

THE BISHOP'S DISCIPLINARY TRIBUNAL FOR THE DIOCESE OF SODOR AND MAN

IN THE MATTER OF THE CLERGY DISCIPLINE MEASURE 2003 AS IT HAS EFFECT IN THE ISLE OF MAN BY VIRTUE OF THE CLERGY DISCIPLINE MEASURE (ISLE OF MAN) 2005

IN THE MATTER OF A COMPLAINT BY THE VENERABLE ANDREW BROWN, ARCHDEACON OF MAN, CONCERNING THE CONDUCT OF THE REVEREND DR CANON JULES FRANCIS PAULINUS GOMES

THE VENERABLE ANDREW BROWN

Complainant

-and-

THE REVEREND DR CANON JULES FRANCIS PAULINUS GOMES

Respondent

Constitution of the Tribunal:

Canon Geoffrey Tattersall QC [Chair]
Canon Linda Ali
Mr Nigel Cretney
Reverend Canon Rachel Harrison
Very Reverend Rogers Govender

DETERMINATION OF THE COMPLAINT

delivered on 27 October 2016

1. This is the judgment of the Tribunal to which all members have agreed.

Introduction

2. On 23 October 2015 the Venerable Andrew Brown, the Archdeacon of Man [‘the Archdeacon’] made a complaint of misconduct against Revd Dr Canon Jules Francis Paulinus Gomes [‘the Respondent’] who was then the Vicar of Arbory and Castletown, Director of Ministerial Development and Canon Theologian of St German’s Cathedral Peel.

3. The Respondent had been appointed in 2012 and because he was ordained in the Church of North India he was given the Archbishop of York's permission to officiate within the Province of York under section 1 of the Overseas and Other Clergy (Ministry and Ordination) Measure 1967.

4. The Archdeacon's complaint was that the Respondent had engaged in conduct that was unbecoming or inappropriate to the office and work of the clergy in that:

1. He has shown an unacceptable lack of self-control in failing to control his anger, especially as regards his rage towards his church cleaner.
2. In his application for his current and previous posts he misrepresented the facts of his C.V. in such a way as to mislead in order to gain personal advantage.
3. In his interviews with the news media he made untrue claims and he made several malicious and untrue allegations against the bishop and the archdeacon.
4. In his statements to the news media he made unfounded allegations against another priest by accusing her of using racist epithets in reference to himself.

5. There were two further complaints which we refer to below.

The procedural background

6. After a preliminary scrutiny of the complaint by the Diocesan Registrar in which he adjudged that a further complaint [complaint 5] was out of time, he referred all the above complaints to the Right Revd Robert Paterson, the Bishop of Sodor and Man [the Bishop] together with another complaint [complaint 6].

7. Following advice, the Bishop decided that there should be a formal investigation of the complaint and accordingly appointed Kathryn Louise Clough [the Appointed Person] as the Appointed Person under section 17 of the Clergy Discipline Measure 2003 as it has effect in the Isle of Man by virtue of the Clergy Discipline Measure (Isle of Man) 2005.

8. On 29 April 2016 the Appointed Person reported that there was a case to answer in respect of the above four complaints but not complaint 6. Accordingly such complaints were referred to a disciplinary tribunal for adjudication.

9. By letter dated 31 December 2015 the Respondent resigned his offices as described above and ceased to hold any office in the Diocese on 31 March 2016. In his letter of resignation he stated that the reasons for his resignation were in part because:

... given that the allegations made against me under the Clergy Discipline Measure are completely false, almost the entirety of this complaint is hearsay, almost the entirety of this complaint relates to people who do not think that it is sufficiently important to complain themselves and much of the information from previous employers has been

improperly obtained without my consent, these proceedings represent nothing more than a further stage in the course of bullying and harassment to which I have been subjected by the diocese.`

10. Although the Respondent has resigned his office he remains a priest in Holy Orders and section 6 of the Clergy Discipline Measure 2003, as it has effect in the Isle of Man, provides that a disciplinary tribunal has jurisdiction to hear and determine disciplinary proceedings against a priest who, *when the misconduct complained of was alleged to have been committed*, held preferment in the diocese. The Tribunal thus has jurisdiction to consider the four complaints set out above notwithstanding the Respondent`s resignation.

11. Given that as Vicar General of the Diocese of Sodor and Man the Chair was required to chair any disciplinary tribunal, having read the report of the Appointed Person, on 24 May 2016 the Chair made an order for Directions for the future conduct of these proceedings.

12. Such Directions included that:

12.1. the Respondent shall file an Answer to the complaint made by the Archdeacon by 4 pm 27 June 2016;

12.2. both the Appointed Person and the Respondent shall attend a Further Directions hearing at 10 am on 4 July 2016 at a venue to be arranged by the Registrar of Tribunals [the Registrar`] and notified to them both and provided that such directions hearing was to be for the purposes of giving any further directions necessary for the adjudication of the complaint; and

12.3. the Respondent may, if he wished, instruct an advocate or other legal representative to comply on his behalf with any direction made against him but he was directed to attend in person at both the Further Directions hearing and the substantive hearing.

13. The Registrar communicated such directions to Kinley Legal, the Respondent`s then advocates, who replied in the following terms:

`Thank you for your letter dated 24 May 2016, receipt of which I confirm and which has been passed to Dr Gomes together with the Directions Order also of 24 May 2016. I have also passed on to him your request of 26 May 2016 for him to contact you directly with a correspondence address if future correspondence is not to be through my firm.

Dr Gomes has advised me that he wishes to have no further communication with the Diocese of Sodor and Man or any other part of the Church of England, and has instructed my firm not to accept on his behalf any service or further communication sent to him from the Diocese of Sodor and Man or any other part of the Church of England.`

14. It is thus clear that the Respondent was fully aware of the requirements set out in the Directions Order of 24 May 2016.

15. The Respondent has failed to file any Answer either in accordance with such directions or at any time subsequently although, as appears below, the Respondent did provide a Response to the Archdeacon's complaint. It is clear from the terms of such Response that the Respondent knows the allegations which have been made against him.

16. Although the Respondent already knew of the date and time of the Further Directions Hearing he was advised of the location thereof by the Registrar by letter dated 1 July 2016 sent by special delivery which guaranteed delivery by 1 pm the next day. Such letter was sent to an address which is now known to be the Respondent's home address but was 'returned to sender' and received by the Registrar on 6 July 2016.

17. The Further Directions hearing was held at St Ninian's Church Douglas on 4 July 2016.

18. The Respondent did not attend and the hearing proceeded in his absence.

19. Such Further Directions provided, inter alia, that:

19.1. the Appointed Person shall file and serve on the Respondent the witness statements in support of the complaint against the Respondent, a paginated bundle of relevant documents and a Case Summary;

19.2. the Respondent and the Appointed Person shall be notified of the membership of the disciplinary tribunal by the Registrar as soon as possible and the Respondent shall have the opportunity to make written representations in writing within 14 days of being so notified in accordance with Rule 37 as to the suitability of any person to be appointed to serve as a member of the Tribunal;

19.3. the substantive hearing of the complaint was to take place on a date and at a time and venue to be fixed and the parties were to be notified of the dates, time and venue; and

19.4. the Respondent was required to attend such substantive hearing.

20. The Registrar sent such Further Directions to the Respondent on 15 July 2016:

20.1. by letter sent by special delivery as above to the Respondent's home address;

20.2. by email to the Respondent's email address;

20.3. by letter sent by special delivery to an address in Port Erin which it was then believed might be the Respondent's address; and

20.4. by letter sent by 1st class post to St Augustine's Church in Douglas where the Respondent was the Minister.

21. All such letters were 'returned to sender' and received by the Registrar on 19-20 July 2016.

22. By her affidavit sworn on 11 August 2016 Melissa Ann Bryan, a representative of the Appointed Person` firm, stated that she attended the Respondent`s home and effected service of a sealed letter from the Registrar by posting the same through the letter box. She had previously attended on 5 August 2016 and had been told by a neighbour that the Respondent resided at such address.

23. The letter from the Registrar so served had notified the Respondent of the then proposed membership of the Tribunal and the Further Directions dated 15 July 2016.

24. On 17 August 2016 the Registrar received from the Bishop the Registrar`s letter which had been served on the Respondent. It remained unopened and had been delivered to the Bishop`s office with the Respondent`s name crossed out and the Bishop`s name substituted. The Bishop opened the letter but, seeing that it contained formal papers relating to the Tribunal, sent the documents to the Registrar.

25. By letter dated 5 September 2016 the Registrar informed the Respondent of the membership of the Tribunal and the dates of the tribunal hearing. By her affidavit sworn on 12 September Melissa Ann Bryan stated that she attended the Respondent`s home to deliver such letter on 7 September 2016. She attempted personal service of the letter but Dr Gomes asked if the letter was from the diocese and stated that he did not wish to accept any documents from her and that she was not to put anything through his letterbox.

26. On 21 September 2016 Scott Alexander Hoy, Lockman of Rushen, certified that he had attended at the Respondent`s home address to serve two lever arch files containing the documentation referred to in paragraph 19.1 above together with the aforesaid letter from the Registrar dated 5 September 2016 but Dr Gomes refused to accept such documentation and letter and the same were served on him by leaving them on his front door step.

27. Subsequently on 22 September 2016 the documentation referred to in para 19.1 above and the letter were delivered to the Bishop`s Office by a person believed to be Mrs Gomes.

28. By letter dated 12 October 2016 sent by recorded delivery and by email to the Respondent`s home address the Registrar again informed the Respondent of the date, place and time of the hearing. Such letter noted that documents had been returned to the Bishop`s office but advised him that such documents could be collected from the Appointed Person`s office and her address was given.

29. In these circumstances we are satisfied that:

29.1. given his Response, the Respondent knows of the allegations made against him;

29.2. all reasonable attempts have been made to inform the Respondent of these proceedings and the constitution of the Tribunal;

29.3. the Respondent has not objected to the constitution of the Tribunal.

The hearing

- 30.** The hearing took place on 19 and 20 October 2016.
- 31.** At such hearing the Appointed Person appeared to present the complaint but there was no appearance by the Respondent.
- 32.** The Respondent did not attend such hearing and accordingly the Chair considered Rule 42 of the Clergy Discipline Rules 2005, as it has effect in the Isle of Man by the Clergy Discipline Rules (Isle of Man) 2005 [‘the Rules’], which provides that:
- ‘The chancellor may proceed with a hearing notwithstanding the absence of the ... respondent, provided that the chancellor is satisfied that the absent person has had notice of the hearing.’
- 33.** In support of her application that the hearing should proceed the Appointed Person relied upon the matters set out above and in particular that there had been service by the Lockman on 21 September 2016 of the Appointed Person’s submissions and the Registrar’s letter and that notice of the venue of this hearing had been sent to the Respondent by special delivery but returned. Moreover she correctly submitted that the website of St Augustine’s Douglas, the Respondent’s new church, indicated that the tribunal hearing was to commence on 19 October 2016.
- 34.** In such circumstances the Chair of the Tribunal was satisfied that the Respondent had had notice of the hearing and that it was appropriate that the hearing should proceed. For the avoidance of any doubt the other members of the Tribunal agreed with the Chair’s decision.
- 35.** In the absence of any request by the Respondent that the hearing should be in public and the court not having determined that it was in the interests of justice that the hearing should be in public, the hearing proceeded in private.
- 36.** However, prior to the hearing recommencing on 20 October 2016 we were made aware of the fact that during the Appointed Person’s investigation of the complaint the Respondent had given the Appointed Person his unsigned Response to the Archdeacon’s complaint dated 18 March 2016 and that such Response attached various documents and statements, some of which were signed.
- 37.** The Appointed Person explained that such document had been given to her as part of her formal investigation of the complaint and since the Respondent had neglected to file an Answer as subsequently ordered by the Directions given by the court, she did not believe it was necessary for her to disclose such document to the Tribunal. Although this view might well have been strictly correct, given that the Respondent had absented himself from the hearing and the hearing was proceeding in his absence, we were satisfied that such Response should be disclosed to the members of the Tribunal.

38. The hearing was thus adjourned until such time as the members of the Tribunal had been able to consider the Respondent`s Response and attached documentation.

39. The Response was a very detailed document which set out the Respondent`s answer to the various allegations then being investigated by the Appointed Person and may well have persuaded the Appointed Person to not find that there was a case to answer in respect of complaint 6. It seems that such document had not been seen by the witnesses called by the Appointed Person and that they made their witness statements in ignorance of such Response.

40. It was obviously unhelpful to the Tribunal that the Respondent had elected not to attend the hearing. It was equally unhelpful that he elected to not put forward any defence to the allegations either by an Answer, as he had been ordered to do, or even orally and that he failed to adduce any evidence to the Tribunal. In such circumstances although the Tribunal would have been justified in scrutinising the evidence adduced by the Appointed Person without reference to the Response or attached documentation we did not adopt such an approach. The Tribunal decided that it was only fair to the Respondent for such witnesses to be asked questions by the Tribunal with the benefit of such Response and documentation and we did so at some length. Further at the conclusion of the hearing we considered whether it was necessary to recall witnesses who had already given evidence but we concluded that it was not.

41. We recognise that such an approach might have been unfair to the witnesses called by the Appointed Person because they had not seen the Respondent`s Response and attached documentation.

The evidence

42. At the hearing we heard oral evidence from the following witnesses:

42.1. The Archdeacon of Man

42.2. Mr Mark David Payne

42.3. Mr Timothy Richard Henwood

42.4. Mrs Andrea Quine

42.5. Revd Erica Scott

42.6. Mr Alan Grace

42.7. The Bishop of Sodor and Man

43. As indicated above the Tribunal carefully scrutinised such evidence.

44. At the conclusion of the oral evidence the Appointed Person sought to admit three witness statements from:

44.1. Sion Hughes Carew dated 7 September 2016

44.2. Revd Marc Ali Morad Wolverson dated 17 August 2016; and

44.3. Right Revd Christopher Chessun dated 18 August 2016.

45. We agreed that the Appointed Person was entitled to rely on such witness statements without calling the witnesses to give oral evidence because they were overseas, pursuant to Rule 35(4)(b) of the Clergy Discipline Rules 2005 as they have effect in the Isle of Man.

46. We have reminded ourselves that the burden of proving allegations lies on the Appointed Person and that although the standard of proof is that of the balance of probabilities, such is a flexible standard according to the seriousness of the complaint and the implications for a respondent of its being proved. We regard the allegations made against as serious and which, if proved, may have profound implications for the Respondent. Accordingly we have sought for cogent evidence before concluding that we are satisfied on the balance of probabilities.

The nature of the complaint against Dr Gomes

47. Section 8(1) of the Clergy Discipline Measure, as it has effect in the Isle of Man, provides that:

‘Disciplinary proceedings under this Measure may be instituted against any ... priest ... alleging any of the following acts or omissions- ...

(d) conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders.’

Hereinafter we will refer to ‘conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders’ as ‘misconduct’.

48. Although the Measure contains no definition of ‘misconduct’, it is of assistance to refer to the *Canons of the Church of England* and the *Guidelines for the Professional Conduct of the Clergy* which aim to identify certain minimum standards of behaviour for clergy.

49. Canon C26 of the *Canons* relates to the manner of life of ministers. Paragraph 2 provides that:

‘A minister shall not give himself to such occupations, habits or recreations as do not befit his sacred calling, or may be detrimental to the performance of the duties of his office, or tend to be a just cause of offence to others; and at all times he shall be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ.’

50. The *Guidelines* provide, inter alia, as follows:

1.3 The compassion, care and kindness of the Good Shepherd should be the hallmarks of the clergy. Unworthy behaviour disgraces the Church and undermines the gospel.

...

2.1 Caring for one another is the responsibility of the whole Church and is an extension of the justice and love of the Incarnate God disclosed in Jesus Christ. Compassion is essential to pastoral care. ...

2.2 In their ministry, pastoral care and working relationships, the clergy should offer equal respect and opportunity to all. ...

2.3 The clergy should discern and acknowledge their own limitations of time, competence and skill. They will need to seek support, help and appropriate training and, on occasion, to refer to specialist agencies.

...

3.10 The ministry of reconciliation, as an extension of Jesus' own ministry, lies at the heart of this vocation. It is to be exercised gently, patiently and undergirded by mutual trust.

...

9.1 The reputation of the Church in the community depends to a great extent on the integrity and example of its clergy, who should recognise their role as public representatives of the Church. Their lives should enhance and embody the communication of the gospel.

...

10.1 The clergy are called to an exemplary standard of moral behaviour. ... There is no separation between the public and home life of the clergy: at all times and in all places they should manifest the highest standards of personal conduct.

...

10.10 Blasphemous, violent or offensive language or behaviour is unacceptable at all times. Clergy should manifest the fruit of the Spirit: see Galatians 5.22-23.

...

11.4 Clergy should participate actively in the life and work of chapter, deanery, archdeaconry and diocese, giving support and respect to ordained and lay colleagues and to those who exercise the responsibility of oversight and leadership.

...

12.2. The clergy are placed in a position of power and authority over others, in pastoral relationships, with lay colleagues and sometimes with other ministers. In all forms of ministry, in leadership, teaching, preaching and presiding at worship, the clergy should resist all temptation to exercise power inappropriately. This power needs to be used to sustain others and harness their strengths, and not to abuse, bully, manipulate or denigrate.

The evidence and our findings

51. It is convenient to consider the evidence in relation to each of the complaints set out in paragraph 3 above separately and to set out our conclusions in respect of each such complaint. We will however deal with the 2nd complaint last.

Unacceptable loss of self-control in failing to control his anger

52. The evidence of outbursts of anger came from various witnesses.

Mrs Quine

53. Mrs Andrea Quine was a very nervous witness who, with our consent, gave evidence with a friend sitting behind her. We have no doubt that she should be regarded as a vulnerable adult. She confirmed the accuracy of her witness statement dated 7 September 2016 and stated that on 10 April 2015 she was undertaking voluntary work as a cleaner at St Mary's on the Harbour [SMOTH] where she had attended and undertaken such voluntary work for over 20 years. She was kneeling on the floor cleaning when the Respondent came into the church and started shouting at her. There had been no prior exchange of words between them and she did not believe he had any reason to shout at her and she felt threatened by his behaviour towards her.

54. Some three days later Mrs Quine asked the Respondent for an apology but his response was negative and aggressive. He seemed to believe that his behaviour was justified because he was Mrs Quine's vicar. As a result of this incident Mrs Quine felt demeaned and belittled, she gave the Respondent the church keys back, had since ceased to work as a cleaner at the church and now attends a different church.

55. Knowing that the Respondent's Response had attached a signed statement from a person who stated that she had heard Mrs Quine shouting at the Respondent in the car park immediately before this incident, we asked Mrs Quine whether this might be the case and she emphatically

denied that there had been any such dispute with the Respondent immediately before this incident.

56. Mr Mark David Payne confirmed the accuracy of his witness statement made on 17 August 2016. He stated that he had been present on 10 April 2015 when there had been an incident involving the Respondent and Mrs Quine. He had arrived with the Respondent because he was on placement as an ordinand with the Respondent. Ms Quine had been kneeling on the floor taking wax out of the carpet when the Respondent began shouting at her about various matters. The Respondent was `very very angry` and was standing over her. In Mr Payne`s words `he was engaging in the sort of behaviour which if you were in licensed premises would make you consider trying to intervene`. The Respondent was shouting and Mr Payne felt it necessary to stand between them. The Respondent`s behaviour was both aggressive and vehement. He could see that Mrs Quine was shocked by such behaviour. Subsequently, Mr Payne spoke to his training incumbent about the Respondent`s behaviour and they agreed that Mr Payne should write to the Bishop which he did on 25 May 2015.

57. It should also be noted that Mr Payne stated that after he had written to the Bishop, the Respondent and his wife put pressure on him to retract his statement. Although he declined to do so, he felt under pressure to do so, found the Respondent`s approach quite aggressive and the Respondent told him on one occasion that he believed his actions to be very unchristian.

58. Such letter led to the Bishop speaking to Mrs Quine on the telephone on 29 May 2016 and she confirmed the account set out above.

59. We have no doubt that we should accept the evidence of both Mrs Quine and Mr Payne. We are satisfied that they were both reliable and honest witnesses. In particular we accepted that as a result of the Respondent`s shouting at Mrs Quine, Mr Payne had felt it necessary to stand between them. We do not accept that there was an earlier incident in which Mrs Quine had shouted at the Respondent, particularly since the evidence of Mr Payne was that he and the Respondent had arrived at the Church together at a time when we believe that Mrs Quine would already have been in the Church cleaning.

60. We do not accept that there was any justification for the outburst of anger by the Respondent towards Mrs Quine which plainly caused her great distress and caused her to move to attend another church. We are satisfied that the Respondent, knowing of Mrs Quine`s vulnerability, would or should have appreciated the likely consequences of his behaviour. Moreover we also have no reason to doubt the veracity of what Mr Payne said in relation to the Respondent and his wife putting pressure on him to retract his statement as it seems to us highly unlikely that he would say this unless it was true.

61. We are satisfied that this display of anger, which we are satisfied caused harm to Mrs Quine, and the attempt to persuade Mr Payne to retract his statement was misconduct.

Mr Henwood

62. Mr Timothy Richard Henwood, who confirmed the accuracy of his witness statement made on 18 August 2016, was a churchwarden at SMOTH in 2014. He became aware that there were difficulties between Dr Gomes and the Living Hope Church and he sought to support the Respondent by attending meetings with the Respondent and/or the Bishop and Archdeacon in relation to these difficulties. The upshot was that the Archdeacon had asked Mr Henwood to raise a further query with the Respondent. He did so by telephone and when Mr Henwood raised the query the Respondent `became very angry for about 3 - 5 minutes` using the word `fuck` repeatedly. Mr Henwood told the Respondent that he should speak to the Archdeacon direct. Some weeks later the Respondent telephoned him. He had received a letter from the Bishop which Mr Henwood himself regarded as conciliatory and positive in tone but, such notwithstanding, the Respondent said that `he intended to pour vengeance on the diocese, the Bishop and the Archdeacon because of how he was being treated`. Mr Henwood disagreed and, having unsuccessfully tried to calm the Respondent down, he told him that he could no longer help him and resigned as churchwarden.

63. In his oral evidence Mr Henwood referred to having concerns about the Respondent`s attitude and that whilst the Bishop was sorting out the difficulties which had arisen between the Respondent and the Living Hope Church, the Respondent complained to him that the Bishop was bullying him into an accommodation with such Church. Mr Henwood did not believe that there was any such bullying. Indeed the communications which we have seen between the Respondent and the Bishop on this issue do not bear out any allegation of bullying: they were merely attempts by the Bishop to resolve differences between two Christian ministers which needed to be resolved.

64. Mr Henwood was asked whether he had witnessed anyone else being humiliated by the Respondent and said that he had. He recounted incidents in which, instead of speaking to people privately, the Respondent had chosen to shout at people after services. Mr Henwood regarded such as unacceptable. Whilst accepting that the Respondent presented his ministry in an engaging way, Mr Henwood stated that his resignation as churchwarden hurt him deeply and that it took him some time to recover.

65. We were also referred to emails between the Respondent and Mr Henwood. It is unnecessary to say any more about them save that those from the Respondent adopt a somewhat autocratic tone which we would have thought inappropriate to any member of his congregation, and in particular one who had served as his churchwarden.

66. We accept Mr Henwood`s evidence. He had no axe to grind and was initially very supportive of the Respondent and remains supportive and appreciative of the Respondent`s preaching ministry. It is clear to us that Mr Henwood supported the Respondent both as his churchwarden and a friend. He was willing to attend meetings with him to try and resolve difficulties but in the course of that task was turned upon by the Respondent who became angry with him and used abusive language. In the last incident before Mr Henwood resigned the Respondent indicated he would `pour vengeance on the diocese.` That was completely unnecessary and inappropriate and caused Mr Henwood to resign. We note his unacceptable behaviour to other members of the congregation. We believe that Mr Henwood`s evidence clearly shows that the Respondent is a man who chooses the path of confrontation rather than

that of conciliation and that in the respects described by Mr Henwood such constituted misconduct.

Mr Grace

67. Mr Alan Grace, who confirmed the accuracy of his witness statement dated 8 September 2016, became churchwarden at SMOTH in 2014 after the resignation of Mr Henwood. He described being about 3 minutes late for a Wardens meeting on 21 May 2015 and after he joined in the conversation he was told to shut up by the Respondent who told him he did not know what he was talking about before he kicked a chair and went to leave the room. Mr Grace was shocked and stunned by what had happened: `I was devastated by the reaction of Dr Gomes and I was floored by his venom`. He felt that the Respondent should apologise for his behaviour but the Respondent's response was that he should apologise to the Respondent. He therefore left the meeting, heard nothing further from the Respondent and felt that he had no choice other than to resign as churchwarden and did so. His letter of resignation to the Bishop recorded that he had been verbally abused and humiliated.

68. Mr Grace also stated that he had often seen the Respondent be aggressive and abrupt with other people and that he had sometimes spoken about people and their behaviour from the pulpit. If people were late he would mention them by name and cause them embarrassment. He was short-tempered and frequently engaged in arguments. Additionally he could be demanding and aggressive if things which he required to be done could not be done immediately. Mr Grace described the Respondent as `a very gifted man as regards his teaching, but not much of a Pastor as regards his people skills`. However he had `driven a lot of people out of the Church`.

69. We found Mr Grace's evidence entirely believable. It demonstrated again that the Respondent was prone to display his anger but very slow to apologise. We found that his evidence confirmed a common feature of the evidence, namely that the Respondent had difficulties in working with persons in authority in the Church, whether they be churchwardens, the Archdeacon or the Bishop and little respect for those whom he believed to be beneath him. Again in our judgment such matters constituted misconduct.

The Archdeacon

70. Recognising that the Respondent had many gifts, the Archdeacon, who confirmed the accuracy of his witness statement dated 9 September 2016, described the Respondent as having a `flawed character` who would not accept the views of those who declined to agree with him, was always insistent that he was right, responded to disagreement with anger, had an uncontrolled temper, refused to accept help from his Bishop or Archdeacon or seek it elsewhere and had caused hurt and damage to those with whom he had disagreed. The Archdeacon believed that these matters called into question the Respondent's suitability to be a priest.

71. The Archdeacon had himself seen such angry outbursts for himself when he had been asked by the Bishop to investigate difficulties with the Living Hope Church which had culminated in the Respondent shouting at the Archdeacon and threatening him with legal action.

72. The Archdeacon also referred to three other incidents involving persons identified at paragraphs 15, 17 and 18 of his witness statement. Although we have not heard any direct evidence from these people, and thus feel unable to make any findings in respect of the Respondent's conduct with them, we note that they all involve the Respondent speaking to them in an inappropriate way or losing his temper.

73. The Archdeacon stated that, having refused to meet with the Bishop in May and June 2015, on 6 July 2015 [Tynwald Day] the Respondent had presented two petitions for redress: such petitions are described as 'a remedy of last resort'. Whilst we accept the Respondent had a constitutional right in law to present such petitions for redress we believe that it was premature and very unwise for him to have done so without first discussing the matter with his Bishop.

74. We are satisfied that this evidence, which we accept, offers further evidence of misconduct on the part of the Respondent.

Conclusions

75. From the evidence which has been put before us we are satisfied that the Respondent finds it difficult to work with those in authority in a mutually supportive manner. He has a need to assert his own authority and has an over-inflated view of himself. He frequently has dealt with people with little or no compassion or pastoral concern for them. He is prone to losing his temper and displaying anger and as a result those who have been the subject of such anger have been seriously upset and damaged. So it is that within the space of three years of his appointment a devoted church cleaner and two churchwardens had resigned. In their different ways each of these three people had been very supportive of the Respondent but we believe he behaved towards them in such a way that none could continue to work with him. Such behaviour is entirely inappropriate for a priest and he has shown neither any inclination to express remorse for what he has said or done nor desire to amend his ways. We strongly believe that this is because until his appointment in the Isle of Man he has had little parochial experience.

76. We have carefully considered whether such behaviour constitutes conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders and, particularly having regard to the matters set out in paragraphs 49 and 50 above, we are all satisfied that it does.

Untrue claims and malicious and untrue allegations against the Bishop and Archdeacon

77. The Archdeacon stated that the Respondent had accused both the Bishop and himself of bullying and harassing him and that they were racially motivated against him.

78. In an interview on Manx radio on 3 July 2015 which referred to the Respondent's intention to present petitions for redress on Tynwald Day Dr Gomes spoke about racism in the Church. He stated:

'I sense that I have been targeted because I am the only non-white clergyman, perhaps the first non-white clergyman I don't know, in this particular diocese and therefore I feel

very isolated and vulnerable. It seems to be from one or two other clergy persons and I suspect it might be from higher up in the hierarchy of the church as well.`

79. The Appointed Person referred the Tribunal to a transcript of a television interview with the Respondent which was broadcast on Tynwald Day and we were able to watch a recording of such interview and confirm the accuracy of the transcript, save for two minor and irrelevant matters.

80. In such interview the Respondent referred to the two petitions for redress which he had presented to Tynwald, one of which sought `a tightening up of the laws with regard to racial harassment on the Isle of Man`. Such interview continued with the Respondent saying:

`What I have experienced is two and a half years of consistent bullying by the Bishop and I have not been able to understand what is motivating him to undermine, bully and harass me.`

81. When it was put to him by the interviewer that the Bishop had denied bullying him, the Respondent said:

`I'm extremely sorry to say but much of his response is deflection of the issues and denial - consistent denial. And I am convinced that as a priest and as a Christian, it is ... a sin to acquiesce in injustice. I have been doing that over the last two and a half years. It's a sin. It's wrong to acquiesce to injustice. But it's also our job to speak truth to power and that is what the prophets of the Bible did`

82. It seems clear to us that, given that the context of the interview was racial harassment, the Respondent was accusing the Bishop, and by inference probably the Archdeacon, of bullying and racial harassment. In our judgment there can be no doubt that these are very serious allegations for a priest to make against his Bishop and Archdeacon.

83. Both the Bishop and Archdeacon deny that they have bullied or racially harassed the Respondent. The Archdeacon added that the Bishop had treated the Respondent with unfailing courtesy and patience.

84. In his evidence the Bishop, who confirmed the accuracy of his witness statement dated 24 August 2016, stated that there had been issues relating to the Respondent `not least our inability to persuade him to fulfil the duties of his office, particularly in relation to development review and training, as well as an unacceptable level of antagonism to certain ecumenical colleagues`. He had instituted the Respondent in the autumn of 2013 [because all benefices had been suspended before his arrival on the Island to permit the introduction of common tenure on 1 January 2013] and before instituting him had told the Respondent that he must `buck up your ideas` because at that stage `we were pulling our hair out` at the Respondent`s inability to fulfil the roles for which he had been appointed.

85. The Bishop rejected assertions by the Respondent in his Response that he had refused to speak to the Respondent and stated that he had repeatedly tried to encourage the Respondent to

come and discuss matters with him but the Respondent had declined to do so. He pointed out that in a diocese the size of Sodor and Man there was very close contact between the Bishop, Archdeacon and clergy. He denied that he had bullied, harassed or racially abused the Respondent. He had produced various letters in support of his denial. He stated that the behaviour of the Respondent was entirely at odds with the calling of a Christian minister.

86. We note that in his evidence Mr Payne had said that he had seen no evidence of bullying or racism on the part of the Bishop and that in his witness statement Revd Wolverson, who was priest in the diocese from 2009 to 2013 and who is half-Iranian, confirmed that he was treated no differently to any other priest by the Bishop or Archdeacon because of his ethnic minority status.

87. We found the Bishop's evidence to be accurate, truthful and sincere. We accept that the Bishop found the Respondent's criticisms of him hurtful. The Respondent had made it explicit that the petitions to Tynwald were a deliberate attack on him. All this had made the Bishop reflect over the last 18 months on the value of his ministry.

88. We have very carefully considered this complaint and are all satisfied that there is no evidence whatsoever of bullying or racial harassment by the Bishop, the Archdeacon or any person in authority. Had we thought that there was any doubt on this issue we would have said so. We are satisfied that these allegations made by the Respondent are without foundation.

89. We regard the making and pursuit of unfounded allegations as serious conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders.

90. The Respondent is an intelligent man. If he really believed that he was being bullied or racially harassed we have no doubt that he would have complained to someone either in or outside the diocese about this conduct in the 2½ years which preceded this interview and he did not do so. We note that the Bishop said that the Respondent was the diocesan liaison person with the Committee of Minority Ethnic Anglican Concerns [CMEAC], a Church of England national body, to whom any such complaint could easily have been made.

91. We record that at paragraphs 25 onwards in his witness statement the Bishop referred to complaint 6, in respect of which the Appointed Person found that there was no case to answer. Even though it appears that the Bishop may not have been consulted by the Appointed Person as part of her investigation and that she may not have then known his views about this complaint, we are satisfied that we are not entitled to consider such part of his statement or go behind the Appointed Person's conclusion that there was no case to answer on complaint 6.

Unfounded allegations as to the use of racial epithets against another priest

92. In the interview on Manx radio on 3 July 2015 Dr Gomes spoke about racism in these words:

‘On the day I was interviewed for my job on the Island in 2012, that evening or the next evening at a bible study in a cleric's house in my parish - and this cleric was looking

after some aspects of the interregnum - a lady ... and I am told this was a white South African lady, ... walked up to this clergywoman and ... said `I hope it isn't the darkie, I hope, you know, the darkie does not get the job`. To which the cleric replied `I don't think that it will be the darkie. I don't think the darkie will get the job`. I have a signed statement from somebody who heard this very clearly and who was so disgusted that he stopped attending the bible studies there.`

93. Given that one member of the Tribunal was born in South Africa we are aware that the word `darkie` is frequently used by some white South Africans.

94. There can be no doubt that in such interview that the Respondent was accusing a female priest of adopting racial epithets in respect of him.

95. Revd Erica Scott states that, given the then small number of female priests in the diocese, such remarks could only be understood as referring to her, particularly since during the interregnum Revd Scott had led bible studies in the parish to which the Respondent was appointed. We agree that the Respondent could only have been referring to Revd Scott. She was very upset by the allegation made by the Respondent.

96. Although there was a conflict of evidence as to whether the white South African lady was present at such meeting [the Archdeacon said that she was away whereas Revd Scott did not say that] we do not think it is necessary to determine this issue.

97. In her evidence Revd Scott, who confirmed the accuracy of her witness statement dated 17 August 2016, denied there had been any conversation which had included the word `darkie` and she expressly denied that the word had been said to her or repeated by her. She added that when she first met the Respondent she was very impressed by him, thought he would make a good priest for Castletown and spoke highly of him to the Bishop's chaplain. Moreover she described making up the beds at the vicarage with her own linen and leaving wine and homemade cakes when the Respondent arrived on the Island.

98. Given that we were aware that one of the attachments to the Respondent's Response was a statement from someone who said that they were present at the bible study, although contrary to the Respondent's interview such statement was not signed, we pressed Revd Scott about this incident but she repeated that she had not expressed any racial epithets.

99. We have no reason to conclude that Revd Scott's evidence was not reliable or honest and we accept her evidence. For her to have expressed racial epithets would have been contrary to the entirely favourable views which we accept she had expressed about the Respondent and her actions in welcoming him to the parish.

100. We find that it was wholly inappropriate for the Respondent to falsely accuse Revd Scott of using the term `darkie` and that such amounted to conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders.

101. We note that in due course the relationship between Revd Scott and the Respondent too broke down. She was covering a service for him at SMOTH and he `lectured` her on the telephone about the precise way in which the service had to be conducted. Moreover he visited the school of which she was the Chaplain without prior permission - which created safeguarding issues - and instructed staff to undertake secretarial duties for him and Revd Scott obtained the impression that he regarded the private school chapel where she was the chaplain as part of his domain, which of course it was not.

Misrepresentations in his application form to obtain personal advantage

102. It was submitted that the Respondent`s application form for appointment as Vicar of Castletown and Arbory, Canon Theologian and CMD Officer was inaccurate in three respects in that under the sub-heading `Ministry since Ordination`:

102.1. he had not been an Honorary Curate or Honorary Priest at the University Church of Great St Mary`s Cambridge between 2001 and 2003 because at that stage he did not have the Archbishop of Canterbury`s Permission to officiate within the Province of Canterbury: see the evidence of Mr Sion Hughes Carew [which we regarded as uncontroversial] that the Respondent was first granted permission to officiate in the Province of Canterbury on 17 June 2004;

102.2. he had not been Chaplain at Oakington Detention Centre in Cambridgeshire between 2002 and 2003 for the same reason; and

102.3. he had not been a Lecturer in Old Testament, Preaching and Theology at the diocese of Southwark Theological Institute for Readers and Ordained Local Ministers [the Southwark Institute`] because he was one of many teachers on a sessional basis.

103. The Archdeacon emphasised that these informal and unlicensed ministries should not have been listed as if a formal parochial appointment.

104. It is clear that the Respondent had been ordained in the Church of North India in 1998 so that at the date of his application above he had been in ministry for some 14 years.

105. After ordination he had been a priest `associated with St Andrew`s Church and St Mark`s Cathedral Bangalore`, before undertaking a PhD in Cambridge between 2000 and 2003. Thereafter he had the following posts:

105.1. 2004-2008 coordinating chaplain at Old Royal Navy College Chapel in Greenwich;

105.2. 2008-2010 Lecturer in Biblical Theology at the London School of Theology and served as an Honorary Priest at St Martin Ruislip

105.3. 2010-2012 Dwelly Raven Canon at Liverpool University and Lecturer in Biblical Studies at Liverpool Hope University

106. Both the Bishop and Archdeacon observed, in our judgment correctly, that the Respondent's application demonstrated very little parochial or pastoral experience. We believe that the Respondent too appreciated this lack of pastoral experience and was anxious to emphasise his parochial and pastoral experience.

107. As to Great St Mary's Cambridge our views may be summarised thus:

107.1. We have seen an undated letter from Revd Dr John Binns, the Vicar of Great St Mary in which he stated that during his period in Cambridge the Respondent was an 'Honorary member of staff' who 'regularly celebrated the Eucharist, preached and conducted various study courses and was fully involved in the life of the church through attending staff meetings and in other ways'.

107.2. Subsequently Revd Binns explained such letter by saying that because the Church was already adequately staffed 'we did not consider a formal appointment' but encouraged him to contribute to our ministry in various ways. So 'he was not licensed to the parish but did carry out an appropriate and valued ministry as an ordained member of the congregation'.

107.3. We have also seen an email sent by Revd Binns to the Bishop of Ely's chaplain on 13 July 2015 in which he stated that the Respondent did not have a formal position at Great St Mary's but attended whilst he was undertaking his PhD, was an active member of the congregation and took part in prayer groups etc.

107.4. Whilst we accept that the terms 'Honorary Curate' and 'Honorary Priest' are essentially meaningless because there is no such office in ecclesiastical law, we are satisfied that the Respondent chose to use such terms because they suggested that he had more parochial experience than he in reality had. In our judgment it was an exaggeration for the Respondent to describe himself as an Honorary Curate or Priest and that he must have known that such was an exaggeration. He was not entitled, and by reason of the absence of any permission to officiate, to act as such and the use of such terminology was calculated to potentially mislead.

107.5. However, we would have expected his ministry at Great St Mary's to have been explored at interview to ascertain precisely what he had done, given that it was clear that he was at the same time studying for his PhD.

107.6. Although we believe that it was unwise for the Respondent to have described himself as an Honorary Curate or Priest, for the reasons set out below we do not believe that such amounts to misconduct,

108. As to the alleged chaplaincy at Oakington Detention Centre we are satisfied that again the Respondent could not have been employed as a Church of England chaplain although we are satisfied that he was employed there in some capacity, probably as a religious visitor. We have seen a letter from Revd Basil Scott dated 7 September 2015 who describes the Respondent as a part-time member of the chaplaincy team. Again we think that the Respondent was unwise to

describe his role as that of chaplain [although we note that he does not expressly say that he was a Church of England chaplain] when it was something different. However again we do not think that such constitutes misconduct.

109. In relation to his Lectureship at the Southwark Institute, we accept the evidence of the Bishop of Southwark that the Respondent `would have been part of a bank of teachers for these courses teaching on a sessional, even occasional basis` and that `it would be a mistake to over-formalise the role described`. In such circumstances we are satisfied that the Respondent was again over-emphasising his role and giving the impression that it was more significant than it in fact was. However we again are not persuaded that such constitutes misconduct.

110. We readily accept that the impression given by the application form was that the Respondent had far greater parochial and pastoral experience than he in fact had and we are satisfied that this was a conscious decision by the Respondent to over-emphasise his parochial and pastoral experience. Although he says in his Response that `none of the titles used in the CV are intended to be deliberately misleading` we do not agree.

111. We note that in his Response the Respondent contends that in connection with the Southwark Institute he was interviewed in 2012 by a panel which included Dean Nigel Godfrey, currently the Dean of St Germans Cathedral Peel and formerly the Principal of the Southwark OLM Scheme who would have known of the Respondent`s precise role at the Southwark Institute. This is not material because the only evidence we have as to the constitution of the interviewing panel, which we accept, came from the Bishop who said that the Dean was not part of the panel.

112. Having concluded that the Respondent was unwise to complete his application form in the way he did as set out above and that such was designed to give the impression that the Respondent had more parochial and pastoral experience than he in fact had, we have considered whether such constitutes conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders.

113. Whilst we strongly disapprove of the Respondent`s conduct in mis-describing his previous roles, he had played an active role as an ordained member of the congregation at Great St Mary`s, had worked at Oakington probably as a religious visitor and whilst not accorded the title of Lecturer, he had undertaken work at the Southwark Institute. The Respondent was the only applicant for this post. He had good references and seemed well suited for the post. Had he accurately described in detail his roles at Great St Mary`s, Oakington and the Southwark Institute, whilst such may have led to questions as to his parochial and pastoral experience, we are satisfied that it is still highly likely that he would still have been appointed. In such circumstances we have decided that it is not appropriate that we should conclude that such conduct was unbecoming or inappropriate to the office and work of a clerk in Holy Orders.

Other complaints

114. We record that in his witness statement the Archdeacon stated that the Respondent had not fully fulfilled either his role as Vicar of Castletown and Arbury or that of Director of

Ministerial Development but, as the Archdeacon himself recognises, these are not matters which give rise to complaints about the Respondent's conduct or require to be determined by the Tribunal.

Conclusion

115. We have thus concluded that it is proved that in the respects set out above the conduct of the Respondent was unbecoming or inappropriate to the office and work of a clerk in Holy Orders.

116. Although our full findings are set out above our principal findings may be summarised thus. Firstly, in exercising a need on his part to assert his authority and with an over-inflated view of his own self-importance, the Respondent has dealt with people with little or no compassion or pastoral concern. Secondly, the Respondent has lost his temper and displayed anger, even to those who continued to support him. Thirdly, in his behaviour he has caused serious harm to people and has caused them to leave their offices or his church. Fourthly, he does not seem to understand the need to express remorse or amend his ways. Fifthly, he has made untrue statements against Revd Erica Scott, the Archdeacon and the Bishop. We have no doubt that such behaviour on the part of the Respondent has damaged the reputation of the Church.

117. It necessarily follows that to the extent set out above we adjudge that the complaint is well founded and that the case against the Respondent is proved.