

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

**Complainant: THE VENERABLE MOIRA ANNE ELIZABETH ASTIN**

**Respondent: THE REVEREND MICHAEL EDWARD TODD**

**Constitution of the Tribunal: HHJ John Lodge (Chair)  
The Revd Canon Janet Binns  
The Revd Canon Dr Hugh Jones  
Ms Christina Baron  
Mr Philip Harper**

**Appearances: Mr Edward Dobson, Designated Officer**

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**DETERMINATION OF THE TRIBUNAL**

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1. The Respondent faced a single allegation namely:

The conduct of the Respondent, the Reverend Mike Todd, 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 he, on or around dates between May and July 2019, using his Twitter account

- (i) "liked" tweets that contained sexually explicit and/or offensive photographic material.
- (ii) Thereby sharing the said material with any person who could view it.

2. The facts are straightforward. In part this is because the Respondent, after serving a "Respondent's answer to a Complaint" in the appropriate format, did not engage any further with the process. He did not attend the hearing. An order was made in accordance with Rule 42 of the Clergy Discipline Rules that the tribunal should proceed in his absence, the Chair being satisfied that the Respondent had been properly made aware of the

hearing and did not attend through choice. The Tribunal regretted that he took the course of action. We would have been considerably assisted by his input.

3. The Tribunal heard evidence from the Right Reverend Jane Steen, now Bishop of Lynn, but at all relevant times Archdeacon of Southwark, and the Reverend Canon Wendy Robins, at all relevant times Director of Press and Communications and the Bishop's Press Officer for the Diocese of Southwark. In each case their witness statements were taken as their evidence in chief, and they assisted by answering questions from the Tribunal. The Tribunal is grateful to each of them for their assistance.
4. The respondent at the relevant times had a Twitter account. His "handle" was @fathermikescp, and his profile described him as "Anglican Priest working for a National Social Justice Charity. Interests in faith and spirituality, social justice equality and inclusion. Views entirely my own."
5. The respondent was "followed" on Twitter by the Diocese of Southwark. As Canon Robins set out in her statement and confirmed in her evidence, the diocese routinely followed priests, prominent lay people and parishes on Twitter and other social media. It was a good and recognised way of seeing what was going on in the church, of being able to share good news and to be alerted to any concerns or issues. It was her recollection that the Diocese would have been accepted as a follower by the respondent. That accords with his Answer in which he sets out that "Followers have to be accepted by myself".
6. In July of 2019, Canon Robins was checking the Twitter timeline of the Diocese. This would show the "tweets" of those whom the Diocese followed. It would also show any "retweets" whereby those whom the Diocese followed shared the "tweets" of other people. Relevant to this case, it also showed "tweets" which people whom the Diocese followed had "liked".
7. She noted that the respondent had liked images of a naked male, who for the purposes of this determination, can properly be described simply by his initials AR. In total, the respondent had liked four such images, the dates being between the 1<sup>st</sup> of May and the 3<sup>rd</sup> of July 2019.
8. Canon Robins showed the images which had been liked to the then Archdeacon. Within a short while, the Archdeacon made a complaint pursuant to the Clergy Discipline Measure and these proceedings were commenced.
9. Whatever confusion there may have been at the early stages of the proceedings, it is clear, as set out in the respondent's response, that AR is a friend of the respondent who lives some distance away, whom the respondent "follows" on Twitter.
10. The first question that the Tribunal had to determine was whether the original "tweets", within the terms of the charge, contain sexually explicit and/or offensive photographic

material. The Tribunal was unanimous in the view that the tweets showed nudity, including genitalia, with hashtags describing and highlighting that genitalia. The Tribunal concluded that the images were highly likely to be considered sexually explicit by those who viewed them, and highly likely to give rise to the risk that they would cause offence to those who came upon them inadvertently. The Tribunal therefore concluded that the “tweets” therefore contained images which came within the terms set out in the charge.

11. Whilst we note that the respondent disputes that these images are sexually explicit, we could not accept that assertion, particularly since it was not given in evidence or tested by cross-examination. We do not accept that these are photographs which fall within the description of naturism as set out in the documentation before us. The emphasis on the genitalia suggests otherwise. The gender of the person photographed matters not. Retweeting, liking or any interaction with any sexually explicit images, by someone clearly identifying themselves as a priest, would have given rise to the same concerns. We concluded these were not naturist photographs. There is some discussion, particularly by the respondent, in the papers of the relationship between naturism and Christianity. In the light of our findings in relation to the photographs, it was not relevant to our decision to consider this.
12. We were satisfied that the respondent “liked” the photographs. He does not dispute this. We did not find that this was an action which was designed to cause any particular offence or that the respondent intended anyone in particular to see it or gave any thought to who might see it. We took into account that the photographs were “liked” rather than “replied” to with commentary or “retweeted”. A “retweet” might indicate a higher level of desire to share a tweet.
13. However, we noted the position of the respondent’s Twitter account. He had a substantial number of followers. It was clear that the Diocese followed him, and he followed the Diocese. It would have been open to him not to accept the Diocese as a follower and regulate those Twitter users who followed him.
14. The consequence of the respondent liking these images was that those who followed him would be exposed to those images without any action being required on their part. This gave rise to a real and substantial risk that those who would consider the images sexually explicit and be offended and upset by those images would see them.
15. The fact that the respondent went ahead and took this risk amounted, in the judgment of the Tribunal, to misconduct in that it was a priest, who describing himself as such on his Twitter account, was exposing others to the risk of being exposed to images that they might find both sexually explicit and offensive.
16. We noted that the allegation relates to four photographs within a relatively short time frame and that there is no evidence that there has been any repetition since the allegation was made. We did not accept, as set out above that these were simply images of naturism

and consider this was post action justification, which in some ways supported the conclusion of the Tribunal that this was negligent as opposed to intentional misconduct, an act of folly on the part of the respondent.

17. In concluding that the actions of the respondent amounted to misconduct, the Tribunal noted Canon C26. We did not consider the risk-taking demonstrated a compliance with the obligation of the respondent as a priest to frame his life as a wholesome example to others.
18. The Church is well aware of concerns in respect of the use of social media. The guidance given in the *Guidelines for the Professional Conduct of the Clergy* are pertinent, and merit repetition in the ruling.
19. Paragraph 2.17 reads: “The clergy should take care to observe appropriate boundaries between their work and their personal life just as much in the use of social media as in “real life” encounters.”
20. Paragraph 10.1 reads: “The clergy are called to an exemplary standard of moral behaviour. This goes beyond what is legally acceptable: a distinction can be made between what is legal and what is morally acceptable. There is no separation between the public and home life of the clergy: at all times and in all places, they should manifest the highest standards of personal conduct.”
21. Paragraph 11.10 reads: “Discretion should be used in all forms of communication including when sending messages by email or text, or when visiting social networking sites or blogs, or holding conversations using cameras or microphones via the internet, much of which relies upon insecure forms of data transmission.”
22. Paragraph 11.11 reads: “The clergy must remember that they are public figures whose opinions when proffered have weight and significance. In using social media ministers should always assume that anything they post or contribute is in the public domain and will be shared. The power of the internet for doing harm as well as good must always be borne carefully in mind and weighed before saying anything which may prove be damaging to oneself as well as to others.”
23. These Guidelines were properly set out within the witness statement of the original complainant, the then Archdeacon of Southwark, because they set out an appropriate caution about and a template for the use of social media. Social media is a hugely useful tool both for ministry and for personal communication, but it is fraught with risk. The guidelines note that risk and require clergy to exercise appropriate caution.
24. As set out above, the Tribunal concluded that the failure of the respondent to act appropriately in respect of his social media in liking the relevant images on Twitter with no thought as to who might be exposed to them amounted to conduct which 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.

25. The Tribunal decided to move to penalty. The Tribunal heard submissions as to penalty from the Designated Officer, who assisted the Tribunal by reference to the Guidance on Penalties issued by the Clergy Discipline Commission.
26. The Designated Officer submitted that, looking at the guidance and in the light of the findings set out above that the misconduct was reckless or negligent rather than deliberate, the appropriate penalty would be a rebuke. He invited the Tribunal to consider whether an injunction was also appropriate, submitting that consideration could be given to a mandatory injunction requiring the respondent to undertake training.
27. The Tribunal accepted the submission that a rebuke was the appropriate penalty. The Tribunal did not consider that an injunction was required. The Tribunal noted the short period of time over which the incident had taken place, the age of the allegation, it now being 2 ½ years old, and the absence of any evidence of repetition. It was concluded that no requirement to undertake additional training was required.
28. The penalty imposed was that the Respondent be made subject to a Rebuke.
29. The Tribunal noted and had some concerns about the haste with which proceedings were initiated and the absence of engagement before proceedings were started. References were made by witnesses to matters about which the Tribunal could not be provided with full details and could therefore form no part of our deliberations. However, this aspect of the process remains regrettable and it is to be hoped that the conclusion of these proceedings will lead to active re-engagement between the parties.

**6 January 2022**