

Guideline Leaflet L10: Health and Safety and Fire Precautions

Health and safety legislation and guidance is detailed and varied. This leaflet highlights the issues that churches need to consider and explains where to find further information.

This Guideline Leaflet is regularly reviewed and updated. To ensure that you are using the most up to date version, please download the leaflet from the BUGB website at www.baptist.org.uk/resources

The date on which the leaflet was last updated can be found on the download page.

L10: Health and Safety and Fire Precautions

These notes are offered as guidelines by the Legal and Operations Team to provide information for Baptist churches.

The legal services undertaken by the Legal & Operations Team of the Baptist Union of Great Britain are carried out and/or supervised by a Solicitor who is authorised and regulated by the Solicitors Regulation Authority. Regulatory Information is available here:

[L17 Legal and Operations Team – Regulatory Information](#)

These notes can never be a substitute for detailed professional advice if there are serious and specific problems, but we hope you will find them helpful.

If you want to ask questions about the leaflets and one of the Baptist Trust Companies are your property trustees, you should contact them. They will do their best to help.

If your church property is in the name of private individuals who act as trustees they may also be able to help.

USING THIS LEAFLET

Health and safety legislation is detailed and varied and it is not possible to outline here every provision which might affect an individual Church. Instead, the aim of this leaflet is to point you in the right direction so that you will know the issues which you should be considering and where to obtain more information when you need it.

The following comprehensive publication available from HSE books is recommended: *Health and Safety at Work Toolbox* (ISBN 9780717665877 £15). This can be ordered here: <http://www.hse.gov.uk/pubns/books/hsg268.htm> but it is also possible to download a free copy of the publication from the same webpage. Alternatively, the same information is also available here: <http://www.hse.gov.uk/toolbox/index.htm>

Churches will also find the online guidance 'Health and Safety made simple' useful. The publication can be downloaded here: <http://www.hse.gov.uk/pubns/indg449.htm> or the information is also available here: <http://www.hse.gov.uk/simple-health-safety/index.htm>. This is a good starting point for exploring health and safety issues and is less detailed than the 'toolbox' mentioned above.

WHO IS RESPONSIBLE?

The ultimate responsibility for the safety of church premises rests with its Charity Trustees (usually the minister, deacons, elders or Leadership Team in a Baptist church) (see guideline leaflet C01 *Charity Legislation and Churches*). They may find it helpful to appoint a Fabric Steward or Health and Safety Officer to help them monitor health and safety issues on a day to day basis but the Charity Trustees themselves must ensure that relevant legislation and good practice are followed.

LEGAL DUTIES

The main piece of health and safety legislation is the Health and Safety at Work Act 1974 and its associated regulations. This legislation applies when a Church is an employer because it has at least one paid employee. However, the Health and Safety Executive (HSE) considers it good practice for a volunteer user, such as a Church, to provide volunteers with the same level of health and safety protection as they would in an employer/employee relationship, irrespective of whether there are strict legal duties.

Most churches will decide, therefore, to proceed as though the legislation applies to them even where their only 'employee' is a Minister. The question of whether they are legally obliged to do so is a 'grey' area but it is clearly inappropriate to be reckless with the health, safety and wellbeing of another

person.

The Act says that you must do what is 'reasonably practicable' to ensure the health and safety of all who come, or are likely to come, onto church land or premises, even if they are trespassing.

It is not always possible to find prescriptive advice on what you have to do to meet your health and safety responsibilities in your local situation. It is often up to you to judge what is reasonable in all the circumstances giving proper attention to the risks which may exist, the precautions which are already in place and the resources available to you.

However, you must:

- have a written health and safety policy if you employ five or more people
- display the Health and Safety Law poster for employees or distribute the leaflet (available here: <http://www.hse.gov.uk/pubns/books/lawposter.htm>)
- notify certain types of injuries and accidents
- display a current certificate as required by the Employers' Liability (Compulsory Insurance) Regulations 1998
- carry out a Health and Safety risk assessment to identify potential hazards.

These issues are addressed in more detail below.

It is not just employers who have legal duties. Employees are also specifically legally obliged to accept the health and safety responsibilities which are outlined in the written health and safety policy. Although many Baptist ministers have an 'office-holder status' it is reasonable to expect them to comply with the church's Health and Safety policy – not least because they are one of the Charity Trustees who have responsibility for ensuring this is followed.

ENFORCING THE LAW

Your local authority, together with the Health and Safety Executive, has the legal obligation to enforce health and safety regulations and has the right to come on to church premises which are 'places of work' to undertake inspections. They can serve an enforcement notice which sets out work or action to be taken and have the power in extreme situations to issue a prohibition order to prevent the premises from being used until the necessary work has been carried out.

It is important to remember that churches are not automatically 'places of work' so they are not automatically bound to follow all the requirements of a small business. However, a balance is needed and good, reasonable and sensible recommendations should be noted, and where possible followed.

THE HEALTH AND SAFETY RISK ASSESSMENT

Churches have a legal duty to assess the risks which exist on their premises and to reduce them as far as reasonably practicable. We have already indicated that this is the responsibility of the Charity Trustees. Any risk which cannot be entirely removed should be reduced until it can be described as a small risk.

You should:

- identify the hazards
- decide who might be harmed, and how
- consider the likelihood and severity of hazards

- identify existing precautions and decide whether they are adequate or whether more should be done to overcome the hazard
- if you have more than five employees, record the significant findings of your risk assessment, i.e. the main risks and the measures you have taken to deal with them
- review your assessment from time to time.

You can do the health and safety risk assessment yourself. In deciding the amount of effort you put into assessing risks you have to judge whether the hazards are significant and whether they are already managed by satisfactory precautions so that the risks are small. If higher risks remain, write an 'action list' of what else needs to be done, giving priority to the highest risks or those which could affect the greatest number of people. Think about everyone who uses your building, however infrequently, paying special attention to vulnerable groups such as children, people with disabilities and lone workers. It may be helpful to consult some of these people. Remember that children are attracted by balconies, stairwells, organ lofts, fences and cleaning materials! In legal terms you have a higher level of duty where the danger is one which is known to attract children, either as trespassers or otherwise.

The baptistery should also be included in routine risk assessments. Particular consideration should be given to the potential for danger as a result of using electrical items in or around the water. Electrical equipment of any kind should be positioned at least two metres from the baptistery and people in the water should never use microphones with electric leads. The risk of other types of injury to individuals who are assisting the baptismal candidate will vary due to physical factors and this should be assessed from case to case. It may be appropriate to have more than one person involved in the immersion of the candidate; several insurers have suggested that using a hoist may be appropriate in some cases. We do not produce a generic risk assessment for baptisteries since they differ from church to church and risk must be measured based on local circumstances.

You should check that safety glass has been used in all windows up to adult waist height and up to shoulder height in or next to doors or elsewhere where there is a likelihood of injury. Where your building is listed permission might be needed from the Listed Buildings Advisory Committee (see LB02 *Applying to the Listed Buildings Advisory Committee*).

Further guidance from the Health and Safety Executive is available here: <http://www.hse.gov.uk/risk/index.htm>

BURIAL GROUNDS

It is vital that churches undertake a risk assessment of their burial grounds on a regular basis. The Ministry of Justice publish useful guidance on managing the safety of burial grounds and recommend that the overall assessment of the burial ground includes a visual and hand test of memorials.

The Ministry of Justice's guidance can be found in *Managing the Safety of Burial Grounds – Practical advice for dealing with unstable memorials* which can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/326725/safety-burial-grounds.pdf . Please also see guideline leaflet PC07 *Burial Grounds*.

EMPLOYERS' LIABILITY INSURANCE

Churches are required to purchase employers' liability insurance to insure against their liability for injury or disease to their employees (including Ministers) arising out of their employment. You must be insured for at least £5 million. Each certificate of insurance must be displayed on the church premises and it is recommended this is retained for at least 40 years after it has expired since claims for illness can be made many years after the disease is caused (there was a legal requirement to retain certificates for 40 years up until 2008).

The HSE has a guidance leaflet which is available here: <http://www.hse.gov.uk/pubns/hse40.pdf>

FIRE SAFETY

The Regulatory Reform (Fire Safety) Order came into effect on 1 October 2006. It reformed the law relating to fire safety in non-domestic premises. There is greater emphasis on fire prevention; the Order requires fire precautions to be put in place 'where necessary' and to the extent that these are reasonable and practicable in the circumstances. Responsibility for complying with the Fire Safety Order rests with the 'responsible person'; in a church this will be the charity trustees. The 'responsible person' must:

- carry out a fire risk assessment identifying any possible dangers and risks
- consider who may be especially at risk
- get rid of or reduce the risk from fire as far as is reasonable possible
- provide general fire precautions to deal with any possible risk left
- take measures to make sure there is protection if flammable materials are used or stored
- create a plan to deal with any emergency
- review findings where necessary

The risk assessment should pay particular attention to those at special risk, such as disabled people and those with special needs. It will help to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken to protect people against the fire risks that remain. If you employ five or more people you must record the significant findings of the assessment, which should cover:

- possible causes of fire
- ways in which the risk of fire occurring and spreading can be minimized
- means of fighting fire
- fire detection and warning
- emergency routes and exits
- information on fire precautions
- maintenance and testing of fire precautions.

Responsibility for enforcement of these rules is with the local fire and rescue service authority who will carry out regular inspections with top priority going to those premises presenting most risk to the community. Your local fire authority will also be able to provide detailed advice on the fire precautions suitable for your building.

Further information on the Order can be found at <https://www.gov.uk/workplace-fire-safety-your-responsibilities>. The Government guides to how this legislation affects 'places of assembly' apply to churches and can be downloaded here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422195/9294_Small_Medium_v2.pdf

A very useful entry-level guide entitled 'A Short Guide to making your Premises Safe from Fire' is also available, free of charge, and is highly recommended. It summarises the main points of the legislation

and offers practical guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14879/making-your-premises-safe-short-guide.pdf

If your premises are used for any kind of public entertainment a local authority licence may be required

See guideline leaflet L14 *Licensing for Entertainment and Copyright*

Certain fire safety precautions may be stipulated as a condition of the licence.

The Safety Signs and Signals Regulations (1996) brought into force the EC Safety Signs Directive on the provision and use of safety signs at work. The purpose of the Directive is to encourage the standardisation of safety signs throughout the European Union so that safety signs, wherever they are seen, have the same meaning. Fire safety signs such as signs for fire exits and fire-fighting equipment are covered and advice on their use can be obtained from your local fire authority.

LIGHTNING STRIKES

The Baptist Insurance Company publishes the following advice on its website:

A single bolt of lightning hitting a church can damage the fabric of the building as well as causing fires which can cause massive amounts of damage to the church and its roof. The huge surge of electrical energy hitting the church can cause wires in the building to burn out putting computers, electric organs, alarm systems and audio-visual equipment at risk.

It's not possible to completely remove the risk of lightning strikes but you can help to protect your church by:

- Having lightning protection fitted
- Keeping lightning conductors properly maintained
- Employ a professional to inspect the church's lightning conductor at least every four years
- Install surge protection equipment to protect the church's electrical equipment

Any work on the church's lightning protection system should be carried out by a competent contractor such as a member of the Association of Technical Lightning and Access Specialists.

RECORDING AND REPORTING ACCIDENTS

Although many churches have accident books they are not legally obliged to do so unless they have ten or more employees. Nevertheless, it is good practice to have a book and to put procedures in place which ensure that personal information is protected. Accident books must comply with the Data Protection Act. The Health and Safety Executive publish a book with perforated pages. Once the details of an accident have been recorded the page should be removed and stored securely so that personal information is kept private. The book is available from high street book stores or from HSE books. Alternatively, churches may decide to adapt their own reporting system to meet data protection concerns.

The RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences) 2013 require you to report some 'work-related' accidents, diseases and dangerous occurrences. If an accident results in death, hospitalisation, an inability to work for seven days or more or if there is a dangerous occurrence which could have caused a reportable injury then you need to report it to your local environmental health department. Some uncertainty exists surrounding the legal definition of 'work-related' and the relevance of these regulations to church premises where there are no employed staff, so it is suggested that you approach your local environmental health department for advice if you need it. It seems

reasonable to regard a Baptist minister as an employee for these purposes. Further details are available at www.hse.gov.uk/riddor .

HEALTH AND SAFETY POLICY

Churches with five or more employees are required to adopt a health and safety policy. Other churches may decide to do so as a matter of good practice. We would want to recommend that all churches adopt a health and safety policy. You might like to consider using the material produced by the Baptist Insurance company which can be found on their website here: <http://www.baptist-insurance.co.uk/Images/PDF%20-%20BIC%20Church%20Guidance%20Note%20-%20Health%20and%20Safety%20Policy.pdf>. The HSE also offer guidance and a template document here: <http://www.hse.gov.uk/simple-health-safety/write.htm>

Where part of the church premises is used by outside organisations there is a responsibility on the church to liaise with the organisation concerned on health and safety matters including fire precautions so that it is clear where the responsibility lies. The usual arrangement will be that the church will take responsibility for the safety of the premises with the organisation being responsible for the conduct of its own operations.

TRAINING AND CONSULTATION

The law requires that you provide whatever information and training is needed to ensure, so far as is reasonably practicable, the health and safety of those who use your premises. This is particularly important when people start work or are exposed to new or increased risks. You may have a church member with sufficient knowledge to assist in this area.

You are also expected to consult employees or their representatives on matters to do with health and safety.

The publication *Health and Safety Training, What You Need to Know* is available here: <http://www.hse.gov.uk/pubns/indg345.pdf>

FIRST AID

The minimum first aid provision is:

- a suitably stocked first aid box
- an appointed person to take charge of first aid arrangements.

An appointed person is someone who takes charge when someone is injured or falls ill, including calling an ambulance if required, and who looks after the first aid equipment. They should not attempt to give first aid for which they have not been trained. You should put up a notice to say who the appointed person is and where the first aid box is kept. You may decide that you need more than the minimum first aid provision and that your appointed person should be a qualified first aider. In particular it may be appropriate to consider whether church crèche supervisors or other individuals should be qualified first aiders.

The leaflet *First Aid at Work, Your Questions Answered* is available here: <http://www.hse.gov.uk/pubns/indg214.pdf>

RESUSCITATION, AUTOMATED DEFIBRILLATORS AND THE LAW

The Resuscitation Council has produced guidance which aims to clarify the obligations and responsibilities of people who attempt the resuscitation of anyone suffering a suspected sudden cardiac arrest, and to provide guidance for organisations that are contemplating providing life-saving equipment and training for those who might use it. This can be found [here](#)

ELECTRICAL INSTALLATION INSPECTIONS

Electrical installations need to be checked from time to time to ensure that they are safe. These checks and tests have become more rigorous over time. Churches should have regard to the following recommended inspection frequencies but should also obtain independent professional advice whenever necessary.

	Routine check	Maximum period between inspection and testing
Residential property	Annually	5 years*
Churches	Annually	5 years
Where there is a public entertainment licence	Annually	3 years

* This is a legally required maximum period for private rented property in England.

For churches renting out property to residential tenants in England, mandatory electrical inspection and testing is required for tenancies starting on or after 1st July 2020. From 1st April 2021 this duty will apply to all existing tenancies. A church must arrange for every electrical installation to be inspected and tested by a suitably qualified person before letting a manse, and throughout the tenancy at regular intervals of no more than five years. All electrical appliances provided must be safe too. This is not mandatory for Manses occupied by a Minister but we strongly recommend that churches follow the same practice. Please see our Guidance Leaflets PM04 *Letting a Manse* and PM06 *Manse Occupancy* for more information.

In addition to these an inspection and test should be done after any building work or change of occupancy or whenever there is any damage apparent. A 'routine check' should be carried out by someone who is competent to understand the electrical system, but need not be electrically qualified. The check should look for any wear and deterioration, missing parts, correct labelling and operation of test buttons etc. The 'inspection and test' needs to be carried out by a suitably qualified professional who should be an NICEIC registered contractor. Utility companies and local letting agents may both be able to help churches to find suitable contractors.

It should be noted that building regulations apply to all electrical installation work undertaken in 'dwellings', such as manses. As a result, some electrical work with a higher level of risk must be notified to your Building Control Service unless you employ a suitably qualified and registered installer. If you use an unregistered installer for notifiable work the Building Control Service will need to inspect it.

The publication *Electrical Safety and You* is available here: <http://www.hse.gov.uk/pubns/indg231.pdf>

PORTABLE ELECTRICAL EQUIPMENT

The term 'portable electrical equipment' covers items which have a lead (cable) and plug and can be moved around. Visual inspection on a regular basis by a competent, but not necessarily professionally qualified, church member is important to ensure the safety of these items. All earthed equipment, and most leads and plugs, should also have a regular electrical test, particularly when a fault is suspected or after a repair. You will probably need to employ an electrician to do this unless there is a church member with the appropriate knowledge and equipment. You may decide that it is best to discourage visitors from bringing their own electrical equipment onto your premises but where this is unavoidable it should be made clear that the visitor is responsible for their safe operation.

The HSE leaflet *Maintaining Portable Electrical Equipment in Offices and other Low-risk Environments* offers suggested inspection and testing intervals for different items. These intervals range from six monthly to five yearly but are guidelines only and not legal requirements. Your own experience of

operating the maintenance system, together with information on faults found, should be used to review the frequency of inspection. The leaflet is available here: <http://www.hse.gov.uk/pubns/indg236.pdf>

GAS INSTALLATIONS

A Manse, although used by the Minister as a place of work, will for almost all purposes be classified as domestic premises so in legal terms it will not be subject to the more stringent requirements of health and safety law. However, the church should comply with the regulations which apply generally to landlords with regard to the safety of gas installations. The HSE advise all gas consumers to have appliances checked for safety at least every 12 months by a Gas Safe registered engineer, who will be able to offer further advice.

Gas Appliances, Get Them Checked, Keep Them Safe: <http://www.hse.gov.uk/pubns/indg238.pdf>

Landlords, A Guide to Landlords' Duties: Gas Safety (Installation and Use) Regulations 1998: <http://www.hse.gov.uk/pubns/indg285.pdf>

LONE WORKING

As part of their routine risk assessment process churches need to consider the particular risks that arise for lone workers or volunteers. This will often be the Minister who will probably visit the church building quite frequently. As with any other risk churches need to identify the potential hazards and put appropriate controls in place to minimise those risks. For the Minister this could apply when they are working on church premises and when they are working from home.

Routine safety equipment such as security chains, other forms of restricted access, and good lighting are important. Much will depend on local circumstances. Some churches have found that a visit from the local Crime Prevention Officer has been very helpful in suggesting areas where improvements could be made. Lighting at the front door of the church and the Manse is often an important safety issue. It is also important to think about how a Minister or other volunteer working alone will be able to make a safe exit from their home or office, if a visitor becomes aggressive or violent.

People should not undertake repairs in a building if they are alone, or if nobody else knows that they are in the building. This is especially important if the task involves ladders or working at height. It is about planning carefully and making sure somebody knows what time you plan to finish – and making arrangements to 'phone them when you get home safely. Mobile phones are useful but making a specific arrangement when undertaking specific visits for repairs is a vital safeguard – a person may not be able to use their phone if they are injured.

Working Alone in Safety (Controlling the risks of solitary work): <http://www.hse.gov.uk/pubns/indg73.pdf>

WORK AT HEIGHT

The Work at Height Regulations 2005 apply to all work at height where there is a risk of a fall liable to cause personal injury. They place duties on employers, the self-employed, and any person who controls the work of others, such as building owners, to the extent that they control the work. The overriding principle is that you must do all that is reasonably practicable to prevent anyone falling. Duty holders must:

- avoid work at height where they can
- use work equipment or other measures to prevent falls where they cannot avoid working at height and
- where they cannot eliminate the risk of a fall, use work equipment or other measures to minimize the distance and consequences of a fall should one occur.

The regulations require duty holders to ensure:

- all work at height is properly planned and organised
- those involved in work at height are competent
- the risks from work at height are assessed and appropriate work equipment is selected and used
- the risks from fragile surfaces (such as glass or smooth slates) are properly controlled; and
- equipment for work at height is properly inspected and maintained.

Further information can be found at: www.hse.gov.uk/work-at-height

COSHH

The Control of Substances Hazardous to Health (COSHH) regulations require you to control exposure to hazardous substances to prevent ill health. Cleaning equipment and repair or redecoration materials need to be both handled and stored properly.

COSHH, a Brief Guide to the Regulations: <http://www.hse.gov.uk/pubns/indg136.pdf>

ASBESTOS

The control of asbestos regulations impose a duty on anyone with an obligation to maintain non-residential premises, including churches, to investigate whether asbestos is present. If it is present then there is an obligation to monitor its condition, put control measures in place and notify persons who may be at risk.

There is further information in Guidelines Leaflet L11 *Control of Asbestos at Work Regulations 2012*.

This is a very important issue in church buildings, but it is also important to remember that for the purposes of these regulations manses are not classed as domestic premises. The regulations also apply to manses.

WORKING WITH VDUs

There are health problems even in an office. The health problems associated with VDU (display screen) work include:

- repetitive strain injury or 'RSI'
- back ache
- fatigue and stress
- temporary eye strain (but not eye damage) and headaches.

The Display Screen Regulations require you to:

- analyse workstations to assess and reduce risks
- ensure that workstations meet specified minimum requirements
- plan work activities so that they include breaks or changes of activity
- provide eye and eyesight tests on request, and special glasses if needed

- provide information and training.

Working with VDUs: <http://www.hse.gov.uk/pubns/indg36.pdf>

WELFARE AT WORK

You are required 'so far as is reasonably practicable' to provide adequate and appropriate welfare facilities for your employees. 'Welfare facilities' are those that are necessary for their well-being, such as toilet and washing facilities, drinking water, lighting and appropriate temperature etc.

Welfare at Work, Guidance for Employers on Welfare Provisions:
<http://www.hse.gov.uk/pubns/indg293.pdf>

MANUAL HANDLING

Another free leaflet from the HSE which may be helpful to churches is:

Getting to grips with Manual Handling: <http://www.hse.gov.uk/pubns/indg143.pdf>

Manual handling is the technical term for lifting items safely. It can be important, especially if chairs or other equipment are moved regularly.

LEGIONNAIRE'S DISEASE

The Health and Safety Executive has published an Approved Code of Practice and Guidance on the control of legionella bacteria in water systems which outlines how the spread of the legionella bacteria can be prevented by:

- (a) avoiding water temperatures between 20°C and 45°C - water temperature is a particularly important factor in controlling the risks;
- (b) avoiding water stagnation, which may encourage the growth of biofilm;
- (c) avoiding the use of materials in the system that can harbour or provide nutrients for bacteria and other organisms;
- (d) keeping the system clean to avoid the build-up of sediments which may harbour bacteria (and also provide a nutrient source for them);
- (e) the use of a suitable water treatment programme where it is appropriate and safe to do so; and
- (f) ensuring that the system operates safely and correctly and is well maintained.

Further guidance can be found here: <http://www.hse.gov.uk/legionnaires/>

CONSTRUCTION DESIGN AND MANAGEMENT REGULATIONS – THE MANSE

The Construction (Design and Management) Regulations 2015 apply to church properties, including manses, where building work is planned that is due to last for more than 30 days, or involves more than 500 person days of work.

The detail is contained in our Guidelines Leaflet PC05 *Construction (Design and Management) Regulations 2015*.

GOVERNMENT COUNTER TERRORISM ADVICE

The National Police Chiefs' Council has issued protective security advice specific to Christian places of worship which reads:

While there is no specific intelligence relating to attacks against the Christian community in the UK, police are urging the community to be alert but not alarmed, report concerns to the police and review their security as a precaution.

The government's National Counter Terrorism Security Office (NaCTSO) has issued comprehensive guidance on security in places of worship. The guide has been written to help churches to think about the level of security that is appropriate for their building in order to reduce the risk of a terrorist attack and limit the damage an attack might cause. It is particularly aimed at those places of worship where there may be a risk of a terrorist attack either because of the nature of the place of worship or the number of people who congregate in it. The guide can be found online here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/619411/170614_crowded-places-guidance_v1.pdf

PANDEMIC INFLUENZA

Churches need to be prepared for the particular issues that will arise for faith communities in the event of a flu pandemic occurring. The Government recognises the role which churches can have in supporting those that are affected by an outbreak. If a pandemic occurs churches will need to take steps to try to ensure that their services and activities do not contribute to the spread of the virus.

The Government has written specific guidance on these issues for faith communities which can be found here: www.communities.gov.uk/publications/communities/influenzapandemic.

FURTHER INFORMATION

The Legal and Operations team publish a number of other guideline leaflets which refer to health and safety issues. In particular:

- PC10 Hiring of Church Premises
- PC07 Burial Grounds
- PC05 Construction (Design and Management) Regulations 2015
- L02 Pre-Schools
- L12 Churches and Disability Issues
- L11 Control of Asbestos at Work Regulations 2012 and Churches

You may also find that your insurance company are able to offer you advice in certain situations and can outline the health and safety provisions that they would expect you to have had in the event of a claim.

If you have a specific question on how health and safety law applies to a particular issue at your workplace, for which HSE is the enforcing authority and you cannot find the answer on their website, then you can ask them by completing an online advice form. They aim to respond within 30 working days. The form can be found here:

<http://webcommunities.hse.gov.uk/connect.ti/advice/answerQuestionnaire?qid=593891>

FOOD HYGIENE

Churches are advised to contact their local Environmental Health Department for advice on food hygiene regulations. Most local authorities are able to offer relevant guidance leaflets and can also highlight appropriate training courses.

The legal requirements will vary depending on the extent to which food is handled on your premises and how often activities include an element of catering. Food hygiene regulations apply whether or not a charge is made for refreshments.

Some churches need to register with their local Environmental Health Department.

The Food Standards Agency has recently published 'Community and charity food provision - guidance on the application of EU food hygiene law'. The guidance offers two examples which will be of particular interest to churches where the FSA suggests that food provision is unlikely to require registration with the local authority:

- 'A one-off event such as a church or school fete, or a street party is deemed not to have sufficient 'continuity'. However, organisers of large community events are advised by the FSA to contact their local authority for practical advice. Where several large events might be organised within a year, especially with complex food safety controls, then a 'degree of organisation' could be involved which might trigger a need for registration.
- Daily small-scale provision of low-risk foods by charity volunteers is not deemed to have a 'degree of organisation' as it is low-risk and small-scale provision. However, it does have 'continuity' and registration would be necessary if complex food safety controls are required or high-risk foods are served or if food is served to vulnerable people'.

The FSA has also posted on its website a series of FAQs on food preparation at charity events:

I'm making food for lots of people at a fundraiser event. What general advice can you give me?

When you're making food for large numbers of people, it's important to keep food safe. Here are some general practical tips:

- plan ahead - if you can prepare food in advance, this should make things easier later
- wash your hands and any equipment you are using in hot soapy water
- keep food out of the fridge for the shortest time possible
- even if people are waiting to eat, don't reduce cooking times
- always make sure food is properly cooked before you serve it
- keep raw and ready-to-eat foods apart
- do not use food past its 'use by' date
- know what is in the ingredients so information about allergens can be provided (e.g. provide a 'contains nuts' label for cakes)

Which people are particularly vulnerable?

If food is being provided to vulnerable people – this can include the elderly, children under five years of age, expectant mums and anyone with a serious or long-term medical condition – you should take particular care to ensure the food is safe. The advice here will be helpful and the FSA also recommends contacting the local authority, who can provide free advice.

Is it okay to sell homemade cakes?

There is no rule banning the sale of homemade cakes at school fetes or other community events. Homemade cakes should be safe to eat, as long as the people who make them follow good food hygiene advice and the cakes are stored and transported safely.

At home, people making cakes should follow these tips:

- always wash your hands before preparing food

- make sure that surfaces, bowls, utensils, and any other equipment is clean
- don't use raw eggs in anything that won't be thoroughly cooked, such as icing or mousse
- keep cheesecakes and any cakes or desserts containing cream or butter icing in the fridge
- store cakes in a clean, sealable container, away from raw foods, especially raw meat

On the day, people bringing in cakes from home or running the stall should follow these tips:

- transport cakes in a clean, sealable container
- wash their hands as frequently as possible
- make sure that cheesecake and any cakes or desserts containing cream or butter icing are left out of the fridge for the shortest time possible
- when handling cakes use tongs or a cake slice instead

How long can I leave food out on a buffet?

In general, food that needs to be chilled, such as sandwich fillings, should be left out of the fridge for the shortest time possible. If it is left at room temperature for a long time, bacteria can grow or toxins can form, and both of these could cause food poisoning.

If you are preparing a buffet, you should try to keep food out for a short time and not more than four hours. After this time, any remaining food should be thrown away or put back in the fridge but if you do put the food back in the fridge; don't let it stand around at room temperature if you serve it again.

Reusing jam-jars

The FSA guidance makes no mention of the issue of reusing jam-jars which has been in the media recently. However, the FSA's current view was stated by its Chief Executive in a recent report:

"8. Reuse of jam jars

8.1. There have also been recent reports in the media claiming that the FSA / EU had banned the re-use of jam jars and that this would adversely impact on charities and voluntary events. This is incorrect. An individual can reuse jam jars for occasional events. In doing so, they obviously need to ensure proper sterilisation and good hygiene in preparation.

8.2. If you are a food business using glass, plastic, foil etc. for food storage then there are, quite reasonably, EU rules about ensuring any chemicals in the container don't pass into the food at levels that are a danger to health. There is no evidence that the re-use of jam jars poses any risk of this occurring. It is for local authorities to determine what constitutes a food business. They can advise those involved in preparing food on a charitable basis. It would seem that local enforcement authorities have been applying a common sense approach to this issue for a number of years in discussion with local organisations and we are not aware of any prosecutions. The FSA supports this common sense approach to enforcing this legislation."

The FSA publishes [Guidance on the application of EU food hygiene law to community and charity food provision](#). They have also answered some specific questions on food handling in relation to church events such as after-service coffee and "bring and share" lunches.

The FSA confirms that it is *not* mandatory for charity and community volunteers handling food to have attended a formal course or gained a qualification in food hygiene: "The key thing is that food handlers have the necessary knowledge to handle food safely; this is the case too with food handlers in food businesses".

Some more general issues were raised with them and the FSA replied as follows:

"In response to your questions about the circumstances in which food is served (e.g. at 'bring and share lunches', 'cold buffet breakfasts') and whether food can be prepared in domestic circumstances and later brought to the church, this depends on the circumstances in each case.

The questions to consider are whether the supply is regular and organised – the advice document gives advice on this – because if it is, then the supply should be registered with the local authority and the rules of Regulation (EC) 852/2004 complied with.

If the supply is not regular and organised – and the advice looks at this pragmatically to ensure charity and community food handlers are not unduly burdened, there is still a requirement for food to be safe for consumers. Again I would advise church volunteers to look at the hygiene advice Q&A and other related sources of advice the FSA provides – these are detailed in the advice.

Of course, the option is always open to local volunteers who still have concerns about how the law applies to food supply activities, or would like more information on to handle food safely, to contact local authority environmental health officers; advice is free of charge".

The answers to other specific questions were as follows. Question 4 was answered on the assumption that the meal is being provided by commercial caterers rather than members of the congregation. If the latter, then the answer relating to "bring and share" would apply.

Q1. When coffee / tea / squash and biscuits are being served at the end of a service is there any requirement for those serving to have a basic food hygiene certificate? Is it OK to serve cakes which members of the congregation have made themselves and brought to church?

It is not mandatory for charity and community volunteers handling food to have attended a formal course or gained a qualification in food hygiene. It is possible to demonstrate the knowledge in other ways, such as prior knowledge or on-the-job training

It is OK to serve cakes which members of the congregation have made themselves and brought to church; but there is still an overriding requirement (Regulation (EC) 178/2002, Article 14) for all supply of food going beyond purely 'private domestic use' (effectively close family) to be safe to eat. This would cover for example an annual church fete and other 'occasional' food activities.

Q2. What are the requirements for "bring and share lunch"? Does it affect things if any of the food is hot (and/or reheated)?

The requirements for bring and share lunches are the same for all supply of food going beyond purely 'private domestic use' as detailed above.

Cooked or cold foods (ready to eat) that are left outside of refrigeration temperature should be fine for up to 4 hours. Food kept out for a longer period of time could allow any bacteria present to grow to high levels. Bacteria that causes food poisoning will grow at temperatures above (8°C and below 63°C) so it is important to ensure the product stays out of this 'danger zone' by either chilling or cooking.

Foods that will not be consumed within the above timeframe should either be cooled down as quickly as possible and then refrigerated or frozen, or put under hot holding conditions at a temperature of 63°C or above. When food is reheated, it should be reheated thoroughly; reaching a core temperature of 70°C for 2 minutes (or equivalent) so that it is steaming hot throughout, food should not be reheated more than once they should be discarded immediately after the tolerance period.

Q3. Is it correct that when food is being prepared, cooked and served for "Messy Church" that it should only be done by those with basic food hygiene certificate? Or is it OK if at least one person supervising has a certificate? Again, does it affect things if any of the food is hot (and/or reheated)?

As explained above it is not a requirement in the food hygiene regulations for charity and community volunteers handling food to formerly hold a food hygiene certificate. The second part of this question has been addressed at question 2 above.

Q4. Similarly, what are the requirements when a cold buffet breakfast (includes meats and cheese) is being provided (not "bring and share") for those attending church services?

Regular activities that do not constitute 'occasional' food activities would be regarded as a food business operation and would require registration as a food business. The suppliers I presumed will already be registered as a food business and would need to comply with the requirements of EU Regulation (EC) 852/2004 which requires food business operators to put in place, implement and maintain a permanent procedure, or procedures, based on HACCP principles. This means that they should have in place suitable food safety procedures, or might need to adjust their usual procedures, if they are handling or distributing foods at the church.

They will also need to comply with Article 14 of Regulation (EC) 178/2002, which lay down that food shall not be supplied to consumers if it is "unsafe" and that food shall be deemed to be "unsafe" if it is:

- (a) "injurious to health"
- (b) "unfit for human consumption".

[Source: FSA March 2014]

FOOD ALLERGEN LABELLING: ADVICE FROM THE FOOD STANDARDS AGENCY

The EU Food Information for Consumers Regulation came into force on 13 December 2014; the Churches Legislation Advisory Service contacted the Food Standards Agency to seek clarification on the impact of the Regulation on Churches and charities. The FSA replied as follows:

"With regard to frequency and whether any church will need be registered as a food business this would be determined at a local level as there are several factors to be considered such as size of the event, frequency, type of food being provided (whether it is high or low risk with regard to microbiological safety as well as allergens). There is no set time which determines what is more than occasional and the local Environmental Health Department where the church is based would be best placed to determine the status of the food activity.

Generally, operations such as the occasional handling, preparation, storage and serving of food at events - organised charities, fetes, church events etc. are not covered by the scope of the food hygiene regulations ('Regulation 852/2004 on the hygiene of foodstuffs'). However, under Regulation (EC) 178/2002, Article 14 (contains the food safety requirements) anyone selling or supplying food would be expected to provide food that is safe to eat; regardless of whether the food is sold or supplied and whether the food is supplied for profit or not.

In relation to the new allergen labelling rules, individuals or undertakings not regarded as food businesses are exempt from the new allergen requirements. Whether you are a food business depends on how often the church, for example, provides free lunches; weekly and monthly infer a frequent and regular occurrence. Under the Food Information Regulations 2014, the business supplying the food has responsibility for ensuring that customers have the appropriate allergen information. However, even if you are not considered a food business you may wish to offer the allergen information on a voluntary basis.

The Food Standards Agency's advice to anyone providing or selling food to the public is to get in touch with the relevant local authority environmental health department (EHD). The EHD are in the best position to determine whether legislation (registration or licences) apply according to individual circumstances, such as frequency, types of food, size of the event etc. Decisions are made on a case by case basis".

SMOKE-FREE LEGISLATION AND CHURCH BUILDINGS

In England a ban on smoking in enclosed or substantially enclosed workplaces and public places came into force in 2007. This is particularly relevant for churches that run coffee shops or cafes but applies to all church premises. 'Substantially enclosed' is defined as premises with a ceiling or roof unless more than half of the walled area is open to the outside (excluding windows and doors). Indoor designated

smoking areas are no longer permitted and the legislation also applies to work vehicles that are used by more than one person.

The smoke-free legislation imposes an obligation to display a 'no smoking' sign prominently at each public entrance to the premises. This must:

- Be a rectangle no less than A5 in size
- Display the international no smoking symbol (a burning cigarette in a red circle with a red bar across it) and
- State 'No Smoking'. It is against the law to smoke in these premises'.

All churches need to comply with the signage requirements.

Signs can be downloaded from www.smokefreeengland.co.uk. Alternatively, churches can design and print their own no-smoking signs as long as they meet the minimum requirements. You can personalise your signs by changing the words 'these premises' to refer to the name or type of premises – such as 'this church'.

Association Trust Company	Contact
Baptist Union Corporation Ltd East Midland Baptist Trust Company Ltd	Baptist Union Corporation Ltd Baptist House PO Box 44 129 Broadway Didcot Oxfordshire OX11 8RT Telephone: 01235 517700
Heart of England Baptist Association	Heart of England Baptist Association BMS Birmingham 24 Weoley Park Road Selly Oak Birmingham B29 6QX Telephone: 0121 472 4986
London Baptist Property Board	London Baptist Association Unit C2 15 Dock Street London E1 8JN Telephone: 020 7692 5592
Yorkshire Baptist Association	17-19 York Place Leeds LS1 2EZ Telephone: 0113 278 4954
West of England Baptist Trust Company Ltd	West of England Baptist Trust Company Ltd Little Stoke Baptist Church Kingsway Little Stoke Bristol BS34 6JW Telephone: 0117 965 8828

This is one of a series of *Guidelines* that are offered as a resource for Baptist ministers and churches. They have been prepared by the Legal and Operations Team and are, of necessity, intended only to give very general advice in relation to the topics covered. These guidelines should not be relied upon as a substitute for obtaining specific and more detailed advice in relation to a particular matter.

The staff in the Legal and Operations Team at Baptist House (or your regional Trust Company) will be very pleased to answer your queries and help in any way possible. It helps us to respond as efficiently as possible to the many churches in trust with us if you write to us and set out your enquiry as simply as possible.

The Legal and Operations Team also support churches that are in trust with the East Midland Baptist Trust Company Limited.

If your holding trustees are one of the other Baptist Trust Corporations you must contact your own Trust Corporation for further advice. A list of contact details is provided above. If you have private trustees they too should be consulted as appropriate.

Contact Address and Registered Office:

Support Services Team, Baptist Union of Great Britain, Baptist House, PO Box 44,
129 Broadway, Didcot OX11 8RT
Tel: 01235 517700 Fax: 01235 517715 Email: legal.ops@baptist.org.uk
Website: www.baptist.org.uk Registered CIO with Charity Number: 1181392
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