

HEALTH AND SAFETY IN CHURCHES

Introduction

Churches should seek to be exemplary in taking safety seriously. The Health and Safety at Work Act 1974 (the Act) supplements the general duty of care in common law which building owners owe to visitors or users of their premises. The Act sets out general duties which are intended to ensure control of all possible hazards:

- **Section 2** specifies the general duties of employers to their employees. It will apply only in cases where there is employment of persons at the place(s) of worship.
- **Section 3** requires employers and self-employed persons to conduct their undertaking in a manner that is safe with regard to non-employees.
- **Section 4** imposes duties on people who control, to any extent, church premises.

A local church may be an employer, perhaps of a cleaner or caretaker. For the purposes of the Act, pastors and elders would not usually be regarded as employees.

If the Church premises are used partly by organisations which themselves employ people to run their activities, those users may themselves be employers under the remit of the Act - for instance, play groups or similar.

Obligations

The obligations to carry out risk assessments under the Regulatory Reform (Fire Safety) Order 2005 and the Management of Health and Safety at Work Regulations 1999, and also the obligations to ensure the safety of employees and visitors to church premises under the Health and Safety at Work Act 1974, are statutory obligations. Failure to comply with these regulations is an offence and may lead to an investigation by the Health and Safety Executive (HSE) and/or prosecution leading to a fine and, in extreme cases, imprisonment.

In addition, there is a general 'duty of care' that churches have in law to take reasonable care towards people who are likely to be affected by the church's activities. This duty of care is a further reason why churches may want to assess the risks to members of the public and the congregation arising from the church's activities.

However, the consequences of failing to comply with a duty of care are different from the consequences of failing to comply with the obligations under the Health and Safety and fire legislation. The person who has suffered a loss - as a result of the breach of duty of care - can sue the church; rather than the church being prosecuted by the HSE, although the latter may still investigate to find out whether the church had assessed the risks of the event and taken appropriate precautions.

Moreover, under the Regulatory Reform (Fire Safety) Order 2005, the 'responsible persons' for a church building have a duty to carry out a risk assessment. In the context of the church, the responsible persons will be the managing trustees, normally the elders and deacons.

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It is also important to note that churches with an annual income of more than £250,000 are required to undertake a strategic/financial risk assessment. This is because the church's accounts will need to be prepared in accordance with the 2005 Statement of Recommended Practice which states:

“A statement should be provided confirming that the major risks to which the charity is exposed, as identified by the trustees, have been reviewed and systems or procedures have been established to manage those risks.”

More information about this can be found on the Charity Commission's website:

www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-november-2016-cc15d

Churches that do not employ staff should, as a duty of care, do the following, as must those employing 1 to 4 people:

- Display the statutory poster “Health and Safety Law”
- Make suitable & sufficient assessments of the risks to the health and safety of both employees and others who use the premises, including visitors.
- Make arrangements for implementing the health and safety measures identified as being necessary by the assessment
- Provide relevant instruction and training
- Have clear, well communicated, emergency and evacuation procedures
- Maintain records of injuries and first-aid treatment
- Report notifiable accidents and dangerous occurrences
- Exchange information on health and safety hazards with other users
- Monitor and review health and safety procedures

Churches employing 5 or more people must also:

- Have a written safety policy statement
- Record the significant findings of a risk assessment

Where church workers are required to work from home, the risk assessment should include an assessment of the risks to the worker that arise from doing so.

Enforcement

The Health and Safety (Enforcing Authority) Regulations 1989 provide the right for local authorities to inspect churches on health & safety matters. Generally the enforcing authority will be the Environmental Health Department (or equivalent) of the local District, Borough or Unitary Council. It is normal for such visits to be by appointment.

Enforcement action is likely to be fairly low-key with the church receiving a letter from an inspector detailing the problem and what should be done for correction. At this stage the advice given is not mandatory. However, any such advice should be taken heed of, if it is sensible and reasonable.

In the event of a serious breach, an *improvement* or *prohibition* notice will be issued. These are mandatory and must be obeyed:

- An *improvement notice* identifies a breach of the law and requires it to be put right within a specified time. An example would be a poor standard of cleanliness in the toilets.
- Where a breach of the law and a risk of serious injury exist, a *prohibition notice* is issued. This will say that all such activities must stop until the breach is remedied. An example would be the use of unsafe ladders or access / egress of roof void storage areas.

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Use of church buildings by outside organisations

The Church buildings may be used by other organisations. These organisations must acknowledge the terms and conditions of use and provide a statement that they have policies and procedures in place to meet their statutory and other obligations. Any impression of approving users' arrangements is to be avoided.

Specific points to which churches should attend

- Acknowledge and record the church's responsibility for health and safety at a church meeting
- Say who is to be responsible on a day-to-day basis. The appointment of a small group may be one way
- Carry out inspections and record problems (e.g. regarding hazards and hygiene) so that they can be resolved
- Determine hazards including hygiene matters [kitchens & toilets].
- Ensure testing and inspections are carried out in accordance with guidelines [Electrical Installations, Portable appliances and gas equipment]
- Control working at heights [Working at Height Regulations 2005]
- Control the use of chemicals [storage and use] – The COSHH Regulations 2002]
- Inspect children's activity equipment for hazards and problems on a regular basis
- Consider "people safety" (security, violence and aggression) and make known all issues
- Manage Fire Safety: Make known all issues: fire evacuation procedures, freedom of obstructions to doors & corridors, location of fire points, etc.
- Manage Asbestos, keep records and have an action plan if appropriate
- Have a written control procedure for the use of a baptistery
- Keep records of all inspections and testing carried out.

Insurance Policies

Churches should also check the requirements of their insurers as insurance policies may require the church to follow best practice as well as complying with legal obligations.

Health and Safety manual for churches

A comprehensive Health and Safety Manual written especially for churches is available from the Corporation at a cost of £25.00 (which includes postage and packing). However, an abridged version is available to download from the website: www.gbtc.org.uk/HealthandSafety.html

Specific health & safety areas

The list on the following page includes the main areas to which churches should specifically give attention. This cannot be comprehensive and therefore due regard must be made to current information as published by the Health and Safety Executive.

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SPECIFIC HEALTH & SAFETY AREAS

AREA	LEGISLATION	GUIDANCE
Asbestos	<ul style="list-style-type: none"> o The Control of Asbestos Regulations 2006 	<ul style="list-style-type: none"> o ACOP L143: Managing and working with asbestos
Burns / scalds	<ul style="list-style-type: none"> o The Management of Health and Safety at Work Regulations 1999 	<ul style="list-style-type: none"> o Health Guidance Note: 'Safe' hot water surface temperatures
Child safety [doors]	<ul style="list-style-type: none"> o (HSW) Act 1974 o BS7036 Part 4: item 7.1* 	<ul style="list-style-type: none"> o *Recommends the use of a 'finger Saver' that either fills the finger trap or minimises the gap so as not to create a finger trap
Control of substances hazardous to health	<ul style="list-style-type: none"> o The Control of Substances Hazardous to Health 2002 & the (Amendment) Regulations 2003 o The Personal Protective Equipment at Work Regulations 1992 	<ul style="list-style-type: none"> o ACOP L5: Control of substances hazardous to health o COSHH essentials
Drowning [baptistry]	<ul style="list-style-type: none"> o HSW Act 1974) o The Management of Health and Safety at Work Regulations 1999 - Regulation 3 	<ul style="list-style-type: none"> o That an employer make a suitable and sufficient assessment of the risks to members of the public to help decide what measures need to be taken
Electric Shock	<ul style="list-style-type: none"> o The Electricity at Work Regulations 1989 	<ul style="list-style-type: none"> o IET: Code of Practice for In-service Inspection and Testing of Electrical Equipment (4th Edition) o Maintaining portable electrical equipment. HSG107 (Third edition) o Maintaining portable electric equipment in low-risk environments. INDG236(REV3)
Fire	<ul style="list-style-type: none"> o Regulatory Reform (Fire Safety) Order 2005 o The Health and Safety [Safety Signs and Signals] Regulations 1996 	<ul style="list-style-type: none"> o Guide 6 - Small places of assembly - The Department for Communities and Local Government (DCLG)
Gas safety	<ul style="list-style-type: none"> o The Gas Safety (Installation and Use) Regulations 1998 o Gas safety [Management] Regulations 1996 o Gas Appliance -safety regulations 1995 	<ul style="list-style-type: none"> o ACOP L56: Safety in the installation and use of gas systems and appliances
Glass safety	<ul style="list-style-type: none"> o (HSW) Act 1974 Regulation 74 	<ul style="list-style-type: none"> o BS6262 P4, 1994 - Building Regulations approved document "N"
Lifting and handling	<ul style="list-style-type: none"> o The Lifting Operations and Lifting Equipment Regulations 1998 	<ul style="list-style-type: none"> o ACOP L113: Safe use of lifting equipment
Lone working	<ul style="list-style-type: none"> o (HSW) Act 1974 	<ul style="list-style-type: none"> o INDG73: Working Alone in safety
Maintenance of equipment	<ul style="list-style-type: none"> o The Provision and Use of Work Equipment Regulations 1998 	<ul style="list-style-type: none"> o ACOP L22: PUWER - Safe use of work equipment
Oil storage	<ul style="list-style-type: none"> o The Control of Pollution [oil storage] England Regulations 2001 o Scottish Statutory Instrument 2003 No. 531 The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 	<ul style="list-style-type: none"> o PPG2: Above Ground Oil Storage Tanks o PPG26: Storage and Handling of Drums and Intermediate Bulk Containers,
Slips & Trips	<ul style="list-style-type: none"> o HSW Act 1974 o The Management of Health and Safety at Work Regulations 1999 - Regulation 3 	<ul style="list-style-type: none"> o That an employer make a suitable and sufficient assessment of the risks to members of the public to help decide what measures need to be taken
VDU's	<ul style="list-style-type: none"> o The Display Screen Equipment Regulations 1992 	<ul style="list-style-type: none"> o ACOP L26: Display Screen Equipment Regulations - revised 2000
Violence / Security	<ul style="list-style-type: none"> o HSW Act 1974 o The Management of Health and Safety at Work Regulations 1999 - Regulation 3 	<ul style="list-style-type: none"> o That an employer make a suitable and sufficient assessment of the risks to staff and others to help decide what measures need to be taken
Water storage / distribution	<ul style="list-style-type: none"> o The Control of Substances Hazardous to Health Regulations 2002 	<ul style="list-style-type: none"> o ACOP L8 - The control of Legionellae bacteria in water systems
Working at heights	<ul style="list-style-type: none"> o The Working at height Regulations 2005 	<ul style="list-style-type: none"> o INDG401: The working at height regulations 2005 – a brief guide o INDG455: Safe use of ladders and stepladders o HSG33: Health and Safety in Roof Work