



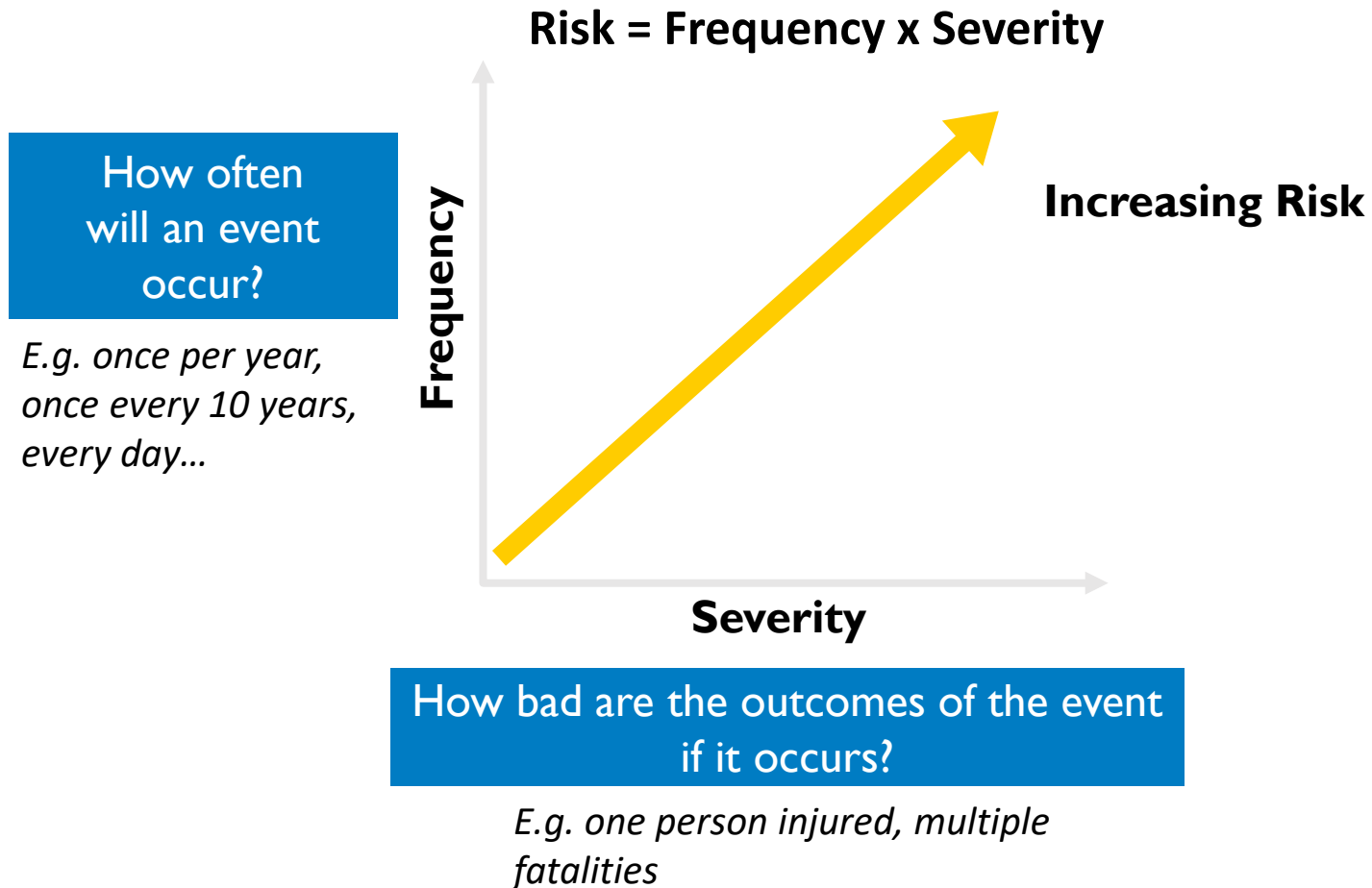
Health and Safety in Church: How Safe is Safe Enough?

Understanding Our Obligations as Churches

What do we mean by risk and what does it mean in a church context?

- Risk can be defined as exposure to **uncertainty** – good or bad
 - Focus usually on **adverse events**
 - Focus usually on things that have a material impact on our ability to pursue and meet our **objectives**
 - Health and safety risk tends to attract the most attention
- Church context for risk management:
 - Many volunteers, often but not always some staff
 - Low hazard environment
 - Limited training and often limited interest in formal process (“red tape”)
 - Mostly UK-based activities with some overseas connections

Risk is usually defined in two dimensions – frequency and severity



We must also take care to distinguish between hazards, accidents and risks when performing rigorous assessments

An uncovered hole in a platform
(a situation with potential to cause
harm) is a hazard...



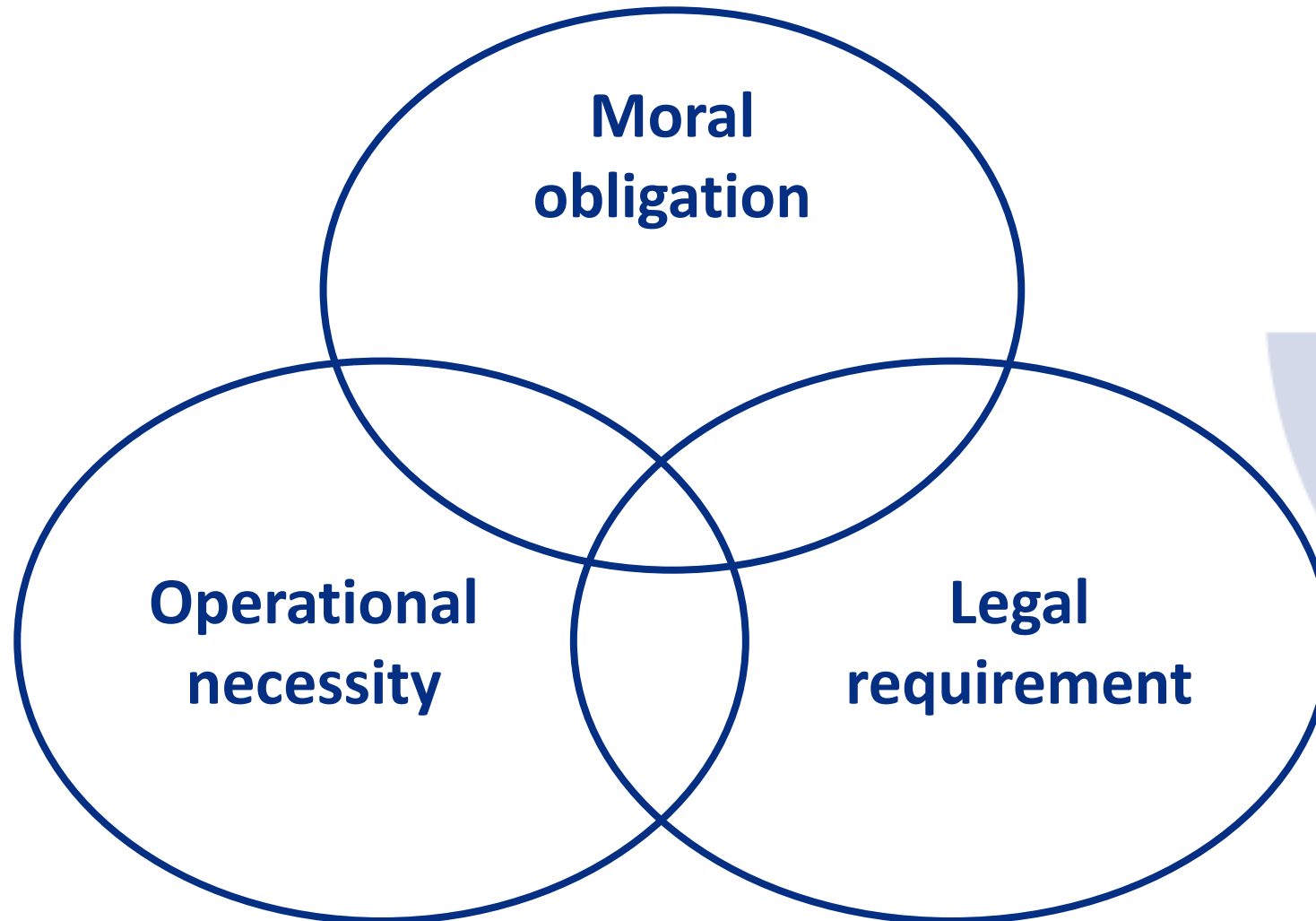
Ex 21:33



Falling in the hole is the accident
(event that causes harm)

The hazard may or may not lead to an accident; risk is a measure of how
worried we should be about the situation

Why is it important to manage health and safety in a church?



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- We should seek to avoid harming others – “do unto others” / “love thy neighbour”
- Is it enough to merely not intentionally cause harm?



- Exodus 21:28-36 – considers ‘reasonable foreseeability’ and ‘strict liability’
- Deuteronomy 22:8 – ‘guilt of bloodshed’ over accidents

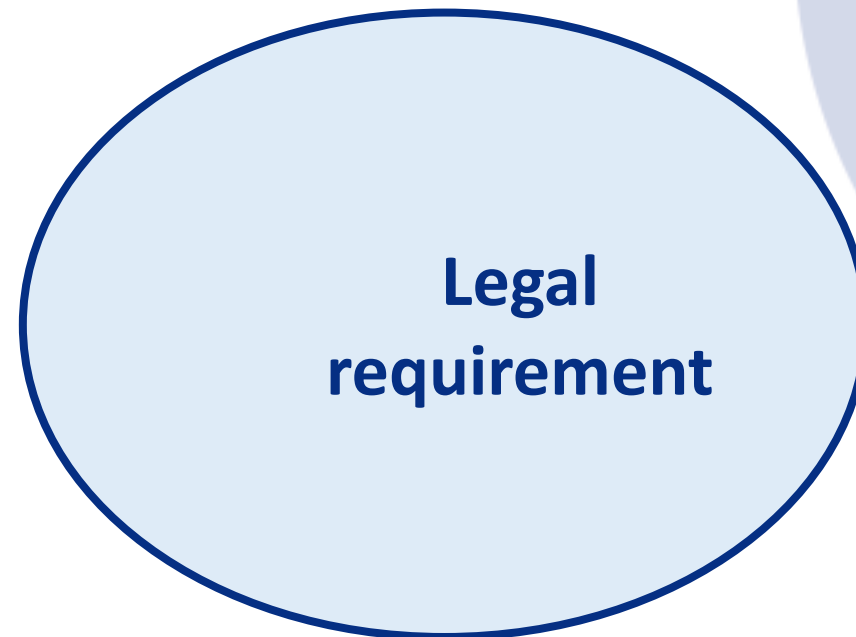
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- Ensuring our objectives are fulfilled (the Great Commission)
- Do we care enough about our ministry to avoid preventable disruptions?
- *“If you think safety is expensive, try having an accident” Trevor Kletz*

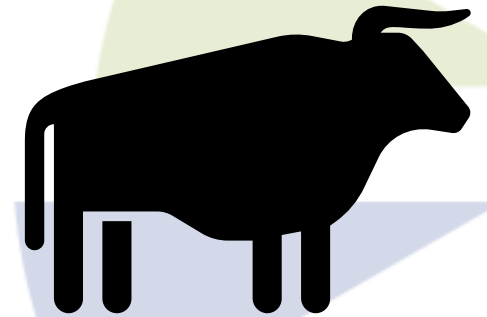
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- General duties of charity trustees and specific legal duties under health and safety law
- Romans 13:1-7 and 1 Peter 2:13-17 – legal compliance is not an ‘optional extra’



The concept of reasonable foreseeability arises from UK common law relating to negligence

- Organisations are expected to manage ‘reasonably foreseeable’ risks to health and safety
- Different standards apply – **common knowledge** (“the man in the street”), **industry knowledge** and **expert knowledge**
- Churches would be expected to meet the ‘industry knowledge’ standard for certain areas, e.g. premises and event management



“...if the ox has been accustomed to gore in the past, and its owner has been warned but has not kept it in...”

The Health and Safety at Work etc. Act 1974 (HASAWA) imposes a duty of care for health, safety and welfare

- HASAWA covers general principles while subsidiary legislation covers more specific safety risks e.g. working at height, chemical safety
- Defines the role and powers of the Health and Safety Executive (HSE)
- For charities, ultimate responsibility for duties defined under HASAWA sit with the trustees

Sections 2, 3 and 4 of HASAWA define the duty of care, with duties mainly (but not exclusively) imposed on employers

- Section 2(1) requires every **employer** to ensure, **so far as is reasonably practicable**, the **health, safety and welfare** at work of all their **employees**”
- Section 3 imposes a duty on **employers** and **self-employed persons** to ensure that **non-employees** who may be affected by their activities are not exposed to risks to their **health or safety**
- Section 4 imposes a duty on persons in control of **non-domestic premises** to ensure **non-employees** who use the premises as a **place of work** or as a place where they may use **plant or substances** provided for their use there (e.g. contractors) are not exposed to risks to their **health or safety**

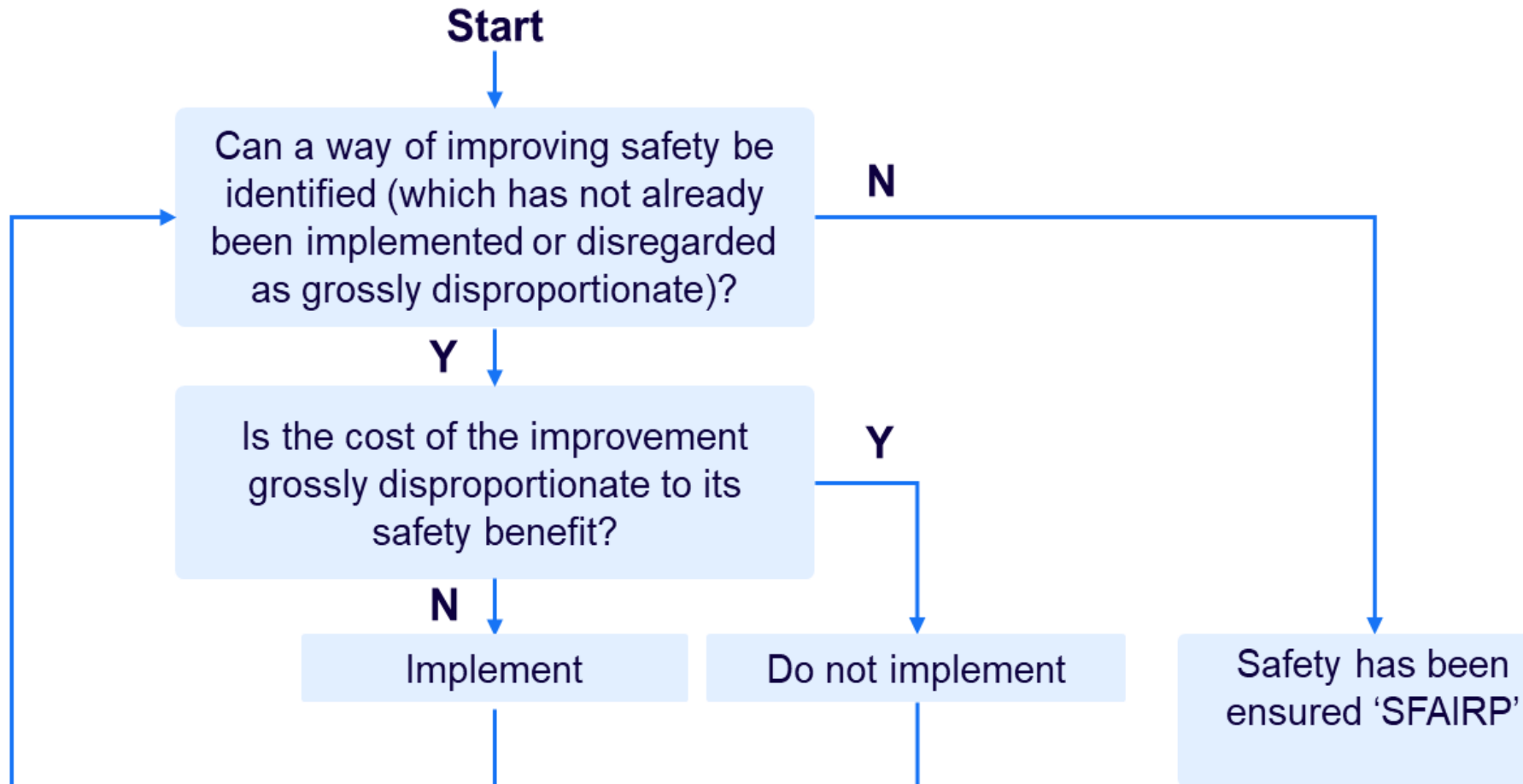
The requirement is to ensure health, safety and (sometimes) welfare **so far as is reasonably practicable** (SFAIRP)

*“**Reasonably practicable**’ is a narrower term than ‘physically possible’ ... a computation must be made by the owner in which the **quantum of risk** is placed on one scale and the **sacrifice involved** in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a **gross disproportion** between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them.”*

Court of Appeal (in its judgment in Edwards v. National Coal Board, [1949] 1 All ER 743)

- Not enough for the benefit to simply outweigh cost, but also does not demand ‘safety at any cost’
- Cost includes ‘time or trouble’
- Subjective – the only definitive test is in court

Safety has been ensured 'SFAIRP' once all measures that could be considered have either been implemented or rejected



We can demonstrate meeting the ‘SFAIRP test’ by reference to established and accepted good practice

- Many specific areas of health and safety come with their own regulations and recognised good practice
- The HSE has published the L-series documents
 - These Approved Codes of Practice (ACoPs) have “special legal status” – not mandatory but you generally need to justify not following them
 - Often used as a basis for interpreting the subjective requirements of HAWASA



Section 2 and 3 duties apply to employers, while voluntary organisations can still face section 4 duties and civil claims

- For employers, **all** activities are subject to section 2 and 3 duties
 - Anyone with control of premises may be subject to section 4 duties
- Breach is a **criminal act** even without an accident occurring
 - Risk of substantial fines and reputational impact
 - ‘Innocent until proven guilty’ does not apply
 - Enforcement by the HSE or local government
- Voluntary organisations can be liable under civil law if someone is injured
 - Is there a duty of care?
 - “**Reasonably foreseeable**” test
 - Some scope to interpret ‘employer’ as applying to organisations with only volunteers

Reasonable foreseeability and reasonably practicability form the basis of managing any given risk to health and safety

- The Management of Health and Safety at Work Regulations 1999 (“the management regs”) require employers to make a ‘suitable and sufficient assessment’ of risks to the health and safety of employees and others affected by their activities
 - This must be documented if there are five or more employees...
 - ...but should probably be documented either way
- If in doubt, conduct a **suitable and sufficient risk assessment**, identifying all **reasonably foreseeable risks** and managing them **so far as is reasonably practicable**

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The Association of Church Accountants and Treasurers



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