

**SPECIAL AGENDA IV
DIOCESAN SYNOD MOTIONS**

**MOTION FROM THE DIOCESE OF LONDON ON THE CLERGY
DISCIPLINE MEASURE 2003
BACKGROUND PAPER FROM THE DIOCESE OF LONDON**

1. Discipline is a necessary fact of life – and, of course, the Church must exercise discipline in the way it orders its life. In no way does this motion from the Diocese of London seek to undermine the Clergy Discipline Measure 2003, given Final Approval by General Synod in 2000. New discipline procedures had been long awaited; the shortcomings of the preceding ‘arrangements’, having proved themselves wanting beyond all doubt, so as to disenable discipline to be effectively administered, rendered the previous Measure unworkable. The reasons for this are now history, but they remain familiar and are not forgotten – and the expense was prohibitive!
2. So naturally the Measure of 2003 was much to be welcomed. At last Bishops had a way of dealing with the problems that had amounted over the years, and, whereas previously they had no adequate way of dealing with them, the new Measure was greeted with a degree of anticipation and hope for the future. The CDM went through a very thorough Synodical process. The lawyers involved knew how important it was to get it right, so that justice was not only seen to be done, but was done. It is always to be hoped that such provision will not be needed, but alas the clergy are as “fallen” as any other group of human beings. Recourse to law is always a final resort, but that is precisely why such a Measure is needed. The CDM provides a very thorough and fair method for dealing with all cases from bishop to curate – *just in case it is needed*, so that justice can be done and be seen to be done.
3. What however this motion does address is the Code of Practice attached to the Measure and what might be described as the perception that has grown up as a result. Even though the Code of Practice has been in force for only three and a half years, because of what might be misunderstandings or false perceptions, calling for a review now is timely. Dealing with problems after they have arisen is never satisfactory and many of the fears that have been expressed can be dealt with through the experience that has already been gained.
4. The Measure is not without its teething problems which is precisely the reason that the Clergy Discipline Commission themselves have been undertaking a consultation over the past 9 months, which has amounted to something of a review. It was probably inevitable that a backlog of cases had grown up and this in itself will have given vent to some of the concerns that this Diocesan Synod Motion seeks to address. After even a short period of time it would seem that things are ‘smoothing’ out, so that now there are not as many cases as had once been feared.

5. The London Motion seeks specifically to ask for a review of its practical out workings which is the reason for highlighting the Code of Practice and not the Measure itself. The Measure is still in its infancy, but it may be that things will come to light which will need legal adjustment. The helpful amendment from Judge Bullimore (notice of which has been given in the First Notice Paper) addresses that. This amendment is therefore much to be welcomed, as it seeks to reflect the current position of where we have got to since the London motion was first passed some two years ago. It has to be said that there have not been many cases in the Diocese of London of complaints and none has been subsequently upheld – despite it being a “wicked city”! Other dioceses have had many more initial complaints to deal with and it is very often at this stage where there is the most confusion.
6. Bishops themselves have uttered their concern about the nature of their pastoral role and misunderstandings that can easily arise. It is in this area that perceptions are so important. There is ample evidence to suggest from amongst the clergy that there is the perception around that somehow the bishop’s pastoral role is being negated. Yet at the same time the bishop is also ‘judge’, as we must acknowledge, and therefore it is a question of how these two roles are held in conjunction one with another.
7. With no fewer than six bishops in the Diocese of London, the Bishop of London retains overall responsibility for discipline, under an Area system which delegates jurisdiction in many other areas. This enables pastoral responsibility to be shared out as appropriate between the bishops or even the Bishop of London retaining the pastoral oversight himself, while delegating the function of ‘judge’ to an Area Bishop. There is room here for maximum flexibility and is a model much to be commended in helping to resolve the confusion.
8. What matters above all when discipline needs to be exercised, is that bishops are fair and impartial. This is the only way of being truly pastoral and to guard, as well as shepherd, the life of the clergy. To this end the Ecclesiastical Offices (Terms of Service) Measure seeks to foster both the rights and responsibilities of the clergy, again from bishop to curate. This, too, brings a new dimension into the equation.
9. The Discipline Measure seeks to deal with the misconduct of those who fall short of the minimum; it is about wrong doing, as a result of neglect or deliberate fault. It is about wilfulness and human failure. The Clergy Terms of Service Measure, more recently passed by the Synod, brings in a different aspect altogether into the equation, which is another reason for calling for this review now.
10. The Clergy Terms of Service Measure seeks to regulate the clerical profession, not to ‘punish’, but rather to ‘protect’. It puts in place systems to help and support the clergy in the daily exercise of their ministry. It seeks to prevent things going wrong in advance, so that the Clergy may hold on to the vision and vocation, which has inspired them in the first place. A Capability Procedure is

there as a last resort. It does not fulfil the same function as a disciplinary procedure, but it is understandable that the two could be confused.

11. Indeed there may well be links (as the Maclean Working Group recognised at the outset) between discipline and capability; but what might have been perceived in terms of someone being 'incapable' of fulfilling their ministry, was, in reality, a matter of wrong doing. Equally it can work the other way round. How the two Measures define their boundaries, as well as the crossovers, and how the distinctions are made, needs more clarity. Both Measures seek to sort out difficulties, before action has to be taken. Herein lies the need for further clarification. This again has huge implications for the role of the bishop in the way he exercises his oversight over the life of the Local Church.

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For all these reasons and more, which will become apparent in the debate, the Diocese of London seeks the endorsement of General Synod to ask the Archbishops' Council to review the pastoral implications of the Code of Practice and for amplification, if necessary, by way of amendment approved by this Synod to sort out these misunderstandings. Justice lies at the heart of this but it also raises the question of the nature of what a bishop is as well as what a bishop is for. It inevitably touches on theological questions as well as the legal framework, in which a bishop is called to exercise his ministry. At all times the bishop has ultimate pastoral responsibility for clergy and laity alike; judge and pastor cannot be separated. The more we can do by way of clarity in the way discipline is exercised, the less it is to be hoped any discipline procedure will actually have to be initiated. This can only be good for the Church as a whole; for its clergy and people; for the credibility of its ministry and therefore the effectiveness of its mission.

David Houlding
London 157