



# Safeguarding and Clergy Discipline Measure 2016

2016 No. 1

*Safeguarding children and vulnerable adults*

## **2 Churchwardens: disqualification and suspension**

- (1) In section 2 of the Churchwardens Measure 2001 (general disqualifications), after subsection (1) insert—

“(1A) A person shall be disqualified from being chosen for the office of churchwarden if the person is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006).”

- (2) In subsection (2) of that section, omit paragraph (b).

- (3) After subsection (3) of that section insert—

“(3A) A person's disqualification under subsection (2)(a) may be waived by the bishop serving written notice on the person; and the notice must specify the bishop's reasons for giving the waiver.

(3B) A waiver under subsection (3A)—

- (a) is of unlimited duration, and
- (b) has effect in every diocese.

(3C) Before giving a waiver under subsection (3A), the bishop must consult—

- (a) the diocesan safeguarding advisor, and
- (b) such other persons as the bishop considers appropriate.

(3D) On serving a notice under subsection (3A), the bishop shall give a copy of the notice to the registrar of the diocese; and the registrar shall file the copy in the diocesan registry.”

- (4) In section 4 of that Measure (time and manner of choosing churchwardens), in subsection (3), after “section 2(1),” insert “(1A), ”.

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*Changes to legislation:* There are currently no known outstanding effects for the Safeguarding and Clergy Discipline Measure 2016, Section 2. (See end of Document for details)

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- (5) In section 6 of that Measure (admission to office of churchwarden), in subsection (1)(b), after “section 2(1),” insert “(1A),”.
- (6) After section 6 of that Measure insert—

**“6A Suspension**

- (1) This section applies where—
- (a) a churchwarden is arrested on suspicion of committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 or is charged with such an offence without being arrested, or
  - (b) the bishop is satisfied, on the basis of information provided by a local authority or the police, that a churchwarden presents a significant risk of harm.
- (2) The bishop may suspend the person from the office of churchwarden by serving written notice on the person; and the notice must specify the bishop's reasons for imposing the suspension.
- (3) The bishop may at any time revoke a suspension under this section by serving written notice on the person.
- (4) For the purposes of subsection (1)(b), a person presents a significant risk of harm if there is a significant risk that the person may—
- (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.
- (5) Before suspending a person in reliance on subsection (1)(b) or revoking a suspension made in reliance on subsection (1)(b), the bishop must consult—
- (a) the diocesan safeguarding advisor, and
  - (b) such other persons as the bishop considers appropriate.
- (6) Where, in reliance on subsection (1)(a), a notice of suspension is served under subsection (2) and the suspension has not been revoked under subsection (3), the suspension continues until the earlier of—
- (a) the expiry of three months beginning with the day on which the notice is served, and
  - (b) the conclusion of the matter.
- (7) If, in the case of a suspension made in reliance on subsection (1)(a), the matter is not concluded before the expiry of the period referred to in subsection (6)(a), a further notice of suspension under subsection (2) may be served on the person; and subsection (6) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.
- (8) Where, in reliance on subsection (1)(b), a notice of suspension is served under subsection (2) and the suspension has not been revoked under subsection (3), the suspension continues until the expiry of three months beginning with the day on which the notice is served.

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- (9) In the case of a suspension made in reliance on subsection (1)(b), a further notice of suspension under subsection (2) may be served on the person; and subsection (8) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.
- (10) Having served a notice of suspension or revocation under this section, the bishop shall give each of the following written notification—
- (a) the archdeacon of each archdeaconry in the diocese,
  - (b) the rural dean or the area dean of the deanery in which the parish in question is situated,
  - (c) the clergy who hold office in the parish,
  - (d) the other churchwarden or churchwardens of the parish,
  - (e) each suffragan bishop of the diocese,
  - (f) the registrar of the diocese,
  - (g) the diocesan safeguarding advisor, and
  - (h) such other persons as the bishop considers appropriate.
- (11) The registrar shall file the notification given under subsection (10)(f) in the diocesan registry.
- (12) For the purposes of this section, a matter is concluded when—
- (a) a decision is taken not to charge the person with the offence in question, or
  - (b) where the person is charged with the offence, the proceedings for the offence are concluded.
- (13) In this section—
- “child” means a person aged under 18;
  - “vulnerable adult” has the same meaning as in the Safeguarding and Clergy Discipline Measure 2016.

### **6B Appeal against suspension under section 6A**

- (1) A person on whom a notice of suspension is served under section 6A(2) may appeal against the suspension to the president of tribunals.
- (2) On an appeal under this section, the president of tribunals may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.”
- (7) In section 8 of that Measure (vacation of office), in subsection (1)(c), after “section 2(1),” insert “(1A),”.
- (8) After subsection (1) of that section insert—
- “(1A) Where the office of churchwarden is vacated under subsection (1)(c) on a person being disqualified under section 2(2)(a), the person may resume the office if the disqualification is waived under section 2(3A) and if the office has remained vacant.”
- (9) In section 13 of that Measure (interpretation), in subsection (1), at the appropriate place insert—

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““diocesan safeguarding advisor” means the person appointed as such for the diocese in question in accordance with provision made by Canon;”.

(10) After subsection (1) of that section insert—

“(1A) A reference in this Measure to an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 is a reference to an offence which is—

- (a) mentioned in that Schedule as amended, extended or applied from time to time, or
- (b) treated by an enactment (whenever passed or made) as if it were mentioned in that Schedule.”

(11) In Part 6 of the Church Representation Rules (disqualifications etc.), in rule 46A, the text of which becomes paragraph (1) of that rule—

- (a) in sub-paragraph (a), omit “a churchwarden,”
- (b) in sub-paragraph (b), omit “churchwarden or”, and
- (c) after paragraph (1) insert—

“(2) For provision about disqualification from being chosen for the office of churchwarden, see section 2 of the Churchwardens Measure 2001; and for provision about vacation of office as such on becoming disqualified under that section, see section 8 of that Measure.”

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#### **Commencement Information**

**II** [S. 2](#) in force at 1.1.2017 by [S.I. 2016/1213](#), [art. 2](#)

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