring a full understanding of the ethical standards required and the expectations and obligations of appearing as an 'expert' witness for the courts.
- 5.40 Understanding the admissibility of expert evidence (whether tendered by the prosecution or the defence) in criminal proceedings and the disclosure obligations of witnesses.
- 5.41 Presenting evidence in a fair, unbiased and impartial manner with honesty, integrity, and objectivity.
- 5.42 Taking all reasonable steps to maintain and develop their professional competence, by engaging in (and demonstrating) continuous professional development (CPD) or other agreed competency framework either through a professional body or through the workplace.

- 5.43 Alerting appropriate authorities to any findings which may have implications for public safety subject to the requirements of the judicial investigation.
- 5.44 Ensuring not to overstep the boundary of their expertise when offering a professional opinion on the origin, cause and development of a fire.
- 5.45 Where a suitably trained, qualified and experienced officer is unavailable, the duty group manager may utilise 'recall to duty' or may request assistance from a neighbouring Fire and Rescue service as per the regional MOU. This request will be made via Fire Control and the Fire Investigation Technical Manager will also be informed at the earliest opportunity.

Fire Investigation Manager

- 5.46 Will ensure that the Standard Operating Procedures (SOP's) of Cleveland Fire Brigade in relation to Fire Investigation are up to date, fit for purpose and subject to review at regular intervals.
- 5.47 Will review calls for service for FIO's and ensure that the correct triage and tasking procedure is complied with.
- 5.48 Will ensure that the FIO's remain 'in scope' for the role by reviewing the training and Continual Professional Development of each of the officers.
- 5.49 Will be informed of immediately and may attend any fire involving a fatality or other such incident whereby the requirements placed on the FIO(s) may have a detrimental effect on their mental or physical wellbeing and/or the incident involves complex aspects which may require stand-alone co-ordination.
- 5.50 Will conduct regular review of completed reports to ensure compliance with relevant legislation and guidance.
- 5.51 Will liaise with Cleveland Police in relation to quality management matters and ensure that working practices and procedures are communicated to both organisations.

6. Knowledge and Skill Set

- 6.1 Fire investigators have a wide range of experience and background knowledge gathered through a combination of qualifications, specialist training courses and fire scene investigations. For Tier Two Fire Investigators to be able to fulfil the roles and responsibilities set out in Section 5, they need to have a clear understanding of the following subjects:
- 6.2 Understand the importance and relevance of health and safety at scenes and that this may vary on a case-by-case basis.
- 6.3 Understand the importance of a structured, systematic, and methodical approach to fire scene investigation and excavation including the documentation (e.g., written, photographic) of the scene investigation and the recording of potential evidence *in situ*.
- 6.4 Be aware of aspects of fire science and fire engineering which may have a relevance to fire investigation (e.g., smoke spread, structural performance, passive and active fire protection systems, fire tests and human behaviour in fire).
- 6.5 Understand the mechanisms of heat transfer.
- 6.6 Understand the physical chemistry of materials and how this influences the reaction of materials when exposed to heat.
- 6.7 Understand the differing types and mechanisms of ignition.
- 6.8 Understand the chemical properties of solid, liquid and gaseous fuels as they relate to their thermal decomposition including pyrolysis and combustion and how such materials will react when exposed to heat.
- 6.9 Understand the mechanisms and influencing factors of fire growth and development in a wide range of circumstances.
- 6.10 Understand the interpretation of post fire indicators (including their limitations) and the use of such indicators in the determination of the area of origin of a fire.
- 6.11 Understand the potential involvement of electricity as a cause of fire and awareness of the post fire indicators of electrical involvement including for example the potential application of techniques such as arc fault mapping.

- 6.12 Be aware of the importance of the examination of fuses and electrical appliances and the appropriate means of securing electrical appliances post fire.
- 6.13 Be aware of diffuse phase explosions and gas explosions including the pattern of damage.
- 6.14 Understand the factors which may contribute to fire fatalities including aspects such as toxicity of products of pyrolysis and combustion.
- 6.15 Understand the procedures relating to the recovery of items from fire scenes including the importance of continuity and integrity of evidence.
- 6.16 Understand the requirements for contamination control, appropriate packaging materials required and the importance of control and comparison samples in the collection of fire debris suspected to contain ignitable liquids.
- 6.17 Be aware of the wider forensic science fields which may be encountered in fire investigation (e.g., crime scene investigation, forensic biology, toxicology, forensic anthropology, forensic archaeology) and the requirements of such specialists within the investigative framework.
- 6.18 Keep an accurate and true record of casework, to write reports and/or statements appropriate for the UK criminal justice systems, to give testimony and in doing so communicate detail of their involvement in the case and conclusions, in a clear, unbiased, and appropriate manner.
- 6.19 Understand the UK criminal justice systems and in particular the rules of evidence, the obligation of being a witness, including acting as an expert witness.
- 6.20 CPD will be arranged for all Fire Investigators to ensure that their knowledge and skills are maintained so that the responsibilities set out in Section 3 can be fulfilled. This may include training provided internally by Cleveland Fire Brigade or by using external trainers and external courses including UK-AFI seminars.

7. The Legal Position

- 7.1 The power to enter premises for the purpose of investigating the origin, cause and development of a fire and where necessary, to seize and remove material is provided for in the Fire and Rescue Services Act 2004.
- 7.2 The following section contains guidance that is intended to provide a brief overview of the powers granted under the Act.
- 7.3 All personnel who, in their role are likely to be involved in the investigation of origin, cause and development of fire, should ensure that they have a full understanding of the powers available to them under the Act.

8. Section 45 F&RS Act 2004 - Powers of Entry

- 8.1 Section 45 states the following:

1) An authorised officer may at any reasonable time enter premises—

- a) for the purpose of obtaining information needed for the discharge of a fire and rescue authority's functions under section 7, 8 or 9, (ie. firefighting, RTC or emergencies) or*
- b) if there has been a fire in the premises, for the purpose of investigating what caused the fire or why it progressed as it did.*

2) In this section and section 46, "authorised officer" means an employee of a fire and rescue authority who is authorised in writing by the authority for the purposes of this section.

3) An authorised officer may not under subsection (1)—

- a) enter premises by force, or*
- b) demand admission as of right to premises occupied as a private dwelling unless 24 hours' notice in writing has first been given to the occupier of the dwelling.*

4) An authorised officer may not under subsection (1)(b) enter as of right premises in which there has been a fire if—

- a) the premises are unoccupied, and*
- b) the premises were occupied as a private dwelling immediately before the fire, unless 24 hours' notice in writing has first been given to the person who was the occupier of the dwelling immediately before the fire.*

5) An authorised officer may apply to a justice of the peace if—

- a) he considers it necessary to enter premises for the purposes of subsection (1), but*
- b) he is unable to do so or considers that he is likely to be unable to do so, otherwise than by force.*

6) If on an application under subsection (5) a justice is satisfied that—

- a) it is necessary for the officer to enter the premises for the purposes of subsection (1), and*
- b) he is unable to do so, or is likely to be unable to do so, otherwise than by force, he may issue a warrant authorising the officer to enter the premises by force at any reasonable time.*

7) An authorised officer may also apply to a justice of the peace if he considers it necessary to enter a dwelling for the purposes of subsection (1) without giving notice as required by subsection (3)(b) or (4).

8) If on an application under subsection (7) a justice is satisfied that it is necessary for the authorised officer to enter the dwelling for the purposes of subsection (1) without giving notice as required by subsection (3)(b) or (4), the justice may issue a warrant authorising the officer to enter the premises at any time (by force if necessary).

9) An authorised officer exercising a power of entry under this section must, if so required, produce evidence of his authorisation under subsection (2), and any warrant under subsection (6) or (8)—

- a) before entering the premises, or*
- b) at any time before leaving the premises*

8.2 The need to give 24 hours' notice may cause an undesirable delay in accessing the fire scene and may compromise the integrity of any material. If the scene is to be preserved, then a request should be made to Cleveland Police to ensure that the scene is secured.

8.3 Permission must be sought from the occupier prior to any investigation commencing and Cleveland Police may be able to assist in this. Section 45(3) only refers to dwellings and is not applicable to other buildings (e.g., commercial buildings).

- 8.4 The “Occupier” in law means the person with control of the premises and as such there can be more than one person with control. This could be a close relative of the occupier (if the main occupier is unavailable) or even the landlord or housing association as they may assume temporary control after the fire, making them the interim occupier.
- 8.5 All FIO’s are issued a warrant to allow them to exercise the powers conveyed in Section 45. This warrant must be produced when requested along with a copy of the Act it corresponds to.
- 8.6 Permission to enter the dwelling must be recorded on a Section 45 form.
- 8.7 If the occupier is not present then a Section 45 form must be completed and left in clear view at the premises, with a photograph of its placement taken. This will allow entry to be made for the investigation after a period of 24 hours has elapsed, but it must be remembered that forced entry is not permitted without a warrant.
- 8.8 If access is not granted by the occupier, then an application to a Justice of the Peace will be required, however this may take longer than the prescribed 24-hour notice period.
- 8.9 Should a warrant be needed, then the Duty Group Manager must be notified as well as Cleveland Fire Brigade’s Legal Officer.
- 8.10 The warrant application must be retained for audit purposes.

9. Section 46 F&RS Act 2004 - Supplementary Powers

- 9.1 Section 46 states the following:
- 1) If an authorised officer exercises a power of entry under section 45(1)(a), he may—*
- a) take with him any other persons, and any equipment, that he considers necessary.*
 - b) require any person present on the premises to provide him with any facilities, information, documents or records, or other assistance, that he may reasonably request.*

- 2) *If an authorised officer exercises a power of entry under section 45(1)(b) he may -*
- a) take with him any other persons, and any equipment, that he considers necessary.*
 - b) inspect and copy any documents or records on the premises or remove them from the premises.*
 - c) carry out any inspections, measurements, and tests in relation to the premises, or to an article or substance found on the premises, that he considers necessary.*
 - d) take samples of an article or substance found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation.*
 - e) dismantle an article found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation.*
 - f) take possession of an article or substance found on the premises and detain it for as long as is necessary for any of these purposes –*
 - (i) to examine it and do anything he has power to do under paragraph (c) or (e).*
 - (ii) to ensure that it is not tampered with before his examination of it is completed.*
 - (iii) to ensure that it is available for use as evidence in proceedings for an offence relevant to the investigation*
 - g) require a person present on the premises to provide him with any facilities, information, documents or records, or other assistance, that he may reasonably request.*
- 3) *If an authorised officer exercises the power in subsection (2)(d) he must -*
- a) leave a notice at the premises (either with a responsible person or if that is impracticable fixed in a prominent position) giving particulars of the article or substance and stating that he has taken a sample of it, and*
 - b) if it is practicable to do so, give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.*
- 4) *If an authorised officer exercises the power in subsection (2)(f) he must leave a notice at the premises (either with a responsible person or if that is impracticable fixed in a prominent position) giving particulars of the article or substance and stating how he has taken possession of it.*

5) If in the exercise of any power under section 45 or this section an authorised officer enters premises which are unoccupied, or from which the occupier is temporarily absent, he must on his departure leave the premises as effectively secured against unauthorised entry as he found them.

6) A person commits an offence if without reasonable excuse –

- a) he obstructs the exercise of any power under section 45 or this section, or*
- b) he fails to comply with any requirement under subsection (1)(b) or (2)(g).*

7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

9.2 If the supplementary powers in Section 46 are used, then a 'Possession Notice' must be left at the premises. A photograph of where this notice is left must be taken and recorded as evidence.

9.3 Given that the requirements set out in Section 46 state that where possible a sample should be given to the responsible person, it should be practice, where possible, in cases where deliberate ignition is suspected, not to gather or remove material from the fire scene. This should be undertaken by a Police Crime Scene Investigator (CSI).

10. Section 47 F&RS Act 2004 - Service of Notices

10.1 Section 47 of the act details the ways in which notices should be served.

10.2 It states that:

The notice required by section 45(3)(b)(4) may be given:

- a) by delivering it to the person who was the occupier of the dwelling immediately before the fire concerned,*
- b) by leaving it for him at his proper address, or*
- c) by sending it to him by post at that address.*

11. Police and Criminal Evidence Act 1984 (PACE)

11.1 As seen above, Section 45 lays down the fundamental reason for the investigation by the FRS. The power of entry is provided: "for the purpose of investigating what caused the fire or why it progressed as it did".

- 11.2 This makes clear that the investigator is not tasked with the investigation of crimes.
- 11.3 The investigation of a fire incident may also be a crime of arson as described in the Criminal Damage Act, but the fire investigator is not charged with investigating fire related criminal activity.
- 11.4 **The investigator is precluded from the questioning of suspects.**
- 11.5 While primarily directed at Police officers, PACE clearly extends to the actions of investigators who are not Police officers. Thus section 67(9) of PACE states:
“Persons other than Police officers who are charged with the duty of investigating offences or charging offenders shall in the discharge of that duty have regard to any relevant provision of such a Code”, (i.e. the Codes of Practice under PACE).
- 11.6 FIO’s do not fall within Section 67(9) because they have no duty to investigate offences.
- 11.7 Their “purpose” is to determine “what caused the fire or why it progressed as it did”. The exclusion of Fire Investigators from Section 67(9) does not mean, of course, that they are free from legal restraints, in fact, the opposite is true.
- 11.8 FIO’s should scrupulously avoid assuming the role of Police officers who are under a duty to investigate criminal offences of murder, manslaughter, arson and criminal damage and, therefore, must abide by the principles of PACE.
- 11.9 Under PACE a suspect’s rights are safeguarded by the provision for cautioning *“a person whom there are grounds to suspect of an offence”*.
- 11.10 The cautioning of a suspect is necessary as *“his answers or his silence (i.e. failure or refusal to answer a question or answer it satisfactorily) may be given in evidence to a court”*.
- 11.11 It follows that as soon as there are grounds to suspect a person of a criminal offence the FIO should stop the interview and refer the matter to the Police.
- 11.12 The FIO should make a contemporaneous note of the time the matter was referred to the Police and the name and rank of the officer to whom the matter was reported to.

- 11.13 There can be no objection, under PACE, to FIOs taking statements or other material from *“persons against whom there is no suspicion”*, though it must be remembered that the Police will have charge of any criminal investigation, and **the taking of any such statements must be with the approval for the Police officer in charge.**
- 11.14 Witnesses providing statements must be with the approval of the Police officer in charge. Witnesses providing statements should, of course, be asked to sign their statements and the signature should be witnessed.

12. Contemporaneous Notes

- 12.1 The placing of FIO's on a statutory footing and the provision of powers of entry and seizure will result in their functions being more closely audited by the courts when they attend to give evidence.
- 12.2 Trials occur a considerable time after the event and statements cannot always be referred to when the case is heard. Whether or not reference is permitted will depend on whether the statement has been written or checked either at the time of the incident or shortly afterwards when the facts remained fresh in the witness's memory.
- 12.3 Each case will turn on its own facts, and the only safe guidance is that there is no certainty that a statement can be referred to in court to refresh memory, unless it has been made at the time of the incident or as soon as practicable after it.
- 12.4 This makes it essential for the investigating officers to make a contemporaneous note of all salient matters which relate to the investigation. This will, subsequently, be put into statement form if the matter becomes the subject of legal proceedings.
- 12.5 Contemporaneous notes can be used in a range of circumstances to protect the investigator and their Fire and Rescue Service. Thus, if a householder waives the 24 hours' notice required to enter as of right, the investigator would be prudent to note this. Similarly, the salient facts in the investigation, which will ground the conclusions arrived at, must be noted.
- 12.6 Subsequently, these notes can be used when drafting reports and (if necessary) statements. These need to be retained as they can be exhibited in Court.

- 12.7 The Crown Prosecution Service (CPS) and Association of Chief Police Officers (ACPO) have produced a booklet called "Disclosure: Experts' Evidence and Unused Material. A Guidance Booklet for Experts" ([https://www.cps.gov.uk/legal/assets/uploads/files/Guidance for Experts - 2010 edition.pdf](https://www.cps.gov.uk/legal/assets/uploads/files/Guidance_for_Experts_-_2010_edition.pdf)).
- 12.8 The document was published in May 2010 and all expert witnesses for the prosecution in court are now expected to follow the guidance. It was produced in response to some high-profile legal cases, where expert witnesses were criticised for failure to disclose information.
- 12.9 In the booklet there is a specific section in the guidance that has implications for ALL fire investigators as soon as they become involved in a fire case, and emphasises the need to make accurate contemporaneous notes at fire scenes as follows:
- 12.10 The document states that *"The requirement for you to commence making records begins at the time you receive instructions and continues for the whole of the time you are involved". "Circumstances may exist, however, where practitioners should commence making records, in accordance with this guidance, prior to any instructions from the Police. Examples of this would be as a fire scene examiner you believe a fire to have been started deliberately"*.
- 12.11 In all the examples given in the guidance booklet the criminal investigation will start after the practitioner's original involvement, but the results of the previous examinations will almost certainly be material to any investigation and subsequent prosecution.

13. Data Protection Act (2018)

- 13.1 The Data Protection Act (DPA) is an Act of Parliament which defines UK law on the processing of data on identifiable living people.
- 13.2 *The term "personal data" means data which relates to a living individual who can be identified -*
- a) From that data, or*
 - b) From those data and other information, which is in the possession of, or is likely to come into the possession of the data controller, and includes any*

expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

- 13.3 As such all personal data held by Cleveland Fire Brigade must be dealt with in accordance with the DPA and data protection principles contained within it.
- 13.4 This has particular significance when speaking to a witness at a fire scene, as all information that they provide will be subject to the DPA.
- 13.5 The legislation states (Paragraph 1 – (1) of Part II to Schedule 1 of the DPA) that –
“In determining for the purpose of the first principle whether personal data are processed fairly, regard is to be had to the method by which they are maintained, including in particular whether any person from whom they are obtained is deceived or misled as to the purpose or purposes for which they are to be processed.”
- 13.6 This means that it is incumbent on the FIO to advise individuals at the time their personal data is collected, how their information may be used, to whom it may be disclosed and for what purpose.
- 13.7 You must advise each witness of the following when you speak to them –
“Any information you provide will be stored by Cleveland Fire Brigade (CFB). This information will be used to assist in the determination of the cause of this fire and could be included in a fire investigation report produced by CFB. Any information you provide could be supplied to an external agency such as the Police (for the detection or investigation of criminal activity) or to an insurance company assessing a related claim. Any ‘personal data’ (that is information that could identify you) would only be released by CFB if it is required by law to do so as detailed in the Data Protection Act (2018)”
- 13.8 You must also ensure that the witness signs and dates your statement, acknowledging that they understand how their information may be used.

14. Disclosure

- 14.1 Any material produced during a fire investigation may come under the provisions of the Criminal Procedures Investigation Act (CPIA) 1996 in respect of disclosure.

- 14.2 As a result of this, every FIO should bear in mind the following:
- All material, including information and objects which are obtained during a criminal investigation, which may be relevant, must be retained.
 - Care must be taken to ensure that only accurate and factual information is recorded on the IRS and Fire Investigation Report. All information (including notes) may be presented or disclosed.
 - Due to the implication of the Criminal Procedures Investigation Act 1996, all material produced in the course of an investigation must be retained.
- 14.3 Photographs are admissible as evidence, but they must be certified on oath by a person (not necessarily the photographer) able to swear to their accuracy.
- 14.4 Photographs can be employed to compliment notes and statements but not as alternatives.
- 14.5 The same principles apply regarding video evidence.
- 14.6 Digital photography is admissible, provided a specified evidence trail is followed.

15. Conducting a Tier Two Fire Investigation

- 15.1 Prior to starting the investigation at the scene, the FIO must record the brief given to them by Fire Control as to the reason why they have been requested to investigate the scene. This should be recorded in the contemporaneous notes which will then be used throughout the continuing investigation.
- 15.2 On arrival at the scene, the FIO must record the names of the key people involved in the investigation along with their role and work alongside the other investigative agencies in accordance with the agreed strategy.
- 15.3 The FIO must establish the legal power under which they are operating, obtaining written authorisation if required or instigating the need for a warrant (see Section – The Legal Position).
- 15.4 If the FIO needs to enter a domestic premises, they cannot do so until they have permission from the occupier and must inform the police (if they are investigating a

possible crime scene), or other relevant persons or agencies, of this restriction at the earliest opportunity.

- 15.5 Prior to entering any scene, a risk assessment must be completed and brought to the attention of other investigators and all others involved in the scene. This risk assessment can be documented in the contemporaneous notes.
- 15.6 Any limitations imposed due to restricted access at the scene (e.g., for safety reasons) must be recorded. This should be reviewed regularly or if circumstances change and all new information should be communicated.
- 15.7 The appropriate PPE must be utilised by all staff on scene.
- 15.8 The FIO must document their knowledge of any scene parameters, cordons, logs, or common approach paths if in place, and must ensure that they adhere to these.
- 15.9 The FIO must agree on a fire investigation strategy with other investigators and specialists on scene (CSI, pathologist, forensic specialists, etc.) being mindful of the potential for recovery of other types of evidence.
- 15.10 It is understood that a scene investigation is a dynamic activity. As such the investigative strategy must be reappraised regularly and communicated to all relevant parties as the investigation proceeds.
- 15.11 Any equipment brought to the scene by the FIO must be suitably cleaned and free from contamination. All equipment must be cleaned following investigations. This includes all PPE that will be worn at the scene and tools/lights that will be utilised at the incident.

16. The Scientific method

- 16.1 When undertaking a fire investigation, it is incumbent upon the FIO to ensure that the investigative process follows a logical framework and that all fire investigations should be approached by the FIO without presumption as to the origin, cause, or responsibility for the incident until the scientific method has yielded a provable hypothesis.
- 16.2 The scientific method is a well-established process that provides a framework within which fire investigation can be carried out. It is a term used to describe the process of

investigation used in the physical sciences and has been adopted widely by the profession as best practice. It embraces sound scientific and fire investigation principles.

16.3 Application of the scientific method based upon fire dynamics will ensure that a technically defensible hypothesis is arrived at. Use of the scientific method does not imply that the investigator must have a scientific background, it is simply to apply the scientific method of logical enquiry to the investigation.

16.4 The scientific method is achieved by following a series of logical steps as shown below.

- Step one - recognises that a problem exists. In the case of fire investigation, a fire or explosion has occurred.
- Step two - defines the problem. This involves identifying the cause of the fire or explosion.
- Step three - the scene is examined, and facts are collected. This will require the collection of data and possibly obtaining information from witnesses.
- Step four - the data is analysed. This analysis is based on the knowledge, training and experience of the investigator. If the investigating officer lacks the necessary skills or training, they must seek assistance.
- Step five - based on an analysis of the data the investigator produces a hypothesis or hypotheses.
- Step six - the investigator must test the hypothesis (e.g. scene reconstruction or burn tests) to ensure it can withstand examination, possibly in a court of law.
- Step seven - the investigator will select a final hypothesis.

16.5 To assist an FIO to follow the scientific method, it is expected that a scene is examined in the following stages (although not all of these processes may be necessary in every investigation):

- A preliminary external examination of the scene.
- A preliminary internal examination of the scene.
- A detailed external examination of the scene.
- A detailed internal examination of the scene.
- A scene reconstruction.

16.6 Preliminary examinations must:

- Provide a set of overview photographs of the scene (ideally taken by a CSI for any crime scene)
- Provide the FIO with an initial perspective of the scene, identifying items of potential evidential relevance relating to the origin, cause and development of the fire as well as the identification of other potential evidence.
- Identify information which may need to be gathered from potential witnesses or other sources (e.g. CCTV or building plans etc.)

16.7 Detailed examinations must:

- Identify and protect items of potential forensic evidence so that an assessment can be made of their relevance and that they can be recovered by practitioners competent to do so.
- Detailed photographs are taken of the scene during excavation and specifically in relation to evidence discovered.
- Ensure that the recovery of items is documented and recorded and that the items are packaged appropriately (any criminal evidence should be recovered by CSI or police).
- Include the systematic interpretation of the physical post fire indicators at the scene to identify the potential area of origin being mindful that there may be more than one such area.
- Involve a systematic and fully documented excavation as appropriate to the scene and in line with the requirements of the investigation.

17. Removal of Items from a Scene

- 17.1 Items must be recovered, packaged, labelled, documented, transported, stored, and examined in accordance with recognised codes of practice.
- 17.2 The fire investigator must have relevant authority/grounds to recover and remove items from the scene.
- 17.3 Justification for such removal must be fully documented, in particular where this is done without permission from the investigating authority or owner.
- 17.4 Prior to removal of such items, they must be fully documented including in situ photography, with a measurement / comparison scale where appropriate.

- 17.5 Items must be packaged suitably and labelled uniquely such that each item can be unequivocally identified. This must be done in accordance with the requirements for sample integrity and continuity of evidence such that a chain of custody is in place. Any deviation from appropriate packaging material shall be documented along with the reason for the deviation.
- 17.6 The potential for contamination and cross-contamination must be assessed on an item-by-item basis and all possible safeguards put in place to minimise the possibility of contamination.
- 17.7 All packaging containing recovered items must be sealed at the scene.
- 17.8 An evidence log must be produced detailing all the items recovered from the scene. This log must record details of who has responsibility for the items. These records must include details of when the items have been handed over to any other relevant agency or individual.
- 17.9 Evidential continuity must be always maintained and clearly documented.
- 17.10 Responsibility of storage and security of all items retrieved from the scene should be agreed from the outset normally at the initial briefing stage.
- 17.11 The fire investigator should ensure that they witness the transfer of any items that they have recovered from the fire or explosion scene to another person or organisation and ensure there is a written record of this within their notes.
- 17.12 Any damage or potential for contamination during retrieval and transfer of items from the scene must be documented.

18. Photography and Digital Imagery

- 18.1 At all scenes that are jointly investigated by Cleveland Fire Brigade and Cleveland Police, all photography and / or digital imagery will be conducted by Cleveland Police Crime Scene Investigators, in line with their guidelines, policies and procedures and in accordance with the Forensic Regulator's Code of Practice.

- 18.2 The use of digital imagery is commonplace in both the leisure and commercial environments. The use of digital imagery and the technology that supports it has been the cause of concern within the judicial system regarding the legal integrity of it and the ease with which images can be manipulated. As a result, it became necessary to develop and produce a procedure that supports the use of digital images as evidence in any investigation.
- 18.3 Preparation is essential before digital images are captured to avoid equipment failure and/or challenges regarding conformance with an accepted procedure.
- 18.4 Important preparatory steps are:
- Commence an audit trail as soon as images are to be captured.
 - Check of equipment throughout the full process but specifically at the start and during the process.
- 18.5 Safeguarding the integrity of the imaging process is a fundamental requirement and an audit trail should be started at the earliest opportunity.
- 18.6 The audit trail should include:
- Date and time of the action
 - Details of the incident
 - Description of images taken
 - Download / upload log
 - The creation and defining of a master copy
 - Storage of and access to the master copy
 - Record of any subsequent copying and reasons for the copying
 - Log of use of the master copy (viewing and /or court attendance)
 - Disposal
- 18.7 The correct operation of any equipment (camera or camera phone with removable SD card) is essential to ensure the gathering of good quality digital images.
- 18.8 It is recommended that the following checks are made to ensure that:
- Operator adjustable settings are made appropriately.
 - The time and date settings are correct.
 - There are adequate supplies of recording media.

- The media should be either new or reformatted in an approved manner.
- Any media protection settings will not prevent recording being made.
- If the equipment is battery operated, there are sufficiently fully charged batteries available.
- Checks are carried out before use particularly for equipment that is used less frequently.

18.9 This list is not definitive and detailed information should be obtained from the equipment manuals.

18.10 As digital images are capable of manipulation, it is essential the integrity of any image recorded during the course of an investigation can be demonstrated.

18.11 To achieve this, the following procedures should be always followed:

- At the onset of any investigation, the recording device should be blank i.e. contain no other images. To ensure the recording device is empty this should be formatted prior to use to clear any previous recorded images.
- At the earliest opportunity the images contained on the recording device should be directly transferred to the CFB ICT system without any manipulation or deletion of the images.

Most digital cameras (including Officer camera phones) will embed a unique image number on to each image so it is easily detectable if any images have been deleted.

19. Fire Investigation Reports

19.1 A fire investigation report will be completed by the FIO giving a detailed account of the investigation conducted.

19.2 A Tier 1 report is normally produced by the Crew or Watch Manager, investigating a primary fire which is put into the IRS report. A form ABN-1 will be completed for this purpose. This report should be completed for all primary fires where an FIO has not been requested, but also at any secondary fire that the IC believes it could be relevant (e.g. a series of deliberate rubbish fires where suspects may have been identified).

19.3 A Tier 2 report is the standard FI report produced by a Tier Two FIO when they have been called to conduct a fire investigation.

- 19.4 This report would detail:
- The FIO's experience to conduct an investigation.
 - Details of the initial call.
 - Resources in attendance.
 - Information from the OIC. Observations from the fire investigation conducted.
 - Any conclusions made.
- 19.5 If this report was completed for a suspicious fire/explosion and may be required by the Police or Criminal Justice system, then the Streamlined Forensic Report (SFR) system should be implemented. This will require, as a minimum, the completion of a MG22b SFR report which will be peer reviewed prior to submission to the police within the relevant timescales.
- 19.6 A full fire research report is produced for a more detailed investigation such as a fatality. It is designed to guide the Coroner through the investigation and would include all evidence including witness statements, crew memos, sketch plans, scene photographs etc. This report will be peer reviewed by another FIO prior to submission.
- 19.7 An insurance request or Freedom of Information Report is a summary report produced when a request for information has been received. Depending on who has sent the request, information will be redacted to comply with GDPR. Either hard copies or pdf versions of the report will be sent out and the subsequent charges applied if applicable once it has been peer reviewed.
- 19.8 No report can be released outside of CFB until it has been peer reviewed and authorised.
- 19.9 The Peer Review process involves all documents produced (along with photographs taken) being made available to another Tier Two FIO. The report and supporting material will be proofread by the Tier Two FIO and the author given feedback. Should any corrections or further clarification be required, the report will be amended and resubmitted.
- 19.10 Terminology used within a fire investigation report must be appropriate.

- 19.11 It is not down to the FIO to judge a person's mindset and as such the term 'malicious' should be avoided as this has an interpretation in law. Judgement about malice is a matter for the Judge or Jury (properly directed by the Judge). The term 'non-accidental' can be more safely employed to avoid such potential dangers.
- 19.12 The term 'most likely' is also appropriate when substantiated with the evidence collated by the FIO. For example, the deliberate origin of a fire will need to be based on factual evidence such as multiple seats of fire, the presence of ignitable liquids, rapid fire spread, combustible material such as manipulated newspapers evidencing attempts to start fires deliberately.

20. Expert Witness

- 20.1 Whether someone will be deemed an Expert Witness and as such be allowed to give "evidence of opinion", will be solely at the Judge's discretion.
- 20.2 It follows from case law that the professional should phrase their report in terms comprehensible to the tribunal and jury. Jargon should be avoided, and if technical terms are used, they should be explained in clear English.
- 20.3 Opinions should always be grounded on factual matters and should consist of logical inferences drawn from such facts.
- 20.4 The writings of other experts/professionals should be used to assist in reaching the fire investigator's conclusion and never relied upon as a substitute for the fire investigator's own reasoning.
- 20.5 The fire investigator must remember that their report may be tested by cross-examination coming from Counsel, informed by an expert appearing for the prosecution or defence, and these are increasingly being drawn from highly experienced forensic scientists in the fire investigation field.
- 20.6 Where a Tier Two FIO is asked to attend court, the Head of Prevention and Protection, and of Human Resources must be informed to ensure that adequate support is available and the Officer is fully aware of Court etiquette etc.

21. Fire Scene Safety

- 21.1 The investigation of fire scenes is inherently dangerous. As such every person involved in the activity should aim to minimise the risk involved, whilst at the same time performing as full an investigation as possible.
- 21.2 A full risk assessment should be conducted prior to the commencement of any investigation and the details recorded.
- 21.3 All parties present should be briefed on the risk assessment and should indicate their understanding of the brief.
- 21.4 The risk assessment should be reviewed regularly but should anything change at any point then all work should stop and the risk assessment reviewed at that point without delay. This should again be communicated to all present.
- 21.5 All equipment used (tools, PPE etc.) should be authorised, fit for purpose and used in the correct manner.
- 21.6 If, at any time, the scene is deemed as unsafe for any reason, then all work shall stop until such time as the risk can be removed or mitigated.
- 21.7 Safety of all present is paramount.

22. Welfare

- 22.1 The investigation of a fire involving fatalities can be a traumatic experience for all parties involved. Each Service and agency should ensure that the appropriate counselling facilities are in place for all of its members involved in the process.
- 22.2 Some fire investigations can take several days or even weeks to conduct. Where this is the case, it is important that the welfare needs of all those involved in the process are considered and appropriate measures put in place to address any identified needs.
- 22.3 Reporting the fire investigation activity with each Services Fire Control will ensure some level of welfare monitoring by the Service as well as each individual's responsibility to themselves and other FIOs who provide support during such investigations.

Appendix 2 - EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING

EQIAs enable us to consider all the information about a service, policy, practice or activity from an equalities perspective and then put an action plan in place to achieve the best outcome for our employees and service users. EQIAs analyse how the work that we undertake can impact different groups. This will help us to make better decisions and evidence how we have reached these decisions.

Analysis Rating: please tick one box (the analysis rating is identified after the analysis has been completed – See EQIA procedure)	RED		AMBER		GREEN	X
--	------------	--	--------------	--	--------------	----------

SECTION 1 – INITIAL SCREENING

Directorate:	Community Protection
Department/Section:	Protection
Title of EQIA – Name of Service or Policy Conducted on:	Fire Investigation
Date Of Assessment:	19/05/2025
Assessment carried out by:	D Stevenson – Fire Investigation Manager

Is this Policy/Service/Project: Existing New/Proposed **X** Changing Other

Applicable to: Our Staff **X** Our Communities Other

PURPOSE AND OBJECTIVES

What are the aims of the service / policy?	To ensure that Cleveland Fire Brigade have an up to date, relevant and overarching policy regarding the Fire Investigation activities of the service and its staff.
Who is responsible for the service / policy? Who is responsible for the assessment?	Assistant Director of Prevention, Protection and Engagement.
Who implements the policy? Are external contractors involved?	Fire Investigation Manager
Are there any related policies or processes that will need to be changed associated to this one?	No
To what extent does the service / policy have an impact on people? Who is affected by it and how?	This will direct the day-to-day activities of staff who will be involved in the process.
What analysis has been done to identify if the service / policy is meeting the needs of all of these groups of people?	N/A

ESTABLISHING RELEVANCE

In this section you should review the data and evidence above and consider the actual and potential impact of the policy, service, activity or practice on employees, residents, groups and other service users. Findings should be noted in the table below. You should also consider whether the decision will, or is likely to, influence CFB's ability to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act and other relevant legislation.
- Advance equality of opportunity between different groups of people
- Foster good relations between people who share a protected characteristic and those who do not.

Using the information available, identify the impact of this service / policy in relation to people across the Protected Characteristics:

Protected characteristics groups from the Equality Act 2010	Negative Impact	Neutral Impact	Positive Impact	Explain your answer
Age		X		This policy is not aligned to age factors or affected by age.
Disability		X		Fire Investigation requires attendance at fire scenes where there may be uneven surfaces and restricted access. Each case will need to be evaluated on its merits as per operational working policies.
Gender Reassignment		X		No impact.
Pregnancy and Maternity		X		Fire investigation is an operational role and the general policies surrounding pregnancy and maternity within an operational role will apply.
Race		X		No impact.
Religion and Belief		X		No impact.
Gender		X		No impact.
Sexual Orientation		X		No impact.
Marriage and civil Partnerships		X		No impact.
Is a full Equality Impact Assessment required? Yes or No If not why?	<p><i>If you have identified a negative potential impact for group, then you must complete a full Equality Impact Assessment. If you have identified a neutral or positive impact on any groups then no further action is required.</i></p> <p>This policy has assessed as having neutral impact on the protected characteristics groups and therefore does not require a full impact assessment.</p>			

MONITORING AND REVIEW

What procedures are in place to monitor the impacts outlined in the analysis?	This policy will be monitored as part of routine review in line with key document framework. However, a review may be initiated because of a specific 'event', e.g., on any occasion where specific adjustments are made to meet individual requirements.
How often will this take place?	Every two years or following a trigger event.
Date of next planned review?	May 2027

Proceed to Full EQIA:	
Yes	No X

SIGNATURE OF PERSON COMPLETING THIS SCREENING

Name:	Dave Stevenson
Job Title:	Fire Investigation Manager
Date:	19/05/2025

SIGNATURE OF LINE MANAGER – MINIMUM HEAD OF DEPARTMENT

Name:	
Job Title:	
Date:	

SIGNATURE OF EQUALITY AND DIVERSITY OFFICER – HR DEPARTMENT

Name:	
Date published to internet:	
Date published to fish:	