

GENERAL SYNOD

APRIL GROUP OF SESSIONS 2021

FOURTH NOTICE PAPER

MOTIONS AND AMENDMENTS

Amendments will subsequently be marshalled, in the order in which they are to be taken, on the relevant Order Paper.

ITEM 28

HIS ROYAL HIGHNESS THE PRINCE PHILIP, DUKE OF EDINBURGH

The Archbishop of Canterbury to move:

‘That this Synod request that Presidents convey to Her Majesty the heartfelt sympathy of the Archbishops, Bishops, Clergy and Laity of the General Synod of the Church of England on the death of His Royal Highness The Prince Philip, Duke of Edinburgh, assuring Her Majesty of the honour in which his memory will be held by them and of their prayers for Her Majesty and all the Royal Family.’

Note: This item has been added to the Agenda under the direction of the Presidents (SO 4(3)).

DRAFT SAFEGUARDING (CODE OF PRACTICE) MEASURE (GS 2182)

Draft Measure for Revision in Full Synod

The Chair of the Steering Committee (The Right Worshipful Morag Ellis QC) (Dean of the Arches and Auditor) to move the following amendments:

Clause 1, page 1, line 34, leave out “, and give guidance to, relevant persons” and insert “relevant persons and may give guidance to relevant persons on compliance with those requirements”.

Explanatory statement

This is a drafting amendment to subsection (3) of the proposed new section 5A to be inserted in the Safeguarding and Clergy Discipline Measure 2016. The amendment would clarify that the guidance included in the Code of Practice will be guidance on how to comply with the requirements imposed by the Code. Annex B of GS Misc 1271 shows how the text of section 5A(3) would look if this amendment were made.

Clause 1, page 2, line 10, after “each” insert “or any”.

Explanatory statement

This is a drafting amendment to subsection (7) of the proposed new section 5A to be inserted in the Safeguarding and Clergy Discipline Measure 2016. It would ensure that, where there are separate Codes of Practice for different matters, statutory references to “the code” would be read as including any or all of those separate codes as appropriate, depending on the context. Annex B of GS Misc 1271 shows how the text of section 5A(7) would look if this amendment were made.

Clause 1, page 2, line 20, after “section.”” insert—

“(9) The Archbishops’ Council may by order amend this section so as to add, vary or omit a reference to a relevant person; and section 6 applies to an order under this section as it applies to an order under that section.”

Explanatory statement

This would insert a new subsection (9) in the proposed new section 5A to be inserted in the Safeguarding and Clergy Discipline Measure 2016. It would give the Archbishops’ Council a power to amend by secondary legislation the list of “relevant persons” in subsection (2) of the new section 5A.

The reference in this amendment to “section 6” is to section 6 of the 2016 Measure (which gives a power to amend by secondary legislation

the definition of “vulnerable adult”) and the purpose of that reference here is to apply the procedural requirements in that section. Therefore, an order to amend the list of “relevant persons” would be subject to approval by the General Synod and members of Synod would have the right to propose amendments.

Annex B of GS Misc 1271 shows how the new section 5A would look if this amendment were made.

Clause 1, page 2, line 20, after “section.”” insert—

“5B Code of Practice: consultation

- (1) Before issuing or revising the code under section 5A, the House of Bishops must be satisfied that sufficient and appropriate consultation has been carried out.
- (2) In deciding whether it is satisfied for the purposes of subsection (1), the House of Bishops must, in particular, assess whether and, if so, to what extent it would be appropriate to consult the following—
 - (a) persons, or groups of persons, who have suffered violence, abuse, neglect or exploitation in a setting or relationship to which the code applies;
 - (b) the president or deputy president of tribunals;
 - (c) the Standing Committee of the House of Clergy;
 - (d) the Standing Committee of the House of Laity.”

Explanatory statement

This would insert a new section 5B in the Safeguarding and Clergy Discipline Measure 2016. It would require that the House of Bishops

must be satisfied that “sufficient and appropriate” consultation has taken place before it issues or revises the Code or any separate Codes.

In practice, the consultation would be undertaken by the National Safeguarding Team (NST), who would decide whom to consult, depending on the matters to which the consultation relates. The list in paragraphs (a) to (d) is not exhaustive or obligatory. But to the extent that the consultees in any given case did not include the persons listed in paragraphs (a) to (d), the NST would have to be ready to explain why to the House of Bishops.

On the list itself, the wording in paragraph (a) is based on the definition of “vulnerable adult” in section 6 of the 2016 Measure. On paragraph (b), it is thought that the president of tribunals (or, in her absence, her deputy) would have a good overall view of recent complaints and therefore the extent to which the matters being consulted on would in practice affect complainants and respondents. On paragraphs (c) and (d), the Standing Committee of each House would be well-placed to assess the implications for potential complainants and respondents.

Annex B of GS Misc 1271 shows how clause 1 would look if this amendment were made.

Clause 1, page 2, line 20, after “section.”” insert—

“5C Code of Practice: scrutiny and commencement

- (1) The code under section 5A does not come into operation unless and until—
 - (a) the Clerk to the General Synod, on the instructions of the House of Bishops, has caused the code to be published on the Church of England website and has sent a copy of the code to each member of the General Synod, and
 - (b) the code has been approved by the General Synod.
- (2) If, before the end of the period of three weeks beginning with the date on which the Clerk to

the General Synod has complied with subsection (1)(a), 25 members of the General Synod have not given notice in writing to the Clerk that they wish the code to be debated, the code is to be treated for the purposes of subsection (1)(b) as having been approved by the General Synod at the end of that period.

- (3) If, before the end of that period, 25 members of the General Synod have given notice of the kind mentioned in subsection (2)—
 - (a) the Clerk to the General Synod must inform the Business Committee, and
 - (b) the Business Committee must secure that a debate on a motion for approval of the code is held at the next group of sessions.
- (4) In subsection (3), “the Business Committee” means the Committee of the General Synod appointed in accordance with section 10 of the National Institutions Measure 1998.
- (5) A reference in this section to the code under section 5A includes a reference to a revision of the code.”

Explanatory statement

This would insert a new section 5C in the Safeguarding and Clergy Discipline Measure 2016. It would provide that the Code does not come into force unless it has been published on the Church of England website, sent to all members of the General Synod and approved by the Synod. The Code would be deemed to be approved by the Synod unless 25 members were to give notice to the Clerk that they wished it to be debated.

Annex B of GS Misc 1271 shows how clause 1 would look if this amendment were made.

Clause 1, page 2, line 20, at end insert—

“(2) In section 6A of the Churchwardens Measure 2001 (suspension), in subsection (1), after paragraph (b) insert “, or

(c) the bishop is satisfied that a churchwarden has failed to comply with a requirement imposed by the code under section 5A of the Safeguarding and Clergy Discipline Measure 2016”.

(3) In that section, in each of subsections (5), (8) and (9), after “(1)(b)”, in each place it appears, insert “or (c)”.

Explanatory statement

This would insert two new subsections at the end of clause 1. As a result, the existing text of clause 1 would become subsection (1) and these two new subsections (2) and (3) would follow it.

The proposed new subsection (2) would amend section 6A of the Churchwardens Measure 2001 to provide that failure by a churchwarden to comply with the Code would be grounds on which the bishop could suspend that churchwarden from office. Amending section 6A of the Churchwardens Measure 2001 means that the appeal provisions in section 6B would automatically apply – therefore, a churchwarden suspended for failing to comply with the Code would have a right of appeal to the president of tribunals.

The proposed new subsection (3) makes necessary consequential amendments to section 6A of the Churchwardens Measure 2001.

Annex C of GS Misc 1271 shows how section 6A(3) of the Churchwardens Measure 2001 would look if this amendment were made.

Clause 2, page 2, line 23, at end insert—

“(1A)In section 6(3) of that Measure (power to amend definition of “vulnerable adult”), after ““vulnerable adult”” insert “and, in consequence of an amendment to that definition, amend any other provision of this Measure”.

Explanatory statement

This is consequential on amendment 4. It would amend section 6 of the Safeguarding and Clergy Discipline Measure 2016. It would provide that, if the definition of “vulnerable adult” were to be amended under the order-making power in section 6, the terminology used in the proposed new section 5B(2)(a) (which is based on the definition of “vulnerable adult”) could be amended in an equivalent way to ensure consistency.