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Summary

The Office of the Fire Marshal is not doing an adequate job of protecting the public from fire safety risks in buildings. Management is not performing appropriate oversight of operations, which we believe has contributed to a number of the deficiencies noted throughout this Chapter.

The Office lacks fundamental information needed to effectively manage its operations. For example, there is no inventory of buildings which require fire safety inspections. Management does not know whether required fire safety inspections have been completed or whether significant deficiencies identified during inspections have been appropriately addressed.

The Office of the Fire Marshal is not meeting minimum fire safety inspection frequencies specified in legislation and policies for buildings under its inspection responsibility. In our sample, 47% of required inspections were not completed. There is also no evidence that significant fire safety deficiencies discovered during inspections were corrected.

The Office of the Fire Marshal's monitoring of municipalities is also inadequate. Many buildings for which municipalities have fire safety inspection responsibilities are not being inspected as required. Since 2003, only five of 56 municipalities have been reviewed for compliance with the Fire Safety Act. None of the five municipalities reviewed completed all required inspections; one did not complete any inspections. Additionally, the two largest municipalities have not been reviewed. The Office of the Fire Marshal does not have a plan to address its oversight responsibilities and has not taken appropriate action to address findings in the few reviews it has completed.

We are concerned with the lack of progress made by the Department of Labour and Advanced Education in addressing our previous audit findings from 1987 and 2001. For example, inadequate monitoring of municipalities, an inadequate management information system, and not completing inspections in accordance with the required frequency are all issues which were previously reported. The results of this audit make it apparent that the Department has not made these important issues a priority. Over the years, the Office of the Fire Marshal has failed to exercise its responsibilities and has failed to take actions it has known to be necessary to protect the public.

We have made 25 recommendations to address the weaknesses noted in this Chapter such as the need for a comprehensive assessment of operations which identifies and assesses fire safety risks.



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Background

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- 6.1 The Office of the Fire Marshal (OFM), an operational unit within the Department of Labour and Advanced Education, is responsible for the administration of the Nova Scotia Fire Safety Act (Act). The Act details the authority and responsibilities of the OFM and municipalities related to fire safety in the province. The primary responsibility of the OFM is fire prevention and investigation; fire fighting is performed by the municipalities. The OFM has established three major program areas to address its responsibilities under the Act: education; enforcement; and engineering.
- 6.2 Through its education program the OFM provides training to industry, institutions, government, and fire services including fire safety training to staff within correctional facilities and nursing homes. Information on fire safety is also provided to the general public. The OFM's engineering program includes the review of new construction and renovation plans for certain types of buildings to identify contraventions of the Act and regulations, and the National Fire Code of Canada (fire code), prior to construction.
- 6.3 The enforcement program objective is to assess whether building owners and operators are complying with the Act, regulations and the fire code, and to take action where noncompliance is identified. To accomplish this, the OFM conducts fire safety inspections on certain building types as mandated in legislation or determined by management. The Act also requires municipal inspectors to complete fire safety inspections on a large number of building types as listed in the regulations. These include assembly buildings like theatres and restaurants and residential buildings such as apartment buildings and hotels. The OFM also follows up on complaints received and conducts fire investigations as required.
- 6.4 Eight Deputy Fire Marshals (DFMs) are responsible for performing fire safety inspections for the OFM, completing fire investigations as required, and monitoring the inspection activities of municipal inspectors. One of these DFMs is responsible for the education program. A Fire Protection Engineer is responsible for the review of construction plans.



Audit Objective and Scope

- 6.5 In the fall of 2010 we completed a performance audit of the Office of the Fire Marshal. The audit was conducted in accordance with Sections 18 and 21 of the Auditor General Act and auditing standards established by the Canadian Institute of Chartered Accountants.
- 6.6 The purpose of this audit was to determine whether fire safety risks in buildings are being adequately managed to protect the public.
- 6.7 The audit objective was to determine whether fire safety inspection, enforcement and education systems and processes at the Office of the Fire Marshal are adequately designed and implemented to manage identified risks to the public. The scope of the audit did not include an examination of fire safety operations at the municipalities, although certain municipal management were interviewed during the audit.
- 6.8 Generally accepted criteria consistent with the objective of this audit did not exist. Audit criteria were developed specifically for the engagement using both internal and external sources. Criteria were accepted as appropriate by senior management of the Department.
- 6.9 Our audit approach included interviews with OFM management and staff; documentation of systems and processes; testing of inspection and compliance processes and procedures; and examination of legislation, policies and results of municipal reviews. Our testing period for inspections covered fiscal years 2007-08, 2008-09 and 2009-10.

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Significant Audit Observations

Management Information

Conclusions and summary of observations

Management is not performing appropriate oversight of operations, which we believe has contributed to a number of the deficiencies noted throughout this report. The Office lacks fundamental information needed to effectively manage its operations. The OFM does not have adequate systems and processes in place to know whether education, inspection, enforcement and engineering systems are operating as designed and are effective in managing identified risks. As an example, there is no inventory of buildings which require fire safety inspections by the OFM and management does not know whether required fire safety inspections have been completed. Management does not know whether significant deficiencies



identified during fire safety inspections have been appropriately addressed. We recommended that management conduct a comprehensive assessment of OFM operations, including the identification and assessment of risks.

- 6.10 *Operational assessment* – Management has not conducted a comprehensive assessment of OFM operations. An assessment would consider the basic requirements of an effective inspection and investigation program, including an identification and assessment of risks. This would help management identify areas of concern and actions required to address them. Such an assessment would also help determine whether the resources currently available to the OFM are sufficient to fulfill their responsibilities, and whether those resources are allocated to the highest priority areas. For example, certain buildings, such as provincially-owned or leased buildings, need to be assessed to determine the appropriate inspection frequency. In addition, the OFM needs to determine staff resource requirements including the number of DFMs needed to perform required fire safety inspections, investigations, and other OFM responsibilities.
- 6.11 Based on the findings of our audit, we believe there is a need for a comprehensive evaluation of OFM operations, including human and other resource needs, as well as operational policies and procedures. The recommendations in this Chapter should be considered in this evaluation and any resulting action plan to redesign operations.

Recommendation 6.1

The Office of the Fire Marshal should conduct a comprehensive assessment of its operations, including an identification and assessment of fire safety risks and resources needed to address those risks. Subsequent to the assessment, a plan should be developed and implemented to change operations as required. Both the assessment and resulting plan should be completed immediately.

- 6.12 *Fire department management system* – The OFM has a central database available for use by staff and management – the fire department management system (FDM). This system can capture important information on fire inspection and fire investigation activities. The FDM does not include an inventory of all buildings requiring inspections by the OFM nor are all completed inspections and investigations recorded in this database. Of the 70 inspection files we tested, 76 % (53 files) were not recorded in FDM. Because the information in FDM is not complete, required information is not available for management to adequately monitor inspection, compliance, and enforcement activities. The following are examples of information that was not included in the database which we expected would be available to management and staff.

- A complete inventory of all buildings requiring inspection.

- The date each building was last inspected.
- The date when the next inspection is due.
- The results of the inspections completed, including inspection date, report date, method of reporting, deficiencies identified, date by which compliance is required and achieved, if reinspection was completed, and enforcement action taken.
- Causes, origin and circumstances of fires.

6.13 Management indicated that there are frequent technical problems and resource issues which have contributed to the lack of use of the FDM system.

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Recommendation 6.2

The Office of the Fire Marshal should evaluate its operational information needs and its management information systems to ensure that all necessary information is being collected and is available for use by staff and management.

Recommendation 6.3

The Office of the Fire Marshal should ensure that at a minimum, a complete inventory of all buildings requiring inspections by that Office, and all inspection and investigation activities, are entered into the system in a timely manner.

6.14 *Activity reports* – The DFMs are required to complete monthly activity reports. These reports break down which activities are completed each day and the number of hours used to conduct inspections and other activities. Only three of the eight DFMs submitted these activity reports in 2009-10 and one of them only submitted the information for five months.

6.15 If completed, these reports could provide valuable information for monitoring the activities and performance of the DFMs as well as provide data to aid in the development of performance standards. The reports could also help determine the level of resources needed to fulfill responsibilities.

Recommendation 6.4

The Office of the Fire Marshal should ensure all Deputy Fire Marshals submit activity reports as required.

6.16 *Performance standards* – There are no performance standards or targets established for DFMs. Possible standards which could help evaluate DFM performance include: time required to complete various types of inspections; length of time from inspection to ensuring the deficiencies are addressed; and the number of inspections which should be completed



monthly or annually. Such standards would also assist with scheduling inspection activities and determining the resources required to address the responsibilities of the OFM.

Recommendation 6.5

The Office of the Fire Marshal should implement performance standards for Deputy Fire Marshals' activities.

- 6.17 *Monitoring staff performance* – Staff performance evaluations are not being done on a regular basis. None were completed during 2009-10. Four staff were last evaluated nine years ago, one staff eight years ago, and two staff two years ago. Performance evaluations are necessary to ensure that staff are meeting desired performance expectations including recognition of good performance as well as identifying and addressing areas in which staff require development. The OFM needs to develop a process for the ongoing monitoring and evaluation of staff performance. Such a process should include establishment of performance expectations and targets; regular monitoring by management; and annual performance assessments.

Recommendation 6.6

The Office of the Fire Marshal should implement a system to regularly monitor and assess staff performance.

- 6.18 *Quality assurance process* – Management does not have a quality assurance process in place such as the regular review of a sample of inspection files. A quality assurance process is a set of planned and systematic actions to provide confidence that a system is performing as required. At the OFM, a quality assurance process should include inspections and follow up of complaints. This would provide management with some assurance that policies and procedures are followed, that activities are carried out consistently between DFMs, and that activities completed are properly documented. Additionally, DFMs use professional judgment regarding which compliance activities they complete and the timing of those activities. A quality assurance process would allow management to determine if appropriate judgment is being used.

Recommendation 6.7

The Office of the Fire Marshal should implement a quality assurance process which includes key operational activities.

- 6.19 The fact that management does not have critical information available to determine whether the OFM is fulfilling its important public safety responsibilities is concerning. Management is not performing an appropriate level of oversight of OFM operations. This audit notes several

significant deficiencies which support the lack of management oversight. To ensure that the deficiencies identified in our report are addressed and do not continue to occur, management must be more effective in its oversight responsibilities.

Monitoring of Municipalities

Conclusions and summary of observations

The Office of the Fire Marshal's monitoring of municipalities is inadequate. Many buildings for which municipalities have fire safety inspection responsibilities are not being inspected as required. Since 2003, only five of 56 municipalities have been reviewed for compliance with the Act; the two largest municipalities were not reviewed. Based on the results of the Office of the Fire Marshal's reviews, none of the five municipalities have been completing all required inspections, with one completing no inspections at all. The OFM does not have a plan on how to address its oversight responsibilities for all municipalities in the province and has not taken appropriate action to address findings in the few reviews it has completed to date. Due to the lack of clarity in the Fire Safety Act, buildings with similar conditions may be inspected with varying frequency throughout the province. The Fire Safety Act needs to be amended to clarify the acceptable inspection frequency for non-assembly buildings. As the legislation exists, municipalities can conduct inspections at any frequency and still comply with the Act.

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- 6.20 *Legislative responsibilities* – The Fire Safety Act came into force in 2002 and the regulations in February 2003. The regulations require municipalities to inspect assembly buildings every three years; for non-assembly buildings, Section 19(1) of the Act requires them to “*establish a system of fire safety inspections of land and premises situated within its jurisdiction, as required by regulations, to provide for compliance with this Act, the regulations and the Fire Code*”. The non-assembly building types are residential, business and personal services, mercantile, and industrial. Assembly buildings have a gathering of persons within the buildings such as theatres and restaurants.
- 6.21 Section 19(1) of the Act lacks clarity. It does not define what a system of fire safety inspections is. There is no requirement for time frames to be established. The system could be based solely on complaints; in other words no inspection would be conducted unless a complaint was received. Management indicated that one municipality is using this as its system of inspections. If municipalities decided to implement time frames for inspections, they would be able to set any time frame they like, even if it is potentially unsafe, and still be in compliance with the Act. There is a need to set reasonable parameters within the legislation so municipalities have



some discretion in determining the system of inspections while ensuring that any decision made by municipalities will result in adequate public safety.

Recommendation 6.8

The Office of the Fire Marshal should define minimum standards to be used in determining an appropriate system of inspections for municipalities and update legislation as required.

6.22 *Review of municipalities* – Although the Fire Safety Act came into force in 2002 and the regulations in February 2003, there has been no monitoring of the municipalities by the OFM until 2009-10. In 2009-10, in order to begin some monitoring, eight of 56 municipalities were judgmentally selected for review. Five of those eight selected were completed at the time of our audit with four being done in 2009-10. The results from the five reviews completed by the OFM indicated that:

- one municipality had not completed any inspections in the past three years;
- one municipality had completed 12 inspections in the past three years;
- four municipalities had not inspected any non-assembly buildings;
- five municipalities had not inspected all assembly buildings every three years; and
- two municipalities did not know how many assembly buildings they were responsible for.

6.23 The Act requires the OFM to perform inspections where the municipalities have not. For the five municipalities reviewed, the OFM did not conduct its own inspections and has not assessed the risks for those buildings where systems of inspections have not been established. In these cases both the OFM and the municipalities are in contravention of the Fire Safety Act.

Recommendation 6.9

The Office of the Fire Marshal should perform fire safety inspections when municipalities fail to complete inspections as required by the Fire Safety Act.

6.24 *Follow up on order to take action* – The Fire Safety Act allows the OFM to issue an order to take action when it is believed there is a contravention of the Act, regulations or fire code. In all five municipalities, it was found that none were complying with the Act and regulations. However, an order to take action was only issued to one of the municipalities.

6.25 For the one order to take action issued, there was not adequate follow up to ensure the municipality complied with the order to take action. According to



the DFM involved, the municipality provided a list of inspections completed but the DFM did not verify whether the inspections were completed.

Recommendation 6.10

The Office of the Fire Marshal should implement policies and procedures to follow up deficiencies identified during its reviews of municipalities.

6.26 *Ongoing monitoring of municipalities* – The objective of the initial OFM reviews was to find out if municipalities were doing inspections as required and how they were being conducted. According to OFM management, more detailed reviews are to be completed on all municipalities but no plans have been developed addressing what information will be covered, how it will be obtained, when these will be done and what monitoring will be done after these detailed reviews are completed. The Fire Safety Act places considerable responsibility for fire safety inspection of buildings with the municipalities; therefore appropriate OFM oversight is important.

6.27 The reviews conducted by the OFM did not include the Halifax Regional Municipality (HRM) or the Cape Breton Regional Municipality (CBRM) but as part of our audit we interviewed management from these municipalities. We were told that neither the HRM nor the CBRM have met all their fire safety inspection requirements under the Fire Safety Act.

Recommendation 6.11

The Office of the Fire Marshal should develop and implement a plan to determine whether municipalities are currently complying with their legislative responsibilities and to ensure that they continue to comply.

6.28 Management at the HRM and the CBRM described their systems for conducting fire safety inspections. Although these systems were not audited by us, they indicated the use of checklists, enforcement guidelines, building inventories, and other processes which we believe may be of interest to the OFM. When conducting the operational assessment discussed in paragraph 6.10, consideration should be given to the inspection processes used by others, including the HRM and CBRM, in determining the best process for the OFM.

6.29 We are concerned that there are buildings for which municipalities have fire safety inspection responsibilities that are not being inspected as required. For these buildings possible fire safety risks are not being identified and addressed; this compromises public safety. Also, where the frequency of inspections is not established clearly in the Act, similar buildings with similar conditions may be inspected with varying frequency throughout the province.

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Inspection, Compliance and Enforcement

Conclusions and summary of observations

The fire safety inspection program of the OFM is inadequate to protect the occupants and users of buildings under its inspection responsibility from undue fire safety risk. We determined fire safety inspections are not taking place as required by legislation or policy. We found very limited procedural guidance exists to assist the DFMs in conducting and reporting inspection and compliance activities and in handling complaints; as a result, we found inconsistencies in some of these practices. We also found untimely reporting of serious deficiencies and no evidence of follow up on serious deficiencies.

6.30 *Inspection frequency* – Fire safety inspections are required either by legislation or OFM policy to be conducted at specified intervals of between once a year to every three years, depending on the type of building. Legislation provides specific inspection frequencies for some buildings but not all. For example, the frequency of inspections for non-assembly buildings owned by the province are not specified. For testing purposes, we requested 144 inspection files for certain buildings for the 2007-08, 2008-09, and 2009-10 fiscal years.

6.31 Our testing of fire safety inspections found that 47% (67 of 144) of requested inspection files could not be provided by the OFM. We have concluded that these inspections were not completed based on the fact that no evidence exists at the OFM supporting they were completed, and management indicated they were not done. Failure to complete the inspections as required may expose occupants and users of these buildings to undue fire safety risk. The table below summarizes the results of our testing by building type.

Buildings	Inspection Frequency	No Inspection Done	Expected Inspections
University Buildings (non-residential)	every 3 years	12	12
Community Colleges (non-residential)	every 3 years	2	2
Correctional Facilities	Annual	13	21
Hospitals	every 3 years	3	9
Nursing Homes	Annual	6	39
Daycares (over/under 40 occupants)	Annual/every two years	15*	34
Developmental residences	Annual	8	12
Group Homes	Annual	3	6
Residential Care Facilities	Annual	5	9
Total		67	144

**This is the minimum number missing. We cannot determine with certainty the number missing, because we do not know the due date of some inspections.*

Recommendation 6.12

The Office of the Fire Marshal should meet their inspection responsibilities as required by legislation and Office of the Fire Marshal policy.

- 6.32 Legislation requires that public schools be inspected by municipalities every three years. However, according to OFM management, the municipalities have not been conducting these inspections as they feel they are owned by the province and are not within their mandate. According to management, prior to 2010-11, the OFM did not inspect many public schools. This means the Office would not have met legislative requirements. OFM management indicated that as of 2009-10, there is an informal agreement with the Department of Education to complete an inspection of all non-HRM schools over the next five years, beginning in 2010-11. After five years, the intention is for the municipalities to take responsibility for compliance with the legislation. The Office of the Fire Marshal also has a memorandum of understanding with HRM which states that municipal inspectors are to inspect schools at the frequency required by legislation. However even under these agreements, the OFM has no mechanism by which it can monitor whether inspections are carried out as required.

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Recommendation 6.13

The Office of the Fire Marshal should ensure that public schools are inspected at the frequency required by the Fire Safety Act.

- 6.33 *Lack of OFM operational policies and procedures* – The OFM has not developed policies and procedures supporting many key operational activities. Policies and procedures are important to ensure staff are aware of what is required and to ensure there is a consistent approach. The following paragraphs describe several of the areas in which policy and procedure development is required.
- 6.34 *Serious fire safety deficiencies* – There are no documented criteria for determining the seriousness of fire safety issues. Based on discussion with management and the DFMs, we determined what fire safety deficiencies are considered serious in nature due to the immediate impact on occupant safety. These include deficiencies related to clear access to leave the building, fire separation, fire alarm systems, sprinkler systems, and smoke detectors. The seriousness of deficiencies should be an important consideration when staff decide the reporting method, follow-up and enforcement action to be taken.

Recommendation 6.14

The Office of the Fire Marshal should define what constitutes a serious fire safety deficiency identified during inspections.



- 6.35 *Inspection reporting method* – Inspections are reported using either a letter or an order to take action. The letter makes recommendations to address deficiencies while the order to take action is legally enforceable. There are no defined criteria for when to use an order to take action versus a letter. Based on interviews with DFMs, an order to take action would most likely be used for serious matters.
- 6.36 In our testing of inspection files we found that DFMs were inconsistent in the reporting method used. Of the 70 files we examined, 59 files identified deficiencies; 23 orders to take action were issued and letters were issued for the remaining 36 files. Of the 36 files with letters issued, there were 104 serious deficiencies identified in 26 files. Three of eight DFMs issued the orders to take action, with two DFMs accounting for 21 of the 23.

Recommendation 6.15

The Office of the Fire Marshal should implement policies and procedures regarding the inspection reporting method to be used by Deputy Fire Marshals when deficiencies are found.

- 6.37 *Inspection reporting time frames* – There are no defined time frames, based on the seriousness of deficiencies, regarding when a report must be issued following an inspection. In the 63 files for which we were able to determine the inspection date, 12 reports were issued more than 30 days from the inspection date, including two which were over 90 days. Of these 12 reports, 11 identified deficiencies with ten including 49 serious deficiencies. The two reports which were issued more than 90 days after the inspection date identified three deficiencies with one being serious. We believe that issuing a report with serious deficiencies more than 30 days after the inspection date is bad practice and is not timely. One action which could be considered to help address the timeliness of when reports are issued is providing DFMs with computers which would allow them to document the inspection results and provide a report to the clients at the time of the inspection.

Recommendation 6.16

The Office of the Fire Marshal should implement policies and procedures regarding the time frames required to report deficiencies identified during inspections.

- 6.38 *Time frame to address inspection deficiencies* – There are no defined time frames for compliance with orders to take action or letters of recommendation based on the seriousness of deficiencies. When deficiencies are reported, a deadline to address is typically provided; however this is not a requirement other than for an order to take action. A required



compliance date would motivate owners to correct deficiencies in a timely manner, especially if deficiencies are serious.

6.39 We examined 59 files in which deficiencies were reported and found the following.

- 11 reports had no compliance date (19%); nine of these included 39 serious deficiencies.
- 21 reports had compliance dates of 30 days or less (36%).
- 24 reports had compliance dates between 31 and 60 days (41%).
- The remaining three files had compliance dates of 61 days, 74 days and 146 days and included 25 serious deficiencies.

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Recommendation 6.17

The Office of the Fire Marshal should implement policies and procedures regarding required time frames for building owners to address deficiencies noted in inspection reports.

6.40 *Follow up and enforcement of inspection deficiencies* – Ensuring deficiencies identified are appropriately addressed is critical to the effectiveness of the fire safety inspection process. A compliance letter, which highlights whether building owners have addressed (or plan to address) each deficiency reported, may be requested but this is not a consistent practice among DFMs. The DFM can also reinspect to confirm that deficiencies have been adequately addressed rather than asking for a compliance letter. We believe a compliance letter is not sufficient evidence of compliance for serious deficiencies.

6.41 Based on our analysis of 68 inspection files in which there was an inspection report on file, we are concerned that the OFM is not following up on serious fire safety deficiencies to ensure they have been appropriately addressed. We noted a consistent lack of evidence to support follow up of deficiencies and no evidence to support compliance with existing policies. The following is a summary of the key findings from our detailed testing of inspection files.

- Deficiencies were reported in 59 files while nine had clean reports.
- Of the 59 files, 23 orders to take action were issued, including 22 files which identified 134 serious deficiencies.
 - 15 of the 22 files with serious deficiencies had no evidence of reinspection by a DFM as required by policy.
 - In eight of the 15 files, the building owner provided a compliance letter.



- The remaining seven files included 46 serious deficiencies and had no evidence of compliance.
- Of the 59 files in which deficiencies were reported, 36 letters were issued with 26 including 104 serious deficiencies.
 - There was no evidence of reinspection in the 36 files for which letters were issued.
 - Compliance letters were received for 17 of the 36 files.
 - The remaining 19 files had no evidence of compliance and 11 of those files included 48 serious deficiencies.
- For five inspection files which noted a compliance date, clients responded some time later. There was no evidence that the DFM followed up when no response was received by the deadline. A number of days passed between the compliance date and when a letter was received – 131, 112, 74, 62, 45 days. These files included 18 serious deficiencies.
- 17 deficiencies were noted in six licensed facility inspection files. This would include nursing homes and daycares. Four of these files had eight serious deficiencies. The OFM made a licensing recommendation for all six facilities before each facility provided a compliance letter to confirm the deficiencies were addressed.

6.42 Enforcing compliance with the Fire Safety Act and regulations can involve the use of an order to take action, summary offense ticket, and prosecution. There are no established enforcement guidelines which outline appropriate responses and enforcement options when violations are detected. This is left to the discretion of the Deputy Fire Marshals. Other than the issuance of an order to take action, no other enforcement actions were noted in the inspection files. In six files, we noted repeat deficiencies from a prior inspection report. In one of these files, there was a serious deficiency and no order to take action was issued. When there are repeat serious deficiencies, we would expect an order to take action would be issued.

Recommendation 6.18

The Office of the Fire Marshal should implement policies and procedures for adequate follow-up and enforcement of inspection deficiencies.

6.43 *Completeness of inspections* – As indicated in paragraph 6.44, there is no documentation supporting the areas examined as part of each inspection. We interviewed six DFMs to determine their approaches to conducting inspections and found they appear to be consistent regarding what is examined. However, we did note differences in inspection coverage among the DFMs. Some DFMs perform 100% inspection of certain items such as resident rooms and fire extinguishers while others pick a sample based on

perceived risks. The OFM should provide inspection coverage guidance to promote consistency among inspectors. The lack of clarity in this area could result in inadequate inspection coverage by some DFMs. Offsetting this, we found that the nature of fire safety deficiencies identified in the inspection files we tested were broadly dispersed across inspections and covered a number of areas within the fire code. This provides at least some support that all code areas are being examined.

Recommendation 6.19

The Office of Fire Marshal should implement inspection guidelines regarding inspection coverage.

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6.44 *Inspection checklists* – There is no documentation supporting the extent or completeness of the inspection conducted, such as an inspection checklist. The use of a checklist would reduce the risk of items being missed, help ensure consistency among DFMs and provide some evidence that the inspection was adequate. A checklist could also provide a basis for management to review inspection activity. This is discussed in paragraph 6.18. Currently, the only documentation supporting what was examined during the inspection is the final report which would include deficiencies identified if applicable.

Recommendation 6.20

The Office of the Fire Marshal should implement an inspection checklist which should be signed by the Deputy Fire Marshal.

6.45 *Complaints* – The OFM does not have policies and procedures to respond to fire safety complaints. Policies and procedures should address required documentation, investigation and resolution steps, and a mechanism to track complaints to resolution. Without an established process, serious fire safety related complaints may not be appropriately investigated.

Recommendation 6.21

The Office of the Fire Marshal should implement policies and procedures related to the documentation and investigation of fire safety related complaints.

6.46 *Staff orientation training* – Deputy Fire Marshals meet the OFM's qualification requirements. However, there is a need for an orientation training policy to help ensure new Deputy Fire Marshals receive appropriate training. DFMs receive orientation training through a mentor when they are first hired. However, there is no policy which specifies what this orientation training should cover. We realize that certain individuals may have different training needs but an overall training plan should be developed which can be customized as required. For example, an



individual may have a lot of experience in investigating fires already so he or she may not need mentoring in this area. A policy would establish the minimum requirements which need to be considered when creating individual training programs.

Recommendation 6.22

The Office of the Fire Marshal should implement an orientation training policy.

6.47 *Review of construction plans* – According to the Fire Safety Act, before construction starts or before alterations or repairs for certain building types, an owner must submit the plans to the OFM for review. The OFM will advise the owner if there are any apparent contraventions of the Act, regulations or the fire code. Staff review the plans which are submitted and note deficiencies in a report to the client. Staff will also request a compliance letter from the client indicating that the deficiencies reported were addressed. However, there is no follow up to ensure a compliance letter is received or to verify that the deficiencies have been appropriately addressed. Municipal building officials are involved with buildings which require a building permit but OFM staff do not provide a copy of the OFM review report to the applicable building inspectors unless they ask for it. We examined a sample of ten files in which plans were reviewed and found one file in which two of the deficiencies identified in the plan review still existed when the building was inspected by a DFM post-construction.

Recommendation 6.23

The Office of the Fire Marshal should follow up on fire safety deficiencies noted during the review of construction plans to ensure these deficiencies have been appropriately addressed.

6.48 *Results from prior audits* – We are concerned with the lack of progress made by the Department in addressing our previous audit findings from 1987 and 2001. For example, inadequate monitoring of municipalities, an inadequate management information system, and not completing inspections in accordance with the required frequency are all issues which were reported previously. The results of this audit make it apparent that the Department has not made these important issues a priority. The Office of the Fire Marshal has, over the years, failed to exercise its responsibilities and has failed to take actions it has known to be necessary to protect the public.

Recommendation 6.24

The Department of Labour and Advanced Education should make it a priority to address all recommendations in this Chapter.



Fire Safety Education

Conclusions and summary of observations

The Office of the Fire Marshal's education systems and processes are not adequately designed and implemented to manage risks to the public. An education plan has not been developed based on an assessment of related risks.

6.49 *Education plan* – The OFM does not have an education plan. Generally, training is provided by request. Training programs are offered for staff of correctional facilities and nursing homes. OFM staff indicated that the material for these courses is revisited periodically to ensure the content is relevant and that lessons learned informally from inspections and investigations are incorporated. Management feels there are education opportunities involving the general public and government agencies which are not currently addressed. In addition, the Fire Safety Act requires public schools, private schools, universities, community colleges, and a “*person who owns, operates, manages or controls a plant or equipment used primarily for the production, transmission, delivery or furnishing of electric power or energy for sale*” to implement a system of inspections for their buildings, plant or equipment to ensure compliance with the Fire Safety Act, regulations and the fire code. The OFM helped the Department of Education develop a fire safety program for school boards to help address this legislative requirement. Program training was also provided. The need for education programs at private schools, universities, community colleges and for the plant and equipment related to electric power or energy for sale has not been assessed. There is a need to perform a risk assessment regarding all fire safety education requirements in order to rank and prioritize training needs according to risk. This assessment will help in developing an education plan.

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Recommendation 6.25

The Office of the Fire Marshal should implement a fire safety education plan based on an assessment of risks. The plan should be monitored and periodically updated where applicable.

Response: Department of Labour and Advanced Education

The Department of Labour and Advanced Education (LAE) has prepared this response to the Auditor General's Audit Report of the Office of the Fire Marshal (the "OFM"). The OFM undertakes significant activities to protect the public from fire safety risks. We concur with the observations and recommendations of this audit

Addressing all of the recommendations contained in the Audit Report is a priority for LAE. As a result, we have assigned a Project Director to oversee the development and implementation of an action plan to address the issues and recommendations and to ensure that timelines are met as noted below. LAE recognizes that this is an opportunity to improve our overall processes and practices related to fire prevention and investigation in the province.

Management Information

Recommendation 6.1

The Office of the Fire Marshal, should conduct a comprehensive assessment of its operations, including an identification and assessment of fire safety risks and resources needed to address those risks. Subsequent to the assessment, a plan should be developed and implemented to change operations as required. Both the assessment and resulting plan should be completed immediately.

As noted above, LAE has assigned a Project Director to conduct an analysis of operations including inspection/ investigation activities and an identification and assessment of risks. A draft working plan has been developed which incorporates activities related to implementing each of the recommendations noted below. This will also include a determination of appropriate staffing levels to fulfill our responsibilities and to ensure that resources are allocated to the highest priority areas. The objective is to ensure that the timelines noted in each recommendation are met.

Recommendation 6.2

The Office of the Fire Marshal should evaluate its operational information needs and its management information systems to ensure that all necessary information is being collected and is available for use by staff and management.

The OFM will immediately begin an assessment of its information needs so that management information systems can be evaluated that meet operational requirements, policy/legal considerations, and our stakeholders' needs. An interim process will be established to ensure that information needs for operational management are met over the next eight months. In the meantime, a more comprehensive review will be undertaken to establish a long term solution over the next eighteen months. This will include a review of existing information

management systems within LAE with consideration to the business requirements for the OFM.

Recommendation 6.3

The Office of the Fire Marshal should ensure that at a minimum, a complete inventory of all buildings requiring inspections by that Office, and all inspection and investigation activities, are entered into the system in a timely manner.

The OFM has acquired a listing of provincial buildings from Transportation and Infrastructure Renewal. The OFM is also in the process of obtaining listings for other buildings for which the OFM is responsible (e.g. Department of Health and Wellness – nursing homes).

A complete inventory will be compiled no later than June 1, 2011. Once a management information system is in place, all activities will be entered into the system in a timely manner (see Recommendation 6.2).

Recommendation 6.4

The Office of the Fire Marshal should ensure all Deputy Fire Marshals submit activity reports as required.

The OFM has already implemented daily/monthly activity reporting utilizing a software program. As we move forward, we will review processes and systems to ensure that any necessary adjustments are made.

Recommendation 6.5

The Office of the Fire Marshal should implement performance standards for the Deputy Fire Marshals' activities.

The OFM has updated the position description for the Deputy Fire Marshals (DFM). Once approved, the OFM will work in collaboration with other regulatory agencies to develop and implement performance standards reflective of the roles and responsibilities of this position. This work will be completed over the next six months.

Recommendation 6.6

The Office of the Fire Marshal should implement a system to regularly monitor and assess staff performance.

The Province of Nova Scotia has an annual performance management process for bargaining unit employees. The OFM will ensure that an annual performance planning process is implemented for 2011-12.

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Recommendation 6.7

The Office of the Fire Marshal should implement a quality assurance process which includes key operational activities.

The OFM will develop and implement a quality assurance process to ensure that policies and procedures are consistently applied. This process will be based on best practices and similar programs in place within LAE. This work will support the overall operating policy development as noted below in Recommendation 6.15.

Monitoring of Municipalities

Recommendation 6.8

The Office of the Fire Marshal should define minimum standards to be used in determining an appropriate system of inspections for municipalities and update legislation as required.

The OFM recognizes the importance of providing support and direction to municipalities to enable them to successfully carry out their responsibilities under the Act. The OFM has begun work in collaboration with the Fire Inspection Association to develop a standard for assessing “a system of fire-safety inspections” which will allow municipalities to develop their own inspection programs to make sure that public safety is a priority. This work will be completed over the next nine months.

Recommendation 6.9

The Office of the Fire Marshal should perform fire safety inspections when municipalities fail to complete inspections as required by the Fire Safety Act.

The OFM will develop and implement a plan to support municipalities to ensure that legislative requirements are met – this will include a review of inspection practices. The OFM will conduct inspections and ensure that activities are tracked when municipalities fail to do so. This plan is part of our broader agenda to ensure that our mandate and legislative requirements are met and as a result, will be completed over the next twelve months.

Recommendation 6.10

The Office of the Fire Marshal should implement policies and procedures to follow up deficiencies identified during its reviews of municipalities.

Once the “system” is defined as noted in recommendation 6.8, the OFM will develop and implement procedures to ensure that identified deficiencies are corrected. This work will be completed over the next nine months.

Recommendation 6.11

The Office of the Fire Marshal should develop and implement a plan to determine whether municipalities are currently complying with their legislative responsibilities and to ensure that they continue to comply.

See Recommendation 6.9 – The plan will include an assessment of inspection, compliance, and enforcement activities performed by municipalities to ensure legislative responsibilities are met.

Inspection, Compliance and Enforcement

Recommendation 6.12

The Office of the Fire Marshal should meet their inspection responsibilities as required by legislation and Office of Fire Marshal Policy.

The OFM recognizes the importance of meeting our legislative responsibilities. The OFM will review its mandate and operational inspection activities to ensure that legislative responsibilities are carried out. This will include a comprehensive review of our current structure, allocated resources, and management information systems. This will be part of our broader agenda to ensure that our mandate and legislative requirements are met. This will be completed over the twelve months.

Recommendation 6.13

The Office of the Fire Marshal should ensure that public schools are inspected at the frequency required by the Fire Safety Act.

See Recommendation 6.12 – This will include a review of our legislative responsibilities related to “public schools” under the Act (See Also Recommendation 6.9).

Recommendation 6.14

The Office of the Fire Marshal should define what constitutes a serious fire safety deficiency identified during inspections.

See Recommendation 6.15 – In addition, the OFM will develop procedures to provide support for key operational activities and to ensure consistency in approach. This will include the definition of a “serious fire safety deficiency” so that consideration can be given to the appropriate reporting method, follow-up, and enforcement action when applicable.

Recommendation 6.15

The Office of the Fire Marshal should implement policies and procedures regarding the inspection reporting method to be used by the Deputy Fire Marshals when deficiencies are found.

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The OFM will develop and implement overall operating policies to ensure that inspection, compliance, and enforcement activities are carried out as required by the Act. This will include specific inspection processes and procedures to ensure compliance. This is part of our broader policy agenda for the OFM which will be completed over the next twelve months.

Recommendation 6.16

The Office of the Fire Marshal should implement policies and procedures regarding the time frames required to report deficiencies identified during inspections.

See Recommendation 6.15 – This will also include the establishment of time frames to report identified deficiencies.

Recommendation 6.17

The Office of the Fire Marshal should implement policies and procedures regarding time frames for building owners to address deficiencies noted in inspection reports.

See Recommendation 6.15 – This will also include the establishment of time frames for building owners to address deficiencies as noted in inspection reports.

Recommendation 6.18

The Office of the Fire Marshal should implement policies and procedures for adequate follow-up and enforcement of inspection deficiencies.

See Recommendation 6.15 – This will include specific inspection processes and procedures to ensure there is adequate follow-up and enforcement of inspection deficiencies.

Recommendation 6.19

The Office of the Fire Marshal should implement inspection guidelines regarding inspection coverage.

Inspection guidelines will be developed and implemented by the fall of 2011. This will provide guidance regarding inspection coverage expectations and ensure that there is consistency in approach among DFM.

Recommendation 6.20

The Office of the Fire Marshal should implement an inspection checklist which should be signed by the Deputy Fire Marshal.

The OFM is developing an inspection checklist that will be implemented by the fall of 2011.

Recommendation 6.21

The Office of the Fire Marshal should implement policies and procedures related to the documentation and investigation of fire safety related complaints.

See Recommendation 6.15 – This will also include processes and procedures to ensure there is appropriate documentation regarding the investigation of fire safety complaints.

Recommendation 6.22

The Office of the Fire Marshal should implement an orientation training policy.

The OFM will develop and implement an orientation training policy based on best practices and existing programs within LAE. The policy/program will incorporate the Department's generic orientation program and include specific training components so that customized plans can be developed. This policy will be implemented by the winter of 2011/12.

Recommendation 6.23

The Office of the Fire Marshal should follow up on fire safety deficiencies noted during the review of construction plans to ensure these deficiencies have been appropriately addressed.

See Recommendation 6.15 – This will also include follow up on fire safety deficiencies as noted during a review of construction plans

Recommendation 6.24

The Department of Labour and Advanced Education should make it a priority to address all recommendations in this Chapter.

Addressing all of the recommendations contained in the Audit Report is a priority for LAE (see preamble and Recommendation 6.1). In addition, the Project Director will issue progress reports for each time line to the senior officials within LAE (i.e. fall 2011, winter 2011/12, spring 2012) to ensure that all recommendations are implemented as soon as possible.

Fire Safety Education

Recommendation 6.25

The Office of the Fire Marshal should implement a fire safety education plan based on assessment of risks. The plan should be monitored and periodically updated where applicable.

The OFM will conduct a risk assessment of fire safety education requirements to prioritize needs and develop an appropriate education plan. This work will be completed over the next twenty-four months.

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