

General points

The law on this issue is complex, and what follows is our understanding, which may be subject to a different interpretation, particularly in the light of an individual situation or further case law. It is not authoritative and is given for information only. Managing Trustees are advised to engage their own professionals to ensure the law is being complied with.

The law is regularly being modified and enlarged - it is essential for Managing Trustees to update themselves on this topic.

A complementary package of information (including Health & Safety notes) and a useful checklist is available from Methodist Insurance, as part of their 'Church Shield' policy (Tel: 0161 833 9696).

Local authorities often produce guidance notes on this topic, and it may be worth contacting them to discuss the position.

The regulations apply to all church premises, including manse if they are visited by church members or the public.

Connexional information is largely based on the booklet *Management of Health & Safety at Work (MHSW) – approved code of practice & guidance*, published by HSE Books. This booklet gives both the regulations and guidance notes on how to comply with the Management of Health & Safety at Work Regulations 1999 (MHSW). Those wishing for more detailed information will need to buy the booklet from the Health & Safety Executive (Tel 01787 881165) - also available from many bookshops. MHSW also overlaps with other legislation, particularly those relating to fire precautions, and others such as the Control of Substances Hazardous to Health Regulations.

Fire Risk Assessments are dealt with in the Fire Risk assessment Guidance notes available on the Methodist website www.methodist.org.uk

Principles of risk assessment

The government has stated that the general principle behind risk assessment is that all users of the building should examine their work activities (whether paid or voluntary) to identify any risks to health and safety. Any distinctions between employer, employee, self-employed, or volunteer are to be disregarded, and it is also essential to consult with other groups that use the premises.

The MHSW regulations are not intended to be prescriptive - that is, they do not lay down detailed requirements; the intention is that everyone is expected to help himself/herself to identify and reduce risks, where reasonable, and to keep themselves up to date with relevant information.

Compliance with the MHSW is deemed to be sufficient to comply with the law, although alternative procedures are also acceptable. In the event of any prosecution, the Managing Trustees will need to show how they have complied with the law.

Strictly speaking, where there are fewer than five employees, the risk assessment does not have to be in writing, but our view is that it is always preferable for the assessment to be written down and recorded in the log book or relevant minute book.

Local authorities have the legal right to inspect church premises, and to require work to be carried out if considered necessary - this is why we suggest that a previously agreed, written and recorded risk assessment is so useful.

Responsibility cannot be passed on to a third party (eg by stating that a builder is to be entirely responsible for health and safety matters during building works).

If there is any doubt about who is responsible for health and safety matters, this must be clarified.

What is a 'risk assessment'?

A risk assessment should be a "systematic general examination of the effect of their undertaking, their work activities and the condition of the premises" (MHSW, page 5, point 9) and should cover the following points:

- identify how risks arise - identify hazards
- how they impact on those affected
- how risks are managed so that decisions are made in an "informed, rational and structured manner".

A '**hazard**' is something with the potential to cause harm; a '**risk**' is the likelihood of potential harm from that hazard.

The assessment should be regularly reviewed to ensure that it is still current and covers any change in risk. It needs only to include what it is reasonably expected should be known, and is not expected to include unforeseeable risks. Managing Trustees should appoint a competent person to assist in preparing the risk assessment and other health and safety matters (regulation 7). A 'competent person' is someone who has sufficient training and experience or knowledge to undertake the necessary duties. Managing Trustees may wish to obtain further

advice from their architect or surveyor who carries out their quinquennial inspections, or from their insurance company.

The regulations stress that the level of detail in a risk assessment should be proportionate to the risk; for many people using modern church premises, the level of risk should be low. The risk will rise where particular equipment is used, for instance in kitchens, or where electrical or heating equipment is handled. For older buildings, more specific risks may need to be identified, for instance, long flights of stairs, uneven surfaces etc. Particular care will need to be taken in connection with towers, ladders and access to roofs and similar possible hazards. Other aspects that may need particular attention are those involving young people, pregnant women and old people.

MHSW page 8, items 15 and 18 state: "There are no fixed rules about how a risk assessment should be carried out". However, a risk assessment should:

- ensure significant risks are addressed
- ensure all risks of the work activity are reviewed (including homeworkers and those visiting the public in their own homes)
- take account of non-routine activities (eg maintenance and emergencies)
- be systematic and structured.

Managing Trustees should also consider providing health and safety training for stewards and others, particularly in relation to fire drills and other emergencies. Occasional use of the premises by large groups may need particular

