



## HEALTH & SAFETY

### GUIDANCE FOR CONGREGATIONS

The following is a summary of some of the main issues concerning health and safety in Church premises. It is not possible to consider in detail all aspects of the subject. However, the general principles involved are covered and a number of important points highlighted.

#### THE LAW

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

Numerous sets of regulations have been made under the 1974 Health and Safety at Work Act but comparatively few of these will have direct relevance to Congregations or to activities carried on in their premises. There are, however, specific regulations with regard to Asbestos Management and Gas Safety, and reference is made to the separate Law Department circulars on these topics.

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.

These statutory duties are framed with what might be called the "normal workplace" (e.g. a factory or office) in mind. However, they do apply to Church premises.

In many cases all that is required is the application of "common sense": if there is a safety risk then it is likely that it will be obvious to the layman, and the solution (removing hazards from accesses, replacing frayed electrical cable etc.) should be equally self-evident; potential hazards should be dealt with and checks should be carried out at appropriate intervals.

However, certain specialties may arise and if there is any doubt then the Law Department should be consulted.

#### WHO IS RESPONSIBLE?

The Charity Trustees of a congregation (ie members of the Kirk Session and Financial Board, if any) are 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.

It is possible to delegate the practicalities to one person or to a small group of persons such as a Fabric Convenor or Fabric Committee, but 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 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.

## **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. Additional duties are of course owed to the disabled in terms of Equality legislation.

## **GENERAL OBLIGATIONS AND RISK ASSESSMENTS**

Regulations require that employers and self-employed persons make regular assessments of hazards and risks. There is no requirement for Congregations which have less than five employees to keep these assessments in writing, but 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 show 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 by the application of common sense, devising means of removing/minimising any problems. 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.

A leaflet *Five Steps to Risk Assessment* is available from the Health and Safety Executive website [www.hse.gov.uk](http://www.hse.gov.uk) (In the Search box for Health and Safety topics 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 – please see the separate circular which gives an example of a basic Policy document.

A Health & Safety poster in the approved format **must** be on display. Copies may be obtained from HSE Books.

Employers must ensure that there are safe systems of work in place. Normally the duties of such employees as organists or church officers will not involve “systems of work” as such. However, specific tasks which carry higher risk may require that particular attention be paid to the health and safety of the employee. This for example would include working with poisons to kill weeds. 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 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.

A methodical approach is required in considering potential fire hazards, escape routes, appropriate signage etc, and Congregations should record the findings of the assessment, and action taken, in the Property Register. Once an assessment has been carried out, then its findings should be acted upon, and a record kept.

Detailed guidance on what is expected in respect of assessment and implementation can be found on the website of the Scottish Government, and further guidance is given in the Law Department’s circular on Fire Safety. This circular incorporates a Fire Precautions Guide originally issued by the Churches Main Committee. Although based on the equivalent English legislation, the Guide is very much focused on assessment and implementation obligations within Church premises and should be helpful to the Trustees in determining what they require to do.

## **Asbestos**

The Trustees must have in place an Asbestos Management Plan. See separate Law Department circular.

## **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, or can be ordered by phone (01787 881165). 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).

## **Food Safety & Hygiene**

See separate Law Department circular.

## **Gas Appliances & Installations**

These must be serviced annually, and records kept. See separate Law Department circular.

## **Electrical Appliances**

Portable appliances require to be tested regularly under the PAT Regulations. See separate Law Department circular.

## **Working at Height**

This is, unfortunately, one of the main causes of major injury and even death in workplaces. In Church premises, working at height can vary from work on the Church roof, to standing on a chair or ladder to change a light bulb. With the former, tradespeople must use suitable safety equipment and harnesses and have appropriate insurance – this should be checked with them before work starts. With the latter, common sense should prevail. For example, if light bulbs in inaccessible places have to be changed then it is essential that consideration is given to the church officer's safety: he must not be expected/allowed to climb a high ladder unassisted (or a rickety ladder) or to crawl out over an unsupported ceiling. Heavy items which are in regular use should not be stored above head height.

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 with regard to volunteers who carry out tasks on Church premises.

No work at height should be attempted without a proper risk assessment. For their own good, well-meaning office bearers must be deterred from attempting unplanned climbs into roof spaces, onto roofs etc. where appropriate safety procedures have not been put in place. This in particular applies to anyone with health issues which could for example cause a dizzy spell.

## **Weather**

Consideration should be given to whether any area, such as steps or paths, are dangerous in the rain or, more likely, icy in winter. Appropriate steps should be taken either to cordon off the slippery area, or to keep it clear of snow or ice.

## **Lone Working**

There will be occasions when someone might be alone in the Church premises. 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.

## **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 steps 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.

The Church of Scotland Law Department  
Reviewed September 2014