

**In the matter of a Complaint under the Clergy Discipline Measure 2003
Before the Bishop's Disciplinary Tribunal for the Diocese of Carlisle**

**Complainant: The Venerable Kevin Roberts
 Archdeacon of Carlisle**

Respondent: The Reverend Karl Wray

Appearances:

For the Complainant: the Designated Officer, Mr Adrian Iles

No appearance by the Respondent

Decision on Penalty

1. This is a sitting of the Bishop's Disciplinary Tribunal for the purpose of considering a penalty following the Tribunal's pronouncement of its decision on the 7th April 2011. A written copy of that decision has been previously circulated to all the parties.
2. Originally there were 2 alternative allegations against Mr Wray which the President of Tribunals put before the Tribunal, allegation A, and allegation B. The Reverend Karl Wray admitted allegation B, which was one involving neglect and inefficiency, but denied allegation A, which alleged dishonesty. The only issue before the Tribunal was therefore whether Mr Wray had acted dishonestly. The Tribunal found Mr Wray had been dishonest and this was the unanimous decision of members of the Tribunal after having heard evidence from the Archdeacon and from Mr Wray.
3. The penalties we can impose are set out in section 24 of the Clergy Discipline Measure 2003 which set out a variety of penalties. In considering our decision we have had regard to our previous determination set out in the Tribunal's Decision, to the terms of the Measure, and to the Guidance on Penalties issued by the Clergy Discipline Commission. Also we have been much assisted by the oral and written submissions from the Designated Officer Mr Iles and we have considered written submissions and a letter from Mr Wray dated 11th May 2011 and a letter from the Bishop of Carlisle also dated 11th May 2011.
4. Mr Iles submits, rightly in our view, that in the light of the Tribunal's findings set out in its Decision the misconduct of Mr Wray must be viewed as serious. He urges us in

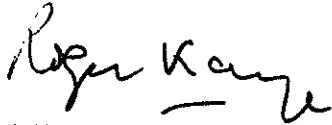
those circumstances to have regard to the reputation of the Church and of the profession and to consider recent case law establishing (as must be right) the important principle that any penalty imposed should be in due proportion to the misconduct, having taken into account and given due weight to all material circumstances including the particular facts of the case. He points out that Mr Wray engaged in a systematic breach of trust over a considerable period of time, of at least 14 years, and that over that period of time while only small amounts of money may have been involved on individual occasions, the total sum involved (of which the Diocesan Board of Finance was deprived) amounted to over £20,000.

5. Mr Iles also pointed out that any penalty imposed in respect of Mr Wray will be entered on the Archbishops' List. In deciding upon the appropriate penalty it would be wrong, he submits, to ignore the process by which the diocese (and Church authorities) was (and were) deprived of funds by Mr Wray, and it would be inappropriate in the future if any bishop when consulting the Archbishops' List were to see that a severe penalty had not been imposed. He urged the Tribunal to send a clear message to the clergy. These submissions were made because the Bishop of Carlisle had in his letter to the Tribunal written suggesting that a penalty of prohibition would not be necessary as Mr Wray has become (or is becoming) a Roman Catholic. Mr Iles, however, urges us to have regard to the Clergy Discipline Commission's Guidance on Penalties, and to uphold the good reputation of the Church and its clergy; he submits we ought therefore also to consider whether there is any realistic prospect of rehabilitating Mr Wray back into the ministry. Mr Iles reminds us that a journey of faith to Rome is not one way, and that Mr Wray may seek to return to the Church of England in the future, as other clergy have in the past. We note, however, that we have seen no evidence that Mr Wray has become a member of the Roman Catholic Church other than Mr Wray's own submissions to this effect. Whether he has yet been accepted into the Roman Catholic Church we know not.
6. Mr Wray chose not to attend today, 19 May 2011.
7. We have considered Mr Wray's written submissions in a statement dated 11 May 2011 which he sent to the Registrar of the Tribunal. He does not accept the Tribunal's decision. He says he is ignorant of what he has been found guilty. Although Mr Wray admitted allegation B, as set out above, the issue for the Tribunal to resolve was whether Mr Wray was dishonest in accordance with allegation A. The Tribunal found that allegation A was proved. In those circumstances, allegation B falls away, and the penalty we impose is in respect of allegation A.
8. Mr Wray tells us in his written submissions that he now has a good job, and that with his wife and family things are looking good, although he does not tell us in what respects.
9. Faced with serious failings by Mr Wray it is the sad duty of the Tribunal to consider the appropriate penalty. We take into account the duty of any regulatory body to maintain the high standards of the profession, and to make it clear that, expressed in vernacular language "wrong-doing does not pay". We have also considered whether there is a prospect of rehabilitation into the Church of England and reconciliation with other members of the Church. We have considered the Commission's Guidance

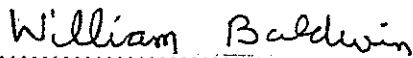
on Penalties and in particular “whether a respondent has readily admitted the misconduct and demonstrated repentance, remorse and a willingness to learn from past errors. An important fact in mitigation is where there is a frank admission of misconduct at the earliest opportunity, and an attempt to put right, in so far as possible, the consequences of the misconduct”.

10. We have decided that a penalty of prohibition must be imposed. Should it be for life or for a limited period?
11. Mr Wray’s misconduct was systematic, over a long period of time, and in breach of trust. Also, there appears to be no attempt by Mr Wray to learn from his misbehaviour, and no suggestion of remorse or repentance, and no indication from Mr Wray even that he intends to pay over to the DBF the sums owed or to make recompense or any offer to do so. There has been no attempt by him to put matters right, and no expression of contrition. Mr Wray says he doesn’t wish to be addressed as the Reverend, but he has not signed any deed of relinquishment pursuant to the Clerical Disabilities Act 1870 .
12. This misconduct is so serious that we are of the unanimous view that a penalty of prohibition for life is the appropriate and proportionate penalty to be imposed in this matter. There is no realistic prospect of rehabilitating Mr Wray back into the ministry even if he chose to return to the Church of England. We therefore impose a penalty of prohibition for life under section 24(1)(a) of the Clergy Discipline Measure.
13. The Tribunal has one further comment to make. Concerning a suggestion in the Bishop of Carlisle’s letter to the Registrar that there might be some sort of financial reimbursement to the Diocese, Mr Isles drew our attention to Section 24 (1)(e) of the Clergy Discipline Measure which provides that the Tribunal may impose a penalty of injunction, that is an order to do or to refrain from doing a specified act. Mr Isles submits that this legislative provision is not intended to be used to make a financial order requiring the respondent to reimburse the Diocese. We have not felt it necessary to decide this point, but we note there is no effective means under the Measure of enforcing an order for the payment of money or compensation. We feel that the issue of financial compensation is a matter for the diocese, by civil remedies if necessary; we have concentrated solely on the question of the appropriate penalty to impose.
14. Accordingly the penalty we unanimously impose is one of prohibition for life under section 24(1)(a) of the Measure.

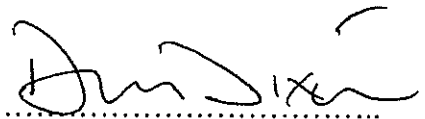
Members of the Tribunal:



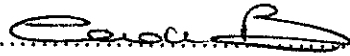
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His Honour Judge Roger Kaye QC



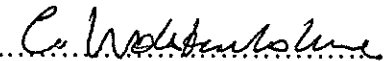
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The Revd Dr William Baldwin
Tribunal Member



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The Revd David Dixon
Tribunal Member



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Mrs Carole Park
Tribunal Member



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Mrs Carol Wolstenholme
Tribunal Member



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Mr Lionel P M Lennox
Registrar of Tribunals

Dated

3 June

2011