

**GENERAL SYNOD**  
**DRAFT SAFEGUARDING AND CLERGY DISCIPLINE MEASURE**  
**AND**  
**DRAFT AMENDING CANON NO. 34**

**FINAL DRAFTING REPORT OF THE**  
**STEERING COMMITTEE OF MEMBERS IN CHARGE**

**The Chair:** The Rt Revd Paul Butler, Bishop of Durham

**Members:** The Revd Paul Cartwright (Leeds)  
The Ven Annette Cooper, Archdeacon of Colchester (Chelmsford)  
Dr Rachel Jepson (Birmingham)  
Mr Geoffrey Tattersall QC (Manchester)  
Dr Anna Thomas-Betts (Oxford)

1. The draft Safeguarding and Clergy Discipline Measure ('the draft Measure') and draft Amending Canon No. 34 ('the draft Amending Canon') both received first consideration at the July 2014 group of sessions of the General Synod and were committed to a Revision Committee. At the February 2015 group of sessions the Synod took note of the report of that Committee (GS 1952-3Y) and completed the Revision Stage for both the draft Measure and the draft Amending Canon. They were committed to the Steering Committee for Final Drafting.
2. The Steering Committee has conducted its remaining business by correspondence under Standing Order 59(f). It now returns the draft Measure (GS 1952B) and the draft Amending Canon (GS 1953B) to the Synod for Final Drafting and Final Approval.
3. Under Standing Order 59, at the Final Drafting Stage the Steering Committee may propose 'Drafting Amendments' or 'Special Amendments', or both. These are defined in Standing Order 59(g) as follows:
  - i. a 'Drafting Amendment' means an amendment to clarify any remaining uncertainties of meaning or to improve the drafting; and
  - ii. a 'Special Amendment' means an amendment (other than a drafting amendment) considered necessary or desirable by the Steering Committee and which does not reopen an issue which has been decided by the Synod or any Revision Committee in relation to the Measure.
4. The Steering Committee has agreed the Drafting Amendments set out in Part 1 of Annex A in respect of the draft Measure, as shown in bold type in GS 1952B. (References in Annex A to page and line numbers are to the draft Measure in the form it took at Revision Stage (GS 1952A).) Drafting Amendments proposed by the Steering Committee in respect of the draft Amending Canon are set out in Part 1 of Annex B and are shown in bold type in GS 1953B. The amendments have all been identified on final scrutiny of the

draft legislation as necessary corrections to the texts. Explanations for the Drafting Amendments are given in part 2 of Annex A and part 2 of Annex B respectively.

5. The Steering Committee gave careful consideration to a proposal received from the Archbishop of York for a Special Amendment to the draft Amending Canon which would have given the archbishops new powers to require those whose names are included in the 'Archbishops' list' maintained under section 38 of the Clergy Discipline Measure 2003, or who were entered in the former register known as the 'Lambeth and Bishopthorpe register' (which pre-dated the Archbishops' list) to undergo a risk assessment as a pre-condition of their being authorised to return to ministry. (Decisions about that follow a process of assessment by assessors appointed by the relevant archbishop, who make recommendations to the archbishop and the relevant diocesan bishop.) The Archbishop made a similar proposal in relation to clergy who were not on the Archbishops' list or the former register but who, not currently enjoying any authority to minister, were seeking to return to ministry.
6. The Steering Committee considered the proposed amendment in relation to clergy on the Archbishops' list or the former register to be unnecessary, taking the view that, if an archbishop believed that a risk assessment should be obtained in such circumstances, the archbishop could already effectively require the cleric to undergo a risk assessment. This is because any refusal by the cleric to comply voluntarily with the archbishop's request would be likely to result in a recommendation to the relevant diocesan bishop that the cleric should not be given authority to minister. In consequence no safeguarding risk would arise.
7. The Steering Committee formed a similar view that coercive powers were not required in respect of risk assessments on clergy not on the Archbishops' list or the former register but who sought to come back into ministry. In such cases the Committee noted that the relevant bishop can already call for a risk assessment if satisfied there should be one in all the circumstances of the case. If a cleric were to decline to comply with such a request, the bishop would be justified in refusing to authorise the cleric to minister.
8. The Steering Committee does not therefore propose any Special Amendments.

**On behalf of the Committee**  
**+Paul Dunelm**  
**Bishop of Durham**  
**Chair**

**June 2015**

**PART 1  
DRAFTING AMENDMENTS TO THE DRAFT MEASURE**

1. Clause 1, page 2, line 12, leave out “it has for the time being”.
2. Clause 2, page 2, line 31, at end insert—  
“( ) In subsection (2) of that section, leave out paragraph (b)”.
3. Clause 2, page 3, line 19, after “person” insert “; and the notice must specify the bishop’s reasons for imposing the suspension”.
4. Clause 2, page 3, line 43, leave out “applies to the further suspension as it” and insert “and this subsection apply to the further suspension as they”.
5. Clause 2, page 4, line 7, leave out “applies in relation to the further suspension as it” and insert “and this subsection apply to the further suspension as they”.
6. Clause 2, page 4, leave out lines 28 to 30.
7. Clause 2, page 4, line 33, leave out “it has for the time being”.
8. Clause 2, page 5, line 9, at end insert—:  
“( ) After subsection (1) of that section insert—  
“(1A) A reference in this Measure to an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 is a reference to an offence which is—  
(a) mentioned in that Schedule as amended, extended or applied from time to time, or  
(b) treated by an enactment (whenever passed or made) as if it were mentioned in that Schedule.””.
9. Clause 3, page 5, line 44, after “synod)” insert “—  
(a) in sub-paragraph (e), for “46A(c)” substitute “46A(1)(c)”, and  
(b) ”.
10. Clause 3, page 6, line 33, after “writing” insert “; and the notice must specify the bishop’s reasons for imposing the suspension”.
11. Clause 3, page 7, line 16, leave out “applies to the further suspension as it” and insert “and this paragraph apply to the further suspension as they”.
12. Clause 3, page 7, line 24, leave out “applies to the further suspension as it” and insert “and this paragraph apply to the further suspension as they”.
13. Clause 3, page 7, line 42, leave out “for the time being”.

14. Clause **3**, page **8**, line **6**, at end insert—  
“( ) In that rule, after paragraph (8) insert—  
“(9) A reference in these Rules to an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 is a reference to an offence which is—  
(a) mentioned in that Schedule as amended, extended or applied from time to time, or  
(b) treated by an enactment (whenever passed or made) as if it were mentioned in that Schedule.””.
15. Clause **8**, page **13**, line **5**, after “must” insert “—:  
(a) when seeking the consent of the two diocesan bishops under subsection (2) or (3) (as the case may be), provide each of them with a copy of the registrar’s report, and  
(b) ”.
16. Clause **10**, page **13**, line **44**, at end insert—:  
“( ) After subsection (4) of that section insert—  
“(4A) On a reconsideration following a direction under subsection (4)(b), the bishop may nonetheless exercise the power under subsection (3) and, if the bishop does so, must give notice in accordance with that subsection; and subsection (4) and this subsection apply accordingly.””.
17. Clause **10**, page **14**, line **1**, leave out subsection (2).
18. Clause **10**, page **14**, line **11**, at end insert—:  
“( ) After subsection (3) of that section insert—  
“(4) On a reconsideration following a direction under subsection (3)(b), the bishop may nonetheless decide under section 12(1)(a) to take no further action; and, if the bishop does so, this section applies accordingly.””.

**PART 2**  
**EXPLANATION OF DRAFTING AMENDMENTS TO THE DRAFT MEASURE**

**Amendments 1, 7 and 13:** to improve the drafting by removing some unnecessary words.

**Amendments 2, 6, 8 and 14:** to improve the drafting to achieve consistency with regard to references to offences mentioned in Schedule 1 to the Children and Young Persons Act 1933 and to clarify the position in respect of future amendments to Schedule 1.

**Amendments 3 and 10:** to clarify that a notice of suspension must state the bishop's reasons.

**Amendments 4, 5, 11 and 12:** to clarify that suspensions may be renewed more than once.

**Amendment 9:** to improve the drafting consequential upon the division of rule 46 into numbered paragraphs.

**Amendment 15:** to clarify that the registrar's report must be shown to the two bishops when the archbishop is seeking their consent.

**Amendments 16, 17 and 18:** to improve the drafting so as to spell out what the bishop may do where cases are remitted by the President of Tribunals to the bishop.

**PART 1**  
**DRAFTING AMENDMENTS TO THE DRAFT AMENDING CANON**

**Paragraph 2(3) (Canon C 8):**

1. In the new paragraph 8(2), in the definition of “vulnerable adult”, leave out “for the time being”.

**Paragraph 3 (new Canon C 30):**

2. In the new paragraph 1(1), leave out “Every bishop” and insert “The bishop of each diocese”.
3. In the new paragraph 2(1), leave out “in accordance with Canon C 8”.
4. In the new paragraph 6, in the definition of “vulnerable adult”, leave out “for the time being”.

**Paragraph 4(2) (Canon E 6):**

5. In the new paragraph 3C, leave out “3B” and insert “3B(a)”.
6. In the new paragraph 3D, leave out “3B” and insert “3B(a)”.

**Paragraph 4(3) (Canon E 6):**

7. In the new paragraph 7(7), leave out “applies to the further suspension as it” and insert “and this paragraph apply to the further suspension as they”.
8. In the new paragraph 7(9), leave out “applies to the further suspension as it” and insert “and this paragraph apply to the further suspension as they”.
9. In the new paragraph 10, in the definition of “vulnerable adult”, leave out “for the time being”.
10. At the end of the new paragraph 10 insert—:  
    “(c) a reference to an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 is to be read in the same way as a reference in the Churchwardens Measure 2001 or the Church Representation Rules to such an offence.”.

**Paragraph 5(2) (Canon E 8):**

11. In the new paragraph 5C, leave out “5B” and insert “5B(a)”.
12. In the new paragraph 5D, leave out “5B” and insert “5B(a)”.

**Paragraph 5(3) (Canon E 8)**

13. In the new paragraph 9(7) leave out “applies to the further suspension as it” and insert “and this paragraph apply to the further suspension as they”.

14. In the new paragraph 9(9) leave out “applies to the further suspension as it” and insert “and this paragraph apply to the further suspension as they”.
15. In the new paragraph 12, in the definition of “vulnerable adult”, leave out “for the time being”.
16. At the end of the new paragraph 12 insert:
  - “(c) a reference to an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 is to be read in the same way as a reference in the Churchwardens Measure 2001 or the Church Representation Rules to such an offence.”.

## **PART 2 EXPLANATION OF DRAFTING AMENDMENTS TO THE DRAFT AMENDING CANON**

**Amendments 1, 4, 9 and 15:** to improve the drafting by removing some unnecessary words.

**Amendment 2:** to clarify that it is the diocesan bishop who must appoint a safeguarding advisor.

**Amendment 3:** to clarify that all bishops who hold office in a province or have authority to officiate in a diocese within the province may be directed to undergo a risk assessment; this amendment was made by the Revision Committee but was inadvertently omitted from the subsequent reprint of the draft Amending Canon.

**Amendments 5, 6, 11 and 12:** to clarify that these provisions do not apply to capability procedures (which have their own procedural requirements in accordance with Codes of Practice made under the Ecclesiastical Offices (Terms of Service) Regulations).

**Amendments 7, 8, 13 and 14:** to clarify that suspensions may be renewed more than once.

**Amendments 10 and 16:** to improve the drafting to achieve consistency with regard to references to offences mentioned in Schedule 1 of the Children and Young Persons Act 1933 and to clarify the position in respect of future amendments to Schedule 1.