

DIOCESE OF PORTSMOUTH



DIOCESAN OPERATING PROCEDURES E (DOP E)

DIOCESAN OPERATING PROCEDURES

FOR

ADDITIONAL POLICIES

Issued by

The Bishop of Portsmouth and the Trustees of the Portsmouth Diocesan Trust
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FOREWORD

These Diocesan Operating Procedures are an important step forward in providing clarity for all those concerned with administration in all the communities that together form the Diocese of Portsmouth. We have a responsibility to ensure that people, buildings and money are treated carefully and with respect and to perform our duties “with the diligence of a good householder.” (Canon 1284§1)

As a diocese we must always ensure that the matters we deal with fulfil the requirements of both civil and canon law. It should be clear that these Diocesan Operating Procedures are not ‘guidelines’ or in any way optional. They have the status of particular law for this diocese and therefore must be adhered to in the broad areas of personnel, schools, buildings and finance. They reflect the vision of the Church contained in our diocesan Pastoral Plan.

I am grateful to those who have given so much of their time to compiling these procedures and who will ensure their regular review and updating.

+Crispian Hollis
Bishop of Portsmouth

May 2010

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DOP E1

ENVIRONMENTAL POLICY

- 1.1 The Portsmouth Diocese is committed to being in the forefront of being able to minimise the negative impact of its activities on the environment.
- 1.2 The key aspects of this strategy to achieve this are:-
 1. Encourage parishes and all diocesan offices to minimise waste in ensuring that all activities are as efficient as possible.
 2. Ensure that all updating and repairs of parish buildings take into account effective insulation and efficient means of generating heating.
 3. Actively promote recycling of waste materials.
 4. Ensure parishes make the most efficient use of heating controls, in only heating buildings when required for usage.
 5. The diocese will comply with all environmental legislation.
 6. The diocese will implement a training programme for parishes and diocesan offices to raise awareness of environmental issues.

DOP E2

HEALTH AND SAFETY

Introduction

- 2.1 The Diocesan Trustees acknowledge that legislation relating to health and safety and occupiers' liability applies to churches and other diocesan properties and to diocesan and parish activities. The Diocesan Trustees have decided to ensure as far as is reasonably practicable that the tenets of that legislation are applied to all properties and to all activities.
- 2.2 By doing so, the diocese first seeks to establish a culture of care for all and by all in which the appropriate standards of health and safety are implemented and maintained; secondly seeks to ensure that future changes as regards the scope of the legislation are anticipated; and thirdly seeks to demonstrate adequate control and governance when responding to claims and allegations.
- 2.3 The diocesan Health and Safety policy is the first step in establishing a culture of care, but words are, in themselves, inadequate. The policy document must be a catalyst in motivating each diocesan establishment to recognise its own responsibilities, and, through the procedures emanating from the policy, to adopt the structures and practical measures necessary to implement best practice.
- 2.4 Each parish has legal duties which overlap or are complementary to those owed by the diocese and in consequence is required to adopt this Health and Safety policy, and to implement the procedures which emanate from it.
- 2.5 Reference should be made to DOPs B2 Care and Maintenance of Buildings and B3 Electrical Inspections for relevant procedures concerning health and safety.

Statement of Health and Safety Policy

1. Our aim is to ensure that all diocesan properties, and the activities conducted by the diocese and the parishes, are safe and without risks, so far as is reasonably practicable. The term "diocesan properties" refers to all property owned by the Diocesan Trustees, notwithstanding that the activities within it may be operated by a parish.
2. Both the Diocesan Trustees and each parish are committed to taking all reasonably practicable steps to comply with health and safety legislation, notwithstanding any uncertainty as to the application of and the responsibility for such legislation in relation to church activities. The term "health and safety legislation" includes, in the context of this policy, duties under the Occupiers' Liability Acts and the fire safety regulations.
3. The Diocesan Trustees require that all clergy, employees and voluntary workers co-operate with them and with the relevant parish by taking reasonable care for the safety of themselves and others, by displaying a positive attitude towards health and safety and by reporting any unsafe condition within the boundaries of any diocesan property immediately, in order that remedial action can be taken.

Objectives

- 2.6 In order to fulfil the commitments in the Health and Safety Policy statement, the Diocesan Trustees will:
 - ensure that there are effective arrangements for the health and safety of all persons who work at, visit or undertake voluntary work at diocesan properties.
 - ensure that pastoral area and parish representatives are allocated specific duties with respect to health and safety inspections.
 - ensure that adequate training is given to all persons who undertake safety inspections and risk assessments.
 - ensure that all employees, both paid and voluntary, have the necessary training and competence to meet the requirements of their positions.
 - ensure that there is a progressive identification, assessment and elimination or control of hazards which present a risk to those who work in or visit diocesan properties.

- ensure that adequate records of inspections are kept, together with all relevant schedules and supporting health and safety information.
- encourage clergy, employees and voluntary workers to play an active role in maintaining diocesan properties in a safe condition.
- ensure that all accidents are reported promptly and fully investigated in order to prevent a recurrence.
- ensure that unsafe conditions are reported promptly, and that remedial action is taken.
- co-operate with local authorities, as may be necessary, on matters regarding health and safety
- annually review the effectiveness of the policy and arrangements and ensure that any necessary changes are made.

Responsibilities and Organisation

2.7 The Diocesan Trustees are ultimately responsible for the implementation of this policy and the fulfilment of its objectives. However, the Diocesan Trustees can only discharge their responsibilities through the delegation of responsibilities and tasks to others. The purpose of this section is to detail the organisation of the diocesan health and safety arrangements.

Parish Priests

2.8 Each parish priest, or those given the responsibility for the parish by the Diocesan Trustees, must:

- ensure that a "Parish Health and Safety Liaison", or otherwise-titled person is appointed, trained and supported to carry out the duties of monitoring, inspecting, recording and reporting as is required by this DOP E2.
- provide adequate facilities and time for those duties to be carried out.
- ensure that all employees are given adequate training in health and safety matters.
- provide any necessary opportunities for discussion of health and safety matters with the Parish Health and Safety Liaison, clergy, employees, volunteers and parishioners.
- ensure that all necessary inspections are carried out and the relevant records are maintained.

- ensure that all necessary remedial work is carried out to prevent recurrences of hazardous situations and accidents.

Parish Health and Safety Liaison

2.9 In order to ensure the implementation of the diocesan Health and Safety policy, the parish Health and Safety Liaison must:

- ensure that all workers, paid and voluntary, are made aware of the entirety of this DOP E2 with particular reference to the diocesan statement of Health and Safety policy and DOPS B2 and B3 as appropriate.
- ensure that all accidents and incidents are reported promptly to the enforcing authority and fully investigated to prevent a recurrence.
- ensure that hazardous conditions are reported immediately for remedial action.
- ensure that adequate records of the inspections are maintained, together with all test certificates and relevant schedules.
- respond to requests for information concerning health and safety performance from the Diocesan Trustees.

All Clergy, employees and voluntary workers

2.10 All persons working in parishes have a duty to themselves and to others who may be affected by their activities to take reasonable care and also to ensure that any hazard is reported immediately so that remedial action can be taken.

2.11 Users of portable equipment are required to carry out simple inspections before use and to report any shortcomings to the officer for remedial action.

Procedures for parish Health and Safety Liaison

2.12 An external analysis of the potential hazards to persons visiting places of worship and other church properties has shown that the main risks are those of slips, trips and falls at the points of entry or exit, along internal aisles or corridors, and on internal stairs or external steps.

2.13 Where work such as cleaning or minor maintenance is undertaken, the main hazards are associated with the use of portable electrical equipment, ladders or stepladders, and various cleaning agents.

2.14 The parish Health and Safety Liaison will be required to ensure that:

As necessary

- a copy of the Health and Safety policy is prominently displayed in each property for which he/she is responsible.
- all new employees and voluntary workers are asked to read this DOP E2, with particular reference to the Diocesan Statement of Health and Safety Policy and sign the appropriate record to acknowledge that they are aware of their responsibilities which arise from it.
- all relevant persons know the procedures for emergency actions in the case of fire, the correct use of fire-prevention equipment, and the remedial procedures for heating and lighting faults including the re-setting of electrical trips.
- adequate protective clothing is provided.
- arrangements for first aid are available, clearly marked, and that all relevant persons know their location.
- the list of portable appliances is kept up to date.
- a check is made of every floor and walkway to ensure that it is kept free from obstructions and from any article or substance which may result in persons slipping or tripping.
- in the event of an accident or incident:
 - report it to the enforcing authority in accordance with the section on accident reporting detailed below, if appropriate;
 - fully investigate it and, if necessary, review any relevant risk assessment to prevent a recurrence
 - maintain an adequate record both of the accident and of any changes made to any risk assessment.

Weekly

- a test on emergency lighting systems, where fitted, is carried out.
- multi-way electrical adapters are not being used where the total load of equipment is 0.5kw or more, and that there are no loose leads obstructing passageways or trailing in wet or damp areas.
- a brief check of the surface of all floors and walkways is undertaken to ensure that they are not uneven or slippery to an extent that might

result in persons slipping or tripping and that any drainage relating to the floors and walkways is unobstructed and effective.

- a brief check of fire precautions is carried out to ensure that all escape routes are kept free of obstructions; smoke alarms and fire extinguishers are operational; matches, candles etc. are securely stored; boiler house are not being used for storage and gas cylinders are secure.

Twice yearly:

- an inspection of all pathways, steps, stairs, aisles and other walkways, fire precautions and escape routes is performed. These inspections will be undertaken preferably in April and October, and records of these inspections must be kept.
- all ladders and stepladders belonging to the church property are inspected to ensure they are fit for use. Records of these inspections must be kept.
- a brief visual inspection is undertaken of all portable electrical appliances, six months after the formal check on these items. Records of these inspections must be kept.

Every year:

- where a schedule of building inspections is already in place, this is carried out at the times specified, and with a due emphasis on health and safety.
- annual maintenance is performed on all gas appliances, and records completed.
- all portable electrical appliances are inspected and tested by a competent person and the results recorded. Any items that fail the test are to be repaired by a competent person, and the repair recorded, or scrapped.

2.15 If, during any of the above checks and inspections, a hazard or defect is identified which cannot be easily rectified or removed, the circumstances must be reported through the hazard reporting procedures and remedial action undertaken.

Procedures for Accident Reporting

- 2.17 The regulations covering the reporting of accidents are the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.
- 2.18 The regulations cover both people at work and people not at work.
- 2.19 These regulations require that the following are reported:
- The death of anyone at work or not at work, arising out of or in connection with work.
 - A major injury suffered by a person at work. Major injuries are defined in the regulations; a list can be obtained from <http://www.hse.gov.uk/riddor/guidance.htm>, but in general terms a major injury is something which results in a broken bone, a dislocated joint, a burn requiring hospitalisation, an electric shock requiring hospitalisation or a loss of consciousness.
 - An accident causing an injury which results in someone not at work being taken to hospital by ambulance.
 - An accident which results in someone at work being away from work for three days or more or unable to do their normal range of duties for three days or more. The three days includes days when the person would not work, for example, a weekend, a holiday or a day when a part time worker does not work.
 - Someone at work suffering an occupational disease (a full list is available from http://www.opsi.gov.uk/SI/si1995/Uksi_19953163_en_5.htm#sdiv3), but in general terms it includes poisoning, some skin diseases, some lung diseases, certain types of serious infection and some musculoskeletal disorders.
 - A dangerous occurrence. A full list of dangerous occurrences is available from <http://www.hse.gov.uk/riddor/guidance.htm#dangerous>, but in the context of Diocesan and Parish activities, the most likely dangerous occurrences are the collapse of scaffolding and a fire which causes suspension of normal activities for over 24 hours.
- 2.20 There are two reporting obligations.
- The first is to notify the authorities forthwith (except in the case of an "over three day" injury) by calling the HSE's Incident Contact Centre on 0845 300 99 23.

- The second is to make a full report to the authorities within 10 days by completing the on-line reporting form at <http://www.hse.gov.uk/riddor/report.htm#online>.

DOP E3

DATA PROTECTION POLICY

All enquiries relating to data protection should be referred to the Diocesan Data Protection Officer, St Edmund House, Edinburgh Road, Portsmouth PO1 3QA.

DOP E4

COPYRIGHT POLICY

Introduction

- 4.1 Copyright and related laws which protect the rights of authors, publishers, recording and film producers and performers are complex and are potentially of wide application. The law protects not just the copying of a work protected by copyright but also its recording and/or public performance, for example. Also the Internet allows both wide access to copyright works as well as the means to allow their wide dissemination, not always with the permission of the copyright owner.
- 4.2 Where copyright is infringed (breached) the copyright or other rights owner may be entitled to substantial damages and the recovery of legal costs by way of financial compensation and in certain cases a criminal offence can also be committed. Any financial liability will also fall on the diocese as a parish does not have a separate legal existence and the costs and compensation relating to copyright infringement can be very expensive. It may also lead to adverse publicity. In addition copyright is based on respecting the rights of others and that is something that the Church should always be mindful of.
- 4.3 Copyright issues can arise in a parish in a wide range of areas including in relation to:
- liturgy (where texts and music may be reproduced and also performed and possibly recorded (whether audio or video) – for example the video recording of weddings and other services);
 - the creation of guides or publications including copyright works (text, images);
 - works of art in a parish may also be protected by copyright (e.g. a contemporary work of art);
 - online or electronic products (e.g. software or electronic publications) where there will usually be copyright licence terms to comply with. In particular care must be taken to ensure that software used by a parish (e.g. for word processing or accounting) is properly licensed.
- 4.4 Copyright law applies both to those actually copying, performing or recording a work protected by copyright, for example, and also to those *authorising* such acts. So parishes which allow copying, recordings or performances which infringe copyright to take place in church premises or

buildings can potentially be liable (and expose the diocese to liability) for authorising copyright infringement.

Managing liability and guidance

- 4.5 Whilst copyright is complex and legal advice in specific circumstances may need to be sought, in practice liability here can be minimised by always ensuring that appropriate permissions are obtained and that those permitted to record services, for example, are required to obtain the relevant consents and permissions from performers/musicians, copyright owners and so on, and it is made clear that this is their responsibility not that of the parish. Christian music publishers, for example, have created copyright licences for parishes which make it easy to obtain the relevant permissions. Those publishing liturgical materials (scripture, liturgical texts) also usually have clear copyright policies. Also copyright licensing organisations (such as PRS/MCPS) can provide helpful guidance.
- 4.6 In addition the diocese provides help for parishes including guidance on copyright issues, advice on copyright permissions, different kinds of photocopying and so on. Current guidance can be found at:
<http://www.portsmouthdiocese.org.uk/pastoralformation/liturgy/copyright/>

DOP E5

MUSIC LICENCE POLICY

- 5.1 There are two licences that organisations are required to have where they play copyright music at public events or for other public situations. These are: -
- Performing Right Society Licence (PRS for Music) covering the copyright on the music and any lyrics; and
 - Phonographic Performance Limited Licence (PPL) covering the copyright on the particular performance of the music which is recorded on a record, tape, CD or similar or is being broadcast on radio, TV, internet or other media.
- 5.2 Previously, under the Copyrights, Designs and Patents Act 1988, charities and other not-for-profit organisations have enjoyed an exemption permitting the playing of copyright-protected sound recordings in public without paying a license fee (as long as there has been no admission charge for the activity or the proceeds are used for the purposes of the organisation).
- 5.3 These provisions have now been repealed. From 1 January 2012 any not-for-profit organisation which makes recorded music publicly available will require a licence, otherwise they will be committing a criminal offence.
- 5.4 The Diocesan Trustees are aware that activities and events conducted by the diocese and the parishes may be affected by the change of rules and that copyright licensing may now be required whenever recorded music is made available publicly at any diocesan property, event or activity.
- 5.5 It is important that all clergy, employees and voluntary staff are aware of the following:-
- Church halls (including separate church halls) used by the community at large may be covered under the community buildings scheme. A blanket licensing arrangement may be available. If usage of the church hall is confined solely to members of the congregation and their guests, there is likely to be a specific licence to cover such uses.
 - There is no charge made for music used as part of divine worship. There is also no charge made for music used as part of wedding ceremonies, civil wedding and partnership ceremonies, funerals or in funeral homes.
 - Christian churches, church halls and Christian bookshops are licensed by Christian Copyright Licensing International (CCLI) on

PRS / PPL's behalf, with charges starting from around £20. Charges are based on the size of congregation and cover the majority of music used on the premises.

- PRS for Music does not license music use as part of the national curriculum or at any educational establishment where the audience comprises teachers and pupils (and other persons directly connected with the activities of the establishment) and the performance is given by a teacher or pupil (or by any person for the purposes of instruction), in the course of the establishment's activities.
- Other music use in schools, colleges and universities does require a Music Licence. The PRS has tariffs in place for these organisations.

5.6 A special scheme is currently being developed for all not-for-profit organisations. This should allow the Portsmouth Diocese (as the principal organisation) to hold a licence to cover all premises it runs. The Diocesan Trustees will update this policy once the scheme is finalised.

Note of changes to DOP E – Additional policies

DOP E4 – Copyright policy

Additional policy.

DOP E5 – Music Licence policy

Additional policy.