

**CLAS CIRCULAR**  
**2009/04 (6 March 2009)**

## ODDS & ENDS

### First aid in churches

We understand that several Church of England parishes have been getting telephone calls from first-aid trainers, telling them that they are legally required to have a trained first-aider at every service and church activity – and then being offered training courses by the person making the call.

The relevant extract from the Health and Safety Executive's [website](#) (which, presumably, is authoritative) is as follows:

#### *Employers' Duties: legal duties*

The Health and Safety (First-Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to enable first aid to be given to employees if they are injured or become ill at work. These Regulations apply to all workplaces including those with five or fewer employees and to the self-employed. Detailed information can be found in the Approved Code of Practice and Guidance: [First aid at work. The Health and Safety \(First-Aid\) Regulations 1981 L74](#).

What is adequate will depend on the circumstances in the workplace. This includes whether trained first aiders are needed, what should be included in a first aid box and if a first aid room is needed. Employers should carry out an assessment of first aid needs to determine this.

The Regulations do not place a legal obligation on employers to make first aid provision for non-employees such as the [public](#) or children in [schools](#). However, HSE strongly recommends that non-employees are included in a first aid needs assessment and that provision is made for them.

The Regulations are about health and safety *at work* – and most churches have very few employees: the minister (but the employment status of clergy is a complicated legal issue in any case: see [Percy v Church of Scotland Board of National Mission](#) and [New Testament Church of God v Stewart](#)), possibly the organist and maybe a part-time cleaner or two. *Members of the congregation are not employees*. Given the age-profile of many them, it may well be sensible for congregations to have two or three first-aiders simply as good practice: but it does not appear that they are legally-obliged to do so.

Where the Regulations do come into play is in churches with permanent employees: vergers, cafeteria and bookshop staff and suchlike. But – presumably – any responsible employer in such circumstances would have a robust health and safety policy as a matter of course.

[Source: CLAS – 4 March 2009]

## **Ofcom, the digital dividend and radio-microphones: an interim report**

Ofcom has brought forward detailed proposals for moving DTT (digital terrestrial television) from channels 61 and 62 and PMSE (programme-making and special events) from channel 69. Overall, Ofcom believes that if the 800 Mhz band is cleared of present use, it will produce an overall net benefits to UK consumers conservatively estimated at £2-3 billion in net present value. A major reason why the prospective benefits are so large is that it will be possible to provide better mobile broadband services to consumers at lower cost.

However, the PMSE proposals will impact on users of radio-microphones on channel 69 (and other channels in the DDR). Many churches will have bought and licensed radio microphone equipment in order to allow worship to be led freely from anywhere in the church.

The [consultation document](#) says this:

*To release the whole 800 MHz band, we need to clear channels 61, 62 and 69 of DTT and PMSE. But we need to do this in a way that does not adversely affect the important services that would have been provided using this spectrum. This means finding other spectrum that is a suitable replacement for channels 61, 62 and 69. It also means making sure we plan the change from using one set of frequencies to another very carefully so that we avoid any significant adverse effect on the users of DTT (including viewers) and PMSE [para 1.11].*

CLAS is involved in consultations with Ofcom over the impact on churches of the proposal to clear channel 69. At a meeting at Ofcom on 25 February various points emerged:

- No-one spoke against the 800MHz clearance plan, so it should be assumed that this will progress. For radiomic users the 'headline' is leaving Channel 69 by 2012.
- Ofcom proposes a cutoff for compensation at 2 February 09 (the date of the consultation publication) but this will be reviewed in the light of responses. This seems entirely unreasonable. If a congregation bought new kit in February, how would they necessarily know that there was a consultation going on? Even if they did, what strategy could they have followed? We shall press this point with Ofcom.

Adrian Pickering, who has been monitoring the issue for the churches made the following points:

- The need for an assurance that compensation for 'equipment' meant the cost of acquiring it as well: this is particularly important in places where radiomics are not bought and installed by the users (unlike PMSE). Ofcom appeared to understand this, but we need to include it in an early CLAS response so that Ofcom can have informed negotiations with the Treasury.

- Channel 61-62 radiomic users should be treated on the same basis as Channel 69 regards compensation. This received a sympathetic answer but, again, it needs to be included in the CLAS response to the consultation.
- He also suggested that whoever was managing moving licensees out of Channel 69 should ask each licensee whether s/he truly needed 'nomadic' (ie UK-wide) coverage. In many cases the answer will be 'no'. However, the risk of interference from 'cognitive devices' (subject to a separate, current Ofcom consultation) could result in users continuing to opt for the Channel 38 alternative. Licensed radiomic users need to be assured that they will secure interference-free use.

There was absolutely no sympathy whatsoever for people who are using equipment without a licence (which is required for all but VHF and Channel 70 – and certainly for Channel 69). *Anyone using equipment without a licence should not expect any compensation for equipment that is rendered useless as a result of the changes.*

[Source: CLAS – 27 February 2009]

*This note has been prepared in consultation with Adrian Pickering, to whom we are enormously grateful for his help and for his assiduity on a very difficult technical issue.*

#### **Fire-extinguisher service contract**

Members will no doubt be delighted to learn that the fire extinguisher service contract for churches operated by Chubb Fire Corporate Accounts has been extended for a further 3 years: from 1 April 2009 to 31 March 2012.

Prices have risen slightly. The unit price is now £6.25 and Chubb has introduced an attendance fee of £1.50 per service visit – but given that there has not been a price increase since 1994 this still represents excellent value for money.

***When dealing with Chubb, churches should ensure that they are on the Corporate Account Contract, because individual agreements with Chubb local offices can be more expensive.***

Further information can be obtained from our Fire Precautions Adviser, Colin Domville, on 01704 875 597, who will endeavour to answer any queries you may have – and to whom our thanks are due for his negotiating skills.

A copy of the contract has been posted on the CLAS website.

[Source: CLAS – 25 February 2009]

# WATER

## Surface-water drainage charges

The saga continues. Members will be interested in the following reply from Environment Minister Huw Irranca-Davies to a written PQ from Ben Chapman (Labour, Wirral South) about representations from the Church of England General Synod on church water bills.

*My Department has received a number of representations from the Church of England and I am aware that the issue of surface water drainage charges for churches was discussed by the General Synod on 11 February.*

*The Government support site area charging for surface water drainage in principle. However, it is very wrong that customers such as churches are facing increases in bills of several hundred per cent, and where there are massive variations between what is being charged in different areas by different companies.*

*I have made this clear to Ofwat as the economic regulator for the water industry. I have also made it clear that increases in bills of this magnitude are not in line with the Government's guidance on charging issued to Ofwat in 2000, or Ofwat's more detailed 2003 guidance to the water companies.*

*It is for individual water companies to prepare their charging schemes and for Ofwat to review and approve them. In response to representations, United Utilities now proposes to set its surface water drainage charges for 2009-10 at 2007-08 levels for places of public religious worship.*

During Oral Questions on 26 February the issue was raised again, this time by Tony Lloyd (Labour, Manchester Central). Irranca-Davies replied as follows:

*We have worked with the regulator and the utilities company, and we are pleased to say that some progress has been made—not least United Utilities' commitment to roll back its charges to the 2007–08 regime, which is in effect the pre-surface water drainage charges, and to take the next 12 months to work with the regulator to ensure that the charges next year will be fair and proportionate, as well as recognise the impact on churches, scout groups, sports clubs and others.*

[Source: HC Deb (2008–09) 24 Feb 2009 c 575W: 26 Feb 2009 c 358]

At the moment, we are awaiting the outcome of various approaches to Defra.

**CLAS CIRCULAR**  
**2009/05 (11 March 2009)**

# **WATER**

## **Surface-water drainage charges**

Members will be aware that at its February session the General Synod of the Church of England passed a motion critical of the operation of the charging regime for surface-water drainage. The text of the motion was duly communicated to the Secretary of State for the Environment, Food and Rural Affairs by the Archbishop of York.

Mr Benn has now replied to the Archbishop. The key passage in his letter is this:

We have made it very clear to Ofwat and United Utilities that these steep increases in bills are inconsistent with the general guidance on charging that the Government issued to Ofwat in 2000 and Ofwat's more detailed guidance to companies in 2003. That is what the Motion urged us to do and since then, and as you recognise in your letter, United Utilities has now decided to set its surface water drainage charges for faith buildings for 2009/2010 at 2007/08 levels. This decision is very welcome. I understand that in parallel, the company will use this year to review how the costs of dealing with surface water are recovered within the charging scheme that it will need to submit to Ofwat for 2010/11. As a comparison, Yorkshire Water introduced the change to area based charging some time ago but without the large increases in bills and associated problems that we have seen this year in the area served by United Utilities.

We will continue to monitor the situation and the interpretation and application of the guidance and will engage further whenever it is appropriate to do so. More generally, of course, we remain focussed on securing the right outcomes in the management of surface water.

We will continue to keep members informed of developments.

[Source: Defra – 28 February 2009]

**CLAS CIRCULAR  
2009/06 (24 March 2009)**

## FAITH & SOCIETY

### Ministry of Justice Burials and Cemeteries Advisory Group

The Revd Dr John Lampard, Vice-Chairman of the Churches' Funerals Group, attended the recent meeting of BCAG which he characterised as 'very disappointing'. We are grateful for his permission to summarise his report.

On **re-use of old graves**, work had been going on for eight years with the government and all interested parties. Everyone had agreed on a policy, detailed guidelines, proposals for pilot projects in different parts of the country, and all necessary consultation processes. The Justice Minister, Bridget Prentice, had led to the Group to believe that matters would now be taken forward; however, at the latest meeting the Group was informed that 'ministers had decided it was not time to move forward' and that matters would remain under review.

**Memorial Safety Guidelines** had been finally agreed (after eight years of discussion) with the active support of the Health and Safety Executive at the last meeting. However, one of the burial authorities has had second thoughts, throwing the matter once again into uncertainty. Safety practice varies all over the country. One North of England authority staked and banded over 800 gravestones, while others rely on hand testing and a safety policy. Generally, the guidelines have been accepted and it was agreed that they would not be amended – but uncertainty remains.

The Ministry of Justice has produced a draft of **Guidance for Natural Burial Ground Operators**, whose activities are currently unregulated apart from certain planning and environmental concerns. There are no plans to increase regulation, but the MoJ guidelines are the nearest we have come to a national scheme. They have been widely approved and will be issued shortly.

Dr Lampard describes **transfer of ownership of exclusive rights of burial**, which is a matter of both law and practice, as 'a nightmare situation for all who operate graveyards'. Accepted practices are being challenged as people become increasingly litigious. New guidelines are being prepared; but they can never cover the problems of family disputes about ownership.

[Source: John Lampard - 10 March 2009]

## FUNDING

### ***Churches and Faith Buildings: Realising the Potential***

At a meeting at St Martin'd-in-the-Fields, Culture Secretary Andy Burnham launched new guidelines on sources of funding for faith buildings. *Churches and Faith Buildings: Realising the Potential* identifies funding and support for faith groups that will enable them to adapt their buildings for community use and build on their capacity to engage at local and regional level. The Government is keen to work with faith groups because they are deeply rooted in community life and are well placed to provide high quality local public services.

The guidance, which is a joint exercise between HM Treasury, DCLG, the Office of the Third Sector, DCMS and Defra, in conjunction with representatives of the Church of England, is intended to help religious groups overcome the “squeamishness” that they may sometimes encounter from funding providers. Its purpose is to give Parochial Church Councils and similar bodies in other faith communities a better understanding of how to access resources that will enable them to engage directly at a strategic level with the local and regional structures within which funding priorities and decisions are made. In turn, funders will be better equipped to understand the important role of faith groups in delivering public services. *There will be no new money*; but the document outlines how faith groups can better tap into existing sources of funding from Government programmes. It also sets out current Government funding programmes and a list of actions for both Government and the churches in order to take this agenda forward.

A panel of experts will be set up by DCLG, including representatives from faith communities which will seek “to address any squeamishness that funding providers may have in allocating public funds to faith groups”. The paper does not consider the funding of the general upkeep of historical buildings for activities such as worship; it is concerned with funding for the physical alteration and modification faith buildings to ensure that they are fit for community use and funding to build the capacity of faith groups to engage strategically at local and regional levels around the delivery of local priorities and access to funding allocations.

[Source: *Church of England Press Release* – 24 March 2009]

Link to document (in Word): <http://www.cofe.anglican.org/news/pr3509.html>

### **Gift Aid: time-limit for claims**

At the recent *Sharpen 09* seminars, Kevin Russell, Technical Director at HMRC, pointed out that charity claims under Gift Aid can be made up to 6 years after the gift but that to successfully claim the transitional relief (the ‘extra’ 3%), *the claim has to be made within 2 years*.

The latest news from HMRC is that from April 2010, the 6 year time limit will reduce to 4 years. ***Churches and their associated charities should therefore:***

- ***make sure that Gift Aid claims are brought up to date as soon as possible; and***
- ***if the standard Declaration wording already refers to the donor's gifts over the last 6 years, get ready to change this (and any associated procedures) in twelve months time so that it refers to 4 years.***

[Source: *Stewardship* – 11 March 2009]

## ODDS & ENDS

### Digital dividend update

The question has arisen as to what proportion of churches with radio microphones will be affected by the latest proposals in the Ofcom consultation document, given that the proposals only appear to affect equipment using Channels 61, 62 and 69.

However:

- Those with 'licensed' radio mics that work in channels 31-40 and 63-68 will already have been given notice by JFMG (the spectrum management company) that they must leave these frequencies.
- Most UHF equipment that has been purchased in the UK works in Channels 67-70. If the frequencies in use are Channels 67-68, then, together with the channels above, users will have to stop using them when the Digital Switch-Over (DSO) takes full effect in their regions.

Channel 69 (and 61-62) is the new issue and the subject of the current consultation. However, we must assume that use of those channels will cease in 2012. Matters have not changed for those using the remaining spectrum that will be freed to other users in the DSO programme; they must preparing to move anyway.

Adrian Pickering (to whom, as usual, I am indebted for his expert advice) comments as follows:

It has been suggested that the majority of churches will not be affected since they have 'licence free' radio mics which use channel 70. However, Channel 70 has just 2MHz (of the channel's 8MHz) which is licence-free. If the equipment can use these frequencies then that might work – but one should expect this space to be congested as everyone else moves there.

Clearly, if Channel 70 is a technical option, try it. Indeed, try it now so that you get some early indication as to whether it is viable and whether you suffer from interference from other nearby users. What such a trial will *not* tell you is whether it will work reliably once everyone else realises that it is the ONLY remaining (free) option and tries moving there.

In rural areas there should not be much of a problem. In urban areas there will be a risk of interference between users. Ofcom were asked whether there would be any more Channel 70 space made available. Their response wasn't very encouraging, so we must assume not. However, we'll continue to lobby.

Thus, we would continue to recommend that equipment is replaced at an appropriate point to use the post-DSO 'interleaved' spectrum together with a licence. This will give reliable service. We're going to continue to lobby hard that community users get

a discount in recognition of their charitable status. For those that already buy a licence, which should include the Channel 69 users, the licence costs should not be a significant additional burden. We do recommend using the online [JFMG postcode-based band planning tool](#) to find suitable post-DSO frequencies.

**CLAS CIRCULAR**  
**2009/07 (22 April 2009)**

# CHARITIES & CHARITY LAW

## Financial thresholds

Lower financial thresholds for accounting and reporting requirements for small charities come into effect on 1 April, under the terms of the [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009](#). The changes include:

- raising the threshold above which charities prepare accruals accounts from £100,000 to £250,000;
- raising the threshold above which accounts must undergo external scrutiny from £10,000 to £25,000; and
- increasing in the threshold above which charities submit annual accounts and Trustees' Annual Reports to the Charity Commission from £10,000 to £25,000.

It should be remembered, however, that *all* charities, including those with annual incomes under £25,000, must prepare accounts and make them available on request.

Ron Norey, of the Association of Church Accountants and Treasurers, was quoted as welcoming the higher threshold for accruals accounts on behalf of the Association. According to ACAT, many church members were deterred from volunteering to be treasurer because of the level of expertise they perceived necessary to prepare accruals accounts.

[Source: *Cabinet Office News* – 31 March 2009]

## Gas safety

As from 1 April, CORGI (the Council of Registered Gas Installers) has been superseded by a new safety body, the [Gas Safe Register](#). In order to comply with the law, anyone carrying out work on gas must now be registered with the new Register.

The background is that a review of the domestic gas safety regime during 2006 identified a case for change. The Health & Safety Executive felt that stakeholder criticisms of the existing gas engineer registration scheme, managed by CORGI, had some foundation and that even though the official statistics were showing an improving picture, more should be done to raise public awareness of gas and carbon monoxide risks.

In reality, the change probably will probably make little practical difference to customers – but those within churches who are responsible for repairs and property maintenance do need to be aware that gas fitters' registration documents have changed.

[Source: *LMSC summary* – 2 April 2009]