

**IN THE MATTER OF A COMPLAINT UNDER THE CLERGY
DISCIPLINE MEASURE 2003**

**BEFORE THE BISHOP'S DISCIPLINARY TRIBUNAL FOR THE
DIOCESE OF PORTSMOUTH**

Complainant: The Venerable Dr Joanne Grenfell

Respondent: The Reverend Simon Sayers

**Constitution of the Tribunal: The Worshipful Canon Ruth
 Arlow (Chair)
 The Revd Canon Edward Bowes-
 Smith
 The Revd Canon Pauline Godfrey
 Mr John Morrison
 Mrs Joyce Marston**

DETERMINATION AND PENALTY

1. On 15 August 2018 Sir Andrew McFarlane, the President of Tribunals, found grounds for the referral to this Tribunal of a complaint against the Reverend Simon Sayers by the Venerable Dr Joanne Grenfell dated 23 March 2017. The President was satisfied that there was a case for the Respondent to answer formulated in the following terms:

“That the conduct of the Respondent, the Reverend Simon Sayers, 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, whilst married to his wife Andy and holding office as rector of Warblington with Emsworth, he:

- (i) had an intimate sexual relationship in autumn 2010 with Mrs X, a married woman to whom he was giving pastoral support;
- (ii) sent Mrs X many sexually explicit texts; and
- (iii) failed accordingly to observe and maintain appropriate professional boundaries.”

2. That complaint had been preceded by an application dated 11 January 2017 to the President of Tribunals for permission to make the complaint out of time. Usually, under section 9 of the Clergy Discipline Measure 2003, disciplinary proceedings must be instituted within one year of the misconduct in question. In this case, the President found that there was good reason why proceedings were not instituted sooner, namely that the allegations giving rise to the complaint did not come to the attention of the Church authorities until November 2016. He granted permission to bring the complaint out of time.
3. Case management directions were given on 9 May 2019 fixing the tribunal hearing for the end of July. The Respondent was directed to file any Statement of Case, witness statements and submissions by 4pm on 5 July 2019. Instead, the Respondent wrote to the Designated Officer on 8 June 2019 indicating his intention not to attend the Tribunal hearing. He filed no further evidence.
4. As he had indicated, the Respondent did not attend today's final hearing, nor was he represented. In light of his letter, the Chair was, nevertheless, satisfied that the Respondent had had notice of the hearing and as such proceeded with the hearing in his absence under r.42 of the Clergy Discipline Rules 2005 ('the Rules').
5. The relevant background may be stated relatively shortly. The Respondent has been an Anglican priest for approximately 30 years. In November 2016 he accepted a penalty by consent of prohibition for five years from the Bishop of London. That penalty was imposed following an earlier complaint by the Complainant about two sexual incidents with a sixteen year old schoolgirl from within his former parish in 1995. The Respondent was married at the time. The Bishop's announcement that he had accepted the Respondent's resignation from his post as Rector of Warblington with Emsworth in November 2016 gave rise to upset within the parish which was reported in the local and national press.
6. In the wake of those media reports, further concerns were brought to the attention of the Complainant alleging that an inappropriate sexual relationship had taken place in 2010 between the Respondent and one of his married parishioners (Mrs X).
7. The Complainant has filed a witness statement in support of her complaint. We were also able to hear oral evidence from the Complainant in the course of the hearing.
8. During the investigations of these allegations and the conduct of these proceedings, the Respondent has made certain admissions which clearly establish that he had an intimate sexual relationship in autumn 2010 with Mrs X:

- a. In his letter to the President of Tribunals dated 10 February 2017 he stated: "During the autumn of 2010 there was a brief but shameful affair with Mrs X. We were both facing painful issues, and mutual comfort and support strayed appallingly into an affair...I can offer no excuse, only my profound sorrow for betraying my wife and my calling once more, after that terrible incident in 1995."
 - b. In his answer to the complaint dated 6 June 2017 he admits to "Inappropriate touching of an intimate nature during the autumn of 2010".
9. When asked by the Complainant, Mrs X admitted that she had had a sexual relationship with the Respondent in 2010 when she had approached him seeking support about a pastoral matter. A physical relationship began. She believed that they were in love and told the Complainant that they had exchanged vows based on the marriage service and a ring. Although there is no clear evidence whether the relationship included the actual commission of adultery, it is clear that the relationship was both physical and sexual in nature.
10. The Respondent appears to accept the allegation of sending the sexually explicit texts referred to in the complaint by, in his answer, saying "most of what was written by each of us was imaginary".
11. The text messages in question were transcribed by Mrs X into an old diary, photocopied pages of which were provided to the Complainant. There were more than 400 handwritten transcripts of text messages which stretched over a period of some three months in the autumn of 2010. Some of the text messages appear to have been about mundane issues, but a number were clearly highly sexual in nature, for example: "I'm home now but really enjoyed you sitting astride me sans panties"; "You too are the most passionate, sexy, skilled and sensuous lover and my body is yours, my heart and soul are yours forever". When asked about it by the Complainant, Mrs X accepted that she had transcribed the text messages into her diary and that they were from the Respondent. As noted above, the Respondent appears to accept that he sent text messages. He has not disputed the content of those texts as set out in the Complainant's witness statement.
12. We are entirely satisfied that the complaint, as formulated, has been made out, part (iii) of the complaint following directly from the findings in relation to parts (i) and (ii). It is clear that the Respondent has failed to observe and maintain appropriate professional boundaries and that his conduct was unbecoming or inappropriate to the office and work of a clerk in Holy Orders.
13. The Respondent has admitted misconduct. He has expressed sorrow and regret at his betrayal of his wife and his calling and apologised for the distress caused. Having resigned from his post in 2016, he has confirmed

that he is settled in a new career which he intends to pursue until retirement, although he remains living within the parish.

14. In determining the appropriate penalty in this case we have taken account of the Respondent's admissions and of the fact that he was under some personal pressure at the relevant time. We also take account of the fact that he appears to have terminated the relationship long before it was discovered.
15. There are, nevertheless, a number of aggravating factors in this case. Firstly, it is significant that this is not the first time that the Respondent has committed serious sexual misconduct. On both occasions, the sexual misconduct has taken place with someone within his pastoral care. The Respondent's admissions in relation to the misconduct suggest that he has failed fully to understand or accept that his priestly role included the responsibility to maintain appropriate boundaries within pastoral relationships. His failure to do so amounts to an abuse of his position of power. His express rejection in his letter to the President of Tribunals that there was any abuse of power in the situation indicates a failure to appreciate the position of trust in which priests are placed in their relationship with those for whom they have pastoral care.
16. We are further satisfied that the exchange of vows based on the marriage service and the giving of a ring in the context of this relationship makes the misconduct more serious. That action amounts to a gross breach of his own marriage vows and the consequential serious betrayal of his wife. It is of concern that the Respondent does not appear to appreciate that the reference to the marriage service in both the text messages he sent and the exchange of vows and giving of a ring can be viewed as particularly inappropriate and "shameful" in light of his status as a priest.
17. The claim by the Respondent in 2016 (when the first sexual misconduct complaint was being dealt with) that the 1995 misconduct was a "one-off" incident and the reliance upon his own "exemplary conduct" since that time show, at the very best, a serious failure to understand the seriousness of what occurred between himself and Mrs X in 2010.
18. At the time of this 2010 misconduct the 2003 edition was the relevant version of the Guidelines for the Professional Conduct of the Clergy and we consider the respondent's conduct in the light of those Guidelines. In particular, they state:
 - “1.1 The clergy are entrusted with the privilege and responsibility of being servants and leaders in the ministry of the Church. As pastors, spiritual guides and representatives of the Christian faith, they are in a position of trust in their relationship with those for whom they have pastoral care...

2.9 It is essential in pastoral care to acknowledge appropriate physical, sexual, emotional and psychological boundaries. Inappropriate touching or gestures of affection are to be avoided...

2.11 The clergy should be aware of the potential for abusing their privileged relationships...

3.10 In their personal life the clergy should set an example of integrity in relationships and faithfulness in marriage...

10.1 The clergy are called to a high standard of moral behaviour...

11.1 The reputation of the Church in the community depends to a great extent on the example of its clergy, who should recognize their role as public representatives of the Church."

19. When determining the appropriate penalty for this misconduct we have had regard to the Clergy Discipline Commission's Guidance on Penalties. In section 5 of that Guidance, where sexual misconduct is explicitly considered, it states:

"Adultery is destructive of marriages, and is hurtful and disturbing for the children of the families affected. If the adultery is with a person within the cleric's area of pastoral responsibility, that can be an aggravating factor because issues of vulnerability, exploitation and abuse of position arise. Removal from office and prohibition, either for life or for a limited time, are usually appropriate in cases of adultery. It does not, however, follow that sexual misconduct falling short of adultery should automatically attract a lesser penalty."

20. The Guidance also states that "[t]hese guidelines assume that it is the first time that disciplinary proceedings have been taken against a respondent. If that is not the case, a more severe penalty can be considered." These are not the first set of disciplinary proceedings for this Respondent.

21. Section 1 of the Guidance also makes clear that the question of whether any harm was caused is a relevant factor. Harm has been caused in this case: harm to the families of the Respondent and Mrs X; harm to the Church's ministry in the parish of Warblington with Emsworth; reputational harm to the wider Church.

22. We have concluded that the only realistic penalty in this case is one of prohibition for life. The Respondent has shown limited understanding of the responsibility which comes with the priestly role to safeguard appropriate boundaries, particularly in the context of those within his pastoral care. He has shown no inclination or desire to engage in any rehabilitation back into the ministry.

23. It is with sadness that we have reached this conclusion given the apparently fruitful ministry which the Respondent has exercised during his time in the Church. We pray that the conclusion of this matter will help to bring healing both to the families which have been affected by these distressing circumstances and to the parish of Warblington with Emsworth.
24. Finally, we have directed under Rule 49 that neither the name nor any other identifying details of the woman we have referred to as Mrs X may be put into the public domain. We are satisfied that such an order is desirable to protect the private life of Mrs X and the interests of any child connected with her, and is otherwise in the interests of the administration of justice.



**The Worshipful Canon Ruth Arlow
Chair of the Tribunal**

30 July 2019