**Safeguarding (Code of Practice) Measure 2021**

**Implementation fact sheet**

**February 2022**

**1. What are the changes to the law made by the Safeguarding (Code of Practice) Measure 2021?**

The Safeguarding (Code of Practice) Measure 2021 (the **2021 Measure**)[[1]](#footnote-2):

1. replaces and strengthens the duty to have due regard to House of Bishops’ safeguarding guidance with a duty to comply with the requirements in a new safeguarding code of practice (the **Code**); and
2. expands the list of “relevant persons”, being those who must comply with the new Code’s requirements.

The Code will be a user manual for those with safeguarding responsibilities in the Church, which sets out “requirements” which must be complied with by any relevant person that requirement applies to. The Code will also include guidance to explain how to comply with the requirements. The Code will make it clear what is a requirement and what is guidance.

**2. Why have these changes been made?**

The duty to have ‘due regard’ to safeguarding guidance was criticised by the Independent Inquiry into Child Sexual Abuse (**IICSA**) for lacking clarity and not being generally understood. Amending this was one of the recommendations (no.2) in [IICSA’s 2019 report](https://www.iicsa.org.uk/reports-recommendations/publications/investigation/anglican-chichester-peter-ball/conclusions-and-recommendations/recommendations) which were all welcomed by the Archbishops’ Council and endorsed by the General Synod.

**3. Who is a “relevant person” under the 2021 Measure?**

The 2021 Measure extends the list of “relevant persons”, being those who must comply with the Code from the list of those who had to have due regard to House of Bishops’ Safeguarding Guidance in s.5 of the Safeguarding Measure 2016.

The “relevant persons” under the 2021 Measure are:

(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;

(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 provide 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.

**4. When will these changes come into force?**

The Safeguarding Measure 2021 will come into force on 1 March 2022[[2]](#footnote-3).

**5. What is the status of the existing safeguarding guidance?**

Each piece of House of Bishops’ safeguarding guidance that is in place on 1 March 2022 remains in place until that guidance is replaced by a Code of Practice. In order for any part of the Code to be adopted, it must first undergo the consultation and approval processes set out in the 2021 Measure.

However, all “relevant persons” on the expanded list in the 2021 Measure will be required to have due regard to existing House of Bishops’ safeguarding guidance from 1 March 2022.

If a “relevant person” does not have due regard to any House of Bishops’ safeguarding guidance which continues in operation, it will be misconduct for the purposes of the Clergy Discipline Measure 2003.

**6. Where can I find the House of Bishops’ safeguarding Guidance and the Code of Practice?**

 All of the existing House of Bishops’ Safeguarding Guidance is currently available from the Church of England Safeguarding Policy and Guidance page. [Policy and practice guidance | The Church of England](https://www.churchofengland.org/safeguarding/policy-and-practice-guidance)

 A new e-manual is being created which will, in due course, have the new Code and any Guidance in force uploaded onto it. [Safeguarding e-manual | The Church of England](https://www.churchofengland.org/safeguarding/safeguarding-e-manual)

1. <https://www.legislation.gov.uk/ukcm/2021/3/contents/enacted> [↑](#footnote-ref-2)
2. [The Safeguarding (Code of Practice) Measure 2021 (Commencement and Transitional Provision) Order 2022 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2022/118/made). [↑](#footnote-ref-3)