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The disciplinary process

A high standard of integrity and service is expected of our clergy. Mostly that standard is met, but occasionally individual clergy can fall short of what is expected. When this occurs there are different ways to respond. At whatever level you are concerned, please be assured that your allegation of misconduct will be taken seriously.

Minor instances of inappropriate behaviour

If you are concerned about a minor incident or instances of behaviour which you consider inappropriate, you are encouraged to share your disappointment with the cleric concerned and resolve it together.

Area Dean / Archdeacon

If the attempts at communicating with the cleric have not proved fruitful, you should speak to your Area Dean or Archdeacon. The diocesan office will be able to tell you who this is. A representative of the bishop will then speak to the cleric concerned, so that the matter can be dealt with informally.

More serious misconduct

Only if the problem is more serious and may amount to misconduct which justifies disciplinary action will the provisions of the [Clergy Discipline Measure](#) ('CDM') be required. The CDM provides a procedure for handling such allegations of **serious misconduct**.

CDM - a legal process

It is important to realise that lodging a CDM allegation of misconduct is the start of a legal process. An investigation will take place into the alleged misconduct. If the matter is referred to a tribunal it is likely that you will have to give evidence in person at a hearing.

More information

You can find information about the Clergy Discipline Rules and Appeal Rules, the availability of ecclesiastical legal aid, the Code of Practice and other guidance, as well as to details of practice directions issued by the President of Tribunals using the left hand navigation.

How to make an allegation of serious misconduct under the CDM

For allegations of serious misconduct **within the last 12 months**, please use **Form 1A** which may be found [here](#) . For serious misconduct which took place more than 12 months ago there is a separate process which requires you to seek permission from the President of Tribunals for the allegation of misconduct to proceed. This process is described further down on this page.

Please include the following information in Form 1A:

- Your personal details (name and contact details. You may request that your contact details be kept from the person you are making an allegation of misconduct about, but they will be informed of your name);
- A clear statement of what your allegation of misconduct is;
- Details about the allegation of misconduct (when and where it occurred, what happened etc.)
- Evidence to support your allegation of misconduct (letters, statements from other people etc.)
- A declaration that what you have stated is the truth.

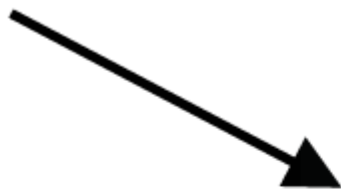
You should send the completed Form 1A by post or email to the Diocesan Bishop of the cleric concerned.

If you have difficulty with forms or making the allegation of misconduct in writing, your [diocesan office](#) will provide a person to help you.

Who can make an allegation of serious misconduct?

PCC

CHURCHWARDEN



ALLEGATION OF MISCONDUCT
Form 1A



Sent to the
BISHOP

A formal allegation of misconduct under the CDM can only be made by someone with a 'proper interest'. Those who have a proper interest include:

- Any person (church member or not) who witnessed the behaviour which has led to the allegation of misconduct;
- A churchwarden from the relevant parish;
- A person appointed by the PCC of the relevant parish to make the allegation of misconduct;
- The archdeacon.

It is the responsibility of the person making the allegation of serious misconduct to justify the allegation and provide evidence in support.

Serious misconduct which occurred more than 12 months ago

If your allegation of misconduct relates to misconduct which occurred **more than 12 months ago**, you must first seek permission from the President of Tribunals to make your allegation of misconduct. This is to ensure that prejudice is not caused to the cleric as a result of the delay in making the allegation of misconduct. Please complete form Form 1C. You will need to provide good reasons for the delay in seeking to bring proceedings out of time, both in terms of the delay as a whole and for each specific part of it. If you are having difficulty using the webform you may download a Word version of Form 1c here and email it as an attachment to president@churchofengland.org

What cases are exempt from requiring an application for permission to bring an allegation of misconduct out of time?

- Misconduct of a sexual nature towards a child
- Where the alleged misconduct in question is conduct of a sexual nature towards an adult and in the opinion of the President the complainant was vulnerable at the time of the alleged misconduct.

What does the bishop do upon receipt of the allegation of misconduct?

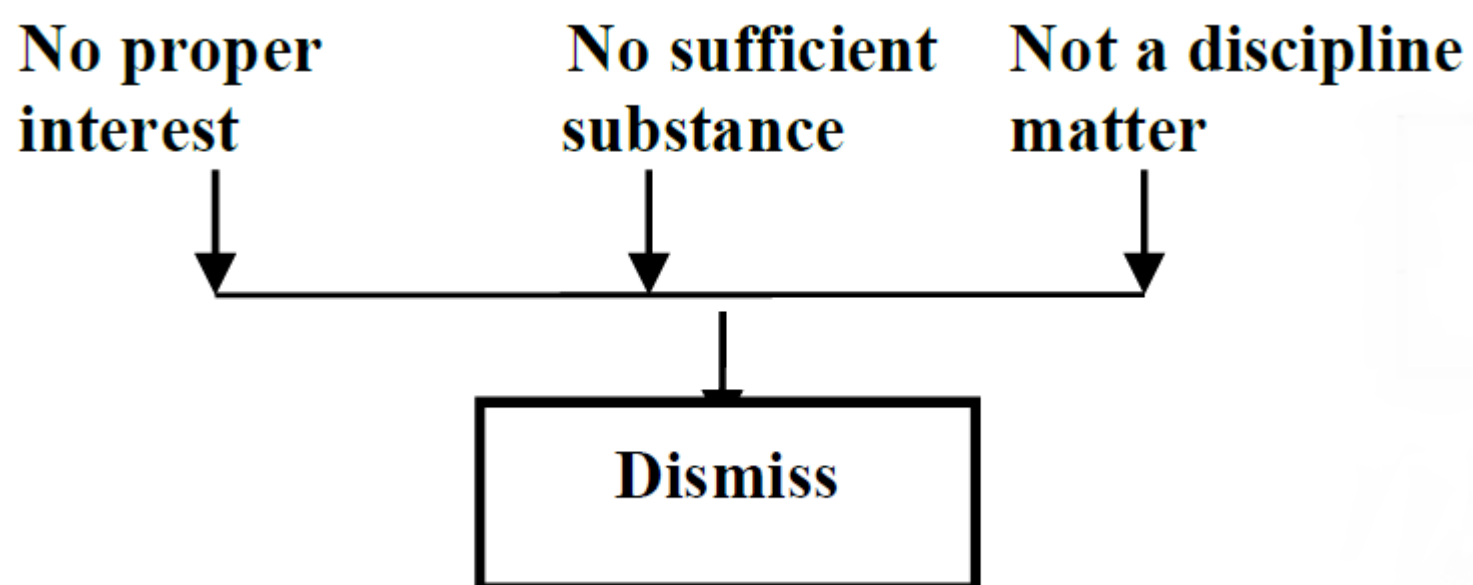
Once the bishop receives your allegation of misconduct, he or she will pass it to the diocesan registrar (the bishop's legal adviser). The registrar will examine your allegation of misconduct and the evidence you have provided, and advise the bishop:

- Whether you have a 'proper interest' to make the allegation of misconduct (see above); and
- Whether your allegation of misconduct is about behaviour which would be a disciplinary matter if found to be true.

The registrar will contact you if anything in your allegation of misconduct needs clarifying.

On receiving the registrar's report, the bishop will decide whether to deal with your allegation of misconduct formally, or to dismiss it.

Bishop dismisses the allegation of misconduct



If the bishop decides to dismiss your allegation of misconduct, and you believe that this decision was wrong, you may ask for it to be reviewed by the President of Tribunals. The application for a review must be made within 14 days of the date of the bishop's decision letter. You should complete the webform [Form 4](#) explaining why you believe the bishop was wrong to dismiss your allegation of misconduct and you should upload the following attachments to accompany the webform:

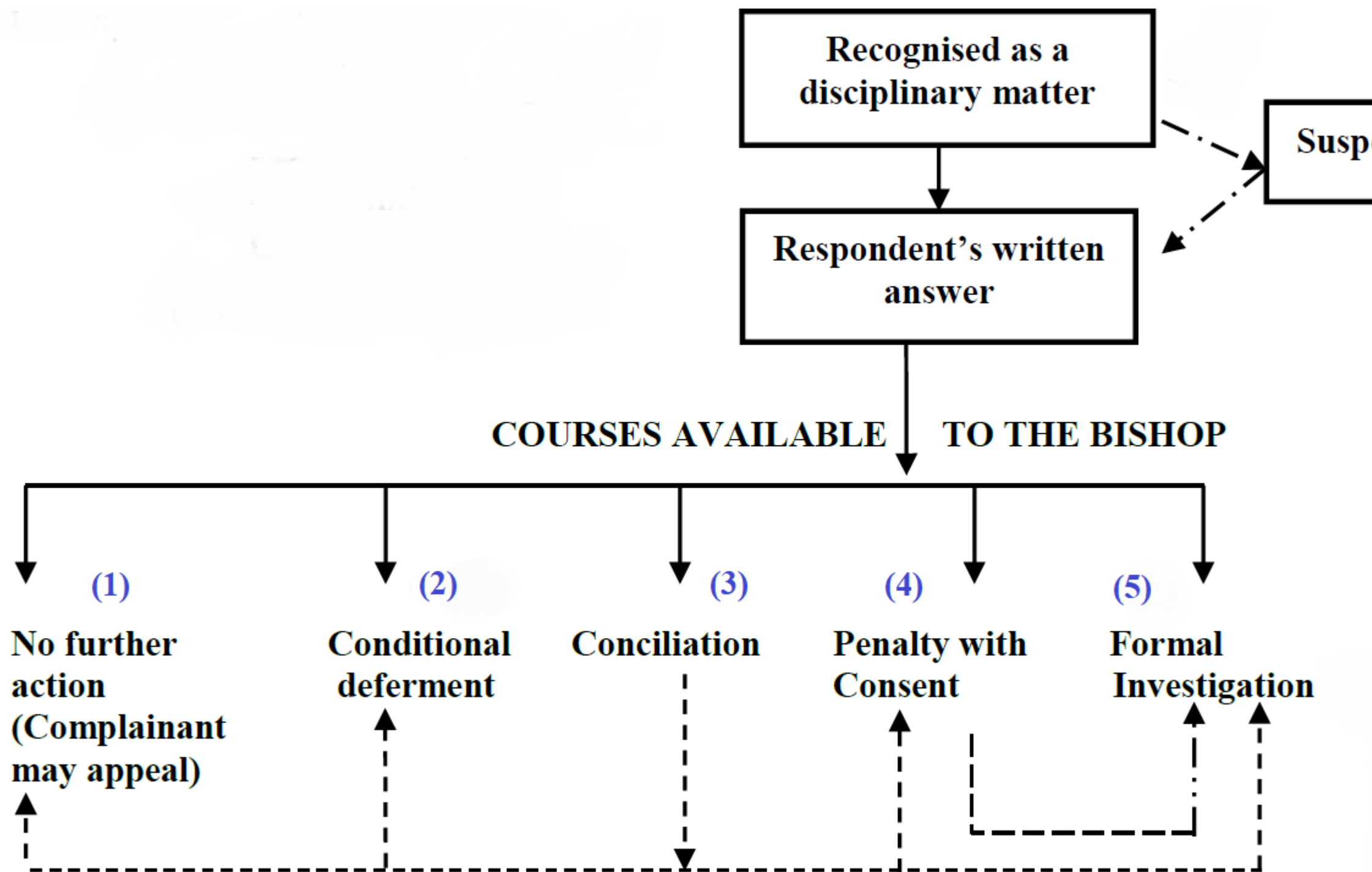
- the original allegation of misconduct and evidence
- the preliminary scrutiny report prepared by the Diocesan Registrar
- the letter from the bishop dismissing your allegation of misconduct.

Alternatively, if you are having difficulties with the webform, you may send a completed Word version of [Form 4](#) (which can be downloaded [here](#)) to president@churchofengland.org along with all of the above mentioned documents which are all essential for a review of the bishop's decision to take place.

Please note the word limits as laid down in Rule 101B of the [Clergy Discipline Rules](#) (3000 words and no more than 25 pages)

Requests for extensions / exemptions should be made in writing to the President of Tribunals and emailed to president@churchofengland.org

Bishop deals with allegation of misconduct formally under the CDM



If the bishop decides to deal with your allegation of misconduct formally, he or she will invite the cleric to submit a written "ANSWER" to the allegation of misconduct. Once this has been received, the bishop will follow one of five courses of action:

1. **Take no further action**

If you believe that the bishop was wrong to make this decision, you may refer the matter to the President of Tribunals, who will decide whether to uphold or overturn the bishop's decision. You must complete **Form 5** within 14 days of the date of the bishop's decision letter stating why you believe the bishop was wrong to take no further action regarding your allegation of misconduct.

Your application must also be accompanied by

- (a) the original allegation of misconduct and evidence
- (b) the preliminary scrutiny report prepared by the Diocesan Registrar
- (c) **the Respondent's answer**; and
- (d) the letter from the bishop informing you of this decision.

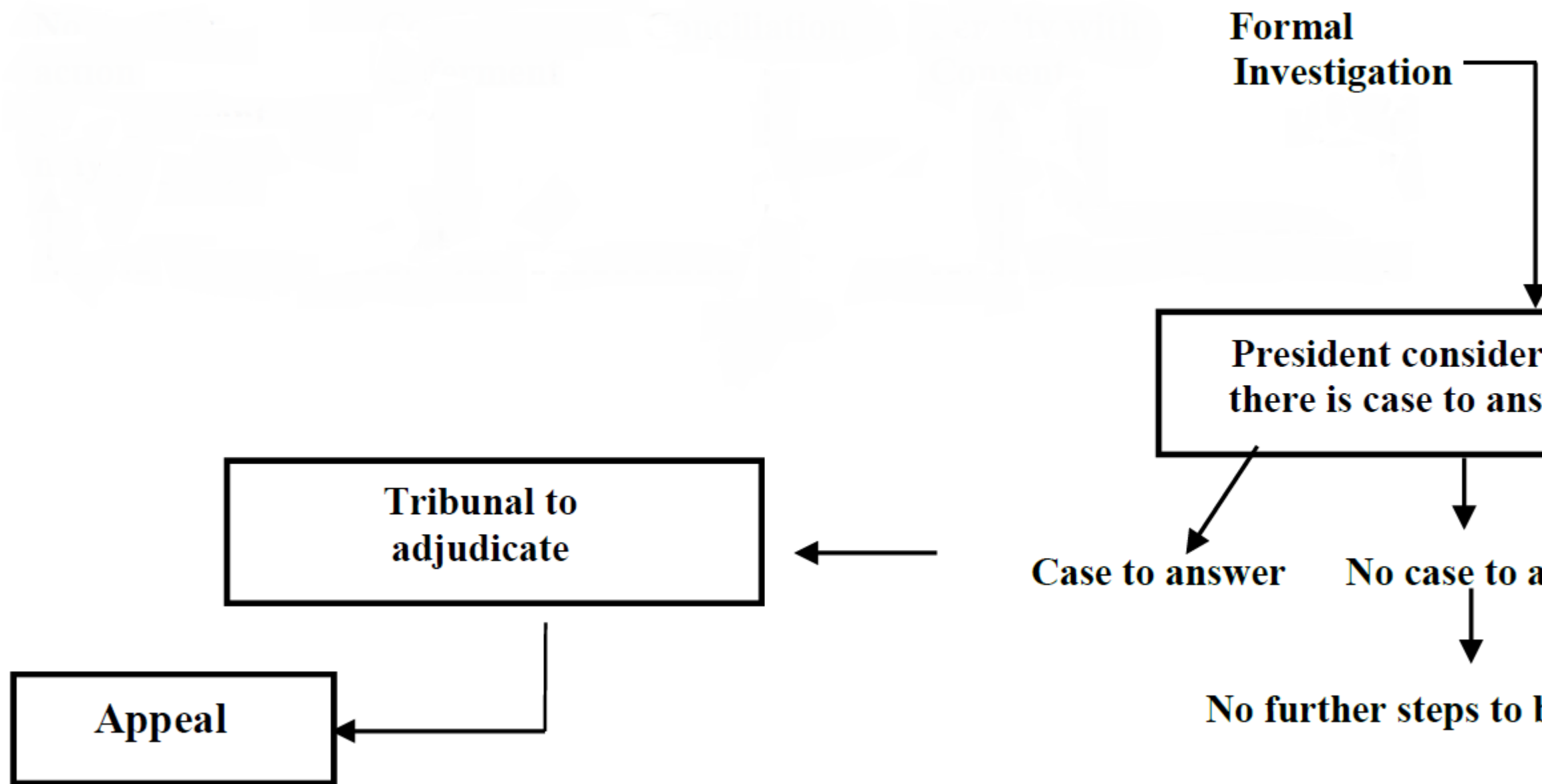
Alternatively, you may email a completed Word version of **Form 5** which can be downloaded here to president@churchofengland.org along with the above mentioned documents as attachments.

Please note the word limits as laid down in Rule 101B of the Clergy Discipline Rules (3000 words and no more than 25 pages)

Requests for extensions / exemptions should be made in writing to the President of Tribunals and emailed to president@churchofengland.org

- 2. **Defer the allegation of misconduct conditionally** (this means that a record of the allegation of misconduct will be kept on the cleric's file for a period of up to five years. If another allegation of misconduct is made in that time, the two will be dealt with together)
- 3. **Refer the allegation of misconduct to a conciliator** in an attempt to obtain agreement between you and the cleric about how to resolve the matter.
- 4. **Impose a penalty with the agreement of the cleric**
- 5. **Require that the allegation of misconduct be formally investigated** by the Designated Officer, a senior lawyer employed by the Church House Legal Office. If, following the Designated Officer's report, the allegation of misconduct is sent to a bishop's disciplinary tribunal, you will be required to attend and give evidence. The tribunal can impose the same penalties as a bishop if the allegation of misconduct is proved.

Determining whether a matter should be heard by a Disciplinary Tribunal



Direction from the President of Tribunals

21st March 2020

Pursuant to Rule 101(d) of the Clergy Discipline Rules, until further notice, the President of Tribunals directs that documents may be delivered or sent by means of email or PDF/Word document attached to an email.

Useful Links

- [The Clergy Discipline Measure 2003 \(as amended\)](#)
- [The Clergy Discipline Rules 2005 \(as amended\)](#)

Source URL: <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/clergy-discipline>