Safeguarding (Code of Practice) Measure 2021

2021 No. 3

1 Code of Practice

(1) 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.

(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;

(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;

(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));

(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 2007;

(l) a body established to carry out a mission initiative as defined by section 80(1) of the Mission and Pastoral Measure 2011;

(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.

(3) The code may impose requirements on relevant persons and may give guidance to relevant persons on compliance with those requirements.

(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.

(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 section is to be read as a reference to each or any of those codes.

(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;

(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.

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

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.

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."

(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)".

Commencement Information

I1 S. 1 in force at 1.3.2022 by S.I. 2022/118, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Safeguarding (Code of Practice) Measure 2021, Section 1.