

**AMENDING CODE OF PRACTICE
UNDER THE CLERGY DISCIPLINE MEASURE 2003**

This Amending Code of Practice is issued by the Clergy Discipline Commission under section 39 of the Clergy Discipline Measure 2003.

The Code of Practice previously issued by the Clergy Discipline Commission which was approved by the General Synod on 9th July 2005, and amended by Amending Codes of Practice approved by the General Synod in February 2011 and July 2013, shall be amended as follows:

1. Paragraph 34

There are added to the last sentence of paragraph 34 the words “, and a friend or relative of a person who has been sexually abused will have a proper interest to make a complaint especially if asked to do so by that person”.

2. Paragraph 56

There is added to the end of paragraph 56 the following sentence:

“The one year time limit for making a complaint does not apply where the misconduct in question is conduct of a sexual nature towards (a) a child, or (b) an adult if the President considers the adult was a vulnerable adult at the time of the conduct.”.

3. Paragraph 59

In paragraph 59 for the words “produce within 14 days written confirmation from the appropriate authority that it has been reported” there are substituted the words “do so”.

4. Paragraph 99

There is added to the end of paragraph 99 the following sentence:

“If the bishop becomes aware that an application has been made to the President for permission to make a complaint out of time, the bishop should ensure that appropriate pastoral support is available for the respondent.”.

5. Paragraph 108

There is added to the end of paragraph 108 the following sentence:

“The President can uphold the dismissal, reverse it, or remit the complaint back to the bishop with a direction that the bishop is to reconsider the dismissal.”.

6. Paragraph 109

Paragraph 109 is amended as follows:

- a) after the words “The decision to dismiss the complaint can be reversed” insert the words “or remitted back to the bishop for reconsideration”; and
- b) the words “; the President will reverse it only if the bishop’s decision to dismiss was one that could not reasonably have been made in all the circumstances put before the bishop” are omitted.

7. Paragraph 122

There is added to the end of paragraph 122 the following sentence:

“The President can uphold the bishop’s decision, overrule it, or remit the matter back to the bishop with a direction that the bishop is to reconsider the decision to take no further action.”.

8. Paragraph 123

Paragraph 123 is amended as follows:

- a) after the words “can be overruled” there are inserted the words “or remitted back to the bishop for reconsideration”; and
- b) for the words “, and in those circumstances” there are substituted the words “. Where the President overrules the bishop”.

9. Paragraph 147

There is added to the end of paragraph 147 the following sentence:

“The respondent should be encouraged to take legal advice before consenting to a penalty.”.

10. Paragraph 157

In paragraph 157 for the words “consult his or her spouse (if married) and other close family members” there are substituted the words “consult his or her spouse (if married), other close family members, and his or her legal advisor,”.

11. Paragraph 164

In paragraph 164 for the words “considering imposing” there are substituted the words “proposing to impose”.

12. Paragraph 169

In paragraph 169 for the words “considering imposing” there are substituted the words “proposing to impose”.

13. Paragraph 194

Paragraph 194 is amended as follows:

- a) after the words “send a copy to the other party” there are inserted the words “and to the bishop”; and
- b) for the words “invite the other party” there are substituted the words “invite each of them”.

14. New paragraphs after paragraph 221

After paragraph 221 there are inserted the following new paragraphs:

- “(–) Where an application is made to the President by a complainant for permission to make a complaint out of time, the bishop may impose a suspension on a priest or deacon pending determination of the application. If the President dismisses the application the suspension will end.
- (–) The bishop may also impose a suspension if satisfied, on the basis of information provided by a local authority or the police, that a priest or deacon presents a significant risk of harm to a child or vulnerable adult – such a suspension can be imposed where a complaint under the Clergy Discipline Measure has not been made.”.

15. Paragraph 222

Paragraph 222 is amended as follows:

- a) after the words “or criminal proceedings end,” there are inserted the words “the application to the President is dismissed”; and
- b) for the words “meanwhile finished or a penalty imposed” there are substituted the words “meanwhile finished, the application has not been determined or a penalty has not been imposed”.

16. Paragraph 223

For the whole of paragraph 223 there is substituted the following paragraph:

“Where a suspension is imposed, the bishop must notify certain persons named in the *Clergy Discipline Rules 2005* of the suspension, such as the archdeacon and the rural or area dean. The bishop may also notify any other person whom the bishop considers should be notified of the suspension. The

priest's or deacon's congregation should normally be notified when a suspension has been imposed.”.

17. Paragraph 234

In paragraph 234 for the words “and diocesan bishops and registrars” there are substituted the words “, diocesan bishops, registrars and the Designated Officer”.

18. Paragraph 255

After the first sentence in paragraph 255 there is inserted the sentence:

“It may also be available in respect of an appeal against suspension imposed under sections 36(6) or 37(6) of the Clergy Discipline Measure on the basis of information received from a local authority or the police in a safeguarding case.”

19. Appendix A

Contact details for diocesan bishops and legal officeholders are updated as appropriate.

20. Appendix B4

After the words “within a further 21 day period.” there is inserted the following new paragraph:

“I also enclose a copy of the leaflet *A complaint has been made about me – what happens now?* I hope you will find it helpful as an introductory guide to the Clergy Discipline Measure. More detailed guidance is set out in the Code of Practice, which you can access at: www.churchofengland.org/about-us/structure/churchlawlegis/clergydiscipline/cdmcode.aspx”.

21. Consequential changes

The Contents page, marginal notes and paragraph numbers are amended consequentially upon the amendments identified above.

22. Commencement

This Amending Code of Practice shall come into force on a date for issue appointed by the Clergy Discipline Commission.

On behalf of the Clergy Discipline Commission
Sir Andrew McFarlane (Chair)

April 2016