



## TO ALL MEMBERS OF THE GOVERNING BODY

11 March 2020

Dear Member

### **BILL TO AMEND CHAPTER IX OF THE CONSTITUTION OF THE CHURCH IN WALES - SAFEGUARDING (SUSPENSION AND DISCIPLINARY TRIBUNAL) - BILL 2020**

#### **Documents**

The following documents are enclosed:

A Bill to Amend Chapter IX of the Constitution of the Church in Wales -  
Safeguarding (Suspension and Disciplinary Tribunal) - Bill 2020  
An Explanatory Memorandum to the Bill

#### **Background**

As a result of questions raised and submissions made during the Church in Wales' appearance at the Independent Inquiry into Child Sexual Abuse (IICSA), the closing submission on behalf of the Archbishop and the Representative Body included the following commitments:

*We are examining whether there should be a specific disciplinary heading for failure to comply with professional advice from the Provincial Safeguarding Officers or recommendations from the Safeguarding Panel.*

*We are looking to put in place alternative routes to suspension in the event that a Bishop refuses to implement suspension on professional advice from the Provincial Safeguarding Officers or recommendations from the Safeguarding Panel.*

The proposed amendment, to add sub-section 9(g) to Section 9 of Chapter IX, would implement the first of these commitments. The principle of the change was supported by the Bench of Bishops at its October 2019 meeting. All members of the Bench agreed to back this Bill now before the Governing Body at their February 2020 meeting.

The disciplinary offence has been tied to a failure to follow specific advice, on a specific case, from the Independent Safeguarding Panel. What a reasonable excuse is for not following the advice has deliberately not been defined and would be for the Tribunal to determine.

The amendments to sections 39-41 would implement the second commitment. IICSA were very concerned that there was no means of escalating a failure of a Bishop to suspend a cleric on the advice of the safeguarding panel.

The Bishops are in favour of the principle of this amendment, reassured by the obligation for the Archbishop's Registrar to consult with both the relevant Bishop and the Archbishop before exercising the power.

### **Procedure**

The Bill will proceed under the Bill Procedure set out in sections 27 to 32 of Chapter II of the Constitution.

The Bill has been presented to the Standing Committee. Having been satisfied that the Bill is 'in order', the Standing Committee is now publishing it by circulating printed copies in English and Welsh to all members of the Governing Body together with an Explanatory Memorandum.

The Standing Committee has also appointed a Select Committee 'for the purpose of considering and collating any amendments which members of the Governing Body may wish to move to the Bill'. The following have been invited to be members of the Select Committee:

Mr Matthew Corbett Jones (St Asaph)  
Ms Wenda Owen (Bangor)  
Mr Tim Llewelyn (St Davids)  
Mr Martin Silezin (Llandaff)  
Mr Christopher Cotterill (Monmouth)  
The Venerable Jonathan Davies, Archdeacon of Gower (Swansea & Brecon)

Any member of the Governing Body may move an amendment to the Bill provided that written notice of any such amendment is given to the Secretary of the Governing Body within three months immediately following publication of the Bill. **Any such amendments should be sent to John Richfield at this office by 11 June 2020.** If you do put forward an amendment it would be very helpful for the Select Committee if you provide a brief explanation of the reasons for the proposed change.

Within six months of its appointment the Select Committee must report to the Standing Committee on each proposed amendment and on whether or not the Bill should be deemed "non-controversial". The Select Committee may also make proposals of its own. The Standing Committee must then publish the Select Committee's report to all members of the Governing Body and must set down the Bill for consideration in Committee at the next Governing Body meeting in accordance with Section 29 of Chapter II of the Constitution.

## Timetable

As indicated above the deadline for members to submit amendments is 11 June 2020. It is intended that the Select Committee will complete its work in time for the Standing Committee to receive its Report in July 2020 so that the Bill can be brought to the Governing Body in September 2020.

If you have any questions about the papers enclosed please contact John Richfield at this office.

Yours sincerely

A handwritten signature in black ink, appearing to read "Simon J. Lloyd". The signature is written in a cursive style with a large initial 'S' and 'L'.

Simon J Lloyd  
Lay Secretary to the Governing Body