

Safeguarding (Code of Practice) Measure

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DRAFT OF A MEASURE to make provision for a code of practice on safeguarding children and vulnerable adults.

1 Code of Practice

After section 5 of the Safeguarding and Clergy Discipline Measure 2016 insert—

“5A Code of Practice

- (1) The House of Bishops must issue, and may from time to time revise, a code of practice for relevant persons on safeguarding children and vulnerable adults. 5
- (2) Each of the following is a relevant person—
 - (a) a clerk in Holy Orders who is authorised to officiate in accordance with the Canons; 10
 - (b) an archbishop;
 - (c) a diocesan, suffragan or assistant bishop;
 - (d) an archdeacon;
 - (e) a person who is licensed to exercise the office of reader or serve as a lay worker; 15
 - (f) a churchwarden;
 - (g) a parochial church council;
 - (h) the Chapter of a cathedral;
 - (i) the Diocesan Board of Education for a diocese (see subsection (8)); 20
 - (j) the Diocesan Board of Finance for a diocese;
 - (k) any other diocesan body as defined by section 19(1) of the Dioceses, Pastoral and Mission Measure;
 - (l) a body established to carry out a mission initiative as defined by section 80(1) of the Mission and Pastoral Measure 2011; 25
 - (m) a person who is an officer or member of staff of the Archbishops’ Council, or who provides services to the Archbishops’ Council, and whose work to any extent relates to safeguarding children and vulnerable adults;
 - (n) a person who works (on any basis) in a diocese or parish, or at a cathedral or for the purposes of a mission initiative, and whose work to any extent relates to safeguarding children and vulnerable adults. 30
- (3) The code may impose requirements on, and give guidance to, relevant persons. 35
- (4) A relevant person must, accordingly, comply with a requirement imposed on that person by the code.

- (5) The code may specify exceptions to any requirement it imposes.
- (6) The code may also authorise a person of a specified description to make an exception, in the case of a particular relevant person, to a requirement imposed by the code; and the relevant person in question may rely on that exception as if it were specified in the code. 5
- (7) The House of Bishops may, for the purposes of subsection (1), issue and revise separate codes for different matters; and, where there are separate codes, a reference in this or any other Measure, or in an instrument made under a Measure, to the code under this Measure is to be read as a reference to each of those codes. 10
- (8) The reference in subsection (2)(i) to the Diocesan Board of Education for a diocese is a reference –
- (a) where the Board is a company or charitable incorporated organisation, to the Board itself;
 - (b) where the Board is an unincorporated body, to a member of the Board; 15
 - (c) where the Diocesan Board of Finance for the diocese is designated as the Diocesan Board of Education under section 3 of the Diocesan Boards of Education Measure 2021, to a member of the committee established by virtue of that section.”. 20

2 Amendments and repeals

- (1) Section 5(1) to (2A) of the Safeguarding and Clergy Discipline Measure 2016 (duty to have due regard to House of Bishops’ guidance) is repealed.
- (2) In Section A of Part 9 of the Church Representation Rules (model rules: annual parochial church meeting), in Rule M5 (annual report), in paragraph (3), for the words from “the duty under section 5” to the end substitute “the requirements imposed by the code under section 5A of the Safeguarding and Clergy Discipline Measure 2016”. 25
- (3) In section 8 of the Clergy and Discipline Measure 2003 (misconduct), for paragraph (aa) substitute – 30
- “(aa) failure to comply with a requirement imposed by the code under section 5A of the Safeguarding and Clergy Discipline Measure 2016;”.
- (4) Section 35 of the Cathedrals Measure 2021 (duty for Chapters to have due regard to House of Bishops’ guidance) is repealed. 35
- (5) Section 13 of the Diocesan Boards of Education Measure 2021 (duty for Boards to have due regard to House of Bishops’ guidance) is repealed.

3 Short title, commencement and extent

- (1) This Measure may be cited as the Safeguarding (Code of Practice) Measure 2021. 40
- (2) This section comes into force on the day on which this Measure is passed.
- (3) Sections 1 and 2 come into force on such day as the Archbishops of Canterbury and York may by order jointly appoint; and different days may be appointed for different purposes.

- (4) The Archbishops of Canterbury and York may by order jointly make transitional, transitory or saving provision in connection with the commencement of a provision of this Measure.
- (5) Transitory provision in an order under subsection (4) may in particular modify the application of a provision of this Measure pending the commencement of a provision of another Measure. 5
- (6) The power to make an order under subsection (3) or (4) is exercisable by statutory instrument; and the Statutory Instruments Act 1946 applies as if the order had been made by a Minister of the Crown and as if this Measure were an Act of Parliament. 10
- (7) This Measure extends to—
 - (a) the whole of the province of Canterbury, except the Channel Islands (subject to subsection (8)),
 - (b) the whole of the province of York, except the Isle of Man (subject to subsection (9)). 15
- (8) This Measure may be applied to the Channel Islands or either of them, with or without modifications, under any procedure for doing so which has effect in the Islands or (as the case may be) the Island in question; and for this purpose, the references to the Channel Islands or either of them have the same meaning as references to the Bailiwicks or either of them have in the Channel Islands Measure 2020. 20
- (9) If an Act of Tynwald or an instrument made under an Act of Tynwald so provides, this Measure extends to the Isle of Man subject to such exceptions, adaptations or modifications as are specified in the Act or instrument.