

IN THE MATTER OF A COMPLAINT
UNDER THE CLERGY DISCIPLINE MEASURE 2003

BEFORE THE BISHOP'S DISCIPLINARY TRIBUNAL
FOR THE DIOCESE OF ROCHESTER IN THE PROVINCE OF CANTERBURY

Written Determination of Penalty

3rd February 2010

Complainant: The Venerable Paul Wright
(Archdeacon of Bromley and Bexley)

Respondent: The Reverend Barry William Rowland

Introduction

- 1.1 This tribunal is dealing with the complaint dated 15 December 2008 made against the above named priest, the Reverend Barry William Rowland, by the Venerable Paul Wright, Archdeacon of Bromley and Bexley.
- 1.2 The Respondent was at all material times Vicar of St Paul New Beckenham.
- 1.3 In his letter of 6 October 2009 the President of Tribunals had referred for trial the allegation that the Respondent had engaged in conduct unbecoming or inappropriate to the office and work of a Clerk in Holy Orders, contrary to section 8(1)(d) of the Clergy Discipline Measure 2003 in that
 - he had an inappropriate and unprofessional relationship with a female parishioner which became sexual towards the end of October 2008; and
 - he knowingly and wilfully deserted his wife on or about the 12th December 2008 when he moved out of the Vicarage.
- 1.4 This misconduct is admitted in the Respondent's answer dated the 14th March 2009 and accordingly in his letter of 6 October 2009 the President of the Tribunals envisaged that the tribunal would be concerned only with the question of penalty.
- 1.5 In accordance with the Registrar's Directions on 21 December, the tribunal received written submissions in preparation for the hearing from the Designated Officer, Mr Adrian Iles, dated the 11th January 2010 (pp. 15-19 in the bundle) and from the Respondent dated the 22nd January 2010 (erroneously dated 2009 – to be found at page 20 in the bundle).
- 1.6 The tribunal met in London on the 3rd February 2010 to consider the case. The Respondent was not present at the hearing.

Preliminary Issue

- 2 The Chairman and members of the tribunal, having satisfied themselves that the Respondent had been given due notice of the hearing of not less than 14 days under Rule 38 (the Respondent having acknowledged receipt on 30 December 2009), and having satisfied themselves that the Respondent had had adequate opportunity to take advice and attend, under Rule 42, the Chairman of the tribunal decided that the hearing could proceed notwithstanding the absence of the Respondent.

Factual Background

- 3.1. The tribunal found the factual background to be as follows. The Respondent has been Vicar of St Paul New Beckenham since 2002. He was born in 1959 and will be 51 years old this year. He has served 15 years in the Rochester Diocese. The person with whom the Respondent has admitted he had an inappropriate relationship is described in the documents as "Janet" and it is understood that she was Parish Administrator sometime during 2008 in the Parish of St Paul New Beckenham.
- 3.2. The Respondent worked closely together with Janet. It is understood that she relinquished the position as Parish Administrator but continued to be a worshipping member of the congregation.
- 3.3. On the 9th December 2008 the Respondent wrote a letter to the Bishop of Rochester expressing his desire to resign although there was no indication in the letter of his reasons for wishing to do so (page 10 in the bundle). The Respondent e-mailed the Archdeacon (the Complainant) to advise him of his proposal to resign and a meeting was arranged the next day.
- 3.4. On the 10th December 2008 the Respondent met the Archdeacon at the Archdeaconry and at that meeting the Respondent informed the Archdeacon that he had developed a close relationship with a woman who was a worshipper at the church and who had previously being the Parish Administrator.. The Respondent had made it clear that his relationship with her had become sexual and that he had already told his wife of the circumstances. At that meeting the Archdeacon advised the Respondent of his legal requirement to take action under the Clergy Discipline Measure and explained the procedure for this (as confirmed in the Respondent's reply of the 14th March 2009). The Respondent also mentioned "I needed to get away from it all (with or without Janet)"(see p.31 in bundle).
- 3.5. On the 11th December 2008 the Archdeacon met with the Respondent's wife Mrs Sally Rowland who confirmed that she had been advised of the situation by her husband on the 8th December 2008.

- 3.6. On the 12th December 2008 the Respondent moved out of the Vicarage and the Parish.
- 3.7. On the 15th December 2008 the Archdeacon issued complaint proceedings against the Respondent under the Measure.
- 3.8. On the 19th December 2008 the Bishop of Rochester wrote to the Respondent advising him that a formal complaint had been made and that details of the complaint were being sent to the Diocesan Registrar for scrutiny. The Bishop made it clear in the letter that he had a central role as Diocesan Bishop in the administration of discipline and must remain impartial and consequently he had asked Bishop Michael Gear to provide the Respondent with care and support and that he would be in touch shortly. The Respondent was provided with Bishop Gear's address, e-mail and telephone number.
- 3.9. The Respondent filed an answer to the complaint dated the 14th March 2009 with an attached letter. He admitted misconduct and that the relationship with Janet had become sexual approximately in late October 2008 (pp. 8, 9 in the bundle).
- 3.10. The Respondent met with the Bishop of Rochester and the Bishop's Chaplain at Bishop's Court on the 24th April 2009.
- 3.11. On the 30th April 2009 the Bishop of Rochester wrote to the Respondent proposing a penalty of removal from office and prohibition from exercising the functions of his Orders for 5 years.
- 3.12. The Respondent did not reply to the Bishop's proposal, and the matter was therefore referred to the Designated Officer, Adrian Iles, under Rule 27(8) of the Clergy Discipline Rules for a formal investigation.
- 3.13. During the course of the formal investigation the Respondent cooperated with the Designated Officer and agreed to meet him at the end of August 2009. The details of the meeting are set out in the Statement of Facts and Submissions from the Designated Officer (pp. 15-19 in the bundle). He confirmed that although the Respondent had not moved in with Janet he did admit at that meeting that the relationship was still continuing and admitted that it had been adulterous.
- 3.14. At the date of the hearing the Respondent had not returned to live with his wife.

The Hearing

- 4.1. Mr Adrian Iles, as the Designated Officer, appeared on behalf of the Complainant and the Complainant also attended.
- 4.2. The Respondent not being present the tribunal considered the written submission of the Respondent dated the 22nd January 2010 (erroneously dated 2009 (see pp.20 *et seq* in the bundle)).
- 4.3. The Chairman and members of the tribunal asked the Designated Officer and the Complainant various points of clarification and questions as to the current situation.
- 4.4. The tribunal then retired to consider the decision on penalty.

- 4.5. The tribunal reached a unanimous decision upon the penalty, and delivered the same in open court on the 3rd February 2010, namely:
- that the Respondent be removed from holding office as Incumbent of the Benefice of St Paul New Beckenham in the Diocese of Rochester and cease to hold this or any other ecclesiastical office or appointment which he may currently hold under section 24(1)(c) of the Measure; and
 - that the Respondent be prohibited for the period of 10 years from exercising any of the functions of his Orders under section 24(1)(b) of the Measure; and
 - that the Respondent's name be forwarded to the Archbishop of Canterbury and York for inclusion on the List maintained by them under section 38 of the Measure

Reasons

- 5.1. The tribunal considered the submission letter of the Respondent dated the 22nd January 2010 (erroneously dated 2009) and concluded that the hearing was only concerned with the question of penalty, the Respondent having on more than one occasion admitted to the complaint and that he had never attempted to deny the complaint thereby enabling the hearing to deal only with the question of penalty. He had made clear written admissions in his letter of 14 March 2009 (at page 8 in the bundle) and reiterated these in his letter of 22 January, where he refers to "my admission of misconduct (which I have never denied)" (see page 20 in the bundle).
- 5.2. He goes on in that letter to say that the admitted misconduct "is only half of the issue" and asserts that the issue also relates to alleged lack of pastoral care by the diocese of Rochester. The tribunal did not consider that his assertions about the diocese had any bearing on the question of misconduct, which was admitted; nevertheless they were fully considered as mitigating factors on behalf of the Respondent, though it seemed to the tribunal that the diocese had been rather more generous in its support of the Respondent than he seemed to have appreciated. The tribunal also took into consideration the terms of the Bishop's proposal for limited prohibition of five years, and the decisions reached in a previous Bishop's Disciplinary Tribunal dealing with the same diocese (in the case of *Tipp and Northern*), in which the shortest period of prohibition had been twelve years and the incumbent had been prohibited for life.
- 5.3. The tribunal considers that the responsibilities of a priest arise out of Ordination. By virtue of their office great trust is placed in the clergy by members of the church and by the wider community. Clergy are expected to be worthy of this trust and are required to uphold Christian values in their pastoral ministry, in performing other duties and in the conduct of their private lives.

- 5.4. Due note was given to the **Guidelines for the Professional Conduct of the Clergy:-**
- 3.9 *The clergy should thankfully acknowledge their own God given sexuality. They should be aware of the danger of seeking sexual advantage emotionally or physically in the exercise of their ministry.*
- 3.10 *In their personal life the clergy should set an example of integrity in relationships and faithfulness in marriage.*
- 10.1 *Clergy are called to a high standard of moral behaviour.*
- 10.2 *Those who are called to marriage should never forget that this is also a vocation. It should not be thought to be of secondary importance to their vocation to ministry..*
- 11.1 *The reputation of the Church in the community depends to a great extent on the 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.*
- 5.5. The Guidance also says that adultery is destructive of marriages and is hurtful and disturbing to the children of the families affected and that removal from office and prohibition, whether for life or for a limited time, are usually appropriate in such cases.
- 5.6. The tribunal considered that the admitted complaint did amount to misconduct, the seriousness of which should be reflected in the penalty it imposes. It is appreciated that the Clergy Discipline Commission do not lay down prescribed penalties, but do provide guidance. Factors to be considered include:-
- The period of time the misconduct lasted
The improper relationship started whilst the Respondent was living with his wife and continued after he left her and was continuing in August 2009 .
 - Whether any harm has been caused
The Respondent deserted his wife with little warning and there was inevitable disruption in the Parish as the Respondent left during the build up to Christmas 2008.
 - Whether the Respondent has readily admitted the misconduct and demonstrated repentance, remorse and a willingness to learn from past errors
The Respondent has readily admitted the misconduct and has never denied the fact. This relieved others from the distressing need to give evidence and the necessity of a contested hearing. However, the tribunal found that the Respondent had not demonstrated repentance, remorse or a willingness to learn from past errors. Any alleged lack of pastoral care on the part of the diocese (even if proven) would not in any event affect the conduct and the responsibility of the Respondent for that conduct.
- 5.7. The tribunal accepted that there may have been problems in the marriage of the Respondent and his wife and in his professional life, but at no time prior to the 9th

December 2008 did the Respondent appear to have shared the depth of his anxieties and his problems with his wife, fellow clergy or Archdeacon. Instead, he chose to confide in Janet and allowed what began as a professional and pastoral relationship to develop into inappropriate degrees of emotional and then sexual intimacy. The Respondent continued to work closely with Janet and it is understood that during this period she was in fact prepared for Confirmation and was confirmed by the Bishop in October 2008. All this evidenced a betrayal of the trust placed in him by his bishop, family and the wider Church.

- 5.8. In the circumstances, the tribunal came to the unanimous view that the Respondent should be removed from office and that he should be prohibited for a substantial period of time.
- 5.9. Paragraph 4 of the Code of Practice provides that apart from considering the position of the individual Respondent there is a wider picture to be considered. The administration of discipline must
 - have regard to the interests of justice for all who may be affected by the faults, failings or shortcomings of the clergy, including the Complainant and the interests of the wider church
 - support the collective good standing of all faithful men and women who are called to service in the ordained ministry
 - ensure the clergy continue to be worthy of the great trust that is put in them as ordained ministers
- 5.10. As an ordained minister and on the Respondent's admission of an intimate and unprofessional relationship with a parishioner, a substantial period of prohibition is inevitable though in this case the tribunal considered that a "limited prohibition" rather than lifetime prohibition was the most appropriate.
- 5.11. Limited prohibition prevents the Respondent from exercising any functions as a member of the clergy for a specific period of time. It is suitable for serious cases where there is a realistic prospect that the Respondent with appropriate pastoral and other support could in the future resume normal duties of ministry.
- 5.12. The Respondent's behaviour was undoubtedly damaging to the trust placed in him as a priest as well as being in breach of his canonical duties to frame and fashion his life according to the doctrine of Christ. The Respondent's lack of demonstrated repentance, or remorse or willingness to learn from past errors, persuaded the tribunal that rehabilitation into ministry would be long rather than short term.
- 5.13. Accordingly, the tribunal determined that the Respondent be removed from office and prohibited for a period of 10 years.
- 5.14. During the period of prohibition, of course, there is no restriction upon his involvement, in the life and ministry of the Church in any way open to a lay person, and we hope that as time goes on he will be able to do so in ways that will be of increasing benefit both to

him and to the Church as a whole. The tribunal hope that the Respondent will be able to seek advice and accept direction and thus use this period of prohibition constructively.

Linda M Box
Chairman