

Diocese of Lancaster

Parish Property Management

**A guide for property management generally and the use of
voluntary workers appointed by their Priest to assist in the
upkeep of Parish Property**

**The Property Office
The Pastoral Centre, Balmoral Road, Lancaster, LA1 3BT**

This guide provides general information for the use of voluntary workers engaged in parish property management. It is not a complete statement of the Trustees' responsibilities under Charity and other legislation. More specific advice about particular problems may be sought from the Diocese by contacting:-

The Property Office
The Pastoral Centre
Balmoral Road
Lancaster
LA1 3BT

Tel:01524 596060

Email: property@lancasterrcdiocese.org.uk

August 2010

Rt Rev Michael Campbell OSA
Bishop of Lancaster



Bishop's Office
The Pastoral Centre
Balmoral Road
Lancaster
LA1 3BT

Tel: (01524) 596050

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Dear Friends,

Voluntary workers play an essential and valuable role in all our parishes. They carry out many varied tasks according to their skills and the time that they make available for the benefit of the Church. The present financial difficulties in our country and the reducing number of priests in active ministry, mean that more help than ever is now needed at parish level to ensure that our property is well maintained and that health and safety and other legislation is followed for the protection of all parish workers and those worshipping in our churches.

It is so very important that we do everything possible for the welfare and safety of all of our voluntary workers and employees as well as the care and safeguarding of our property. This is why we are providing this updated guide for *Parish Property Management*. I commend to you all the advice contained in this booklet, the Health and Safety Statement and the Parish Safety Check List. Hopefully someone will be available in each parish (or groups of parishes) to assist with the training of parish workers as appropriate for the work that they do. I know that the Diocese Property Office are also available to provide advice and support in this regard.

On behalf of the Diocesan Trustees, I wish to take this opportunity to thank everyone involved in the practical support of our parishes without which it would be impossible to provide for the spiritual and pastoral well-being of our communities.

With sincerest good wishes, prayers and thanks,

Yours in Christ,

✠ Michael G Campbell OSA
Bishop of Lancaster

Introduction

In pursuance of the decision of the Trustees to delegate responsibility for the upkeep of property to the parishes, the Trustees have produced this guidance on how people might work together as a 'Parish Management Team' (PMT). This team is to be the means by which the Priest ensures that the corporate responsibilities of the parish, relating to property, are exercised in accordance with civil law. In practical terms, a PMT would mirror the work of the Trustees at parish level.

In particular a PMT would support the 'Occupier' (Priest, the Pastoral Council and the Finance committee established under Canon Law) and all other people who do paid or voluntary work for the parish, in dealing with parish property and other facilities to enable the Trustees to fulfil their legal obligations under the Diocesan Trust Deed and Charity law as regulated by the Charity Commission.

Members of the PMT may be encouraged to undertake other voluntary work as members of the parish community, parish Pastoral Council or other pastoral group, to build up a dynamic Christian parish community characterised by faith, mission, worship and service. It is however essential to understand that when they work as a PMT their responsibility is to enable the parish to comply with civil law.

All references to the 'Priest' means the Parish Priest or the Priest-in-charge. It is for the Priest to decide on the amount of work to be delegated to the PMT.

This guide contains general information on:

- 1. Responsibilities of the Trustees**
- 2. Responsibilities of the Priest**
- 3. PMT membership and procedural arrangements**
- 4. Services which the Priest may ask the PMT to provide for the wellbeing of a Parish**
- 5. Health and safety matters**
- 6. Fire precautions and security**
- 7. Servicing, supplies and tradesmen**
- 8. Insurances**
- 9. Surveys and Inspections**
- 10. Repairs, renewals and alterations**
- 11. Diocesan Approvals**
- 12. Financing of Property Projects**
- 13. Selecting contractors and tradesmen**
- 14. Tenders**
- 15. Value added tax (VAT)**
- 16. Control of projects and payment of invoices**
- 17. Outside Assistance**
- 18. Larger or complex projects**
- 19. More information**
- 20. Other relevant documents available from the Property Office**

1. Responsibilities of the Trustees

All Parish property and other assets are vested in the Lancaster Roman Catholic Diocesan Trustees Registered 'the Trustees', a charity duly registered with the Charity Commission under number 234331. The Charity is subject to Civil Law, in particular, but not exclusively, to the Charities Acts of 1992 & 1993 and subsequent amendments or re-enactments thereto.

In Civil Law the Priest is the duly appointed agent of the Trustees and is responsible for all of the temporal goods and other parish facilities, the property and assets.

All money and other assets appertaining to the Parish are beneficially owned by the Trustees and may be used only in pursuance of the charitable aims and objective set out in the Diocesan Trust Deed.

2. Responsibilities of the Priest

Under the Occupiers' Liability Act 1957 the Occupier (the Priest) owes to all lawful visitors the 'common duty of care' to see that visitors will be reasonably safe in using the premises to which they are invited or are permitted to be there.

UK safety legislation, regulations and Codes of Practice relating to the workplace, places on the employer (the Priest) the duty to identify all potential hazards to health and safety, evaluate them, eliminate them wherever possible and devise work practices that minimise those hazards that cannot be eliminated. All of this is to ensure that employees and voluntary workers are not exposed to any unnecessary risk of injury to themselves, or damage to their property, in undertaking work on or in Church premises.

3. PMT membership and procedural arrangements

The PMT is the team selected and appointed by the Priest to coordinate the parish workforce which collectively undertakes all necessary work to ensure that the parish facilities are properly maintained in a safe, good and efficient manner for the use of the whole of the parish community.

The Priest should invite suitable people to join the PMT with consideration being given to retired or semi-retired professionals, executives of commercial firms or local government, building trade workers and others with experience in the upkeep and management of property. Others with administrative and secretarial experience should also be recruited to assist. One member of the team may be appointed as the Parish safety representative to assist with the training of parish workers and to take over the responsibility of the Priest for health and safety requirements. The Priest may be the team leader or may appoint a team leader and an assistant team leader.

The team leader shall be responsible for arranging meetings of the members of the PMT, as and when the Priest or other members of the team decide that important matters need to be considered and recommendations need to be made.

It may be agreed that urgent matters should be decided by the team leader, subject to taking reasonable steps to consult with other members and the Priest. Such recommendations to be reported to the next meeting of the PMT.

In performing their duties, no property may be bought, sold, leased or substantially altered, or expenditure over £5,000 incurred, without the written permission of the Trustees, such permission to be sought via the Priest who will start the Diocesan approval process (see Diocesan Approvals).

4. Services which a PMT may provide for the wellbeing of a parish, if requested to do so by the Priest

Advising on legal, Diocesan and Insurers' requirements relating to health and safety, security, facilities for disabled, etc.

Contracting for the supply of goods or services when accepted by the Finance committee, agreed by the Parish Council, and approved by the Priest, also approved by the Trustees if the cost is over £5,000.

Liaising with and supporting the work of groups and individuals engaged in Parish activities by providing necessary office and working space, other facilities and equipment, a safe working environment and incurring expenditure only by agreement with the Finance Committee in accordance with Diocesan Regulations (see Diocesan Handbook).

Arranging for keys, keyholders, security, caretaking, cleaning, controlling heating, arranging electrical and other inspections, organising grounds' maintenance, repairs and servicing of equipment, etc.

Undertaking health and safety checks at least annually and making arrangements to carry out work needing to be done to remedy any hazard which may affect the health or safety of the occupants or visitors.

Specifying requirements for small building works, obtaining tenders, overseeing work done and agreeing payments.

Liaising with Undertakers, Monumental Masons and others involved in work in any parish graveyard.

5. Health and safety matters

Scaffolding, ladders and steps should be checked on a routine basis by a competent person. Damaged or broken ladders and step ladders should be renewed. Ladders should not be used to gain access to levels over 2 metres in height, unless used by an experienced tradesman. Scaffolding should be used when appropriate to provide a safe working platform at greater heights and only if relevant training has been given and evidence is held by the Priest. Secure storage for ladders, scaffolding and other access equipment must be arranged, which should not be in places causing obstructions to access or egress to the premises.

A second person should always be present when work is being carried out to premises or equipment, particularly when using electrical or mechanical tools. Appropriate protective clothing, footwear and protection for sight and hearing must be provided for the use of all workers whether paid or unpaid.

Instructions should always be given by suitably qualified persons before allowing voluntary workers to use tools or other equipment with which they may not be familiar.

All obsolete or redundant equipment, portable gas containers, etc., should be removed to a secure store, or otherwise disposed of in accordance with Local Authority Regulations.

A first aid kit should be provided in a visible location and should be regularly checked and restocked. A log recording all accidents should be kept on the premises.

A 'parish safety check list' should be completed annually and any work identified as necessary to meet health and safety standards carried out without delay. There is a copy of this on the diocesan website.

6. Fire precautions and security

Fire certificates are not generally needed for Parish property but advice free of charge, is generally available from the local Fire Officer. Means of escape should be clearly identified, be well lit and kept clear of items of furniture and equipment which could impede an urgent evacuation of the premises. Emergency lighting should be provided in these areas and outside of emergency exit doors.

All exit doors must be capable of being opened from the inside without the use of a key, during use by the public. Fire extinguishers should be positioned in escape routes or near to exits and must be overhauled once each year. The local fire service will be willing to provide training in fire fighting.

Prevention of access by unauthorised persons must be considered, whilst accepting the desirability of making it possible for the Church to be accessible for the Parish community at reasonable times each day or week.

CCTV with warning notices may help to deter unauthorised persons, but these may not be sufficient when the Priest or other officials are not on the premises. Digital locks may be considered for daytime access by members of the parish community, but five-lever dead locks should be used when total security is needed. Lists of authorised key holders should be maintained

Security lighting should be provided to external areas to deter unauthorised entry and flood lighting may be required over presbytery doors, controlled by PIR detectors during hours of darkness.

7. Servicing, supplies and tradesmen

Operating instructions, guarantees, etc., for all appliances and equipment should be kept available for reference by the users, with names addresses and telephone numbers for the supply of parts and consumables and for servicing.

A similar list of all tradesmen available in the locality should be compiled for effecting specialist repairs to property, servicing of equipment, clearing high level gutters and similar tasks, which should not be carried out by unskilled voluntary workers.

8. Insurances

Legal liabilities are insured under a comprehensive package, underwritten by Zurich and others. These include Public and Product liability and Employer liability. It also covers the liability of the Trustees, Clergy, Housekeepers, Managers, Employees, Youth workers and Voluntary workers against claims arising from their work for the Diocese and Parishes. All voluntary workers providing 'professional services' for the Diocese are insured to cover the risk of legal action against them personally, alleging breach of professional duty. i.e. allegations of 'professional negligence'.

Financial loss to a third party arising from Parish activities organised or undertaken by voluntary workers is covered by the Diocese under its legal liability insurance policy. All legal defence

costs against claims against Diocese and Parish officials including voluntary workers arising from a prosecution under Health and Safety and Consumer Protection Acts are insured by the Diocese.

Parish property except for licensed clubs is insured by the Diocese with the Catholic National Mutual Limited, an insurance company wholly owned by participating Dioceses.

All loss and damage to property which may give rise to a claim under the Diocese's insurance policy should be notified to the Finance Office. Advice may be sought from the Catholic Church Insurance Association, Oakley House, Mill Street, Aylesbury, P20 1BN. Tel: 01296 422030. Emergency out of hours Tel. 01494 812029 or 01296 429968. Mobiles: 07971 264497 or 07966 465457.

Any claim, or indication of a possible claim, against the Diocese, Parish or any individual worker should be notified or forwarded unanswered to the Finance Office in the first instance.

9. Surveys and Inspections.

Every Parish should have in its archives a copy of a 'condition' survey of all of its properties prepared by a qualified Architect or Surveyor. These need to be updated every five years. A standard form is available for this and a fee for inspecting all Parish property and reporting defects should be agreed before engaging professional services for this. (Quinquennial surveys are currently under review.)

More detailed surveys of the structure, heating and electrical installation, timber infestation etc., may be recommended and these may be agreed subject to the agreement of a fee before proceeding to make the appointment.

Every building to which the public are admitted must be subject to an initial survey to locate and assess asbestos containing materials (ACMs) incorporated in its fabric, equipment and furnishings. A more detailed 'type 2' survey must be undertaken to sample ACMs and to identify the type of any asbestos and the risks which may exist. No work which may disturb asbestos may commence without a 'type 3' survey with full sampling and identification, and all contractors or individual tradesmen being notified of the need to take precautions in compliance with asbestos regulations and being provided with a 'permit to work'. Written records of surveys are required to be retained by the Priest and made available as necessary. See "The Management of Asbestos in Buildings" (PDF file on the website).

A pre-condition of the insurance company is that an electrical inspection is undertaken every five years. All electrical installations and appliances, both fixed and portable, must be regularly tested and any defects remedied without delay. Certificates certifying that tests have been carried out are required by the Diocesan insurers and copies should be retained in the Parish archives. See "Annual parish Safety Checklist" (PDF file on the website).

All boiler plant and gas installations and appliances should be regularly inspected, tested and serviced by a suitable qualified engineer (e.g. CORGI registered for gas appliances). Certificates certifying that tests have been carried out should be retained in the Parish archives. A maintenance and inspection service agreement is desirable.

10. Repairs, renewals and alterations

Work to parish property identified in the quinquennial survey, or seen to be needed at any time, requires the preparation of a complete list and description of all items to be repaired or renewed.

Repairs and renewals which can be undertaken by the parish using local contractors may proceed without Trustees' approval, but any property proposals costing over £5,000 and all alterations must be agreed by the Trustees in principle before any approach is made to consultants or contractors.

11. Diocesan Approvals

Projects costing £5,000 or less may be carried out with the agreement of the Priest. Property projects of £5,000 or above will require recommendation from the Property and Finance Committees and approval of the Trustee body but Property projects up to £20,000 (including decoration, lighting and energy saving projects) will be given priority by the Trustees. Property projects of £20,000 or more will be categorised as follows:

First Category – Unavoidable works (cannot be deferred without breaching statutory obligations)

- a) Make a building wind and weather-tight.
- b) Fulfil health and safety requirements.

Second Category – Necessary works (risk of seriously affecting operations or damage to property):

- a) Heating replacement.
- b) Re-wiring.
- c) Avoid wasting money on temporary repairs.

Third Category – Development projects:

- a) Parish Halls.
- b) Improvement or enlargement of existing facilities.
- c) Church re-orderings. The written support of a member of the Diocesan Liturgy Formation Team will be required (see Diocesan Directory) with a copy of any report forwarded direct to the Bishop.

All submissions to the Property Committee are to be signed off by the Parish Priest and accompanied where appropriate by three quotations and all other relevant information. Proposals should be reviewed by the Property Office at the earliest stage and prior to inviting tenders.

Trustees approval is also required for any work which will interfere with the structure of any building or change its external appearance. All such work may require Building Regulation approval and Planning permission.

All work to 'listed' Churches except for like-for-like repairs and renewals requires the approval of the local Historic Churches Committee and work to other 'listed' Buildings, eg 'listed' presbyteries, requires approval from the Local Authority.

12. Financing of Property Projects

The Trustees will limit the use of existing parish funds, expended on new projects across the Diocese as a whole to £500,000 in any one year.

First category works can be funded from available Parish funds and/or Diocesan Finance.

Second category works should be funded as to 50% from “new monies” raised within the parish by way of appeal, donations or bequests or from property sales.

Third category works will be required to be funded as to 75% from “new monies”.

No application should be made to any grant funding body (for financial assistance over £5,000) or to any local authority (for planning consent) without the prior approval of the Trustees. For listed buildings, the Historic Churches Committee will only consider applications following approval by the Diocesan Trustees.

13. Selecting contractors and tradesmen

A minimum of three firms or tradesmen should be asked to tender for work to parish property, unless it is for minor items, which a local tradesman may be asked to do on the basis of time spent and materials used, providing that a fully detailed invoice is submitted before payment is made.

All firms and tradesmen to be invited to tender for work should have a proven record of carrying out work to a satisfactory standard. Each should provide details of technical expertise and experience and a list of similar work recently undertaken. Membership of relevant trade organisations are important particularly for work to gas and electrical installations.

14. Tenders

The full list and description of the work should be provided to each firm asked to tender, with as much information as possible about the quality of materials to be used for projects over £5,000, this should be reviewed by the Property Office prior to sending out tender invitations. A fully detailed professional specification is not necessarily required but tenderers should be asked to provide full details of the work which they propose to carry out for the amount tendered.

All tenders must be fixed prices for the work open for acceptance for a minimum of six weeks. Tenders should indicate whether Value added tax (VAT) is payable in addition to the amount tendered. Payment terms should allow 28 days for payment.

15. Value added tax (VAT)

VAT is not payable on the approved cost of providing facilities for the disabled.

VAT may be recovered under the Listed Place of Worship Grant Scheme (LPW) on the cost of repairs to the structure of ‘listed’ places of worship (Churches) if carried out by VAT registered firms or individuals. (Property office will advise.) The LPW scheme is due to end in March 2011.

16. Control of projects and payment of invoices

A suitably experienced member of the PMT, or someone co-opted to it for this purpose, should be asked to deal with the contractor/tradesmen and advise on the standard of work executed.

All of the work must be completed to a satisfactory standard before authorising payment, although interim payments, appropriate for work done, may be agreed if the work is prolonged for good reason.

No payment may be made before work has been carried out and all payments must be made by cheque drawn on the parish bank account. Cash payments should be avoided.

17. Outside Assistance

Any tasks which may be beyond the competence of people in the PMT, or able to be co-opted for work to parish property, should be referred to the Dean who should be able to find voluntary workers from other parishes willing to help.

The Diocesan Property office will give advice about the availability of experts who have volunteered to give guidance on property surveys, inspections and testing of gas and electrical installations, presence of asbestos containing materials, (ACMs), etc.

18. Larger or complex projects

An architect, surveyor or engineer will be needed to undertake larger or more complex projects. The Diocesan Property office should be contacted before any approach is made to professional consultants, which will require a formal appointment and the agreement of fee charges.

19. More information

Further guidance may be obtained by referring to the Diocesan Handbook first issued to all parishes in June 1996 and from subsequent additions relating to more recent legislation. A copy should be available in the parish. Section H22 (Health, Safety and Statutory Regulations) and Section H23 (Fire and Security) are particularly relevant.

20. Other relevant documents for parish use obtainable from the Property office, or from the Diocesan web site - (www.lancasterdiocese.org.uk).

- Draft of a parish Health and Safety Statement.
(to be completed and prominently displayed)
- Parish safety check list.
(to be completed annually)
- The 'Management of asbestos in buildings' and a form 'Permit to work'.
- Specification for Electrical Inspections.
- Application form for Trustees' approval to carry out work to parish property costing over £5,000.
- Application form to acquire land or property for the pastoral needs of the parish or to dispose of property surplus to requirements or grant leases of any land or other property to third parties or to grant way leaves or easements giving rights of access over land in ownership of the Trustees

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Request for approval in principle to undertake urgent/essential/desirable/repairs/improvements to property for spiritual, pastoral or social benefit of the Parish.

Parish

Property (Church, Hall, etc) Is it 'Listed'?.....

Brief details of the project saying why the work is needed and indicating any work which may be urgent.

Name of any Architect or Surveyor to be appointed

Estimated cost including VAT and fees if known £.....

Source of funds: Amount of available funds £.....

Will an overdraft be required? YES/NO If yes please say how much £.....

How much can be repaid each year from surplus income £.....

Further information in support of this project

Signed..... (Parish Priest) **Date**

Note 1 This form should be used for all projects costing in excess of £5,000. It should be sent to the Secretary of the Property Committee at the Pastoral Centre.

Note 2 An architect or surveyor may be consulted but should not be engaged until the Diocesan Trustees have given approval in principle to the project. No planning permission should be sought without Diocesan permission.

Note 3 If there may be a liturgical aspect, advice should be sought from the Diocesan Liturgical Commission (see Diocesan Directory).

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Request for approval in principle to acquire land or property for the pastoral needs of the parish or to dispose of property surplus to requirements or other parish assets (fixtures, fittings, equipment etc) the value or proceeds of which are more than £5,000 in total or for a single item. Also to apply for permission to grant leases of any land or other property to third parties or to grant way leaves or easements giving rights of access over land in ownership of the Trustees.

Parish:

Brief details of the proposal, listing all items to be sold/disposed:

Cost to parish £..... or expected proceeds of sale if known £.....

Name of any estate agent/surveyor/valuer to be appointed

Reasons why the proposal is necessary or justified and indicating any changes which may be needed in parish property which may flow from or be required as a result of this proposal.

Signed **(Parish Priest)** **Date**

- Note 1** All property transactions or disposal of other assets with value or proceeds in excess of £5,000 require the approval of the Diocesan Trustees.
- Note 2** An estate agent or surveyor may be consulted but should not be engaged until the Diocesan Trustees have given approval in principle to the proposal.
- Note 3** Ordinarily, the Diocesan Solicitor should be used for all disposals, acquisitions and leases, with the parish paying all legal fees.