

In the matter of a complaint under the Clergy Discipline Measure 2003

Before the Bishop's Disciplinary Tribunal for the Diocese of Leicester

23 and 24 March 2017

Complainant **The Venerable Timothy Stratford, Archdeacon of Leicester**

Respondent **The Reverend Timothy Blewett**

WRITTEN REASONS

Introduction

1. This complaint is brought by the Archdeacon of Leicester against The Reverend Timothy Blewett ('the Respondent') under the Clergy Discipline Measure 2003, arising out of allegations made by Ms X of inappropriate sexual conduct towards her by the Respondent in 2011-12.
2. The hearing of the complaint before the tribunal took place on 23 and 24 March 2017. At the conclusion of the hearing we pronounced our unanimous decision to dismiss the complaint and gave a summary of our reasons. A written record of the summary is attached. These written reasons are provided to supplement the decision and summary of reasons and to set out the evidence and our determination more fully.
3. At the hearing the complainant was represented by the Designated Officer, Mr Adrian Iles, and the Respondent appeared in person. We are grateful to all the participants for the care and respect they have shown during the hearing and for the assistance provided to the Tribunal.

The complaint

4. The allegation referred to this Tribunal by the Deputy President of Tribunals is as follows:
'That the conduct of the Respondent was unbecoming or inappropriate to the office and work of a Clerk in Holy Orders within section 8(1)(d) of the Clergy Discipline Measure 2003 in that from about March 2012 to about September 2012 he, a married man, had an improper sexual relationship (which included adultery) with Ms X, a married woman, whom he had met in November 2011 while serving as Warden of Launde Abbey, a Christian retreat centre that Ms X visited and to whom he gave spiritual guidance acting as her spiritual director.'

The legal framework

5. The legal and procedural framework for these proceedings is provided by the Clergy Discipline Measure 2003 and the Clergy Discipline Rules 2005 (as amended).
Section 8(1) of the Measure provides, as far as material, that:
'Disciplinary proceedings....may be instituted against any....priest or deacon alleging any of the following acts or omissions-
(d) conduct unbecoming or inappropriate to the office and work of the Clerk in Holy Orders.'

6. Section 9 provides that no disciplinary proceedings under the Measure may be instituted unless the misconduct in question, or the last instance of it, occurred within the period of one year ending with the date on which the proceedings were instituted, but the President of Tribunals may give permission for proceedings to be instituted after the period of one year if he considers that there was good reason why the complainant did not institute proceedings at an earlier date.
7. The present complaint was instituted more than a year after the last instance of misconduct alleged against the Respondent, but in the circumstances the President gave permission under section 9 for the proceedings to be instituted after the expiry of that period.
8. The burden of establishing the complaint rests on the complainant and the standard of proof is that which applies in civil proceedings, namely that issues of fact are to be determined on the balance of probabilities: section 18(3). The allegation made by Ms X, and the potential consequences of the Tribunal's findings, are serious and the Tribunal must examine the evidence closely and carefully, to determine whether the required standard of proof is met.
9. The issues which arise in the present proceedings are primarily issues of fact, the determination of which turns on the Tribunal's assessment of the evidence. We bear in mind that the events to which the evidence relates are said to have occurred in 2011-12 and that the recollections of the witnesses may be affected by the passage of time. We also remind ourselves that if a witness is found to be untruthful in some aspect of their evidence, that does not necessarily taint the whole of their evidence; the circumstances of and reasons for it must be considered: *R v Lucas (1981)*.
10. In considering the issues arising from the evidence of the parties in relation to the alleged misconduct and the surrounding circumstances, the Tribunal must carefully consider and weigh all the evidence adduced by the parties, which here includes written and oral evidence.
11. We have received oral evidence from Ms X, from the Respondent and from the Respondent's wife and have read the documentary evidence presented by each party. A number of statements have been presented on behalf of the Respondent from witnesses who have not been called to give oral evidence and we bear in mind that the complainant has not had the opportunity to test that evidence in cross-examination.
12. In reaching our decision we have carefully considered and taken account of all the evidence and of the submissions made by the Designated Officer and the Respondent.

Background and summary of the issues

13. The Respondent was ordained Deacon in 1992 and Priest in 1993. He was appointed Warden of Launde Abbey ('Launde'), a retreat centre, in 2004 and remained in that position until 31 March 2012. At the material time he also held a position as an Army Chaplain which entailed periods away from home for exercises and training with his unit.
14. It is common ground that Ms X first met the Respondent at Launde where he was Warden, on or about 11 November 2011, after a service of Compline which she had attended while

on retreat there. At that time Ms X was in a relationship with her husband, whom she had married in October 2010, and she was working with a charity. She was experiencing difficulties at work and at home. Their account of the initial meeting differs as to its length with Ms X describing a longer meeting than he and his wife recall, but we do not consider that anything turns on that.

15. Ms X alleges that from November 2011 a relationship developed between her and the Respondent, with the Respondent initially offering spiritual direction and support. She says that the Respondent began to act more intimately towards her and behaved in a sexually inappropriate way. She alleges that on 11 March 2012 there was an occasion when he forced himself upon her and had sexual intercourse with her. She says that resulted in a pregnancy, but that she suffered a miscarriage in May 2012. She says there were further occasions of sexual relations after that, with their last meeting being in September 2012.
16. In late September 2012 the Respondent was posted to Cyprus with his Army unit. There was e-mail correspondence between him and Ms X in October 2012 and he contacted her in April 2013 when his tour of duty ended. However, Ms X made it clear that she did not wish to communicate with him again.
17. The Respondent accepts that he offered spiritual direction and support to Ms X, including support in relation to the charity with which she was working, and that they became friends socially, but he denies any physical or sexual impropriety. He specifically denies that any meeting took place on 11 March 2012 and disputes Ms X's account of other occasions.

The progress of the complaint

18. Ms X did not report her allegations initially, but the police were contacted in April 2014 by a third party and as a result, DC Robert Arthur met Ms X on 23 April 2014. In his witness statement dated 11 May 2014 he describes their conversation on that date, in which she gave information about her relationship with the Respondent and about the incident which she said had occurred on 11 March 2012. DC Arthur records that Ms X did not disclose any criminal offence and there was no further police action, but the information provided by Ms X led to this complaint being laid.
19. The Archdeacon who brings the complaint has no personal knowledge of the matters alleged by Ms X and relies upon the evidence of Ms X. At the time of the complaint, there was no witness statement by Ms X and the allegations rested on the information given to DC Arthur. In his answer to the complaint the Respondent accepted that he had met Ms X at Launde in November 2011, that they had met over the following months when he provided spiritual direction and that they had met socially, including occasions with his wife and children and with Ms X's husband, but he denied that there had been any sexual impropriety.
20. Ms X has since filed a detailed witness statement, dated 23 December 2016, and the Respondent has filed a full witness statement in response, together with a witness statement by his wife, both dated 31 January 2017. Shortly before the hearing, the complainant provided a number of documents on which Ms X wished to rely in support of her evidence and the Respondent provided some documents on which he wished to rely. He also served statements by several witnesses on whom he wished to rely. At the start of the hearing we considered the extent to which these further documents should be admitted in

evidence and concluded that they should be admitted, to the extent that they were relevant to the factual issues and subject to the Tribunal's view of the weight to be attached.

21. The complaint rests upon the allegation that the Respondent had an improper sexual relationship with Ms X (including adultery), but it is necessary to review the history of the relationship more fully to put that allegation in context.

The complainant's evidence

22. Written and oral evidence was given by the Archdeacon, as complainant, and by Ms X. The complainant also relies on the witness statement of DC Arthur.

The Archdeacon

23. The Archdeacon gave formal evidence about the origin of the complaint and confirmed that the matter had been brought to his attention by DC Arthur. He had no direct contact with Ms X himself before seeing her at the hearing. Having received information from DC Arthur, the Archdeacon said that he acted in accordance with the relevant code of practice; he was not aware of any pressure on Ms X to provide information and he asked DC Arthur to explore her account in a manner which placed least pressure on her.

Ms X

24. In her oral evidence, Ms X confirmed the contents of her witness statement and gave more detail of some of the dates and events which she had described.
25. In her witness statement Ms X described her first meeting with the Respondent at Launde. She said that she told the Respondent that she was experiencing a difficult time in her life and that shortly after their meeting he offered to become her spiritual director. They then began to meet quite often. Ms X said that although the relationship was professional at first, it became more intimate, with the Respondent greeting her with a kiss and hugging her. She says this developed in early 2012, and that there was a turning point in late February when he kissed her on the mouth and they ended up on the floor with the Respondent kissing her intimately. At meetings after that they held hands and kissed.
26. She said there was an incident at the Respondent's residence at Launde in late February or early March where he tried to remove her clothing and suggested she went to a bedroom.
27. Ms X alleges that on 11 March 2012 she visited the Respondent at Launde in the afternoon and they went for a walk. They lay together in the woods and kissed passionately. She says the Respondent then pulled down her trousers and pants and had sexual intercourse with her, which she had not wanted.
28. In oral evidence she confirmed the date and added that the Respondent was dressed in his army clothing when they met. She said the Respondent had a dark coat which he laid on the ground, but that her trousers got muddy. She produced a weather report showing that the weather that day was fine and dry as she had said in her statement.
29. She says that the next morning she went to Boots chemists in Uppingham to buy a morning after pill, having chosen to go to a chemist in a place where she would not be recognised.

In oral evidence she produced a bank statement showing a transaction there on 12 March which she said referred to that purchase.

30. Ms X said in her statement that she then found that she was pregnant, but that she miscarried at 11 weeks. She said she was sure that she had conceived on 11 March as a result of sexual intercourse with the Respondent and that the child could not be her husband's as he was unable to ejaculate (though she said they had been trying to conceive since their marriage). It was not clear from her evidence how she explained the pregnancy to her husband.
31. She says that after she found she was pregnant, she told the Respondent and he suggested the relationship be that of a 'French mistress' and that she should meet his wife and children so that things seemed normal. She agrees that she did meet his wife and children at their home, once when they were unpacking after their move.
32. Ms X said she had attended a local A & E hospital with hives on 21 April 2012 and was advised that taking medication would not affect her pregnancy. She says that soon afterwards she experienced bleeding and spoke to the midwife. When the bleeding continued her husband took her to hospital, where a scan revealed that the baby had died. She said she went away on a retreat in Wales with her husband in May 2012 and that while there the worst of the miscarriage occurred.
33. In evidence, she gave the date of the scan as 11 May 2012 and said the retreat, which had been planned, was from 14-18 May 2012. She said that she knew she was miscarrying and had decided that the retreat house was where she wanted to be. She agreed that she had not told the midwife or hospital about the planned trip or sought advice about it.
34. She said that the worst of the pain occurred while on retreat and referred to diary entries in which she identified 15 May as the 'worst day physically' and 17 May as the 'worst day emotionally'. She said these entries were made at the time, but as they are comparative, it is unlikely that they were each made on the relevant date.
35. She says that after the Respondent left Launde at the end of March, they continued to meet at various locations, including his home, a friend's flat in London and a Premier Inn in Birmingham. She says that sexual activity took place on some of these occasions.
36. In her statement, Ms X did not specify any particular dates for these subsequent meetings, but she refers to a party at the Respondent's home which she recalls as being on 5 July 2012, when she says she was stressed as a result of seeing the Respondent paying attention to another woman.
37. In oral evidence, Ms X produced various documents which she said confirmed the dates of some of these events. She accepted that she was wrong about the date of the party, having relied on the date of a photograph. One of the Respondent's witnesses put the date as 4 June 2012 and she agreed that was probably correct.
38. She produced receipts for parking charges in London on 31 May and 1 June 2012, which she said represented the trip which she and the Respondent made to London. She described

driving to London in separate cars and said she had paid for parking for both cars. However, she also had an entry in her diary for 31 May referring to train tickets for a journey from London; she was confused by this entry and was not able to explain it, but said she could not be sure if the dates were correct.

39. In relation to the stay at a Premier Inn, Ms X produced a bank statement showing an entry for the Premier Inn, Birmingham on 10 July 2012, which she said referred to a time when she and the Respondent stayed there. She said he purchased lingerie for her for which she paid and was reimbursed by the Respondent.
40. Ms X said in her statement that after the Respondent was posted to Cyprus, there was Skype contact initially, but communication broke down and when he suggested a meeting on his return in April 2013, she refused to see him. She produced an e-mail message from him dated 7 April 2013 suggesting a meeting; her reply the same day made it clear that she did not wish to see him.
41. She was unable to produce any other e-mail communications between them, but the Respondent provided copies of e-mails between them from 14-17 October 2012 in which Ms X gave details of the breakdown of her marriage, which she could tell 'some select people'.

DC Arthur

42. DC Arthur's statement sets out the information which he says Ms X gave him. The account is broadly consistent with her witness statement, though less detailed, particularly in relation to 11 March 2012. There are two significant differences: first, DC Arthur does not record any reference to Ms X becoming pregnant or having a miscarriage; second, he records her as saying that the Respondent had told her to keep it [their relationship] secret (which does not appear in her witness statement). In relation to the first, Ms X said in evidence that she had told him of the pregnancy and miscarriage; as for the second, she said her account to DC Arthur was true and she could not explain why it was not in her statement.
43. The factual evidence of DC Arthur is not in dispute. However, he also expressed a clear view about the veracity of Ms X's account. He did not give oral evidence and there has been no opportunity for this aspect of his statement to be tested. He was not presented as an expert in assessing credibility and in any event the truth or otherwise of the account given to him is a matter for this Tribunal.

The Respondent's evidence

44. The principal evidence for the Respondent was the written and oral evidence of the Respondent himself and of his wife

The Respondent

45. In his witness statement the Respondent describes a number of meetings with Ms X from November 2011, for spiritual direction, visiting her at the charity where she worked and, after he left Launde, visits by her to his new home. He said that after the initial meeting he and Ms X met on 5 December 2011, 10 January 2012, 23 January 2012, 7 February 2012, 20 February 2012, 16 March 2012 and 19 March 2012, and then not again until 21 May 2012. He accepted that there had been e-mail communication in the intervening period.

46. He said that on 21 May Ms X and her husband came to his new home, first to discuss the charity and later when they brought food for the family. It was on that date, he said, that Ms X told him of her pregnancy.
47. He agreed that Ms X and her husband attended a party at his home, but said it was on 4 June 2012, not, as Ms X had stated, on 5 July.
48. He said that there were two further meetings at Ms X's home, one before 17 August, when her family were there and the second on 17 August 2012, when they discussed her intended resignation from the charity.
49. He agreed that they had visited London together, on 17 September 2012; they had planned to do some shopping together, but travelled in separate cars, as he was staying overnight with friends (Dr & Mrs Platt). He said that was the last time they met.
50. They had been in contact by e-mail and telephone after he was posted to Cyprus; he produced copies of the e-mails exchanged in October 2012.
51. In relation to the incident alleged on 11 March 2012, the Respondent denied that he had met Ms X on that day. He said he had been away with his Army unit in the Welsh borders that weekend. He had left there at about 14.15-14.30 on Sunday 11 March, arriving home about 16.00. His wife and children were at home and he took the children to shops in Uppingham at about 17.45. They had visitors staying the night who arrived about 21.30. He firmly denied that there had been any meeting with Ms X that day. He produced a payslip confirming his attendance on the course that weekend.
52. In his oral evidence, the Respondent confirmed his written statement. In relation to the occasions specifically referred to by Ms X in her evidence he said as follows:
 - (i) On 31 May – 1 June, he was away with the Army in Germany; he produced a receipted Mess Bill from BFPO38 covering the period 27 May to 2 June 2012; he said he could not have been in London with Ms X that weekend;
 - (ii) On 9-11 July 2012 he was again away from home with his Army unit in Wrexham; he produced a payslip confirming his duty over that weekend; he said he could not have been in Birmingham with Ms X;
 - (iii) He confirmed that the visit to London was on 17 September and produced a receipt for shoes which were bought when he and Ms X were together that day.
 - (iv) Asked about his relationship with Ms X the Respondent maintained that it had remained professional throughout. He said that he had not crossed professional boundaries and their conversations had been spiritual in nature. He was asked about occasions when they had met socially and he was pressed about when they had become friends. He seemed hesitant about accepting that they had become friends socially, saying initially that they had been 'friendly', since their first meeting; he then said they had become friends 'probably in February or March'. He acknowledged that there had been social visits, but questioned whether that amounted to friendship.
53. He was clear that Ms X told him of her pregnancy on during her visit on 21 May, but he did not think she had told him of the miscarriage. In relation to the party on 4 June he referred

to both Ms X and her husband as friends, even though he had only met her husband on 21 May.

The Respondent's wife

54. In her witness statement the Respondent's wife confirmed the date of the initial meeting at Launde and recalled an occasion when Ms X had visited their home at Launde after that. She said that the date of the visit by Ms X and her husband to their new home was after 15 May 2012, when a new washing machine was delivered, and she thought 21 May would fit with that.
55. She too was clear that the party which Ms X and her husband attended was on 4 June 2012.
56. In relation to 11 March 2012, she said that if the Respondent had met Ms X before coming home he would have been wearing army uniform and that she would in any event have been aware if he had arrived home later than expected. She said that if he had gone out soon after arriving home, she would have noticed and been annoyed.
57. In her oral evidence, she gave more detail about the afternoon of 11 March. She said she was very busy with work and would have noticed if the Respondent had arrived home late, as she needed him to look after their children. He would not then have gone out without the children.
58. She said it was extremely unlikely that he would take his coat out and that there was a picnic blanket readily available. She would have noticed if his coat was missing or muddy. She remembered the day as they had guests staying overnight.
59. She described her management of household finances and produced a cash ledger showing her detailed recordings. She said the Respondent did not really have any cash and that she would know if he had taken money out of the bank.
60. She was questioned about her recollection of dates and events, but remained clear in her account.

Other witness statements

61. Several of the witnesses whose statements were produced contained positive character evidence about the Respondent. However, the principal relevance of the Respondent's witnesses is in relation to the factual issues. The key factual evidence which emerged was as follows:

Canon Philip O'Reilly

62. He remembers two meetings with Ms X and her husband at the Respondent's home, the first when he recalls them bringing pizzas, though he was unclear about the date. The second he recalls as being a house-warming on 4 June 2012. He says he noticed nothing remarkable in the interaction between Ms X and the Respondent or in Ms X's demeanour.

Michael and Jacqueline Platt

63. The key aspect of their factual evidence is their recollection that the Respondent stayed with them in London on the night of 17-18 September 2012.

Helena Crawford, officer in the Army reserve

64. She was with the Respondent on the Army Challenge weekend on 9-11 March 2012 and recalls speaking with him at about 14.00hrs on 11 March.

Canon Marion Syms

65. She confirms that she visited Launde on the evening of 11 March, arriving at the Respondent's home at about 21.30

Diane Whatoff & Rev'd Dawn Harrison

66. Both these witnesses refer to their experience of the Respondent as a spiritual director and mentor/supervisor and spiritual director. They describe the Respondent as acting appropriately and professionally in that role.

Discussion and overall assessment

67. On behalf of the complainant, Mr Iles submits that Ms X's evidence can and should be relied upon. He says she has shown courage in giving evidence and that her reluctance to press charges demonstrates that her allegations are not made maliciously. Why, he asks rhetorically, should she lie? In relation to the key incident on 11 March, she was correct about the weather for that day, which suggests a clear recollection of the day and her visit to the chemist on 12 March is consistent with her account. He submits that the Respondent was not being open and frank in his description of their relationship and that it was far closer than the Respondent claimed, suggesting that he was concealing the true picture.

68. The Respondent points to discrepancies in the dates given by Ms X and the absence of any supporting evidence.

69. Ms X has maintained a clear account of the relationship which she says there was between her and the Respondent, which has been broadly consistent since she spoke with DC Arthur in 2014. In her oral evidence she was initially firm in her account and gave some detail of dates and events, by reference to the documents which she produced. However, as her evidence progressed she became more confused about dates and was unable to explain apparent inconsistencies. At the start of her evidence she accepted that she has mistaken the date of the party and sought to explain the error by reference to the date on a photograph. However, we had the impression that she revised the date to accord with the evidence adduced by the Respondent (particularly that of Rev'd O'Reilly).

70. Ms X's account differs from that given to DC Arthur in two significant respects: her apparent omission of any reference to her pregnancy and miscarriage and her reference (not repeated in her witness statement) to the Respondent telling her to 'keep it a secret' and to the Respondent grooming her. These are important differences on key aspects of her evidence and we find both omissions surprising.

71. Except for the alleged incident on 11th March 2012, Ms X has not, until very recently, been able to identify any specific instance, and those which she has now identified are contradicted by the surrounding evidence. We recognise that it is a feature of allegations of

this nature that specific dates and instances may be difficult to identify and that supporting evidence may not readily be available. However, overall, we consider that there are significant inconsistencies in her evidence and inherent improbability in aspects of her account. We are not satisfied that Ms X has given a reliable account of events and the complainant has not been able to offer any other evidence supporting her account.

72. The Respondent's initial response to the complaint was lacking in detail, but his witness statement contained a clear account of his meetings with Ms X, which he maintained in oral evidence. He produced documents confirming his absence from home, which contradicted the events asserted by Ms X and his account was supported in important respects by his wife's evidence and by some of his witnesses.
73. The Respondent's wife was clear and consistent in her written and oral evidence and gave reasons for her recollection of key date and events; we were impressed by her as a witness and we accept her evidence.
74. We have found the account given by the Respondent of the factual matters and events to be clearer and more consistent than that of Ms X and it is supported in significant respects by the evidence of his wife and in some respects by the statements of his witnesses.
75. We consider that the Respondent may have underplayed the depth of his friendship with Ms X, but that does not itself enable us to infer that there was an improper sexual relationship.
76. Taken as a whole we prefer the evidence of the Respondent to that of Ms X and we consider that his account of events is more reliable and more likely to be accurate in relation to the principal allegations.
77. We now turn to consider the specific areas of dispute.

Specific issues

11 March 2012

78. Ms X has given a consistent and reasonably full account of her encounter with the Respondent on 11 March, although her initial account to DC Arthur was not as detailed. The record of her visit to the chemist in Uppingham the following day, supported by her bank statement, is consistent with her account, but does not itself provide any evidence of the reason for her visit. She was correct about the weather that day, though by late afternoon the light may have been fading.
79. The evidence of the Respondent, supported by Helena Crawford and by his wife, means that if a meeting with Ms X took place that afternoon, he must either have met her without first going home or have gone out alone again after arriving home. If he had met Ms X without going home, he would have been wearing uniform. Ms X does not mention the uniform in her written account and only referred to it in her oral evidence. The Respondent's wife was clear that she would have noticed if the Respondent had arrived home later than expected or if he went out alone later; her evidence about that was compelling and we accept it. There is no reason to doubt the evidence of Mrs Crawford as to the Respondent's presence

at the camp at 14.00hrs and we conclude that it is unlikely that he could have arrived back at Launde before 16.00hrs.

80. We recognise that there would, as Mr Iles put it, have been a 'window of opportunity' in which the Respondent could have met Ms X, but we accept the evidence of the Respondent's wife that she would have been aware if he had been out alone.
81. We are satisfied that the timing barely allowed an opportunity for a meeting and that it is unlikely that the Respondent would have arranged a meeting for late afternoon, when he was expected to be at home. The Respondent and Ms X did meet on 16 March and 19 March, but no reference appears to have been made to any incident on 11 March. Ms X's account to DC Arthur contained little detail of the alleged sexual impropriety.
82. Taking into account all the evidence on this key allegation, we have reached the conclusion that it is unlikely that any meeting took place between the Respondent on 11 March or that the events alleged by Ms X occurred. We are unable to speculate on Ms X's reasons for her account, but we are not satisfied that her evidence on this aspect can be relied upon.

The pregnancy and miscarriage

83. Ms X's evidence about her pregnancy and miscarriage raises a number of questions and the timing of events surrounding her account is not easy to reconcile.
84. She says that she told the Respondent of the pregnancy, but has not been able to say when. She describes a visit to the Respondent's new home when she and her husband helped to unpack and provided pizzas, but says this was after she told him. The Respondent and his wife say that she told them of the pregnancy during that visit, which they recall as being on 21 May 2012, which was after the date Ms X gave for the miscarriage.
85. Mr Iles suggests that that meeting must have been before 21 May, but the Respondent's wife is clear that it cannot have been earlier as they could not unpack until their new cooker had been delivered.
86. Ms X accepts that despite the scan on 11 May, she did not seek any advice about going on the retreat. She states that the worst effects of the miscarriage were felt between 14 and 18 May 2012; her diary entries appear to support her account, but they cannot have been strictly contemporaneous, as she would not have known until later which were her 'worst' days.
87. If Ms X had experienced the worst effects of a miscarriage then, some indication of that might have been apparent on 21 May when she visited the Respondent's home. In addition, Ms X now accepts that she and her husband attended a party at the Respondent's home on 4 June and the evidence of Rev'd O'Reilly is that there seemed nothing unusual about her appearance or presentation. There is no reason to doubt his account.
88. We are satisfied that the evidence of the Respondent and his wife about the dates of the visits on 21 May and 4 June is likely to be accurate. The fact that Ms X and her husband visited the Respondent's home at all in the two weeks after she says she suffered a

miscarriage is surprising, and if she had suffered a miscarriage, we consider it likely that she would have exhibited some outward sign of strain or distress.

89. There is no evidence from the hospital or midwife and no independent evidence supporting her assertion about her husband's sexual difficulties. The passage of time may make personal recollections difficult to retrieve, but medical records might have shed light on the relevant dates and events. We are also unclear from Ms X's account how she explained any pregnancy to her husband.
90. We accept that Ms X showed some courage in giving evidence about these personal and intimate matters, but have reached the conclusion that her account of the pregnancy and miscarriage cannot be relied upon. The sequence of events which she describes is full of inconsistencies and there is no extrinsic evidence which assists in clarifying the account.
91. In the circumstances we are not satisfied that any pregnancy or miscarriage experienced by Ms X resulted from any conduct by the Respondent and we conclude that her account in relation to those matters does not support the allegation of sexual impropriety on his part.

London: 31 May-1 June

92. We accept the Respondent's evidence that he was away that weekend; his absence in Germany is, we are satisfied, confirmed by his Army mess bill. Ms X's evidence about travel arrangements is unclear and the payment for parking charges does not demonstrate that the Respondent was in London with her. The Respondent's evidence, confirmed by Dr & Mrs Platt is that the London visit took place on 17 September and we prefer his account.
93. It is possible that Ms X was in London over this weekend, but we are not satisfied that she was with the Respondent or that she stayed with him.

Birmingham: 10-11 July

94. Again, we accept the Respondent's evidence, supported by his Army payslip, that he was away that weekend and was not in Birmingham with Ms X. The payment of a bill at the Premier Inn is not sufficiently clear to counter his evidence.

London: 17 September

95. We are satisfied that the Respondent's account of the visit to London with Ms X is to be accepted. His stay in London is confirmed by Dr & Mrs Platt. His evidence was that they travelled in separate cars because he was staying with friends. We accept that Ms X was with him in London, but not that she stayed with him or that any sexual impropriety occurred.

Telephone calls and e-mails in October 2012

96. After the Respondent was posted to Cyprus there was a telephone conversation between Ms X and the Respondent on 14 October and exchanges of e-mails between them and 17 October. The contents of the e-mails show that Ms X felt able to confide in the Respondent about details of her personal life and that he was one of a few 'select' people whom she could tell about the breakdown of her marriage.

97. The messages do not include any sexual content or indicate any sexual relationship between Ms X and the Respondent. However, they do indicate that Ms X regarded them as having a close relationship from which she could derive emotional comfort and support. Mr Iles submits that these messages show that the relationship was closer than the Respondent was willing to admit. He invites us to infer that the Respondent is underplaying the closeness of the relationship because he wishes to conceal what was, in truth, a sexual relationship.
98. We accept that these messages do demonstrate a close relationship between Ms X and the Respondent, which may have gone beyond one of spiritual direction. However, we are not satisfied that it is proper to infer that there had been any sexual relationship between them.

Conclusion

99. We have considered all the evidence with care. We recognise that the nature of the allegations made by Ms X and the lapse of time may make it difficult for her to give precise details or dates of events or to obtain extrinsic evidence. We recognise too that it has taken courage for her to give evidence about intimate personal matters. However, examination of her evidence reveals significant inconsistencies and confusion about dates and events. Our conclusion about the alleged incident on 11 March 2012 does not itself mean that other aspects of her evidence should not be accepted, but significant questions remain about the overall reliability of her account.
100. The Respondent's evidence was supported by factual evidence from other witnesses and by documentary material. We found his evidence on the specific allegations to be clearer and more reliable. His evidence about the depth of his relationship with Ms X was rather confused and he had difficulty in describing the boundaries between spiritual direction and friendship. We are satisfied that the relationship between them was closer than he was prepared to admit. However, as a married man he had good reason to understate that and we are not satisfied that it is proper to infer that he was concealing a sexual relationship with Ms X.
101. Taking the evidence as a whole, we are not satisfied, on the balance of probabilities, that the Respondent had an improper sexual relationship with Ms X as alleged and we unanimously conclude that the complainant has not discharged the burden of proving the allegation of sexual impropriety on the part of the Respondent.
102. Accordingly the complaint is dismissed.

Anonymity

103. We direct pursuant to rule 50(4) of the CD Rules that the name and other identifying details of Ms X be omitted from the written determination, as it is desirable to do so to protect her private life. We do not consider it appropriate to omit the name of the Respondent from the determination.

Rider

104. While we have dismissed the complaint against the Respondent, we wish to add a note about the Respondent's evidence of his relationship with Ms X. We accept that his role was initially that of spiritual director. However, he quickly became involved in helping Ms X directly with the charity for whom she worked and in aspects of her personal life and a friendship between them developed rapidly. Her visits to his home (both at Launde and his new home), including visits with her husband, and the later shopping trip to London showed a degree of friendship which, in our view, went beyond spiritual direction. The e-mail messages in October indicated a close emotional tie. The roles of spiritual director and friend are not necessarily incompatible. However we consider that the Respondent did not maintain appropriate boundaries between his role as spiritual director and the developing friendship between him and Ms X and that he did not take sufficient account of her vulnerability. There is, in our view, a striking difference between the development of his friendship with Ms X and the professional role which Diane Whatoff and Rev'd Dawn Harrison describe.
105. We respectfully recommend that, if practicable, the Respondent be offered guidance and support in appreciating and maintaining appropriate boundaries in the role of spiritual director.

HH Judge Philip Waller

28 December 2017