

(*on the application of Begum*) v *Denbigh High School*² were distinguished, in that the niqab and jilbab in those cases were far more visible to the observer than the small and unostentatious Kara, which was only 5 mm wide. [RA]

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Re St Mary, Newick

Chichester Consistory Court: Hill Ch, July 2008

Bishopsgate questions – necessity – memorial – inscription

In deciding whether a glass screen should be installed as a memorial, the chancellor took the opportunity to review the principle of ‘necessity’ as adumbrated in *St Helen’s, Bishopsgate*.³ Having reviewed the authorities, the chancellor stated that the word ‘necessity’ should not be taken in isolation as an abstract concept. It should be read in its clear context, which carries the wider concept of pastoral wellbeing or some other compelling reason. Thus the *Bishopsgate* approach, however articulated, continues to impose a high standard of proof on those who seek to discharge the presumption against change applicable in the case of all listed buildings, yet admits of factors concerning the role of the church as a local centre of worship and mission, which is central to the operation of the faculty jurisdiction in consequence of the overriding consideration set out in section 1 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991. However, the chancellor declined to authorise the proposed inscription, which, in his judgment, spoke more of the benefactor than the persons in whose memory the screen was to be installed. He required this aspect to be revisited. [JG]

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Armstrong v Robinson

Disciplinary Tribunal: Diocese of Chester, August 2008

Clergy Discipline – neglect or inefficiency

The complainant had been a Child Protection Officer Advisor to the Chester Diocese since 1997. Canon Robinson was rector of a parish and an honorary canon of Chester Cathedral. In February 2004, Z (who was serving a sentence of life imprisonment for manslaughter) was released on licence. In September

² [2006] UKHL 15, [2007] 1 AC 100.

³ Noted at (1993) 3 Ecc LJ 256.

2004, Canon Robinson appointed Z as a voluntary youth worker in his parish, before the results of a Criminal Records Bureau (CRB) disclosure (which had been applied for in July 2004) had been received. In October 2005, the PCC, following the intervention of the diocesan secretary and the Bishop of Chester, arranged for Z to stand down temporarily as a youth worker. In March 2006, Canon Robinson attempted to re-instate Z, having been outvoted on the matter at a meeting of the PCC. The complaint concerned

- i. Allowing Z to act as a voluntary youth worker in 2004 without first obtaining CRB clearance;
- ii. After CRB disclosure was obtained, ignoring diocesan advice to terminate the appointment pending a risk assessment; and
- iii. After the PCC had determined that Z should stand down pending a risk assessment, attempting to re-instate Z in March 2006 as a voluntary youth worker without obtaining a child protection risk assessment.

Each, it was alleged, amounted to neglect or inefficiency in the performance of the duties of Canon Robinson's office under section 8(1)(c) of the Clergy Discipline Measure 2003, in failing to comply with the House of Bishops' Child Protection Policy 2004, as applied in the Diocese of Chester, and not following the recommended safe recruitment practice. The tribunal found that:

- i. Canon Robinson had failed to comply with the House of Bishops' Policy in appointing Z to start work as voluntary youth worker and that this constituted deliberate neglect in the performance of the duties of Canon Robinson's office;
- ii. The deliberate conduct of Canon Robinson in allowing Z to continue to work as a youth worker following receipt of the diocesan secretary's letter constituted a failure to comply with the Policy and (by a majority of 4 to 1) that this constituted neglect in the performance of the duties of Canon Robinson's office; and
- iii. Canon Robinson's attempt to re-instate Z as a youth worker constituted a failure to comply with the Policy and (again by a majority of 4 to 1) that this constituted neglect in the performance of the duties of his office.

Canon Robinson was rebuked and restrained for a period of five years from making, or sharing in the making of, any appointment involving direct or regular contact with children in respect of which enhanced or standard disclosure from the CRB is required pursuant to any relevant House of Bishops' or diocesan policy document, in any parish of which he was incumbent or priest-in-charge. [JG]