

## Parking at a Premium?

### Guidance on Permitting Schools to use Parish car parks

At the Catholic Insurance Service Limited ('CIS') we receive queries from parishes who have been asked by neighbouring schools, which lack adequate parking on their site, whether the school may use the parish car park. This can create tensions between the school and parish: often parishes wish to help but don't know if there are any insurance implications, or how best to protect themselves from the additional liabilities that the school's use of their car park might create.

#### There are a number of ways in which a school may wish to use a parish car park:

- As an overflow car park for their staff;
- As an overflow for events held at the school, such as parents' evenings or concerts;
- For parents to drop-off and pick-up their children.

In some cases, the school and parish may wish to have reciprocal arrangements, whereby the parish is also able to use the school carpark as an overflow facility for parish events.

Allowing others to use the parish site creates additional risk. The first question to consider is whether the parish can practicably accommodate the school's request. It may not be possible to do so if the parish car park is already well used by visitors to the parish, or if it is unsuitable for some reason (e.g. vehicular access is restricted). If you do consider that the parish car park is suitable for the school to use and you wish to assist the school, you should be able to allow such use without creating significant additional risk to the parish provided the arrangement is properly managed and the responsibilities of both parties are clearly agreed and documented at the outset.

In our opinion, the most risk is created when the car park will be used for pupil drop-off and pick-up. However, in all cases we suggest you give consideration to the following issues:

- **Is the car park suitable for the proposed use?**
  - o Can the car park accommodate the extra volume of traffic?
  - o If access and/or egress for both pedestrians and vehicles is via the vehicular entrance to the car park, can the pedestrians and cars all come and go safely?
  - o Do any changes need to be made to make the car park safe for the intended use? (e.g. reserving and marking spaces for disabled drivers).
- **Is the car park in a safe condition?**
  - o If the surface of the car park is in a poor condition, adding to the existing usage will increase the risk of someone being injured.
  - o If the car park requires significant maintenance or improvement works which the parish is unable to fund, perhaps the school could contribute to the cost of the works in order to use the car park? The parish could also require the school to contribute to ongoing maintenance costs.
  - o The parish should already inspect the car park regularly and repair any hazards identified in a timely fashion. Those inspections should continue and the records will be crucial evidence for any claims.

- **Who will deal with transient hazards?**

- In addition to the parish's routine maintenance inspections, the car park should be inspected for transient hazards such as snow, ice and leaves to ensure that it is safe to use. In very bad weather, the car park may need to be closed. It should be agreed between the parish and the school who will be responsible for this, particularly if the parish does not use the car park every weekday but the school does.
- Agree who will be responsible for ensuring there are adequate supplies of grit, and purchasing/storing equipment (e.g. rakes, shovels).

- **Who will be responsible for any accidents or incidents?**

- The likeliest problems to arise are injuries to people or impact damage to property.
- Any personal injury or impact damage caused by a car should be covered by the driver's motor insurance policy, provided the driver can be identified - and is insured.
- However, any claim made by someone injured as a result of a slip, trip or fall in the car park is likely to fall to the diocese (as the owner of the site).
- Agree who will be responsible for recording and potentially investigating any accidents or incidents which do occur. The parish must be informed of all incidents.
- Please be aware that liability for personal injury caused by negligence cannot be limited or excluded, so notices stating that the parish will not be responsible for any injuries sustained as a result of using the car park will not be effective. However, we do recommend that notices are clearly displayed excluding responsibility for damage to property, such as:

***"Use of this car park and its environs is entirely at your own risk. The [Archdiocese/Diocese] of XYZ accepts no liability for loss of or damage to property, vehicles or their contents."***

The issues listed above should also be considered if the parish is approached by a local business wishing to use the parish car park.

Where a parish does want to permit a school or other organisation to use the parish car park on a regular basis, we strongly recommend that the parish enters into a written agreement with the school setting out the basis on which the school is permitted to use the car park and each party's responsibilities. The agreement should also enable the parish to terminate the arrangement if it doesn't work out.

For further information or assistance, please contact CIS.