



Pastoral Care – Church Insurance

This resource has been produced by Shane Matthews of Arthur J Gallagher and made available by the Pastoral Care Committee of the Council for Congregational Life and Witness. The advice in this document is applicable to congregations insured through Arthur J Gallagher.

Introduction

Churches have always provided pastoral care to members and, indeed, many congregations are actively seeking to extend their outreach by enhancing the level of pastoral care which they provide.

At the same time, many Churches are anxious (in modern litigious society) about the risks arising from pastoral care in terms of legal liability.

As insurance advisors to the Presbyterian Church in Ireland, and member congregations, we receive many queries in relation to the Church's insurance protection, and Risk Management issues, relating to pastoral care.

Insurance Cover

All Churches insured under the Arthur J Gallagher insurance facility carry Public Liability insurance to an indemnity limit of £10 million.

Public Liability insurance is intended to protect the Churches legal liability, against damages awarded and legal costs incurred, in respect of alleged personal injury or property damage suffered by a third party.

The definition of personal injury will include mental anguish and emotional distress and the definition of third party will include members of the congregation.

We insure 1000 Churches and the insurers are well aware that Churches will, as part of their outreach and commitment, provide pastoral care to members and, at times, other people in their local communities.

The Church's Public Liability cover will extend to include protection for any liability arising from pastoral care administered on behalf of the Church and, in this context, the insurers understand that such pastoral care may be provided by the minister, elders within the Church or other people who are representing the Church.

Nature of Pastoral Care

- Most pastoral care will take the form of face to face private discussion between the person giving pastoral care and the individual who is going through a time of difficulty. This type of activity is typically what the insurers understand in relation to pastoral care.
- Pastoral care can also extend to include situations where practical help (making lunch / helping with household chores) is provided by the person giving pastoral care. In this context,

it is difficult for us to provide definitive comment on the scope of any potential liability which may attach to the Church in these circumstances. There may, at times, be a grey area between someone acting as a good friend or neighbour and someone specifically providing a service on behalf of the Church. What we can confirm, however, is that the Church is protected by the Public Liability insurance (in the event of something going wrong in relation to practical help being provided) if a claim for personal injury is directed to the Church.

Insurance Exclusions

- Professional Counselling is excluded under the Church's Public Liability insurance. Additional insurance cover is needed if professional counselling is undertaken.

The insurers would normally interpret professional counselling as relating to counselling specifically undertaken following referral from a health care professional and/or when a fee is paid for the service.

- The other issue, in the context of what is not insured, goes back to the general insurance principle that all material facts have to be provided to the insurers.

As already mentioned, we insure approximately 1000 Churches and the insurers are aware of the wide range of activities undertaken by the Churches insured.

Each individual Church has an obligation to advise the insurers if they are doing anything particularly unusual or hazardous, in the context of pastoral care, which would go beyond what would generally be considered to be normal Church activity or outreach.

The Arthur J Gallagher team are available to advise individual Churches of any specific queries in relation to pastoral care.

Risk Management

Given the wide scope of pastoral care provided by Churches, it is very difficult to give specific Risk Management advice.

Each Church has to consider its own practices carefully and should, at all times, adhere to legal requirements in terms of working with vulnerable people and should follow the general advice provided by the Presbyterian Church in Ireland (for further resources on pastoral care please see the pastoral care resources section on the Presbyterian Church in Ireland website).

We would, however, make the following general comments in relation to Risk Management:-

- Common sense to be exercised at all times
- Kirk Session to formally approve anyone engaged in a pastoral care team, with statutory checks undertaken as appropriate. Current advice (October 2016) from the Taking Care Office of the Presbyterian Church in Ireland is that a police background check is not required of volunteers who are providing pastoral care for adults. This is because they will not be providing personal care (i.e. helping with washing, toileting, feeding) for a vulnerable adult or handling their finances. Some residential homes require that visitors on behalf of an organisation require a police check. **Please contact or check the website of the Taking Care Office for the latest advice or if you are in any doubt about the need for police checks for people involved in pastoral care.**

- Care to be exercised (doubling up as necessary) when pastoral care is administered to particularly vulnerable individuals.
- Referral to individual counselling or health care professionals, specialist agencies etc. to be made if the person giving pastoral care is concerned that further action is needed.
- No practical (DIY) assistance to be provided beyond the level of competence of the person giving pastoral care. Professional tradesmen should be recommended if the person giving pastoral care is in any doubt as to the job of work to be undertaken.

Further Assistance

As already mentioned, the Arthur J Gallagher team are available to provide advice on any individual queries.

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