

GENERAL SYNOD

CLERGY DISCIPLINE COMMISSION

ANNUAL REPORT FOR 2015

This report is made in fulfilment of the duty placed upon the Clergy Discipline Commission by section 3(3)(c) of the Clergy Discipline Measure 2003 to make an annual report to the General Synod, through the House of Bishops, on the exercise of its functions during the previous year. This is the twelfth annual report made by the Commission and covers its work in the year to 31 December 2015.

The House of Bishops received this report in May 2016.

MEMBERSHIP

1. The Clergy Discipline Commission (“the Commission”) is constituted under section 3 of the Clergy Discipline Measure 2003 (“the Measure”), which provides for the appointment by the Appointments Committee of a Commission of not more than twelve persons, to include at least two from each House of the General Synod and at least two with legal qualifications specified in the Measure.¹ The Chair and Deputy Chair of the Commission are appointed by the Appointments Committee from amongst the legally qualified members after consultation with the Dean of the Arches and Auditor.
2. At the end of 2015 the terms of office of the Rt Revd Dr Peter Forster (Bishop of Chester), the Revd Canon Celia Thomson and Dr Anna Thomas-Betts came to an end. The Commission records its gratitude to them all for their valuable service. The membership of the Commission is set out as at 31 December 2015 in appendix 1, and in appendix 3 as at 1 January 2016.

THE WORK OF THE COMMISSION IN 2015

3. The Commission met on three occasions in 2015.
4. At its January meeting the Commission analysed responses it had received to a questionnaire circulated to diocesan bishops in the previous year asking what help, advice and support were given to clergy who were respondents to complaints. A summary of the responses was prepared by the Commission and then circulated to diocesan bishops, diocesan secretaries and registrars – the summary informed dioceses about the ideas and practices of fellow dioceses in this area. With the summary the Commission included a recommendation that its own leaflet “*A complaint has been made about me – what happens now?*” should normally be sent by the registrar to clergy respondents when informing them that a complaint had been made about them.

¹ Defined in s.3(1)(b) to be “persons who have either a seven years general qualification within the meaning of the Courts and Legal Services Act 1990 (c. 41) or who have held or are holding high judicial office or the office of Circuit judge.”

5. The Commission circulated a checklist to all diocesan bishops and registrars as an aide memoire, detailing the various stages and actions required in the handling of complaints under the Measure. This document was produced as a result of comments received from dioceses in response to the Commission's questionnaire of 2014.
6. A guidance note was drafted and circulated to all diocesan bishops and registrars, containing advice about what to include in letters sent by bishops to complainants and respondents under section 11 of the Clergy Discipline Measure when dismissing a complaint and under section 13 when taking no further action.
7. The Chair and Deputy Chair, in their roles as President and Deputy President of Tribunals, attended a meeting of the House of Bishops in May to speak to and engage with the House about the Clergy Discipline Measure and its processes. The Chair, Deputy Chair and the Designated Officer also attended a joint meeting of the Ecclesiastical Judges Association and the Ecclesiastical Law Association in October for a discussion on the operation of the Measure.
8. The Commission monitored the progress of the draft Safeguarding and Clergy Discipline Measure which received final approval at the July group of sessions of the General Synod. The Measure made various amendments to the Clergy Discipline Measure, including in regard to suspensions and the limitation period for making a complaint in certain types of case. One of the Commission's members (Dr Anna Thomas-Betts) served on the Measure's Steering Committee, and another (Dr Jamie Harrison) on its Revision Committee. The Commission stood ready to amend the Code of Practice in light of those amendments and any consequential changes to the Clergy Discipline Rules that would be made by the Rule Committee in due course.
9. At its October meeting, the Commission considered whether its policy in relation to the confidentiality and publication of the outcome of clergy discipline cases was in need of amendment. The present policy, set out in the Code of Practice, required bishops to publicise the outcomes of all disciplinary cases that resulted in the imposition of a penalty, but it seemed that this practice was not followed by all dioceses. The Commission wished to reconsider issues relating to confidentiality, and also the question of whether the outcome of a complaint should be published when a rebuke was imposed on a minister who remained in post. Before making a final decision the Commission resolved to consult dioceses generally on matters relating to confidentiality and publication. A consultation document was circulated in November to all diocesan bishops, secretaries, registrars, archdeacons, chairs of diocesan Houses of Clergy, diocesan HR advisors, diocesan communications advisors and the Dean of the Arches and Auditor. Further consideration is being given to these issues in 2016 in light of the consultation responses that were received.
10. The matter of vexatious complainants was raised with the Commission and whether a procedure should be introduced to prevent vexatious complainants from making complaints. The Commission agreed that it would be disproportionate to amend the Measure and the Clergy Discipline Rules, and that the appropriate course in such cases was for the bishop to dismiss vexatious complaints at preliminary scrutiny stage in accordance with existing provisions of the Measure.
11. The Commission received regular reports at its meetings on the progress of cases that had been referred by bishops to the Designated Officer for formal investigation under the Clergy Discipline Measure.

ANNUAL ANALYSIS OF COMPLAINTS

12. The annual analysis of complaints made under the Measure, recording by whom complaints were made and how they were dealt with, is presented in Appendix 2.
13. In 2015, 67 complaints were made under the Measure against priests or deacons, as against 79 in 2014. The total number of respondents in respect of those cases was 66. This compares with the total number of clergy falling within the provisions of the Measure as at 31 December 2012 of around 18,620 (including approximately 11,400 licensed stipendiary and non-stipendiary clergy, 1,520 chaplains and clergy in other ministries, and an estimated 5,700 active retired clergy).²
14. Only 19% of dioceses had no complaints at all, compared with 31% in 2014, and only one had six or more complaints. As in previous years, the majority of complaints (52%) were made by complainants other than archdeacons, churchwardens or persons nominated by a PCC, with archdeacons making up a further 40% of complainants, a slight increase on last year.
15. 26% of complaints were dismissed by the bishop in 2015 (an increase on 2014) and no further action was taken in a further 17%. A penalty by consent was imposed in 20% of the complaints, 5% were conditionally deferred, while 10% of the complaints were referred to the Designated Officer for formal investigation: an increase on 2014. 21% of the complaints made in 2015 or earlier were in the process of being dealt with by dioceses at the year-end. Following formal investigation, the President or Deputy President of Tribunals decided there was no case to answer in respect of two complaints, two complaints were referred to a bishop's disciplinary tribunal, and four investigations were ongoing at the end of the year. One complaint was concluded by a bishop's disciplinary tribunal in 2015.
16. There were eight cases where a penalty of prohibition or removal from office was imposed under section 30(1)(a) of the Measure following conviction.
17. Six complaints were made against bishops in the course of 2015, and six were dismissed. In one complaint a penalty by consent was imposed. Two complaints were outstanding at the year-end (compared with three at the end of 2014). There was one case where a prohibition was imposed under section 31(1)(a) following conviction.³
18. No complaints were brought against the Archbishops.
19. During the course of the year, the President and Deputy President of Tribunals considered 38 applications and reviews.

On behalf of the Commission

The Rt Hon Sir Andrew McFarlane (Chair)
April 2015

² The statistics are the most recent available and are taken from *Statistics for Mission 2012: Ministry*, published by the Research and Statistics Department of the Archbishops' Council in March 2013.

³ The figures in respect of bishops are based solely on the return for the province of Canterbury figures – records for the province of York were damaged by flooding.

APPENDIX 1: MEMBERSHIP OF THE COMMISSION AS AT 31ST DECEMBER 2015

Appointed under section 3(1)(b) – ‘legally qualified’

Chair (and President of Tribunals)

The Rt Hon Lord Justice McFarlane*

Deputy Chair (and Deputy President of Tribunals)

Sir Mark Hedley*

Appointed under section 3(1)(a) – ‘at least two from each House of the General Synod’

The Rt Revd Dr Peter Forster, Bishop of Chester+^

The Rt Revd Christopher Lowson, Bishop of Lincoln+^

The Revd Canon Celia Thomson (Gloucester)+^

The Revd Canon John Sinclair (Newcastle)+^

Dr Anna Thomas-Betts MBE (Oxford)+^

Mr David Mills MBE (Carlisle)+^

Other members appointed under section 3

Mr Martin Follett (Diocesan Registrar of Exeter and Truro)*#

The Revd Canon Jane Sinclair*

The Revd Canon Moira Astin (Lincoln)*

Dr Jamie Harrison (Durham)*^

^ Member of the General Synod.

* Appointed to 31st December 2018.

+ Appointed to 31st December 2015.

Legally qualified other than those appointed under section 3(1)(b).

APPENDIX 2: ANALYSIS OF FORMAL COMPLAINTS MADE UNDER THE MEASURE AND HOW THEY WERE DEALT WITH

Complaints against Priests and Deacons

	2015 (2014)	%
Formal complaints made to bishops (total)	67 (79)	
<i>Dioceses with no complaints made</i>	8 (13)	19 % (31%)
<i>Dioceses with between 1 and 5 complaints made</i>	33 (27)	79% (64%)
<i>Dioceses with 6 or more complaints made</i>	1 (2)	2% (5%)
Of the total, the following numbers of complaints were made by:		
<i>a person nominated by a PCC under s10(1)(a)(i)</i>	4 (0)	6% (0%)
<i>a churchwarden under s10(1)(a)(ii)</i>	1 (4)	1% (6%)
<i>an archdeacon under s10(1)(a)(iii)</i>	27 (29)	40% (37%)
<i>another person under s10(1)(a)(iii)</i>	35 (46)	52% (58%)
Number of complaints delegated under s13 Dioceses, Pastoral and Mission Measure to a suffragan bishop for determination	10 (13)	15% (16%)
Action taken in 2015 in relation to complaints made in 2015 or earlier		
<i>Dismissed by the bishop under s11(3)</i>	21 (15)	26% (16%)
<i>No further action under s12(1)(a) & s13</i>	14 (16)	17% (18%)
<i>Conditional deferment under s12(1)(b) & s14</i>	4 (5)	5% (5%)
<i>Resolved by conciliation under s12(1)(c) & s15</i>	0 (1)	0% (1%)
<i>Penalty by consent under s12(1)(d) & s16</i>	16 (23)	20% (25%)
<i>Formal investigation under s12(1)(e) & s17</i>	8 (2)	10% (2%)
<i>Withdrawn (rule 59(1)(a))</i>	1 (1)	1% (1%)
<i>No decision as at 31st December 2015</i>	17 (29)	21% (32%)

Number of complaints referred unsuccessfully to conciliation before being dealt with under s12(1)(a), (b), (d) or (e)	0 (2)
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Penalties by consent imposed under s12(1)(d) & s16	
<i>Prohibition for life (with or without resignation)</i>	2 (1)
<i>Limited prohibition (with or without resignation)</i>	6 (10)
<i>Resignation without prohibition including revocation of licence</i>	0 (0)
<i>Injunction</i>	3 (0)
<i>Rebuke</i>	4 (11)
<i>Injunction and Rebuke</i>	1 (2)
Cases referred for formal investigation under s12(1)(e) & s17	
<i>President of Tribunals decided 'No case to answer'</i>	2 (1)
<i>President referred complaint to bishop's disciplinary tribunal</i>	2 (2)
<i>President not decided as at 31st December 2015</i>	0 (0)
<i>Formal investigation ongoing as at 31st December 2015</i>	4 (1)
<i>No further steps taken under s16(3A) (penalty by consent)</i>	0 (1)
Number of cases determined by a tribunal	1 (2)
Complaints withdrawn from a tribunal or otherwise terminated	0 (4)
Number of suspensions imposed (total)	17 (13)
<i>Suspensions under s36(1)(a) in course of complaint proceedings</i>	2 (3)
<i>Suspensions under s36(1)(b) following arrest</i>	11 (11)
<i>Suspensions under s36(1)(c) following conviction</i>	3
<i>Suspensions under s36(1)(d) following inclusion in a barred list</i>	0
Cases where a penalty of prohibition or removal from office was imposed under s30(1)(a) following conviction and sentence of imprisonment	8 (8)
Cases where a penalty of removal from office or prohibition was imposed under s30(1)(b) following decree of divorce or order for judicial separation	0 (1)

Complaints against Bishops and Archbishops

Formal complaints made to archbishops	2015 (2014)
<i>in respect of a bishop</i>	6 (7)
<i>in respect of the other archbishop</i>	0 (1)
Action taken in 2015 in relation to complaints made in 2015 or earlier	
<i>Dismissed under s11(3)</i>	6 (5)
<i>No further action under s12(1)(a) & s13</i>	0 (0)
<i>Conditional deferment under s12(1)(b) & s14</i>	0 (0)
<i>Resolved by conciliation under s12(1)(c) & s15</i>	0 (0)
<i>Penalty by consent under s12(1)(d) & s16</i>	1 (0)
<i>Formal investigation under s12(1)(e) & s17</i>	0 (0)
<i>Withdrawn (rule 59(1)(a))</i>	0 (0)
<i>No decision as at 31st December 2015</i>	2 (3)
Number of complaints unsuccessfully referred to conciliation before being dealt with under s12(1)(a), (b), (d) or (e)	0 (0)
Number of Vicar-General's courts held	0 (0)
Number of suspensions imposed	0 (0)
Cases where a penalty of removal from office or prohibition was imposed under s31(1)(a) following conviction and sentence of imprisonment	1 (0)
Cases where a penalty of removal from office or prohibition was imposed under s31(1)(b) following decree of divorce or order for judicial separation	0 (0)

<i>Applications and reviews before the President/Deputy President of Tribunals</i>	
<i>Application to bring a complaint out of time (s9)</i>	25 (17 granted)
<i>Review of a dismissal (s11(4))</i>	9 (0 reversed)
<i>Referral of a decision of no further action (s13(3))</i>	4 (0 overturned)
<i>Consulted by bishop re penalty in case of divorce/conviction (s30(2))</i>	10
<i>Appeal against notice of suspension (s36(6))</i>	0
<i>Review of inclusion of name in list under s38(1)(a) to (d) (s38(2))</i>	0

APPENDIX 3: MEMBERSHIP OF THE COMMISSION AS AT 1ST JANUARY 2016

Appointed under section 3(1)(b) – ‘legally qualified’

Chair (and President of Tribunals)

The Rt Hon Lord Justice McFarlane*

Deputy Chair (and Deputy President of Tribunals)

Sir Mark Hedley*

Appointed under section 3(1)(a) – ‘at least two from each House of the General Synod’

The Rt Revd Nicholas Baines, Bishop of Leeds+^

The Rt Revd Christopher Lowson, Bishop of Lincoln+^

The Revd Canon John Sinclair (Newcastle)+^

The Ven. Jackie Searle, Archdeacon of Gloucester (Gloucester)+^

Canon Carol Wolstenholme (Newcastle)+^

Mr David Mills MBE (Carlisle)+^

Other members appointed under section 3

Mr Martin Follett (Diocesan Registrar of Exeter and Truro)*#

The Revd Canon Jane Sinclair*

The Revd Canon Moira Astin (Lincoln)*

Dr Jamie Harrison (Durham)*^

^ Member of the General Synod.

* Appointed to 31st December 2018.

+ Appointed to 31st December 2020.

Legally qualified other than those appointed under section 3(1)(b).