

DIOCESE OF CHICHESTER

DIOCESAN BISHOP'S DIRECTIONS REGARDING PLAYS, CONCERTS, AND EXHIBITIONS OF FILMS AND PICTURES IN CHURCHES AND CHAPELS IN ACCORDANCE WITH CANON F16(2)

PRACTICE GUIDANCE – July 2024

A number of people have contacted the Diocesan Safeguarding Team seeking clarity on recent Directions from the Bishop of Chichester. The Directions are titled “**Regarding plays, concerts, and exhibitions of films and pictures in churches and chapels in accordance with Canon F16(2)**”. The full text can be found [by clicking on this link](#). It was issued on 28 June 2024 alongside an Ad Clerum, the text of which can be found [by clicking on this link](#).

This guidance is to be read alongside the Directions and responds to some questions that have arisen. It is organised around the following themes:

1. **Background:** *The Bishop and Diocese have a legitimate interest in preventing certain categories of convicted offender from being involved in some activities in church buildings.*
2. **Purpose:** *The primary purpose of the Directions is to assist churches and other places of worship to avoid giving a podium to a known sexual or violent offender.*
3. **Limit:** *The Directions do not place a burden on incumbents and PCCs to find information about an individual that they do not already know and have no legal method for discovering.*
4. **Compliance:** *An incumbent/PCC taking reasonable and prudent steps to ensure they are not giving a podium to a known sexual or violent offender is complying with the Directions.*

I will expand on these points below:

1. **Background:** *The Bishop and Diocese have a legitimate interest in preventing certain categories of convicted offender from being involved in some activities in church buildings.*

The Bishop and Diocese believe that those convicted of criminal offences should be provided with opportunities for rehabilitation. Amongst other things, ‘rehabilitation’ means that a previous conviction should not forever limit someone’s life chances, including chances of meaningful activity and the social connections that arise. Such a commitment derives naturally from the Christian faith, and is consistent with legal obligations under the *Human Rights Act 1998* and the *Rehabilitation of Offenders Act 1974*.

However, for some categories of offender the Bishop and Diocese have a legitimate interest in preventing them from engaging in certain roles on church premises. Most obviously, prevention should be enforced when involvement in such roles could provide sexual or violent offenders with opportunities to harm others. This is familiar and uncontested ground: self-evidently, a convicted child sexual offender should be prevented from taking a role in children’s work in church.

Furthermore, the Bishop and Diocese have a legitimate interest in preventing certain categories of offender from taking some *other* roles on church premises. This interest extends beyond the management and mitigation of risk. If, for instance, a known sexual offender was to take a leading role in church in a secular artistic performance, this has potential to cause deep hurt and offence to that offender’s victim(s), to victims of abuse in general, and to the wider public. Giving a ‘platform’ to such an offender could reasonably be seen as excusing or colluding with their behaviour, and would be experienced by most as a deeply un-Christian act. It clearly is in the Bishop’s and Diocese’s interests to avoid this.

Finally, giving a ‘platform’ to an offender *in church* may increase risk *outside of church*. For instance, someone may gain opportunities for private musical tuition with a young person outside of church, having become known as a musician because of their activity within church. There is a specific example of this happening within this Diocese over the last two decades.

2. **Purpose:** *The primary purpose of these Directions is to assist churches and other places of worship to avoid giving a podium to a known sexual or violent offender.*

Unfortunately, there have been a small number of occasions in the last three decades in this Diocese where a *known* serious offender was permitted to take a leading role in artistic performances in some of our churches. **The primary purpose of these Directions is to avoid this happening again.**

3. **Limit:** *These Directions do not place a burden on incumbents and PCCs to find information about an individual that they do not already know, and have no legal method for discovering.*

These Directions do not place an expectation on incumbents or PCCs to know what they cannot lawfully discover. Most people taking leading roles in choirs, orchestras or other artistic performances will not be in Regulated Activity, as defined by the *Safeguarding Vulnerable Groups Act 2006*. Therefore neither the hiring body (for instance, the PCC) nor the hirer (the artistic group) would have any lawful grounds to conduct or request an Enhanced DBS check.

The only consistent occasion when a leader of a choir, orchestra or similar group *would* be in Regulated Activity is if the group contained children. In adults-only groups it is unlikely that any such role would qualify as Regulated Activity and therefore no Enhanced DBS can be conducted.

Therefore, in theory at least, an artistic group could have someone with an Unspent conviction for sexual/violent offences in a leading role and be unaware of this. It follows that any church which books this artistic group for a performance is unlikely to know the conviction history of that person.

These are not examples of failure: no-one can be blamed for not knowing something they have no legal grounds to discover.

On the specific point of limit, please note the careful language in para. 8 of the Directions. This language is designed to acknowledge the limitations of what either the hirer or the hiring body can reasonably be expected to know:

All ministers or, as the case may be, Churchwardens or other persons empowered to permit the use of a church or chapel for plays, concerts or exhibitions shall, before granting such permissions, obtain from the applicant confirmation in writing that the applicant has read and understood these directions and that, **to the best of the applicant's knowledge**, the proposed play, concert or exhibition would not contravene these directions. *(Emphasis added).*

4. **Compliance:** *An incumbent/PCC taking reasonable and prudent steps to ensure they are not giving a podium to a known sexual or violent offender is complying with these Directions.*

These Directions are intended to encourage reasonable diligence, not set unachievable standards. This will require some 'practice wisdom'. For instance, as most readers will be aware, a DBS check may not be the only way for incumbents and PCCs to find out that someone has been convicted of sexual or violent offences. In some cases there will be a

shared local or organisational memory, in others a simple open-source search (for instance, searching for someone's name in Google) will reveal that an individual has been convicted of such offences. Indeed, that step would have been sufficient to avoid most of the situations alluded to in sections 1 and 2, above. But, again and for the avoidance of doubt: **the purpose of these Directions is to encourage incumbents and PCCs to do what they can, not to require them to do what they cannot.**

In the event of an open-source search revealing some information about an individual, incumbents and PCCs are not expected to verify whether the reporting is accurate, whether a conviction is Unspent, or whether the role in question meets the criteria set out in paragraph 6 of the Bishop's Directions. In these instances, which are likely to be extremely rare, please contact the Diocesan Safeguarding Team, who will consult further with the Diocesan Registrar and provide advice.

Practical Points:

Some churches have asked practical questions in addition to those covered above. I will respond to those here:

- Most churches will already have a 'hall hire agreement'. (If not, please see Chapter 8 of the national CofE policy [Safer Environment and Activities](#)). The Bishop's Directions can be appended to this agreement when it is shared with a potential hiring body.
- Open-source searching (using Google or equivalent): all we suggest here is that you search against someone's name. You are not being asked to conduct in-depth online investigations in order to comply with these Directions.
- The original situation the Directions had in mind was that of an external body hiring church premises. However, the Directions also apply to concerts or other artistic events organised directly by the church. The principles set out in this Practice Guidance (including principle 2, Limit) apply equally to both situations.

I hope this additional guidance is helpful. It will be placed on the Diocesan Safeguarding Website, along with the Bishop's Directions, under the '[How To Guides](#)' Section.

Colin Perkins

Diocesan Safeguarding Officer

July 2024