



## HEALTH & SAFETY

All churches need to be safe, for the protection of worshippers, visitors and any employees. Although churches do not generally present significant safety hazards, it is important that hazards are identified, risks assessed, and action taken where necessary.

Health and Safety is about reducing the chance of someone being harmed. It is not about eliminating risk, but controlling it.

### **The Health and Safety at Work etc Act 1974**

The HSW Act is the significant piece of legislation that sets out general duties which are intended to ensure that all possible hazards are controlled. Its main focus is on places of work and the protection of employees, but it does however, extend to the protection of other people likely to be affected by an employer's activities, and applies to persons providing premises which are used by others as a place of work.

In the context of the Act, a local church will often be an employer, perhaps of an organist, cleaner, caretaker or secretarial staff. It is arguable whether ministers are regarded as employees, but it is better to do so where their health and safety is concerned.

Church premises are regarded as places of work when used wholly or partly by organisations or groups which themselves employ people to run their activities. Play groups, lunch clubs and day centres are the most obvious examples. Such users may themselves be employers with responsibilities under the Act.

Employers have a legal duty to ensure the health, safety and welfare of employees at work (so far as is reasonably practicable). In general, this includes:

- Making the workplace safe and without risks to health
- Ensuring any plant or machinery are safe (e.g. heaters)
- Ensuring work safety systems are in place and are followed
- Ensuring articles and substances are moved, stored and used safely
- Providing adequate welfare facilities
- Providing the necessary health and safety information, instruction, training and supervision

Employers are also responsible for ensuring there is no risk to anyone not in their employment, likely to be affected by their activities (such as the general public, visitors, and in the church context – volunteers acting on behalf of the church). The specific piece of legislation governing this is the **Management of Health and Safety at Work Regulations 1999**.

These regulations supplement and extend the general duties contained in the HSW Act and introduce a general duty on employers to carry out *risk assessments*.

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## Risk Assessment

In simple terms, a risk assessment is no more than a careful examination of workplace hazards that aims to determine the degree of risk present that may affect the health and safety of employees and others who use the building(s). In particular, undertaking a risk assessment will enable those in charge of a building(s) to detect and control any activities, machinery or substances that could potentially cause injury or ill health.

A risk assessment should aim to assess all of the potentially hazardous activities that are performed in the building. It should identify exactly how employees and other people may be harmed in the course of their work – for example, by operating poorly maintained workplace equipment (a mobile heater, a ladder, a generator), or carrying out unsafe manual handling activities.

Having identified the potential dangers that exist, those responsible for buildings will be in a better position to decide if existing control measures are sufficient, or whether more needs to be done – for example, whether staff need to be better trained to carry out their work safely. In the case of a caretaker – it might be carrying items that are too heavy for one person. He/she would therefore benefit from training in manual handling techniques.

However, there are no fixed rules about how a risk assessment should be carried out. This is because the nature of the assessment will vary, depending on the particular hazard and the extent of the risk it presents. However, it does apply to almost every kind of workplace and contains general requirements for employers to assess risks to employees and others, to record the findings of the assessment and to review the risk assessment whenever work practices change significantly.

In addition, employers have a legal duty to assess and control the risks posed by specific work activities and equipment, including work with display screen equipment or machinery, manual handling risks and lifting operations. These assessments can be carried out as part of a general risk assessment covering all hazards, or as a separate exercise.

A booklet on how to carry out a risk assessment can be obtained from the British Safety Council ([www.britishsafetycouncil.org](http://www.britishsafetycouncil.org)), Tel: 020-8741 1231; and further information on risk management can be obtained from the Health and Safety Executive website ([www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm)) or you can telephone their Infoline on 0845-345 0055 for access to information, advice and support.

## Additional legal duties for Employers

Where there are five or more employees, in addition to the above, employers must:

- Draw up a health and safety policy statement, including the health and safety organisation and arrangements in force, and bring it to the attention of the employees
- Set up emergency procedures
- Provide adequate first aid facilities

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- Make sure the workplace satisfies health, safety and welfare requirements in areas such as ventilation, temperature, lighting, sanitary and toilet facilities
- Make sure all work equipment is suitable for its intended use, so far as health and safety is concerned, and that it is properly maintained and used. Such equipment might be an oven, computer equipment, mobile heaters, ladders, lawn mower and/or strimmer
- Prevent or adequately control exposure to substances which may damage health, for example, asbestos (>291)
- Take precautions against danger from flammable or explosive hazards, electrical equipment, noise and radiation
- Avoid hazardous manual handling operations, and where they cannot be avoided, reduce the risk of injury
- Provide free any protective clothing or equipment, where risks are not adequately controlled by other means
- Ensure that appropriate safety signs are provided and maintained
- Report certain injuries, diseases and dangerous occurrences to the appropriate health and safety enforcing authority

You may, however, decide to implement some or all of the above, even though you may have fewer than five employees, on the grounds that the above points are good business practices and may, in fact, save someone's life.

### Employees' legal duties

Employees should:

- Take reasonable care for their own health and safety and that of others who may be affected by what they do or not do
- Cooperate with the employer on health and safety
- Correctly use work items provided by the employer – including personal protective equipment – in accordance with training and instructions
- Not interfere with or misuse anything provided for health, safety or welfare

*Reporting:* If employees think there is a health and safety problem in the workplace, they should first discuss it with their employer, supervisor or manager. If an employee believes an employer is exposing them to risks or not carrying out its legal duties, and has not received a satisfactory answer, they can contact the enforcing authority for health and safety.

### Health and Safety Policy

There is no legal requirement to produce a policy if you have fewer than five employees (including the Minister) but it is, in fact, good business practice to do so. It might contain the following:

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- *Health and safety policy statement* – a statement of general policy, signed and dated
- *Responsibilities* – overall, day-to-day, specific areas
- *Health and safety risks* – what they are, action needed to remove/control them, who is responsible, time for review
- *Consultation with employees* – who is the employee representative, who provides consultation
- *Safe plant and equipment* – who is responsible for identifying when maintenance is needed, who draws up maintenance procedures, who problems are reported to, who purchases new equipment
- *Safe handling and use of substances* – who identifies hazardous substances, who is responsible for undertaking COSHH (Control Of Substances Hazardous to Health) assessments, informing employees, reviewing assessments
- *Information, instruction and supervision* – where is the Health and Safety Law Poster displayed (they can be obtained from the HSE) - who issues the equivalent leaflets, who supervises and trains any new recruits and/or young workers
- *Competency for tasks and training* – who provides induction training, job specific training, keeps training records
- *Accidents, first aid and work-related ill health* – who requires, arranges and keeps records of health surveillance, where is the first aid equipment stored, who is the appointed person/first aider, who keeps records, who reports under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations)
- *Monitoring* – who monitors conditions and safe working practices, who investigates accidents and work related sickness
- *Emergency procedures* – who carries out fire risk assessments, how often are the following are checked: escape routes, fire extinguishers, alarms, evacuation procedures

It is useful to review the policy regularly (e.g. annually).

### Enforcement

Responsibility for enforcement of the HSW Act is divided between the HSE (Health and Safety Executive) and local authorities.

It is always useful to maintain a good working relationship with the local District Council, who willing to visit church premises and give advice free of charge.

### Practical steps

In view of the different ways in which legislation can apply to churches, and the variety of situations which may be encountered, churches are recommended to take the following actions. Once put in place, any arrangements should be reviewed annually and the review recorded.

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- The church's responsibility for health and safety should be formally acknowledged by the Church Meeting and the Elders' Meeting. The day-to-day responsibility lies with the Elders' meeting who may nominate an individual to act on their behalf.
- The church should ensure that third party users should comply with the HSW Act and any other applicable legislation, and should issue third party users with the church's health and safety policy, if it has one
- The premises and the grounds should be inspected regularly (at least quarterly, but this does depend on the usage of the premises concerned) for any potential hazards that might otherwise be overlooked, and including such matters as:
  - The standard of housekeeping (general cleanliness and tidiness), as a build-up of debris is a fire risk
  - The adequacy and proper functioning of lighting, heating and ventilation, especially checking that light bulbs are functioning in areas where there is no natural light
  - Ease of access and movement, particularly freedom from obstruction of doors – especially any emergency exits, and corridors
- Tools, equipment and machinery should be inspected at regular intervals – particularly electrical equipment, to ensure they are in good condition. This might cover the following – ladders, any scaffolding towers, mowers, other garden equipment, electrical equipment and sockets, heating and cooking appliances. Each item should be marked with a sticker or some other identifiable sign to indicate they have been checked. This should also indicate when a further inspection is required. You may decide to bring in a specialist for this, but anyone who is aware of the dangers and knows what to look for, such as fraying cabling, damaged or cracked sockets, loose connections etc, can carry out the inspection
- Any lifts for carrying people should be examined by someone competent to do so
- The security of the building during the hours when it is not being used, should be considered
- An accident book (B1 510) should be purchased (from the HSE)
- A first aid box should be supplied for the church in addition to any other buildings or premises (i.e. offices), and the contents should be regularly checked and replenished as required. Only those items permitted should be kept in a first aid box (see St John Ambulance or Red Cross website for a list of contents ([www.stjohnsupplies.co.uk](http://www.stjohnsupplies.co.uk); [www.redcrossfirstaidtraining.co.uk/?page=FASupplies](http://www.redcrossfirstaidtraining.co.uk/?page=FASupplies)))
- Fire/Emergency exits should be clearly identified with the appropriate signage and emergency lighting systems installed where required. Fire alarms and extinguishers should be in place, regularly tested and properly maintained by a competent technician or electrician

### **The Regulatory Reform (Fire Safety) Order 2005**

Specialist advice is no longer available from the Fire Brigade. As from 1 October 2006, fire certificates issued to premises under the provision of previous legislation ceased to have effect. The law relating to fire safety has substantially changed.

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The majority of fire safety law and the requirements for fire safety are now contained in the Regulatory Reform (Fire Safety) Order 2005 (➤251).

### Smoking

Smoking was banned in all enclosed and substantially enclosed workplaces, including all churches and places of worship, from 1 July 2007. It is an employer's duty to ensure the ban is enforced and that signs are posted to inform employees and members of the public that it is against the law to smoke on the premises. Smoking in inappropriate places is also the cause of a large number of fires, which can damage buildings, machinery, equipment, and indeed, people.

### Driver and vehicle safety

'Driving at work' covers a wide range of circumstances in which an employee might use a vehicle for work purposes. Employees may use either a company-supplied vehicle or their own vehicle to make deliveries, visit or collect customers or treat patients. Driving at work is often overlooked as a work activity, but employees have a legal duty to ensure their employees' safety while at work, and this includes driving. This is only relevant if a church makes a vehicle available for use.

According to *Brake*, the road safety charity in the UK, around nine people are killed every day on the roads and nearly ten times that number are seriously injured. A major contributor to the volume of road traffic is created by the need to drive for work purposes. Driving for work covers a wide range of occupations and tasks that require an employee to drive on public roads.

If a vehicle is registered to the church, there is a duty in law to maintain that vehicle in a roadworthy (safe and environmentally friendly) condition. The **Road Vehicles (Construction and Use) Regulations 1986 (as amended)** and the **Road Vehicle Lighting Regulations 1989 (as amended)** provide the technical framework for the construction and performance of vehicles and their equipment.

There is also a duty of care to ensure that those who drive the vehicle, have a full, valid, clean driving licence.

It may also be pointed out that a vehicle, when being driven for work purposes, is an extension of the workplace and therefore smoking in the vehicle when others are present is prohibited.

The use of mobile phones is also illegal; however, hands-free kits are still permitted, although there is a move to ban the use of these also.

### Other safety-related issues

Other safety-related issues may apply to churches and church buildings and which fall under different legislation, which can be found elsewhere in this Handbook, particularly:

- Child care (➤211)
- Construction regulations (➤221)
- Electrical and gas safety (➤241)

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- Fire Precautions (➤251)
- Licensing, in connection with public entertainment (music, dancing and stage performances) (➤281)
- Asbestos in church buildings – important in relation to any building older than 30 years (➤291)
- The Construction (Design & Management) Regulations 2007

When alterations are being considered, regard should also be given to the requirements of the Disability Discrimination Act 1995 (➤651).

If the condition of a burial ground causes concern, the procedures described in that section may be relevant (➤611).

### Insurance

The premises and activities of the church need to be adequately covered by insurance against damage to the building and claims by users (➤861).

### Further advice and publications

If a church is in doubt about its legal obligations on health and safety, advice should be sought from the enforcing authority or a specialist adviser. Some Synods have produced their own guidance on health and safety issues. Inquiries should be made to the Synod office. There are various public sources of advice on the requirements of health and safety legislation that are available to churches at little or no cost. These include:

- [www.direct.gov.uk](http://www.direct.gov.uk) – a government website giving advice to businesses and employers about health and safety
- [www.hse.gov.uk](http://www.hse.gov.uk) – the website for the Health and Safety Executive from which a number of useful documents can be downloaded free of charge, including:
  - Five steps to risk assessment
  - Health and safety regulations
  - Working with VDUs
  - Health and safety law
  - An introduction to health and safety
  - A short guide to the Personal Protective Equipment at Work Regulations 1992
  - COSHH, A brief guide to the regulations
  - The Work at Height Regulations 2005 a brief guide
  - Getting to grips with manual handling
- [www.rospa.co.uk](http://www.rospa.co.uk) – the Royal Society for the Prevention of Accidents on the road
- [www.tuc.org.uk/h\\_and\\_s](http://www.tuc.org.uk/h_and_s) - the Trades Union Congress health and safety section
- [www.info4local.gov.uk](http://www.info4local.gov.uk) – the one-stop information gateway for local public services. You can use this portal to get quick and easy access to the information you need from central government departments, agencies and public bodies

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- [www.workplacehealthconnect.co.uk](http://www.workplacehealthconnect.co.uk) – Workplace Health Connect – a government-funded service providing confidential, practical and free advice to small businesses on workplace health and safety
- [www.iosh.co.uk](http://www.iosh.co.uk) – the Institute of Occupational Safety and Health – Europe's leading body for health and safety professionals
- [www.workplacelaw.net](http://www.workplacelaw.net) – a membership site for UK employers and managers, specialising in employment law, health and safety and premises management
- [www.iirsm.org](http://www.iirsm.org) - The International Institute of Risk and Safety Management – a professional body providing recognition, information, support and enhancement to its growing membership, of which the cost is £59.00 annually
- [www.britsafe.org](http://www.britsafe.org) – The British Safety Council – one of the world's leading occupational health, safety and environmental organisations. Their mission is to support a healthier, safer and more sustainable society

There are also many industry-related magazines that one can subscribe to, which will keep you informed of new or changing legislation, for example:

- Fleet Safety Forum magazine (£135 annually)
- FMJ – a Facilities Management Journal (free)
- FMX – facilities management excellence magazine (free)
- HSW – health and safety at work, the official magazine of IIRSM
- Safety Management – issued by the British Safety Council

There are, of course, many more.