

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

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

In the matter of a complaint against the Revd. Graeme Rainey

Determination of Penalty

1. By a decision dated the 30th August 2019, the then deputy President of Tribunals referred two allegations of misconduct, made first in Form 1a dated the 5th March 2018, for determination by a tribunal.
2. The first averred a single occasion of sexual misconduct by the respondent with AB, then aged 16, which occurred in the summer of 1994. This was admitted by the respondent in his Form 2 response dated the 17th December 2018.
3. The second allegation related to an ongoing sexual relationship between the respondent and AB between July and October 1994. The respondent denied that allegation, maintaining that misconduct was limited to a single day.
4. The matter coming before us for penalty related solely to the first allegation, namely misconduct upon a single day.
5. The second allegation, by agreement, stands dismissed.
6. The respondent is now aged 54.
7. He was ordained deacon in 1993 and priest in 1994.
8. He was appointed curate to the parish of Maltby in the diocese of Sheffield in 1993 and remained in office until 1996.
9. In the summer of 1994 he was aged 27. He was in his first clerical position.
10. AB became 16 on the 31st July 1994. He was a member of the youth group led by the respondent. AB's mother was then a churchwarden in the parish.
11. A friendship arose between the respondent and the B family. The respondent spent time socially and professionally at the B home. AB visited the respondent's home. There were cinema and other outings. Letters, cards, books and gifts were exchanged.
12. The respondent was a well liked and trusted individual.
13. One day in the summer of 1994, around AB's 16th birthday, AB, as he recalled, visited the respondent's home. Red wine was consumed by both parties. AB stated the respondent told him he was in love with him and, to AB's surprise, asked if he could kiss him, which he did with AB's agreement. The respondent, further, touched AB's penis and masturbated him.
14. The respondent's recollection is that a kiss occurred during the afternoon and that sexual touching occurred when AB returned to the respondent's home later the same evening. We considered that sequence of events to be significant.
15. The activity engaged in was consensual, though at the time illegal by reason of AB's age.

16. The respondent left the parish in 1996. He maintained some contact with the B family for a time thereafter.
17. He then served as a university chaplain from 1996-2004 and a school chaplain from 2004-2010, at which point he ceased (so far as we have ascertained) to hold any office or licence within the Church of England.
18. From 2011 -2015 he was Assistant Head (Holistic Care) at an independent school and, from September 2015 until his resignation in September 2017, he was Head of Boarding and Designated Safeguarding Lead at another independent school.
19. AB evidently shared something of his experiences with his mother in about 2007, but made no formal report of abuse until 2017 when he contacted the NSPCC for advice and the matter was duly reported to the police who investigated. AB was formally interviewed in May 2017.
20. No prosecution followed nor, it would seem, was any barring decision made in respect of the respondent by the Disclosure and Barring Service.
21. The respondent has, in these proceedings, readily admitted his misconduct and that it was serious and inherently in breach of trust. He was plainly right to do so.
22. In engaging in sexual contact as he did, in our judgment he unacceptably crossed an impermissible physical, emotional, psychological and sexual boundary with someone under 18, a child, with whom he was in a pastoral relationship of responsibility and to whom he plainly owed a duty of care and protection. He allowed friendship to deteriorate, wholly inappropriately, into romantic attachment and then, exploiting AB's feelings, immaturity and confusion, indulged his desires physically in a context where AB's wellbeing and safety plainly demanded care and protection, not sexual interference.
23. This was, in our judgment, a plain, even gross, betrayal of ministerial and personal responsibility and did grave disservice to AB, to his mother, to the parish and to the wider church.
24. This hearing has been conducted, with everyone's agreement, via Microsoft Teams.
25. We received the written case summary and the oral representations of the Designated Officer.
26. The respondent elected neither to be present nor represented at the hearing, though we were grateful for, and much assisted by, a written Submission in Mitigation dated the 23rd March 2021 prepared by Mr Blount, the respondent's solicitor.
27. We have considered the Guidance on Penalties (January 2021 revision) issued by the Clergy Discipline Commission.
28. We have not considered it necessary or appropriate in this case to invite the views of the Bishop of Sheffield as to penalty.
29. We have taken into account AB's Victim Impact Statement dated the 30th March 2021.
30. There can be no doubt (or any surprise) that these events have left a significant legacy of confusion, guilt, distress and shame for AB, aggravated, as he explained, by continued (though probably well intentioned) e mail contact from the respondent for some two years.
31. AB has felt the personal weight of these experiences and the inevitable impact upon his parents and his mother in particular, to whom the respondent was described as 'dear'.
32. AB considered that his faith, his studies, his personal relationships and even, now, his chosen career had all, to varying degrees, been impacted adversely. As so often with sexual misconduct of this kind, even perpetrated briefly, the consequences can be very significant.

33. In mitigation, it was properly said that account can and should be taken of the respondent's frank admissions, his cooperation with inquiries and his expressed remorse and regret. We have done so.
34. It was urged on the respondent's behalf that this misconduct was somewhat impulsive, out of character, essentially spontaneous and certainly short lived.
35. It was said to have occurred at a time when the respondent was 'coming to terms with his own sexuality' – a theme not further developed on the respondent's behalf.
36. Further, it was urged, and we accept, that we are required to deal with events upon a single day with no evidence of repetition in any other context in the last, now, twenty seven years.
37. Indeed, it is perhaps an irony that, in much of his subsequent employment (in education), the respondent has not only had safeguarding responsibilities but has had to undergo significant training to fulfil them, with apparently no complaint. We accept the reality of those circumstances in the life of the respondent.
38. In the loss of his last employment he has, without doubt, paid a heavy price for his historic wrong doing.
39. We were told that, though not barred, he now intended to seek work which did not necessitate contact with children or vulnerable adults.
40. We found distinctly less persuasive various arguments about previous time bars in disciplinary proceedings and as to legislative changes to the 'age of consent'. We were not at all surprised no prosecution was attempted in the circumstances of this case.
41. We very much regret, from the point of view of both AB and the respondent, that it has taken three years, from March 2018, to bring these proceedings to a conclusion. The Designated Officer explained how investigation by other agencies and the need to await disclosure from those sources had contributed, as had the circumstances of the Covid 19 pandemic. The nevertheless unacceptable delay has, we do not doubt, been an undeserved source of additional anxiety to complainant and respondent. We have taken it into account.
42. As the Guidance makes clear, 'sexual misconduct is usually a deliberate and damaging failure to comply with the high standards of Christian behaviour required of clergy'. Further, 'clergy who commit sexual misconduct should be dealt with firmly and in a way which will protect those who could be harmed if the respondent were otherwise to be allowed to remain in ministry'[page 21, paragraph 2].
43. Plainly, in this case, the respondent has not held ministerial office, licence or permission in the past decade or more. Removal from office, thus, does not arise.
44. Mr Blount has submitted that, if the threshold for prohibition is crossed, any prohibition ought, in all the circumstances, to be limited.
45. We are persuaded that this is serious misconduct which, even after the passage of considerable time and the undoubted efforts the respondent has evidently made to rebuild a responsible career, demands significant prohibition, albeit not, in the circumstances, prohibition for life.
46. The misconduct was to a child to whom the respondent owed plain and obvious duties of care and protection of which, even as a relatively inexperienced minister, he must have been well aware.
47. The respondent's plea of 'impulsivity' was, in our judgment, significantly less persuasive given the failure to end his behaviour with the kiss – in itself significant misbehaviour in the

context. The decision later in the evening to give AB wine and to progress to genital touching was, we find, highly culpable and can only have been calculated, if short lived, action.

48. Our unanimous decision (taking full account of the available mitigation) is that the respondent shall be prohibited from the exercise of any of the functions of his Orders for eight years from today.
49. His name shall be entered on the Archbishops' List in accordance with s.38 of the Measure.
50. We have decided pursuant to Clergy Discipline Rules 2005 (as amended) r.49 (a), out of a desire to protect AB's private life, to order that AB's name must not be published or otherwise made public. We recognise in a case such as this that complete protective anonymity will necessarily be very difficult to achieve.
51. Normally a hearing such as this would have led to the pronouncement of our penalty in public, as the law requires. We direct that these written reasons shall be uploaded to the appropriate section of the Church of England website, thus, we trust, granting public access to those who seek it.

Dated this 7th day of April 2021.

HH Judge David Turner QC Deputy President of Tribunals

The Revd Jennifer Bradshaw

The Revd Pat Hemstock

Mrs Diane Hawkins

Mr Ramsay Lunn