

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

**Complainant: THE VENERABLE PHILIP ANDREW WILLIAMS**

**Respondent: THE REVEREND ANTHONY RICHARD GILES**

**Constitution of the Tribunal: Chancellor Ruth Arlow (Chair)  
The Reverend Canon Kathryn Fitzsimons  
The Reverend Canon Karen Smeeton  
Canon Linda Ali  
Canon Linda Jones**

**Appearances: Mr Edward Dobson, Designated Officer  
Mr Mark Hill QC, Counsel for the Respondent**

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**DETERMINATION OF THE TRIBUNAL**

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1. This is the decision on penalty in relation to a complaint by the Archdeacon of Nottingham against the Reverend Anthony Giles. There was no substantive Tribunal hearing to determine issues of fact in this case as the Tribunal is only concerned with conduct which has been admitted by Mr Giles. The misconduct alleged (and admitted) with which we are concerned was set down by the Deputy President of Tribunals in the following form:

“The conduct of the Respondent, the Reverend ANTHONY RICHARD GILES 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) In 2015, at time when he was aware of feelings of romantic affection towards him from Ms AB, a vulnerable women, he
  - (a) failed to seek assistance or advice from the diocesan safeguarding team as to how to respond appropriately to her, and
  - (b) in failing to seek assistance or advice placed the concerns of his own reputation above the pastoral needs of Ms AB; and
- (ii) During 2017

(a) sent text messages to Ms AB which were inappropriate in frequency and content, and,  
(b) in doing so failed accordingly to observe or maintain appropriate professional boundaries.

2. It should be noted that the original Complaint contained further allegations of a more serious nature, but those allegations were not referred to the Tribunal, the Deputy President having found that there was no case to answer in relation to them. Accordingly the penalty which we impose relates only to those matters set out above.
3. We have heard submissions from the Designated Officer and Mr Hill, QC on behalf of the Respondent. We are grateful for their detailed and considered contributions.
4. The Respondent is the Rector of the United Benefice of Epperstone, Gonalston, Oxton and Woodborough. He was formerly Area Dean of Gedling. He was ordained deacon in 2001 and priested in 2002. He has been in his current role since 2006.
5. At the time of the allegations Ms AB was a member of one of his congregations and at the time of allegation (ii) was employed by the PCC. The Respondent and Ms AB developed a very close friendship during this period together with their families.
6. In 2015 Ms AB admitted to the Respondent that she had developed romantic feelings towards him. Ms AB was found by the Deputy President to be a vulnerable adult at that time in the light of distressing events in her personal life of which the Respondent was aware. It is the Respondent's failure to seek the assistance or advice of the diocesan safeguarding team at this time as to how to respond appropriately to her which form the basis of allegation (i). In his Response to the Complaint the Respondent stated that he was aware that there could be implications for him and his position if the situation became more widely known. Accordingly, he was reluctant to report what had happened.
7. In 2017, over a period of some seven months, the Respondent exchanged text messages with Ms AB which were inappropriate in content and frequency. We have seen those messages. They number around 1000 (of which around 400 are from the Respondent). Many of them are brief and mundane, relating to parish and other matters, but many are much more personal in nature and show a deep friendship and affection. Many, though not all, were exchanged late at night. There is no suggestion that the messages were imposed or unwanted. Nevertheless, there is a manifest and worrying blurring of lines between pastoral and personal matters which, in the context of Ms AB's profession of feelings in 2015, demonstrate a concerning failure to maintain appropriate boundaries.
8. This is a serious case.
9. In considering an appropriate penalty in relation to this misconduct we have been referred to and carefully considered the Guidelines for the Professional Conduct of the

Clergy and the Guidance on Penalties issued by the Clergy Discipline Commission. We have also had regard to the letter of the Bishop of Southwell and Nottingham expressing his views on penalty.

#### Harm and Culpability

10. Taking the approach to penalty advocated in the Guidance on Penalties we have assessed the harm caused by this misconduct and the Respondent's culpability.
11. Ms AB was a vulnerable adult at the time of allegation (i). The Respondent was aware of that fact. We have seen a Victim Impact Statement from her, albeit one redacted to remove reference to the earlier unsubstantiated allegations. It is clear that this misconduct has caused her particular emotional and spiritual harm, particularly in its failure to provide her with the possibility of external support and assistance in 2015.
12. It is also right that misconduct in ministry also harms society and the wider church: the parish, the local community, the Diocese and the whole of God's church. It undermines public confidence in public ministry. On the facts of this case some harm was caused beyond the impact on Ms AB.
13. In so far as the Respondent's culpability is concerned, we are mindful of the fact that none of the factors listed in the Guidance on Penalties is applicable in this case. Nevertheless, there is some culpability. In particular we are concerned at the Respondent's failure to prioritise Ms AB's pastoral needs over his concern for the implications for him and his position.

#### Aggravating and Mitigating Factors

14. There are some aggravating factors in this case:
  - a. The Respondent is an experienced clergyman. At the time of this misconduct he had been ministering as a priest for between 13 and 15 years. He will have undertaken significant safeguarding and other training in that period. The Respondent was formerly the Area Dean and would have been a priest to whom others would have looked for wisdom and advice. He should have known better;
  - b. The text messaging took place over a prolonged period of time – some seven months;
  - c. Despite what has been said to us, we are satisfied that there was a breach of a pastoral relationship in this misconduct. Ms AB was a parishioner (and, in 2017, an employee). There was a clear power imbalance in the relationship. We are mindful of the Guidelines for the Professional Conduct of Clergy, in particular at paragraph 2.9 where it says: "the clergy should be aware of the dangers of dependency in pastoral relationships... The responsibility for maintaining appropriate boundaries always rests with the clergy, however difficult or challenging the pastoral relationship may prove to be."

15. Equally, there are some mitigating factors in this case:
- a. The Respondent admitted this misconduct at the earliest opportunity and he has expressed contrition and remorse about the harm done;
  - b. Although the Respondent did not seek the advice of the diocesan safeguarding team in 2015 as he accepts he should, he did not do nothing – he sought advice and guidance from a retired Archdeacon and acted on that advice in attempting to put Ms AB in contact with another clergyperson to offer her support;
  - c. There was nothing covert or secretive about the relationship between the Respondent and Mrs AB;
  - d. The Respondent has shown a willingness to learn from his misconduct. He has, in the 12 months since he stepped back from ministry, completed a Level 6 course on Safeguarding Adults. He accepts the need for some training and oversight;
  - e. The events of 2015 took place during a period of particular personal stress for the Respondent arising from events concerning a close family member. As Mr Hill put it, those issues took up all of the “emotional bandwidth” of the Respondent and his wife at that time;
  - f. The Respondent has a hitherto exemplary record as a priest, both in the parish and more widely.
16. We have taken account of all of these factors in reaching our decision as to penalty.

#### Consideration of Penalty

17. Any penalty which we impose must be proportionate. We find that the Respondent’s admitted failings are indeed serious and that the penalty imposed must reflect that fact. Taking the penalties in order of seriousness, all accept that this case is sufficiently serious that a conditional deferment would be inappropriately lenient.
18. We were referred to the Guidance on Penalties, particularly paragraphs 3.4 and 4.1. They are set out in full below:

**“3.4** Clergy will meet parishioners in need of pastoral support who are distressed, lonely, sick, elderly, or otherwise vulnerable. There is an intrinsic imbalance in relationships between clergy, who are in a position of trust and responsibility, and those who turn to them for help. Consequently, it is a serious matter if clergy exploit the trust placed in them, and develop inappropriate relationships with people in their pastoral care. Such inappropriate relationships include close emotional or intimate relationships falling short of sexual misconduct, and relationships where clergy take inappropriate advantage of the financial generosity of the person in their care. Where there are serious pastoral abuses, removal from office and limited prohibition will usually be appropriate. For less serious cases, a rebuke and injunction requiring training on pastoral boundaries may be appropriate.”

**“4.1** Clergy are expected to maintain clear and professional boundaries. There is no separation between the public and home life of clergy. Inappropriate text messaging, emailing or other communications that cross professional boundaries will likely result in a rebuke and injunction. Where the misconduct takes place over a prolonged period of time and involves vulnerable adults, children and/or a breach of pastoral duties, a limited prohibition may be appropriate.”

19. We are concerned about the serious failings in this case to maintain appropriate pastoral boundaries, particularly in light of Ms AB’s confession of romantic feelings for the Respondent in 2015. We are satisfied that a rebuke and injunction are warranted in this case. In particular, the injunction will require further training and oversight of the Respondent’s ministry. That training should address the concerns identified in this case, namely: the maintenance of appropriate pastoral boundaries, safeguarding, communications and confidentiality. The oversight shall be by an appropriate person identified by the Diocesan Bishop and last for a period of two years from the return of the Respondent to ministry.
20. We have also considered the question of whether prohibition and removal from office should be imposed. Paragraph 4.1 of the Guidance on Penalties (set out above) is applicable here. That paragraph states that “[i]nappropriate text messaging, emailing or other communications that cross professional boundaries will likely result in a rebuke and injunction. Where the misconduct takes place over a prolonged period of time and involves vulnerable adults, children and/or a breach of pastoral duties, a limited prohibition may be appropriate.” We do not accept Mr Hill’s submission that the second sentence in that extract is not applicable in this case. Although we do not find sufficient evidence of Ms AB’s vulnerability at the time of the 2017 text messages, we do find that there was a breach of pastoral duties given the volume and tone of the messages sent, particularly in light of her confession of affection two years earlier.
21. We have come to the conclusion that the misconduct as admitted is sufficiently serious to warrant the imposition of a limited prohibition. Not only will such an order allow for a careful and planned return of the Respondent to ministry, it also sends a strong and clear message to all that the Respondent’s failings were serious and are treated as such by the Church.
22. Having considered the letter of the Bishop of Southwell and Nottingham to this Tribunal and his expressed view that a prohibition for a period of 18 months would be appropriate, we have concluded that, taking account of the fact that the Respondent has been unable to exercise his ministry for a period of twelve months since October 2020, we impose a prohibition from ministry for a period of six months from the date of this decision. It is expected that the training which will be the subject of the injunction imposed should be substantially completed within that period.

23. The Bishop has also expressed the view that the Respondent should be removed from office. Having reviewed a number of references provided to him, including the views of some of the churchwardens, he has expressed concern about the support for the Respondent expressed in those references in circumstances where he understood that they had not been appraised of the details of the admissions of misconduct. He goes on to express the view that:

“Should [the churchwardens and congregations] be made aware of the misconduct the Revd Giles has admitted to then I consider that there would not be a consensus among the churchwardens about his returning to ministry within the benefice and I would anticipate polarized reactions amongst the congregations and the wider communities.”

and concludes that “the misconduct has fundamentally undermined his work in the parish”.

24. We have considered this view carefully. In doing so we have had the benefit of a large number of references in support the Respondent. Those references are not exactly the same as those before the Bishop, although we are told that there is a significant overlap in the authorship and content. Significantly, the references before us make clear on the face of all but one of them that the authors are fully aware of the admitted misconduct in this case. In that respect we have an advantage over the Bishop when he expressed his views.

25. We are struck by the breadth of referees supporting the Respondent’s return to ministry in this Benefice. References have been provided from churchwardens, parishioners, clergy colleagues and members of the wider community locally. The recently retired Bishop of Sherwood, who clearly had a very lengthy and significant involvement in the life of this Benefice, has also written in support of the Respondent’s ministry here. The conclusion reached by the Bishop of Southwell and Nottingham about the Respondent’s ministry in this Benefice being fundamentally undermined by what has happened is not supported by the evidence that we have seen which suggests a much missed and valued parish priest.

26. Considering the other penalties imposed as set out above, we consider that an additional penalty of removal from office would be disproportionate in this case. Although we give proper weight to the views expressed by the Bishop, we are not bound or required to follow them. We trust that the additional penalties, in particular those imposed by the injunction, will address the concerns expressed by the Bishop and yet enable a fruitful furthering of the Gospel in the Respondent’s future service of this Benefice.

#### Anonymity

27. At the hearing the Designated Officer applied for an order that the name or other identifying details of Ms AB should not be published or otherwise made public under r 49

of the Clergy Discipline Rules 2005. Mr Hill, on behalf of Mr Giles, did not oppose such an order being made. It will be apparent from the form of this decision that we granted the Designated Officer's application.

### Conclusion

28. In light of the above we impose the following penalty in relation to this misconduct:

- a. A rebuke for misconduct;
- b. An injunction requiring the Respondent to undertake and complete within six months of the date of this Decision training as approved by the Diocesan Bishop on the following issues:
  - i. The maintenance of appropriate pastoral boundaries in parish ministry;
  - ii. Safeguarding;
  - iii. Appropriate use of communications; and
  - iv. Confidentiality
- c. An injunction requiring the Respondent to co-operate with the supervision of his ministry by such person as the Diocesan Bishop may appoint for a period of two years from the recommencement of his ministry; and
- d. A prohibition from exercising any of the functions of his Orders for a period of six months from the date of this Decision.

6 October 2021