

**IN THE MATTER OF A COMPLAINT UNDER THE CLERGY DISCIPLINE MEASURE 2003
BEFORE THE BISHOP'S DISCIPLINARY TRIBUNAL FOR THE DIOCESE OF CHESTER**

BETWEEN:

THE VENERABLE IAN BISHOP

Complainant

and

THE REVEREND SIMON ROBERT MARSH

Respondent

DETERMINATION OF THE TRIBUNAL

Introduction

1. This is the written Determination of a Bishop's Disciplinary Tribunal ("the Tribunal") constituted under the Clergy Discipline Measure 2003 (as amended) ("the Measure") in respect of a complaint dated 4 December 2014 by the Archdeacon of Macclesfield, the above-named, Venerable Ian Bishop ("the Complainant"), against the Respondent, the Reverend Simon Robert Marsh ("the Respondent"). It is the unanimous decision of us all. It is of vital importance to note that the Tribunal omits from this written determination the true name of "Ms XY" (as so referred to herein) pursuant to the Clergy Discipline Rules 2005 (as amended) ("the 2005 Rules"), Rule 50(4) (a) and (c). The Tribunal also makes an Order that the name or other identifying details of Ms XY must not be published or otherwise made public pursuant to Rule 49 (a) and (c) of the 2005 Rules.
2. This is a sad and tragic case both actually and in its implications for all those directly concerned.
3. It arises out of a series of allegations made by the young lady, to whom we have referred as "Ms XY". The allegations concern matters that commenced in 2009 when Ms XY was just 15 (she was born in April 1994) and continued until December 2013 when she was 19. A great deal of the material events took place at a time when she was a minor, that is below the age of 18.
4. Our hearing (which took place on 23, 24 and 26 July 2018) was conducted in private under s 18(3) of the Measure and Rule 40 of the 2005 Rules.

The Allegations

5. The complaint and the case referred to the Tribunal under s 17 of the Measure and Rule 29 of the 2005 Rules framed the allegations ("the Allegations") for adjudication by us in a decision of the Deputy President of Tribunals, Sir Mark Hedley, dated 30 January 2017, as follows:

“That the conduct of the respondent, the Rev Simon Marsh, vicar of St Michael’s and all Angels, Bramhall, Cheshire 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:

- (i) *From January 2011 to autumn 2013 he, a married man, had a sexual relationship (including adultery and sexual acts without consent) with a parishioner, [Ms XY], whom he had baptised in October 2009, presented for confirmation in December 2010 and whose date of birth is ... April 1994; and/or*
- (ii) *In or after summer 2009 until autumn 2013 he formed a relationship with the said [Ms XY] that was inappropriate between a married clergyman and a parishioner of her age in that he:*
- *befriended her when she was 15 years old;*
 - *saw her and spent time with her alone on many occasions, including in the Vicarage;*
 - *bought her various presents including an iPad, perfume, chocolates, clothes and books;*
 - *sent her hugs, love and kisses in emails;*
 - *addressed her using the private pet nickname of Raphael, whilst referring to himself as Gabriel;*
 - *frequently gave her physical hugs and kisses;*
 - *told her that he loved her;*
 - *encouraged her to send him intimate messages on a Tumblr website known as “Beautiful Expressions”.*

6. It will be noted that Allegations (i) and (ii) above are both conjunctive and disjunctive, that is both or either Allegations may be proved.
7. Section 8(1)(d) of the Measure enables disciplinary proceedings under the Measure to be instituted against a priest alleging conduct unbecoming or inappropriate to the office and work of a Clerk in Holy Orders.
8. It is not in dispute that the Respondent was and is a priest to whom s 8(1)(d) applies. At the time period covered by the Allegations it is further not disputed that he was indeed the vicar of St Michael and All Angels, Bramhall, was married (his second marriage), to a Ms Jillian (or Jilly) Tovey (sadly since deceased as mentioned below), and in his early to mid 50s. (He was born on 7 July 1959.) He had been ordained priest in 1983 and thus in the priesthood for over 25 years when Ms XY, one of his parishioners and a young lady of 15, some 35 years younger than him, came to his church.

The Legal Framework

9. We remind ourselves that the Allegations are indeed very serious in their nature, extent, and implications, alleging not just an isolated incident or a few incidents, but

a course of conduct over some 4 years. We further remind ourselves that the burden of proof is on the Complainant to establish the Allegations to the civil standard (s 18(3) of the Measure), sometimes referred to as on the balance of probabilities. It was not disputed that, if established, the Allegations (or either of them) would amount to conduct unbecoming or inappropriate (as the case may be) for the purposes of s 8(1)(d).

10. We were also referred, by the Designated Officer, Mr Adrian Iles, whose task it was to present the case for the Complainant, to the "*Guidelines for the Professional Conduct of the Clergy*" as they were published in their then state in 2003 ("the Guidelines")¹ containing practical guidance and advice for the Clergy on how to conduct themselves and their affairs.

Representation

11. The Designated Officer (above) presented the case for the Complainant. The Respondent was represented by Mr Mark Hill QC.

The Course of the Proceedings

12. Ms XY first complained to the police of the Respondent's conduct in April 2014. An investigation followed during which the Respondent was interviewed by the police under caution on at least two occasions: on 10 April 2014, on his arrest on suspicion of rape and sexual assault, and again (at his request) on 17 June 2014. The result of the long police investigation (over a year) was that no charges were brought against the Respondent.
13. As explained above, however, the Archdeacon of Macclesfield made a formal complaint dated 4 December 2015 having asked for, and obtained, permission to bring proceedings out of time. The Respondent filed an Answer dated 8 March 2016. The matter was referred ultimately to the Deputy President who referred the case to us.
14. The Chair held directions hearings on 25 September 2017 and 29 January 2018. The directions made included provision for the making, filing and serving of witness statements (to include documents relied on) on behalf of both parties.
15. The Complainant duly made and filed witness statements by the Archdeacon himself and by Ms XY with a large number of exhibits including transcripts of the Respondent's first police interviews on 10 April 2014 (see further below) and many screen shots of Ms XY's blog or of a Tumblr website (which became known as "*Beautiful Expressions*"), photos (a great many taken by the Respondent mostly of her, but also some selfies also taken by him), emails, and a disputed computer sketch of a young lady in just her underpants (disputed because her evidence was that it was of her, his that it was of his wife; it was not disputed it had been made by him).

¹ Published by Church House Publications for the Convocations of Canterbury and York

16. The Respondent filed a large number of witness statements, most, but not all, in the nature of character references. He also filed witness statements made by himself and his wife. In the end, however, Mr Hill QC relied only on statements from the Respondent, his wife (which was allowed on the basis she had died in January 2018), statements exhibiting transcripts of the further police interview of the Respondent on 17 June 2014, and a copy of notes Ms XY made for her police interview. The Respondent produced some, but in the main very little in the way of calendar and email evidence despite the fact that he told police he had some of the latter and was given an opportunity to produce them to them (he did not, nor, save as mentioned, to us).
17. We have also seen a statement from a Professor Munn also initially filed on behalf of the Respondent. This was untested by cross-examination, but we were invited to read it and have. He had been a former churchwarden of St Michael and All Angels and was throughout the period (and still is), Vice Chairman of the Parochial Church Council.
18. Accordingly, we heard oral evidence from the Complainant, from Ms XY, and from the Respondent, all of whom were cross-examined. The other above-mentioned witness statements and exhibits we read.

The Evidence

19. This was essentially a well-defined conflict of versions: hers against his. Bearing also in mind the very seriousness of the Allegations, the burden of proof on the Complainant, and, as Mr Hill QC on the Respondent's behalf rightly reminded us: the fact that the Allegations were, by their nature, easy to allege, hard to disprove, we approached the evidence with considerable care and caution. We also bore in mind the fact that the police investigation yielded no charges against the Respondent. However, these are, of course, different proceedings with different considerations.
20. We were and are unanimous in our views of the oral evidence.
21. We accept the evidence of the Archdeacon as given of those events of which he had first-hand knowledge in its entirety.
22. We found Ms XY an honest, truthful, and compelling witness. Moreover, it was strikingly consistent with many of the contemporaneous material before us: emails, blogs, web-site posts and photographs. Complaint was made that some of her blogs and web-site material did not seem to reflect events alleged to have happened on the same or recent days. We did not find this in the scheme of things to her discredit. As she said, the internet material was her public face. The personal, intimate or distressing events she did not necessarily wish to air. She obviously found some parts of her evidence distressing and embarrassing to her, but she consistently maintained her version of factual events as set out in all the statements she has made in connection with these proceedings apart from a few changes in dates (which we also found hardly surprising). She was fair to the Respondent on many occasions when dealing with their relationship, overall balanced, and moderate. We had and have no

hesitation in accepting almost the totality of her evidence. Where we have not, it is only because we felt she may have been genuinely but honestly mistaken. Despite her experiences we detected only pain, hurt, and sadness at how she had been treated by the Respondent and had a great many good things to say about how he had helped, supported and encouraged her particularly in the early stages of their relationship.

23. By way of contrast, we are saddened to say we found we could place little reliance on the Respondent's evidence save where it coincided with Ms XY's. He seemed to us to be in total denial as to the events in issue, maintaining (as he did to her on at least one occasion) they had never happened. He sought to justify to her (and to us) his relationship with her as one on proper theological or priestly grounds, variously explaining it as a father/daughter like relationship, a close friend and colleague type relationship, no different from his relationship with other parishioner friends, supportive and the like.

24. Frankly, in our judgment we found him a deeply unsatisfactory witness. Although he virtually conceded in his oral evidence he had had an inappropriate relationship with Ms XY, we had an impression of a man who attempted argument and speculation in his answers, often made things up as they went along, and contradicted himself on a number of occasions or when presented with contemporary corroborative evidence. He appeared also in deep denial of almost all of the events put to him of sexual misconduct or inappropriate behaviour. He struck us as, we are sad to say, a deeply controlling man as was apparent not only from his treatment of Ms XY but also an occasion where the Archdeacon himself was preaching at his, the Respondent's church, only to find himself publicly corrected in his theology. His request for the second police interview added very little (as is apparent from the transcript) to what they knew already but was a plain attempt to cast doubt on Ms XY's mental well-being and character; a further attempt by him, in our judgment, to control events, this time the course of the police investigation.

25. We have commented below on the evidence of Ms Tovey and Professor Munn.

The Course of Events

26. Bearing in mind the Allegations, the evidence we have seen and heard, and the legal framework summarised above, our findings are as follows. We should say that we have not found it necessary to decide every single factual point or dispute nor have we thought it necessary to detail the graphic allegations of sexual intimacy given in evidence. It is sufficient to set out our narrative of events in the context of the Allegations.

27. By way of summary, the relationship of the Respondent and Ms XY seemed to pass through three discernible broad phases:

- Phase 1, the opening phase from summer 2009 to about autumn of 2010, during which time the Respondent befriended Ms XY, got to know her (and she him) helped her to baptism and confirmation, listened to her troubled

family background and provided proper advice, support, encouragement and pastoral care;

- Phase 2, from about the autumn of 2010 to December 2012 where the relationship between them became deeper, more personal, passionate and intimate, the latter often against her will, with him projecting blame on her for their relationship, gradually causing her increasing confusion and distress;
- Phase 3, from December 2012 to conclusion by December 2013, where the relationship became increasingly coercive, aggressive, and controlling by him, resulting in her eventually ending it.

28. As to Phase 1 (2009-2010), the Respondent and Ms XY met around July 2009 when Ms XY was just 15 (in April of that year). He, on the other hand was just 50 and married and lived with his wife, Jillian, at the Vicarage associated with the church of which he was the then incumbent, St Michael and All Angels, Bramhall. He had been ordained in 1983 and had, by 2009, been in the priesthood for over 25 years.

29. Ms XY appeared to have had had an unhappy, one might say, dysfunctional family life and a particularly fractured relationship with her own father. She was looking for emotional and proper parental support and understanding (as any growing teenager might). She became interested in the church and in deepening her faith and interest in Christianity. She looked for baptism and confirmation. She sensed a spiritual calling. She researched local churches on the internet and was struck by the appeal and apparent welcoming support offered by her local parish church at St Michael's and All Angels and in particular by its vicar, the Respondent. She attended church and liked the welcome and friendly, family approach. It chimed with her own emotional needs. She initiated contact with the Respondent via the church's website and he rapidly responded by email indicating he would be glad to talk to her about baptism and confirmation.

30. They met some weeks later, shortly after her return from holiday. She started attending the church regularly which seemed welcoming with a large and flourishing congregation. It was about 10 minutes' walk from her home and the Vicarage was nearby across from the church car park. She talked to the Respondent about her family and home circumstances, faith and life and daily affairs. He was helpful, friendly, and encouraging.

31. Ms XY was baptised by the Respondent on 25 October 2009. She remembered it well. It was attended by members of her family. The Respondent had put his arm around her waist gripping her tightly in front of the congregation which made her feel uncomfortable though at the time she was prepared to accept it as a demonstration of his welcome. She had already noticed he was a rather physical and tactile man and tended to hug and embrace members of the congregation. He denied putting his arm round her waist (accepting it would have been "*quite inappropriate*") but we accept her version. (This was one of a number of times he had held her round the waist all of which he denied until being confronted with photographs both inside the Vicarage

and outside demonstrating exactly that at which point he did accept that it was, indeed, inappropriate.)

32. The Respondent was, she said, at first very professional and formal. She felt valued and supported by him. He listened to her about her problems at home and her life at school and her concerns about her own sexuality and sexual orientation. He allowed her to visit the church (and him, when he was available) on an increasing basis: after school, rather than go home (where she was often locked out), she would go to the church where she felt safe and could play the piano and do her homework. If the church was locked, she would sit outside on a bench. She continued to go to services and often stayed behind becoming increasingly involved with church activities and attending services frequently both on Sundays and on weekdays. She got to know many members of the congregation and church officials: churchwardens, the parish administrator, servers and members of the choir. She eventually became a member of the Parochial Church Council and an altar server. On increasing occasions, the Respondent would invite her to the Vicarage for tea, coffee and a chat in one of his downstairs' rooms or she would turn up without invitation. There is little doubt she welcomed and enjoyed the experience. She felt she said she was coming home. Here was the father figure she had longed for. The church parishioners were by and large friendly and welcoming. The Respondent also helped and encouraged her with her family some of whom came to services.
33. In December 2009 she suffered a bad fall during a school trip and injured her spine resulting in her having to use crutches and a walking stick for some six months. Some of the parishioners, she felt, were not very friendly about this thinking she was attention seeking. The Respondent too was rather disparaging about it in his evidence, but we entirely accept her evidence (supported by medical records) that her injuries were entirely genuine and took a long time to heal during which time she was in considerable pain and discomfort.
34. In the summer of 2010 the Respondent and Ms XY started to meet as before but increasingly regularly and increasingly alone at the Vicarage. They discussed theology and poetry in which both had a keen interest. The Respondent's wife was not often at home but away at work during the week or visiting her sick father almost every other weekend. After a disastrous summer holiday abroad, Ms XY was particularly down or depressed. She felt suicidal and confided in the Respondent. He told her he loved her, but she took this in a paternal sense. She did, however, sense a growing emotional bond between them. She also told him she was interested in ordination and he undertook to sponsor her (despite her age – by now just 16). He helped her with her school work and A level studies, particularly English and Religious Studies. She started to feel better. The Respondent also started to prepare her for confirmation with others (when his wife was present in the house), but also often on her own.
35. As to Phase 2 (2010-2012) by the autumn of 2010 their relationship had deepened. They were meeting almost every day and lunching together two or three times a week. He warned her to keep their meetings secret as people might see it as inappropriate (and he must, by the same token, have known it was now becoming increasingly

inappropriate as many of their meetings were together alone). The poems he produced or shared with her began to be more about love and sexual matters. At this stage she still viewed him as a father figure even writing a poem to him in that vein. He started to give her hugs, longer than on previous occasions and told her he loved her. In late 2010 she was confirmed.

36. By January 2011 she had begun to develop deep feelings for him, no doubt engendered and encouraged by the support and friendship he gave her. She was, she accepted, rather naïve at this time and often expressed herself in what she described as a very teenage manner. She plainly developed a teenage type crush on him. This is by no means to disparage her. She was young, vulnerable, immature, and this appeared to be her first real “romance”. This apparent “crush” was, however, spotted by some members of the congregation who warned the Respondent of it but he took no notice.
37. For his part, despite being a man in his early 50s he had plainly become infatuated if not increasingly besotted by her.
38. In the January their relationship also entered a more intimate phase. He had been away over Christmas and they met on his return at the Vicarage. Mrs Tovey was away. At the meeting the Respondent began to cry saying he did not want to hurt his wife. He again told her they should keep their relationship secret. He touched her intimately and made her touch him. He again told her he loved her. She felt confused and frightened. It was her first sexual experience but by this time did not want to lose him. She too had come to have deep feelings for him. She did not have the power to refuse him. He kissed her on the forehead and told her not to talk about it.
39. A week later the Respondent apologised to her but told her he needed her and kissed her on the lips. She felt sad and devastated by this. It was not the relationship she wanted and tried to explain that she loved him as a father and as the closest friend she had had but wanted to return to or keep it as that. For two weeks she kept away but he kept calling her and sending her emails so eventually she relented and saw him. Again, he apologised. She told him she felt guilty and did not want to be hiding secrets. He said his wife had cancer and they no longer had sex and he felt lonely. He said she had made him fall in love with her and that she could not leave him, it was not, he said, her “right” to leave him.
40. Between January and Easter 2011 Ms XY saw the Respondent frequently alone at the Vicarage, especially on Friday evenings when the Respondent’s wife was away. He gave her presents on her birthday, perfume and chocolates. They would often indulge in frequent mutual kissing and sexual intimacy (but not intercourse beyond oral sex and digital penetration) most (but not all) of which she permitted but more, she said (and we accept, given her age and circumstances) out of fear of losing him. On occasions she asked him to stop, she did not want sexual relations with him (despite her purchasing condoms), but he did not. She began to feel increasingly guilty, confused and depressed whilst at the same time wanting to cling emotionally to him.

41. Increasingly he used force, anger and pressure, physical, emotional, and even theological, to compel her to submit to his increasing sexual demands and gratification, especially on one occasion in May 2011 after a wedding when she was summoned by him to the Vicarage after the service telling her he “required” her company during which encounter he laid on top of her inflicting his desires despite her crying and trying to push him off. Again, they did not have sexual intercourse beyond his compelling her to submit to oral sex. This was, she said, the first time she really felt forced into any kind of sexual encounter with him. On other occasions, despite what must have been her obvious unwillingness and reluctance, he attempted to justify his demands by telling her it was fine with God that he had sexual relations with her because he and his wife had no sexual contact and that their (his and Ms XY’s) relationship was a kind of spiritual marriage, that she would be disobeying him and God if she refused, that it was her “duty” to allow him to behave as he did. On a further occasion she spilt some coffee on the carpet, whereupon he became angry, told her to clean it up and insisted she gave him oral sex.
42. As time went on Ms XY alternated between submitting to the Respondent’s demands and trying to tell him that their sexual relationship should stop. It was wrong and dishonourable towards his wife. She suggested that he left Jilly and told him she would marry him (she was so afraid of losing him) but he said he could not. On one occasion she was saved by the Respondent’s wife returning home unexpectedly causing, she thought, a row or disagreement between husband and wife owing, he later told her, to Jilly telling him she thought it was inappropriate for her (Ms XY) to be there with him alone as she was so young.
43. Whilst she already had her own blog and social media Tumblr site, at around the same time (July 2011), she established the Tumblr web-site account which eventually became known as “Beautiful Expressions” containing many messages, images of pictures, poems and various other material (mainly collected from the internet and re-posted by her) and about which she told him and which he could read and discuss with her, but to which he could not, at that stage, post articles or messages. It was, she said, intended to get the message across to the Respondent that she cared and wanted to share positive moments and the good things in life with him. He admitted he had kept an eye on the account and accessed it regularly and encouraged her to keep posting. Much later (in about July 2012) she gave him the password allowing him to post his own material to the site.
44. In the summer of 2011 the Respondent and his wife went on holiday to Brittany, France. Despite his denials and referral to poor wi-fi in Brittany, we accept her evidence that he did call her (she only answered one call) and emailed her, telling her that he loved her and missed her.
45. After return from holiday they continued to meet. Again, he tried to justify their relationship as a spiritual one and wanted to remain in her life always.
46. Later that year (October 2011), he told her he wanted to use nicknames for each of them: he was to be known as Gabriel (the messenger) and she as Raphael (the healer),

apparently on the basis she had brought healing to his life and he had brought the message of God. (The Respondent claimed the use of the nick-names was at her instigation, but we find it was at his.)

47. Both of them were what might be called media savvy. We have seen many blogs, emails and web-site examples of their use of these nicknames. Indeed, jumping ahead, her later entries in their eventually shared web-site "*Beautiful Expressions*" (see above) are, in many cases, very explicit and certainly informative of the intimate nature of their relationship. We accept that she would not have done this had she not thought he was encouraging her so to express herself. At some stage they also shared a Drop Box account mainly intended for the purpose of his being able to help and comment on her academic work, but it also became a medium for the exchange of more personal material. His messages and emails would gradually over time increasingly and often end with messages of love, hugs and kisses. She also had her own blog site to which she would post messages though although she said on occasion she bared her soul she did not generally give public voice to the nature and detail of her physical relationship with him. This was she said her public (not private) face.
48. He also began to train her with a view to ordination (despite her age). This involved meeting the Diocesan Director of Ordinands at Chester and the Respondent would often drive her to these visits. He asked her to preach in the church. This she did, preaching first in January 2012 and again in February, May, July and September of that year (and in January and June of 2013).
49. Another strongly disputed event took place in January 2012 and involved (as was the gist of her evidence, which we accept) the use by the Respondent of a vibrator on her but she did not like it. Ms XY remembered he told her that he had purchased it on-line (which he accepted he had) and described it accurately. He said she must have found it by rifling through his study desk drawers (which we do not accept). The same month (also disputed), he told her to wash him when she called at the Vicarage in the morning. He had not had his morning bath, she said. She remembered it because the shampoo she used (there was a dispute about the make, but we accept the incident happened) caused an allergic reaction in her.
50. At the end of March, shortly before her 18th Birthday on 1 April 2012, he started to indicate to her that he wanted intercourse with her. He had previously told her that he had had a vasectomy but was still concerned about getting her pregnant. He brought her presents: clothes, black skirt, shoes, socks, shirts and tights saying he wanted to "*embrace*" her femininity. He asked her to dress in just the skirt, which she did, and then touched her intimately. Just before her birthday, despite her protests, he forced her to have intercourse with him (using a condom) telling her both that she "*has asked for this*" and that "*it would only happen once because God couldn't approve of more*" but that it "*would unite our souls and we will always be together in heaven*". It was her birthday present, he said. She was left in pain and bleeding for several days afterwards. Later, in May, he told her they were now "*married in the eyes of God*".

51. By this time, despite the Respondent encouraging her to try for a particular named University, Ms XY did not manage to achieve the required A level Grades for that University but did manage to secure a place at another to read Theology. Before going, he bought her an iPad. Whilst away at College, the Respondent however, continued to maintain contact with Ms XY calling her almost every day, often in tears saying she was *"so far away"*.
52. Phase 3 (December 2012 to December 2013) began with Ms XY's return from University just before Christmas 2012. She quickly became involved in work in the church preparing for Christmas. The Respondent asked her to preach in the January and wanted her to practise her sermon with him which meant further frequent visits to the church and Vicarage at the Respondent's insistence.
53. Also, before Christmas the Respondent took her to Chester on one of her visits to the Diocesan Director of Ordinands. Whilst there someone had assumed the Respondent was her father. This made him angry. According to her on their return to the Vicarage the Respondent took her upstairs to a bedroom used as a second study (of which she gave a detailed description in her evidence) and tied her wrists to what she described (in some detail) as a metal headboard above her head, something he had never done before. He tried to undress her and was intimate with her despite her protests, kicking out and obvious pain and discomfort. He was unpleasant, she said. He did not apologise. It was, she said, just sex, nothing emotional. He told her this was what God wanted. Later she went home and had a long shower.
54. This incident was another fiercely disputed event. This was largely based on the evidence of the Respondent and his wife to the effect that they did not have a bed with a metal headboard (a photograph was produced in evidence showing a totally different type of headboard which he described as a sponge-filled fabric), on the fact that she had initially told the police the incident occurred on 6 May 2011 not in December 2012, and on the absence of any comment or referral to the incident in her blog or other internet media.
55. We are prepared to accept that Ms XY may well have been mistaken about the headboard (though in her cross-examination it has to be said she was very firm about it and denied the fabric bedhead was the one in place at the material time) and initially about the date, but not about the substance of the incident. Why else, if she had made the whole thing up as the Respondent suggested, would she give such a detailed description of the room and the bedhead and what had happened? It may well be that he had simply tied her wrists together above her head (he used neck ties, she said) and she felt unable to move under physical and emotional pressure, but we consider and so find that the incident happened in substance as she described.
56. The fact that she did not wish to reveal the matter openly in her blog is hardly surprising. The Respondent tried to suggest that the fact that Ms XY did not refer to other events in her blog or internet postings was equally telling against her. By the same token we are not at all persuaded of the significance of this. We did not find it at all surprising she would not want to express her feelings about such intimate

matters via this medium. On the other hand, her blogs are telling in that they show strong contemporaneous evidence of a developing intimacy between them over a lengthy period of time. If she had made it up, as he suggested, given she had granted him access to her blogs and other media networks, she ran the risk of him rebutting it at any time. The fact he did not he merely explains on the basis he either did not see them or the archived history. It does not explain why she posted the material in the first place.

57. Later when she asked him why he had been so brutal to her (even showing him the bruises on her inner thigh and side), he denied it had ever happened. This we found, given his blanket denials of everything, a most telling piece of evidence. He had, in our judgment, shut his mind to it (and other incidents too no doubt).
58. Indeed, this and other incidents in December 2012 where he used force to get her to submit to his sexual desires started to make her feel scared and unsafe with him. Most of these incidents happened in the Vicarage but one even occurred in the church below the sanctuary steps where he touched her intimately. He denied the incident and denied it would or could ever have taken place in the church, particularly with the risk of interruption. Nevertheless, we find it did as she averred. The Respondent started to become progressively more demanding and aggressive and stopped apologising despite it being apparent she did not truly want or consent to his advances. He began also to threaten that unless she submitted to him she had no chance of becoming a priest. She worried that he would refuse her a reference as her sponsoring priest. He told her that if she did not understand this love (i.e. his idea of love) she had no chance of being a priest. He denied in his evidence that he could or would ever have refused and even if he did it would make no difference in view of the involvement of others in her training, e.g. the Diocesan Director of Ordinands. We find this neither here nor there. She had a real fear that he could and would have obstructed her then wish for ordination.
59. Ms XY stated in her evidence that she recognised that she had consented to previous intimacy but there had now begun a use of force against her will which she did not like and did not want. She had loved him and cared for him and liked his support, encouragement, and help but she also became increasingly scared, confused and worried: worried about losing him, worried about not becoming a priest, worried about losing what she saw as her family at the church. She constantly hoped that things would return to the more professional or parent-like relationship they had had before the sexual intimacy between them.
60. In January 2013 Ms XY returned to University where she had found a particular friend whom she told about the abuse but not who was responsible. Her friend saw the bruising and later guessed who was responsible and tackled the Respondent about it. He, for his part, told Ms XY to be more careful saying she was not being a true Christian.
61. Although the Respondent and Ms XY remained in contact for much of the period to June 2013 she was either away at University or tended to try and avoid him. She felt

scared of him and of going back to his church, suicidal on occasions, and trying to come to terms with what had happened. He continued to insist he wanted her in his life, but she gradually withdrew more and more. In May she made her last entry into *Beautiful Expressions*. In June she preached her last sermon. In August she told another vicar she had met at Bramhall that she had been raped. He told her to think carefully about reporting it because of the risk to others. In December she sent him a last email, telling him she wanted no more contact with him and blocked his emails. In April 2014 she finally reported matters to the police. She left the church and did not proceed to ordination.

62. Over the period of their relationship the Respondent took very many photographs of her, some in her underwear (which he kept), some of her and some of her wearing his hat or a clerical collar. As to the iPad painting of a woman just in her underpants, although the Respondent accepted he had a painting programme on his iPad and said it had been of his wife, we do not accept this, and we find it was of Ms XY. He also gave her many presents in addition to those mentioned above: books, perfume, clothes, DVDs and gift vouchers. As to his emails, he, as we have said, produced very little. She described these as becoming more and more intimate over time and he made her delete many of these from her account. He admitted he had sent many emails to her, with hugs, expressions of love, and kisses. She also described his body intimately. She knew about the moles on his chest, his erectile dysfunction, and other intimate matters, all or each of which added credence to her account.

The Respondent's Case – Comment and Discussion

63. We have, in view of the Respondent's emphatic denials of any sexual misconduct and having regard to the gravity of the Allegations given, as we have said, very careful consideration to the evidence placed before us both oral and written by and on behalf of the Respondent.
64. The Respondent's case and the gist of his evidence was throughout that apart from having met Ms XY and within appropriate boundaries befriended her, prepared her for baptism, confirmation, and ordination, she was a fantasist and fabricating the matters forming the Allegations. He denied engaging in any sexual or other impropriety with Ms XY. He denied sending inappropriate emails and denied asking her to delete any. His expressions of "love" were purely in a religious context and platonic.
65. If he is right, then although it is fair to say he did not expressly so allege, the nature of his defence and evidence was such that we ought to view Ms XY as substantially dishonest, revengeful, scorned, manipulative and wicked. It would not be the first time such a case has been alleged in similar circumstances and hence our care and caution in approaching the evidence.
66. The Respondent admitted that they had had an affectionate, close and supportive friendship and came to view her as a friend and colleague but also akin to a daughter. He admitted they came to have frequent contact and to the giving and receiving of

hugs, again, he maintained, in an entirely appropriate manner. In cross-examination he also admitted, with the benefit of hindsight, that aspects of their relationship had, indeed, been inappropriate and that he had breached professional boundaries and that red lights should have been flashing. Later in cross-examination he said he had been aware of some mild alarm bells. He also admitted he had been warned on at least two occasions that Ms XY was a vulnerable person and had a crush on him. Plainly this sensible advice was not heeded any more than the red lights or mild alarm bells.

67. He admitted that his wife had to be away from home every other weekend visiting her father and was out at work on weekdays, though she might return at any time. He admitted buying presents for Ms XY as tokens of support and affection and to encourage and support her studies (a practice – making gifts on occasions - he said he adopted with other parishioners). We accept that she too gave him gifts, mostly – but not exclusively - books. He admitted taking photographs as a keen photographer, but again, nothing inappropriate. He admitted he had a vibrator, but never used it on Ms XY. He admitted the use of nicknames, but averred the suggestion came from her. He admitted he had access to the web-site *Beautiful Expressions* but did not visit it regularly (contrast above). He explained her separation from the church as due to her perception of the church's then attitude to women Bishops and gay people.
68. We are prepared to accept that up to the period in question the Respondent was an effective and, in the main, popular priest. At the same time, he was aware of the need for proper boundaries and care when dealing with people in a vulnerable position together with the warnings in the Guidelines (see above) about priestly conduct and dangers both of people becoming overly fond of their priest and of over familiar relationships, He was also aware that he was substantially in a position of trust.
69. He sought to portray his relationship with Ms XY as a pastoral one, no different from that with others of his parishioners. In his evidence too, he sought to explain or interpret her blog or other web-site entries. But this was, of course, opinion and not evidence. Such material is to be read as through the eyes of reasonable people having the relevant knowledge of the factual circumstances. We could read the material for ourselves, therefore, in the factual context of the case and form appropriate conclusions or inferences.
70. He also sought to explain her change of attitude to him in what he perceived as her reaction to a conference she attended in July 2013, to the church's apparently then negative attitude to women bishops, and the preaching of anti-gay and anti-progressive sermons. We accept this may have saddened and deeply affected Ms XY (especially as she was then in a relationship with another woman) but, having heard her evidence, we do not believe it was this that made her finally report matters to the police and others. Indeed, in her evidence she said that the Respondent had been supportive to her about these and other matters. On the contrary, in our judgment it was the emotional and physical abuse that made her report matters and her increasing fear of him.

71. We accept that Ms XY was and on occasions appeared (at least to the Respondent) to be a vulnerable, deeply confused (sexually and emotionally), naïve, and troubled young lady for much of the period of their relationship. She was growing up and wanted to stand on her own feet, we have no doubt. But, in the circumstances, she also needed understanding, compassion, love and emotional support and protection of an entirely proper and appropriate kind as a growing and vulnerable young woman particular in view of the fact that she was also below the age of 18 for much of the relevant period. She did not, however, especially in the later years or phases of their relationship obtain this from the Respondent. She loved him as a father-figure (and more as time went on) but was fearful of losing him and his earlier demonstrations of proper and appropriate support. For a long time, she desperately hoped that matters would improve and return to their former, non-sexual and non-intimate, state which she felt had had its good and positive moments. She cared about him and thought she could see enough good in him that his abuse of her would eventually stop. At the same time, it was apparent that she became utterly dominated by him and, although there were periods of separation (mainly on her part) she felt and was unable to walk away completely until she felt strong enough and mature enough to do so. At one time under cross-examination she became understandably quite emotional. She denied making it all up, fantasising or projecting it all on him. He was, she said, being shamefully dishonest.
72. We have also carefully considered the unchallenged witness statement of the Respondent's wife, Mrs Jillian Tovey, who, of course, owing to her premature death was not cross-examined. Not unnaturally she was entirely supportive of her husband, but she could not give evidence touching and concerning the Respondent's intimate relationship with Ms XY aside (not unreasonably) from challenging that it could not have happened. In the end, however, the matter turned ultimately on resolving the conflict in evidence between Ms XY and the Respondent.
73. As to the witness statement of Professor Munn (who was also not cross-examined), this we have read. It did not take the matter much further beyond a character reference for the Respondent. He had been wholly unaware of the extent of the relationship between the Respondent and Ms XY.

Conclusion and Summary of Reasons

74. In short, we do not accept the Respondent's denials of the sexual improprieties and the fostering of an inappropriate relationship with Ms XY. As we have said we found her and the supporting evidence credible, cogent and compelling. She was not, we find, fabricating the allegations against him, nor was she fantasising, nor did she strike us at all as the dishonest, or manipulative and revengeful woman implied.
75. We find the case against the Respondent therefore proven in respect of both Allegations in all respects.
76. Our reasons are reflected in the above findings but may be summarised as follows (in no particular order):

- We found Ms XY in all the main essentials an entirely credible witness. She maintained her evidence under cross-examination firmly, fairly and moderately (save for one outburst described above where she described the Respondent as shamefully dishonest).
- We accepted her evidence in preference to that of the Respondent save, in the latter respect, where it coincided with hers.
- Her evidence is well supported by the photographs and contemporary internet material placed before us in evidence expressive of a growing intimate relationship between them.
- She was aware of matters of intimate detail affecting the Respondent, such as his having had a vasectomy and suffering erectile dysfunction. His explanation that her knowledge of such matters was just a piece of invention, and a lucky guess we found astonishing and incredible.
- She accurately described the vibrator he attempted to use on her. His explanation that she found it in his study desk drawer we found incredible. Why, we asked ourselves, would he place such an intimate article if intended only for use with his wife in his study desk drawer, still less bring it from their other home to Bramhall just, as he said, to dispose of it? She was also aware he had purchased it via the internet.
- He took many inappropriate photographs of her and painted an iPad picture of her in her underpants.

Penalty

77. We would like to express our gratitude for the assistance we have received from all those participating in this case particularly counsel on both sides and our registrar. In view of our conclusions above this matter will proceed to a further hearing for consideration of what, if any, penalty to impose.

11 September 2018



HH Roger Kaye QC, Ch, Chair



Dr Colin Price



Revd Canon Paul Tudge



Mrs Glenna Briggs

Rachel Harrison

Revd Canon Rachel Harrison