

DISCLOSURE OF INFORMATION CANON 2017

Canon 9, 2017

The General Synod prescribes as follows:

Title

1. This canon is the Disclosure of Information Canon 2017.

Object

2. The object of this canon is:
 - (a) to implement the Protocol so far as it provides for the disclosure of information to the person or body in a Province responsible for authorising church workers to undertake ministry;
 - (b) to provide for the disclosure of information to the bishop of another diocese of this Church or a person or body of another denomination having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese or that denomination.

Interpretation

3. In this canon, unless the context otherwise requires:

authorise means authorise by a licence or other similar authority;

church worker means a member of the clergy or a lay person who is authorised, or has previously been authorised, to undertake ministry by a diocesan authority;

denominational authority means a person or body of another denomination having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that denomination;

diocesan authority means a person or body of diocese of this Church having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese;

information means a written statement by a diocesan authority which discloses:

- (a) whether or not there has been, and
 - (b) if there has been, the substance of,
- any untested allegation, charge, finding or admission of the commission of a criminal offence, or a breach of the rules in force in the diocese regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

prescribed person means a provincial authority or a diocesan authority or a denominational authority who is reasonably believed to:

- (a) be considering whether to employ or appoint the church worker to an office, licence or position of responsibility; or
- (b) be determining whether the church worker is suitable to remain in employment or to hold an office, licence or position of responsibility; or
- (c) have the role of recommending or taking disciplinary action against, or recommending or determining the fitness for office of, the church worker under a process being contemplated or taken against the church worker;

prescribed authority means the bishop of a diocese of this Church;

Protocol means the Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion which the Anglican Consultative Council referred to in resolution 16.27 passed in 2016, and the text of which is set out in the Schedule;

Province means a member church of the Anglican Consultative Council other than this Church and includes part of a Province;

provincial authority means a person or body in a Province having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that Province.

Request for information

- 4. (1) When the General Secretary receives an application for information about a church worker from a prescribed person, whether directly or through a prescribed authority or otherwise, he or she must as soon as practicable:
 - (a) forward the application for information to any prescribed authority who, or a predecessor of whom, is recorded in the application as having previously authorised the church worker to undertake ministry; and
 - (b) where permitted by a protocol under the National Register Canon 2007 provide an extract from the National Register relating to the church worker to the prescribed person, except where disclosure of the information is unlawful or is reasonably believed to be likely to give rise to legal liability.

- (2) When a prescribed authority receives an application for information about a church worker from a prescribed person he or she must advise the General Secretary as soon as practicable of the application.
- (3) A prescribed authority, upon receiving an application for information about a church worker from the General Secretary or a prescribed person, must reasonably endeavour to provide the information as soon as practicable to the prescribed person, except where disclosure of the information is unlawful or is reasonably believed to be likely to give rise to legal liability.

Consent of the church worker to disclose information

5. A church worker in respect of whom an application for information by a prescribed person is received by the General Secretary or a prescribed authority is deemed to have given consent to the disclosure of information to the prescribed person.

SCHEDULE

Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion

Definitions

1. In this Protocol:

Assessing Province means the Province in which a Church authority is to assess whether the Church worker should be authorised for ministry;

Authorising Province means the Province or Provinces in which the Church worker is authorised, or has previously been authorised, to undertake ministry by a Church authority;

Church authority means the person or body responsible for authorising Church workers to undertake ministry in the Authorising Province or the Assessing Province;

Church worker means a member of the clergy or a lay person who:

- (a) is authorised, or has previously been authorised, to undertake ministry by a Church authority of the Authorising Province; and
- (b) has applied to undertake authorised ministry, or has been nominated for appointment to a position or office involving the undertaking of authorised ministry, in the Assessing Province;

Ministry Suitability Information means a written statement by a Church authority of the Authorising Province about the Church worker that discloses:

- (a) whether or not there has been; and
- (b) if so, the substance of;
any allegation, charge, finding or admission of the commission of a criminal offence, or the breach of the Authorising Province's rules regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

Province includes part of a Province.

System for the disclosure of Ministry Suitability Information by the Authorising Province

- 2. The Authorising Province will have and maintain a system for the disclosure of Ministry Suitability Information about a Church worker of the Province to the applicable Church authority of the Assessing Province that includes the following requirements:
 - (a) the applicable Church authority of the Province is to promptly deal with an application by the applicable Church authority of the Assessing Province for the disclosure of Ministry Suitability Information; and
 - (b) the applicable Church authority of the Province is to disclose the Ministry Suitability Information to the applicable Church authority of the Assessing Province.

System for assessing the suitability of a Church worker for authorised ministry in the Assessing Province

- 3. The Assessing Province will have and maintain a system for the assessment of the suitability of a Church worker to undertake authorised ministry in the Province that includes the following requirements:
 - (a) the applicable Church authority is to make an application to the Authorising Province for Ministry Suitability Information;
 - (b) the applicable Church authority is not to authorise the Church worker to undertake ministry in the Province unless and until it has carried out an assessment of whether the Church worker is a risk to the physical, emotional and spiritual welfare and safety of people that takes into account the Ministry Suitability Information disclosed by the Authorising Province; and
 - (c) the applicable Church authority is to keep the Ministry Suitability Information confidential, except where its disclosure:
 - (i) is required by law; or
 - (ii) is reasonably believed to be necessary to protect any person from the risk of being harmed by the Church worker; or
 - (iii) is necessary for the purpose of undertaking the assessment of whether the Church worker is suitable to undertake authorised ministry in the Province or any disciplinary action against the Church worker.
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Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 6th day of September 2017.

Dated: 8 September 2017

(sgd) Katherine Bowyer

Clerical Secretary

(sgd) Timothy Reid

Lay Secretary

Primate's appointment when the canon shall come into force [SO63(19)]

I appoint the 6th day of September 2017 as the date on which this canon shall come into force.