



**PHILADELPHIA**  
INSURANCE COMPANIES

A Member of the Tokio Marine Group

## RELIGIOUS ORGANIZATION RISK MANAGEMENT GUIDEBOOK



**The purpose of this Risk Management Program is to provide our Religious Organization clients with information dealing with targeted areas of loss potential for all operations.**

**Please take time to review these materials and integrate them into your ongoing loss prevention efforts at your facility.**

**If you would like additional Loss Control assistance please contact the Philadelphia Insurance Companies Loss Control Department by visiting us on the web: [www.Phly.com](http://www.Phly.com)**



### **PIC Loss Control Services**

**IMPORTANT NOTICE:** The enclosed loss control information is for your consideration in your loss prevention efforts. They are not intended to be complete or definitive in identifying all hazards associated with your business, preventing workplace accidents, or complying with any safety related, or other, laws or regulations. You are encouraged to address the specific hazards of your business and to have your legal counsel review all of your plans and company policies.



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## RELIGIOUS ORGANIZATION

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## COUNSELING SAFETY

Did you know that many misconduct claims involve counseling settings?

### The Problem:

Misconduct allegations may include negligent counseling, malpractice, abuse of authority, undue influence, sexual battery, defamation, alienation of affection, and breach of confidentiality.

### Install Controls:

To protect your organization from allegations of misconduct, the following controls are recommended:

1. **A Counseling Agreement:** This written agreement should state the scope of the counseling, its length and duration, its confidential nature and should include an alternative dispute resolution clause. Such a clause can provide any dispute that arises from the counseling relationship be submitted to mediation and/or arbitration instead on filing a lawsuit.
2. **Verify that counselors are qualified to provide the type of counseling that the client seeks.**
3. **Consider requiring same gender counseling, or if opposite gender counseling is required, then consider including a third party in the sessions if it isn't restricted by client confidentiality restrictions.**
4. **Set limits on the length of the sessions and establish office hours where other professionals are present.**
5. **Limit the locations where the counseling may take place, and establish good visibility via a window in the doors, or leaving a door open. Some organizations have established cameras without audio to record activities; however you should consult with a local attorney to ensure that this complies with your state and local law.**
6. **Maintain confidences by keeping all documents in a locked location, and not allowing the counselor to discuss counseling sessions with others.**
7. **Watch for boundary violations such as the counselor discussing their personal life, inappropriate physical contact, and offering to drive the counselee's home.**

## **VOLUNTEER RISK MANAGEMENT**

Why your Organization needs "Volunteer" Risk Management:

Volunteers are often a necessary part of an organizations operational mission. While in the past, many organizations would allow most volunteers to participate, given the current legal ramifications, a poorly screened and implemented volunteer can present a huge liability to your school. This liability can drain your resources and also reflect negatively on the school's good name.

Volunteers may have a highly visible role; they are often the people with whom the students interact most closely. In addition, volunteers who are injured on your premises, even if they caused the injury, will be covered under your general liability policy as they are not employees.

Refer to PHLY's Volunteer Risk Management Guidebook for information, located at [www.Phly.com](http://www.Phly.com)

## **ABUSE AND MOLESTATION**

Good polices and procedures are essential for prevention of abuse and molestation.

All individuals who are working with children must undergo background screening and abuse prevention training.

Items of a Child Abuse Risk Management Program

These steps should include, but not be limited to the following:

- Meet all statutory requirements and regulations pertaining to preventing and reporting child abuse and neglect. When reporting a child abuse or neglect incident be sure the policyholder understandings the following:
  - The definition of "abuse" and "neglect" varies from state to state.
  - Some, but not all states impose mandatory reporting requirements on caretaker professionals.
  - Most states require reporting when there is a "reason to believe" a child has been abused or neglected.
  - Most states require the report be filed within 48 hours of the incident.
  - All states provide some type of immunity for filing a report that means if the perpetrator abuse or neglect allocation can't be proven, he/she has the right to sue the reporter.
- Develop and implement formal recorded written policies and procedures addressing the issue of child abuse. Include the following as standard practices and procedures:

Adopt policies of staff selection (regardless of whether paid or volunteer) that include the following screening elements:

- Position description
- Application
- Orientation overview
- In-depth interview
- Personal reference checks
- MVR check
- Criminal history record checks (local, state, FBI)//background checks
- State central child abuse registry check / State sex offender registry check
- Confirmation of education
- Written application
- Psychological tests
- Medical tests
- Home visit (if warranted)
- Alcohol/drug testing
- Adopt clear written policies prohibiting unauthorized conduct.
- Adopt supervision guidelines.
- Parents are free to come and go without calling
- No areas are off limits to parents
- Bathrooms do not contain areas where children can be isolated (two thirds of all daycare sexual abuse takes place during visits to the bathroom)
- There is adequate supervision during naps.
- Safety measures are taken to prohibit the release of your child to anyone without your written authorization.
- Create confidentiality policies to prevent disclosure of hiring or disciplinary practices.
- Develop specific job descriptions and review each description annually.
- Notify parents of activities, behavior, and practices that an organization deems to be unacceptable.
- With respect to staff departures, voluntary or otherwise, establish procedures concerning when and how to notify the parents that an individual is no longer affiliated with the organization.
- Develop and initiate a child abuse prevention training program for all staff members

Background Screening: Available for Phly insureds through Intellicorp -

Click on button to be directed to Intellicorp program information:



Low cost Abuse Prevention Training is available to for Phly insureds through Abuse Prevention Systems / MinistrySafe:

Click on button to be directed to MinistrySafe program information:



Abuse Prevention Systems Members enjoy these resources:

- Sexual Abuse Awareness Training
- Policies and Procedures
- Screening Resources
- Systems for Tracking Compliance\*