

GENERAL SYNOD
CLERGY DISCIPLINE COMMISSION
ANNUAL REPORT FOR 2014

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 eleventh annual report made by the Commission and covers its work in the year to 31 December 2014.

The House of Bishops received this report in May 2015.

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. During the course of 2014 one member stood down from the Commission. The Revd Dr Jonathan Gibbs (Chester), was appointed to the suffragan See of Huddersfield with effect from October 2014, and so relinquished his place in Synod and therefore his seat on the Commission as a member of the House of Clergy. He was replaced by the Revd Canon John Sinclair (Newcastle) with effect from 1 January 2015. The membership of the Commission is set out as at 31 December 2014 in Appendix 1.

THE WORK OF THE COMMISSION IN 2014

3. The Commission met on three occasions in 2014.
4. Revisions to the Commission’s Code of Practice came into force on 1 February 2014. They had been approved by Synod in 2013 and were mostly in line with amendments made to the Clergy Discipline Measure by the Clergy Discipline (Amendment) Measure 2013.
5. At its April meeting, the Commission received a request from a member of the clergy to consider the position of respondents in respect of whom a conditional discharge had been imposed by a disciplinary tribunal. At the end of a discharge period details of cases continued to be available online, even though the discharge had expired. The Commission discussed whether that was appropriate. The Commission noted that under the Clergy Discipline Measure a tribunal’s determination had to be pronounced in public. The Commission acknowledged that the advent of the internet had meant that once published, information remained in circulation even if removed at source. The Commission therefore agreed that it was impracticable to remove information from the public domain when a

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.”

discharge period or a penalty had expired, and that it would not in any event be appropriate to do so.

6. The Commission circulated a questionnaire to all diocesan bishops asking what help, advice and support were given to clergy who were respondents to complaints under the Measure. The Commission, mindful that clergy may be anxious when faced with a complaint and in need of help and advice, aimed to ascertain from dioceses the level of support on offer to clergy in practice. The questionnaire asked a number of questions which covered (a) guidance or instruction about the disciplinary process given to clergy as part of their general training; (b) the information given to clergy about available resources if faced with a complaint; (c) the practical help, guidance and advice available for respondents when a complaint was made; (d) what information and guidance was given to respondents about obtaining legal advice and applying for legal aid; (e) the provision of pastoral care for the respondent and the respondent's family. The Commission analysed the responses to the questionnaire at its meeting in January 2015, and is giving further consideration to the issues raised.
7. The Commission monitored proposals to amend the Clergy Discipline Measure which were discussed by the General Synod at the February 2014 group of sessions, and it considered the related draft Safeguarding and Clergy Discipline Measure and draft Amending Canon No. 34 which were given first consideration by Synod at the following July group of sessions. One member of the Commission – Dr Anna Thomas-Betts – was appointed a member of the legislation's Steering Committee, and another – Dr Jamie Harrison – a member of the Revision Committee.
8. The Commission had preliminary discussions on the interface between resolving a complaint under the Clergy Discipline Measure, and resolving outside the framework of the Measure the pastoral issues that lay behind a complaint. This is an area that the Commission is exploring further.

ANNUAL ANALYSIS OF COMPLAINTS

9. 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.
10. In 2014, 79 complaints were made under the Measure against priests or deacons, as against 73 in 2013. The total number of respondents in respect of those cases was 65. 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
11. Almost a third of dioceses (31%) had no complaints at all, and only two had six or more complaints. As in previous years, the majority of complaints (58%) were made by complainants other than archdeacons, churchwardens or persons nominated by a PCC, with archdeacons making up a further 37% of complainants, a slight reduction on last year.
12. 16% of complaints were dismissed by the bishop in 2014 (a reduction from 2013) and no further action taken in a further 17%. A penalty by consent was agreed in 25% of the complaints, 5% were conditionally deferred, and only 2% of the complaints were referred to the Designated Officer for formal investigation. 32% of the complaints made in 2014 were in the process of being dealt with by dioceses at the year-end. Following formal investigation,

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.

two complaints were referred to a bishop's disciplinary tribunal; the President of Tribunals decided that there was no case to answer in respect of one complaint.

13. Two complaints were heard by a bishop's disciplinary tribunal in 2014. Three complaints had been referred to a tribunal for hearing but were withdrawn: two of these were where the bishop had meanwhile exercised powers under section 30(1)(b) of the Measure based on the respondent's admission, and the other was where the respondent consented to a penalty being imposed by the bishop. Proceedings in respect of one other complaint which had been referred to a tribunal for hearing were automatically terminated under rule 54 of the Clergy Discipline Rules on the death of the respondent.
14. Eight complaints were made against bishops in the course of 2014, of which five were dismissed. Three complaints were outstanding at the year-end. One complaint was brought against an Archbishop.
15. During the course of the year, the President or Deputy President of Tribunals considered 11 applications for permission to make a complaint out of time (nine of which were granted), seven applications to review a dismissal, and nine referrals of a decision to take no further action (one of which was overturned).

On behalf of the Commission

The Rt Hon Sir Andrew McFarlane (Chair)

April 2015

APPENDIX 1: MEMBERSHIP OF THE COMMISSION AS AT 31ST DECEMBER 2014

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)+^

Dr Anna Thomas-Betts MBE (Oxford)+^

Mr David Mills MBE (Carlisle)+^

The Revd Canon John Sinclair (Newcastle)+^ was appointed under section 3(1)(a) with effect from 1 January 2015.

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

	2014 (2013)	%
Formal complaints made to bishops (total)	79 (73)	
<i>Dioceses with no complaints made</i>	13 (16)	31% (36%)
<i>Dioceses with between 1 and 5 complaints made</i>	27 (25)	64% (57%)
<i>Dioceses with 6 or more complaints made</i>	2 (3)	5% (7%)
Of the total, the following numbers of complaints were made by:		
<i>a person nominated by a PCC under s10(1)(a)(i)</i>	0 (0)	0% (0%)
<i>a churchwarden under s10(1)(a)(ii)</i>	4 (1)	5% (1%)
<i>an archdeacon under s10(1)(a)(iii)</i>	29 (28)	37% (38%)
<i>another person under s10(1)(a)(iii)</i>	46 (44)	58% (60%)
Number of complaints delegated under s13 Dioceses, Pastoral and Mission Measure to a suffragan bishop for determination	13 (18)	16% (25%)
Action taken in 2014 in relation to complaints made in 2014 or earlier		
<i>Dismissed by the bishop under s11(3)</i>	15 (29)	16% (32%)
<i>No further action under s12(1)(a) & s13</i>	16 (10)	17% (11%)
<i>Conditional deferment under s12(1)(b) & s14</i>	5 (8)	5% (9%)
<i>Resolved by conciliation under s12(1)(c) & s15</i>	1 (2)	1% (2%)
<i>Penalty by consent under s12(1)(d) & s16</i>	23 (26)	25% (28%)
<i>Formal investigation under s12(1)(e) & s17</i>	2 (5)	2% (5%)
<i>Withdrawn (rule 59(1)(a))</i>	1 (1)	1% (1%)
<i>No decision as at 31st December 2014</i>	29 (11)	32% (12%)
Number of complaints referred unsuccessfully to conciliation before being dealt with under s12(1)(a), (b), (d) or (e)	2 (2)	
Penalties by consent imposed under s12(1)(d) & s16		

<i>Prohibition for life (with or without resignation)</i>	1 (4)
<i>Limited prohibition (with or without resignation)</i>	10 (13)
<i>Resignation without prohibition including revocation of licence</i>	0 (2)
<i>Injunction</i>	0 (0)
<i>Rebuke</i>	11 (4)
<i>Injunction and Rebuke</i>	2 (3)
Cases referred for formal investigation under s12(1)(e) & s17	
<i>President of Tribunals decided 'No case to answer'</i>	1 (1)
<i>President referred complaint to bishop's disciplinary tribunal</i>	2 (4)
<i>President not decided as at 31st December 2014</i>	0 (0)
<i>Formal investigation ongoing as at 31st December 2014</i>	1 (1)
<i>No further step taken under s16(3A) (penalty by consent)</i>	1
Number of cases determined by a tribunal	2 (2)
Complaints withdrawn from a tribunal or otherwise terminated	4
Number of suspensions imposed (total)	14 (15)
<i>Suspensions under s36(1)(a) in course of complaint proceedings</i>	3 (8)
<i>Suspensions under s36(1)(b) following arrest</i>	11 (7)
Cases where a penalty of prohibition or removal from office was imposed under s30(1)(a) following conviction and sentence of imprisonment	8 (6)
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	1 (0)

Complaints against Bishops and Archbishops

Formal complaints made to archbishops	2014 (2013)
<i>in respect of a bishop</i>	7 (8)
<i>in respect of the other archbishop</i>	1 (0)
Action taken in 2014 in relation to complaints made in 2014 or earlier	
<i>Dismissed under s11(3)</i>	5 (3)
<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>	0 (0)
<i>Formal investigation under s12(1)(e) & s17</i>	0 (0)
<i>Withdrawn (rule 59(1)(a))</i>	0 (1)
<i>No decision as at 31st December 2014</i>	3 (5)
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	0 (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 make a complaint out of time (s9)</i>	11 (9 granted)
<i>Review of a dismissal (s11(4))</i>	7 (0 reversed)
<i>Referral of a decision of no further action (s13(3))</i>	9 (1 overturned)
<i>Appeal against notice of suspension (s36(6))</i>	0
<i>Review of inclusion of name in the Archbishops' list (s38(2) & (3))</i>	0