

## HEALTH AND SAFETY AND FIRE SAFETY RESPONSIBILITIES GUIDANCE FOR CONGREGATIONS

The following is a brief summary of some of the main issues that should concern Financial Boards in connection with the safety of congregational property and those present in congregational premises. It is not intended to be an exhaustive treatment of the subject but states the general principles involved and highlights certain specific points. The current version of the circular is intended to underline fire safety responsibilities following on from the Fire (Scotland) Act 2005 and regulations which came into force on 1<sup>st</sup> October 2006.

### FIRE SAFETY

From 1<sup>st</sup> October 2006 the obligations requiring the carrying out of Fire Safety assessments under the Health & Safety legislation in respect of workplaces have been replaced with the relevant requirements of the new Fire Safety legislation . The assessment obligations are largely as before. A methodical approach is required and it is recommended that Congregations record the findings of the assessments and action taken in the Property Register as with the general Health and Safety assessments referred to below. Once an assessment has been carried out, then its findings should be acted upon. The Fire Safety obligations apply in respect of non-domestic premises and premises which are licensed as Houses in Multiple Occupancy. The obligations rest with those who have control of the relevant premises, that is Financial Boards.

Detailed guidance on what is expected in respect of assessment and implementation can be found in the Scottish Executive/Safer Scotland Fire Safety Guidance Booklet: and it is strongly recommended that Property Conveners obtain a copy which is available on the internet for download at

<http://www.infoscotland.com/firelaw>

A copy of the booklet is to be distributed to all organisations with a postal address in Scotland during 2006. The booklet is also available from Blackwell's Bookshop, 53 South Bridge, Edinburgh EH1 1YS (telephone orders and enquiries 0131 622 8283/8258).

Additionally, the Churches Main Committee has recently issued an extensively revised version of the Fire Precautions Guide that was distributed to Property Conveners some years ago. Although based on the equivalent English legislation, the Guide is very much focused on the assessment and implementation obligations and should be helpful to financial board in determining what they require to do. It is available for download from the Church of Scotland website: [www.churchofscotland.org.uk](http://www.churchofscotland.org.uk) (click on link on left to "Extranet area" then Law Department circulars).

.....

### HEALTH AND SAFETY GENERALLY

Numerous sets of regulations have been promulgated 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. Reference is also made to the circulars issued on 26 November 2002 and 23 April 2003 in respect of the Control of Asbestos at Work Regulations 2002 which (potentially at least) apply to all Congregations.

In most 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.

### WHAT ARE OUR RESPONSIBILITIES?

The financial court is responsible for ensuring that all premises under its control whether or not they are workplaces are kept as safe as is reasonably practicable and that employees, 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 Act is intended to apply to workplaces.

Under the 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, 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 although it may be said that they add comparatively little to the general duties referred to above.

### WHAT PREMISES ARE WE RESPONSIBLE FOR?

- All congregational properties, although the Act applies to any premises where employees of the Congregation work.
- Churches are workplaces because organists, church officers and cleaners work there.
- Church Halls will be workplaces if church officers' duties involve them working there.
- Manses are not workplaces as they are essentially residences for ministers and their families (and ministers are self-employed) but if the church secretary works regularly in a room in the Manse then that room may be deemed to be a workplace. Even if a Manse can be regarded as falling outwith the ambit of the 1974 Act it should nonetheless be kept as safe as possible as members of the congregation may be visiting it regularly.

### WHOSE SAFETY ARE WE RESPONSIBLE FOR?

- Not only employees but anybody visiting or entering the premises.

### WHAT DO WE HAVE TO DO?

- Consider safety (including fire safety) issues regularly: Regulations do require that employers and self-employed make regular assessments of hazards and risks but there is no requirement in undertakings with less than five employees for these assessments to be recorded. It is recommended, however, that some regular record is kept although this could simply be an appropriate reference in the Property Register to the fact that the safety of particular premises had been examined with details of what action had been taken, or was required, to deal with any problem. 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").
- Have in place a Health and Safety Policy – please see the separate circular which gives an example of a basic Policy document.
- Make it clear who is responsible for dealing with safety issues on behalf of the Financial Court: this would normally be the Property Convener.
- 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 may require that particular attention be paid to the health and safety of the employee. 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 should not be expected to climb a high ladder unassisted (or a rickety ladder) or to crawl out over an unsupported ceiling. Similarly a church officer should not be expected to carry heavy loads without assistance. In certain cases it may be necessary to call on specialist outside assistance to carry out particular tasks.
- Avoid "obvious" hazards such as wires across accesses or frayed electrical cables.
- Have appliances and installations checked at appropriate intervals:
- ✓ GAS appliances and installations must be serviced annually and records kept as detailed in the circular issued to Property Conveners by the Law Department in August 1995;
- ELECTRICAL installations and systems should be maintained to prevent danger so far as is reasonably practical. There are no servicing and record obligations as in the case of gas installations and in the normal case the inspection carried out under the quinquennial survey will suffice. However, Financial Courts may feel that more regular inspections are warranted particularly if a system is quite old. Electrical appliances should be checked at appropriate intervals.
- Store cleaning materials securely
- Pay particular attention to parts of premises where children may be present.

- Keep a basic first aid box on the premises. Guidance as to contents and on first aid generally may be found on the Health & Safety Executive website at <http://www.hse.gov.uk/firstaid/legislation.htm> First aid needs should be assessed and guidance as to what may require to be done is also given on the website.
- Keep an accident book in the prescribed format. The accident book should be in the Health & Safety Executive prescribed form to comply with Data Protection requirements (mandatory from December 31 2003). This is available (price £4.75) from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA , Tel 01787-313995. The book also provides advice on the reporting requirements in respect of serious accidents.
- Display a Health & Safety poster in the approved format. Copies may be obtained from HSE Books as above.

Further general guidance (including copies of leaflets) is available on the HSE website, the homepage for which is <http://www.hse.gov.uk>

A very helpful publication (£13.50) which can also be obtained from HSE Books (Ref HSG192) is “Charity and Voluntary Workers – A guide to health and safety at work” which is tailored for use by charities and voluntary organisations and contains lots of practical suggestions and case studies.

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

Church of Scotland Law Department  
December 2006  
(Updated February 2007)