



# Cathedrals Measure 2021

2021 No. 2

PROSPECTIVE

## *Safeguarding*

### **F135 Duty to have due regard to guidance**

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#### **Textual Amendments**

**F1** S. 35 repealed (1.3.2022) by [Safeguarding \(Code of Practice\) Measure 2021 \(No. 3\)](#), ss. 2(5), 3(3); S.I. 2022/118, art. 2

### **36 Disqualification**

- (1) If a person is included in a barred list, the person is disqualified from being appointed or elected as, or from serving as, a member of the Chapter of a cathedral.
- (2) If a person is convicted of an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933, the person is disqualified from being appointed or elected as, or from serving as, a member of the Chapter of a cathedral.
- (3) If a person disqualified under subsection (1) or (2) is a member of the Chapter of a cathedral, the member's seat is vacated.
- (4) A person's disqualification under subsection (2) may be waived by the bishop giving the person notice in writing; and the notice must specify the bishop's reasons for giving the waiver.
- (5) Where a person whose seat is vacated under subsection (3) has his or her disqualification waived under subsection (4), the person may resume his or her seat if it has remained vacant.

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- (6) A waiver under subsection (4)—
  - (a) is of unlimited duration, and
  - (b) has effect in relation to the Chapter of every cathedral.
- (7) Before deciding whether to give a waiver under subsection (4), the bishop must consult—
  - (a) the diocesan safeguarding advisor, and
  - (b) such other persons as the bishop considers appropriate.
- (8) On giving a notice under subsection (4), the bishop must give a copy of the notice to the registrar of the diocese; and the registrar must file the copy in the diocesan registry.

### **37 Suspension**

- (1) This section applies where a member of the Chapter of a cathedral—
  - (a) is arrested on suspicion of committing an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933, or
  - (b) is charged with an offence mentioned in that Schedule without being arrested.
- (2) This section also applies where the bishop of a diocese is satisfied, on the basis of information provided by a local authority or the police, that a member of the Chapter of a cathedral presents a significant risk of harm.
- (3) The bishop may suspend the person from the Chapter by giving the person notice in writing; and the notice must specify the bishop's reasons for imposing the suspension.
- (4) The bishop may at any time revoke the suspension by giving the person notice in writing.
- (5) For the purposes of subsection (2), 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.
- (6) Before deciding whether to suspend a person under subsection (3), or to revoke a suspension made under that subsection, the bishop must consult—
  - (a) the diocesan safeguarding advisor, and
  - (b) such other persons as the bishop considers appropriate.
- (7) A suspension in a case within subsection (1) continues (unless revoked under subsection (4)) until the earlier of—
  - (a) the expiry of three months beginning with the day on which the notice is given, and
  - (b) the conclusion of the matter.
- (8) Where a person is suspended in a case within subsection (1) and the matter is not concluded before the expiry of the three-month period referred to in subsection (7)(a), a further notice of suspension may be given under subsection (3); and subsection (7)

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and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.

- (9) A suspension in a case within subsection (2) continues (unless revoked under subsection (4)) until the expiry of three months beginning with the day on which the notice is given.
- (10) Where a person is suspended in a case within subsection (2), a further notice of suspension may be given under subsection (3); and subsection (9) and this subsection apply to the further suspension as they applied to the earlier suspension or suspensions.
- (11) Having given a notice of suspension or revocation under this subsection, the bishop must give each of the following written notification—
  - (a) the members of the Chapter,
  - (b) the registrar of the diocese,
  - (c) the diocesan safeguarding advisor,
  - (d) any person appointed by the Chapter to advise it on matters relating to safeguarding children and vulnerable adults, and
  - (e) such other persons as the bishop considers appropriate.
- (12) The registrar must file a notification given under subsection (11)(b) in the diocesan registry.
- (13) 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.

### **38 Appeal against suspension**

- (1) A person who is given a notice of suspension under section 37(3) may appeal against the suspension in accordance with rules for the time being in force under section 83 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.
- (2) An appeal under this section must be made to the president of tribunals (as to whom, see section 4 of the Clergy Discipline Measure 2003).
- (3) 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.

### **39 Sections 36 and 37: interpretation**

- (1) In sections 36 and 37—
  - “barred list” has the same meaning as in the Safeguarding Vulnerable Groups Act 2006;
  - “child” means a person aged under 18;
  - “diocesan safeguarding advisor” means the person appointed as such under Canon C 30 for the diocese in question;
  - “vulnerable adult” has the same meaning as in the Safeguarding and Clergy Discipline Measure 2016.
- (2) A reference in those sections to an offence mentioned in Schedule 1 to the Children and Young Persons Act 1933 is a reference to an offence which is—

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- (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.

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