



## **Risk Management Resource Pack**

A complete guide to  
assessing, managing  
and reducing risk in  
the church and  
charity environment



|                     |   |       |
|---------------------|---|-------|
| <b>Introduction</b> |   | 3-5   |
| <b>SECTION I</b>    | Responsibilities to Employees               | 6-8   |
| <b>SECTION II</b>   | Health & Safety                             |       |
|                     | Part a) - General Requirements              | 9-12  |
|                     | Part b) – Offices                           | 14    |
|                     | Part c) – Churches                          | 15-16 |
|                     | Part d) – Care Homes                        | 17-18 |
|                     | Part e) – Shops                             | 19    |
|                     | Part f) – Schools                           | 20    |
| <b>SECTION III</b>  | Trustees And Directors & Officers Liability | 21-24 |
| <b>SECTION IV</b>   | Special Events                              | 25-30 |
| <b>SECTION V</b>    | Minibuses                                   | 31-33 |
| <b>SECTION VI</b>   | Childcare                                   | 34-41 |
| <b>SECTION VII</b>  | Fire  | 42-43 |
| <b>SECTION VIII</b> | Security                                    | 44-46 |
| <b>SECTION IX</b>   | Risk Control and Assessment                 | 47-53 |
| <b>SECTION X</b>    | How to Manage a Claim                       | 54-56 |



**It is important that organisations take an active role in protecting property against loss or damage.**

**There is also the community's expectation to be compensated for property damage or injury should it occur during an organised activity.**

**Churches and charities are often under financial constraints which may lead to limit maintenance, security and other preventative measures. In this introduction, a number of simple risk management concepts are presented, with further details in the ensuing sections. Many suggestions are based on common sense that do not require the introduction of costly maintenance procedures and will rely on support from staff and volunteers.**

**Whilst written from an insurance perspective, this text does not deal with insurance matters specifically.**

## I. SECURITY

It must be remembered that new items owned by churches and charities can be commercially attractive to the opportunist or professional thief.

### • Key Security

Are your buildings locked when unattended? A random check of Churches on a Monday morning revealed that many who answered 'Yes' would be in for a shock.

**Suggestion:** Appoint someone responsible for checking that doors/windows are locked. In some cases it is good to keep areas close to buildings free from shrubbery but in some instances shrubbery acts as a very good deterrent to would be intruders, particularly if it is of a thorny nature.

Do you know who holds keys to your premises? If you've lost track of who has keys, you can cheaply change all your locks.

**Suggestion:** Maintain a Key Security List.

### • Electronic Equipment

This is very attractive to thieves. Even musical instruments and sound equipment can be converted into cash. Organisations must know what equipment they have, and take precautions.

*Remember, leaving musical instruments, audio and communication equipment in public spaces is a theft waiting to happen.*

**Suggestion:** Access to expensive equipment should be restricted. A locked room/cupboard is good to reduce the risk. Such rooms should preferably not have a window, be constructed of brick, with solid timber doors secure with at least a 5 lever mortise deadlock and boxed striking plate to BS3621. If it has to be a room with a window, this should be secured with either a key-operated

window lock or grilles or bars.

### • Security Alarm Systems

The financial state of your organisation plays an important part in the quality of alarm you can consider, if any. It is important you seek advice from a recognised security firm. NSI (National Security Inspectorate) approved installers are preferred. Your local crime Prevention Officer can recommend a local company. Also you can obtain a list of installers direct from NSI. Good, vandal-resistant lighting or infra red operated security lights may prove a useful preventative measure. Also, consider appointing a security/safety officer from within the organisation (voluntary or paid). It is this person's role to check the building to ensure everything is locked or turned off.

**Suggestion:** Consult a security firm for advice on alarms. Appoint a representative staff member or volunteer as Security/Safety Officer.

### • Valuable Items

A difficult task for police following a loss, is obtaining a full description of stolen items. It is difficult returning recovered items if the only description they have is, for example, 'One Sanyo Video Recorder'.

**Suggestion:** Maintain a list of all valuables and record their brand name, model number and serial number. Mark with a security pen. Photographs of such items may be helpful.

*Note: It often happens that where a premises has been broken into, a second or third, break-in occurs. It is essential to take steps to prevent a recurrence.*



### • Fire Security

Few buildings have sprinkler systems due to the cost, so a cheaper alternative is required such as Smoke Detectors that are now fitted as standard in many new buildings.

Fire extinguishers are also important. You need to know the requirements in your area and ensure you comply. Fire drills are required, all exits should be clear and instruction given at least once a year.

In some instances the installation of a fire alarm may be the most appropriate course of action. The fire authorities can advise on such cases.

**Suggestion:** Install smoke detectors. Ask the local Fire Prevention Officer to attend to offer general advice. Make sure you have a maintenance contract on fire fighting equipment. Fire alarms may be appropriate in some cases.

### • The Handling of Money

The Church Offering and other collections:

Many Churches have had to amend procedures recently. Even leaving the offering on the Communion table during and after worship, has resulted in losses.

Consider purchasing a safe. They can be concealed in walls/cupboards and take up very little space.

**Suggestion:** Remove the collection as soon as possible. Always count money in a locked room. If you do not have a safe, the person responsible should take the money away from the premises immediately after an event.

Never leave money unattended, other than in a locked safe.

Deposit any collections at the bank a.s.a.p. Vary your routine in depositing cash at the bank. Be alert for curious onlookers or people acting suspiciously.

Petty Cash: It may be necessary to have a petty cash float in your office. A lockable cash receptacle should be used. If you have one, lock it in the safe at night.

**Suggestion:** Do not leave cash on the premises when unattended, unless in a safe.

### • Special Events

Organisations involved in community outreach or other special events can suffer a high incidence of theft immediately afterwards. Additional security should be considered.

**Suggestion:** Appoint people to be responsible for security at outreach activities. These people must not leave until all visitors have left and a complete check undertaken.

See details of Ansvr's Special Events Insurance policy.

### Useful contacts:

National Security Inspectorate,  
Senital House, 5 Reform Road,  
Maidenhead,  
SL6 8BY  
Tel: 0845 0063003  
E-mail: [nsi@nsi.org.uk](mailto:nsi@nsi.org.uk)  
Website: [www.nsi.org.uk](http://www.nsi.org.uk)

Master Locksmith Association,  
5D Great Central Way, Woodford Halse,  
Daventry, Northants NN11 3PZ  
Tel: 01327 262255  
Fax: 01327 262539  
E-mail: [enquiries@locksmiths.co.uk](mailto:enquiries@locksmiths.co.uk)  
Website: [www.locksmiths.co.uk](http://www.locksmiths.co.uk)

British Security Industry Association,  
Kirkham House, John Comyn Drive,  
Worcester, WR3 7NS  
Tel: 0845 389 3889  
Fax: 0845 3890761  
Web: [www.bsin.co.uk](http://www.bsin.co.uk)

Fire Protection Association,  
London Road, Moreton-In-Marsh,  
Gloucestershire, GL56 0RH  
Tel: 01608 812500  
Fax: 01608 812501  
Website: [www.thefpa.co.uk](http://www.thefpa.co.uk)



## 2. LIABILITY EXPOSURE

### • Property

Many trustees and their staff and members believe their organisation will never be the subject of a Public Liability claim. However this may not be the case if it can be proved that injury or damage occurred as a result of your people failing to act in a reasonable manner.

**Suggestion:** Ensure you have an active property committee and fix what needs fixing 'today'.

### • Maintenance and Other Work Days

Work days increase the exposure to liability claims. Unskilled workers are often requested to perform tasks beyond their capabilities. You must have skilled supervision of all activities, even bringing in an 'outside' person to supervise.

**Suggestion:** Always appoint a supervisor for each Session and establish skill levels of workers before allocating tasks.

### • Working with young children

E.g. Sunday School/Parents & Toddlers/ Play Groups/Holiday Clubs/Youth Clubs etc.

It is important that non-profit organisations commence children's work with their eyes fully open and take care when choosing leaders for this type of work. Most claims involving children result from children being where they shouldn't, most commonly children being scalded by hot water from an urn after tripping over the cord.

Consider preventing children from entering some areas of your premises.

**Suggestion:** Know and comply with the regulations relating to care of children. Understand the implications of the Protection of Children Act 1999 and

Children Act 2004. Consider your own child protection policy appropriate to your specific circumstances.

### • Youth Activities

The key to safe youth programmes hinges on trained supervisors. Churches and other types of charities may need to provide a full programme for youth. However, it is imperative that the 'new experiences' are 'old experiences' for the supervisors. Experienced leaders must be used.

Always ensure that appropriate supervision means more than one person when working with young people.

**Suggestion:** In association with relevant regulatory bodies, develop, implement and monitor your own child care policy.

### • The use of your premises by outside groups

Many organisations who own their own premises, including churches, supplement income by hiring to outside groups. The duty of care to these groups is high but they also owe a duty of care to the property owners.

*Present to them a few basic requirements:* Firstly they must be responsible for any property they leave at the premises, and secondly they have a legal responsibility to people attending their activity and will require their own Public Liability Insurance.

**Suggestion:** Advise any prospective tenant that they are responsible for their own insurance. Build into your rental agreement that the Tenant must be protected for Public Liability Insurance.

*Please see separate details of Ansvr's Community Groups Insurance package.*

## Conclusion

The problems and remedial measures in this introduction highlight some of the risk management problems facing the non-profit sector today.

Remember, the cost of insurance is directly related to the cost of claims so take as much preventative action as practicable to protect your organisation. Therefore it is imperative to assess your premises to establish whether your risk prevention programme is sufficient (see Section IV for more information).

ANSVAR undertakes to send an experienced surveyor to all insured risks to undertake an overall assessment and provide advice where appropriate.

*The following sections provide more information with regards to general requirements as well as specific activities and events.*



# Section I

## Responsibilities to Employees





Section 1 Responsibilities to Employees

**An employer, whether it be a charity, church or other type of non-profit organisation has a general duty of care to its employees to ensure that, as far as possible, they work in an environment which protects their health, safety and welfare. Both our Government and the EU are keen that employers take full responsibility for looking after their staff in relevant areas whether they be voluntary workers, part or full-time.**

**The Health and Safety at work Act 1974, other legislation and continuing developments have added to the responsibilities. We have produced separate sheets specifically on the subject of health and safety, which provide details on those responsibilities generally and for particular types of organisations e.g. Care Homes and Churches etc.**

To ensure that independent funds are available with which to compensate employees who have suffered as a result of an employer's negligence, organisations employing staff are required under the **Employers Liability (Compulsory Insurance) Act 1969** to take out employers' liability insurance. This is against their liability for personal injury, illness sustained, or disease contracted by their employees in the course of their employment. A copy of the certificate of insurance must be displayed at each of the premises where employees are based. Some volunteers may be deemed to be employees for the purposes of this Act, for example, where fixed expenses are paid regularly.

Ansvar's Employers Liability insurance cover specifically includes voluntary workers to ensure they can potentially receive the same benefits as paid employees. The standard limit is normally £10 million.

Regarding the welfare aspect there is a need for employers to be aware of their responsibilities in this area, not only because a happy work force is more effective, but also from protecting the organisation from potentially disruptive and expensive problems.

An error in handling staff matters, ranging from recruitment to dismissal issues could

readily result in costly involvement with an employment tribunal not only in legal costs, but also lost management time. It is as well to remember that responsibilities are owed also to both potential and past employees, and as tribunals were primarily instigated to protect the interests of the employee they will look upon the employee's case sympathetically.

Examples of areas where if a dispute arises may result in an appearance at an industrial tribunal are:

- i) Sexual discrimination or harassment.
- ii) Racial discrimination.
- iii) Discrimination against those with a disability.
- iv) Unfair dismissal.
- v) Religious beliefs.
- vi) Political opinion.
- vii) Age discrimination

Keeping up with developments is essential from every point of view but is difficult due not only to the amount of domestic legislation but also because of new regulations emanating from the EU.

1999 saw the following important changes to existing employees individual rights:

- i) Continuity requirement for unfair dismissal reduced from two to one year.
- ii) Maximum compensation limit on unfair dismissal increased to £58,400 (and index linked).
- iii) It is no longer possible to negotiate fixed term contracts where an employee will forgo his or her unfair dismissal rights.

The following are some of the latest areas of legislation:

- i) **The Disability Discrimination Act** which gives disabled workers and applicants the right to be treated as non-disabled employees and basically applies to organisations with over 15 employees. Suitable toilet facilities would be an example, but the Act also requires positive steps to be taken generally to accommodate an individual disabled employee or applicant
- ii) **The Working Times Regulations** introduced the 48-hour week and other rights of employees regarding working time, breaks, voluntary overtime and holidays. For night workers the rules are even tighter and employees working from home or pursuing their rights are also protected.
- iii) **The Employment Rights Act 1996** puts into effect the Government's policies and European requirements in respect of pregnant and part-time workers.
- iv) **The National Minimum Wage Act** was first introduced on 1st April 1999 and set the minimum rates of pay which from October 2009 have been revised to £5.80 per hour for those aged 22 and over, £4.83 for 18-21's and £3.57 for those aged 16-17.

**Section I Responsibilities to Employees**

**Responsibilities to volunteers**

The charity or church has responsibilities to volunteers who may be considered as employees for the purposes of the Health & Safety at Work Act.

It is important to provide in all cases, where a person is undertaking work of whatsoever nature and in whatsoever role, prior guidance, training or instructions and safe conditions in which they have to carry out their task whether he or she be a worker, service provider or ancillary volunteer.

When, for example, a volunteer is asked to undertake even a comparatively simple task at a small event and an accident happens, it can create bad publicity and liability for the organisation if it cannot clearly demonstrate that it had undertaken an assessment of any risks involved and taken any action necessary to remove or reduce those risks to an acceptable level.

A tragic example of insufficient training and guidance occurred when a volunteer was killed by a disturbed client of a charity he was working for. Not only did the charity concerned pick up heavy criticism, but also the probability of an expensive liability claim.

**Responsibilities to the public and other third parties.**

Because a church or charity is a non-profit making organisation this in no way reduces their responsibility to members of the public or third parties such as those receiving services from the organisation. In the past people would have been reluctant to have sued either type of organisation but, regrettably, this is not the case in the litigious climate in which we live today.

Sadly, there has been many cases where for example a spectator or participant in a fund-raising event or a beneficiary of free services have alleged that they have been caused mental or physical injury and have sued for compensation.

It is probable that Public Liability insurance is the minimum cover required for all non-profit organisations, regardless of type or size. Typically limits range from £1-5 million.

The message is clear. Organisations must be aware of their responsibilities and act accordingly by installing the necessary procedures and safeguards.

## Section 2

# Health & Safety

## General Requirements

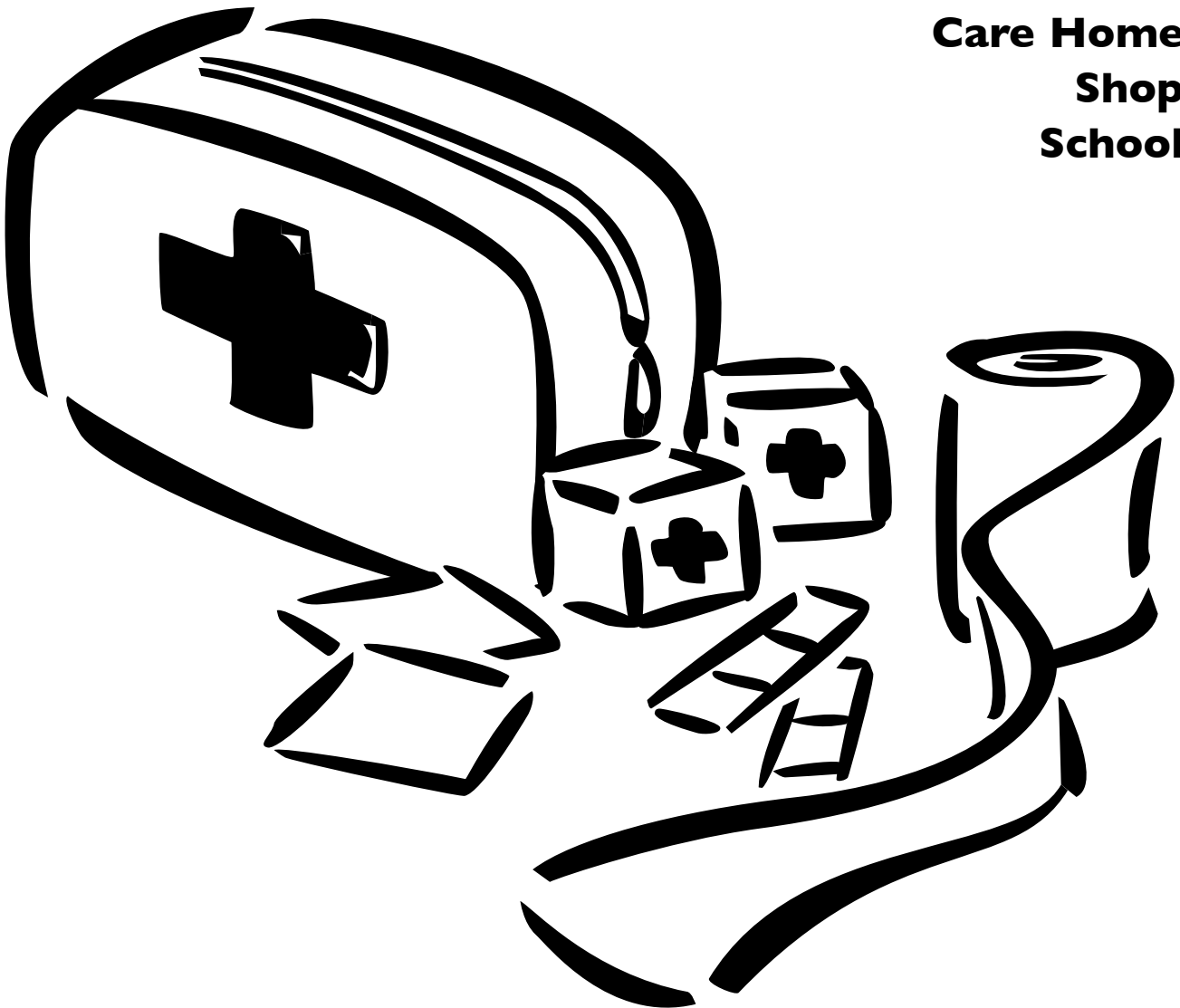
### Office

### Churches

### Care Homes

### Shops

### Schools



**Section 2a Health & Safety - General Requirements**

**Charities and Churches represent a significant section of organisations operating as part of the economy of Great Britain. As a result they utilise the services of a substantial proportion of the work force whether they be employees or volunteers.**

**The part that health and safety influences our lives is increasing as organisations are “encouraged” by growing legislation, litigation and the work of the health and Safety Executive. The main legislation is The Health and Safety at Work etc. Act 1974 (The Act) and as stated under Section 2 its main requirement is that every employer, as far as reasonable and practicable, must ensure their employees’ health, safety and welfare at work.**

Charities and Churches will wish to operate ethically by their very nature. Therefore, although their primary objective must be to utilise their funds to maximum benefit on behalf of their beneficiaries and donors or look after the pastoral needs of their congregation, they arguably must also particularly recognise their duty of care to employees, volunteers and members of the public.

It is not sometimes fully appreciated that whilst the health and safety legislation mostly applies to employment issues a similar duty to provide a safe and healthy environment also applies to volunteers, beneficiaries and other members of the public.

Section 3 of The Act places a strict duty on every employer, as far as practicable and reasonable, to ensure that persons who are not employed by their organisation, but may be affected by those operations, are not exposed to risks to their health and safety.

The Act, like an ever increasing number of Acts, embraces criminal offences. It is a criminal offence to fail to comply with Sections 2 & 3 and a fine not exceeding £20,000 can be imposed by a Magistrates’ Court, but a Crown Court can impose an unlimited fine.

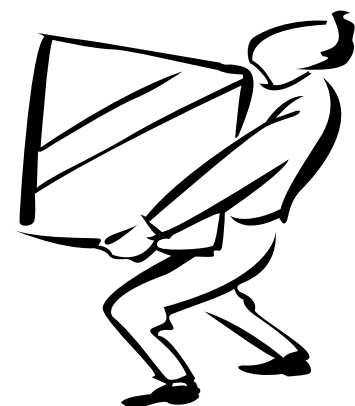
In respect of responsibilities for health and safety, The Act encapsulates the legal requirements and focuses on six main areas:

- i) The actual management of health and safety.
- ii) Welfare in the workplace.
- iii) Use of VDUs and similar equipment.
- iv) Manual handling.
- v) The supply and use of equipment
- vi) Provision of protective clothing.

Help is provided by the *Health & Safety Executive (HSE) and the Health & Safety Commission (HSC)* who probably provide the best advice. If their guidance, whether written or not, is followed this will normally be satisfactory. If any other action is taken the church or charity may be asked to show that they have done what is “reasonably practicable” to meet a good standard. The HSR inspectors might be asked to investigate the matter. (Note that where the word “must” or the like appears this almost certainly indicates a legal requirement).

**Basic requirements are:**

1. **A Written Safety Policy** must be produced (when five or more people are employed). This should include details of the organisation and arrangements that should be revised periodically. A Safety Committee should be formed, whose task it is to review and revise the situation. Employees must be fully advised of the Policy and revisions.
2. **A Risk Assessment** must be prepared when five or more people are employed. The main points and arrangements must be recorded. The HSE booklet “Steps to Risk Assessment” INDGH163 (rev 2) explains.
3. **Commercial usage** of the premises must be notified to the local inspector.
4. **First Aid** arrangements should also be to the required standard (there should be an appointed first-aider and first aid box to be available in an emergency). *HSE leaflet “Basic Advice on First Aid at Work (revised).”*
5. **Accidents** must be recorded in the accident book and notification of certain types of accidents and occurrences must be made.



**Section 2a Health & Safety - General Requirements**

6. Above all seek competent advice where appropriate, e.g. ROSPA, insurance advisers, relevant consultants, groups or trade associations. Employees must be consulted.
  - When discussing insurance arrangements, Ansvär will normally liaise with their intermediaries to conduct an on-site risk assessment audit and offer general advice.
  - Under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) any incident should be recorded and notified to the enforcing authority immediately if there is a serious injury or accident, and a report should be provided within 7 days if an employee has to be off for more than 3 days.
  - A form F2508 following a serious injury or F2508A in the case of a reportable disease have to be completed and sent without delay.
7. Make sure the workplace is safe e.g.:
  - The premises are safe from the risk of fire. Buildings with more than 20 people (or 10 people on floors other than the ground floor) are required to have a fire certificate. (See Introduction)
  - The building is in good repair and clean, corridors and stairways are not cluttered, there is space for safe movement generally, no overloaded floors, safe windows, good lighting, ventilation, workstations and seating are correctly sited, and everything fitted to the individual workers needs.

- Meet workplace requirements. There must be adequate ventilation, lighting, clean toilet and washing facilities etc.
  - The regulations are contained in *The Workplace (Health, Safety and Welfare) Regulations 1992*.
8. Special hygiene precautions should be taken, e.g:
    - Kitchens
    - Where food is prepared handled or sold including at fetes or other fund-raising events
    - Obviously clean fresh water must be available
    - Full legal requirements are found in the *Food Safety Act 1990 and Food Safety General Food Regulations 2004* in respect of temporary or movable premises.

Advice and information can be obtained from:

    - The Dept. of Health
    - HMSO
    - Local Authority Environmental Health Dept.
  9. The use of display screen equipment (PC's etc) is regulated by **The Health and Safety (Display Screen Equipment) Regulations 1992**. These set time allowed for viewing the screens and necessary breaks etc. Organisations must provide workers using visual display units with designed workstations incorporating seating adjusted to be comfortable and avoid eyestrain, headaches, back or upper limb injuries. These would include the fitting of such as anti-glare screens, arranging special eye tests and purchasing spectacles as appropriate.

10. The use of electrical equipment is increasing and brings with the danger of electrocution, fire and explosion. In one instance an employee was literally blown up when he inadvertently brushed against a large number of wires left bare by an electrician. **The Electricity at Work Regulations** explain the relevant requirements and ensure that the regular maintenance of all electrical equipment such as battery sets connected items, generators, isolators, fuse boxes and similar items should be made safe by covering and locking. Additionally, regular checks should be undertaken on residual circuit breakers.

A competent person should be used to look after electrical maintenance, (preferably an outside contractor, who should belong to a relevant trade association or organisation). This should include portable appliances of which age, condition, and utilisation has to be assessed.

HSE guidance is contained in "Electrical Safety & You"

11. **The Manual Handling Operations Regulations 1992** apply to manual handling and require assessment etc., but are more relevant to, for example, care home and shop type operations and are explained on the specific notes 2C and 2D.
12. Engineering items may be required to be inspected such as lifts and some types of hoists and boilers.



**Section 2a Health & Safety - General Requirements**

- 13. Fund-raising events, particularly outside, involving challenging activities or where large numbers of people attend have their own risks and require special attention. Again, a risk assessment should be carried out and any necessary action taken to eliminate or reduce those risks to an acceptable level. It may be advisable to consider using the services of an experienced independent contractor. (See Section VI)
- 14. Minibuses carrying more than 8 passengers must have seat belts fitted and no side fixed "crew" like seats are allowed. The use of Mini-buses is very common but, as we all have read in the newspapers, the use can lead to serious accidents and complacency must be avoided at all costs with regard to training, control and maintenance etc.  
  
The Community Transport Association, Highbank, Halton Street, Hyde, Cheshire SK14 2NY, Tel: 0845 130 6195 email: advice@ctauk.org
- 15. Remember special consideration is imperative when children or people with disabilities are involved.
- 16. Stress in the workplace is now an issue and the first sizable awards for compensation have been made e.g. to a housing officer by Birmingham Council for illness her job caused her because of lack of appropriate training and support.

**Special consideration should be given to:**

**Preparation and sale of food**

Premises which are only occasionally used for food preparation:

Church halls and movable or temporary premises such as marquees are required to follow the guidance for temporary premises by the General Food Regulations 2004. The following is a summary of the main requirements:

- Anyone using the premises must have regard for other activities that have previously taken place in the premises.

- Food contact surfaces must be in sound condition, clean and easy to disinfect.
- There must be a basin or basins for hand-wash only, provided with hot and cold water, soap and a means of drying hands.
- Protective clothing must be provided, and high standards of personal hygiene maintained. Any wounds must be covered by a brightly coloured waterproof dressing.
- It is good practice for all visitors to a kitchen to wear protective clothing including hats.
- Hot and cold water must be available for washing tools and equipment together with a supply of detergent.
- Adequate facilities must be available for maintaining and monitoring suitable food temperatures.

Premises used regularly for food preparation:

In addition to the previous requirements, it may be necessary for separate sinks to be provided for preparation of food and the washing of utensils. There may also be a need for mechanical ventilation.

**Use of ladders**

Each year many people are injured, some fatally, while using ladders. A fall from as little as two meters could be fatal. More than half of all ladder accidents occur because the ladder is not securely placed or fixed.

Before using a ladder, see whether an alternative means of access is more appropriate. Consider using contractors who have the proper equipment rather than trying to do the work yourself. If you do undertake the work, only use ladders which meet the appropriate British or European standards. For electrical work, only use ladders made of a non-conductive material such as wood. Always allow one meter of ladder length above the highest rung you use – never stand on the top four rungs.

Step ladders should only be used for minor maintenance work, and at a height not exceeding two meters. There must be a mechanism in order to prevent the legs from spreading out and a safety catch to prevent the joint opening. They must always be placed on firm level ground and the height of the steps should not exceed three times the width of the base.





Section 2a Health & Safety - General Requirements

Before using ladders, routine checks should be completed. The ladder should be clean and dry, and free from oil, paint mud or other slippery substances. There should be no cracks or breaks in the rungs, or significant amounts of rusting or corrosion on metal ladders. There should be no sharp edges or splintering of wood. The ladder should be secured to fixed objects.

**First Aid**

When considering the levels of First Aid your organisation needs, there are a lot of factors to consider. Firstly, the nature of activities to take place on the premises, and the numbers of people involved. The location of the nearest doctor or hospital is also a consideration. You will also need to determine the accessibility of the premises.

First Aiders should be appointed, and given the relevant training. All First Aiders should have certificates of competence. If there are hazards specific to the activities undertaken by the organisation, training should be specialised.

Records of all First Aid treatments should be kept. They should include:

- Name and address of person treated
- Occupation
- Date of entry
- Date and time of incident
- Place and circumstance of incident
- Details of injury and treatment given
- Signature and address of person giving treatment

First Aid kits should be kept on the premises, and should contain sufficient quantities of the materials required, which should be replenished as soon as possible after use. There is no mandatory list of items that should be included in a First Aid kit, however a minimum stock would normally be:

- A general advice leaflet e.g. HSE leaflet Basic Advice on First Aid at work
- 20 individually wrapped sterile dressings (assorted sizes). Dressings may be of the detectable type for food handlers
- 2 Sterile eye pads
- 6 safety pins
- 6 medium sized individually wrapped sterile un-medicated wound dressings
- 2 large sterile individually wrapped un-medicated wound dressings
- 1 pair of disposable gloves

The code of practice states that tablets or medication should not be kept.

**General Useful Information:**

- The HSE can provide valuable information and guidance notes. Order online [www.hsebooks.com](http://www.hsebooks.com) or call 01787 881165 [hse.infoline@connaught.plc.uk](mailto:hse.infoline@connaught.plc.uk)
- The telephone number of the HSE Infoline is 0845 345 0055
- Address of The Office of Public Sector Information (OPSI), 102 Petty France, London SW1H 9AJ Tel: 020 8876 3444 [www.opsi.gov.uk](http://www.opsi.gov.uk)
- Address of Community Transport Association - Highbank, Halton Street, Hyde, Cheshire SK14 2NY Tel: 0845 130 6195 [advise@ctauk.org](mailto:advise@ctauk.org)

**General useful publications:**

- HSE Books "Charity and voluntary workers: A Guide to Health & Safety at Work" ISBN 0717661857

**Many charities and churches use offices for administration, information or fund-raising purposes. The premises may be owned or rented, but frequently the buildings are old and occasionally in sub-standard condition. This sometimes results in the office environment being far less safe than generally considered to be the case and extra care is necessary.**

**This note, which in addition to Section II Health & Safety General Requirements, is to provide guidance on the areas of particular importance to organisations using office accommodation in relation to the health and safety of employees. Please also remember a similar duty of care is owed to other persons affected by their operations whether they are contractors or other visitors.**

**Relevant areas are:**

1. Fire protections, precautions, evacuation procedures and training must be to a high standard. (See *Introduction*)
2. Premises must provide a safe environment generally, Risks may well emanate from such areas as:
  - The design and condition of the building and features such as steep or narrow staircases
  - Worn stairs or flooring
  - Repairs outstanding
  - Unsafe fixtures
3. The assessment should particularly evaluate the condition of electrical equipment and its use, not forgetting portable equipment which can be prone to rough treatment and more readily fall into dangerous condition.

The HSE recommend “user checks” and “visual checks” by a person with basic electrical knowledge and testing by a certified electrician.

Simple rules and procedures should be instigated to include instructions.

For example:

- Damaged cables must not be repaired with tape
- Multiple socket adapters must not be used

The HSE publication is “*Maintaining Portable electrical equipment in offices and other low-risk environments*”.

4. Use of Display Screen Equipment (DSE). If the use is not controlled properly medical problems may occur such as Work Related Upper Limb Disorders (WRULD previously known as RSI), or with vision.

“Users” are defined in law and basically are those who “habitually use DSE”.

Factors to take into account are:

- Relevant assessments etc. must be carried out by a trained person
- Full records must be kept
- All DSE equipment must meet certain criteria
- There must be adequate space on and below the work surface
- The operators sitting position must be comfortable
- Adequate breaks must be arranged
- Eye/eyesight tests may have to be carried out and corrective lenses contributed to
- The relevant legislation is **Health & Safety (Display Screens Equipment) Regulations 1992** and guidance

Remember these notes are only a guide and other risks may be present which should be assessed in a similar method as explained in these notes.



**Section 2.c Health & Safety - Churches**

**Churches are organisations which look after the interests of a considerable number of people and whilst this is mainly in relation to their pastoral needs they inevitably have other responsibilities not least of which is their health and safety.**

**This note is an addition to Section II (Health & Safety – General requirements) and aims to provide guidance on the areas of particular importance to churches and those responsibilities which they have in relation to the health and safety of employees and other people likely to be affected by their activities, including members of the congregation, other volunteers, visitors and contractors.**

**Churches own or utilise properties including church buildings, church halls and churchyards. There is a considerable potential for accidents especially as many buildings are ancient and therefore more difficult to ensure are safe.**

Firstly, it is prudent to consider those general responsibilities previously referred to but which are of importance to the church:

1. To ensure Fire precautions, evacuation procedures and training are of a good standard. (See *Introduction*)
2. To ensure premises and surrounding areas are safe. Areas of particular concern are:
  - Roofs, gutters, parapets and roof crosses should be inspected regularly and after storms where possible made safe by a designated person or a competent contractor who should also be utilised to carry out an inspection every 6 months
  - Corridors and aisles should be clean and clear
  - Emergency exits must be fully accessible and clearly marked
  - Railings must be firmly fixed
  - Any areas where work is being carried out must be suitably marked and roped off
  - Dangerous areas must be locked or fenced off
  - Worn steps or carpets must be remedied

3. Where there is more than five employees it is necessary to carry out an assessment of any risks to the health and safety of those employees.

Secondly, the following aspects, which are more specific to the operation of churches should get special attention:

- i) It is necessary that such areas as churchyards are well maintained and paths, steps and drives have no potholes or undue unevenness. Additionally, all these areas must all be drained and kept clear of algae, moss and the like.  
  
Sadly instances of churches being liable because of injury caused by slippery flagstones or fallen gravestones is all too common.
- ii) **Lynch gates, boundary walls and trees** must be inspected regularly by a competent person and remedial work carried out to stop any danger from such as falling bricks or branches.
- iii) Where burials take place open graves must be covered and shored up to make sure they are safe.

Gravestones, tombs and vaults can deteriorate over a period of time and become unsafe from a number of causes such as frost and water. An annual inspection should be carried out by an appointed person and include a physical test of the stones etc. to discern whether the mortar is still binding and mountings are still firm. However, it is very important that the person carrying out the inspection does so in a way which in itself is assessed to be safe.

Gravestones are the responsibility of the relatives, but where they cannot be traced and in respect of graveyards generally the responsibility is that of the church.

The results of the inspections should be fully recorded e.g.:

- Who did the inspection
- Extent of inspection
- When inspected
- Any remedial work undertaken

iv) Additionally, trees and their roots should be inspected by experts such as tree surgeons every 5 years.

4. Crowds. Where it is anticipated that an occasion will be attended by a large number of people it is necessary that a proper risk assessment is made and recorded, and also supervision and control is organised using trained and preferably experienced persons. See Section Five - Special Events.

5. Tours of towers and other historic buildings require a risk assessment which should give special consideration to:

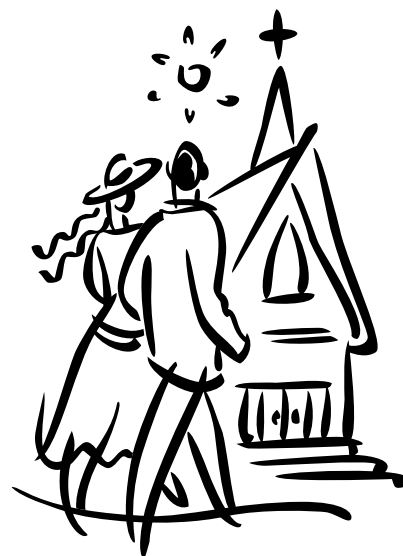
- The difficulty of access e.g. steepness of climb
- Displaying warning notices of suitability or otherwise e.g. for children or people with limiting factors such as health, age or disabilities
- Number of stewards necessary and degree of guidance they should provide
- Size of party allowed at any one time
- Degree of danger inherent in areas involved and necessary actions to render these safe

Remember these notes are only a guide and other risks may be present which should be given similar consideration.

6. Candles. The use of candles is common in churches and therefore precautions must be taken to ensure safety against fire and injury. The quality of the candles used can determine how quickly they burn, and so slow-burning candles should be chosen if possible.

Where candles are being hand-held, extra precautions should be used. Drip trays should be provided to prevent burns from molten wax. Children should be properly supervised, and care should be taken to ensure that people do not stand too close together, particularly one behind another as this causes the risk of setting alight either clothing or hair.

When placing candles, ensure that they are clear of all flammable materials such as decorations and electrical equipment. Candles should be placed in metal holders on non-combustible surfaces.



Care Homes can accommodate a wide range of residents including those for the elderly and physical and learning disabilities. The main responsibility is the healthcare and welfare of their patients and residents. They do have other responsibilities including a duty of care to do all that is reasonably practicable to ensure the health and safety of it's employees, volunteers and any visitors to their premises or any events they organise.

This note, which is in addition to Section II Health & Safety General Requirements, is to provide guidance on the areas of particular importance to Care Homes and the responsibilities which they have in relation to the health and safety of employees and other people likely to be affected by their activities.



Firstly, it is important to consider those general responsibilities referred to in Section II but which are particularly relevant to Care Homes:

1. Fire protections, precautions, evacuation procedures and training must be to the required standard. (See Introduction)
 

Obviously it is particularly important to ensure that evacuation procedures are assessed thoroughly and geared to the degree of assistance required by the residents.
2. Premises must provide a safe environment generally e.g.:
  - Heated surfaces such as radiators, pipes or panel type convector heaters should not exceed 43 degrees centigrade
  - The temperature of the water should not exceed 43 degrees centigrade so that accessible hot water outlets do not scald residents. There was a tragic accident when a resident fell into a bath where the water was over temperature and as a result died from scalding

Secondly, the following aspects, which are more specific to care homes and their operations, should get special attention:

1. **Manual handling** operations are of great relevance. The most prevalent serious type of injury in the nursing and care home sectors emanate from damage to the back which can have a huge impact on the lives of the individual and badly disrupt the homes' operation. Even experienced professionals in this field have had their careers ruined by a moment of complacency.

The Manual Handling Operations Regulations 1992 are in force to avoid these situations as far as possible and state:

*“where it is not reasonably practicable to avoid the need for employees to undertake any manual handling operations at work which involve a risk of their being injured a suitable and sufficient assessment of all such manual handling operations must be undertaken”.*

The assessment would need to consider:

- The weight and size of the resident
- His or her ability to assist
- Equipment available such as hoists and patient handling slings
- The capability of the individual undertaking the work e.g. strength and experience
- The environment in which the work is taking place

It is advisable that no one, whether they be employees or volunteers, undertake any heavy lifting, and this would apply to lifting individual residents.

HSE guidance is “Aching Arms (or RSI) in small businesses

The Royal College of Nursing address: 20 Cavendish Square, London, W1G 0RN Publish a very important document “Code of practice for handling Patients”.

2. **Legionnaires Disease.** To combat this possibility it is necessary to note

that:

- Storage of hot water should be at least 60 degrees centigrade or above
- distribution of hot water should be at least 50 degrees centigrade or above
- storage of cold water should be below 20 degrees centigrade
- regular cleaning and maintenance must take place

- Medicine should be locked away and under control of a qualified person and its usage fully documented
- Volunteers should not use equipment they are not trained or professionally qualified to use

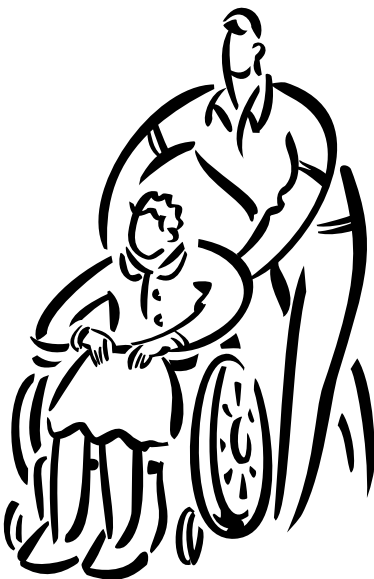
Remember these notes are only a guide and other risks may be present that should be assessed and dealt with in a similar method as those explained in these notes.

3. **The Threat of violence** is ever present and should be minimised by:

- Use of panic buttons
- Making sure there are adequate staff
- Making sure there is suitable experience available
- Providing appropriate training and guidance

Violence can be unintentional e.g. where a resident badly injured the wrist of an employee whilst simply trying to attract attention

4. **Working methods, supervision training and procedures** must be a high standard. For example:



**Many churches and charities own or use shop premises for fund-raising or dissemination of information purposes on a permanent or temporary basis. In some cases the building can be old and in sub-standard condition, but even with new premises accidents or illness can result if the safety and working practices etc. are not properly controlled.**

This note, which is in addition to Section II Part a). Health & Safety – General Requirements, is to provide guidance on the areas of particular importance to shops and their operations in relation to the health and safety of employees and other persons who are affected by their activities, whether they be shop managers, shop assistants, volunteers, shoppers or other members of the public. It is also important to consider those general responsibilities, which are referred to in Part a). but which are particularly relevant to shops:



1. Premises – Fire protections, precautions, evacuation procedures and training must be of a high standard. (See Introduction)
2. Premises must provide a safe environment generally. The risk emanate from various sources:
  - Exposures as a result of the design and condition of the building and ancillary features such as narrow or steep stairs, lift shafts etc
  - Worn carpets, and any area in a poor state of repair generally.
  - Unsafe working practices e.g. shelves too high and unsafe means of access
3. A full assessment should particularly evaluate:
  - The quality of the infrastructure and fixtures and fittings
  - The condition and use of the electrical equipment, including portable equipment, and the degree, regularity and quality of testing and installation
    - It may be necessary to restrict usage of parts of the facilities especially with a temporary shop
    - Also to make special arrangements for heavy or awkward items to be stored and moved. (An elderly lady badly cut her leg recently on an item left in the entrance by a donor).

• **That the manual Handling Operations Regulations 1992** are adhered to. These require that “where it is not reasonably practicable to avoid the need for employees to undertake any manual handling operations at work which involve a risk of their being injured a suitable and sufficient assessment of all such manual handling operations must be taken”.

HSE guidance is “Aching Arms (or RSI) in small businesses”

4. Sale of Second-hand goods  
Furniture and soft furnishings sales are governed by the Furniture and Furnishings (Fire Safety) Regulations 1998. This law states that any furniture manufactured and sold since 1990 should comply with the regulations. Any upholstered furniture made before 1950 is totally exempt even if it has been re-upholstered.

Heating appliances and electrical blankets should never be accepted, due to the high risk and severe consequences of them being faulty. Other electrical appliances may be accepted for sale, but they should be inspected and tested by a competent person, such as a qualified electrician before the goods leave your control. The same applies for gas appliances.

Toys must comply with the Toys (Safety) Regulations 1995. It is now an offence to supply a toy that does not carry a CE conformity marking. Electrically operated toys (other than battery toys) must be inspected by a qualified person, as with all other electrical items.

Organisations participating in occasional sales of good such as jumble sales should attempt to follow the same guidelines wherever possible. It is best to refuse donations of electrical or gas appliances. A responsible person should be appointed to check through donated goods before they go on sale.

**Schools and the people who run and control them clearly have wide-ranging responsibilities - the main one being to educate their pupils well. Others emanate from the care that they need to apply to the health, safety and welfare, not only of the pupils, but also employees and other visitors to the school.**

This note aims to provide guidance for schools in respect of their more specific responsibilities under the Health & Safety legislation. Part a). has already provided details of the more general responsibilities.

As mentioned in those notes a duty of care in respect of health and safety is owed not only to staff and pupils, but also to parents and other visitors to the school premises or at the location of any events organised by the school or at which the school or it's pupils participate.

**Firstly, it is prudent to consider those responsibilities which are previously referred to, but are important to schools:**

1. **Fire precautions, evacuation procedures and training** clearly should be of the highest standard (See *Introduction*)
2. **Premises and equipment** must be safe. **The Workplace (Health, Safety and Welfare) Regulations 1992** state the requirements. Areas of particular concern are:
  - Windows: The regulations require that where there is a risk of falling from height it must not be possible to open a window too far
  - Clear corridors and well marked and accessible emergency exits
  - It is prudent to carry out a relevant assessment and survey once every term.

**Secondly, the following aspects are particularly relevant to schools:**

1. **Hazardous substances** may be found in laboratories, plant rooms, workshops and swimming pools etc. **The Control of Substances hazardous to health regulations 2002 (COSHH)** require that a full assessment of all substances and any relevant process, which may be hazardous to health, is carried out and any suitable action is taken. Any action may include training and control requirements to ensure health and safety of all concerned is protected.

2. Additionally, the assessment must discern what protective clothing should be worn such as:
  - Goggles, safety spectacles and face visor
  - Ear muffs or plugs

**The Provision and Use of Work Equipment Regulations 1998** requires that all work equipment is produced or adapted to be suitable. Again an assessment must be carried out and together with training etc for employees and others instigated together with proper maintenance.

3. Schools are often involved in one way or another in outdoor activities. Following the tragic loss of young lives in the Lyme Bay disaster, which resulted from a combination of inadequate supervision, training and experience, the Government brought **Adventure Activities Licensing Regulations 2004**.

As a result all outdoor activity centres providing facilities for most outdoor activities such as canoeing must be licensed with the Adventure Activities Licensing Service and must be checked for this. Of course, any facilities provided directly will be required to meet the same criteria.

The HSE document is "*Guidance to the Licensing Authority on the Adventure Activities Licensing Regulations 2004*" *The Activity Centres (Young Persons' Safety) Act 1995* ISBN 97807176624332

Please remember that these Notes are purely a guide and other risks may still be present, which must be assessed and dealt with in a similar method as to those described.





# Section 3

## Trustees and Directors & Officers Liability



### Section 3 Trustees and Directors & Officers Liability

**People who run and control organisations have responsibilities recognised by the law. This generally applies to whatever position they hold whether it be that of trustee, director or officer.**

As Lord Denning, one of our most eminent Law Lords of recent years explained by likening an organisation to the human body. He imagined the employees to be represented by the hands and feet which could only undertake tasks as directed by the brain.

The Directors, however, he felt were equivalent to the brain which controls and directs all the functions and capability of the body, and consequently those limbs and actions of the employees.

Whilst Lord Denning was actually referring to Directors a similar situation applies to Trustees who are defined in the Charities Acts, “as those people having general control and management of the administration of the charity”.

In the Charity Sector there is often a lack of appreciation that it is the actual responsibility with regard to any control a person undertakes in his or her role that dictates, in the eyes of the law, as to whether that person is a trustee and not the actual title of that person.

Charities are run by Trustees, who are entrusted with the money donated for charitable purposes and have, accordingly, the highest duty in the eyes of the Law. They are ultimately personally responsible to run the charities effectively and efficiently.

The Charity Commission, who are the regulatory authority in England and Wales, have stated that Trustees should use the same degree of care as a prudent man of business.

Trustees are personally liable for a breach of trust or duty for any loss suffered by the charity or beneficiaries virtually without limitation. Examples from where these may arise are:

- Misapplication of funds
- Misapplied distribution of charity property
- Borrowing funds
- Investment matters
- Failure to safeguard the charities assets physical or otherwise
- Failure to keep within the Charity Commission’s requirements

Accordingly many trustees are very concerned that in these litigious times that they may suffer substantial financial loss despite their undertaking their onerous duties out of charitable instinct and without remuneration.

An example of where trustees of charities have been criticised or held responsible by the Charity Commission is when:

- Matters have been left without suitable supervision and caused the charity to lose substantial funds were e.g. a senior employee who behaved imprudently was not monitored properly
- Money has been spent on inappropriate advertising e.g. political or misdirected
- Money has been invested in risky projects e.g. property development
- Control has been lost e.g. insufficient meetings and minutes of meetings

However, the Charity Commissioners have historically treated trustees, who have made honest mistakes, fairly gently. In fact, under the Trustee Act 1925 the Law “may” allow a trustee, who has made an honest mistake, to be “indemnified” from charitable funds.

Most charities are Unincorporated Associations i.e. not incorporated under the Companies Acts. Many charities are, in fact, incorporated to obtain the protection afforded under these Acts, but some do not realise that the “protection” can, in certain circumstances, be overridden by the requirements of the Charities and Trust Acts.

It is generally considered that the main advantage of incorporation is that when a director or officer of an incorporated organisation signs or agrees a contract he or she cannot be held personally liable for any failure on the part of the organisation to satisfy the terms of such contract. The opposite applies to trustees of unincorporated associations.

Directors and officers may be held responsible for any act that is negligent, outside their authority or in breach of duty or trust. The Companies Act contains the main legislative requirements. The definition of a director is vague and unless precluded by the articles of association or disqualified in law, anyone can be a director. A director does not need to be a natural person and a company can be a director of another.

The definition of an officer is also vague and, in line with Lord Denning’s analogy, ordinary employees are not generally officers, but directors and company secretaries are. Managers can be but would probably need to be involved in tasks that involved the company as a whole. Salaried professional advisers and auditors may be officers.

Trustees and directors must not let personal interests prejudice the interests of the charity, trust or company.



### Section 3 Trustees and Directors & Officers Liability

Directors and officers have three main types of duty:

- Fiduciary – a director must act in good faith and in the best interests of the company
- Skill and care – the directors must carry out their duties with reasonable degree
- Statutory – there are over 80 indictable offences in the Companies Act such as non-disclosure of certain information

In respect of a company the following can bring an action:

- Shareholders
- DTI
- The Official Receiver
- The Company Liquidator
- Regulatory Bodies
- Creditors
- EEC Authorities

There is also a growing movement for the rights and interests of various stakeholders to be acknowledged e.g.:

- Employees
- Clients
- Sponsors
- Health & Safety Executive

Directors may be indemnified by suitable clauses in the Articles of Association and in his or her contract. However, Section 310 of the Companies Act, restricts the instances in which these clauses can be effective, e.g. successful defence of a civil action.

Many charities form trading or subsidiary companies for a number of reasons e.g.:

- To legitimately raise funds by means which the Charity Commission would interpret as being not strictly within their mission statement or objectives
- To protect the charity from risks inherent in projects or joint ventures
- Legal protection within the Companies Act

The Charity Commission is particularly concerned that the assets or the funds of the charity should not be at risk through the activities of a trading company e.g. a loan should only be made in exceptional circumstances and with the permission of the Charity Commission. A number of charities have had extreme problems from trying to bolster a trading company.

There is a growing intent on the part of our legislators to include within civil Acts of Parliament aspects which embrace “criminal” offences for a breach of statutory duty.

The result is that fines or imprisonment can be imposed on directors or officers. Examples can be found in:

- The Health & Safety at Work Act 1974
- The Insolvency Act 1986
- The Companies Act 1985

### Trustees Indemnity Insurance

The Charity Commission of England and Wales now agree that it is possible for charities to arrange insurance to indemnify their trustees. The cover typically may include:

- Damages and legal expenses arising from any “wrongful act”
- Dishonesty which is not recoverable from the trustee
- Loss of documents
- Any actions against fellow trustees
- Libel and slander (other than printers’ errors or omissions)

However, it must be stressed that such cover is subject to Charity Commission approval and dependent on such charity’s articles of memorandum.

Another onerous position for those willing to take it on is that of a trustee of a pension fund, who owe a fiduciary duty to the members of that fund. Specialist advice should be sought if required.

**Useful information**

The following organisations specialise in providing guidance for charities and charity trustees:

- **The National Council for Voluntary Organisations (NCVO)**  
Address: Regent's Wharf, 8 All Saints Street, London N1 9RL  
Tel: 020 7713 6161
- **The Directory of Social Change for England & Wales**  
Address: 24 Stephenson Way, London, NW1 2DP  
Tel: 020 7391 4800  
Fax: 020 7391 4808  
Customer Services  
Tel: 08450 77 77 07
- **The Charity Commission, Publications Dept**  
Address: 30 Millbank  
London SW1P 4DU  
Tel: 0845 3000 218
- **The Dept. For Business Innovation and Skills (Formerly The Dept. of Trade and Industry)**  
Address: 1 Victoria Street,  
London, SW1H 0ET  
Tel: 020 7215 5000  
enquires@bis.gsi.gov.uk

For Scotland:

- **Scottish Charities Office**  
Crown Office, 25 Chambers Street,  
Edinburgh EH1 1LA  
Tel: 0131 226 2626

For Northern Ireland:

- **Charities Branch Voluntary Activity Unit, Dept. of Health & Safety**  
Castle Buildings, Stormont,  
Belfast BT4 3PP  
Tel: 01232 5220780

Please remember these notes are purely a guide and for more specific legal advice or information refer to solicitors or other organisations or consultants, such as those listed above, or who are experienced in the requirements of the charity sector or company governance.

## Section 4 Special Events



## Section 4 Special Events

### Fundraising and Special Events.

**Every church or charity needs to arrange special events, which may be designed specifically to raise vital funds to enable them to successfully carry out their mission or with the purpose of projecting their message or both.**

**It is an area that does carry with it risks ranging from the amount of money raised not covering the costs to the possibility of the event being marred by an accident involving a person taking part.**

The first action for an event organiser is to weigh up the potential risks against the likely rewards. It simply is not worthwhile taking a chance with an event that might damage the organisation when, by care and proper preparation, most events can be good for the future of that organisation. Hopefully these notes can help.

Initially, it is advisable to carefully consider all the factors which can contribute to the success or otherwise of the event by asking questions such as:

- Are there any other events which may keep down the required number of people?
- Is enthusiasm of the fundraisers clouding judgement as to the real chance of success?
- Is the type of event appropriate?
- Can the right level of advance publicity be arranged?
- Are the costs of doing the job properly too expensive?
- Can all the necessary regulations be complied with
- Can the event be undertaken safely?

If the answer is “no” to any of these or other relevant questions the result could well be adverse publicity, loss of funds, valuable time, energy and impetus and, in the worst case, picking up a bill for legal costs and compensation.

Even when after full consideration we give the go ahead there is still the chance of a mishap. The smallest event arranged by a local committee such as a garden party has its dangers. A wide range of incidents such as an elderly visitor falling over and breaking a leg or hip can highlight the following difficulties:

- The majority of special events involve the public whether they be spectators or participators
- There is always the chance of bad publicity
- All elements of risk cannot be eliminated
- There is a need to spend time preparing properly
- The possibility of legal action is ever present these days
- Purchasing the appropriate type and level of insurance is important
- Contractual arrangements should not place unreasonable responsibilities on the organisation or individuals

### Health & Safety Planning

Effective risk and health and safety management should start at the same time as other aspects of planning the event. An early risk assessment will allow time for any actions that need to be taken to make the event safe and viable.

The risk assessment is an examination of the event and surrounding factors with the object of making sure that any risks are reduced to an acceptable level. Please refer to *Section III* for guidance on *Risk Assessment* and to *Section III* in respect of *Health and Safety requirements*.

Additionally, keep in mind that the Health and Safety Executive consider it necessary to provide safe conditions for volunteers and members of the public. Also, organisers are required to apply even higher standards to the safety of the more vulnerable such as children and the elderly. In respect of the disabled it is required that not only are safe spectating areas with adequate emergency exits provided but also toilet facilities etc. The duty of care also includes the need to provide adequate signs, trained stewards and barriers etc., and even extends to considering people entering the events without permission.

It is, of course, most important to ensure that precautions against any source of potential major disaster such as fire are put in force.

## Section 4 Special Events

### Managing Crowds Safety

An extremely important aspect affecting the success of just about every special event is crowd control or more correctly crowd management. The character of the crowd needs to be understood and such factors as the design of the venue and the type and age of the audience will have an influence. Arrangements in respect of such as opening time, ticket sales, method of and level of communication, sale of alcohol and entry and exit need to be taken into consideration.

HSE Book replaces a previous document with "The event safety guide" ref. HSG195 which provides guidance to health, safety and welfare at music and similar events, and covers different types of venues, sight provisions and facilities needed together with details of the relevant legislation.

### Adventure and Dangerous Activities

The difficult decision for a church or a charity as to whether it is morally correct for it to become involved in these areas of fundraising or to accept donations from people taking part can be a dilemma. These challenging type of events obviously have an element of risk as a result of the hazards those taking part will encounter.

There is, however, a trend for people, particularly those in the younger age bracket, to seek excitement at the same time as fundraising. It is clear that if an organisation wants to raise funds from this younger element it must consider such activities as bungee jumping, parachuting, abseiling and trekking in the more exotic locations.

To some such activities are acceptable provided there is suitably tight management control.

However, it should be borne in mind that there are also hidden risks which can be encountered if the necessary arrangements are not put together correctly and which can involve the possibility of the organisation falling foul of complex areas of legislation and responsibilities.

For example, where volunteers, on behalf of a non-profit organisation, are putting together some types of events

that include travel they may fall under regulations as if they are a professional organisation. The package tour regulations may apply and, although the money raised is a donation, the regulations may deem that tax and VAT are payable. It is prudent to get specialist advice if in doubt.

### Bonfires and Firework Displays

The presence of incendiary devices and crowds of people can result in personal injury or property damage. The following notes, if followed, will help to ensure that your event will be conducted without anyone being injured:

#### Event planning:

- Before setting up your event, make sure you have informed your local Fire Brigade, Police and First Aid association.
- Insurance companies may ask for a 'safety issues and declaration for firework displays' form to be completed, which declares arrangements for the display.
- Preferably independent firework display organisers/operators/contractors should be used, if so written confirmation should be obtained that they have public liability insurance in place and that the contractor complies with all regulations and advice from the appropriate bodies.
- Make sure individuals are made fully aware of their duties reporting/referral lines.
- Keep spectators at a safe distance.
- A rope or strong barrier should be used to clearly mark off the display area.
- Keep well clear of buildings, trees and other hazards.
- The site chosen should have as many entrances and exits as possible, which should be well lit and clearly signposted.
- Adult stewards should be onsite for crowd control, there must be one steward for every 250 spectators

and a minimum of two. Stewards should be easily recognisable to spectators.

- Suitable fire fighting equipment must be available.
- To ensure proper crowd control, you should arrange for stewards to be present.
- Appropriate safety clothing, headgear, gloves and goggles are to be worn by persons responsible for lighting any bonfire or fireworks.

#### Fireworks:

- One person should be appointed, who is in overall control of the event, with final responsibility for all health and safety matters.
- Try to recruit at least one person with previous firework experience.
- All fireworks used should be compliant with British standards.
- Car parking areas should be sited well away from the display area and dropping zone.
- Do not allow spectators to enter the site with their own fireworks.
- Fireworks should be kept in a metal container and removed one at a time before replacing the lid.
- Fireworks which fail to ignite should never be returned to.
- Fireworks should only be used in accordance with the manufacturer's instructions.
- Fire fighting equipment should be stowed nearby.
- Spent or failed fireworks should be soaked in a container of water and manufacturer consulted about disposal. Fireworks must not be put on bonfires.

Section 4 Special Events

Bonfires:

- Bonfire must be sited downwind of and a safe distance from spectators, and well away from firing area.
- Keep bonfires well away from firework areas.
- Dangerous rubbish such as aerosols should never be burnt
- The bonfire should be stable.
- Paraffin, petrol or solvents should never be used to start a fire
- Bonfires should be a manageable size
- A responsible adult should be in charge.
- Qualified first aiders should attend
- Water should be poured on embers and the site should not be left until the fire is completely out.

Further information can be acquired through the “Department for Business, Enterprise and Regulatory Reform.

Visits and Outings

Visits and outings are no different to any other activity and the undertaking of risk assessment is the starting point to ensure that potential risks are identified and the proper control measures put in place. The following areas should be considered in the risk assessment:

- Staff/volunteer to client ratios
- The journey (mode of transport, length of journey, refreshments and toilet breaks etc.)
- Medication and First Aid facilities (do clients have enough medication if the return journey is delayed?)
- Location (is the destination suitable for all members of the trip, e.g. wheelchair users?)
- Contingency planning
- Documentation (plans and procedures, checklists)

Bouncy Castles

Before hiring a bouncy castle for an event you should check that the hire

company fully complies with the safe use and operation of play inflatables guidance provided by the inflatable play inspector scheme. Employees should be suitably experienced and well trained adult personnel, or if you are to operate the bouncy castle yourself you should be supplied with full instructions for setting-up, operation and supervision of the equipment. The hire company should provide evidence of a current public liability insurance policy.

Insurance companies may have specific safety requirements such as:

- Children should not be allowed to use bouncy castles if there is a high wind or in wet weather.
- The castle must be adequately secured to the ground and protected from any tripping hazard.
- Soft matting covering hard surfaces must be placed adjacent to the front or open sides.
- There should be responsible adult supervision.
- The number of children using the bouncy castle must be limited.
- The supervising adults should ensure that users remove all hard, sharp or loose objects.
- No food or drink should be consumed on the equipment.
- Do not allow anyone to use the equipment during inflation or deflation.
- Inappropriate use of the equipment should not be permitted, e.g. pushing, somersaulting, climbing sides etc.
- A rota system for different age or size groups should be in place.
- Children under two years old must not be allowed to use the equipment.
- All children must remove footwear.

Further information can be acquired from PIPA [www.pipa.org.uk](http://www.pipa.org.uk)

Parades and Charity Walks

Large numbers of people walking along roads obviously creates a hazard and unless adequate precautions are taken to safeguard walkers, there is a high risk of death or injury. In hours of darkness, the danger is even greater; therefore The Royal Society for the Prevention of Accidents (RoSPA) discourages walks at night.

Before the event:

- Contact the local police for guidance
- Ask the police if they are able to marshal the event
- Assess if any official road closures are needed for the event
- Carefully plan the route to avoid major junctions
- Recruit sufficient numbers of marshals
- Provide marshals with high visibility jackets

**Section 4 Special Events**

**Collections**

Collecting money from the Public at large can be a useful and economical way to bolster an organisations fund raising and publicity efforts.

However, as this method is very much in the public eye and a comparatively simple way of collecting money it is easily open to abuse and mishandling. As a result, care and control are very important with regarding to keeping within the rules and gaining only good publicity.

There are 2 main sorts:

- House to house
- Street collections

General rules are:

- Permission must be obtained from the Local Authority
- Each collector must have and carry a signed and dated Authorised Collector's Card which must be signed and dated by the organiser
- Collectors Lists are required by Law
- You must not rattle a tin or bucket loudly or solicit donations
- Two people must be present when counting the money and the total etc. must be put on a Collectors' List
- The law is different for Scotland or N. Ireland

General Tips:

- Appoint one person to plan, organise and oversee the collection
- Decide your best collection areas or street and make sure your resources are focused on these first
- Start early
- Each collector should be given a telephone number to phone in an emergency
- Organise a central "depot" where the items needed to do the job can be collected and returned

- Don't be too ambitious if it is new to your organisation
- Make sure there is no clash with other events
- Appoint one person to plan, organise and oversee the collection
- Decide your best collection areas or streets and make sure your resources are focused on these first
- Generally a lot of people doing their bit is better than one or two struggling to make it a success
- Each collector will need a collecting tin/bucket (with labels or seals) or envelopes
- Use a method of keeping a tag on the items handed out to collectors e.g. by using a Collectors' List
- It is good to wear some clothing or item such as a sash identifying your cause
- Do not stick lapel stickers on suede or leather
- Remind collectors to hand in their authorisation, tins, buckets, envelopes unopened and other item(s) as soon as possible
- Make sure you have a supply of money bags and put the proceeds in the bank or night safe as soon as possible

**House to house collections.**

These are legally defined as collecting on private property and relates to:

- Dropping off collection envelopes and returning a few days later to collect them
- Collecting with a tin

The Local Authority manage the situation and you must inform them in good time with sufficient details particularly the dates you want. Even those charities that hold Home Office exemption certificates must give plenty of notice and ensure that there is no clash with other charities. The main rules are:

- Each collector must have a badge/Certificate of Authority as required by the Law for houses-to-house collections. The collection organiser must fill in a certificate for each collector giving the name of the collector and details of the collection. The collector must carry these at all times for identification purposes.
- The official accounting document, the Fifth Schedule Form must be completed and the certificate of audit must be signed by a suitably qualified person (who has not been involved in the collection) after each collection and sent with the Collectors List(s) to the Local Authority
- Children under 16 years may deliver envelopes but cannot collect them

Tips:

- Collectors should work in pairs if possible. It's safer and more fun
- The best time to collect is early evening and the worst is after 8.30pm which is less safe and rewarding
- Keep a record of, such houses visited by each collector (particularly those where there is a very good or bad response!) to take advantage of experience and to assist in future planning and efforts
- Use "Sorry you were out cards" to give you a chance of collecting later
- People are usually more generous if you use envelopes, but two visits are required
- Only accept sealed envelopes
- Be courteous at all times

**Section 4 Special Events**
**Street Collections.**

In Law a street collection is one held in a public place or on public property. The regulations vary for various districts or areas and it is necessary to consult your Local Authority.

The main rules are:

- Collectors are not allowed to have animals with them other than a guide dog
- Children under 17 (in London 19) are not allowed to collect
- Collectors must remain stationary and should not block a carriageway or pavement

Tips:

- Research as to best sites
- Put your written application in as early as possible
- Check with the Local Authority as to what you can and cannot do
- Use a rota to cover your main site
- Use the Collectors' list to assist in keeping records

**Unauthorised Collections**

The police and the public are increasingly more aware of unauthorised collections. Also, the Charity Commission can act against those who collect under the guise of a charitable appeal as the Courts will now uphold their actions taken under Charity Acts. Previously these organisations had believed that as they were not charities that the Commission could not touch them.

As stated previously, a thorough risk assessment started early can open up these opportunities but must include:-

- Which specialists should be used (it is generally considered best to use a specialist contractor). Checking their:

Adequacy of experience, qualifications and quality of staff of specialist.

Financial stability of specialist contractors used.

- The facilities and locations to be used are suitable and safe e.g. building from which an abseil is to be done.
- Check of arrangements including insurances (in one case a specialist's insurance did not provide cover in respect of the USA where the trek was to take place!).
- Contractual agreements are reasonable.
- Is there membership of the relevant Association or governing body?
- Are licences in place where necessary? e.g. The 1996 Adventure Activity Licensing Regulations which came into force following the Lyme Bay canoeing accident in which 4 teenagers were killed

The Act referred to above applies to 26 activities away from the activity centre and applies to adventure activities in Great Britain such as:-

- Climbing
- Caving
- Trekking
- Water sport

These regulations require licensing for any organisation providing facilities for adventure activities in return for payment to young people under 18 or is part of an arrangement which includes some payment.

*The Adventure Activities Licensing Authority can also provide information and advice and are located at 44 Lambourne Crescent, Llanishen, Cardiff CF4 5GG.  
Tel: 02920 755715  
www.aals.org.uk*

A type of event during which accidents causing very bad injuries have occurred are assault courses. The temptation to take full advantage of the generosity of the owner of an assault course is fully understandable but extreme caution is necessary.

With regard to the last point e.g. the Armed Forces are often very helpful in offering their facilities but the MOD

is very severe in placing unreasonable responsibility and liabilities onto the potential user by means of the contract wording. This has resulted in some organisations picking up liability for injuries caused despite their relying on the expertise of the facility provider.

A very thorough Risk Assessment is necessary (See Section IV Risk Management and Risk assessment) and should include:-

- How dangerous the obstacles are.
- Use of experienced contractors and personnel particularly supervisors.
- Training, supervision, and a preview of the course and being made aware of the dangers for each participant prior to taking part.
- Wearing appropriate footwear and clothing.
- The participant being fit enough and any doubt should be referred to their GP or an appropriate medical practitioner.
- Appropriate age limits should apply.
- Insurance arrangements are adequate.
- Contractual responsibilities should be reasonable.

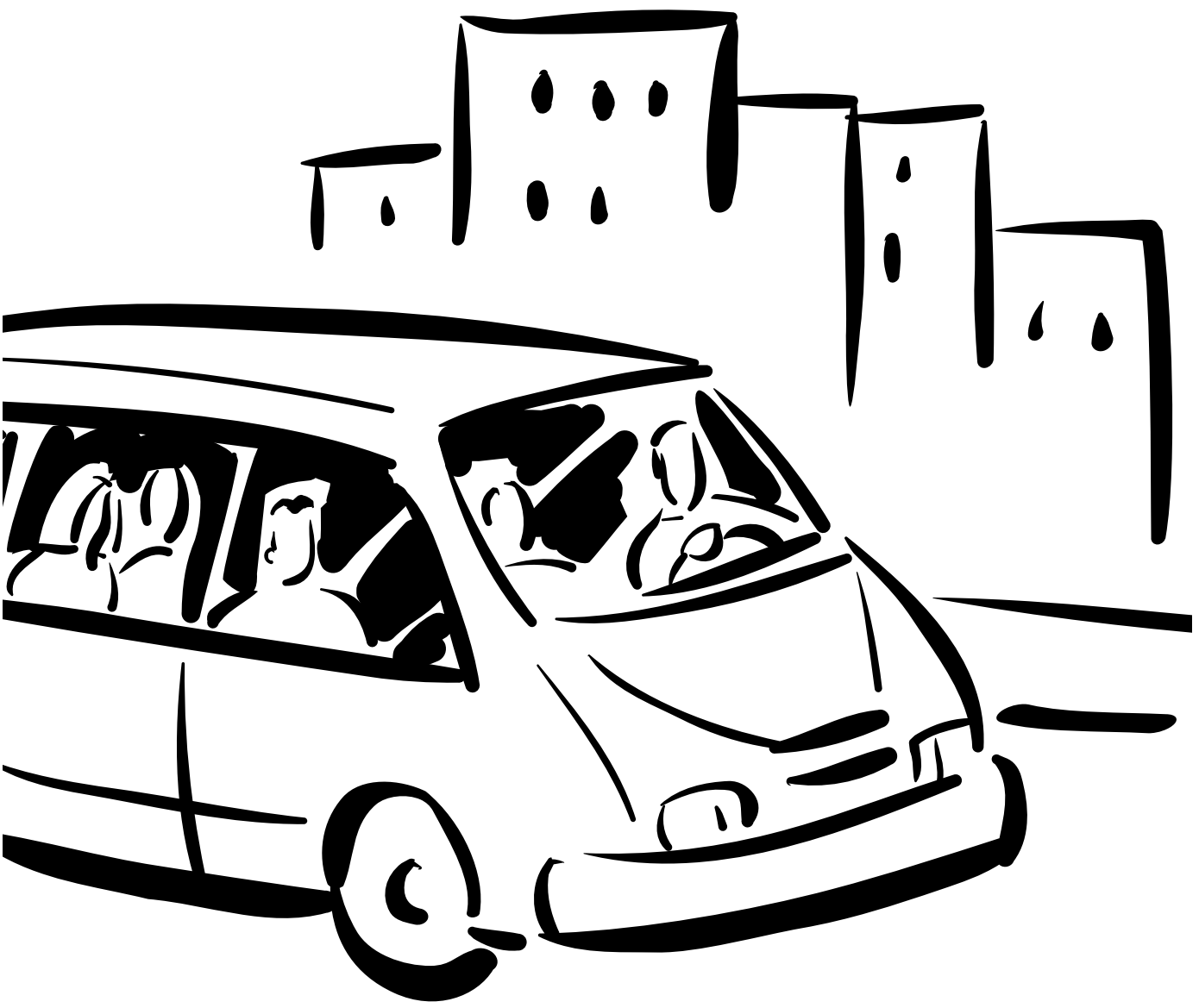
Similar considerations will apply to all adventurous or dangerous types of events to some degree or another. In addition to specialist professional advice, various associations may be linked to specific activities such as:

- British Caving Association
- NCA National Caving Association
- Mountain Leader Training England
- British Association for Snowsport Instructors

# Section 5

## Minibuses

RESPONSIBILITIES | HEALTH & SAFETY | LIABILITY | SPECIAL EVENTS | MINIBUSES | CHILDCARE | FIRE | SECURITY | RISK CONTROL | CLAIMS



Churches and charities frequently organise events that include the use of minibuses. The more fortunate own such vehicles through fund-raising or by means of a generous donation. They can be very useful vehicles but great care is required whilst in use, especially as they are often driven by volunteers and the number of passengers in their care is probably more than they are normally used to. On many occasions the most vulnerable passengers can be children, elderly or disabled people.

Driving a minibus is very different to driving a private car, so it is unsafe to allow drivers with little or no experience to do so. A minibus is built or adapted to carry more than 8 but not more than 16 passengers.

The 3 main areas to be considered are:-

- The competence of the driver
- The condition of the vehicle
- The legal requirements which involve the organisers and emanate from the driver's duty of care.

Probably the best method to make sure these areas are satisfactorily covered is by:

- Assessing the risks generally, e.g. hours to be driven, distances travelled etc.
- Making sure any trips planned are vetted and controlled properly
- Ensuring effective management by clearly delegating areas of responsibility, for example:
  - i) providing the right type of vehicle and equipment (including emergency equipment)
  - ii) maintaining the vehicle and equipment in a good and safe condition
  - iii) proper recording of authorised drivers including their assessments and training

- Setting up a system to ensure that all drivers are not allowed to drive unless they have been assessed and authorised by an appointed person working within an agreed procedure
- Arranging training and/or additional training (this should include other than purely driving, e.g. making sure passengers who have alighted are clear of the vehicle as accidents have been caused by trapped clothing)
- Maintaining regular assessments of drivers competence to drive; this is best undertaken at regular periods of not more than every two years or when there is reason to do so, e.g. a driver is involved in an incident or accident which gives cause for concern
- Checking and maintaining records of licences and drivers records to include an annual review and the retention of duplicate records such as a driver's licence
- Keeping a record of all incidents and accidents
- Ensuring that every driver has up to date instructions and guidance
- Making sure the required vehicle documents are obtained and maintained, e.g. MOT certificates are up to date
- Providing check lists for each driver to use for each trip and regular maintenance (see attached Appendix 7A)
- To ensure the drivers' awareness and compliance with the organisation's procedures and of their responsibilities including those required by law.

**Section 5 Mini Buses**

Over the years there have been several tragic accidents involving minibuses, in which a number of people have lost their lives. In view of this, the relevant laws were changed so that all minibuses that were registered on or after 1st October 2001 (whether they carry child or adult passengers) must be fitted with forward facing or rearward facing seat belts, which must consist of a lap belt at least 400mm in width.

When the main purpose of the vehicle is to transport three or more children, regardless of the year of manufacture of the vehicle, each child must have a forward facing seat fitted with either a three point seat belt or a lap belt. In any event it is recommended that all passengers wear a seat belt, if one is available.

Where the laden weight of a minibus is 2540 kilograms or less the person driving is legally responsible for ensuring that children:

- I. under the age of 3 have an appropriate child restraint
- II. who are aged between 3 and 11 years and are under 1.35 metres tall have an appropriate child restraint or, if not available, wear a seat belt
- III. who are aged 12 or 13, or younger children who are taller than 1.35 metres, use their seat belt.

Passengers aged 14 or over are legally responsible for wearing a seat belt themselves.

A single seat belt cannot be used for more than one person and this, of course, does mean that a child must not be belted in with an adult. Seats in a minibus which are side or rear facing can be used but not for transporting children.

An organisation transporting children in wheelchairs may be exempt from some of the requirements of the legislation.

Anyone aged over 21 who has held a full UK driving licence (or equivalent) for at least 2 years can drive a minibus capable of seating up to 16 passengers. However, it is a fact that younger drivers generally have a higher claims ratio. Therefore, those Insurers who are prepared to

cover drivers aged under 25 consider very carefully the potential impact before agreeing to their inclusion and often apply special terms by way of increasing the premium and/or excess.

If you are in any doubt as to whether a driver is eligible please refer to the DVLA.

Address - Drivers Customer Services (DCS) Correspondence Team, DVLA, Swansea SA6 7JL  
Tel: 0300 790 6801  
Fax: 0300 123 0784  
Email: drivers.dvla@gtnet.gov.uk  
www.dvla.gov.uk

Other legislation which affects the use of mini-buses is:-

- **The Health and Safety At Work Act 1974** (particularly in respect of safe systems of and safe access and exit)
- **The Road Traffic Act.** it is an offence to drive, cause or permit another to drive a vehicle on a road when it's condition or the way in which it is being used could involve danger or injury
- Laws on vehicle standards e.g. **Road Vehicle (Construction and Use) (Amendment) (No.2) Regulations 2001 (S.I.1043/2001)**

The duty of care for operating or driving a minibus is to ensure it is operated safely.

There are various organisations such as the Community Transport Association who provide specialist training. This includes not only driving but also what to do in an emergency.

Central Support Office Address – Highbank, Halton Street, Hyde, Cheshire. SK14 2NY  
Tel: 0161 351 1475  
Fax: 0161 351 7221  
Email: info@ctauk.org  
www.communitytransport.com

In addition, there is also duty of care to ensure that the vehicle is properly serviced and maintained.

**Suggestion:** Appoint a responsible person to check weekly the vehicle is in a safe and roadworthy condition, e.g. tyre pressures, seat belts etc, and ensure that the vehicle is regularly serviced by a reputable garage.

**Appendix 7A****Minibus Checklist****Condition of Vehicle**

This will generally be by making sure the minibus is:

- obtained from a reputable source
- serviced regularly

**Equipment in Vehicle**

Reflector triangle  
First aid kit  
De-icer  
Rope  
Tools  
Scraper  
Lights/spare bulbs

**Checks before a Journey**

No people or objects are near the vehicle before moving

Wipers and washers are working

All doors and compartments are shut properly

Adequate fuel

Mirrors are adjusted correctly

Passengers are seated properly and wearing the appropriate seat belts/restraints

Tyres are in good condition and pressures are correct

Ramps and wheelchair mechanisms etc are working

Lights are working

Electrics are working

# Section 6

## Child Care Policy





## I. Introduction

Every organisation that is involved with children and young people including community groups, youth and children's clubs, and any church or faith-based organisation, needs to pay special attention to the work it undertakes by adopting working practices that ensure the safety of the children in its care.

In practical terms this means the implementation of a child protection policy together with safe recruitment procedures and supervision of all workers, whether paid employees or volunteers. The Charity Commission is unlikely to grant charitable status to an organisation working with children or young people that has not adopted a formal child protection policy.

In addition every organisation should designate a person or persons to be responsible for implementing the child protection policy and responding to concerns. For the purposes of this website, this person(s) will be described as 'Child Protection Co-ordinator'.

The consequences of failing to implement and maintain effective child protection means it is easier for a child to become the victim of abuse and/or it may continue undetected. Resultant injury or harm could lead to a civil action on grounds of negligence against those who could have taken steps to prevent it, incurring substantial cost either as damages to a victim or in legal costs arising out of the alleged abuse. Lack of effective procedures also increases the difficulty of proving innocence against false accusation. It is imperative therefore that an adequate insurance policy is taken out which will ensure sufficient Public Liability and Legal Protection cover. For further details of terms and condition of Ansvr policies go to [www.ansvar.co.uk](http://www.ansvar.co.uk)

Recommendations for safeguarding the welfare of children are contained in the government guidance **'Safeguarding Children' (2005)** The second Joint Chief Inspectors Report on Arrangements to Safeguard Children. A broader definition can be found in **Working Together to Safeguard Children (2006)**

## Working Together to Safeguard Children:

"..... organisations which provide services for children (including day care, leisure, churches, other places of worship and voluntary services) should have a procedure for handling such allegations which is consistent with this guidance and with Area Child Protection Committee procedures. There should be clear written procedures in place which are available for scrutiny by service users, and which are supported by the training and supervision of staff. It is essential that all allegations are examined objectively by staff who are independent of the service, organisation or institution concerned."

## 2. Preparation

In recognition of this, an organisation working with children and young people should ask itself the following questions:

- Does our organisation have guidance for dealing with child protection matters?
- Is there anyone in our organisation able to identify possible signs or symptoms a child/young person is being abused?
- Could a child seek help if they were being abused?
- What would we do if a child said they were being abused?
- Would we respond differently if the allegation were made against an employee/volunteer?
- Does our organisation have procedures for appointing workers and supervising children's/young peoples activities?

As an essential part of meeting these expectations every organisation should:

- Implement a formal child protection policy and safe working practice.
- Agree and implement procedures for dealing with concerns about possible abuse.

- Appoint an appropriate person and at least one deputy responsible for receiving concerns and deciding on the action that needs to be taken.
- Adopt safe recruitment procedures
- Ensure that children's/youth workers are given support and training.
- Minimise the risk of false allegations

What Should a Child Protection Policy Include?

- Name and address of the organisation
- Mission statement and general policy
- How to respond to allegations of abuse (physical injury, neglect, sexual abuse)
- Appointing Workers
- Supporting those affected by abuse (where applicable\*)
- Working with Offenders (where applicable\*)

\* Not all organisations will be involved in supporting those affected by abuse or working with Offenders, but churches, for example, by their very nature open their doors to all. It follows therefore that people (including children) with a whole range of life experiences are coming through its doors week by week, including those who have been abused and those who have abused children. It is essential that safeguards are put in place to be included in a child protection policy for dealing with situations that could pose an on-going risk to children.

### 3. Responding to Concerns

Below are definitions of abuse that can be found in **'Working Together to Safeguard Children'**.

#### Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after. This is commonly described using terms such as 'factitious illness by proxy' or 'Munchausen Syndrome by proxy'.

#### Emotional Abuse

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and continuous adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone.

#### Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape or buggery) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

#### Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

The above list is not conclusive and the following descriptions should also be included as definitions of abuse:

#### Spiritual Abuse

Linked with emotional abuse, spiritual abuse could be defined as an abuse of power, often done in the name of God or religion, which involves manipulating or coercing someone into thinking, saying or doing things without respecting an individual's right to choose for themselves. Some indicators of spiritual abuse might be a leader who is intimidating and imposes his/her will on other people, perhaps threatening dire consequences or the wrath of God if disobeyed. He or she may say that God has revealed certain things to them and so they know what is right. Those under their leadership are fearful to challenge or disagree, believing they will lose the leader's (or more seriously God's) acceptance and approval.

(The issue of the exploitation of vulnerable young people and adults by people in positions of power within the church is covered in some detail in the report "Time for Action", produced by Churches Together in Britain and Ireland (CTBI)).

#### Domestic Violence

The Home Office definition of domestic violence is "Any violence between current or former partners in an intimate relationship, wherever and whenever the violence occurs. The violence may include physical, sexual, emotional or financial abuse." (Home Office Research Studies. Domestic Violence: Findings from a new British Crime Survey self-completion questionnaire.1999)

#### Organised Abuse

'Organised or multiple abuse may be defined as abuse involving one or more abuser and a number of related or non-related children and young people. The abusers concerned may be acting in concert to abuse children, sometimes acting in isolation, or may be using an institutional framework or position of authority to recruit children for abuse'. (Government Guidelines – 'Working Together to Safeguard Children' 2006).

#### Child Prostitution

Children involved in prostitution and other forms of commercial sexual exploitation should be treated primarily as the victims of abuse and their needs require careful assessment (Government Guidelines – 'Working Together to Safeguard Children' 2006. See also 'Safeguarding Children Involved in Prostitution - Supplementary Guidance to Working Together to Safeguard Children').

#### Significant Harm

This relates to the degree of harm that triggers statutory action to protect a child. It is based on the individual child's health or development compared to that which could reasonably be expected of a similar child. e.g. severity of ill treatment, degree and extent of physical harm, duration and frequency of abuse and neglect, premeditation. Department of Health guidance suggests that 'significant' means 'considerable, noteworthy or important.'

The following is a list of possible signs of abuse:



Section 6 Child Care Policy

**Physical Abuse**

Any injuries not consistent with the explanation given for them

Injuries which occur to the body in places which are not normally exposed to falls, rough games, etc

Injuries which have not received medical attention

Neglect - under nourishment, failure to grow, constant hunger, stealing or gorging food, untreated illnesses, inadequate care, etc

Reluctance to change for, or participate in, games or swimming

Repeated urinary infections or unexplained tummy pains

Bruises, bites, burns, fractures etc which do not have an accidental explanation\*

Cuts/scratches/substance abuse\*

**Indicators of Possible Sexual Abuse**

Any allegations made by a child concerning sexual abuse

Child with excessive preoccupation with sexual matters and detailed knowledge of adult sexual behaviour, or who regularly engages in age-inappropriate sexual play

Sexual activity through words, play or drawing

Child who is sexually provocative or seductive with adults

Inappropriate bed-sharing arrangements at home

Severe sleep disturbances with fears, phobias, vivid dreams or nightmares, sometimes with overt or veiled sexual connotations

Eating disorders - anorexia, bulimia\*

**Emotional Abuse**

Changes or regression in mood or behaviour, particularly where a child withdraws or becomes clinging. Also depression/aggression, extreme anxiety.

Nervousness, frozen watchfulness

Obsessions or phobias

Sudden under-achievement or lack of concentration

Inappropriate relationships with peers and/or adults

Attention-seeking behaviour

Persistent tiredness

Running away/stealing/lying

**Race, Culture & Religion**

Crucial to any assessment is a knowledge and sensitivity to racial, cultural and religious aspects. Remember also that differences exist not only between ethnic groups but also within the same ethnic group and between different neighbourhoods and social classes. While different practices must be taken into account, it is also important to remember that all children have basic human rights. Differences in child-rearing do not justify child abuse.

\*These signs may indicate the possibility that a child or young person is self-harming, mostly by cutting, burning, self-poisoning.

In responding to a child wanting to talk about abuse, the following guidelines should be followed:

**General points**

- Above everything else listen, listen, listen
- Show acceptance of what the child says (however unlikely the story may sound)
- Keep calm
- Look at the child directly
- Be honest
- Tell the child you will need to let someone else know - don't promise confidentiality
- Even when a child has broken a rule, they are not to blame for the abuse
- Be aware that the child may have been threatened or bribed not to tell

- Never push for information. If the child decides not to tell you after all, then accept that and let them know that you are always ready to listen.
- As soon as possible write down what has been shared\*

**Helpful responses**

- You have done the right thing in telling
- That must have been really hard
- I am glad you have told me
- It's not your fault
- I will help you

**Don't say**

- Why didn't you tell anyone before?
- I can't believe it!
- Are you sure this is true?
- Why? How? When? Who? Where?
- Never make false promises
- Never make statements such as "I am shocked, don't tell anyone else"

Again reassure the child that they were right to tell you and show acceptance

Let the child know what you are going to do next and that you will let them know what happens (you might have to consider referring to Social Services or the Police to prevent a child or young person returning home if you consider them to be seriously at risk of further abuse). Contact the person in your organisation or church responsible for co-ordinating child protection concerns or contact an agency such as the Churches Child Protection Advisory Service (CCPAS) for advice. Alternatively go direct to Social Services/Police/ NSPCC. Consider your own feelings and seek pastoral support if needed.

Make notes as soon as possible, preferably within one hour of the child talking to you. Write down exactly what

the child said and when s/he said it, what you said in reply and what was happening immediately beforehand (eg a description of the activity). Record dates and times of these events and when you made the record. Keep all hand-written notes, even if subsequently typed. Such records should be kept for an indefinite period in a secure place.

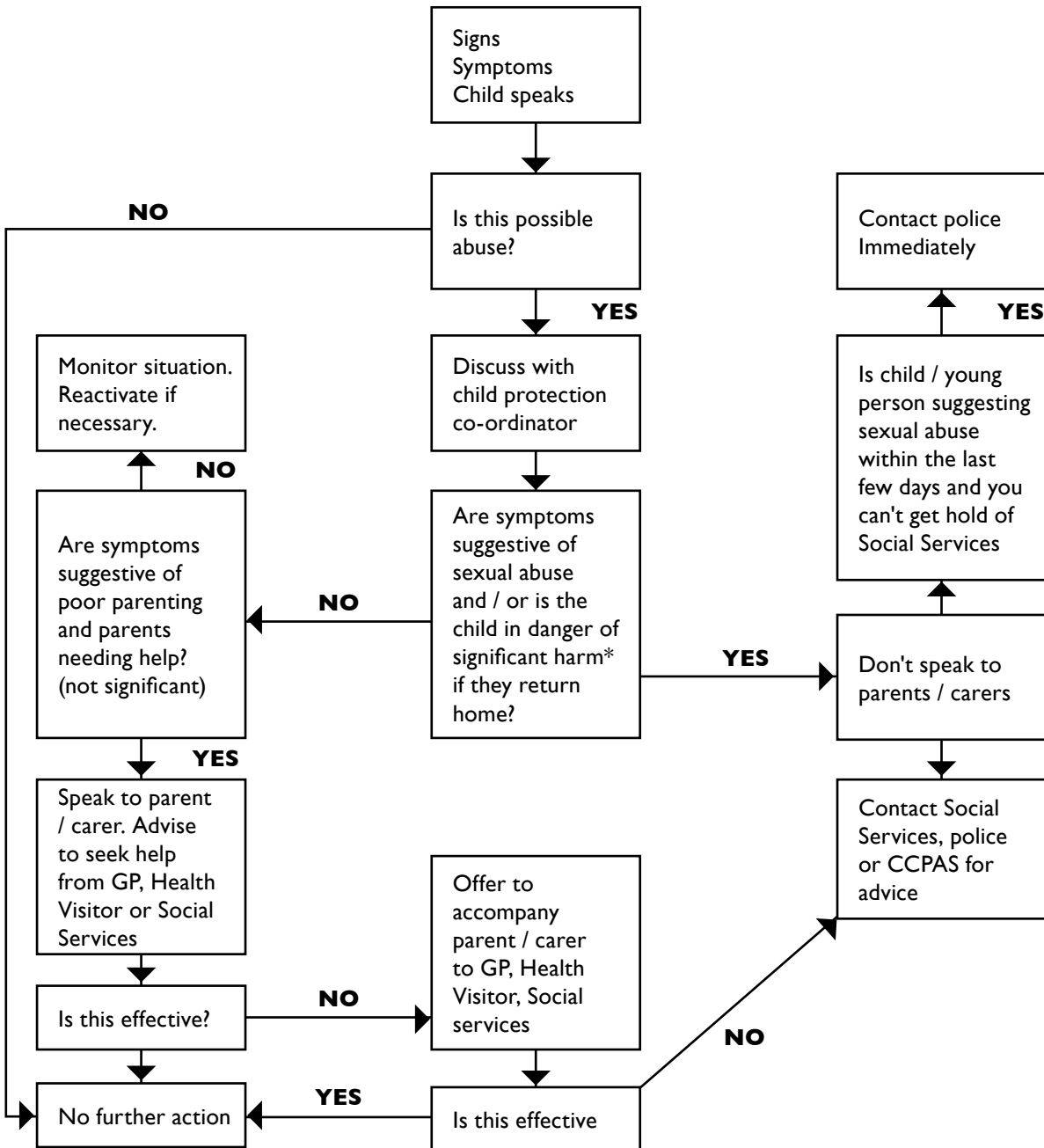
Concerns should be passed immediately to the Child Protection Co-ordinator but if that person is unavailable this should not delay taking action. Below is a flow chart that will help those involved to follow the correct procedures so that all possible steps are taken to ensure the safety of the child(ren).

Any allegation that involves possible abuse within the organisation, group or church should be reported immediately to the insurance company

**Flow chart for action**

This is not a substitute for a formal child protection policy.

RESPONSIBILITIES | HEALTH & SAFETY | LIABILITY | SPECIAL EVENTS | MINIBUSES | CHILDCARE | FIRE | SECURITY | RISK CONTROL | CLAIMS



#### 4. Appointing Workers

In recent years there has been a great deal of public concern expressed about the way in which unsuitable people, including sex offenders, have gained both voluntary and paid employment with children and young people. Any organisation or church recruiting children's/youth workers should follow the code of practice '**Safe from Harm' (2005)**, outlined above.

Churches in particular have paid insufficient regard to selecting workers with children and young people. Great care therefore should be exercised in the selection and appointment process. This will be an outward expression of commitment to protecting children and young people and should be included in any Child Protection Policy.

##### Application for a job/position

It is important to obtain information about a potential worker's background. A detailed application form, personal references, information from previous churches /organisations and a formal interview are vital for the assessment of a candidate's suitability for the post.

The organisation should make it clear that the successful applicant will be required to agree to a criminal records check being carried out before the position is confirmed. This process should be started as soon as the prospective worker has accepted the provisional job offer.

It is important also that the church or organisation has a policy regarding the employment of those with a criminal record. Identifying those who could be a danger to children is far from easy, so it is important through vigilance and good practice to make it as difficult as possible for such individuals to gain access to children.

#### Criminal Records Checks

The Criminal Records Disclosure Service can provide employers and voluntary agencies, including churches, with additional information to help assess the suitability of a potential worker, paid or volunteer. The Criminal Records Bureau in England and Wales (CRB) provides a one-stop shop service, enabling organisations to check information held on the Police National Computer (PNC), local police records and, where appropriate, details held by the Department of Health and the Department for Education and Skills. Information passed on by the CRB may reveal, for example, that an applicant is unsuitable to work with children. In Scotland checks are administered by the Scottish Criminal Records Office (SCRO) and is similar to England and Wales. In Northern Ireland a different system exists for police checks through the Pre Employment Consultancy Service (PECS) operated by the DHSS.

Churches and organisations using the Disclosure Service are required to comply with the CRB/SCRO Code of Practice. Failure to follow it could result in an individual or organisation not fulfilling their obligations under the Human Rights and Data Protection Acts, and they may even be breaking the law.

In England, Wales and Scotland, larger organisations may wish to consider applying direct for criminal records checks but they have to become registered with the CRB/SCRO. Alternatively checks can be made via an umbrella body, which will process applications to the CRB/SCRO on its behalf. CCPAS is an umbrella body for England, Wales and Scotland. However, volunteer checks in Scotland should be made direct to Volunteer Development Scotland.

Even if the church/organisation does not register in its own right, it must appoint a 'recruiter', checked through the CRB/SCRO, who is able to confirm the identity of the individual(s) applying for a criminal records check

There are two levels of Disclosure, relevant to those working with under 18's and vulnerable adults.

#### (i) Standard Disclosures

These are for those who regularly undertake limited roles which bring them into contact with children and young people, but where there is no supervisory or training responsibility. This might include those who serve refreshments or occasional helpers who are never left in sole charge of children.

#### (ii) Enhanced Disclosures

This applies to the vast majority of leaders in churches and organisations working with or responsible for children. An enhanced check should be carried out on those whose work involves 'regularly caring for, training, supervising or being in sole charge' of children and young people. An enhanced disclosure will contain details of all convictions held on the police national computer, including current and "spent" convictions, as well as details of any cautions, reprimands or final warnings. The disclosure will indicate whether information is held by the Department of Health and Department for Education and Skills. It will also include a check on local police records. A standard disclosure includes all the above, with the exception of a check on local police records

Further information can be obtained from CCPAS (0845 120 4550) or the Criminal Records Bureau (0870 90 90811, [www.crb.gov.uk/](http://www.crb.gov.uk/) [www.disclosure.gov.uk](http://www.disclosure.gov.uk)).

To contact the SCRO (Paid workers) telephone 0870 609 6006, [www.disclurescotland.co.uk](http://www.disclurescotland.co.uk)

### Appointment & Supervision

Any appointee should have a written contract together with a clear job description, lines of accountability to the church leadership and an assigned supervisor with regular opportunities for planned meetings so that work can be discussed, issues aired and areas of concern dealt with. It is also advisable to have a probationary period (say 6 months) before the appointment is confirmed.

[This information should be used in conjunction with the CCPAS Child Protection Manual]

It is important that all workers understand the agreed procedures for protecting children. Some churches may choose to obtain written acceptance of the church's policy statement as a condition of service. It certainly should be a condition of service that the worker is required to report all allegations or concerns about possible abuse.

Training for workers in relevant areas should be arranged eg child protection, first aid, food hygiene etc.

### 5. Working Practice

CCPAS has devised a comprehensive guide to good working practice, covering statutory and legal requirements for a whole range of activities that Ansvar Insurance Company will expect compliance. These include:

- General practice and supervision of children's groups
- Transporting children
- Health & Safety
- Day trips & residential holidays/camps
- Health, hygiene & first aid
- Risk assessment of children's activities
- Fire safety & electrical equipment
- Consent forms, accident & incident forms, health forms etc.
- The Internet & photographing
- Data Protection & Human Rights Acts



Section 7  
**Fire**

**Section 7 Fire****Fire Safety (England & Wales)**

The Regulatory Reform (Fire Safety) Order 2005 came into law on 1st October 2006. It applies in England and Wales. The order replaces all previous fire regulations and places a legal duty on you to take action to prevent fires.

It covers general fire precautions and other fire safety duties which are needed to protect “relevant persons” in case of fire in and around most “premises”. The Order requires fire precautions to be put in place “where necessary” and to the extent that it is reasonable and practicable in the circumstances to do so. A copy of this document is available at [www.opsi.gov.uk](http://www.opsi.gov.uk)

**Fire Safety (Scotland)**

Part III of the Fire (Scotland) Act 2005 came into law on 1st October 2006 and provides more specific requirements that sit alongside the general requirement in the Act to implement fire safety measures. These measures include ways to reduce the risk of fire and the spread of fire in relevant premises, means of escape and ways of ensuring it is effective and safe, and measures in relation to detecting and fighting fires.

The Act imposes duties on employers, persons in control of premises and others in relation to the carrying out of fire risk assessments, putting in place fire safety measures found to be necessary, and obliging them to review the fire risk assessment. Part II of the Regulations make provision in respect of these fire risk assessments, including the review criteria for risk assessments, the duty to consider fire safety risks to young persons, and the duty to record information. A copy of this document is available at [www.scotland.gov.uk](http://www.scotland.gov.uk)

**Electrical Wiring:**

Despite increasingly high standards of installation, large numbers of fires can be attributed to faulty electrical wiring or apparatus. In order to protect against this risk, there are precautions which can be taken.

All new electrical wiring should be installed in accordance with British Standard 7671: 1992 ‘The Requirements for Electrical Installations’. New government regulations mean that all electrical installations must be certified by a competent person (ie qualified under Part P of Building Regulations).

Electrical installations should be inspected and tested every five years, and the switchgear should be labelled to show the date of the last inspection and when the next inspection is due.

Churches should also be aware of the risk of fire that the organ presents. Inspection, maintenance or repair of all pipe organs, particularly those having electric or electro-pneumatic actions should only be entrusted to an experienced professional organ builder. Reliance should not be placed on the fact that the organ is regularly tuned, as the ‘tuner’ may not have the detailed technical knowledge required to notice dangers in the complex electrical circuitry.

Temporary wiring or extension wiring should only be allowed in exceptional circumstances. Temporary wiring should only be allowed for a maximum period of 6 months.

Any evidence of damage to wiring, plugs, sockets or other fittings should be attended to immediately upon discovery.

**Fire Fighting Equipment**

The Fire Precautions (workplace) Regulations 1997 require the provision of suitable fire fighting equipment in all premises where there is at least one employee. The colour of the extinguisher indicates the type. For new extinguishers, only 5% of the body surface may be coloured. Old extinguishers sold before the end of 1996 are still acceptable, and do not have to be replaced or repaired until they have become unserviceable.

Fire extinguishers should be sited in reasonably prominent positions, not hidden behind curtains or locked away. Preferred locations are near to exits, wall mounted with the handle mounted 1.0m above floor level. Training should be given to employees and voluntary workers on the different types of extinguisher and how to use them.

**Repairs and Restoration**

The danger of fire is increased while work is being carried out in or around the building. To ensure safety, follow these precautions:

- Workmen should be shown the locations of fire fighting equipment
- Smoking should be prohibited
- Waste materials such as paper and crates should be removed from the buildings for disposal, and should not be burnt in the grounds
- Work involving blow lamps, lead burning torches, welding equipment or other apparatus producing flames or heat should be closely supervised
- Gas cylinders, paints, oils and other flammable liquids should be stored outside the buildings in a secure, adequately ventilated compound.

# Section 8 Security



## Church Security

Every day 10 churches are likely to suffer from theft, vandalism or arson. While insurance can cover the monetary costs, it can't return items of sentimental or historical value to a church. It is best to take measure to prevent your church from the risks presented.

While it is best to leave the church unlocked during the day for visitors - the presence of legitimate visitors during the day is likely to deter any would-be thieves, it should be locked after dark. It is best to try and have someone on duty in the church at times. This can be done either by having a rota of church sitters, or by arranging for jobs like cleaning and grass cutting to be at separate times in order to keep an eye on the church. Always make sure there is a means of communication such as a mobile phone available to people who are alone in the church.

Lock away any valuable and portable items, and during the week consider substituting valuable brass and silver items with wooden replicas. Valuables not in regular use can be deposited in a bank, or sometimes loaned to museums or treasuries.

Church wardens and parishioners should make frequent irregular visits to the church. The keys should be entrusted to a responsible officer and spares should never be hidden around the churchyard.

Take photographs of valuables and keep an inventory to help police should a theft happen.

Consider the use of 'anti-climb' paints in order to protect roof lead and copperwork from thieves. Ensure that ladders are safely locked away. Gates should be locked at night to prevent vehicles being driven up to the church doors.

## CCTV Systems

It is important to consider why you are installing a system and what you hope to achieve from it. This will help you to create a specification, which is necessary to obtain comparable quotes. Performance specifications should be realistic. Consider problems such as property features, for example areas of water can create sunlight glare.

Areas to consider when deciding on CCTV are:

- Infra-red or artificial light sensitive
- Manual or automatic lenses
- Quality of cameras needed
- Data protection act 1998: CCTV code of practice

## Safes

When buying a safe, consider the level of security needed. This is judged by the value of the goods to be kept in the safe. Safes should be situated where it will take a thief the maximum length of time to remove it. Areas to consider when siting safes are:

- Security
- Alarm protection
- Ease of use
- Floor strength

Many safes are available in either key or combination versions. Both are equally as secure and so the choice is down to what suits the user. Remember that unless specifically designed for this purpose, safes do not offer fire protection.

## Theft of Metal

Theft of metal from buildings is not a new problem. However, driven by demand, specially from developed countries, the international price of copper and lead has broken all records over recent months.

Prices for zinc, nickel and aluminium are also at their highest since 1996. This has led to an increase in the theft of copper, lead and other metals in all areas of the country. The rewards for thieves are high and they are becoming increasingly organised and bold in their attacks, often posing as builders legitimately working on property.

Putting aside the irreplaceable loss of heritage when listed buildings are attacked, the financial loss arising from thefts goes beyond the cost of replacing the stolen metal. Damage to the fabric of buildings caused during the course of the theft can be significant, as well as water damage to internal furnishings if it rains before the theft of roof coverings is discovered.

### Be vigilant!

In order to reduce the risk of metal thefts from roofs of buildings you need to be vigilant. Wherever metals are present there is an increased risk of theft and existing security arrangements may need to be reviewed.

### Preventative measures

Risk factors will vary for each building under consideration and some security measures will be more appropriate than others.

### Surveillance

Maximise surveillance levels:

- Consider cutting back/pruning tall trees which could otherwise provide a screen to hide criminal activities. (Don't forget to obtain the necessary approval from the local authorities before cutting down any trees.
- Introduce security lighting, particularly in vulnerable areas and ensure that regular checks are carried out to ensure that it is working properly.
- Consider installing a Closed Circuit Television (CCTV) system with adequate monitoring and recording and display prominent warning notices around the site.
- Consider installing intruder alarm protection to external roof areas and any scaffolding, using equipment designed to operate efficiently outside. Wire free movement detectors may be the most appropriate when considering the protection of listed buildings. Alarm signalling should be automatic to an alarm receiving centre, or directed to the telephone of appointed key holders. Audible only signalling may be acceptable in areas where a reasonable level of surveillance can be expected. Key holders should be briefed on what to do in the event of alarm activation by your local Crime Prevention Officer. Alarm systems should be installed and maintained by an NSI or SSAIB approved company. To find details of approved companies in your area please visit [www.nsi.org.uk](http://www.nsi.org.uk) and [www.ssaib.org](http://www.ssaib.org).

### Community Support

- Encourage members of the local community to keep a vigilant eye on the building and report any suspicious activity to the police; particularly the unexpected arrival of workmen.

### Access to site

- Gates should be locked and steps should be taken to restrict any vehicular access to the site.
- Remove any easy means of transporting stolen goods, such as wheelbarrows and wheelie bins to a secure place.
- Store ladders in a secure place. This is particularly important when building works involving the use of scaffolding are taking place. Ansvr Insurance must be advised in advance of any building work being undertaken. Non-disclosure of this material fact could affect your insurance cover.
- Remove any easy access onto building roofs, such as water butts, waste bins and vegetation.

### Roof checks

Carry out regular checks of roofs so any theft of roofing materials is discovered before it rains and water enters the building causing further damage.

### Anti-climb paint

Apply anti-climb paint to drain pipes and rood guttering to restrict access to roofing. The paint should not be applied below a height of 2 metres and warning notices, highlighting its use, should be prominently displayed.

### Smartwater - a potential deterrent

Security mark metal goods. 'Smartwater', a security marking product which forensically links thieves to crime scenes is being successfully used to combat the theft of metals. 'Smartwater' can be used on property exposed to the elements, such as lead roofs, without degradation of the marking and doesn't damage items to which it is applied. For further details please visit the 'Smartwater' website [www.smartwater.com](http://www.smartwater.com)

Where security marking is to be applied on roofs, appropriate safety precautions identified from risk assessment should be followed.

Warning notices highlighting that security marking has been used are an effective deterrent and should be prominently displayed around the property.

### Building work and renovations

When scaffolding is being used consider the following precautions:

- Try to only erect scaffolding where it is needed for a particular phase of work
- Corrugated iron sheeting or solid timber boarding should be bolted to the base of the scaffold to a height of 3.5m to deter climbers
- Remove ladders to a secure place at the end of each day
- Erect temporary security fence panels around the work site at a height of at least 2m
- Advise the local police that building work is being carried out
- The use of security patrols or manned guarding, undertaken by national Security Inspectorate (NSI) approved and licensed security personnel. For details of NSI approved companies in your area please visit [www.nsi.org.uk](http://www.nsi.org.uk)

**Please note:** Some insurance policies, including our Church policy exclude the theft of metals whilst scaffolding is erected. Please refer to your policy document for details of the cover being provided.

# Section 9

## Risk Control and Assessment



## Section 9 Risk Control & Assessment

**Virtually every organisation whether they are commercial or non-profit, carries within it's operations elements of risk. Risk management is about managing those risks in a way which ensures the safety, as far as possible, of their employees, volunteers, assets and operations, and reduces any exposures to level where they do not threaten the very existence of that organisation.**

The term Risk Management is frequently heard these days and this is understandable when you consider that much of the process can be identified as the application of common sense. Most churches and charities already undertake at least some of the types of actions referred to in this section although few who are responsible for every day running of charities or churches would recognise themselves to be involved in the discipline of risk management as such.

However, risk management is now more generally recognised as an effective tool in the efficient running of an organisation. At the same time there is a growing awareness of the responsibilities falling on the people who have the onerous task to run and control organisations. This is not only through increasing legislation but also as a result of the publication of the Turnball and Cadbury reports which refer to good governance and the necessity of risk management.

Additional information regarding Risk Control & Assessment can be acquired from Health and Safety Executive website: [www.hsebooks.co.uk](http://www.hsebooks.co.uk)

The primary task of managing risk is to consider and assess every aspect of the organisation's operations in order to diagnose all risks and hazards to which the organisation and it's workforce could be exposed with the object of:

- Establishing the risks and hazards which are significant
- Eliminating or reducing these to an acceptable level
- Ensuring that where these cannot be eliminated proper consideration is given as to whether the organisation should carry or transfer those risks, completely or partly, to some other organisation e.g. insurers
- Integrating into their systems a practical procedure for on-going recognition and control of potential areas of risk. To work this must have the full co-operation and understanding of the employees and volunteers

There are, of course, various types of risks – e.g. destruction of the buildings by fire, hazards which could cause injury to employees or members of the public, or loss of funds through theft by employees. Each one could be a source of a substantial loss.

Organisations large and small have sustained serious losses where more thorough control of risks may have helped e.g.:

- Unfortunately, an unmarried Bishop revealed he had a son and had used some of the religious charity's funds to support him. As a result donations reduced very substantially.
- A computer system of a charity failed because of incompatible software
- A part-time volunteer liaison officer of a small charitable care home was virtually left in charge of a number of the accounts and was able to persuade trusting colleagues to sign blank withdrawal forms which she used to steal money from the charity
- Injuries, such as broken hips, have been sustained by volunteers running charity shops perhaps because the predominance of senior citizens had not been allowed for.

What the examples do not show is the "iceberg effect" i.e. the hidden cost usually amounting to considerably more than the initial loss as a result of the diversion of valuable time in solving the problems and re-establishing the operations and/or reputation of the church or charity. In the case of accidents to employees the hidden cost has been estimated by the Health & Safety Executive to be anywhere between 8 and 35 times the actual monetary cost! A similar effect has been found to apply to all incidents and probably is the main justification for risk management.

So our first task is to identify risks and exposures and then assess them as to the severity and frequency.

**Risk assessment should cover such areas as:**

- A) Safety of employees, volunteers and third parties such as spectators and would include those areas explained in:
  - Section II Part a) Health and Safety – General Requirements
  - Additional notes in Section II parts b) to f) which refer to specific types of operations such as Care Homes
  - Section VI Fundraising Activities
- B) Any dangers to Charity or Church operations generally.

These actions should reveal those situations that need addressing most.

This is a task for which it is understandably difficult to find time but for which, regrettably all too often, time has had to be allocated after a potentially disastrous event has occurred. The advantages of utilising a risk management programme is that many of these incidents with their attendant disruption and diversion of valuable time will be avoided or minimised.

From a liability point of view, should an accident occur, it is important to be able to show written evidence of the potential risks and the steps taken to minimise them. In certain circumstances risk assessment is a legal requirement.

It is important to consider all possibilities (not only probabilities) for the unlikely could be the worst case scenario and one which could endanger the very existence of the church or charity and it's mission.

An actual example of an organisation having to act as a result of it's management analysing it's potential loss recently occurred when a medical charity assessed that within their operations they had an exposure which, although very unlikely, could have resulted in a cost to them of millions of pounds and cessation of operations. They were able to transfer the risk at a viable price. Previous to this familiarity had blinkered them.

It is wise for every organisation to be positive and construct a written risk management policy fully integrated into procedures and with everyone understanding the reason behind it and fully contributing.

**Attachment 4a Risk Management And Assessment**

Decide the following:

1. Whether the activity/task/work is risky e.g. There is a hazard from which someone could be injured or caused illness.
2. Is there a risk from for example:
  - Display screen equipment
  - Using substances i.e. cleaning fluids
  - Lifting etc
  - Noise

These activities are dealt with separately under the Health and safety requirements. Refer to the relevant part(s) of Section II Health and Safety Requirements.

3. Is there a risk which could effect the organisation's operations or assets.
4. Use the Risk Assessment Forms attached. (Risk Assessment is simply a thorough examination of the tasks, location and other surrounding factors to ascertain as to whether there is anything which could cause harm.)
5. Findings and, where necessary, actions taken must be recorded not only to confirm the assessment took place but to provide proof in the event of an accident.
6. Records should be kept (for 5 years) at a location locally.
7. A review should be undertaken regularly and when relevant changes take place.

**I. IDENTIFICATION**

- Activity involved
- Location
- Other persons involved
- Date
- Assessor (print name and sign)

**2. CHECK FOR HAZARDS**

Search the area of activity to see if any hazards are present such as:

Tick in box where relevant

- 1 Unsafe entrances/exits
- 2 Tripping/slipping (e.g. stairs in poor condition)
- 3 Fire (e.g. from combustible materials)
- 4 Use of equipment
- 5 Inadequate protections
- 6 Display screen equipment
- 7 Poor lighting
- 8 Manual handling
- 9 Chemicals (e.g. cleaning fluids)
- 10 Crowds
- 11 Fireworks
- 12 Dangerous or adventure activities (e.g. assault course)
- 13 Stress
- 14 Lone working
- 15 Violence in the work place
- 16 Noise
- 17 Electricity (e.g. bad wiring and electrical equipment)
- 18 Vehicles (e.g. borrowed)
- 19 Work at height (e.g. using ladders, steps or scaffolding)
- 20 Use of machinery (e.g. generator)
- 21 Passive smoking
- 22 Temporary structures (e.g. moveable stands)
- 23 Cash handling
- 24 Others:

RESPONSIBILITIES | HEALTH & SAFETY | LIABILITY | SPECIAL EVENTS | MINIBUSES | CHILDCARE | FIRE | SECURITY | RISK CONTROL | CLAIMS

**PERSONS INVOLVED**

Tick in box where relevant

- 24 Employees
- 25 Cleaners
- 26 Volunteers
- 27 Members of congregation
- 28 Spectators
- 29 Members of the public
- 30 Maintenance persons
- 31 Contractors
- 32 Pregnant women
- 33 Visitors
- 34 Children
- 35 Disabled people
- 36 Lone workers
- 37 Persons sharing the premises
- 38 Inexperienced or untrained staff

RESPONSIBILITIES | HEALTH & SAFETY | LIABILITY | SPECIAL EVENTS | MINIBUSES | CHILDCARE | FIRE | SECURITY | RISK CONTROL | CLAIMS

**EVALUATING LIKELY HAZARDS/RISKS**

| Hazard No.<br>(list the hazards ticked) | Severity degree<br>(high, medium or low) | Likelihood degree<br>(high, medium or low) |
|---|--|--|
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |

| Evaluation  | Action (Yes/No) | Date |
|---|-----------------|------|
| (work out if it is possible to get rid of all the hazards/risks identified. If "no" can the risk be controlled; |                 |      |
| By meeting legal requirements   |                 |      |
| Complying with the authority/industry standard  |                 |      |
| Reducing the risk to an acceptable level  |                 |      |
| Putting in satisfactory procedures and systems  |                 |      |
| Ensuring instructions and training are appropriate  |                 |      |
| If any answer is "no" what action can be taken to make the risk acceptable                                      |                 |      |
|   |                 |      |

RESPONSIBILITIES | HEALTH & SAFETY | LIABILITY | SPECIAL EVENTS | MINIBUSES | CHILDCARE | FIRE | SECURITY | RISK CONTROL | CLAIMS



## Section 10

# How to manage a claim



**Section 10 How to Manage a Claim**

**Ansvar policyholders can refer to the policyholders section, Emergency Telephone Numbers which provides contact details for help and advice in case of emergencies. Always refer to your policy booklet in the first instance.**

**Sadly it is inevitable that in time a church or charity, despite being run efficiently, will face the need to respond speedily and properly to an accident or incident in which the organisation is in some way involved. This will include the necessity to act in a manner that minimises the results of an injury, loss or damage and stress and accelerates the recovery process.**

These notes are to provide some practical assistance and guidance in how to cope best in these circumstances.

Generally claims fall into the following categories:

- Where the organisation or it's employees, volunteers or agents are being held liable, rightly or wrongly, for negligence, which has led to:
  - (i) death, injury or disease of a person and/or loss or damage to property
  - (ii) mental anguish, financial loss or loss of expectations
- the loss of or damage to property through, for example, fire or burglary
- additional costs incurred to keep the organisation's operations going and income steady

Obviously the relevant authorities and organisations must be advised very quickly such as:

- The insurer, insurance broker or agent
- The Health & Safety Executive
- The Police
- The Charity Commissioners or relevant Church authorities
- The repair company e.g. emergency glass replacement company

Notification of a potential claim needs to be given as soon as possible, not only to obtain as much assistance as available but also to ensure that any claim is notified in accordance with insurers requirements.

Claims conditions apply to most insurance policies, and will, for example, require:

- That notification is made to the insurer as required by the policy conditions e.g. in writing and as soon as possible (so as not to prejudice their legal rights which they automatically pick-up) via a claim form
- That the insured will act in a way which reduces any loss to a minimum e.g. safeguards any property left exposed in the open
- That in the event of an insurance being in force which is on a "claims made" basis e.g. covering professional liability or errors and omissions in giving advice, that any incident which "may" or "might" eventually lead to a writ, accusation or claim, however unlikely, must also be notified before the end of the period of insurance
- In some cases the Insured is responsible for paying the excess under a policy i.e. first part of a claim

In response to growing concerns within the insurance industry about spiralling costs of personal injury claims, the Ministry of Justice (MOJ) have produced proposals to radically overhaul the present system in England & Wales.

The proposed changes will undoubtedly have far reaching implications for the insurance industry and customers alike. This is the first review since the current claims procedures were introduced by the Woolf reforms in April 1999.

The objective of the proposed reforms is to speed up the claims process for the claimant and drive out unnecessary costs. At this stage the reforms are expected to be effective in autumn 2008.

The MOJ have consulted widely with the ABI, defence and claimant lawyers and other stakeholders. They received 300 responses to its consultation paper. Ansvar submitted a response alongside the ABI and other insurers.

Key proposals.

- Fast track limits proposed to rise from the current £15,000 to £25,000
- Introduce much reduced timescales for a decision on liability to be made from the date of first receipt of the claim. For example:
  - Motor 15 working days
  - EL/PL 30 working days
- Introduce shorter timescales for the exchange of evidence, medical reports and settlement offers/ negotiation.

Potential benefits to insurers.

- The claimant must not incur any costs during the first stage of the claims protocol ie within 15 or 30 working days.
- An early admission of liability will significantly reduce legal costs.
- The longer a claim is outstanding the more expensive the ultimate damages. This will ensure most claims settle early at lower cost.

- Fixed tariffs and costs at each stage of the claims.
- Proposal encourages offers to settle at early stage.
- After The Event insurance only required under specific circumstances.

The investigation may include a visit by a representative of insurers to help in settlement. (Repudiation or defence in full or in part).

You will receive a claims reference number and please keep this handy to assist in speedy handling and settlement.

What needs to be done to ensure we are able to respond?

- Brokers and customers must be made aware of the reforms, especially the significance of early notification.
- Brokers and customers must notify us immediately of incidents. The delays we often experience will no longer be acceptable.
- Investigations will have to be undertaken on an incident occurring rather than on a claim being made.
- Complete investigations so that we are in a position wherever possible to make a decision on liability before expiry of the timescales.

**What to do in the event of a personal injury claim**

|                               | <b>ACTION</b>  | <b>TIMING</b>  |
|-------------------------------|--|----------------|
| <b>INITIAL RESPONSE</b>       | Pass the letter (or telephone message) advising of a claim to your insurer or broker. Do not acknowledge unless there has been a delay in dealing with this correspondence and the deadline imminent.              | Immediately    |
|                               | Complete and send off a RIDDOR form. This is necessary when there are serious injuries as defined by these regulations and injuries which involve the injured person in being absent from work for 3 days or more. | Immediately    |
|                               | Enter details in the accident book.  | Immediately    |
|                               | Advise H & S executive or other enforcing authority (a completed F2508 form must be sent).   | Within 10 days |
|                               | If a motor accident ensure driver understands any correspondence from a third party must be passed on immediately.   | Urgently       |
| <b>Dealing with the Claim</b> | Complete a claim form with full details of the injured party and the accident plus all available documents e.g. H & S training, risk assessments and reports.  | Urgently       |