

GENERAL SYNOD

Safeguarding (Clergy Risk Assessment) Regulations 2024

In exercise of the power conferred by paragraph 3(1) of Canon C 30, the House of Bishops makes these Regulations:

Citation, application and commencement

- 1.—(1) These regulations may be cited as the Safeguarding (Clergy Risk Assessment) Regulations 2024.
- (2) These regulations apply to any risk assessment which is undertaken pursuant to a direction made under paragraph 2(1) or 2(2) of Canon C 30.
- (3) On the day that the provisions of Amending Canon 42 (Safeguarding) come into force in a diocese—
 - (a) these regulations come into force in that diocese; and
 - (b) the Safeguarding (Clergy Risk Assessment) Regulations 2016 are repealed in relation to that diocese.

Decision to make a direction

2. When consideration is being given to whether a risk assessment should be carried out under paragraph 2 of Canon C 30, the DSO must advise the bishop in writing as to the factors which should be considered when deciding whether to exercise the power to make a direction.

Person who will carry out risk assessment

- 3.—(1) The DSO must either—
 - (a) carry out the risk assessment personally; or
 - (b) where the DSO considers it necessary, appoint another person to carry out the risk assessment (“an external assessor”).
- (2) No person is eligible to be appointed as an external assessor unless that person is included in a list maintained for the purposes of this Regulation by the overseeing body.
- (3) The contract under which an appointment under paragraph 3(1)(b) of this Regulation is made must include provision to the effect that if the external assessor fails to comply with these Regulations, that failure is enforceable as if it were a breach of the contract.

Procedure for commencing assessment

- 4.—(1) The DSO, in consultation with the bishop, must prepare written terms of reference for the assessment.
- (2) The terms of reference must include the timing which it is anticipated that each stage of the assessment will take and the estimated date of completion.
- (3) Where an external assessor is appointed, the DSO must give the external assessor—
 - (a) the terms of reference; and
 - (b) any other information relevant to the assessment.
- (4) The DSO must give the assessed person a written statement which—
 - (a) sets out the terms of reference;
 - (b) gives the reason for requiring the assessment;
 - (c) confirms whether the assessment will be done by the DSO or by an external assessor, and gives the name of any external assessor;
 - (d) explains the process by which the assessment will be carried out;
 - (e) reminds the person of their right to request the president of tribunals to review the direction; and

GENERAL SYNOD

- (f) refers to the possibility that the DSO may give a copy of the written assessment, in full or in redacted form, to another person or body.

Draft written report

5.—(1) When the DSO or external assessor has carried out a risk assessment, they must prepare a draft report which sets out-

- (a) their opinion on the nature and likely extent of any safeguarding risk;
- (b) their recommendations on how to address or manage any such risk.

(2) Where in carrying out a risk assessment the DSO or external assessor has considered any fact which is in dispute, their draft report-

- (a) must describe the fact and the nature and extent of the dispute; but
- (b) must not make a finding on any fact which is in dispute.

(3) Where the draft report is completed by an external assessor, the external assessor must give it in the first instance to the DSO.

Right to review draft written report

6.—(1) Paragraphs (1) to (7) apply to a person who prepared a draft written report, whether that person is the DSO or an external assessor.

(2) The assessor must send the draft written report to the assessed person.

(3) Within 14 days of receiving the draft report, the assessed person may put written questions, and make written submissions, about the draft report to the assessor.

(4) Within 14 days of receiving questions under paragraph (3), the assessor must give the assessed person written answers to those questions.

(5) Within 14 days of receiving those answers, the assessed person may make written submissions to the assessor on the answers and on the draft report in light of the answers.

(6) But except as permitted by paragraphs (3) and (5), the assessed person may not put questions or make submissions in any manner to the assessor about the draft report.

(7) The assessor must consider any submissions made by the assessed person, and prepare a final report with any amendments the assessor considers appropriate in response to those submissions.

(8) An external assessor must give the final report to the DSO.

(9) The DSO may extend the times set out in paragraphs (3), (4) or (5) if the DSO considers that to be reasonable in all the circumstances.

Final report

7.—(1) The DSO must give the final report to the bishop of the diocese.

(3) The DSO may share the final written report with any person if to do so is necessary for the purposes of managing any safeguarding risk identified in the report.

(4) The DSO may give a copy of the final report to the police or any other statutory authority.

(5) In acting under this regulation, the DSO must consult the diocesan registrar and have due regard to the registrar's advice.

Personal information

8.—(1) Prior to a draft report or a final report being shared with any person the DSO must consider what personal information is contained within the report and act in accordance with data protection law.

(2) In acting under this regulation, the DSO must consult the diocesan registrar and have due regard to the registrar's advice.

GENERAL SYNOD

Risk assessments of bishops and archbishops

9. In a case of a risk assessment undertaken pursuant to a direction made under paragraph 2(1) of Canon C 30 (direction that a bishop undergo risk assessment), these Regulations have effect as if-

- (a) a reference to the bishop were a reference to the archbishop;
- (b) a reference to the diocesan registrar were a reference to the data protection officer;
- (c) a reference to the DSO were a reference to the overseeing body.

Interpretation

10. —(1) In these Regulations-

“data protection officer” means the official of the National Church Institutions who has responsibility for advising on data protection;

“DSO” means the Diocesan Safeguarding Officer;

“person who is being assessed” and “assessed person” means the archbishop, bishop, priest or deacon subject to the direction to undergo a risk assessment;

“personal information” has the same meaning as “personal data” in Article 4(1) of the UK General Data Protection Regulation;

“overseeing body” means the National Safeguarding Team of the Archbishops’ Council;

“safeguarding risk” means a risk of the kind referred to in paragraph 2(3) of Canon C 30 (risk of harm to child or vulnerable adult etc.)

(2) The Interpretation Act 1978 applies to these Regulations as if the Canon under which they are made were a Measure of the General Synod of the Church of England.