

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Fifth Delegated Legislation Committee

SAFEGUARDING AND CLERGY DISCIPLINE  
MEASURE

DIOCESAN STIPENDS FUNDS (AMENDMENT)  
MEASURE

*Wednesday 27 January 2016*

No proofs can be supplied. Corrigenda slips may be published with Bound Volume editions. Corrigenda that Members suggest should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

**not later than**

**Sunday 31 January 2016**

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY  
FACILITATE THE PROMPT PUBLICATION OF  
THE BOUND VOLUMES OF PROCEEDINGS  
IN GENERAL COMMITTEES

© Parliamentary Copyright House of Commons 2016

*This publication may be reproduced under the terms of the Open Parliament licence,  
which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chair:* MR DAVID HANSON

- |   |   |
|---|---|
| † Afriyie, Adam ( <i>Windsor</i> ) (Con)                  | † Onn, Melanie ( <i>Great Grimsby</i> ) (Lab)                         |
| † Baker, Mr Steve ( <i>Wycombe</i> ) (Con)                | † Opperman, Guy ( <i>Hexham</i> ) (Con)                               |
| Bradshaw, Mr Ben ( <i>Exeter</i> ) (Lab)                  | † Phillips, Stephen ( <i>Sleaford and North Hykeham</i> ) (Con)       |
| † Bruce, Fiona ( <i>Congleton</i> ) (Con)                 | † Rimmer, Marie ( <i>St Helens South and Whiston</i> ) (Lab)          |
| † Cox, Jo ( <i>Batley and Spen</i> ) (Lab)                | † Spelman, Mrs Caroline ( <i>Second Church Estates Commissioner</i> ) |
| † Davies, Chris ( <i>Brecon and Radnorshire</i> ) (Con)   | Danielle Nash, Jenny Burch, <i>Committee Clerks</i>                   |
| † Dowd, Peter ( <i>Bootle</i> ) (Lab)                     | † <b>attended the Committee</b>                                       |
| † Foster, Kevin ( <i>Torbay</i> ) (Con)                   |   |
| † Foxcroft, Vicky ( <i>Lewisham, Deptford</i> ) (Lab)     |   |
| † Knight, Sir Greg ( <i>East Yorkshire</i> ) (Con)        |   |
| † Lilley, Mr Peter ( <i>Hitchin and Harpenden</i> ) (Con) |   |

The following also attended, pursuant to Standing Order No. 118(2):

Mahmood, Shabana (*Birmingham, Ladywood*) (Lab)

## Fifth Delegated Legislation Committee

Wednesday 27 January 2016

[MR DAVID HANSON *in the Chair*]

### Safeguarding and Clergy Discipline Measure

8.55 am

**The Chair:** Good morning everyone. It may be helpful to the Committee if I explain the procedure. We have two Measures before us today. If there is no objection, the Committee will have a single debate of no longer than one and a half hours covering both Measures. If any Member objected, the Measures would be debated in turn for a maximum of one and a half hours each. For a single debate, I will ask the Second Church Estates Commissioner to move the motion on the first Measure and to speak to both of them. At the end of the debate, I will put the Question on the first motion and then ask the Second Church Estates Commissioner to move the remaining motion formally.

8.56 am

**The Second Church Estates Commissioner (Mrs Caroline Spelman):** I beg to move,

That the Committee has considered the Safeguarding and Clergy Discipline Measure (HC 722).

**The Chair:** With this it will be convenient to consider the Diocesan Stipends Fund (Amendment) Measure (HC 723).

**Mrs Spelman:** It is a pleasure to serve under your chairmanship, Mr Hanson.

The first occasion in this Parliament on which ecclesiastical legislation has come to the House in this form marks an important moment in the calendar. For many Members, this will be a new experience. The kind of legislation that we are considering goes through the Ecclesiastical Committee first—it met on 17 November to approve the Measures—and then comes before a Delegated Legislation Committee.

The first Measure should be seen in the context of the commitment to make the Church of England a safe Church. The Measure is only part of the work being undertaken and is before the Committee because the Church believes that it needs to improve its arrangements, first, to prevent the abuse of children and vulnerable adults in the Church community and, secondly, to deal effectively with those in authority within the Church who seek to harm children and vulnerable adults. The Measure follows wide consultation within the Church on the appropriate legislative steps that need to be taken. When it received final approval in the General Synod, the Measure had unanimous support among those who voted: 28 bishops, 145 clergy and 149 of the laity voted in favour, with no votes cast against in any House and no recorded abstentions.

An important provision in the Measure is to be found in section 5, which imposes a new safeguarding duty on those in authority within the Church. All ordained clergy who are authorised to exercise ministry, all archdeacons, bishops, licensed readers and lay workers, churchwardens and parochial church council members will now be under a specific duty to have due regard to the Church's safeguarding policies and guidance issued by the House of Bishops.

**Sir Greg Knight** (East Yorkshire) (Con): Will my right hon. Friend explain the wording in proposed new paragraph (e) in section 1(1), which appears to restrict the right of a bishop to act, because the requirement is that

“the bishop of the diocese is satisfied, on the basis of information provided by a local authority or the police”.

That would appear to indicate that if evidence is given by a doctor who has examined the child, a member of the public or a parent, the bishop may not act on it.

**Mrs Spelman:** With respect to my right hon. Friend, that is not the case. The purpose of the new paragraph is to empower the bishop. Given previous cases of abuse, of which I am sure my right hon. Friend is aware, we had a lengthy debate in the Ecclesiastical Committee about how to empower a bishop to act. The Church was heavily criticised for not taking action on the basis of information given in previous cases. It is important to have a legislative provision that empowers the bishop to take action. The Church needs to be seen to act, as I am sure my right hon. Friend agrees.

**Sir Greg Knight:** I understand and hear what my right hon. Friend has to say, but she has not answered my question about why the bishop has to be satisfied on the basis of information that comes from a very limited source—either the police or a local authority.

**Mrs Spelman:** In a way, this goes to the heart of the matter. This was debated in the Ecclesiastical Committee, as those who were present on 17 November will remember. A balance has to be struck regarding the fairness of hearsay—gossip—and the bishop being satisfied that there is a basis on which to act to suspend a professional from their position. That happens in other institutions—we all know other institutions in our constituencies, public services, where a suspension is necessary. I am sure that my right hon. Friend would agree that the basis needs to be present. Information supplied by the police or a local authority is compelling information, on which it would be expected that some action would be taken. Obviously, the bishop has to use judgment in that case. The way the legislation is crafted—

**The Chair:** Order. I am sorry to interrupt the right hon. Lady. Could she face the Chair, because it is difficult for *Hansard* to record her comments when she is facing the right hon. Member for East Yorkshire?

**Mrs Spelman:** Sorry, Mr Hanson. I should remember that, as on the Floor of the House, the courtesy is to turn towards you in order to address my colleague through my back. He will understand that that is no discourtesy to him.

Obviously, the bishop would share information with the police and there would always be a consultation. As I said earlier, the heart of the Measure is the question of balance, getting the judgment right about acting in the case of information being given without being unfair to the parties concerned.

**Stephen Phillips** (Sleaford and North Hykeham) (Con): Will my right hon. Friend give way?

**Mrs Spelman:** I would like to make some progress, but I will give way.

**Stephen Phillips:** I am grateful to her for giving way. I am afraid that I share the dissatisfaction experienced by my right hon. Friend the Member for East Yorkshire. What if a bishop or an archbishop is satisfied that a suspension is required on the basis of, for example, information provided or furnished by the producers of the “Panorama” programme or another television company that is investigating child abuse? On that basis, the bishop cannot act, even though he is satisfied. The question for my right hon. Friend the Second Church Estates Commissioner is why there are two safeguards: first, that the bishop or archbishop has to be satisfied; and secondly, that the information has to come from a local authority or the police. That is the point that our right hon. Friend is making and I regret to say I have not yet heard an answer.

**Mrs Spelman:** The bishop is not prevented from acting on other sources of information that may give rise to a suspension. Obviously, within the workplace it is customary for people to blow the whistle when something is wrong. The trouble is that previously bishops could ignore the existing guidelines and some have done so. Under the safeguarding Measure before us today, the bishops are for the first time personally responsible and also potentially personally at risk. The Measure assigns personal responsibility to them to act upon information. Any information, such as the type described by my hon. and learned Friend that the media or another source produce, should be shared with the police and the local authority. I hope that provides reassurance on that point.

I would like to continue with my speech. I was discussing the Church’s safeguarding policies. As I just mentioned, previously bishops could and did ignore the guidelines. Under the Measure, that will no longer be possible. It will be misconduct for a clerk in holy orders to fail to comply with that duty.

Parochial church councils will be required in future to state in their annual reports whether they have complied with the new duty. That is a very significant change because churchwardens and parochial church councils, together with the incumbent, play an important part at parish level in the life and mission of the Church. They occupy positions of responsibility in the parish, where they are trusted and respected by others. The Church therefore needs to be able to stop those who are unsuitable from a safeguarding perspective from serving as churchwardens or as PCC members, and sections 2 and 3 of the safeguarding Measure will do that. Any person who is on a barred list under the Safeguarding Vulnerable

Groups Act 2006 will be disqualified from holding office as churchwarden, serving on a PCC or being appointed PCC secretary or treasurer.

Furthermore, under section 3 of the Measure, members, secretaries and treasurers of PCCs will be disqualified if convicted of an offence listed in schedule 1 to the Children and Young Persons Act 1933. Those grounds for disqualification already apply to churchwardens under the Churchwardens Measure 2001, but when the Synod and the Ecclesiastical Committee scrutinised that legislation they realised that other office-holding roles in the parish needed to be added.

The Measure will enable a bishop to suspend churchwardens, PCC members, treasurers and secretaries on certain safeguarding grounds. The bishop will have new powers to suspend them if they are arrested on suspicion of committing an offence listed in schedule 1 to the 1933 Act. To protect lay officers from being unfairly suspended, they will have a right to appeal to the President of Tribunals, an independent senior judge, against the suspension. The bishop will also have new powers to suspend clergy on the basis of information supplied by the police or a local authority, as we just discussed.

We realise that there are judgments to be made about where is the right balance to be struck between protecting children and vulnerable adults and suspending clergy when there has not yet been an arrest or a charge, but we believe that the Measure does that. The bishop will be able to suspend only if satisfied that the cleric presents a significant risk of harm and, before the bishop does suspend, he or she will have to consult the safeguarding officer and such other people as the bishop considers appropriate. Furthermore, the suspended cleric will have a right of appeal against the suspension through the independent President of Tribunals and will be eligible to apply for Church legal aid for representation to pursue such an appeal.

Under the existing provisions of the Clergy Discipline Measure, disciplinary proceedings against clergy must be started within one year of the alleged misconduct unless the President of Tribunals, upon application, grants permission to make the complaint out of time. That is important. In such cases the President has to be satisfied that there was good reason why proceedings were not instituted at an earlier date. The one-year limitation has been criticised for inhibiting survivors of abuse making complaints, because it may take many years before they are ready to come forward to make complaints, but section 7 of the new Measure will remove the current one-year limitation for any complaint against a cleric alleging misconduct of a sexual nature towards a child or vulnerable adult. That will help survivors to achieve justice.

Under section 8 of the new Measure, in cases where the limitation period does still apply, such as in complaints that are not concerned with sexual misconduct towards a child or vulnerable adult, the bishop will have new powers of suspension so that, in serious cases, the cleric can be suspended while the President of Tribunals considers an application to allow a complaint out of time to proceed. To protect the cleric, the test the bishop must apply will be one of necessity: the bishop will have to be satisfied that it is necessary for a suspension to be imposed, and the bishop will first have to seek legal

[Mrs Spelman]

advice from the diocesan registrar. The suspended cleric will have a right of appeal to the independent President of Tribunals.

As I indicated earlier, in all cases of alleged sexual abuse or any other alleged misconduct case we need to strike the right balance between protecting the vulnerable and the damaged on the one hand and, on the other hand, ensuring that the rights of clergy are not unfairly impeded. We believe we do have that right balance in this Measure.

**Stephen Phillips:** My right hon. Friend is quite right that in section 8(3) the bishop cannot suspend unless he considers a suspension necessary in the circumstances of the case. Necessary for what purposes? No guidance seems to be given. Is it necessary for the purposes of the church, for the complainant, to protect other potential victims? What matters are meant to be taken into account by the bishop in reaching a decision on whether a suspension is necessary in “all the circumstances of the case”?

**Mrs Spelman:** Obviously and primarily the aim is to protect children and vulnerable adults and for the bishop to satisfy himself that the steps he has taken in suspending will prevent harm from occurring. The primary purpose of the Measure is preventive and protective, in the light of the fact that, previously, when bishops could ignore the guidelines, they did. That is why it is important to introduce the Measure, and I commend it to the Committee.

9.10 am

**Melanie Onn** (Great Grimsby) (Lab): It is a pleasure to serve under your chairmanship today, Mr Hanson.

I thank the Second Church Estates Commissioner for giving me advance sight of her comments today. That is not usually a courtesy extended to the Opposition in Delegated Legislation Committees, but for an important and rarely examined matter such as the Measures before us it was particularly helpful to my scrutiny.

Safeguarding is a vital issue. We agree with the right hon. Lady that the provisions in the Measure are an important step in safeguarding children and vulnerable people, which must be our primary consideration, in addition to restoration of the public’s confidence in the Church to manage its organisation in a manner that reflects their concerns.

I am minded to support the Measures, in particular in the light of the right hon. Lady’s comments about the Ecclesiastical Committee and collective agreement, but I have some concerns and questions. Some matters have also been raised in interventions and I will address those shortly.

The right hon. Lady said that the Measure had unanimous support in the General Synod. It comes at an important time, because we have reached an important moment in society after many years when victims felt that they were unable to report their experiences or to speak out against the people who had abused them, in particular if those people held positions of societal importance or were shown deference. Finally, people are rightly no longer restricted by such conventions and are coming forward to report.

The specific provisions in the Measure to dissuade and discourage individuals from engaging in certain actions are important. People should understand that there will be serious repercussions. The Measure is a positive step, because it means that victims may seek justice and we will be able to bring the abusers to justice. Also, importantly, it might encourage institutions to review how something might have occurred in the first place and to change their practises to ensure that it never does again.

The right hon. Lady rightly highlighted that the amendments in the Measure are part of a package of changes to practice. I hope she can reassure me that that includes appropriate support being offered to victims, but also openness on making routes to reporting at an early stage clear and available within the Church’s structures—for example, through ChildLine, the National Society for the Prevention of Cruelty to Children, the police or health and social services. That would ensure that people never feel that they do not have anywhere to turn in the event of experiencing such approaches from a member of the Church.

Similarly, as a safeguard for Church staff and the clergy’s own protection, as well as that of vulnerable people, sufficient guidance and training should be provided to ensure that people do not find themselves inadvertently in positions of vulnerability, open to either accusations or abuse. Within that sphere of additional guidance, I hope that due regard will be given to tackling abuse via the internet and to appropriate rules surrounding use of Church property—although I fully accept that that is outwith the Measures.

I agree with the spirit in which the right hon. Lady outlined the Measure. It seems to offer additional safeguards, adding a further layer of statutory safeguarding in the Church. Recognition of the horrors of abuse is an important part of moving on, but we can all agree that ultimately we want organisations to prevent any more child abuse from ever happening again.

I have some questions about a few specific points in the Measure. The right hon. Member for East Yorkshire raised the issue of the bishop being “satisfied”. I come to it from a slightly different angle. My concern is that the public be assured of how that satisfaction has been reached and, as mentioned by the hon. and learned Member for Sleaford and North Hykeham, of the sources of information for that satisfaction being limited to a local authority or the police. The right hon. Lady has commented on that but I would like her to expand further.

With regard to clergy suspension, proposed new subsection (2B)(b) in section 1(3) refers to the bishop considering measures to be “appropriate”. I would like confirmation that the considerations are made with the vulnerable person or child at the centre of them. I appreciate that the right hon. Lady mentioned the need to have a balance. For too long, the public sense has been that the balance has not been towards the victim. I would like to ensure that the victim is at the centre of considerations.

Throughout the document there are references to filing a copy in the diocesan registry. With my limited knowledge of Church practices and procedures, I wondered whether that was in the public domain. Will that requirement be sufficient to restore public confidence?

Turning to the church wardens' suspension, I was surprised to see in proposed new section 6A(10) in section 2 that

"the bishop shall give each of the following written notification—". That is followed by a number of individuals who will receive written notification of suspension or revocation of suspension.

There is no similar reference to such extensive notification with regard to clergy. I am concerned that there might be a greater burden on the reputation of church wardens and PCCs, for which there is also an extended list. I am referring to members of parochial church councils, not police and crime commissioners. My perspective is that there is higher trust of the clergy in the community. If the same level of scrutiny is applied to individual members of the clergy as to the church wardens and PCCs, would there be parity across the board? I would appreciate a comment on that.

Proposed new section 8(1A) in section 2 (8) concerns reinstatement following revocation of the suspension and says,

"if the office has remained vacant".

I am considering that in the context of employment law and the responsibilities of the Church as an employer. Were somebody to be suspended for three months, or an extended period of six months while an investigation was ongoing, and it were found that there was no case to answer and the individual could be reinstated, there should not have been an appointment on a permanent basis to their position in their absence. The wording

"if the office has remained vacant"

suggests that somebody could be appointed during a temporary absence. That could give rise to a claim of constructive dismissal, which no one would want.

I also have a question about independence in relation to section 2 (9). The post holder is referred to as the "diocesan safeguarding advisor". [*Interruption.*] We are being invaded. That was a meteor.

**The Chair:** Order.

**Melanie Onn:** I want to ask about the independence of that role and how we demonstrate confidence in that post holder, who will play such a significant and pivotal role under the new Measures, which are to be welcomed.

Regarding the rules for appeal, the guidance specifies that "child" means up to the age of 18 and a vulnerable person is as described. Is there additional consideration of care leavers, for whom local authorities retain a duty of care until the age of 21 or occasionally until the age of 24, or are they included in that description?

The right hon. Lady's document talks about clerics' access to appeals. Again, this is a matter of clarification due to my personal ignorance of the matter, but does the term "cleric" include church wardens and members of the PCCs? You referenced that in response to an intervention, so you may have already covered it.

**The Chair:** "She", not "you".

**Melanie Onn:** "She"—I apologise, Mr Hanson.

Finally, have the circumstances in which Church legal aid may be refused been considered at all? If someone wishes to appeal, will that be universally available and what guidance is there on that?

The Measure that the Minister brings before us seems to offer some additional support and a further layer of statutory safeguarding to the Church. I look forward to her response.

**The Chair:** Before the right hon. Lady responds, may I remind the Committee that we are debating in this hour and a half both Measures? The right hon. Lady has not yet spoken, should she still wish to, about the Diocesan Stipends Fund (Amendment) Measure (HC 723). If other Members wish to speak on that Measure, they are free to do so.

9.21 am

**Mrs Spelman:** Thank you, Mr Hanson. I chose to deal with the Measures sequentially because they are very different. The first matter we are dealing with is quite complex, but I sincerely hope that the second proves to be not so complicated.

The first and important question that the hon. Member for Great Grimsby raised was about support for victims. I cannot emphasise enough how important the Church regards it to listen to victims and ensure that they are properly supported. Pastoral support for victims is the responsibility of the diocesan bishop, who has to ensure that sufficient support is in place. I hope that I have reassured her on that.

The hon. Lady asked about written notifications. It is important that the Measure gives the bishop the power to suspend someone who, indeed, has not been arrested, and therefore an investigation has to take place. As with suspensions from professional duties in other public services in our society, there is a question about how widely information should be distributed about the suspension. It is obvious that those with whom the individual would be working need to be notified of the professional's suspension, hence the specific list of written notifications that the hon. Lady drew to my attention. It is a written notification to the suspended individual's immediate working colleagues. They need to know, and it is a need-to-know list set out in the Measure; it is not designed to go wider or more narrowly. It is worked out on the practical basis of who needs to know what has happened.

As regards reinstatement, there cannot be a replacement for the incumbent while the incumbent is suspended. Often, members of the clergy help out other parishes when something such as this happens. An ordained minister will come in and do baptisms, marriages, funerals and so on. As the hon. Lady says, the individual under suspension cannot just be replaced; the law of the land dictates that.

The independence of the post holder in section 6B(9), to which the hon. Lady referred, is very important and has to be guaranteed. Regulations are being prepared under the amending canon No. 34 of the Church of England to regulate the appointment and position of the diocesan safeguarding adviser.

As I explained at the beginning, the Measure is not the only instrument that the Church has at its disposal to prevent harm to children and vulnerable adults. A canon, which was debated at length in Synod, accompanies it for precisely the reason that the hon. Lady mentioned.

[Mrs Spelman]

A care leaver up to the age of 24 certainly would be covered by the definition of a vulnerable person. When we discuss legislation in this House, we all recognise that young adults who are 18 are not magically less vulnerable at 19 and sadly that is particularly true of those leaving care.

Church legal aid is universally available, as far as I am aware. It is the responsibility of the Church's legal advisers to decide on individual cases, but the Measure provides recourse to legal aid for the suspended individual.

One question arrived at the same time as a noise occurred in the room—I did not quite catch that one. If the hon. Lady feels that I have not covered any of the points she raised, I am more than happy to write to her to provide clarification.

With the leave of the Committee, I will turn to the Measure on diocesan stipends. This short and technical Measure amends the Diocesan Stipends Funds Measure 1953 to ensure that diocesan boards of finance have the same powers to make decisions about the balance of investments in the diocesan stipends fund as they have in relation to their other charitable property. Since 2013, charities with permanent endowment have had the power to pass a resolution to invest and use their investment returns, whether income or capital gains, on a total return basis. That is to say that no distinction is made between income and capital gain in determining how much of a return is available for spending on a charity's purposes and how much should be retained to protect the value of the endowment.

In order to pass such a resolution, the trustees must be persuaded that that is in the best interests of the charity. The 1953 Measure specifies in some detail the purposes for which the income account and the capital account of the diocesan stipends fund may be used. Income may be used for payment of clergy stipends, for repair of parsonages and for associated purposes. Capital may be invested in certain kinds of property or used for the provision or improvement of parsonages. That detailed prescription constitutes a statutory restriction that prevents the trustees from passing a total return resolution and also prevents the Charity Commission from making an order permitting total return. Therefore, only income returns on investment may be used for payment of stipends, so dioceses may find that they are locked into an unhelpfully restrictive and potentially sub-optimal investment policy because of the need to generate income returns to preserve the ability to make stipend payments. That is particularly problematic at a time when income returns on investments are, broadly speaking, low, and seeking a high income return could lead to choosing risky investments.

The Measure does not alter the purposes for which diocesan stipends funds could be used, but it permits diocesan boards of finance, like any other permanently endowed charity, to pass a total return resolution and allocate returns to the income fund and the capital fund at their discretion. That would free the DBF to invest more flexibly.

The Measure does not compel any DBF to alter its investment policy relating to its stipends fund. If a DBF feels that its present arrangements are satisfactory, it

will be perfectly at liberty to continue investing its stipends fund exactly as it does at present. The new provision is purely permissive, enabling a DBF that wishes to do so to invest and allocate returns more flexibly than at present.

To bring that alive, the initiative came from the Lincoln diocese, which is a large, rural diocese where some clergy, bless them, run as many as 12 parishes. I am sure we can all see that that would be an enormous strain on any individual. There is a shortage of ordained clergy and a desire to train more clergy; and the new flexibility that the Measure would provide would make that possible not just for Lincoln but for other dioceses in that position.

9.30 am

**Peter Dowd (Bootle) (Lab):** It is a pleasure to serve under your stewardship, Mr Hanson.

I think it is incumbent on everyone, when we are dealing with the question of safeguarding children, to have their tuppence-worth, and that is why I wanted to speak in the debate. I say that as a registered social worker who has been directly involved in the investigation of child abuse cases at both individual and institutional level, and who has written policies on the matter. I thought it important to make my views known.

The question must be set in the context of what Bishop Paul Butler said at the Synod:

“We all want every single one of our churches and institutions to be safer places and communities for all people; notably for children and adults at times of risk and harm, whether that be long or short term.”

The context in which to consider the Measure before the Committee must be the spirit of the view he expressed. Grave and egregious offences have taken place in the past, which had to be dealt with—and continue to have to be dealt with. There have been many past scandals. As my hon. Friend the Member for Great Grimsby says, there is always a balance to be struck, but it must always be with the intention of keeping the child—the victim in this case—at the fore. My practice over the years has been about keeping children to the fore, in any investigation.

We do not want too much hiding behind confidentiality. There must be a balance in confidentiality, because there is a crucial need to share information. In relevant circumstances there will always be the concern: “If the police don't report it and another authority doesn't report it, how does the bishop make the decision?” I think that on balance the proposals have that about right, but I suspect they could always be revisited in due course if they appear not to be fit for purpose.

As I have said, the proposals must be set in the context of the general safeguarding practices of the Church at a national level, and the potential for tweaking them to fit local circumstances at diocesan level. That is important as well, and the Measure sets in statute certain obligations that have not existed before, such as relating to a safeguarding adviser and, of course, the power of an archbishop or bishop to order risk assessments.

On balance I support the proposals, but always with the view that we would need to come back to them if we did not feel that they were fit for purpose.



9.33 am

**Mrs Spelman:** I thank the hon. Gentleman for those observations, born of his experience in practice, before he came to this place. It shows what a benefit it is when people bring professional experience to the House. I appreciate very much the way he reflects, for all of us, the importance of putting the victim at the heart of what happens.

The Measure is being brought before the Committee today because of a recognition that the existing protection was not adequate. In passing it we will increase the level of protection, and improve the preventive power that the Church has to ensure that harm does not come to children and vulnerable adults. I completely share the hon. Gentleman's primary concern with that.

The Church of course regularly reviews the effectiveness of the policies that it has in place for safeguarding and protection. The hon. Gentleman's speech has allowed me to recall something that his Front-Bench colleague, the hon. Member for Great Grimsby, raised. Perhaps I can give them reassurance as a former Sunday school teacher—not a very good one, I hasten to add, because I could not control a class of nine-year-old boys for love nor money on a Sunday morning. I clearly do not have the natural teaching skills. I was, however, given significant training.

As an individual in the Church with responsibility for children in my care and for teaching them, I had to go through rigorous Criminal Records Bureau checks—now called DBS checks from the Disclosure and Barring Service. Every Sunday school teacher and everyone in a position of responsibility within the Church who has contact with children has to do the same and every church has to appoint a child protection officer.

Those policies have arisen as a result of learning that protective measures were not adequate or not in place. Policies arise from wider societal experience of our need to improve protection for children and vulnerable adults. We need to continue reviewing the effectiveness of our provisions. I reassure hon. Members on those points.

9.35 am

**Melanie Onn:** I thank the right hon. Lady again for sight of her comments before our sitting this morning.

I agree that the second Measure is a small, technical one, and it is not my intention to oppose it today. It makes sense to allow the Church greater flexibility and to give it parity with charities. Many dioceses face increasingly difficult financial decisions and it is important to give them the options that they need to do the best they can in constrained times. We will support the Measure, but I want to ask a few questions, for the record.

What work is being done to ensure that church trustees have the required skills and training to carry out the decisions extended to them under the Measure? Have the Government done any work to assess the levels of demand for the legislation, or on any tangible impact that it might have on churches, their parishioners and the wider communities they serve? Finally, are there projections of the type of returns that dioceses may see as a result of the change, although that could be more difficult to predict?

To conclude our debate on the Measures, my hon. Friend the Member for Bootle recognised well our great opportunity in this place to take a view on the rules in the Church, which is an important organisation and institution of the community of this country. When we leave the Committee Room, it is important for us all to feel completely reassured and comfortable with the fact the Measures are sufficient to reassure the public and to ensure that abuse of a type that we have seen will be sufficiently dissuaded by the legislation.

9.38 am

**Mrs Spelman:** I thank the hon. Lady. I reassure her about training for trustees. Certainly as a Church Estates Commissioner I had to join all new commissioners to undergo trustee training on the overall management of Church finances. The Church is the second largest charity in the United Kingdom, with assets worth £7 billion. It is important that those who agree to serve in a trustee capacity are conversant with the law on charities and on the management of financial assets.

Dioceses are autonomous, so trustees are appointed to diocesan boards of finance, and, as with other charities, the process has become more rigorous, with greater use of training and headhunters to establish that the people coming on to the boards that take important decisions about the finances of dioceses are adequately equipped, skilled and trained to take them. I hope that that reassures the hon. Lady.

The hon. Lady asked about the practical impact of the Measure for parishioners. Hopefully, for she or I, in one of those Lincolnshire parishes where we had one twelfth of a vicar, it will mean that in future we have a larger share in a vicar, or indeed, our own incumbent. In large, rural areas in particular, where clergy have multiple parishes to administer to with long driving distances between the parishes, there is a sub-optimal situation whereby a significant amount of time is spent on the road. Sometimes, as clergy in remote, rural areas have explained to me, that involves perilously driving in the teeth of winter from one parish to the other to make sure that a service takes place. Parishioners should see a big change over time, with more trained clergy. The Church does have a shortage of ordinands nationally, which is estimated to be 40%, and that perhaps underlines the importance of this Measure, which will release the funds that we need. On the total returns, that is a practical question, and the answer will vary from diocese to diocese according to how their funds are allocated.

To return to safeguarding, I could not agree more with the hon. Lady that we need to leave here feeling completely reassured that these provisions will increase the protection for children and vulnerable adults. They will move the Church from a position whereby previously, bishops could have and did ignore the guidelines that existed, to one whereby they are personally responsible for making sure that the guidelines are adhered to and they can be held to account. That responsibility is being extended to all those with authority in the Church. That is bound to provide a far better level of protection than existed before, where things did go wrong. I hope that she comes away reassured that the Church has used its

[Mrs Spelman]

utmost endeavour, through debate, discussion and working through previous cases, to get the strongest protection in place that we can achieve.

*Question put and agreed to.*

*Resolved,*

That the Committee has considered the Safeguarding and Clergy Discipline Measure (HC 722).

**DIOCESAN STIPENDS FUND  
(AMENDMENT) MEASURE**

*Resolved,*

That the Committee has considered the Diocesan Stipends Fund (Amendment) Measure (HC 723).—(Mrs Spelman.)

9.42 am

*Committee rose.*