

GENERAL SYNOD

DRAFT AMENDING CANON No. 34

(Of relations with other Churches, Of ministers exercising their ministry, Of diocesan bishops, Of risk assessment, Of the licensing of readers, Of the admission and licensing of lay workers)

1. (1) Canon B 43 (Of relations with other Churches) is amended as follows.
 - (2) In paragraph 1(1), omit “in good standing”.
 - (3) In paragraph 1(2), after “may be given only if” insert “the incumbent, having made such enquiries as are appropriate in all the circumstances, is satisfied that the minister or lay person is of good standing and—”
2. (1) Canon C 8 (Of ministers exercising their ministry) is amended as follows.
 - (2) In paragraph 2, in paragraph (a), for “and otherwise qualified under this Canon” substitute “and that he has authority to officiate in accordance with this Canon (whether in that or another diocese)”.
 - (3) After paragraph 5 insert—
 - “6. A minister who **does not have authority to officiate in accordance with this Canon** or is prohibited or suspended under the Clergy Discipline Measure 2003 from exercising the functions of his Orders may not vest in a church or chapel **during** divine service.
 7. The minister having the cure of souls of a church or chapel or the sequestrator when the cure is vacant or the dean or provost and the canons residentiary of any cathedral or collegiate church may not allow a minister to officiate or vest in the church or chapel if they know that the minister **does not have authority to officiate, or is prohibited or suspended, as mentioned in paragraph 6.**
 8. (1) A minister who has authority to officiate in a diocese in accordance with this Canon shall participate in such arrangements as the bishop of the diocese approves for the provision of training in matters relating to the safeguarding of children and vulnerable adults.
 - (2) In this paragraph—
“child” means a person aged under 18, and

“vulnerable adult” has the meaning that it has for the time being in the Safeguarding and Clergy Discipline Measure 20--”.

3. After Canon C 29 insert—

“C 30 Of safeguarding

1 (1) Every bishop shall appoint a person (to be known as the “diocesan safeguarding advisor”) to advise the bishop on matters relating to the safeguarding of children and vulnerable adults.

(2) The House of Bishops may by Regulations make further provision about diocesan safeguarding advisors; and the Regulations may, in particular—

- (a) make provision as to eligibility for appointment as a diocesan safeguarding advisor;**
- (b) make provision conferring functions on persons appointed as diocesan safeguarding advisors.**

(3) The House of Bishops may by Regulations amend or revoke any Regulations made under this paragraph.

2. (1) An archbishop may, in a case where the archbishop is satisfied that it is justified in all the circumstances to do so, direct a bishop who holds office in the archbishop’s province **or has authority to officiate in a diocese in the archbishop’s province in accordance with Canon C8**, or direct the archbishop of the other province, to undergo a risk assessment.

(2) The bishop of a diocese may, in a case where the bishop is satisfied that it is justified in all the circumstances to do so, direct a priest or deacon who **has authority to officiate in the diocese in accordance with Canon C 8** to undergo a risk assessment.

(3) A “risk assessment”, in relation to an archbishop, bishop, priest or deacon, is an assessment of whether there is a significant risk that the archbishop, bishop, priest or deacon **may—**

- (a) harm a child or vulnerable adult,
- (b) cause a child or vulnerable adult to be harmed,
- (c) put a child or vulnerable adult at risk of harm,
- (d) attempt to harm a child or vulnerable adult, or

(e) incite another person to harm a child or vulnerable adult.

(4) A direction under this paragraph must be in writing and must be accompanied by a written explanation of the reasons why it is being given.

(5) An archbishop, bishop, priest or deacon to whom a direction under this paragraph is given may request the president of tribunals to review the direction.

(6) A request under paragraph (5) must be in writing and must be made before the end of—

- (a) 21 days beginning with the day on which the direction is given, or
- (b) such longer period as the president of tribunals may permit on an application by the archbishop, bishop, priest or deacon.

(7) In response to a request under paragraph (5), the president of tribunals may—

- (a) uphold the direction to which the request relates, or
- (b) if the president considers the direction to be plainly wrong, revoke it.

(8) A failure to comply with a direction under this paragraph without reasonable excuse is to be regarded for the purposes of section 8(1) of the Clergy Discipline Measure 2003 as a failure to do an act required by the laws ecclesiastical.

(9) The archbishop may revoke a direction which the archbishop has given under this paragraph; and the bishop of a diocese may revoke a direction which the bishop has given under this paragraph.

3. (1) The House of Bishops **shall** by Regulations make provision about the carrying out of a risk assessment; and the Regulations **must**, in particular, make provision as to—

- (a) the persons who may carry out a risk assessment;
- (b) the procedure for carrying out a risk assessment;
- (c) the procedure for challenging the outcome of a risk assessment.

(2) The House of Bishops may by Regulations amend or revoke any Regulations made under **this paragraph**.

(3) Regulations under this paragraph shall be laid before the General Synod and shall not come into operation unless and until they have been approved by the General Synod.

(4) Where the Business Committee of the General Synod determines that regulations under this paragraph do not need to be debated by the General Synod then, unless notice is given by a member of the General Synod in accordance with its Standing Orders that the member wishes the regulations to be debated, the regulations shall for the purposes of paragraph (1) be deemed to have been approved by the General Synod.

4. Regulations under this Canon may confer a discretion.
5. A reference in this Canon to the president of tribunals is to the president of tribunals for the purposes of the Clergy Discipline Measure 2003; and section 4(3) and (4) of that Measure (delegation of functions) applies to the functions of the president under this Canon.

6. In this Canon—

“child” means a person aged under 18,
“vulnerable adult” has the meaning that it has for the time being in the Safeguarding and Clergy Discipline Measure 20--.”

4. (1) Canon E 6 (Of the licensing of readers) is amended as follows.
 - (2) After paragraph 3B insert—

“3C. The bishop of a diocese may suspend a licence granted to a reader by giving the person notice in writing, pending a decision on whether to revoke the licence under paragraph 3 or 3B.”
- (3) After paragraph 4 insert—
 - “5. (1) The bishop of a diocese may not license a person to exercise the office of reader in the diocese unless the bishop is satisfied that the person has undergone suitable training in matters relating to the safeguarding of children and vulnerable adults.

(2) The bishop of a diocese shall ensure that there are arrangements in place for providing persons licensed to exercise

the office of reader in the diocese with suitable training in matters relating to the safeguarding of children and vulnerable adults.

6. (1) A person is disqualified from exercising the office of reader in any diocese if the person—

- (a) has been convicted of an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933, or
- (b) is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006).

(2) Accordingly, the bishop of a diocese may not license a person who is disqualified under paragraph (1) to exercise the office of reader; and where a person who is so licensed is disqualified under paragraph (1), the bishop shall revoke the licence by giving the person notice in writing.

(3) The bishop of a diocese may waive a person's disqualification under paragraph (1)(a) by giving the person notice in writing; and where the bishop does so, sub-paragraph (2) does not apply in that person's case to the extent necessary for giving effect to the notice.

(4) A notice under paragraph (3) must specify the bishop's reasons for giving the waiver.

(5) A waiver under paragraph (3)—

- (a) is of unlimited duration, and**
- (b) has effect in every diocese.**

(6) Before giving a waiver under paragraph (3), the bishop must consult—

- (a) the diocesan safeguarding advisor, and**
- (b) such other persons as the bishop considers appropriate.**

(7) On giving a notice under paragraph (3), the bishop shall give a copy to the registrar of the diocese for filing in the diocesan registry.

7 (1) **This paragraph applies where—**

- (a) a person who is licensed to exercise the office of reader in a diocese is arrested on suspicion of**

committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 or is charged with such an offence without being arrested, or

- (b) the bishop of a diocese is satisfied, on the basis of information provided by a local authority or the police, that a person who is so licensed in the diocese presents a significant risk of harm.

(2) The bishop of the diocese may suspend the person's licence by giving the person notice in writing.

(3) The bishop may revoke a suspension under this paragraph by giving the person notice in writing.

(4) For the purposes of paragraph (1)(b), a person presents a significant risk of harm if there is a significant risk that the person may—

- (a) harm a child or vulnerable adult,
- (b) cause a child or vulnerable adult to be harmed,
- (c) put a child or vulnerable adult at risk of harm,
- (d) attempt to harm a child or vulnerable adult, or
- (e) incite another person to harm a child or vulnerable adult.

(5) Before suspending a person in reliance on paragraph (1)(b), or revoking a suspension made in reliance on paragraph (1)(b), a bishop must consult—

- (a) the diocesan safeguarding advisor, and
- (b) such other persons as the bishop considers appropriate.

(6) Where, in reliance on paragraph (1)(a), a notice of suspension is given under paragraph (2) and the suspension has not been revoked under paragraph (3), the suspension continues until the earlier of—

- (a) the expiry of three months beginning with the day on which the notice is given, and
- (b) the conclusion of the matter.

(7) If, in the case of a suspension made in reliance on paragraph (1)(a), the matter is not concluded before the expiry of the period referred to in paragraph (6)(a), a further notice of

suspension may be given under paragraph (2) to the person; and paragraph (6) applies to the further suspension as it applied to the earlier suspension or suspensions.

(8) Where, in reliance on paragraph (1)(b), a notice of suspension is given under paragraph (2) and the suspension has not been revoked under paragraph (3), the suspension continues until the expiry of three months beginning with the day on which the notice is given.

(9) In the case of a suspension made in reliance on paragraph (1)(b), a further notice of suspension may be given under paragraph (2); and paragraph (8) applies to the further suspension as it applied to the earlier suspension or suspensions.

(10) Having served a notice of suspension or revocation under this paragraph, the bishop shall give each of the following written notification—

- (a) the archdeacon of each archdeaconry in the diocese,
- (b) the rural dean or the area dean of each deanery in which the person is licensed to exercise his office,
- (c) the clergy who hold office in each parish in which the person is so licensed,
- (d) the churchwardens of each parish in which the person is so licensed,
- (e) each suffragan bishop of the diocese,
- (f) the registrar of the diocese,
- (g) the diocesan safeguarding advisor, and
- (h) such other persons as the bishop considers appropriate.

(11) The registrar shall file the notification given under paragraph (10)(f) in the diocesan registry.

(12) For the purposes of this paragraph, a matter is concluded when—

- (a) a decision is taken not to charge the person with the offence in question, or
- (b) where the person is charged with the offence, the proceedings for the offence are concluded.

8 (1) A person to whom a notice of suspension is given under paragraph 7(2) may appeal against the suspension to the president of tribunals.

(2) On an appeal under this paragraph, the president of tribunals may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.

9 A person whose licence to exercise the office of reader is revoked or suspended may not vest in a church or chapel during divine service.

10 In this Canon—

**“child” means a person aged under 18, and
“vulnerable adult” has the meaning that it has for the time being in the Safeguarding and Clergy Discipline Measure 20--”.**

5. (1) Canon E 8 (Of the admission and licensing of lay workers) is amended as follows.

(2) After paragraph 5B insert—

“5C. The bishop of a diocese may suspend a licence granted to a lay worker by giving the person notice in writing, pending a decision on whether to revoke the licence under paragraph 5 or 5B.”

(3) After paragraph 6 insert—

“7 (1) The bishop of a diocese may not license a person as a lay worker unless the bishop is satisfied that the person has undergone suitable training in matters relating to the safeguarding of children and vulnerable adults.

(2) The bishop of a diocese shall ensure that there are arrangements in place for ensuring that persons licensed as lay workers in the diocese are provided with suitable training in matters relating to the safeguarding of children and vulnerable adults.

8. (1) A person is disqualified from serving as a lay worker in any diocese if the person—

- (a) has been convicted of an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933, or
- (b) is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006).

(2) Accordingly, the bishop of a diocese may not license a person who is disqualified under paragraph (1) to serve as a lay worker; and where a person who is so licensed is disqualified under paragraph (1), the bishop shall revoke the licence by giving the person notice in writing.

(3) The bishop of a diocese may waive a person's disqualification under paragraph (1)(a) by giving the person notice in writing; and where the bishop does so, sub-paragraph (2) does not apply in that person's case to the extent necessary for giving effect to the notice.

(4) A notice under paragraph (3) must specify the bishop's reasons for giving the waiver.

(5) A waiver under paragraph (3)—

- (a) is of unlimited duration, and**
- (b) has effect in every diocese.**

(6) Before giving a waiver under paragraph (3), the bishop must consult—

- (a) the diocesan safeguarding advisor, and**
- (b) such other persons as the bishop considers appropriate.**

(7) On giving a notice under paragraph (3), the bishop shall give a copy to the registrar of the diocese for filing in the diocesan registry.

9 (1) This paragraph applies where—

- (a) a person who is licensed to serve as a lay worker in a diocese is arrested on suspicion of committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 or is charged with such an offence without being arrested, or**

(b) the bishop of a diocese is satisfied, on the basis of information provided by a local authority or the police, that a person who is so licensed in the diocese presents a significant risk of harm.

(2) The bishop of the diocese may suspend the person's licence by giving the person notice in writing.

(3) The bishop may revoke a suspension under this paragraph by giving the person notice in writing.

(4) For the purposes of paragraph (1)(b), a person presents a significant risk of harm if there is a significant risk that the person may—

- (a) harm a child or vulnerable adult,**
- (b) cause a child or vulnerable adult to be harmed,**
- (c) put a child or vulnerable adult at risk of harm,**
- (d) attempt to harm a child or vulnerable adult, or**
- (e) incite another person to harm a child or vulnerable adult.**

(5) Before suspending a person in reliance on paragraph (1)(b), or revoking a suspension made in reliance on paragraph (1)(b), a bishop must consult—

- (a) the diocesan safeguarding advisor, and**
- (b) such other persons as the bishop considers appropriate.**

(6) Where, in reliance on paragraph (1)(a), a notice of suspension is given under paragraph (2) and the suspension has not been revoked under paragraph (3), the suspension continues until the earlier of—

- (a) the expiry of three months beginning with the day on which the notice is given, and**
- (b) the conclusion of the matter.**

(7) If, in the case of a suspension made in reliance on paragraph (1)(a), the matter is not concluded before the expiry of the period referred to in paragraph (6)(a), a further notice of suspension may be given under paragraph (2) to the person; and paragraph (6) applies to the further suspension as it applied to the earlier suspension or suspensions.

(8) Where, in reliance on paragraph (1)(b), a notice of suspension is given under paragraph (2) and the suspension has not been revoked under paragraph (3), the suspension continues until the expiry of three months beginning with the day on which the notice is given.

(9) In the case of a suspension made in reliance on paragraph (1)(b), a further notice of suspension may be given under paragraph (2) to the person; and paragraph (8) applies to the further suspension as it applied to the earlier suspension or suspensions.

(10) Having served a notice of suspension or revocation under this paragraph, the bishop shall give each of the following written notification—

- (a) the archdeacon of each archdeaconry in the diocese,**
- (b) the rural dean or the area dean of each deanery in which the person is licensed to serve as a lay worker,**
- (c) the clergy who hold office in each parish in which the person is so licensed,**
- (d) the churchwardens of each parish in which the person is so licensed,**
- (e) each suffragan bishop of the diocese,**
- (f) the registrar of the diocese,**
- (g) the diocesan safeguarding advisor, and**
- (h) such other persons as the bishop considers appropriate.**

(11) The registrar shall file the notification given under paragraph (10)(f) in the diocesan registry.

(12) For the purposes of this paragraph, a matter is concluded when—

- (a) a decision is taken not to charge the person with the offence in question, or**
- (b) where the person is charged with the offence, the proceedings for the offence are concluded.**

10 (1) A person to whom a notice of suspension is given under paragraph 9(2) may appeal against the suspension to the president of tribunals.

(2) On an appeal under this paragraph, the president may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.

11 A person whose licence to serve as a lay worker is revoked or suspended may not vest in a church or chapel during divine service.

12 In this Canon—

**“child” means a person aged under 18, and
“vulnerable adult” has the meaning that it has for the time
being in the Safeguarding and Clergy Discipline Measure
20—”.**

6. The preceding provisions of this Canon come into force on such day as the Archbishops of Canterbury and York may jointly appoint; and different days may be appointed for different purposes.