

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

BEFORE THE BISHOP'S DISCIPLINARY TRIBUNAL FOR THE DIOCESE OF YORK

Complainant: THE VENERABLE DEREK ANDREW CLIFFORD BROOM

Respondent: THE REVEREND JULIAN BLAKELEY

Constitution of the Tribunal: The Worshipful Lyndsey de Mestre QC (Chair)

The Revd Canon Kathryn Herrod

The Reverend Paul Tudge

Canon Dr Adanna Lazz-Onyenobi

Canon Dr John Mason

Appearances: Mr Edward Dobson, Designated Officer

Ms Claire Robinson, Counsel for the Respondent

DECISION OF THE TRIBUNAL

1. This is the Tribunal's¹ decision and reasons in relation to facts and conduct. Its decision on penalty follows from paragraph 78.

Introduction:

2. The hearing in relation to facts and conduct has taken place in private over 4 days between 24 and 27 January 2022.
3. The Panel wishes to record its thanks for the assistance it has been provided with throughout the hearing by Mr Dobson, the Designated Officer (the "DO") and by Ms Robinson,

¹ Throughout this decision "Tribunal" and "Panel" are used interchangeably.

Counsel for Mr Blakeley (the “Respondent”) and by Mr Oliver and Ms Rundle from the Registry.

4. Before the hearing commenced the DO made an application for the admission of a further witness statement on behalf of the Complainant. The admission of the new evidence was agreed by the Respondent. Having reviewed its content the Chair was satisfied that the material was relevant to issues before the Tribunal, in particular the scope of advice received by Reverend Blakeley from the Diocesan Safeguarding Advisor (“DSA”) at the relevant time. Accordingly the new material was admitted to the bundle.
5. At the conclusion of the hearing the DO applied for an order that the name or other identifying details of a number of people who feature in this case, and have been given the cyphers Person 1, Person 2 and Person 3, should not be published or otherwise made public under r49 of the Clergy Discipline Rules 2005. Ms Robinson, on behalf of Mr Blakeley, did not oppose such an order being made. The application was granted.
6. At the relevant times the Respondent was the Team Rector of Eston with Normanby in the Diocese of York. As detailed in the decision of the President of the Tribunals dated 22 June 2020, the Respondent has faced two allegations concerned principally with his conduct during a telephone call between him and Person 1 on 19 January 2011 and with allegedly neglectful conduct in respect of his duties as regards compliance with safeguarding guidance.
7. The charges are numbered (1) and (2) and are as follows:
 - (1) His conduct 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 in or around January 2011, during a telephone conversation with Person 1, he was insensitive by:
 - (a) Adopting an aggressive tone;And by
 - (b) Using the following words and/or phrases or words and/or phrases which were substantially similar being:

- a. “you are going to destroy this man’s life”;
- b. “I have wept with him when other accusations have been made”; and
- c. that Person 1 should “learn about forgiveness”, “fall on his knees”, “repent” and “beg forgiveness”.

(2) He failed to comply with the duty to have due regard to the House of Bishops’ guidance on safeguarding children and vulnerable adults contrary to section 5 of the Safeguarding and Clergy Discipline Measure 2016 and section 8(1)(aa) of the Clergy Discipline Measure 2003 in that between October 2016 and 2018:

- (a) He encouraged or allowed Person 3 to take on an official role within the Parish Church of St George’s, Normanby, namely as Home Group Leader and as a member of the PCC, contrary to National Safeguarding Guidance;

and

- (b) Failed to follow the National and Diocesan Safeguarding Guidance by failing to retain a copy of a safeguarding agreement entered into in respect of Person 3 and to carry out reviews of that agreement on a regular basis.

8. Mr Blakeley has, through his evidence and conduct of the case, denied each of these two charges, save that he admits some limited particulars of allegation 1, namely saying to Person 1 that “*I have wept with this guy*” and that he should “*learn about forgiveness*”² (although the context in which this second statement was made is disputed.)

The Tribunal’s approach to these proceedings:

9. The Tribunal has approached its decision-making by keeping in mind the purpose and character of clergy discipline proceedings. Namely that the administration of discipline must have regard to the interests of justice for all who may be affected by the faults, failings or shortcomings of the clergy, including the Complainant and the interests of the wider Church. It must support the collective good standing of all faithful men and women who

² Per paragraph 5 of the Respondent’s statement of case dated 25 May 2021.

are called to serve in the ordained ministry and it must ensure that the clergy continue to be worthy of the great trust that is put in them as ordained ministers by both the Church and the public³.

10. The Panel has also had regard to a framework of regulations and guidance, in particular the following:

10.1. Protecting All God's Children: The Policy for Safeguarding in the Church of England (4th edition 2010);

10.2. York Diocese Child Protection & Safeguarding Children Policy (updated August 2011);

10.3. The Clergy Discipline Measure 2003 (the "CDM");

10.4. The Clergy Discipline Rules 2005 (the "Rules");

10.5. The Code of Practice (the "Code"), which provides guidance to those concerned in formal clergy discipline and provides additional explanation and information regarding the CDM and the Rules, of particular relevance in this case in relation to its explanation of unbecoming or inappropriate conduct; and

10.6. The Guidelines for the Professional Conduct of the Clergy 2015, which describes what is desirable in the professional conduct of ordained ministry.

11. The Panel has observed that the burden of proof rests throughout on the DO and that the standard of proof in these proceedings is the civil standard, which is a single unvarying standard with no sliding scale. In this regard the Panel has taken the approach that matters will be proved on the balance of probabilities if we are satisfied by the evidence that it is more likely than not that the conduct occurred. We also took the approach that the more serious the allegation of misconduct that is made or the more serious the consequences that flow for the Respondent from a finding against him, the more persuasive (cogent) the evidence needed to be in order to meet that standard. We reminded ourselves that this does

³ Clergy Discipline Measure 2003 Code of Practice para 4.

not mean that the standard is higher. It means only that the inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when weighing the probability and deciding whether on balance the conduct occurred.

12. The Panel has listened carefully to all of the oral evidence. We have read and carefully considered every item of the other evidence before us. We have repeatedly reminded ourselves of the need to consider all of the evidence in the round as to how events unfolded and how these were perceived, both by the Respondent and those he was interacting with. We considered the totality of the evidence and submissions made. We do not propose to deal with each and every aspect of the evidence or submissions made, extending as they do over hundreds of pages and over almost a week of intense hearing days, but we state our main conclusions. We have considered the discrete allegations separately, bearing in mind the aspects of the evidence relevant to the different allegations made.
13. The facts of the case are a matter of record. The accounts of the witnesses not called to give oral evidence are clearly contained in the papers before the Tribunal. The evidence of witnesses, including the Respondent, who gave oral evidence is a matter of record.
14. Before setting out its findings the Panel considers it appropriate to set out its assessment of the main live witnesses who gave evidence germane to the charges before us.

The Tribunal's assessment of witnesses giving live evidence:

15. The Tribunal saw and assessed the following individual live witnesses.

Person 1:

16. Person 1 gave evidence in relation to the first allegation, principally concerning the 19 January 2011 telephone call. His evidence touched on sensitive and painful matters relating to abuse by Person 3 when he was 17 years old. He comported himself bravely and with dignity in dealing candidly with these issues. The Panel unanimously formed the view that Person 1 was an honest witness, whose account was plausible and well-recalled with several cogent details which further supported his recollections.
17. For example, during careful cross-examination by Ms Robinson he fairly accepted that he had been assertive and determined during the course of the phone call, but did not accept

that he had used a loud or raised voice, explaining that he had made the call from the school office which restrained the volume at which he spoke. He gave compelling and clear background as to why he came to make the call in the relatively unusual circumstances he did, namely during the school day and from the school office, part of which involved his assessment of himself as an impulsive person for whom the desire to get what was a painful and fear-inducing phone call out of the way became urgent in order to avoid increasing rumination and anxiety. The Panel felt that this was a fair and balanced assessment and showed good self-knowledge, and that it was also well supported by the evidence of Person 2. The Panel also concluded that Person 1's recollection of detail was strong, as well as being supported by contemporaneous notes which he says, and the Panel accepts, that he felt compelled to produce in order to record the way in which the phone conversation had gone and the loss of trust he felt in consequence of it.

Person 2:

18. Person 2 is the wife of Person 1. She was also a plausible and helpful witness, understated and moderate in the way in which she expressed herself and gave her evidence. Her evidence as to why the phone call had been made in the circumstances it had been, in particular as to the impact of her pregnancy and the discovery that the news had reached Person 3 had had on both her and Person 1, chimed naturalistically with the account given separately by Person 1. Her evidence as to Person 1's distraught reaction to the phone call and her account of the content of the call and language used by Mr Blakeley as it had been reported to her contemporaneously by Person 1 were, in the Tribunal's assessment, well recollected and honest.

Julie O'Hara:

19. Was also an impressive witness. She came across to the Panel as competent, plausible and efficient, providing very direct and accurate evidence. The Panel were particularly assisted by her account of the ways in which a safeguarding professional is able to assess risk with much greater degree of understanding and nuance than a non-professional, and by the clarity with which she provided her evidence as to the times she had contact with Mr Blakeley. Ms O'Hara's evidence was given principally in relation to the second allegation and covered her contact with Mr Blakeley and others in connection with the approach to

risk assessments and compliance with safeguarding connected with Person 3 during the time since her appointment as Diocesan Safeguarding Advisor in 2017. However some of her own account of contacts with Mr Blakeley were also relevant to the Panel's findings in relation to the first allegation.

The Venerable Andrew Broom:

20. The Archdeacon of the East Riding is the complainant in this matter and gave his oral evidence at the close of the first day of the hearing. The Panel found him to be a measured witness although his evidence was, for the most part, not of direct contact with Reverend Blakeley or of contemporaneous matters. In particular, the Panel were assisted by his explanation of the dissemination of information around the Diocese when it came to safeguarding.
21. The Archdeacon's second witness statement, which was produced late and admitted by agreement at the beginning of the hearing, was principally concerned with exhibiting an explanation from the former DSA, David Finan, as to why he was unable to attend to give evidence at this hearing, together with some contemporaneous notes provided by him in relation to a point raised by Mr Blakeley that he had sought Mr Finan's advice in 2016 as to whether any further steps were needed concerning Person 3. Mr Finan's account, provided second-hand through the Archdeacon, is vague and inconclusive as to whether or not he did advise Mr Blakeley, only going so far as to conclude that had he done so he would expect his contemporaneous notes would reflect that, which they do to only a very limited extent. The Panel is unable to attach much weight to the content in these circumstances, although noting that Reverend Blakeley himself indicated that he thought the note was broadly accurate.
22. One point that the Panel did draw from those notes was that they refer to three separate episodes of sexual abuse of children by Person 3. First they record him having abused a boy (named by first name only in the notes and otherwise unknown), a member of the congregation, in the 1990s and having been convicted of that in 1995. Next they refer to the offences committed against Person 1 when he was 17 years old. Then they state that Person 3 had also been convicted and sentenced in relation to a separate and further episode

of sexual abuse in or around 2006. If correct, this conviction took place during Mr Blakeley's tenure.

23. This further conviction for a separate offence by Person 3 had not previously been mentioned by anyone in these proceedings. The Archdeacon's evidence in response to a question from Panel member Reverend Paul Tudge was that he only became aware of this himself for the first time upon receiving Mr Finan's notes earlier this week. Mr Blakeley, when questions regarding the additional conviction were put to him, stated that as far as he was aware this must be an error in the form of a typo or some possible conflation with the original conviction, since he knew only of two episodes of abuse and none following that inflicted upon Person 1. Without evidence from Mr Finan directly, or any external confirmation or otherwise of this additional conviction, the Panel is unable to draw any firm conclusions as to the detail of any offences, and how many offences, Person 3 has committed over time and when. It was of concern to the Panel that there was a lack of any certainty over these important matters in a safeguarding context. To the extent that Mr Finan's note contained errors, and the Panel noted several, the Panel were surprised to hear these described by Mr Blakeley in his cross examination as "...*little glitches* [although the note is] *basically correct*...".

24. The Archdeacon's additional evidence also threw up a further area of concern, in that the note of Mr Finan's conversation with Mr Blakeley also recorded that Person 3 had been banned from contact with his nieces and nephews. Upon being asked about this Mr Blakeley said this appeared to be a further error in the record as he was not aware of any such ban by Person 3's family. However he confirmed that he had been contacted by the police regarding a sighting of Person 3 entering his house with children. He had sought explanation from Person 3 about this. He had received an explanation that this was completely innocent and these were his nephews and nieces. Mr Blakeley said he felt satisfied with this. The Panel were concerned to note that Mr Blakeley conceded that he himself would not have known Person 3's nephews and nieces and that he had simply accepted the truth of the explanation he was offered by Person 3 of his contact with these children at face value.

Helen Blakeley:

25. Mrs Blakeley gave evidence briefly about the circumstances in which she overheard the phone call between her husband and Person 1. She did so, the Panel accepts, to the best of her recollection, although it was noted that she was engaged on another, pressing professional task at the time the call happened.

Carol McIntosh:

26. Carol McIntosh was the Parish Secretary. The Panel were impressed by the honesty of her reflection, for example as to the extent to which her overpowering curiosity as a result of overheard conversations had driven her to ask Mr Blakeley to identify Person 3 as having a conviction for sexually assaulting a child.

Margaret Massey Vickers:

27. The Panel also received evidence from Margaret Massey Vickers who was, at the relevant times, the Parish Safeguarding Representative. Mrs Massey Vickers is an experienced former headteacher and presented as an honest witness who provided helpful insight into the way in which safeguarding was approached and understood in the parish. She also gave useful evidence as to the role and status of House Group Leaders.

Julian Blakeley:

28. The Respondent, Mr Blakeley, gave evidence on the morning of the second day. He is an experienced parish priest who has plainly sought to do his best by his parishioners. The Panel observed that he has a highly-developed sense of pastoral ministry and evidently cares about his parishioners. The Panel concluded that Mr Blakeley had given an over-all honest account based on his own perception of matters.

29. However not all of his answers were satisfactory and there was some evasiveness in his evidence. By way of example, he appeared keen to downplay the status of House Group Leaders in the parish. The Panel concluded that this was as a result of the realisation, with hindsight, that Person 3's appointment as a House Group Leader had been inappropriate

given that such Leaders do, as the Panel finds, occupy an important and prominent leadership role in the parish (a matter attested to with great clarity by Margaret Massey Vickers). When cross-examined about this Mr Blakeley refused to concede any points and appeared unwilling to be pinned down even to obvious answers. For example, after some pressing questioning by Mr Dobson, he was only willing to go so far as saying that House Group Leader was “*a role, not a position of responsibility*” and giving a series of answers regarding the prominence of and access to House Group Leaders which the Panel found needlessly indirect and evasive.

30. Furthermore we were concerned that many of his answers under cross-examination concerning the monitoring of Person 3 and safeguarding the risk he potentially continued to pose, revealed a lack of insight and a degree of naivety which, in the Panel’s view, underpins many of the matters that have come before it. The Panel concluded that Mr Blakeley had developed something of a blind-spot as regards Person 3. There was no evidence that the reason for this was anything other than well-intentioned, seeming to the Panel to be directed at redemption and facilitating Person 3’s rehabilitation. But in pursuing those aims the Panel concluded that Mr Blakeley had substantially lost sight of the ongoing safeguarding risks posed to children and the paramount need for the utmost care in ensuring that safeguarding was rigorously and objectively enforced, even where that may have been deemed unpalatable or intrusive by Person 3.

Findings of fact relevant to allegations (1) and (2):

Allegation (1):

31. The factual framework of this allegation is not in dispute. There is no disagreement for the purposes of these proceedings that Person 1 was a survivor of abuse perpetrated by Person 3. It is also common ground that on 19 January 2011, Person 1 telephoned Mr Blakeley. Person 1 phoned from the school office during a break at the school he taught at and Mr Blakeley was at home at the time of the call. Mr Blakeley’s wife was in the room when the telephone call took place and gave evidence as assessed above. Person 1’s side of the telephone call was also overheard, this time by the school secretary who was in the school office throughout. No evidence was available from the school secretary for cogent reasons supplied to the Panel, which we accept.

32. It is not in dispute that Person 1's purpose in telephoning Mr Blakeley was to request a meeting, to include his church elders and those from Mr Blakeley's church along with Mr Blakeley himself. Nor is it disputed that he indicated that he had information to share, but that he refused to share the details with Mr Blakeley over the phone. It is also common ground that it was disclosed that the information related to Person 3 and that there was reference to potential police involvement, and that Mr Blakeley refused the meeting and said that he needed to take advice. It is agreed that he subsequently did take advice from the Archdeacon in post at the time, Paul Ferguson, and was able to phone Person 1 back the next day to relay the content of that advice, a conversation which proceeded without incident.

33. However there are a number of key areas of disagreement in relation to the facts of the telephone call. The first material difference in account was as to whether Person 1 was requesting that Person 3 attend the meeting as well. Mr Blakeley's adamant account is that he was. Person 1's clear evidence was that he did not. Although we noted that a much later (2016) telephone attendance note taken by the then DSA, David Finan, of a conversation with Mr Blakeley recorded Mr Blakeley's recollection that had refused to meet Person 1 because of a concern that a "kangaroo court" would be created, we were struck by a number of inaccuracies in Mr Finan's note, the source of which was unclear, and in any event the Panel did not draw from that reference specifically that Person 1 had requested the attendance of Person 3. Person 1 gave a convincing oral account under cross-examination concluding "*No, I never wanted him there*" which the Panel accepted. The Panel therefore finds, on the balance of probabilities, that Person 1 did not request the presence of Person 3 at the meeting he sought to arrange. Mr Blakeley's recollection that he did is, we find, mistaken.

34. The next material differences form the basis of the particulars of allegation 1, namely that Mr Blakeley adopted an aggressive tone during the phone call with Person 1 (which forms the basis of allegation 1(a)) and that he used a series of words and phrases and that in using them he was insensitive to Person 1 (which forms the basis of allegation 1(b)).

Allegation 1(a): adopting an aggressive tone:

35. Turning first to the factual question of whether or not Mr Blakeley used an aggressive tone during the phone call with Person 1. The Panel noted Mr Blakeley's denial that he did so.

His evidence, oral and written, was that Person 1 phoned him and spoke aggressively but that Mr Blakeley had merely remained “...*firm as his [Person 1’s] insistence increased.*” This account was supported by the evidence of Helen Blakeley, his wife, who attested that although she could not hear the words spoken by Person 1 down the phone she could hear that he was being loud. Her written testimony was that Mr Blakeley was “...*firm about the need to seek advice but not aggressive in his response.*”

36. Person 1 very fairly volunteered that he felt that the phone call had “...*escalated...*” and “...*spiralled out of control towards the end...for both*” parties. It was, the Panel finds, self-evidently a very difficult conversation. It was one which had required a great deal of bravery for Person 1 to make and in which he accepts he was very focussed on achieving a meeting with Mr Blakeley, but it was also one that caught Mr Blakeley off guard without any prior warning.

37. The Panel has reviewed the conflicting accounts on the question of whether or not Mr Blakeley was aggressive during the call and, on the balance of probabilities, prefer that of Person 1. His own evidence was given with impressive calm and openness. He did not seek to shy away from his own emotional response during the conversation and in this we draw a contrast with Mr Blakeley’s account which, unrealistically in the Panel’s view, refused to accept to any degree that he had gone further than merely being “*firm*” during the call. Although he did admit, in relation to content, that he was “*stonewalling to a point*” because he wanted to seek advice, no other concession was made and none in relation to tone in what the Panel finds was plainly a highly charged conversation on both sides.

38. Whether or not a tone is aggressive is a subjective matter and may depend on a number of factors including volume, content and context amongst other matters. But for the following reasons the Panel were satisfied to the civil standard that there was aggression from Mr Blakeley during the call:

38.1. Person 1 gave convincing evidence that Reverend Blakeley had “...*raised his voice, was agitated. It was very clear to me that he didn’t want to take this call to me. Yes he was aggressive*”;

38.2. Person 1’s evidence was supported by a contemporaneous diary of contacts connected with his attempts to make fresh or renewed disclosures regarding Person 3.

Questioned as to when the entry concerning the 19 January 2011 phone call was produced he gave clear evidence, which the Panel accepts, that he was unable to write an account immediately following the call as he had lessons to teach in the afternoon, but that he did so later on the same day. The Panel accepts this and finds that the proximity of the recording of matters to the events of the phone call itself meant that matters were fresh in Person 1's mind. The entry concerning the phone call records that Reverend Blakeley "*became hostile*" and the content of their exchange as recorded in the diary indicates attacking and undermining language commensurate, in the Panel's view, only with aggression;

38.3. Person 2 gave evidence of meeting her husband immediately after the phone call took place. Her account was convincing and not overstated. She provided the Panel with a clear picture of the events which took place, including that they met in the corridor by chance and entered a private area called the staff work room (separate from the staff room). There her evidence was that he was visibly distressed and shaking and she was "*surprised at how upset he was*". She explained that she had "*...just held him in my arms to comfort him. I remember doing that because we were at school and so I would never normally do it but I felt I had to break that protocol and give him the comfort that he needed*". This reaction to the call and Person 2's surprise at the extremity of it went further than mere disappointment or perhaps even anger at refusal of Person 1's request for a meeting and tended, in the Panel's view, to support, the account Person 1 gave of having experienced aggression during the call;

38.4. Julie O'Hara is a wholly independent witness. Her evidence contained an account of a telephone call between her and Mr Blakeley on 8 September 2017, shortly after her appointment as Diocesan Safeguarding Advisor, when she called to advise Mr Blakeley that as a result of receiving what is described as a blemished (i.e records the existence of a relevant conviction or safeguarding matter) Confidential Declaration Form for Person 3 she would have to visit and interview Person 3 in order to ensure compliance with guidance from the House of Bishops. Her written evidence records that she met with resistance from Mr Blakeley in this conversation and records that he "*became very distressed...and refused to allow the meeting to go ahead...*" He became "*...very emotional and angry during the telephone exchange and at one point informed me that I was going to "destroy this man's life" and that he had "wept with [Person*

3] *in relation to this matter.*” Asked by the Panel about Mr Blakeley’s tone during this conversation, Ms O’Hara’s oral evidence was that Mr Blakeley had been “...*verbally loud, shouting at times, the language he used was very personalised, that I was “going to destroy this man’s life”.* It felt very much as though he was fighting the corner to keep [Person 3] safe. Immediately following that call I was so upset and concerned that I called the Archdeacon of Cleveland. I was new in post and this had been a very difficult exchange. It caused me emotional upset at the time.” She also records a further telephone call between them on 5 October 2017 “...*during which he became upset and angry, asserting to me that [Person 3] would be “emotionally destroyed” by the process and that it “should not be happening”*”. The Panel considered that the striking similarities in the content and circumstances of these calls and that between Person 1 and Mr Blakeley, including the language used and the reaction that Mr Blakeley’s tone and approach had induced in Ms O’Hara, provided strong and independent evidence pointing to the likelihood of Person 1’s account of that call being accurate.

39. The Panel regards the foregoing matters as more compelling than the evidence we heard from Mrs Blakeley on this point. Mrs Blakeley was in the room and able to hear the conversation but was not closely observing her husband or, we conclude, his tone or the content of the conversation as she explained in some detail that she was busily engaged in working on a report or presentation of some significance to her new post as headmistress throughout the time of the call.

Allegation 1(b): phrases used (or substantially similar phrases used) during telephone call:

40. Allegation 1(b) identifies six phrases, or substantially similar phrases, used during the 19 January 2011 phone call, the use of which is said to have been insensitive. Mr Blakeley has made partial admissions in respect of two of the phrases alleged to have been said, but denies that he said the balance set out in allegation 1(b).

41. Mr Blakeley’s qualified admissions, and the Panel’s findings concerning them, are as follows:

41.1. Mr Blakeley admits saying to Person 1 (in respect of Person 3) “*I have wept with him...*” Mr Blakeley described this as a figure of speech rather than a literal

statement. He denies saying a longer phrase that Person 1 reports him as saying namely “*I have wept with him when other accusations have been made*” and gave an explanation that the metaphorical weeping related to times unrelated to other accusations and rather to emotional points for Person 3 such as a dawning realisation that he was unlikely to be able to find a life partner and a point at which his father became ill. The Panel has no doubt that Mr Blakeley’s pastoral concern for Person 3 did lead him to provide support at such moments. However this is not incompatible with Mr Blakeley having told Person 1 that he had “...*wept with him when other accusations have been made*” and we find that this longer phrase was said during the 19 January phone call. In reaching this conclusion the Panel found Person 1’s evidence of detail of the conversation to be the more compelling of the two conflicting accounts. It was supported by the contemporaneous evidence of the diary entry kept by Person 1 of the phone call and we were also struck by a particular answer during cross examination when he was asked by Ms Robinson as to whether the longer phrase had in fact been said and replied “*He did. It was those words that prompted me to write at the time what had been said and create the diary.*” The Panel also noted that despite Mr Blakeley’s oral evidence that he was only aware of one conviction on the part of Person 3, in his written evidence for these proceedings he refers (at para 25) to Person 3’s “*Convictions*” plural. This chimes with the record of former DSA David Finan’s note of a conversation with Mr Blakeley in 2016, which Mr Blakeley said contained some “*minor glitches but is basically right*” which appears to describe 3 separate incidents (i.e. 2 separate convictions and the incident with Person 1) plus a further fourth complaint regarding nephews and nieces. The Panel is unable to reach any conclusion on how many convictions, incidents of abuse or complaints Person 3 has in fact received or been involved with but notes, for the purposes of evaluating whether the longer phrase as alleged in allegation 1(b) was said, these points tend to support the fact that Mr Blakeley alluded to “*other accusations*” during his phone call on 19 January 2011.

41.2. Mr Blakeley admits saying to Person 1 that he should “*learn about forgiveness*”. In particular at paragraph 5 of his Statement of Case it is clearly stated that “...*it is accepted that Reverend Blakeley told [Person 1] that he should learn about forgiveness*”. However there appeared to be an attempt to gloss this in Mr Blakeley’s written evidence where it was said “[following a phone call the Archdeacon had with

Person 1]...*Person 1 had reported me as saying "he should learn to forgive". I said at the time that this was untrue as I remembered being very clear in what I had said speaking of the principle of forgiveness...*" A further argument was advanced on behalf of Mr Blakeley in closing which appeared to advance a similar point whereby it was said that the phrase "*learn about forgiveness*" was said in the context of an accusation by Person 1 that Mr Blakeley did not really know Person 3 or his background. It was therefore denied that the words were said in the context of telling Person 1 that he should forgive Person 3. The Panel found that these points did not make sense, were confused and unconvincing. The more cogent and likely explanation, and the one that the Panel finds to be the case here, is that this phrase was said to Person 1 by Mr Blakeley by way of an instruction or advisory comment to him that he should forgive Person 3.

42. Besides those partial admissions were also phrases Person 1 reports as having formed part of the telephone call but which are denied by Mr Blakeley. The Panel's findings regarding these phrases are as follows:

42.1. Mr Blakeley denies saying to Person 1 "*You are going to destroy this man's life*". The Panel found Person 1 gave a convincing account of this in his oral evidence which was reinforced by the contemporaneous diary entry which recorded this to have been said. This contemporaneous written record provided more cogent evidence, in the Panel's view, of the actual words and phrases that were said than simply the reliance on memory, now going back 11 years, upon which Mr Blakeley and his wife based their accounts. In addition the Panel noted that Person 2's corroboration of this particular phrase in her oral evidence under cross-examination when she stated "*That conversation massively impacted on our lives because [Person 1] told me that Julian Blakeley had said "get down on your knees" and to "beg forgiveness" and that he would "ruin this poor man's life". It altered the way we saw the Church of England from then on and it became an unsafe place.*" The Panel also noted that exactly the same phrase is reported as having been used by Mr Blakeley in the independent record of the conversation between him and Julie O'Hara in 8 September 2017 concerning Person 3's blemished Confidential Declaration Form and a similar phrase in their further telephone conversation on 5 October 2017 (where he referred to Person 3 being "*emotionally destroyed*" by the process). Weighing these matters against the denial by

Mr Blakeley that he said these words, the Panel concluded that it was more likely than not that he did say them;

42.2. Mr Blakeley also denies saying to Person 1 any of the phrases that he should “*fall on his knees*”, “*repent*” and “*beg forgiveness*”. As with the evidence concerning other specific phrases, the Panel found Person 1 gave a convincing account of this in his oral evidence which was reinforced by the contemporaneous diary entry which, in the Panel’s judgment, provided more cogent evidence of the actual words and phrases that were said than Mr Blakeley’s reliance on memory. The Panel considered Mrs Blakeley’s evidence in relation to the phrases “*fall on his knees*” and “*beg forgiveness*”, namely that these were “*totally out of character*” for Reverend Blakeley and that had he said them she would have intervened as she would have considered them too harsh. However we were unable to attach much weight to her evidence that she had not heard him say these phrases as, we have found, she was not closely observing her husband given her engagement on her own work and its importance to her. Furthermore the fact that they may have been out of character for him to say does not mean that they were not said by him. The compelling evidence of Person 1 in respect of the three phrases, the reinforcement of that in his contemporaneous diary and the evidence in cross examination of Person 2 referring to Person 1 reporting the immediate aftermath of the call the specific phrases “*fall on his knees*” and “*beg forgiveness*” were, in the Panel’s view, persuasive. The Panel were unanimously satisfied on the balance of probabilities that each of these phrases was said by Reverend Blakeley during the course of the phone call,

Inensitivity:

43. The Panel considered whether the foregoing findings of adopting an aggressive tone and using the words and phrases we have found above amounted to insensitivity on the part of Mr Blakeley in the context in which they occurred. We considered that it did.

44. The circumstances in which the aggressive tone and words and phrases were used were, the Panel finds, as follows. Person 1 had informed Mr Blakeley that he was calling with a desire to set up a meeting in order to share information regarding Person 3. Person 3 was known to Reverend Blakeley to have a conviction for sexual assault of children. Part of the

conversation related to approaching the police with the information in question. There was, the Panel finds, an obvious urgency and insistence on the part of Person 1 to set up a meeting in order to share the information he held regarding Person 3. In these circumstances the Panel concludes that Mr Blakeley was on notice that this matter related, or was likely to relate to, sexual offences concerning Person 3. If the Panel is wrong in that conclusion then it was in any event obvious from Person 1's insistence and unwillingness to express himself in detail over the phone that the matter was sensitive, whatever the nature of the information. In either case, the nature of the conversation clearly demanded sensitivity from Mr Blakeley. Whilst the Panel appreciates that the phone call came out of the blue and caught him unawares, it would have been readily apparent that polite, careful, moderate responses were appropriate and that aggression and what the Panel judges to be personal, potentially offensive language was not.

45. Throughout these proceedings, the Panel has noted with concern that Mr Blakeley's references to Person 3 have revealed a naïve attitude, overly reliant on a trusting approach to a combination of Person 3's own self-regulation and inadequate, poorly understood local monitoring. The Panel noted for example paragraph 23 of Mr Blakeley's evidence where he stated in relation to Person 3 "*I never had to stop him doing anything, or ask him to stand down (other than the PCC in 2018) as he safeguarded himself, and there were others who knew of his past who also monitored him.*" "Safeguarding himself" is, in the Panel's view, tantamount to no safeguarding at all. Mr Blakeley's complacent attitude to monitoring Person 3 (described by Mr Blakeley to Julie O'Hara as "in house" monitoring") was further described when he said: "*During my time at St George's, Person 3 was monitored by those who knew him and he never sought to be involved in any work we did with teenagers or young adults*". The fact that Person 3 never made a request to be involved in work with young people is, of course, no reassurance that he will not seek to reoffend covertly and find other means of accessing children. It was apparent from his written evidence (for example paragraph 28) that Mr Blakeley's emphasis on pastoral care for Person 3 led him to erroneously adopt a light-touch management of Person 3 (and the Panel notes in referring to a meeting in 2017 between him, the DSA and the Archdeacon, Mr Blakeley refers to the fact that "*...I tried to put a human face on the situation, which I felt was being governed totally by rules...*"). It was also revealed in cross examination that in fact Mr Blakeley did not know exactly who knew of Person 3's history ("*I was always surprised by how many people did know*"), that there was no list of those who were doing

the informal “monitoring” and nothing more to the informal monitoring than a broad understanding that Person 3 should not be included in activities involving children. Such a lax, broad and poorly defined approach is evidently very far from watertight and is of real concern.

46. It was also revealed that Mr Blakeley himself was unsure of the basis for Person 3’s original conviction (having a broad understanding but no knowledge as to, for example, whether it was limited to voyeurism, per Person 3’s account to him, or to specific incidents of abuse against a young past member of the congregation as appeared to be the case from Dave Finan’s record of his conversation with Mr Blakeley). His oral evidence revealed the extent of his trusting relationship with Person 3 when he was phoned by the police regarding a sighting of Person 3 entering his house with children. Mr Blakeley simply accepted without question Person 3’s account that these were his nieces and nephews. They may well have been, but questioning revealed that Mr Blakeley does not know that and despite the fact that the circumstances had been sufficient to arouse suspicion and a police report, Mr Blakeley simply took on trust the account of a convicted child sex offender and appeared, during his evidence, to see nothing of concern in that.

47. The Complainant referred to a “blind spot” on the part of Mr Blakeley as far as Person 3 was concerned and Julie O’Hara’s written notes recorded that Mr Blakeley “...*appeared to be unable to take an objective view of [Person 3’s] convictions and therefore act to keep others safe.*” The Panel agreed with these views to an extent, although we felt it important to note that Mr Blakeley’s conduct appeared to be principally naïve and neglectful of rules and that he did seek advice in relation to the management of Person 3 and did comply fully with all of the safeguarding instructions he was given. Nonetheless, it appeared to the Panel that Mr Blakeley’s pastoral attitude to Person 3 on this occasion led both to aggression in the course of the phone call with Person 1 when he perceived threats to Person 3’s rehabilitation, and to the language used to Person 1 during the course of this telephone call. These responses were insensitive, in the Panel’s view, in circumstances which plainly demanded a careful and respectful response.

Allegation (2)(a):

48. Allegation 2(a) is that Mr Blakeley failed to comply with his duty to have due regard to the House of Bishop’s guidance on safeguarding children and vulnerable adults (“Protecting

All God's Children" 4th edition 2010) by encouraging or allowing Person 3 to take on an official role as Home Group Leader and as a member of the PCC, contrary to National Safeguarding Guidance.

49. When very properly questioned by Ms Robinson about what was intended by the word "encouraged" in this allegation, Archdeacon Andrew Broom explained that "*From a very early stage Mr Blakeley has been a great supporter of Person 3, ...encouraged him in wider endorsement and personal encounters...It was an inappropriate advancing of the person through church life.*" The Panel understood the reason for that description given what it has heard, but we were unable to conclude that there was any actual encouragement into these particular roles.

50. However the allegation is framed in the alternative as to encouragement or allowing. It is not factually in dispute (and we are, in any event, satisfied) that Person 3 held the roles of House Group Leader and PCC member during the relevant period and that he was "*allowed*" to do so by Mr Blakeley.

51. It is incontrovertible that paragraph 8.19 of Protecting All God's Children states as follows:

"The offender should not accept any official role or office in the church which gives him or her status or authority; a child may deem that person to be trustworthy..."

52. Where Mr Blakeley was, however, unwilling to make any concession was in respect of his view that the roles of Home Group Leader and PCC member were not roles conveying "*status or authority*" on Person 3. In cross examination he would only allow that a Home Group Leader was "*...a role, not a position of responsibility*" and his answer to the question put to him by Mr Dobson regarding whether PCC membership was a position of authority and status was "*It is a responsible role. I have never described it as a role of status or authority*".

53. These answers were self-serving and inaccurately downplayed the importance of these roles in the parish. A PCC member is chosen and elected at a public meeting and upon appointment becomes a trustee. It is a position of status and responsibility (as indeed Mr Blakeley's somewhat evasive answer half-conceded.) The importance of Home Group Leaders was made particularly plain when former Parish Safeguarding Officer, and former

Home Group Leader, Margaret Massey Vickers gave her evidence. She explained with convincing clarity that the Home Group Leaders were known to the congregation, singled out as important people and were part of the leadership group of the church. The Panel finds that Home Group Leader and PCC member were official roles which gave Person 3 status or authority in the church.

54. Those matters being established to the Panel's satisfaction on the balance of probabilities, we turned to the question of whether, in allowing Person 3 to occupy these roles, Reverend Blakeley had failed to have due regard to the House of Bishop's guidance in "Protecting All God's Children". It is said on Mr Blakeley's behalf, and the Panel accepts, that it is important to look at the time frame for allegation 2(a), namely 2016, from the date at which the obligation to have due regard to the House of Bishop's guidance came into force, up to 2018 and to examine what Mr Blakeley did during that period. In particular it is said that Mr Blakeley contacted Dave Finan, the DSA at the time, and that Mr Blakeley was entitled to consider Mr Finan an expert in this area. It was argued by Ms Robinson in closing that *"that is enough, he was trying to ensure that he does everything that needs to be done."*

55. The Panel were unable to accept this account of having "due regard". An explanatory note dated February 2020 made explicit what has been understood to be the meaning of due regard since the introduction of that duty, as follows:

*"The legal duty to have due regard means that the person to whom the guidance is directed is **not free to follow the guidance or not as he or she chooses**. As a matter of law, the guidance should be given great weight and must be followed unless there are "cogent reasons" for not doing so."*

56. The following is said about "cogent reasons":

" "Cogent reasons" are reasons that are clear, logical and convincing. It will be very rare indeed for there to be cogent reasons for not following House of Bishops guidance on safeguarding. Cogent reasons are likely to arise only where the guidance does not contemplate a particular, unusual situation arising so that it becomes necessary to take a different approach from that set out in the guidance in order to meet the particular circumstances of the case.

When would “cogent reasons” be applied?

A person who is required to have due regard to the guidance should not simply take it on him or herself to decide that there are cogent reasons for departing from the guidance. Such a decision should be taken – if at all – only after case specific advice has been obtained from both the diocesan safeguarding advisor and the diocesan registrar.”

57. It was accepted by Ms Robinson on behalf of Mr Blakeley that, although this guidance document itself was not available in the period relevant to these allegations, nonetheless it simply had the effect of embodying what Ms Robinson accepted would have been the same meaning and effect in 2016.
58. In terms of the steps Mr Blakeley took, the Panel is unable to accept that by approaching Dave Finan in the way that happened Mr Blakeley was compliant with his obligation to have due regard to the House of Bishop’s guidance. It was not argued before us that there were cogent reasons for disapplying the guidance which prohibits offenders from occupying roles of status and responsibility, nor has the existence of any such cogent reasons been identified by the Panel from the facts of this case. Even if there had been any cogent reasons, Mr Blakeley’s evidence was simply that he approached Dave Finan on an entirely separate matter and happened to mention Person 3 in passing while discussing this. The particular query he raised was as to whether Person 3 was on the sex offenders register and whether this affected the roles that he held. Mr Blakeley’s evidence is that Mr Finan said no further restrictions were required. Mr Finan’s untested written account, adduced via the Complainant, was vague and uncertain as to what he had advised, save that he said that he “*would have considered the adult status of the activity and I would have advised accordingly*”. It is suggested by Mr Blakeley that this was an endorsement of the status quo, but the Panel is unable to accept that. In any event there is no suggestion that Mr Blakeley was exploring, or had identified, any “cogent reasons” for disapplying the guidance with Dave Finan, or that he had involved the Diocesan Registrar. The note of the information Dave Finan produced from his conversation with Mr Blakeley contains, in the Panel’s assessment (although we note Mr Blakeley’s broad endorsement of it) many errors as to dates and facts and therefore gives rise to significant doubt as to the accuracy of the information conveyed to Dave Finan. And ultimately the only substantive reply from Dave Finan appears to be that he did not know whether Person 3 was on the register and that he

would look into it. However he did not get back to Mr Blakeley and Mr Blakeley did not follow it up.

59. It is also argued that there could not have been a lack of due regard on the part of Mr Blakeley in relation to allowing Person 3 to occupy the PCC role during the relevant period in circumstances where Julie O'Hara, the expert DSA, did not herself immediately become aware of a change to the Church Representation Rules creating an absolute prohibition against Person 3 from being a PCC member.
60. This argument assumes that the House of Bishop's guidance did not already prevent membership of the PCC by offenders such as Person 3. In the Panel's view this assumes too much and in fact the guidance did prevent Person 3 from occupying a role on the PCC, save for the fact that it admitted the possibility of "cogent reasons" (of which none were present here) which might in exceptional circumstances have allowed an offender such a role. The Church Representation Rules rule change simply created an absolute rule in respect of PCC membership but did so, in the Panel's view, in a situation where this was already inappropriate and indeed prohibited in most circumstances (including those in this case) because of the status and responsibility the role involves and the fact that the PCC has a role in safeguarding. Accordingly the argument that Julie O'Hara's late recognition of the rule changes absolves Mr Blakeley from his duty to have due regard to the guidance in respect of the PCC role is misconceived.
61. It is also said that Mr Blakeley ultimately complied with all of Julie O'Hara's requests and worked with the DSA team after some initial resistance and questioning. The Panel accepts that he eventually did so. However the duty to have "due regard" to the guidance is placed explicitly on the incumbent (by section 5(2) (a) of the Safeguarding and Clergy Discipline Measure 2016). It is not discharged simply by complying with requests made from time to time by the DSA. The incumbent must themselves, directly, ensure that the guidance is followed and in this case that meant not allowing Person 3, as a relevant offender, to occupy a post of status or responsibility contrary to the guidance. That he did so for two years prior to Mr Blakeley's ultimate compliance with the instruction of Julie O'Hara is a failure on the part of Mr Blakeley to have due regard to the impact of the guidance.

62. For completeness the Panel also noted that during the relevant period the parish undertook a safeguarding audit. However Mr Blakeley led little evidence about the scope of the audit nor has he sought to argue that the audit in any way formed part of what he argues was his having “due regard” to the House of Bishop’s guidance. Margaret Massey Vickers’ evidence (as Parish Safeguarding Lead, Mrs Massey Vickers led the audit) did not suggest that the audit had reviewed the impact of the guidance on Person 3’s roles or identified any cogent reasons for him to be allowed to continue in them.
63. For the foregoing reasons the Panel was satisfied that there had been a failure to have due regard to the House of Bishop’s guidance by allowing Person 3 to occupy the roles of Home Group Leader and member of the PCC between October 2016 and 2018. It was not part of the Designated Officer’s case that this was a deliberate breach by Mr Blakeley, but rather a neglectful one and the Panel agrees with that analysis.

Allegation (2)(b):

64. The relevant facts of allegation 2(b) are not in dispute. It is accepted that Mr Blakeley did not keep a copy of the safeguarding agreement which he entered into with Person 3 in 2011, and rather the only original had been sent back to the Archdeacon, where it continued to be held. It is also accepted that no reviews were carried out of the agreement (and indeed could not be reviewed because no copy was available in the parish and nor were the precise terms of it known or remembered by Mr Blakeley or Mrs Massey Vickers.)
65. The Protecting All God’s Children guidance requires a safeguarding agreement to be enforced and no changes made without consultation with the DSA, and requires that the agreement should be reviewed at regular intervals, at least annually. York Diocese’s own guidance, dated August 2011, requires the agreement to be reviewed at least three monthly. The enforcement and review requirements in both sets of guidance are predicated upon the incumbent having access to a copy of the safeguarding agreement.
66. It is admitted that there was no review and that there could be no review because no copy of the agreement was kept in the parish. It was argued that this did not amount to a failure to have due regard to the relevant policies (national and local) because by Julie O’Hara’s own evidence, it is not clear, under the policies, whose responsibility it is to conduct the

reviews. On behalf of Mr Blakeley it was said that in such circumstances it is enough that Mr Blakeley was in touch with the DSA and ultimately followed her instructions as regards Person 3's roles.

67. The Panel are not satisfied that this amounts to due regard to the requirements to review the safeguarding agreement. It is abundantly clear from the information contained in both national and local policies that sexual offending against children is highly complex, sophisticated offending and that the behaviour that underlies it is compulsive. To this end the policies are themselves detailed and create requirements which are much more sophisticated than simply saying "X should not be involved in any activities with children". Rather the policy requirements are aimed at ensuring that those with direct contact with the offenders, who therefore have the greatest access to and knowledge of them, bear the responsibility of ensuring the safeguarding arrangements are tailored and evolve regularly. This is in order to ensure that they continue to be sophisticated and bespoke to be effective.

68. Such an approach is only possible by regular reviews undertaken by or involving the incumbent himself – it is not possible to pass responsibility for review wholly on to those more senior or more expert, such as the DSA, the Archdeacon or the Bishop, as they are more remote and less familiar with the particulars of each case. The Panel also noted paragraph 2.13 of the Guidelines for the Professional Conduct of Clergy which impose the obligation to "*know and observe national and diocesan guidelines and requirements*" directly on the incumbent. Due regard to the requirement for review in these circumstances, in the Panel's view, meant thoughtful review of the scope and suitability of the agreement from time to time by Mr Blakeley, based on his changing and updating knowledge. He could of course have been assisted or reminded by the DSA or others, but ultimately as he had the knowledge and the relationship, the sense and spirit of the guidelines required his input.

69. It was further argued on behalf of Mr Blakeley that Mrs Massey Vickers' evidence was that "in reality" the agreement was always under review because it was always on her mind. This is plainly wrong and in no sense amounts to a review of the safeguarding agreement. Mrs Massey Vickers freely admitted that she had never seen a copy of the agreement and did not know what was in it. She was not in a position to review it even in the loosest sense of the word. Moreover her evidence was that seeing a copy would have made no difference

to the way matters were approached as regards Person 3, which gives the lie to any suggestion that there was anything akin to a meaningful “review” of safeguarding with respect to Person 3 in the broadest sense, even if not referable to the terms of the agreement.

70. She stated (and the Panel fully accepts) that safeguarding children was her paramount concern and that she believed that by her oversight of Person 3 in every aspect that she deemed required monitoring “...we were doing all that we should.” With respect to Mrs Massey Vickers, who has considerable experience and no doubt a great deal of common sense and good judgment, this is manifestly insufficient to be a secure way of approaching the safeguarding risk posed by Person 3 in the parish.

71. For the foregoing reasons the Panel was satisfied that there had been a failure to have due regard to the House of Bishop’s guidance by failing to follow national and Diocesan safeguarding guidance in failing to retain and carry out regular reviews of the safeguarding agreement between October 2016 and 2018. It was not part of the Designated Officer’s case that these were deliberate failures by Mr Blakeley, but rather neglectful ones and the Panel agrees with that analysis.

Findings as to conduct unbecoming or inappropriate conduct: charge 1

72. In light of its findings of fact, the Panel has considered whether the first allegation, proven on the facts, amounts to conduct unbecoming or inappropriate to the office and work of a clerk in holy orders.

73. We have had regard to the following Canons and sources of guidance in reaching the conclusions which follow in this matter:

73.1. Paragraph 2 of Canon C 26:

Canon C 26.2 – Of the manner of life of clerks in Holy Order

2. A clerk in Holy Orders shall not give himself to such occupations, habit, or recreations as do not befit his sacred calling, or may be detrimental to the performance of the duties of his office, or tend to be a just cause of offence to others; and at all times he shall be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ.

73.2. The Guidelines for the Professional Conduct of the Clergy (the “Guidelines”), in particular the theological reflection appended to those Guidelines where it states: “...*the Christian minister must deliberately cultivate Christian character and virtues...In Pauline language, he or she must seek the fruits of the Spirit: ...patience...self-control...prudence...*”

74. The Panel concluded that the facts we have found under allegation 1 indicated that Mr Blakeley’s behaviour on that occasion was not a wholesome example, and he had exhibited a lack of patience, self-control and prudence. The situation plainly demanded sensitivity and the lack of it was damaging in its context. This was not a trivial matter and is sufficiently serious, in the Panel’s view, to amount to misconduct.

75. It was therefore the Panel’s unanimous conclusion on the balance of probabilities, that in respect of the facts we have found in relation to allegation (1) the Respondent had thereby engaged in conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders under section 8(1)(d) CDM 2003. The Panel unanimously found charge (1) made out accordingly.

Findings as to failure to have due regard to House of Bishops’ Guidance on safeguarding Children and Vulnerable Adults: charge 2

76. Having concluded that the factual components of charge 2(a) and (b) are made out the Panel in its unanimous decision was satisfied on the balance of probabilities that Mr Blakeley had in each respect failed to have due regard to the House of Bishop’s guidance on safeguarding children and vulnerable adults contrary to section 5 of the Safeguarding and Clergy Discipline Measure 2016 and section 8(1)(aa) of the Clergy Discipline Measure 2003. These were not trivial matters, given the paramountcy of safeguarding and the poorly managed risk posed by Person 3’s roles and presence at church, and are sufficiently serious, in the Panel’s view, to amount to misconduct.

77. The Panel unanimously found charge (2) made out accordingly.

Penalty:

78. Having concluded that the allegations were made out the Panel considered whether to invite the Archbishop of York to express views about the appropriate penalty. It decided not to do so. Neither Ms Robinson nor Mr Dobson invited it to do so. The Panel concluded that we had before us sufficient information to enable us to properly assess penalty in combination with the parties' submissions. We concluded that consultation with the Archbishop would produce an undesirable delay which would be disproportionate in its impact.

79. The Panel had careful regard to the Guidelines on Penalties issued by the Clergy Discipline Commission (the "Penalty Guidelines") and took the approach of the staged assessment those Guidelines set out.

Harm

80. In accordance with the Penalty Guidelines the Panel first assessed the harm caused by the misconduct in this case.

81. Person 1 came into contact with the Respondent already damaged as a result of matters not attributable to Mr Blakeley. The Panel noted that Person 1 showed good insight in fairly observing that his contact with Mr Blakeley was merely part of the harm that has been done to him.

82. Nonetheless the Panel concluded that the matters it found in relation to allegation 1 compounded the harm suffered by Person 1. In particular this effect was caused by the damaging expressions of blame (expressed in terms of the potential destruction of Person 3's life) and the suggestion that there was a need for Person 1 himself to ask for forgiveness in respect of wrongs he was the survivor of.

83. Furthermore, although the telephone call was an isolated incident, in assessing harm the Panel reminded itself of the evidence it had accepted that the conversation had been a tipping point in causing Person 1 to strongly doubt the care and support available from the Church and indeed to doubt his faith. The Panel drew this conclusion from the evidence, which it accepted, both from Person 2 - where she reported that the telephone conversation

“Altered the way we saw the Church of England from then and it became an unsafe place”
- and from Person 1, whose written evidence was that the conversation had left him with
“...no other place to go in my mind other than to walk away from my faith...” and that had
the conversation been respectful of him and had there been a greater willingness expressed
to meet and to listen *“...I believe I would have suffered much less and my faith would still
be in place...”*

84. The Panel also took note of the Designated Officer’s submission that although Mr Blakeley was plainly entitled to deny matters and to defend himself, including by cross-examining witnesses, in the circumstances of this case where Person 1 directly and Person 2 indirectly have experienced trauma there was some additional harm caused by putting them through the ordeal of giving evidence. However we attributed relatively little weight to this as a factor in comparison with the other, much more serious indicators of harm in this case.

85. It is also the case that misconduct in ministry harms society and the wider Church. It undermines public confidence in public ministry. On the facts of this case the Panel found harm in this regard as a result of Mr Blakeley’s conduct in respect of both allegations by reason of the special importance of and attention that should be given to safeguarding, the need for respectful, sensitive handling as regards disclosure of past abuses, and rigour as regards implementation of measures to prevent future abuses.

86. The Penalty Guidelines also identify that the vulnerability of the victim should be considered in the context of harm. In this regard the Panel considered it relevant to its assessment that, as a result of past abuse and in light of the resultant detriment to his mental health, Person 1 was vulnerable in the context of the matters contained in Allegation 1.

87. Although at the time he received the telephone call from Person 1 Mr Blakeley did not know of Person 1’s particular vulnerabilities, nonetheless the Panel repeats its findings of fact as to what Mr Blakeley was on notice of. The Panel observed that, in any event, in his role as Rector any call to him from a person in an evidently heightened state of emotion had the potential to be from a vulnerable person raising difficult points in a range of contexts and therefore demands sensitivity and respect in order to allow for careful navigation towards an appropriate and potentially reparative outcome. The tone and content of the phone call, as the Panel found the facts in this matter to be, in fact conveyed the

opposite messages and achieved the opposite effect, thereby harming Person 1. By reason of his vulnerabilities, this had a particularly deep harmful effect.

88. Taking all of these matters together the Panel found that the harm suffered by Person 1 was serious.

Culpability

89. In so far as the Respondent's culpability is concerned, the Panel concluded that none of the factors specified in the Penalty Guidance were present in this case.

90. The Panel considered that there were, however, two (unlisted) factors pointing towards lower culpability in this case namely:

90.1. In relation to Allegation 2 the Panel found Mr Blakeley's actions and inactions to have been neglectful rather than deliberate;

90.2. Mr Blakeley sought advice in relation to the matters in Allegation 1 and acted on it, including by promptly and non-aggressively calling Person 1 back the following day. In relation to Allegation 2, Mr Blakeley made a limited attempt to take advice from the DSA at the time, David Finan.

91. The Panel considered that on the facts that it found (including the nature of the tone and content used in relation to allegation 1 and the fact that the enquiry to David Finan was a side note to a separate, main enquiry and there was no follow up when David Finan subsequently failed to revert with important information about Person 3) these points are limited in their exculpatory effect, but we have nonetheless considered that they are present in this case and have taken them into account accordingly.

Aggravating factors

92. There are some aggravating factors in this case:

92.1. The Panel was satisfied that Mr Blakeley's behaviour in relation to Allegation 2 happened over a prolonged period (between October 2016 and 2018), and indeed

that the matters referred to in the charge were only a snapshot of the same conduct happening over a much longer period;

92.2. Mr Blakeley is an experienced clergyman. His age and his length of experience⁴ in Holy Orders at the time of the established facts underlying this case meant that he would have been respected and looked to for advice by others. He ought, in the Panel's view, to have known better, acted more responsibly and with far greater sensitivity and self-control than he did in relation to each allegation;

92.3. Although not identified on the list of aggravating factors contained in the Penalty Guidance, the Panel was struck, in this case, by a notable lack of insight and remorse exhibited by Mr Blakeley throughout the hearing. The Panel was conscious that the list of aggravating factors is intended to be illustrative "guidelines", rather than rigid "tramlines" and therefore considered it open to us to consider these absences as examples of further aggravation on the facts of this case, and did so;

92.4. For the avoidance of doubt, although the Panel was addressed about the potential to see some of our findings regarding some limited self-serving and evasive answers given by Mr Blakeley under cross-examination as evidence of concealment of misconduct we were not satisfied that this was a proper interpretation of Mr Blakeley's conduct. Nor were we satisfied that our limited findings properly fitted the mischief the direction to consider "*attempts to conceal misconduct*" in the list of aggravating factors is directed at. Accordingly the Panel did not consider that this aggravating feature pertained to this case.

Mitigating factors

93. There were also mitigating factors which the Panel took into consideration (not all were specified in terms in the limited list contained in the Penalty Guidelines mitigation section.) We considered the mitigation in this case to be as follows:

93.1. Mr Blakeley was of good character and had no previous record of misconduct;

⁴ Mr Blakeley was priested in 1999 and instituted and licensed as Team Rector of Eston with Normanby in August 2003.

93.2. He had clearly undertaken faithful ministry for many years to good effect.

Consideration of Penalty

94. The Panel has taken account of each of the above factors in reaching its decision as to penalty.

95. Any penalty imposed must be proportionate. The Panel was invited by both counsel to start our consideration of penalty from the lowest sanction available, considering the potential applicability of each in order of seriousness, only moving into a more serious category if satisfied that the misconduct crossed the threshold to justify it. We agreed with this approach and adopted it in our assessment.

96. It was concluded that a conditional discharge⁵ (which would in any event carry some difficulties relating to monitoring given that Mr Blakeley has retired and is no longer in active ministry) would be inappropriately lenient in respect of what was found to be serious misconduct in this case and given the clear recommendations in the Guidance and in the submissions made before the Panel.

97. In respect of the safeguarding-related misconduct we have found in respect of Allegation 2 the Panel was referred to the Penalty Guidance at paragraphs 5.2 and 5.3, which state:

“5.2 Where the cleric has been neglectful or inefficient (regardless of how the allegation is framed) it may be appropriate to impose a rebuke. Account should be taken of the respondent’s age, experience and seniority.

5.3 In all cases an injunction should be considered requiring further safeguarding training and, where appropriate, the ongoing supervision of the cleric in safeguarding matters.”

98. The Panel concluded from this that the neglectful conduct found in respect of Allegation 2 satisfies the requirements for a rebuke. Also that the conduct in question warrants an injunction which will, in the Panel’s view, additionally perform an important restorative function and aid in developing understanding.

⁵ A conditional deferment was not an option by reason of his retirement from active ministry.

99. The Panel considered that the matters found in relation to Allegation 1 amounted to misconduct in public ministry. The telephone call with Person 1 was, in the Panel's judgment, a pastoral encounter despite the fact that Person 1 was not a member of Mr Blakeley's congregation⁶. Although Person 1 was not a parishioner, the Panel regarded the relationship between Person 1 and Mr Blakeley at the point of the telephone call to have fundamental parallels with that relationship such that some elements of paragraph 3.4 of the Penalty Guidance were instructive, in particular where it noted: "*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.*" Paragraph 3.4 then goes on to discuss abuse of that relationship through inappropriate relationships which is plainly not in issue in this case. However the Panel was satisfied that the relevant parallels drawn from the section indicated it was appropriate to conclude that the misconduct under allegation 1 amounted to pastoral abuse and to take note of the Penalty Guidance where it stated: "*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.*"

100. The Panel was, for these reasons, satisfied that at least a rebuke and an injunction were appropriate penalties in this case.

101. However, the penalty must be proportionate to the misconduct and in this case the Panel is satisfied that the failings revealed are serious ones. Both the language of "less serious" in relation to rebuke and injunction in the context of pastoral abuses and the relatively lesser significance ascribed to those sanctions in the grading of appropriate responses to safeguarding failures led the Panel to consider whether these alone were the appropriate and proportionate penalties for this misconduct or whether a more serious outcome was warranted here. We reviewed all of the factors before us to assess whether, when considered fairly and proportionately, there were matters which took this out of the category of rebuke and injunction and crossed the threshold into consideration of limited prohibition.

102. The Panel considered that in this case the matter did cross that threshold. In particular, the Panel considered the harm done to Person 1 by the telephone call with Mr Blakeley to

⁶ Person 1's parents were members of the congregation at the time of the telephone call.

be particularly serious in a number of key respects. Previous trauma to Person 1 was compounded by both Mr Blakeley's words and his aggression. Person 1 was vulnerable and was heavily impacted and negatively affected by their exchange. The Panel has found that the telephone call was a damaging tipping point in Person 1's attitude to the Church of England and his faith. It also considered that these points will re-percuss as damage to the wider Church by eroding the trust and confidence that the public should be able to place in parochial clergy.

103. In addition the Panel were troubled by the notable lack of insight exhibited throughout the proceedings by Mr Blakeley as to the risk his neglectful attitude to safeguarding posed to his parishioners and others. We also had very serious concerns as to his naivety and the overly-trusting nature of his relationship with Person 3.

104. These factors informed our conclusion that Mr Blakeley's misconduct in this case was of greater degree of concern than the sorts of "less serious" failures which the Panel concluded the Guidance is aiming at⁷ when referring to the use of rebuke and injunction in the context of pastoral ministry and safeguarding misconduct.

105. For these reasons the Panel came to the conclusion that the misconduct in this case is sufficiently serious to warrant the imposition of a limited prohibition. This will allow time for reflection and development of insight in the light of these proceedings and the Panel's findings. It also sends a strong and clear message that the Respondent's failings were serious and are treated as such by the Church.

106. In light of all of the above we impose the following penalty⁸ in relation to the misconduct found in this matter:

106.1. A rebuke for misconduct;

106.2. An injunction that, in the event the Respondent is granted a form of authority to exercise ministry, he undertakes and completes within 6 months of the date of that

⁷ Which the Panel concluded might potentially include, amongst doubtless a wide range of other fact-specific matters, similar neglect and one-off errors of pastoral communication but in circumstances lacking the associated serious harm and risks that the facts of this individual case have revealed.

⁸ In reaching this conclusion the Panel has taken into account the fact that the Respondent retired on 17 February 2020.

grant, training courses relating to (i) safeguarding of children and vulnerable adults; (ii) pastoral boundaries; and (iii) conflict management, such courses to be approved by the Diocesan Bishop of the area where he is to exercise that ministry, having regard to the issues and concerns identified in the Panel's written decision;

106.3. A separate and further injunction that the Respondent is to cooperate with the supervision of his ministry by such person and in such respects as the Diocesan Bishop of the area where he is to exercise ministry may determine for a period of 1 year from the recommencement of his ministry; and

106.4. A prohibition from exercising any of the functions of his Holy Orders for a period of 1 year from the date of this Decision.

27 January 2022