

GENERAL SYNOD
CLERGY DISCIPLINE COMMISSION
ANNUAL REPORT FOR 2013

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 tenth annual report made by the Commission and covers its work in the year to 31st December 2013.

The House of Bishops received this report in May 2014.

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 2013, two members stood down from the Commission. The Revd Alastair Cutting (Chichester), who sat as a member of the House of Clergy, was appointed Archdeacon of Lewisham & Greenwich with effect from April 2013, and so relinquished his place in Synod and therefore his seat on the Commission. The Rt Revd Christopher Hill, Bishop of Guildford, retired in November 2013, and so also stood down. At the end of 2013 the terms of office of Lord Justice Mummery, His Honour John Bullimore, the Venerable Annette Cooper, Mr Niall Blackie, the Revd Canon Cynthia Dowdle and Mr Michael Sayers came to an end. The Commission records its gratitude to them all for their valuable service. The membership of the Commission is set out as at 31 December 2013 in appendix 1, and in appendix 3 as at 1 January 2014.

THE WORK OF THE COMMISSION IN 2013

3. The Commission met on three occasions in 2013.
4. The Commission considered in detail the issues raised regarding the Clergy Discipline Measure in the Chichester Visitation Report. In light of the Report, the Commission recommended to the Archbishops’ Council that the Measure should be amended in the following respects:

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.”

- to give the bishop power to impose a suspension (of up to three months, but with the possibility of renewal) when an application was made to the President of Tribunals for permission to make a complaint out of time; the power to be subject to certain conditions to protect respondent clergy, including the test to be applied before a suspension can be imposed, and a right of appeal to the President of Tribunals against the suspension;
 - to remove the 12 month limitation period for bringing a complaint in cases concerning child sex abuse.
5. The Commission considered a proposal in the Chichester Visitation Report that the bishop should have power to direct a priest or deacon to undergo a compulsory risk assessment if there were a safeguarding cause for concern. The Commission was in favour of compulsory risk assessments but considered that the priest or deacon should have a right to seek a review by the President of Tribunals of the bishop's direction, and that the President should be able to overturn the direction if the bishop was 'plainly wrong' in directing an assessment should be carried out. The Commission advised the Archbishops' Council of its recommendation.
 6. The Commission finalised at its January 2013 meeting guidelines for bishops and registrars concerning the purpose and content of preliminary scrutiny reports. The guidelines drew attention to guidance that was already in the Code of Practice and developed that guidance further.
 7. The Commission, with the agreement of the Dean of Arches and Auditor, revised the Code of Practice. The proposals were approved by the General Synod without debate at the July Group of sessions in 2013. The changes to the Code mainly followed on from amendments to the Clergy Discipline Measure made by the Clergy Discipline (Amendment) Measure 2013, and amendments to the Clergy Discipline Rules and the Clergy Discipline Appeal Rules. The revised Code came into effect on 1 February 2014, to coincide with the coming into force of those statutory amendments.
 8. Whilst amending the Code of Practice the Commission took the opportunity to clarify guidance in the Code on when complaints could be pursued, and upon what basis, following an acquittal in a criminal court. The clarification was in response to a recommendation made in the Chichester Visitation Report.
 9. The Commission is responsible under section 21 of the Clergy Discipline Measure for the maintenance of provincial panels from whose membership persons are nominated to sit on disciplinary tribunals. A request was received from the Diocese in Europe (which is outside the province of Canterbury but by its own constitution deems itself to be part of the province) for the members of its own disciplinary tribunals to be appointed from the provincial panel for Canterbury. The Commission agreed, subject to the consent of the individual members concerned being obtained.
 10. The Commission welcomed the Deputy Director of Communications for the National Church Institutions to its September meeting. The Commission looked at the subject of public announcements made by dioceses whilst complaint proceedings were under way.

ANNUAL ANALYSIS OF COMPLAINTS

11. 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.

12. In 2013, 73 complaints were made under the Measure against priests or deacons, as against 69 in 2012. The total number of respondents in respect of those cases was 62. This compares with the total number of clergy falling within the provisions of the Measure as at 31st 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
13. Over a third of dioceses (35%) had no complaints at all, and only 3 had more than 6 complaints. As in previous years, the majority of complaints (60%) were made by complainants other than archdeacons, churchwardens or persons nominated by a PCC, with archdeacons making up a further 38% of complainants.
14. Almost a third of complaints (32%) were dismissed by the bishop in 2013 and no further action taken in a further 11%. A penalty by consent was agreed in 28% of the complaints, 9% were conditionally deferred, and 5% of the complaints were referred to the Designated Officer for formal investigation. 12% of the complaints made in 2013 were in the process of being dealt with by dioceses at the year-end. Following formal investigation, 4 complaints were referred to a bishop's disciplinary tribunal; the President of Tribunals decided that there was no case to answer in respect of 1 complaint.
15. 2 complaints were heard by a bishop's disciplinary tribunal in 2013.
16. 8 complaints were made against bishops in the course of 2012, of which 3 were dismissed. 5 complaints were outstanding at the year-end. No complaints were brought against an Archbishop.

On behalf of the Commission

**Sir Andrew McFarlane (Chair from 1st January 2014)
April 2014**

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.

APPENDIX 1: MEMBERSHIP OF THE COMMISSION AS AT 31ST DECEMBER 2013

Appointed under section 3(1)(b) – ‘legally qualified’

Chair (and President of Tribunals)

The Rt Hon Sir John Mummery*

Deputy Chair (and Deputy President of Tribunals)

His Honour John Bullimore*

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+^
[vacancy following the retirement of the Rt Revd Christopher Hill, Bishop of Guildford]

The Revd Canon Celia Thomson (Gloucester)+^
[vacancy following the appointment of the Revd Alastair Cutting as Archdeacon of Lewisham & Greenwich]

Dr Anna Thomas-Betts MBE (Oxford)+^
Mr David Mills MBE (Carlisle)+^

Other members appointed under section 3

Mr Niall Blackie (Diocesan Registrar of Lichfield)*#
The Ven. Annette Cooper, Archdeacon of Colchester*^
The Revd Canon Cynthia Dowdle*
Mr Michael Sayers (former Secretary of the Council on Tribunals)*#

- ^ Member of the General Synod.
- * Appointed to 31st December 2013.
- + 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

	2013 (2012)	%
Formal complaints made to bishops (total)	73 (69)	
<i>Dioceses with no complaints made</i>	15(14)	35% (33%)
<i>Dioceses with between 1 and 5 complaints made</i>	25 (25)	58% (60%)
<i>Dioceses with 6 or more complaints made</i>	3 (3)	7% (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>	1 (1)	1% (1%)
<i>an archdeacon under s10(1)(a)(iii)</i>	28 (25)	38% (36%)
<i>another person under s10(1)(a)(iii)</i>	44 (43)	60% (62%)
Number of complaints delegated under s13 Dioceses, Pastoral and Mission Measure to a suffragan bishop for determination	18 (9)	
Action taken in 2013 in relation to complaints made in 2013 or earlier		
<i>Dismissed by the bishop under s11(3)</i>	29 (20)	32%
<i>No further action under s12(1)(a) & s13</i>	10 (5)	11%
<i>Conditional deferment under s12(1)(b) & s14</i>	8 (3)	9%
<i>Resolved by conciliation under s12(1)(c) & s15</i>	2 (0)	2%
<i>Penalty by consent under s12(1)(d) & s16</i>	26 (15)	28%
<i>Formal investigation under s12(1)(e) & s17</i>	5(4)	5%
<i>Withdrawn (rule 59(1)(a))</i>	1 (0)	1%
<i>No decision as at 31st December 2013</i>	11 (33)	12%

Number of complaints referred unsuccessfully to conciliation before being dealt with under s12(1)(a), (b), (d) or (e)	2 (0)
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Penalties by consent imposed under s12(1)(d) & s16	
<i>Prohibition for life (with or without resignation)</i>	4(2)
<i>Limited prohibition (with or without resignation)</i>	13 (11)
<i>Resignation without prohibition including revocation of licence</i>	2 (0)
<i>Injunction</i>	0 (2)
<i>Rebuke</i>	4 (0)
<i>Injunction and Rebuke</i>	3 (2)
Cases referred for formal investigation under s12(1)(e) & s17	
<i>President of Tribunals decided 'No case to answer'</i>	1 (5)
<i>President referred complaint to bishop's disciplinary tribunal</i>	4 (0)
<i>President not decided as at 31st December 2013</i>	0 (2)
<i>Formal investigation ongoing as at 31st December 2013</i>	1 (2)
Number of cases determined by a tribunal	2 (0)
Number of suspensions imposed (total)	15 (13)
<i>Suspensions under s36(1)(a) in course of complaint proceedings</i>	8 (9)
<i>Suspensions under s36(1)(b) following arrest</i>	7 (4)
Cases where a penalty of prohibition or removal from office was imposed under s30(1)(a) following conviction and sentence of imprisonment	6 (4)
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	0 (0)

Complaints against Bishops and Archbishops

Formal complaints made to archbishops	2013 (2012)
<i>in respect of a bishop</i>	8 (12)
<i>in respect of the other archbishop</i>	0 (0)
Action taken in 2013 in relation to complaints made in 2013 or earlier	
<i>Dismissed under s11(3)</i>	3 (7)
<i>No further action under s12(1)(a) & s13</i>	0 (1)
<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>	1 (0)
<i>No decision as at 31st December 2013</i>	5 (4)
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)

APPENDIX 3: MEMBERSHIP OF THE COMMISSION AS AT 1ST JANUARY 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 Dr Jonathan Gibbs (Chester)+^

The Revd Canon Celia Thomson (Gloucester)+^

Dr Anna Thomas-Betts MBE (Oxford)+^

Mr David Mills MBE (Carlisle)+^

Other members appointed under section 3

Mr Martin Follett (Diocesan Registrar of Exeter and Truro)*#

The Ven. Jane Sinclair, Archdeacon of Stow & Lindsey (Lincoln)*

The Revd 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).