

Rationale for the proposed changes to Canon 15 and 16

Preamble

Since the signing of the St Andrew Declaration on 30 November 2021, it has become clear that there is some confusion around the implications, particularly in relation to the exchange of ministries. The ICRC was asked by the College of Bishops and the Faith and Order Board to draw up Guidelines to make clear what is and is not possible under the St Andrew Declaration. These Guidelines can be found here: <https://www.scotland.anglican.org/wp-content/uploads/SEC-guidelines-on-ecumenical-relations-final-01.2023.pdf>.

The process of drafting these Guidelines revealed a number of anomalies between the SEC Canons and current practice in the SEC. In particular, the St Andrew Declaration is rooted in a long history of close relationship between the SEC and the Church of Scotland, including in many parts of the province provision for shared services. However, some forms of these shared services are not technically permitted under the present Canon 15.

At its meeting in August 2022, the Faith and Order Board requested the ICRC to draft amendments to Canon 15 to resolve these anomalies. The proposed changes received their first reading at the 2023 General Synod and are now being referred to dioceses for discussion before returning to the 2024 General Synod for the second reading.

Summary of proposed changes to the Canons

The proposed changes to Canon 15 create a schedule 2 listing churches with which the SEC has entered into agreements of limited exchange. They make explicit the possibility of eucharistic sharing with the churches contained in that schedule, and the mode of such sharing. They also clarify the process for welcoming visiting clergy.

The proposed change to Canon 16 makes explicit that where appropriate the provisions of Canon 15 should be taken into account when inviting clergy from other Churches to be involved in SEC worship.

The issues

(1) Acknowledging the existence of agreements permitting limited exchange

Since 2001, the Scottish Episcopal Church has entered into three ecumenical agreements which currently do not (yet) achieve full communion but permit limited exchange:

- the Reuilly Agreement (2001) between the British and Irish Anglican Churches and the French Lutheran and Reformed Churches.
- the EMU Partnership (2010) between the Methodist Church in Scotland, the Scottish Episcopal Church, and the United Reformed Church National Synod of Scotland.
- the St Andrew Declaration (2021) between the Scottish Episcopal Church and the Church of Scotland.

The SEC Canons currently make no provision for such agreements, naming only churches with which the SEC is in a relationship of full communion. Particularly since the signing of the St Andrew Declaration, confusion has arisen as to whether or not the St Andrew Declaration leads to a relationship of full communion. Although it is in fact an agreement permitting limited exchange, some have assumed that it does lead to a relationship of full communion and that the ministers of the two churches are fully interchangeable. In this

connection, questions have arisen about what is permitted through these three agreements for the clergy and authorised lay people of the partner churches. These often centre on the question of who can participate in or lead SEC worship.

The Guidelines clarify the distinction between the churches with which the SEC is in full communion and the churches with which the SEC has entered into agreements permitting limited exchange. The proposed changes to the Canons make this distinction explicit.

- **For the sake of clarity and to avoid confusion, it is proposed that a second schedule be introduced in Canon 15 listing the churches with which the SEC has entered into agreements permitting limited exchange. (Section 2 of the revised Canon 15.)**

The aim will always be to work with those churches with which the SEC has entered into agreements permitting limited exchange (i.e. the churches listed in the new Schedule 2) to reach full communion. Thus the Reuilly Agreement commits the signatory churches “to continue theological discussions between our churches to work on the outstanding issues hindering fuller communion” (paragraph b.vi.) and the St Andrews Declaration includes the commitment “To stimulate theological discussions between our churches, including on the outstanding issues hindering fuller communion” (paragraph B.iv.). When full communion with a Schedule 2 church is achieved, General Synod will be able to remove that church from Schedule 2 and add it to Schedule 1 without needing any change to the revised Canon 15.

(2) Worship

Over the years the relationship with the SEC’s partner churches within Scotland has deepened such that ministers of these partner churches are on occasion asked to preside at services in an SEC charge when the SEC rector or priest-in-charge is not available. The need is often particularly acute at major festivals. General Synod heard of a case when a retired Church of Scotland minister who is a regular communicant in an SEC parish was asked to take Easter services when the rector became ill during Holy Week. The ICRC is aware of many such instances. The ICRC is also aware of the need, particularly in rural or isolated areas, for it to be possible for (for instance) a Church of Scotland minister to be able to celebrate a Maundy Thursday service in an SEC church building to which all local Christians are invited. However, the current Canon 15 makes provision for such services only within officially recognised LEPs, or in the case of a “wedding, funeral or memorial service or at a service or occasion of an ecumenical character”.

In addition, the Reuilly Agreement includes the following commitment:

“to encourage shared worship. When eucharistic worship is judged to be appropriate, it may move beyond eucharistic hospitality for individuals. The participation of ordained ministers would reflect the presence of two or more churches expressing their closer unity in faith and baptism and demonstrate that we are still striving towards making more visible the unity of the One, Holy, Catholic and Apostolic Church. Nevertheless, such participation still falls short of the full interchangeability of ministers. The rite should be that of the church to which the presiding minister belongs, and that minister should say the eucharistic prayer.” (paragraph b.iv.)

Reuilly thus provides for clergy of the French Reformed and Lutheran church to be able to celebrate the Eucharist in an SEC charge provided they use the rite of their own Church. This provision is however not reflected in the SEC Canons.

The EMU partnership commits the three churches to “sharing in the provision and deployment of both lay and ordained ministries of all the people of God.” On a very similar theological basis to Reuilly, the St Andrew Declaration affirms that “in our churches the Word of God is authentically preached, and the sacraments of Baptism and the Holy Communion are faithfully administered” (paragraph A.iii.) and commits the two churches “to welcome one another’s members to worship and participate in the congregational life of each other’s churches” (paragraph B.iii.). The St Andrew Declaration was intended to achieve the same level of interchangeability of ministries as Reuilly had done, recognising that in many parts of the SEC, the SEC and the Church of Scotland were already working together in this way.

- **The revisions to Canon 15 provide for ministers in Schedule 2 churches to be invited to take services, including eucharistic services, in SEC charges. They make clear that any such eucharistic services must be advertised as a service of the tradition from which the presiding minister comes. (revised paragraph 5; new paragraph 6; see also revisions to Canon 16)**

(3) Provisions for welcoming visiting clergy

In discussion of the revisions it became clear that the present Canon 15 does not reflect current practice and procedures in welcoming visiting clergy. These expect visiting clergy and the Rector who invited them to notify the diocesan bishop.

- **A change to Canon 15 has been made to reflect current practice. (revised paragraph 8)**

(4) Visiting clergy and safeguarding

In addition, the provision of current Canon 15.7 (new Canon 15.8) allowing visiting clergy to serve for “five consecutive Sundays” without written permission or safeguarding checks is out of step with current practice on safeguarding. The revised Canon provides that clergy may not officiate in any diocese “for more than five Sundays in any one year” without the bishop’s permission. When a visiting clergyperson is invited to take an SEC service, it is standard practice for the bishop to check with the authorities of that clergyperson’s church that they are in good standing and authorised to undertake this ministry. (This is different from an ecumenical service which two or more denominations hold jointly: all those involved in leading such ecumenical services are under the jurisdiction of their own denomination.)

- **A consequent change to Canon 15 has been made. (revised paragraph 8)**

(5) Minor revisions

(a) The use of the term “Church”

During discussion of the revisions, it became clear that there was some confusion about the use of the word “church” in the current Canon 15, which has been taken by some to mean that Canon 15 also seeks to provide guidance for the offering of hospitality to congregations of other denominations to hold services in SEC church buildings. This is, however, not the case. In the proposed changes “church” has been replaced by the term “charge” to indicate

that Canon 15 concerns the liturgical life of SEC congregations rather than situation of ecumenical hospitality.

(b) Removal of duplicated provisions

The Faith and Order Board determined that paragraph 15.4 of the current Canon essentially duplicated the current paragraph 15.3. It is therefore proposed to delete the current paragraph 15.4.

A note on similar provisions in other Anglican provinces within the British Isles

Recognising Reuilly and other similar relationships, similar provisions regarding worship and presiding at Holy Communion have been made by the Church of England (Canon B 43, together with the list of designated churches

https://www.churchofengland.org/sites/default/files/2019-04/list_of_designated_churches_3_oct_18.pdf) and the Church in Wales (Canons “To

Implement the Reuilly Agreement” [27 April 2000] and “To Support Relations with Other Churches” [7 April 2005]).

The Rev’d Prof Charlotte Methuen
 Convener, Inter-Church Relations Committee

Current Canon (2020)	Proposed amendments
<p>15: OF THE ADMISSION OF CLERGY OF OTHER CHURCHES, PROVINCES AND DIOCESES TO OFFICIATE</p>	<p>15: OF THE ADMISSION OF CLERGY OF OTHER CHURCHES, PROVINCES AND DIOCESES TO OFFICIATE</p>
<p>1. The Scottish Episcopal Church recognises as in full communion with itself the Churches of the Anglican Communion, the other Churches which are listed in the Schedule to this Canon, and such other Churches as shall be added from time to time to this Schedule by the Episcopal Synod with the prior consent of the General Synod. No person other than the clergy of these Churches shall be permitted to minister in any congregation of this Church except as hereinafter provided.</p> <p>The Episcopal Synod shall have the power, subject to the consent of the General Synod, should any Church listed in the Schedule to this Canon take such action as shall have rendered itself, in the opinion of the Episcopal Synod, in a state of impaired communion with this Church, to determine its removal from the said Schedule.</p>	<p>1. <u>CHURCHES OF THE ANGLICAN COMMUNION AND CHURCHES LISTED IN SCHEDULE ONE</u></p> <p>(a) The Scottish Episcopal Church recognises as in full communion with itself the Churches of the Anglican Communion, the other Churches which are listed in the Schedule <u>One</u> to this Canon, and such other Churches as shall be added from time to time to this <u>Schedule One</u> by the Episcopal Synod with the prior consent of the General Synod.</p> <p>(b) No person other than the clergy of these Churches shall be permitted to minister in any congregation of this Church except as hereinafter provided.</p> <p>(c) The Episcopal Synod shall have the power, subject to the consent of the General Synod, sShould any Church listed in the Schedule <u>One</u> to this Canon take such action as shall have rendered itself, in the opinion of the Episcopal Synod, in a state of impaired communion with the <u>Scottish Episcopal</u></p>

	<p><u>Church, the Episcopal Synod shall have the power, subject to the consent of the General Synod, to determine its removal from the said Schedule.</u></p>
	<p><u>2. CHURCHES LISTED IN SCHEDULE TWO</u> <u>(a)The Scottish Episcopal Church has in addition entered into Agreements, endorsed by General Synod, which permit limited exchange of ministries with a number of Churches which are listed in Schedule Two to this Canon.</u> <u>(b) Clergy or authorised lay people of these Churches may give addresses, lead prayers and worship, and assist in the distribution of Holy Communion in services in the Scottish Episcopal Church, as authorised by their own Church.</u> <u>(c) Clergy may preside at a service of Holy Communion in a charge in the Scottish Episcopal Church subject to the provisions of section 6 of this Canon and as authorised by their own Church.</u> <u>(d) Other Churches may be added from time to time to Schedule Two by the Episcopal Synod subject to the signing of similar Agreements and with the prior consent of the General Synod.</u> <u>(e) Should any Church listed in Schedule Two to this Canon take such action as shall have rendered itself, in the opinion of the Episcopal Synod, no longer to be in relationship with the Scottish Episcopal Church, the Episcopal Synod shall have power, subject to the consent of the General Synod, to determine its removal from the said Schedule.</u></p>
<p>3. A Bishop may grant permission for an ordained minister or a member of a Trinitarian Church, not included in Section 1, to give addresses, lead prayers, and assist in the distribution of Holy Communion in any Church within the Diocese, if the College of Bishops has previously determined that the relation of this Church to the Church in question makes such action desirable.</p>	<p><u>3. MINISTERS/MEMBERS OF TRINITARIAN CHURCHES NOT INCLUDED IN SCHEDULES ONE AND TWO</u> A Bishop may grant permission for an ordained minister or a member of a Trinitarian Church, not included in Section 1 <u>Schedules One or Two</u>, to give addresses, lead prayers <u>and worship</u>, and assist in the distribution of Holy Communion in any Church <u>charge</u> within the Diocese, if the College of Bishops has previously determined that the relation of <u>the Scottish Episcopal Church</u> to the Church in question makes such action desirable.</p>

<p>2. Notwithstanding the further provisions of this Canon, where one or more congregations of other Trinitarian Churches are closely associated in mission with a congregation of the Scottish Episcopal Church, the General Synod may, at the request of the Synod of the Diocese of which the said Episcopalian congregation is part, approve the creation of a Local Ecumenical Partnership or Ecumenical Parish, within which members of participating congregations will be welcome to share in the Eucharist in each other's congregations, under the presidency of any of the duly ordained clergy of those congregations who have received the requisite authority of their own denomination to preside at the Eucharist, subject always to the pastoral oversight and canonical authority of the Bishop of the Diocese.</p>	<p><u>24. LOCAL ECUMENICAL PARTNERSHIP OR ECUMENICAL PARISH</u> Notwithstanding the further provisions of this Canon, where one or more congregations of other Trinitarian Churches are closely associated in mission with a congregation of the Scottish Episcopal Church, the General Synod may, at the request of the Synod of the Diocese of which the said Episcopalian congregation is part, approve the creation of a Local Ecumenical Partnership or Ecumenical Parish, within which members of participating congregations will be welcome to share in the Eucharist in each other's congregations, under the presidency of any of the duly ordained clergy of those congregations who have received the requisite authority of their own denomination to preside at the Eucharist, subject always to the pastoral oversight and canonical authority of the Bishop of the Diocese.</p>
<p>4. A Bishop may grant permission to an episcopally ordained cleric of a Church not included in Section 1 hereof to give addresses in any church within the diocese if the College of Bishops has previously determined that the relation of this Church to the Church in question makes such action desirable.</p>	<p>4. A Bishop may grant permission to an episcopally ordained cleric of a Church not included in Section 1 hereof to give addresses in any church within the diocese if the College of Bishops has previously determined that the relation of this Church to the Church in question makes such action desirable.</p>
<p>5. Subject to the provisions of Canon 16, Section 1 hereof, no Rector shall permit any cleric to officiate in any church of which that Rector has charge without ascertaining that the said cleric has been episcopally ordained to the Order to which the said cleric professes to belong, and while so officiating will not act or speak in a manner contrary to the doctrine and discipline of this Church. A Bishop may, however, at the request of the Rector give permission for a minister (whether episcopally ordained or not) of a Trinitarian Church outside the Anglican Communion to assist at a wedding, funeral or memorial service or at a service or occasion of an ecumenical character in a church within the diocese in such manner as the College of Bishops shall direct.</p>	<p><u>5. PERMISSION FOR CLERGY OF OTHER CHURCHES TO OFFICIATE AT A SERVICE</u> <u>(a) Subject to the provisions of Canon 16, Section 1 hereof, no Rector or Priest-in-Charge shall permit any cleric to officiate in any church of which that Rector or Priest-in-Charge has charge without ascertaining that the said cleric has been episcopally ordained to the Order to which the said cleric professes to belong, or that the said cleric is ordained and licensed or authorised to minister in one of the Churches listed in either Schedule One or Schedule Two to this canon.</u> (b) And when so officiating the cleric shall not act or speak in a manner contrary to the doctrine and discipline of the Scottish Episcopal Church. <u>(c) An ordained minister from one of the Churches listed in Schedule Two of this canon may be invited to preside at a Eucharist in a charge of the Scottish Episcopal Church according to a rite normally used in and</u></p>

	<p><u>within the tradition of their own Church. The service should be advertised as a service of Holy Communion in the tradition of the Church to which they are licensed.</u></p>
	<p><u>6. PERMISSION TO ASSIST AT A PASTORAL OFFICE FOR A MINISTER OUTWITH THE ANGLICAN COMMUNION</u> A Bishop may, however, at the request of the Rector <u>or Priest-in-Charge</u> give permission for a minister (whether episcopally ordained or not) of a Trinitarian Church outside the Anglican Communion to assist at a wedding, funeral or memorial service or at a service or occasion of an ecumenical character in a church charge within the diocese in such manner as the College of Bishops shall direct.</p>
<p>6. No cleric of any other Church or Province shall be given any appointment in this Church unless that cleric is able to produce to the Bishop of the diocese concerned a recommendation from the Bishop of the diocese in which that cleric last served.</p>	<p><u>67. RECOMMENDATION PRIOR TO APPOINTMENT</u> No cleric of any other Church or Province shall be given any appointment in this Church <u>the Scottish Episcopal Church</u> unless that cleric is able to produce to the Bishop of the diocese concerned a recommendation from the Bishop of the diocese in which that cleric last served.</p>
<p>7. No Rector shall allow any cleric not already instituted or licensed or holding written permission to officiate in this Church to conduct services within the charge committed to that Rector for more than two Sundays in any one year without previously informing the Bishop of the diocese; and no cleric from another diocese shall officiate for more than five consecutive Sundays in any one year without permission in writing under the hand of the Bishop of the diocese, in terms of Appendix No.17.</p>	<p><u>78. INVITATION TO CLERIC OR AUTHORISED LAY PERSON FROM ANOTHER CHURCH</u> (a) <u>Any invitation to a cleric or authorised lay person not already instituted or licensed or holding written permission to officiate in this the Scottish Episcopal Church to lead worship or to give an address in a charge of the Scottish Episcopal Church should normally be notified to and approved by the Bishop of the diocese prior to the service.</u> (b) <u>Such a person must be in good standing with their own Church and authorised in their own church to undertake the responsibilities which they are being asked to exercise within the Scottish Episcopal Church.</u> (c) <u>No Rector or Priest-in-Charge shall invite or allow any cleric or authorised lay person not already instituted or licensed or holding written permission to officiate in this the Scottish Episcopal Church to conduct services within the charge committed to that Rector or Priest-in-Charge for more than two Sundays in any one year without previously informing the Bishop of the diocese.;</u> and</p>

	(d) ¶ No cleric from another diocese <u>or another Church shall officiate in any diocese of the Scottish Episcopal Church</u> for more than five consecutive Sundays in any one year without permission in writing under the hand of the Bishop of the diocese, in terms of Appendix No.17.
8. The Bishop of any diocese shall have power to inhibit, in terms of Appendix No.18, any Bishop or any Priest or Deacon from outwith the diocese, from preaching or performing any ecclesiastical function within the diocese, and if the person so inhibited should disregard the inhibition, the Bishop inhibiting shall report the action to that cleric's ecclesiastical superior; and shall also report the inhibition, with the grounds of the same, to the next Episcopal Synod.	89. POWER TO INHIBIT (a) The Bishop of any diocese shall have power to inhibit, in terms of Appendix No.18, any Bishop or any Priest or Deacon from outwith the diocese, from preaching or performing any ecclesiastical function within the diocese. and (b) if the person so inhibited should disregard the inhibition, the Bishop inhibiting shall report the action to that cleric's ecclesiastical superior; and shall also report the inhibition, with the grounds of the same, to the next Episcopal Synod.
9. Any cleric of the diocese, knowingly disregarding such inhibition by allowing the inhibited person to officiate, shall be liable to admonition; and if the admonition be disregarded, the Bishop may take proceedings against that cleric in Synod.	910. DISREGARDING OF INHIBITION Any cleric of the diocese, knowingly disregarding such inhibition by allowing the inhibited person to officiate, shall be liable to admonition; and if the admonition be disregarded, the Bishop may take proceedings against that cleric in Synod.
RESOLUTION UNDER CANON FIFTEEN <i>Resolution 1</i> The Inter-Church Relations Committee shall, in terms of this Canon, act on behalf of General Synod to issue approval of Local Ecumenical Partnerships undertaken with members of the Scottish Churches' National Sponsoring Body for Ecumenical Partnerships (NSB). These partnerships will be reviewed ecumenically following NSB guidelines every five years from date of signing. When a request for approval of a Local Ecumenical Partnership comes from Scottish Episcopal and Methodist Congregations, any such partnership so approved shall be subject to the provisions of Canon 15 and of the Declaration of Intent between the Scottish Episcopal Church and the Methodist Church in Scotland agreed by General Synod in June 1996.	RESOLUTION UNDER CANON FIFTEEN <i>Resolution 1</i> The Inter-Church Relations Committee shall, in terms of this Canon, act on behalf of General Synod to issue approval of Local Ecumenical Partnerships undertaken with members of the Scottish Churches' National Sponsoring Body for Ecumenical Partnerships (NSB). These partnerships will be reviewed ecumenically following NSB guidelines every five years from date of signing. When a request for approval of a Local Ecumenical Partnership comes from Scottish Episcopal and Methodist Congregations, any such partnership so approved shall be subject to the provisions of Canon 15 and of the Declaration of Intent between the Scottish Episcopal Church and the Methodist Church in Scotland agreed by General Synod in June 1996.
SCHEDULE TO CANON FIFTEEN In addition to The Church of England, The Church of Ireland, The Church in Wales, The	SCHEDULE ONE TO CANON FIFTEEN In addition to The Church of England, The Church of Ireland, The Church in Wales, The

<p>Episcopal Church in the United States of America, and all other Churches of the Anglican Communion, the Scottish Episcopal Church recognises as in full communion with itself The Old Catholic Churches in communion with the Metropolitan See of Utrecht; The Church of North India, The Church of Pakistan, The Mar Thoma Church of Malabar, The Church of Bangladesh, The Church of South India; The Church of Norway, The Church of Sweden, The Evangelical Lutheran Church of Estonia, The Evangelical Lutheran Church of Finland, The Evangelical Lutheran Church of Iceland, The Evangelical Lutheran Church of Lithuania, The Evangelical Lutheran Church in Denmark, The Latvian Evangelical Lutheran Church Abroad and The Lutheran Church in Great Britain.</p>	<p>Episcopal Church in the United States of America, and all other Churches of the Anglican Communion <u>as defined by the Anglican Communion Office (which include The Church of North India, The Church of Pakistan, The Church of Bangladesh, The Church of South India, The Spanish Reformed Episcopal Church, and the Lusitanian Catholic Apostolic Evangelical Church)</u>, the Scottish Episcopal Church recognises as in full communion with itself The Old Catholic Churches in communion with the Metropolitan See of Utrecht (<u>through the Bonn Agreement</u>), The Church of North India, The Church of Pakistan, The Mar Thoma Church of Malabar, <u>The Philippine Independent Church, The Church of Bangladesh, The Church of South India;</u> <u>and with</u> The Church of Norway, The Church of Sweden, The Evangelical Lutheran Church of Estonia, The Evangelical Lutheran Church of Finland, The Evangelical Lutheran Church of Iceland, The Evangelical Lutheran Church of Lithuania, The Evangelical Lutheran Church in Denmark, The Latvian Evangelical Lutheran Church Abroad and The Lutheran Church in Great Britain (<u>through the Porvoo Common Statement</u>).</p>
	<p><u>SCHEDULE TWO TO CANON FIFTEEN</u> <u>The Scottish Episcopal Church has entered into agreements of limited exchange with the following churches: the Church of the Augsburg Confession of Alsace and Lorraine, the Reformed Church of Alsace and Lorraine, the United Protestant Church of France (formerly the Evangelical-Lutheran Church of France and the Reformed Church of France) (through the Reuilly Agreement); the Methodist Church of Great Britain and the United Reformed Church (through the EMU Partnership), the Church of Scotland (through the St Andrew Declaration).</u></p>

<p>16: OF OTHERS WHO MAY BE PERMITTED TO OFFICIATE IN CHURCHES 1. The Rector of a church may invite representatives of other Communion<u>s</u> to give</p>	<p>16: OF OTHERS WHO MAY BE PERMITTED TO OFFICIATE IN CHURCHES 1. The Rector <u>or Priest-in-Charge</u> of a church charge of the Scottish Episcopal Church may</p>
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<p>an address or assist at a service, provided that the Bishop of the Diocese consents to the invitation being given.</p> <p>2. A Bishop, on the application of a Rector of any church within the diocese, may grant permission to any lay person in communion with the Scottish Episcopal Church to address the congregation in that church or to conduct any service which does not require the ministrations of a Priest. Nothing in this Section shall be held to limit the functions of Lay Readers and Deaconesses as defined in the Code of Canons.</p> <p>3. A Bishop may, in view of a large number of communicants or for any other good or sufficient reason, at the request of a Rector give permission to a lay person in communion with the Scottish Episcopal Church to assist at the administration of Communion.</p> <p>4. This Canon is subject to such Regulations as the College of Bishops may from time to time enact and publish.</p>	<p>invite representatives of other Communion<u>s</u> and <u>Churches</u> to give an address or assist at a service, <u>subject to the provisions of Canon 15,</u> and provided that the Bishop of the Diocese consents to the invitation being given.</p> <p>2. <u>(a)</u> A Bishop, on the application of a Rector <u>or Priest-in-Charge</u> of any church-charge within the diocese, may grant permission to any lay person in communion with the Scottish Episcopal Church to address the congregation in that church or to conduct any service which does not require the ministrations of a Priest.</p> <p><u>(b)</u> Nothing in this Section shall be held to limit the functions of Lay Readers and Deaconesses as defined in the Code of Canons.</p> <p>3. A Bishop may, in view of a large number of communicants or for any other good or sufficient reason, at the request of a Rector <u>or Priest-in-Charge</u> give permission to a lay person in communion with the Scottish Episcopal Church to assist at the administration of Communion.</p> <p>4. This Canon is subject to such Regulations as the College of Bishops may from time to time enact and publish.</p>
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CANON FIFTEEN

**OF THE ADMISSION OF CLERGY OF OTHER CHURCHES, PROVINCES
AND OTHER DIOCESES TO OFFICIATE**

**1. CHURCHES OF THE ANGLICAN COMMUNION AND CHURCHES LISTED IN
SCHEDULE ONE**

- (a) The Scottish Episcopal Church recognises as in full communion with itself the Churches of the Anglican Communion, the other Churches which are listed in Schedule One to this Canon and such other Churches as shall be added from time to time to Schedule One by the Episcopal Synod with the prior consent of the General Synod.
- (b) No person other than the clergy of these Churches shall be permitted to minister in any congregation of this Church except as hereinafter provided.
- (c) Should any Church listed in Schedule One to this Canon take such action as shall have rendered itself, in the opinion of the Episcopal Synod, in a state of impaired communion with the Scottish Episcopal Church, the Episcopal Synod shall have the power, subject to the consent of the General Synod, to determine its removal from said Schedule.

2. CHURCHES LISTED IN SCHEDULE TWO

- (a) The Scottish Episcopal Church has in addition entered into Agreements, endorsed by General Synod, which permit limited exchange of ministries with a number of Churches which are listed in Schedule Two to this Canon.
- (b) Clergy or authorised lay people of these Churches may give addresses, lead prayers and worship and assist in the distribution of Holy Communion in services in the Scottish Episcopal Church, as authorised by their own Church.

- (c) Clergy may preside at a service of Holy Communion in a charge in the Scottish Episcopal Church subject to the provisions of Section 6 of this Canon and as authorised by their own Church.
- (d) Other Churches may be added from time to time to Schedule Two by the Episcopal Synod subject to the signing of similar Agreements and with the prior consent of the General Synod.
- (e) Should any Church listed in Schedule Two to this Canon take such action as shall have rendered itself, in the opinion of the Episcopal Synod, no longer to be in a relationship with the Scottish Episcopal Church, the Episcopal Synod shall have the power, subject to the consent of the General Synod, to determine its removal from said Schedule.

3. MINISTERS/MEMBERS OF TRINITARIAN CHURCHES NOT INCLUDED IN SCHEDULES ONE AND TWO

A Bishop may grant permission for an ordained minister or a member of a Trinitarian Church, not included in Schedules One or Two, to give addresses, lead prayers and worship and assist in the distribution of Holy Communion in any charge within the Diocese, if the College of Bishops has previously determined that the relation of the Scottish Episcopal Church to the Church in question makes such action desirable.

4. LOCAL ECUMENICAL PARTNERSHIP OR ECUMENICAL PARISH

Notwithstanding the further provisions of this Canon, where one or more Congregations of other Trinitarian Churches are closely associated in mission with a congregation of the Scottish Episcopal Church, the General Synod may, at the request of the Synod of the Diocese of which the said Episcopalian congregation is part, approve the creation of a Local Ecumenical Partnership or Ecumenical Parish, within which members of participating congregations will be welcome to share in the Eucharist in each other's congregations under the presidency of any of the duly ordained clergy of those congregations who have received the

requisite authority of their own denomination to preside at the Eucharist, subject always to the pastoral oversight and canonical authority of the Bishop of the Diocese.

5. PERMISSION FOR CLERGY OF OTHER CHURCHES TO OFFICIATE AT A SERVICE

- (a) Subject to the provisions of Canon 16 Section 1, no Rector or Priest-in Charge shall permit any cleric to officiate in any church of which that Rector or Priest-in-Charge has charge without ascertaining that the said cleric has been episcopally ordained to the Order to which the said cleric professes to belong, or that said cleric is ordained and licensed or authorised to minister in one of the Churches listed in either Schedule One or Schedule Two to this Canon.
- (b) When so officiating, the cleric shall not act or speak in a manner contrary to the doctrine and discipline of the Scottish Episcopal Church.
- (c) An ordained minister from one of the Churches listed in Schedule Two of this Canon may be invited to preside at a Eucharist in a charge of the Scottish Episcopal Church according to a rite normally used in and within the tradition of their own Church. The service should be advertised as a service of Holy Communion in the tradition of the Church to which they are licensed.

6. PERMISSION TO ASSIST AT A PASTORAL OFFICE FOR CLERGY OF CHURCHES OUTWITH THE ANGLICAN COMMUNION

A Bishop may, at the request of the Rector or Priest-in-Charge give permission for a minister of a Trinitarian Church outside the Anglican Communion to assist at a wedding, funeral or memorial service or at a service or occasion of an ecumenical character in a charge within the diocese.

7. RECOMMENDATION PRIOR TO APPOINTMENT

No cleric of any other Church or Province shall be given any appointment in the Scottish Episcopal Church unless that cleric is able to produce to the Bishop of the diocese concerned a recommendation from the Bishop of the diocese in which that cleric last served.

8. INVITATION TO CLERIC OR AUTHORISED LAY PERSON FROM ANOTHER CHURCH

- (a) Any invitation to a cleric or authorised lay person not already instituted or licensed or holding written permission to officiate in the Scottish Episcopal Church to lead worship or to give an address in a charge of the Scottish Episcopal Church should normally be notified to and approved by the Bishop of the diocese prior to the service.
- (b) Such a person must be in good standing with their own Church and authorised in their own Church to undertake the responsibilities which they are being asked to exercise within the Scottish Episcopal Church.
- (c) No Rector or Priest-in-Charge shall invite or allow any cleric or authorised lay person not already instituted or licensed or holding written permission to officiate in the Scottish Episcopal Church to conduct services within the charge committed to that Rector or Priest-in-Charge for more than two Sundays in any one year without previously informing the Bishop of the diocese.
- (d) No Cleric from another diocese or another Church shall officiate in any diocese of the Scottish Episcopal Church for more than five Sundays in any one year without permission in writing under the hand of the Bishop of the diocese in terms of Appendix No.17.

9. POWER TO INHIBIT

- (a) The Bishop of any diocese shall have power to inhibit, in terms of Appendix No.18, any Bishop or any Priest or any Deacon from

outwith the diocese from preaching or performing any ecclesiastical function within the diocese.

- (b) If the person so inhibited should disregard the inhibition, the Bishop inhibiting shall report the action to that cleric's ecclesiastical superior, and shall also report the inhibition, with the grounds of the same, to the next Episcopal Synod.

10. DISREGARDING OF INHIBITION

Any cleric of the diocese, knowingly disregarding such inhibition by allowing the inhibited person to officiate, shall be liable to admonition, and if the admonition be disregarded, the Bishop may take proceedings against that cleric in Synod.

RESOLUTION UNDER CANON FIFTEEN

Resolution 1

- (a) The Inter-Church Relations Committee shall, in terms of this Canon, act of behalf of General Synod to issue approval of Local Ecumenical Partnerships undertaken with members of the Scottish Churches' National Sponsoring Body for Ecumenical Partnerships (NSB).
- (b) These partnerships will be reviewed ecumenically following NSB guidelines every five years from date of signing.
- (c) When a request for approval of a Local Ecumenical Partnership comes from Scottish Episcopal and Methodist Congregations, any such partnership so approved shall be subject to the provisions of Canon Fifteen and of the Declaration of Intent between the Scottish Episcopal Church and the Methodist Church in Scotland agreed by General Synod in June 1996.

SCHEDULE ONE

In addition to The Church of England, The Church of Ireland, The Church in Wales, The Episcopal Church in the United States of America, and all other Churches of the Anglican Communion as defined by the Anglican Communion Office (which include The Church of North India, The Church of Pakistan, The Church of Bangladesh, The Church of South India, The Spanish Reformed Episcopal Church and the Lusitanian Catholic Apostolic Evangelical Church), the Scottish Episcopal Church recognises as in full communion with itself The Old Catholic Churches in communion with the Metropolitan See of Utrecht (through the Bonn Agreement), The Mar Thoma Church of Malabar, the Philippine Independent Church ; and with The Church of Norway, The Church of Sweden, The Evangelical Lutheran Church of Estonia, The Evangelical Lutheran Church of Finland, The Evangelical Lutheran Church of Iceland, The Evangelical Lutheran Church of Lithuania, The Evangelical Lutheran Church in Denmark, The Latvian Evangelical Lutheran Church Abroad and The Lutheran Church in Great Britain (through the Porvoo Common Statement).

SCHEDULE TWO

The Scottish Episcopal Church has entered into agreements of limited exchange with the following Churches: the Church of the Augsburg Confession of Alsace and Lorraine, the Reformed Church of Alsace and Lorraine, the United Protestant Church of France (formerly the Evangelical-Lutheran Church of France and the Reformed Church of France)(through the Reuilly Agreement), the Methodist Church of Great Britain, United Reformed Church (through the EMU Partnership) and the Church of Scotland (through the St Andrew Declaration).

CANON SIXTEEN

OF OTHERS WHO MAY BE PERMITTED TO OFFICIATE IN CHURCHES

1. INVITATION TO REPRESENTATIVES OF OTHER CHURCHES TO PARTICIPATE AT A SERVICE

The Rector or Priest-in-Charge of a charge of the Scottish Episcopal Church may invite representatives of other Communion and Churches to give an address or assist at a service, subject to the provisions of Canon Fifteen, and provided that the Bishop of the Diocese consents to the invitation being given.

2. PERMISSION TO A LAY PERSON TO PARTICIPATE AT A SERVICE

(a) A Bishop, on the application of a Rector or Priest-in-Charge of any charge within the diocese, may grant permission to any lay person in communion with the Scottish Episcopal Church to address the congregation in that church or to conduct any service which does not require the ministrations of a Priest.

(b) Nothing in this Section shall be held to limit the functions of Lay Readers and Deaconesses as defined in the Code of Canons.

3. PERMISSION TO A LAY PERSON TO ASSIST AT ADMINISTRATION OF COMMUNION

A Bishop may, in view of a large number of communicants or for any other good or sufficient reason, at the request of a Rector or Priest-in-Charge, give permission to a lay person in communion with the Scottish Episcopal Church to assist at the administration of Communion.

4. REGULATIONS

This Canon is subject to such Regulations as the College of Bishops may from time to time enact and publish.

CANON THIRTY-FIVE

OF THE STRUCTURE, FURNITURE AND MONUMENTS OF CHURCHES, AND THE DUE CARE THEREOF

1. With the exception of minor works identified by the Provincial Buildings Committee, no change (whether by introduction, alteration or removal) shall be made in the structure, ecclesiastical furniture or ornaments, monuments, mural tablets or painted or stained windows of any Church used for public worship or within the curtilage thereof, nor shall any scheme of redecoration or any alteration of lighting or heating system be undertaken unless the Vestry of the same with the consent of the Rector shall have obtained the approval in writing of the Bishop and of the Diocesan Buildings Committee; provided always that such approval [adheres to the Scottish Episcopal Church Net Zero Guidance endorsed by the Provincial Buildings Committee and](#) does not violate any restrictions contained in the Constitution or titles of the Church. Subject to the Constitution or titles of the Church, a Vestry or twenty per cent of the members of the Communicants' Roll, as defined in Canon 41, Section 2, of the charge concerned shall have a right of appeal against the decision of the Diocesan Buildings Committee or of the Bishop to the Provincial Buildings Committee. Notwithstanding the above, the Vestry with the consent of the Rector, may undertake re-ordering of the ecclesiastical furniture or ornaments of the Church for an experimental period.

COMMITTEE FOR THE PROTECTION OF CHILDREN AND VULNERABLE ADULTS (SAFEGUARDING COMMITTEE)

CANON 65 REVISION

General

This explanatory note sets out the background to the proposed changes to Canon 65.

In 2020 General Synod approved a new safeguarding policy based on the Anglican Communion's Safe Church Charter. Safe Church refers to the commitment of churches and other institutions of the Anglican Communion to work towards making churches safer places for everyone. Safeguarding refers to the measures that are implemented to enable Churches to put their Safe Church commitments into practice. Canon 65 relates to the Scottish Episcopal Church's Safeguarding measures. It is a business rather than a policy document.

The purpose of Canon 65 is to assign safeguarding authorities and duties at a high level. Operational practice is covered in the various policy and practice guidance documents published on the SEC website. These will require to be updated and expanded in the light of changes to the Canon.

As far as is possible for a legal document such as a canon, the proposed revision uses simpler wording than the current canon. Each section has been broken down into subsections for ease of reference. To avoid the requirement for future amendments, references to legislation that may change are avoided.

There will be consequential changes elsewhere in the Code of Canons wherever there are references to 'Protection of Children and Vulnerable Adults' which will be updated to 'Safeguarding' at the second reading.

The proposed new Canon 65 represents a significant step forward in defining key areas of responsibility more clearly than under the current Canon. Amending the Canons is a two-year process, but if the proposed version passes the first stage this year, the Safeguarding Committee and Officers will be in a better position to continue the work of building a robust framework for safeguarding in the SEC.

The proposed revision is presented as a 'clean' copy. It represents a substantial redraft with new Sections and the Sections in the current Canon are written in a different order. This does not lend itself to presentation as a document with tracked changes but the current Canon is available to view at:

<https://www.scotland.anglican.org/wp-content/uploads/Code-of-Canons-2020.pdf>

The proposed new Canon 65 should be read in conjunction with the notes below. The numbered headings relate to the Sections and letters to the subsections in the draft Canon. The 2020 Policy Principles and Commitments is published on the SEC website:

<https://www.scotland.anglican.org/wp-content/uploads/Safeguarding-Policy-Principles-and-Commitments-plus-Definitions-2020.pdf>

1. Duty to Safeguard

This new Section sets out in broad terms where responsibility for Safeguarding lies.

- (a) This reflects the wording in the 2020 policy: *We will promote a culture of safety in our congregations and church organisations and communities by education and training to help clergy, other church workers and participants prevent the occurrence of harm and abuse.* The same wording is used in Section 3(b). Abuse is defined in the glossary to the 2020 Policy.
- (b) This covers the duty of all members of the Church to uphold the principles of safeguarding and comply with the Church's policies and procedures.
- (c) This has been added to cover employees and volunteers who may not be members of the Church. Examples include administrative staff, caretakers, cleaners and church musicians. This is perhaps more a statement of aspiration than legal duty as such since such people are unlikely to be subject to the Code of Canons directly.

2. Specific duties and responsibilities of Church Bodies

This new Section defines where responsibility for implementing the Church's policies lies. This was less clear in the original.

- (a) A Church Body is defined as having charitable status in its own right. This includes, but is not restricted to, vestries, dioceses and the province. Each Church Body has safeguarding responsibilities in relation to the appointment of its personnel, whether clergy or lay, stipendiary, salaried or voluntary.
- (b) This restates subsection 1(b) but it is helpful to reinforce this point in the context of subsections 2(c) and 2(d) below.
- (c) This is an essential element of the working relationship between the Safeguarding Team and Church Bodies in relation to safe recruitment and PVG. The duty of the Safeguarding Committee is to promote safe recruitment practices and these practices are facilitated by the Safeguarding Team, but it is the responsibility of each Church Body to implement and act on the guidance.
- (d) The requirement on Church Bodies to prepare an annual return, originally covered in the resolutions under the Canon, is now included here.

3. Provincial Safeguarding Committee

This Section expands on Section 1 of the current Canon.

- (f) This clarifies the relationship between the Committee and the Provincial Safeguarding Officers in relation to safeguarding advice. Section 5 of the draft canon covers the Provincial Safeguarding Officer's duty to seek advice and Section 7 covers sources of advice.

4. Provincial Safeguarding Officer

This ensures that there is always a Provincial Safeguarding Officer or Acting Provincial Safeguarding Officer in post.

- (d) In this context ‘terms and conditions’ refers to the terms and conditions of employment determined by the Provincial Standing Committee.

5. Authority of the Provincial Safeguarding Officer

This covers the duties and authorities of the Provincial Safeguarding Officer in relation to safe recruitment.

- (a) All criminal record disclosure applications are submitted to Disclosure Scotland by the Safeguarding Team. Section 2(c) places on each Church Body responsibility for identifying relevant appointments and submitting disclosure applications to the Team for processing.
- (d) The requirement to seek advice is contained in the current Canon and is retained. The term ‘complex and difficult questions’ is not defined here but is covered by practice agreed between the Provincial Officer and the Committee.
- (e) This has been added for practical reasons as consultation with the full Committee may not always be possible.

6. Authority to recommend suspension

This is a clarification of the process set out in the current Canon 65. It refers only to the suspension of volunteers and lay employees, with clergy suspension being dealt with under Canon 54.

- (c) The notification is given to the Church body as defined in Section 2(a). The requirement to advise the Bishop in the original Canon 65 has been removed as Bishops have no authority to suspend a volunteer appointed by a vestry. The advice to suspend a person from their duties must be delivered to the person or persons with the authority to implement the suspension. It is not helpful to try to define this in greater detail as the relevant person will differ between charges. This will be covered by a practice note.

A recommendation to suspend reflects the reality that only the appointing body has the authority to suspend or dismiss, so stronger wording would not be appropriate. That said, the Canon places the duty to comply and uphold the Church’s Policies and procedures on each Church Body with separate charitable status, and as such charity trustees should always take into account safeguarding advice.

7. Authority in relation to safeguarding concerns

This section covers the powers of the Provincial Officer in relation to safeguarding concerns.

- (a) The authority to provide advice is understood but not stated in the current Canon.
- (b) Standing Committee has authorised funding to enable the use of external consultants.
- (c) The authority to investigate a concern is fundamental to Safeguarding but is not set out explicitly in the current Canon.
- (d) This may require to be amended in the light of revisions to Canon 54.

8. Risk Assessment

This is an addition to the current Canon 65 to formalise practice. Risk assessment is the term used to quantify and reduce potential risk of harm in a wide variety of situations. Risk assessments have always formed part of the work of the Provincial Officer in relation to appointments and safeguarding concerns.

- (c) If a potential risk is identified, it is the duty of the Provincial Officer to carry out a risk assessment with or without the co-operation of the individual concerned.

9. Decisions

This is updated from the current Canon 65 to include an Acting Provincial Officer.

10. Appeals Committee and

11. Appeals

Minor changes only.

Schedule

No changes at this time.

Resolutions

There are currently three resolutions under the Canon. Resolutions 1 and 2 cover duties that are now set out in Sections 1 and 2 of the proposed new Canon. Resolution 3 is retained with revised wording.

Richard Baker
Convener, Safeguarding Committee

**CANON SIXTY-FIVE
OF SAFEGUARDING IN THE CHURCH**

1. DUTY TO SAFEGUARD

- (a) The Scottish Episcopal Church must promote at all times a safe and protective environment for all people who participate in the activities of the Church, with a particular focus on preventing harm and abuse.
- (b) Those in authorised ministry and all dioceses, vestries, and congregations of the Scottish Episcopal Church must uphold and comply with the Church's safeguarding Policies set out in the Schedule and the procedures adopted by the Safeguarding Committee from time to time.
- (c) Any person working in the Scottish Episcopal Church, whether on a paid or on a voluntary basis, must uphold and comply with the Church's safeguarding Policies set out in the Schedule and the procedures adopted by the Safeguarding Committee from time to time.

2. SPECIFIC DUTIES AND RESPONSIBILITIES OF CHURCH BODIES

- (a) This Section applies to each body within the Scottish Episcopal Church which has charitable status in its own right and which has the power to make appointments.
- (b) Each body must uphold and comply with the Church's safeguarding Policies set out in the Schedule and the procedures adopted by the Safeguarding Committee from time to time.
- (c) Each body must implement guidance issued from time to time by or on behalf of the Safeguarding Committee on safe recruitment including submitting applications to the Provincial Safeguarding Officer for criminal record disclosures for all relevant positions.
- (d) Each body must prepare and submit an annual safeguarding return in accordance with guidance issued from time to time by or on behalf of the Safeguarding Committee and participate in any safeguarding audit as and when required.

3. PROVINCIAL SAFEGUARDING COMMITTEE

- (a) There shall be a Safeguarding Committee, whose members shall be appointed by the Standing Committee of the General Synod.
- (b) The Safeguarding Committee is responsible for promoting a safe and protective environment for all people who participate in the activities of the Church, with a particular focus on preventing harm and abuse.
- (c) The Safeguarding Committee is responsible for promoting safe recruitment practices within the Church.
- (d) The Safeguarding Committee is responsible for monitoring the Church's compliance with all relevant safeguarding legislation.
- (e) The Safeguarding Committee is to perform the functions and duties allocated to it under this Canon or by the Policies set out in the Schedule.
- (f) The Safeguarding Committee is to tender such advice to the Provincial Officer as it sees fit when the Provincial Officer seeks its advice or consults it.
- (g) The Safeguarding Committee has the power to monitor the operation of this Canon and to propose amendments to the Canon and to any or all of the Policies set out in the Schedule and to Resolutions under the Canon.

4. PROVINCIAL SAFEGUARDING OFFICER

- (a) The Standing Committee of the General Synod is to appoint a Provincial Safeguarding Officer who shall carry out the functions and duties set out in this Canon.
- (b) The Standing Committee also has the power to appoint one or more Assistant Provincial Safeguarding Officers to assist the Provincial Safeguarding Officer.
- (c) The Standing Committee of the General Synod has the power to appoint an Acting Provincial Safeguarding Officer, who shall have all the duties, powers and authority of the Provincial Safeguarding Officer when that Officer is absent or unavailable or when that post is vacant.
- (d) All appointments made under this Section shall be on such terms and conditions as the Standing Committee determines.

**5. AUTHORITY OF THE PROVINCIAL SAFEGUARDING OFFICER IN
RELATION TO SAFE RECRUITMENT**

- (a) The Provincial Safeguarding Officer has authority to apply for a criminal record disclosure, in so far as permitted or required by any relevant legislation, in respect of any person holding, applying for or proposed for appointment to a position in the Church, being a position to which the relevant legislation applies.
- (b) The Provincial Safeguarding Officer shall make decisions about the suitability of a person holding, applying for or proposed for appointment to a position in the Church in respect of which a check of criminal conviction, vetting or listing information is available.
- (c) The Provincial Safeguarding Officer has authority to provide advice about the suitability of any person holding, applying for or proposed for appointment to a position of trust and responsibility in the Church.
- (d) The Provincial Safeguarding Officer must seek the advice of the Safeguarding Committee on complex and difficult questions regarding the suitability of any person.
- (e) When providing advice under subsection (d) in a particular case the Safeguarding Committee may delegate the matter within the Committee as it sees fit.

**6. AUTHORITY OF THE PROVINCIAL SAFEGUARDING OFFICER TO
RECOMMEND SUSPENSION**

- (a) This Section applies to any person holding a position in the Scottish Episcopal Church other than a Bishop, Priest or Deacon holding any form of authorisation to minister in the Scottish Episcopal Church.
- (b) In the event that a decision is made by the Provincial Safeguarding Officer under Section 5(b) of this Canon that a person is not suitable to continue to hold a position within the Church, the Officer may recommend that the person be suspended from their position.
- (c) When the Provincial Safeguarding Officer recommends suspension of such a person, the Officer must give notification of the recommendation to the body responsible for the person's appointment.

**7. AUTHORITY OF THE PROVINCIAL SAFEGUARDING OFFICER IN
RELATION TO SAFEGUARDING CONCERNS**

- (a) The Provincial Safeguarding Officer has the authority to provide advice on all matters relating to safeguarding.
- (b) The Provincial Safeguarding Officer has the authority to consult generally on any safeguarding matter with whomever the Officer considers appropriate, including but not restricted to Assistant Provincial Safeguarding Officers and members of the Safeguarding Committee.
- (c) The Provincial Safeguarding Officer has the authority to carry out investigations into safeguarding allegations, including those in respect of any Bishop, Priest or Deacon holding any form of authorisation to minister in the Scottish Episcopal Church, as the Officer considers appropriate; and the Officer may delegate parts of such investigatory work to suitably qualified persons.
- (d) The Provincial Safeguarding Officer has the authority to assist with any investigatory work commissioned by or under the procedures set out in Canon 54 in matters relating to safeguarding issues.

8. RISK ASSESSMENT

- (a) A risk assessment to evaluate the level of safeguarding risk, if any, that a person may pose to other people may be undertaken by the Provincial Safeguarding Officer or by an Assistant Provincial Safeguarding Officer.
- (b) A risk assessment may also be undertaken by a suitably qualified person chosen by the Officer or Assistant Officer, where it is considered that the person has expertise appropriate to a particular assessment.
- (c) The Provincial Safeguarding Officer has the authority to require that a person seeking or holding a position in the Scottish Episcopal Church, including a Bishop, Priest or Deacon holding any form of authorisation to minister in the Church, undergoes a risk assessment in relation to safeguarding matters.
- (d) The Provincial Safeguarding Officer may seek the advice of the Safeguarding Committee about whether a risk assessment is required in a particular case, and if so, who should carry it out.

- (e) When a risk assessment under this Canon has been carried out in relation to a person seeking a position in the Church, the Provincial Safeguarding Officer may use the assessment to inform a decision under Section 5(b).
- (f) When a risk assessment under this Canon has been carried out in relation to a person holding a position in the Church (other than a Bishop, Priest or Deacon holding any form of authorisation to minister in the Church), the Provincial Safeguarding Officer may recommend suspension of that person under Section 6.
- (g) When a risk assessment under this Canon has been carried out in relation to a Bishop, Priest or Deacon holding a position in the Church, the Provincial Safeguarding Officer may use the assessment to inform proceedings under Canon 54.

9. PROVINCIAL SAFEGUARDING OFFICER'S DECISIONS BINDING

- (a) All decisions taken by the Provincial Safeguarding Officer or the Acting Provincial Safeguarding Officer under this Canon shall be binding upon all persons or bodies to whom they relate, subject only to the Appeal provisions set out below.

10. PROVINCIAL SAFEGUARDING APPEALS COMMITTEE

- (a) The members of the Provincial Safeguarding Appeals Committee shall be appointed by the Standing Committee of the General Synod.
- (b) The Provincial Safeguarding Appeals Committee shall determine its own procedures and rules for the disposal of appeals.

11. APPEALS AGAINST SECTION 5(b) DECISIONS

- (a) Any person who is dissatisfied with a decision under Section 5(b) of this Canon regarding their fitness to hold or continue to hold a position in the Church may appeal against that decision to the Provincial Safeguarding Appeals Committee.
- (b) An appeal must be lodged in writing with the Secretary General of the General Synod within 21 days of the date of the intimation of the decision.

- (c) Where an appeal is lodged after 21 days, it may be accepted late if there is a good reason for doing so.
- (d) The decision about whether to accept a late appeal shall be made by the Chair of the Provincial Safeguarding Appeals Committee.
- (e) The decision of the Provincial Safeguarding Appeals Committee on the appeal shall be final.

SCHEDULE

The Policies adopted by the General Synod in relation to Safeguarding matters comprise the following:-

1. Safeguarding Policy: Principles and Commitments adopted by the General Synod in December 2020.
2. The Code of Practice in connection with the use of Disclosure Information and with the functions of Registered Persons (8 February 2011 edition) promulgated by Disclosure Scotland and adopted by the General Synod in June 2012.
3. The policy on the Secure Handling, Use, Storage and Retention of Disclosure Information adopted by the General Synod in June 2012.
4. The policy on the Recruitment of Ex-Offenders adopted by the General Synod in June 2012.

RESOLUTIONS UNDER CANON SIXTY-FIVE

Resolution 1

The Safeguarding Committee has the power to adopt detailed safeguarding procedures and to amend them to ensure compliance with legislation and good safeguarding practice.