



HEALTH & SAFETY

GUIDANCE FOR CONGREGATIONS

Churches and Church Halls are a vital focal point for congregations and the local community, and are often used for a wide variety of purposes in addition to regular worship. Our buildings should be welcoming and spiritual places, and also as safe as possible for the people who use them. This circular gives an overview of the general principles of health and safety law as well as highlighting some specific areas. Detailed guidance on some of the main topics is available in the Health and Safety Toolkit prepared by the General Trustees - every congregation has been provided with a copy, and the most up to date version can be found on line in the Resources section of the Church of Scotland website, or by using the following link:-

http://www.churchofscotland.org.uk/resources/general_trustees_health_and_safety_toolkit

THE LAW

Persons with control of premises have a general duty of care under the common law and under the Occupiers Liability (Scotland) Act 1960 towards people on these premises. The nature of the obligations will vary according to the size, type and use of the premises concerned, but generally and in terms of the legislation, the responsibility is to ensure the safety of these people “so far as reasonably practicable”.

The 1974 Health and Safety at Work Act is the principal piece of legislation for employers, and numerous sets of regulations derive from it, although not all of these will have direct relevance to congregations or to activities carried on in their premises. However, there are, for example, specific regulations with regard to asbestos management and gas safety, and reference is made to the relevant sections of the Toolkit.

The legislation should not be ignored on the basis that congregations are not employers – many will have at least one employee. Furthermore, the Health and Safety Executive takes the view that volunteers should be offered the same level of protection as employees.

Under the 1974 Act the basic duties are as follows:-

- Employers have a duty to ensure, so far as reasonably practicable, the health and safety and welfare at work of all their employees.
- Employers and the self-employed must conduct the undertaking for which they are responsible so as to ensure, so far as reasonably practicable, that persons not in their employment are not exposed on their premises to risks to health or safety.

Dealing with health and safety might appear daunting, but can be tackled using a methodical approach with the guidance of the Toolkit, and much of what is required will be obvious. There is support and advice available from the Church offices, the HSE and your local authority.

WHO IS RESPONSIBLE?

The charity trustees of a congregation (ie members of the kirk session, office bearers and financial board, if any) are collectively responsible for ensuring that all premises under their control, whether or not they are workplaces, are kept as safe as is reasonably practicable and that employees, the minister, members of the congregation and members of the public generally are not exposed to avoidable risks. This responsibility exists irrespective of any requirement arising out of the 1974 Act or regulations made under it. The obligation is as a trustee and should not lead to personal liability, unless a trustee acts in a particularly negligent or even criminal manner, against the wishes of or without the knowledge of the other trustees.

The regulations provide that an employer must appoint a competent person to assist the employer to comply with health and safety obligations. This does not mean you must engage the services of an external adviser, though a congregation may choose to do so if it has sufficient resources to pay for such advice. It is suggested that the practicalities be delegated to one person or to a small group of persons such as a fabric convenor or fabric committee. They should have the support of, and report back regularly to, the charity trustees, so they do not feel they are solely responsible for health and safety.

PREMISES

The charity trustees are responsible for all congregational properties, although the 1974 Act applies only to any premises where employees of the congregation work. Churches are generally workplaces, because organists, church officers, and cleaners work there, and a church hall is also likely to be a work place if the church officer/cleaner work there.

Manses, however, are not automatically regarded as workplaces as they are considered to be residences for ministers and their families (ministers are office holders and not employees). However, if for example a church secretary were to work on a regular basis in a room in the manse, then that room might be considered a work place. It is, however, sensible to ensure that the manse is kept as safe as reasonably practicable for the minister and family, and for members of the congregation who may visit it regularly. Indeed, the obligatory inspections required by the manse condition schedule cover many health and safety matters.

Land without buildings belonging to congregations, such as a glebe, is also affected, and there is a duty of care towards people entering that land whether for work purposes or recreation.

Where premises or land are fully let on a commercial basis, and where the tenant is in control of the land or premises, then the duty of care falls principally on the tenant. If in doubt, please contact the Law Department for advice.

Where premises are partially let out, health and safety obligations will be the duty of both the users and the charity trustees, depending on the nature of the activities. Again, if in doubt, tailored advice can be obtained from the Law Department or from the General Trustees.

PERSONS AFFECTED

The duty of care is owed to all who enter the premises – the minister, employees, members of the congregation, office bearers, visitors, tradespeople, hall users. Particular care should be taken where the premises are used by children or less able persons, or anyone who might be seen as vulnerable.

GENERAL OBLIGATIONS AND RISK ASSESSMENTS

Regulations require that employers and self-employed persons make regular assessments of hazards and risks. While there is no legal requirement for congregations which have less than five employees to keep these assessments in writing, it is strongly recommended that a written record is kept of inspections carried out, noting possible hazards and steps taken to deal with them. For congregations with no employees, it is still strongly recommended that they carry out regular risk assessments and keep records. Assessments should be carried out at least once a year, and preferably more frequently. In the event of an incident occurring, it is clearly important to be able to produce evidence that assessments were carried out, and appropriate precautions were considered and taken.

In most cases it will be possible to carry out a perfectly adequate health and safety assessment by a number of office bearers inspecting the premises, noting potential hazards and thereafter devising means of removing/minimising any problems. It is important to involve/consult with all employees when carrying out a risk assessment. A safety risk such as a frayed wire or a trip hazard is likely to be obvious to anyone and the solution, such as removing the trip hazard, should be fairly easy to deal with. Once risks have been identified, it is obviously essential to ensure that appropriate steps are in fact taken within an appropriate time scale, and records kept.

Detailed guidance on how to complete a risk assessment is contained in the Toolkit, along with a template. If further guidance is needed, a leaflet *Five Steps to Risk Assessment* is available from the Health and Safety Executive website www.hse.gov.uk (In the Search box on the right, select “Risk management”). There are various examples of such assessments to be found on this website.

Trustees should have in place a Health and Safety Policy, which must be on display – please see the separate circular which gives an example of a basic Policy document.

Employers must ensure that there are safe systems of work in place. Any activities which carry higher risk will require that particular attention be paid to the health and safety of the employee. For example, regular computer use can cause repetitive strain injury, or working with poisons to kill weeds can be a higher risk activity. In certain cases it may be necessary to call on specialist outside assistance to carry out particular tasks. Specific reference is made to the section below on working at height.

There is a wealth of further general guidance (including copies of leaflets) available on the HSE website, the homepage for which is <http://www.hse.gov.uk>. The Church of Scotland Insurance Company also provides guidance on risk management at <http://www.cosic.co.uk/risk-management>

Also useful will be the NHS Scotland site <http://www.safeandhealthyworking.com>

SPECIFIC MATTERS

Fire Safety

Although there is no longer a legal requirement to have in place a fire safety certificate, trustees must deal with the requirements of the current fire safety legislation by having in place a Fire Risk Assessment. Guidance on how to prepare this is contained in section 4 of the Toolkit, and further detailed guidance, if required, can be found on the Scottish Government's website in "Practical Fire Safety Guidance for Places of Entertainment and Assembly":-

<http://www.scotland.gov.uk/Resource/0041/00418076.pdf>

Asbestos

Congregations must have in place an Asbestos Management Plan. See separate Law Department circular and section 3 of the Toolkit.

Smoking

Smoking is not permitted indoors by law. People who choose to smoke outside the church or hall should be discouraged from standing just outside the doors, as smoke will blow back.

First Aid

A first aid box should be kept on the premises, and guidance as to what it should contain, and on first aid generally, can be found on the Health & Safety Executive website <http://www.hse.gov.uk/firstaid/legislation.htm>. Employers must assess first aid provision, and provide suitable facilities for their employees, even if there are less than 5 employees. A church is seen as low hazard, and, provided there are fewer than 25 employees, there is no obligation to arrange formal training. There should, however, be at least one appointed person who looks after the first aid kit and checks and re-stocks it as necessary. While there is no specific legal obligation to provide first aid facilities for visitors or members of the congregation, it would be wise to assume that first aid is likely to be needed on occasion and have procedures in place.

Accident Book

An Accident Book should be kept in the premises and details of all incidents, minor as well as major, should be noted giving details of the date, nature of the incident and steps taken. As such information could be personal/sensitive it is important that this book is kept securely and confidentially. An Accident Book in the prescribed style can be purchased from the Health and Safety Executive via their website. This is a useful means of establishing if there is a pattern of accidents, so that something can be done about it. Employers should report serious accidents to the relevant Local Authority under RIDDOR (the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013). Please contact the Law Department and the General Trustees if such an event does occur.

Food Safety & Hygiene

See separate Law Department circular and section 6 of the Toolkit.

Utilities

Gas installations and appliances must be serviced annually, and records kept. Electricians (both fixed wiring and portable appliances) should also be checked regularly. Care needs to be taken to check water supply installations, particularly if a property has been vacant or taps not turned on for some time. Detailed guidance is contained in section 5 of the Toolkit.

Working at Height

This is, unfortunately, one of the main causes of major injury and even death in workplaces. By their nature, work on ladders or scaffolding at Church premises will often be necessary. For major projects such as work on the Church roof, tradespeople must use suitable safety equipment and harnesses and have appropriate insurance – this should be checked with them before work starts.

The Work at Height Regulations provide that employers must ensure that work at height is properly planned, appropriately supervised and carried out in a manner which is safe so far as reasonably practicable. While these regulations apply to employers, similar standards of care should be applied to volunteers who carry out tasks on church premises.

No work at height, even standing on a chair or stepladder to change a light bulb, should be attempted without a proper risk assessment. If light bulbs in inaccessible places have to be changed, or any other work requires to be carried out at height, then it is essential that consideration is given to the church officer's/volunteer's safety: they must not be expected/allowed to climb a high ladder unassisted (or a rickety ladder) or to crawl out over an unsupported ceiling. This in particular applies to anyone with health issues which could for example cause a dizzy spell. Please refer to the specific guidance contained in section 3 of the Toolkit.

Warning signs must be placed over any unsupported or fragile roof coverings or ceilings to ensure no-one unsuspecting tries to put their weight on them.

Outdoor steps and pathways

Where these are owned by the church, these should be properly maintained to avoid trips. If premises are frequently used in the evenings, consideration should be given to whether external lighting should be installed. If pathways or stairs become dangerous in the rain or snow in winter, appropriate steps should be taken either to cordon off the slippery area, or to keep it clear of snow or ice. Usually pathways through churchyards are owned by, and therefore the responsibility of, the local authority but if they cannot be persuaded to clear the paths, there is no reason why members of the congregation should not help out, either by gritting paths or clearing snow. Care should be taken that these measures are carried out regularly.

Lone Working

There will be occasions when someone might be alone in the church premises. Ideally procedures should be put in place, and a record kept, to ensure their safety. For example, where possible, they should be encouraged to carry a mobile phone, and to let someone know where they are and their expected time of return.

Manual Lifting

If heavy items need to be moved (e.g. stacks of chairs), a trolley or other means of assistance should be provided. Heavy items which are in regular use should not be stored above head height.

Stair Lifts

These should be checked and maintained regularly in accordance with the manufacturer's instructions to ensure that they are in good and safe working order.

Car Parks

Any safety measures requiring to be taken obviously depend on the circumstances of the congregation and the location of the church, but thought should be given to ensure safe parking and manoeuvring without endangering pedestrians. It might be necessary to consider the installation of outside lighting or to mark out parking spaces and no parking zones.

Cleaning Materials

These can be toxic and should be stored carefully and securely away from children or anyone else who might be injured by them.

Induction Hearing Loops

These are not seen as high risk, but it makes sense to check they are in good working order at regular intervals.

Events

A congregation might be considering holding a major fund raising event, such as a fete or a concert. There is an extremely helpful "Occasional Events Checklist" available from CLAS (the Churches Legislation Advisory Service), covering all matters to be considered, not just health and safety. Although based on English law, much will be of relevance in Scotland
<http://www.churcheslegislation.org.uk/publications>

Finally

The staff of the Law Department and the General Trustees' office are very willing to give further guidance on any aspect of health and safety, and office bearers should not hesitate to get in touch by email or by phone.

Email:-

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safebuildings@churchofscotland.org.uk

Tel: 0131 225 5722

Church of Scotland Law Department

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