

# Baptist Insurance Services

APRIL 2018

## WHEN SHOULD I COMPLETE AN INCIDENT REPORT

Incident Reports should be a regular part of your work practice. Many people think they should only be used for serious or major issues. That is incorrect. Incident Reports need to be completed for any injury, big or small – ranging from a paper cut, broken leg, to a fatality. Or a conflict situation with a staff member – these are commonly known as ‘file notes’. In some staff conflict meetings, it can also be advisable to include a third person to act as a witness.

Why are Incident Reports so important? Because they provide an historical record of an event which can later be relied upon if your organisation is sued. We have experienced claims where someone tripped over their own feet and lightly grazed their knee. However, one year later they are claiming costs against the church because that grazed knee has miraculously turned into a knee reconstruction due to some form of negligence on the church’s part. If the church hasn’t completed an Incident Report, then it becomes the church’s word against theirs. In many such cases, the law can fall on the side of the injured party. If an Incident Report had been completed, it would have been very hard for the claimant to prove their case.

Whilst we like to believe that people will always do the right thing, for various reasons that doesn’t always happen. People can fall on hard times, or fall out with the church, or suffer emotional or mental issues, the list goes on and all of a sudden, the church is on the receiving end of a wrongful claim or accusation.

As well as Incident Reports for bodily injuries, Reports must be completed for ANY situation in your church/organisation that may lead to a claim. For example:

- \* a messy staff resignation/dismissal
- \* staff/church member accusation of bullying/abuse/etc
- \* inappropriate behavior from staff or lay leader to others in the church
- \* reports of any level of sexual abuse
- \* a parent threatening action on behalf of their child
- \* stressed employee or lay leader threatening action
- \* an injury of a child on your premises



As well as completing an Incident Report, you must notify your local BIS office immediately. We will forward these notifications on to our Insurer who will then keep them on file just in case a future claim arises. This Incident Report will help to ensure your future protection.

So if completing Incident Reports is not your current practice, start today and forward copies to your local BIS Office. We are here to assist and protect you. For more information, visit our website.

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**My child was injured on an interstate school excursion. As a parent, is my airfare covered if I need to travel to be with them?** Travel insurance policies are subject to specific terms and conditions. We would encourage schools to pass on this wording to parents of travelling children so that they can make themselves familiar with their cover. In this instance, the parent would need to contact the Insurer direct and request authorisation to travel. If this is not sought, cover will not be extended. Also, cover in this scenario is extended only if the child is required to stay in hospital overnight. If the child is released from hospital the same day, the Insurer will not cover costs incurred by the parent.

**Someone’s car has run into my property. Does our church’s property insurance cover this?** If a third party vehicle causes damage then you will need to go through the driver’s motor vehicle insurer to cover costs of property damage. Make sure you get the driver’s details, licence number, number plate, and name of their Insurer. Then follow up the driver and obtain their motor vehicle claim number so that you can lodge your claim through them.

**We have a first aid roster of volunteers who are on duty for each Sunday Service. Are they all protected under the church’s insurance?** It is advisable that all organisations/churches have assigned people who are identified as first-aiders. As long as they are volunteering and not receiving a fee for their service, they are all covered under the church’s insurance. It is important to note that the law cannot bring legal action against those who provide first-aid.

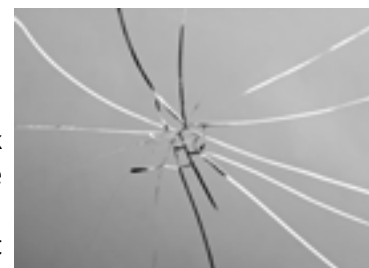
# Baptist Insurance Services

## VANDALISM & BURGLARIES

Over the years, we have seen an increase in the number of theft/burglary/vandalism claims. Unfortunately, churches can be seen as 'easy targets'. As burglary is usually a crime of opportunity, it is important to reduce your odds of being affected by crime by taking some preventative steps. Make sure that you regularly check your levels of risk management for both your property and contents.

Some areas to reflect on are:

- \* Always draw curtains/blinds when staff are not onsite so that people are unable to see what is worth stealing from the outside.
- \* Ensure windows are not the type that are easily jemmied open. Lock windows so that they can't be opened from the outside. If they can't be locked, you can pin them by drilling a hole through both window frames and inserting a bolt or metal pin. The pin must be easily removable in emergency situations.
- \* Security surveillance is a relatively inexpensive option and can be an added deterrent. Install them at strategic entry points and put up signs advising that your property is under surveillance.
- \* For high theft areas, install alarms along with surveillance devices.
- \* Add sensor lighting and illuminate as much of your property as possible.
- \* If your church office or other buildings are on the same site as the church, ensure you lock it throughout the service. Many people will wait until the service starts and take advantage of an open door.
- \* Exterior doors should be solid, not hollow. Metal doors provide the best protection against forced entry.
- \* Door hinges that are on the outside should have a non-removable centre pin that can't be tampered with.
- \* Install deadbolt locks.
- \* Ensure you have an appropriate procedure on the use of keys and master keys.
- \* Ensure that a burglar cannot access the roof from high trees or a ladder left outside.
- \* Use a fencing style that won't conceal a burglar's activities. Remember, if you can't see out, others can't see in.
- \* Ensure sheds and garages are locked with appropriate locks.



It is important to note that if an organisation/church has repeated problems with theft, the Insurer will request increased security measures are installed. For further information or assistance in risk management, please contact your local BIS office.

**Don't forget to check out the BIS website for more information on:  
[www.baptistinsurance.com.au](http://www.baptistinsurance.com.au)**

## PLAY GROUPS

Many of our churches organise playgroups for the children of their congregation and for the wider community. Playgroups can present opportunities for parents to develop relationships as well as providing a great environment for children to learn and develop. Playgroups typically encourage parent participation but not always.

As with any activity involving children, we have a duty to keep children safe while they are participating in a playgroup. We have added a new checklist on our website that addresses playgroups held in church owned premises and is intended to assist in the identification of risks that might compromise child safety.

Where your playgroup is held in 3rd party owned premises (e.g. a private home or a community hall) you will need to ensure that appropriate insurance arrangements and risk controls are in place.

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## EXITING EMPLOYEES

We like to think that staffing issues and conflict would be at an all-time low in churches and Christian organisations. But we know that is not the case. Wherever we have groups of people together, there will always be conflict situations. The key is how we handle those situations.

No staff member will stay with a church or organisation forever. Some will leave positively and other departures can be negative, even hostile. As an employer it is vital that you are aware of both State and Federal employment legislation as it applies to you.

For example what does employment law have to say about the following:

- How do I manage an underperforming staff member?
- I want to fire a staff member.....
- A staff member has committed serious misconduct, how should I handle this?
- A staff member doesn't seem to be on the same page as us spiritually.....



We have seen a number of occasions where a Board or a Pastor has fired someone and even though their reasoning for not wanting that person to remain employed seems justified; they have not followed the correct process and find they are being sued for wrongful dismissal, or constructive dismissal. What's more, the law is on the ex-employee's side.

If your organisation/church is sensing a conflict issue with a staff member, we strongly encourage you to contact your local State Union office for assistance. If you have a staff member who is consistently underperforming, then there is a 'Poor Performance' process that must be completed. If there is someone you no longer want to work for you, there are processes set in place that you must work with.

An employee departure can be an emotional time, especially in a church setting where people become part of the 'family'. If a departure is not handled well, it can lead to conflict throughout the church. Church leadership has a responsibility to not only follow the legal process, but to treat the exiting employee with dignity, respect and care. Failure to do so, can exacerbate the situation and encourage the person to take legal action in some situations. Sometimes people with no previous intent to take a situation further, have taken that step as a result of undue stress in heightened conflict.

If a staff member leaves in a difficult situation, we ask that you contact your local BIS office immediately so that we can notify our insurer and provide assistance and advice. If they do claim against your organisation/church, please do not use your own lawyers. Our Insurer will want to use their qualified lawyers who specialise in these areas and they will not cover your lawyer's costs. Don't be left out of pocket. Talk to us first.

Further information can be found at: [www.fairwork.gov.au](http://www.fairwork.gov.au)

## BIS Insurance Panel

Below is a summary of your insurance providers for the period 30 September 2017 to 30 September 2018:

Property	<b>Allianz Insurance</b>
Liability and Professional Indemnity	<b>Vero Insurance</b>
Personal Accident (Volunteers and Youth)	<b>Accident and Health</b>
Personal Accident (Pastors and Spouses)	<b>Accident and Health</b>
Corporate Travel	<b>Chubb</b>
Management Liability and Comprehensive Crime	<b>CGU</b>
Cyber Protection	<b>CGU</b>
* Motor Vehicle (Cars, Trailers, etc)	<b>Vero Insurance</b>
* Marine (Canoes, rafts, kayaks, boats)	<b>Vero Insurance</b>
* Contract Works (for works over \$500K)	<b>Vero Insurance</b>

*\* This is only available for those who have paid an extra premium for this cover*

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## WORK HEALTH & SAFETY TRAINING

Our churches are places of business as well as places of worship. Accordingly, we need to comply with a variety of legislation and regulation aimed at making workplaces safer. One of the key pieces of legislation deals with the prevention of workplace injuries. In most states this legislation is referred to as Work, Health & Safety (WHS), while a smaller number of states refer to the legislation as Occupational Health & Safety (OHS).

While there are some differences between states, the essential requirements remain the same. Baptist Insurance Services commissioned 4 training modules to help churches understand their WHS/OHS obligations and also provided some down-loadable resources (referred to in the courses) to help churches develop their own policies and procedures. The on-line modules are named:

- General principles
- Risk Analysis & Reporting
- Policies
- Specific Hazards.

We encourage all church staff and volunteers to take the courses so that they understand their responsibilities under WHS/OHS legislation. Remember ignorance of the law is not an acceptable reason for failing to observe it!

New risk guides are now online for the following topics:

- Slips, Trips and Falls
- Incident
- Play Groups

In addition, there are another 38 guides identifying and controlling risks that might affect our churches, schools and camps. Visit our website for further information.



## IMPORTANT!

Please note that Property Claims need to be notified as soon as possible, ie. within 14 days. If claims are not reported in a timely manner after the date of loss/damage and/or the insurer's rights have been prejudiced, your claim may not be accepted. Unless there are extenuating circumstances, claim notification outside 6 months will not be accepted.

## Motor Vehicle Insurance

(This relates only to those who have paid an extra premium for Motor Vehicle Insurance)

For those who have their motor vehicle insurance through BIS, if you do have a motor vehicle accident, please contact Vero direct to lodge your claim and quote the motor vehicle policy number. The Vero claims consultant will assist you with the claims process. If your vehicle falls under Vero's "SMART repair" criteria, you must use the "SMART" Centre for repairs. If a repairer asks you to pay the excess directly, please do not pay, but contact the BIS office as all excess invoices come through our office, and not through the repairer or insurer.

## Potential Claims

Please contact your local State BIS office as soon as you are aware of any potential claims, ie where you receive/have:

- A verbal complaint which cannot be easily solved and without expense
- A letter threatening legal action from an individual
- A solicitor's letter threatening legal action
- A writ/summons/subpoena/legal court document
- Have a contentious employee termination

If you have any potential claims that have not yet been reported to us, please advise us immediately.

## BAPTIST INSURANCE SERVICES CONTACTS:

Queensland	Ken Conwell
New South Wales/ ACT	Tim Williams
South Australia/ NT	Glenn Dixon
Western Australia	Natalie Coulson
Tasmania	Rodney Marshall
National/Victoria	Kym Bennetts Stephen Lockrey Chris Mackenzie Sue Roggero