

This is the legal framework we have in the UK:

First of all there is 'primary legislation' - Acts of Parliament like the Children Act 2004, or the Health and Safety at Work Act 1974. Everyone must comply with these acts - it is 'the law'.

Then there is secondary legislation - regulations which have the force of law. The relevant Secretary of State can issue these regulations as authorised by an Act. Statutory bodies such as Ofgem and Ofsted (regulators) are legally empowered to enforce them. Particular organisations and individuals have to register with regulators to work in a particular field, comply with the regulations and are inspected to ensure they do.

The third layer is Statutory Guidance; these set out how particular organisations and individuals should apply primary and/or secondary legislation. The guidance is broader than regulations as they apply to people who do particular kinds of work (paid or not) but are not registered or inspected. Statutory guidance is issued by law and it must be followed unless there is a good reason not to. However, not keeping to the guidance does not amount to a criminal offence - but may attract severe criticism and potentially civil action.

There are various kinds of statutory guidance that may apply to ecclesias, including health and safety, food hygiene, fire safety and safeguarding. Most often we will not be inspected to see if we are complying with the guidance but if something goes wrong investigations may be made into how we have followed it and answer for the decisions made or actions taken.

The statutory guidance we have for safeguarding children is here:

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

It has its legal basis in a number of different statutes (the primary legislation) but principally The Children Act 2004.

This is from the guidance:

61. Every VCSE [voluntary, charity and social enterprise], faith-based organisation and private sector organisation or agency should have policies in place to safeguard and protect children from harm. These should be followed and systems should be in place to ensure compliance in this. Individual practitioners, whether paid or volunteer, should be aware of their responsibilities for safeguarding and protecting children from harm, how they should respond to child protection concerns and how to make a referral to local authority children's social care or the police if necessary.

Ecclesias as faith-based organisations, their arranging committees and, where applicable trustees, should be aware of 'Working Together to Safeguard Children' and ensure it is followed.

As with all statutory guidance, you do not break the law if it is not followed, including the direction to report suspected cases of abuse. This is why the Independent Inquiry into Child Sexual Abuse has recommended mandatory reporting of child sexual abuse for people working with children. This would require legislation to enforce.

Chris Peel

22/10/22