

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 readers)

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 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 which is being used for 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—
      - (a) does not have authority to officiate in accordance with this Canon, or
      - (b) 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. In Canon C 18 (Of diocesan bishops), after paragraph 8 insert—

“9. (1) Every bishop shall appoint a person (a “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 safeguarding advisors; and the Regulations may, in particular—

(a) make provision as to eligibility for appointment as a safeguarding advisor;

(b) make provision for conferring functions on persons appointed as safeguarding advisors.

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

(4) 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--”.

4. After Canon C 29 insert—

**“C 30 Of risk assessment**

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 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 holds preferment in the diocese 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 will—

(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 Canon 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 Canon 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 Canon 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 Canon; and the bishop of a diocese may revoke a direction which the bishop has given under this Canon.
  10. The House of Bishops may by Regulations make provision about the carrying out of a risk assessment; and the Regulations may, 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.
  11. The House of Bishops may by Regulations amend or revoke any Regulations made under paragraph 10.

12. Regulations under this Canon must be laid before the General Synod.
  13. Regulations under this Canon may confer a discretion.
  14. 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.
  15. In this Canon—
    - “child” means a person aged under 18,
    - “preferment” has the same meaning as in the Clergy Discipline Measure 2003, 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 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.
      - (3) 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--”.
  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) 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) Where 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, the bishop of the diocese may, pending a conclusion of the matter, suspend the person's licence by giving the person notice in writing.

(2) For the purposes of paragraph (1), there is a conclusion of the matter when—

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

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

6. (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.

(3) 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--.

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) 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) Where a person who is licensed to serve as a lay worker is arrested on suspicion of committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933, the

bishop may, pending a conclusion of the matter, suspend the person's licence by giving the person notice in writing.

(2) For the purposes of paragraph (1), there is a conclusion of the matter when—

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

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