

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

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

Complainant: THE VENERABLE DEREK CHRISTOPHER CHEDZEY

Respondent: THE REVEREND CLIVE ROGER EVANS

**Constitution of the Tribunal: The Worshipful Lyndsey de Mestre QC (Chair)
The Revd Canon Dr Anthony Rustell
The Reverend Canon Jeremy Stephen Thorold
Mr Robert Paul Needle
Mrs Patricia Anne Sykes**

**Appearances: Mr Edward Dobson, Designated Officer
Mr Justin Gau, Counsel for the Respondent**

DECISION OF THE TRIBUNAL

1. This is the Tribunal's¹ decision and reasons in relation to facts and conduct.

Introduction:

2. The hearing in relation to facts and conduct has taken place in private over 4 days between 6 and 9 December 2021.

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

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 Mr Gau, Counsel for Reverend Evans (the “Respondent”) and by Mr Oliver and Ms Rundle from the Registry.
4. Before the hearing commenced a case management hearing was held on 12 November 2021 before the Chair sitting alone. A number of procedural matters (including timetabling, admissibility of evidence and procedure) were dealt with and written submissions regarding a dispute about a preliminary issue relating to jurisdiction in respect of charge (a) in this matter were directed. Those submissions were received as directed and expanded orally before the tribunal in full at the commencement of this hearing. A separate ruling was given orally (and subsequently provided in writing) was rendered in respect of the issue of admissibility. Relevantly for the purposes of this decision, the panel was unanimously satisfied that charge (a) was within its jurisdiction and we have, accordingly, proceeded to hear the case substantively in relation to that charge.
5. The Respondent is vicar of Bromyard & Stoke Lacy in the Diocese of Hereford and the Rural Dean of Bromyard. As detailed in the decision of the President of the Tribunals dated 6 November 2020, the Respondent has faced 3 allegations concerned principally with his contact with a family who live in the parish and worship from time to time at St Peter’s church in Bromyard.
6. The charges are not numbered but given the designations (a) to (c). The charges the Respondent faces are that:

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 he:

- a. On 18 April 2017 performed the baptism of Person 3 in a private dwelling whilst wearing only his boxer shorts;
- b. In or around February 2018, touched Person 2, then a child, on her bottom without her consent; and
- c. On 3 March 2019, touched Person 1 (Person 1) on her bottom without her consent.

7. Reverend Evans has, through his evidence and conduct of the case, denied each of these three charges.

The Tribunal's approach to these proceedings:

8. 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 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 public².
9. The Panel has also had regard to a framework of regulations and guidance, in particular the following:
 - 9.1. The Clergy Discipline Measure 2003 (the "CDM");
 - 9.2. The Clergy Discipline Rules 2005 (the "Rules");
 - 9.3. 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
 - 9.4. The Guidelines for the Professional Conduct of the Clergy 2015, which describes what is desirable in the professional conduct of ordained ministry.
10. 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

² Clergy Discipline Measure 2003 Code of Practice para 4.

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 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.

11. 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.
12. 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.
13. 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:

14. The Tribunal saw and assessed the following individual live witnesses (in the order in which they appeared at the hearing).

Person 1:

15. Person 1 gave her evidence, under properly challenging cross-examination, calmly and with considerable dignity. Although the Tribunal noted some reserve in her demeanour it was difficult to tell whether this was simply down to nerves due to the setting, whether it was associated with her initial reluctance to press forward proceedings of any type against

Reverend Evans, or for some other reason. However, the Tribunal did not conclude that anything in Person 1's manner or the content of her evidence indicated untruthfulness as to answers she provided in respect of the allegations it is concerned with in these proceedings.

16. It is also important to note that Person 1 was challenged with the introduction of evidence relating to her character which was introduced unexpectedly (at least from the point of view of the Tribunal's understanding of the scope of evidence before it) on behalf of Reverend Evans. This came in the form of questions to Person 1 relating to a number of criminal convictions against her in Jamaica. In particular it was put to her that she had, in or around 1999, been convicted of possession and importation of crack cocaine on two occasions and also of an offence of dishonesty relating to passport forgery.
17. Person 1 admitted the fact of these convictions. She was not asked about the circumstances in which these matters arose or in which the convictions were obtained, nor was any evidence led on this. No evidence was led, either, as to Jamaican law as to the duration of criminal convictions or the rehabilitation of offenders and whether these convictions were "spent" or current under Jamaican law and the Tribunal has been unable to make any assessment of these matters. No other facts or information relating to them were adduced.
18. Doing its best on the basis of the information it heard being put to Person 1, the Panel has taken account both the fact of her admission of these convictions and the countervailing scantiness of detail provided to aid understanding of them. Mr Gau has submitted that the existence of these convictions and Person 1's non-disclosure of them in these proceedings seriously discredit Person 1 as a witness and are evidence of her bad character, in particular a propensity to tell lies and act dishonestly. The Tribunal has carefully considered this, including Person 1's explanation under cross-examination that she had not believed her prior convictions in Jamaica to be relevant disclosure in these proceedings.
19. The Tribunal has proceeded by taking the position at its highest, namely assuming that these convictions were properly obtained in accordance with the rule of law and that they remain current and there are no considerations of Jamaican law relevant to our consideration of them. The Tribunal accepted Person 1's explanation that she had not disclosed their existence because she had not considered them relevant. It reached this conclusion by reference to Person 1's frankness in admitting them when they were put to

her by Mr Gau (her evidence was “*they are not a secret*”) and the fact that she had alluded to them herself in past discussions with Reverend Evans relating to her time in prison in Jamaica, as his own evidence notes at page 128 of the hearing bundle³. The Panel notes from this that Person 1 does not shy away from the existence of these convictions and we accept her explanation that she drew the conclusion that they were not relevant here as opposed to deliberately concealing them, whether or not that conclusion was well well-founded.

20. As to the submission that the Tribunal should conclude that Person 1 is, by the existence of these convictions, so thoroughly discredited as a witness and so prone to untruthfulness that her evidence to this Tribunal on the matters before it should also be considered untruthful this is, in the Panel’s view, too wide a contention. It also takes no account of the considerable evidence, which has not been called into question (and indeed much of which emanates from the Respondent himself) as to the very significant and impressive changes in Person 1’s character and lifestyle that she herself has worked to bring about. These have taken place since she left her husband and the drug-dealing area of another city in which she previously lived with him and has forged a new life for herself and her children in Herefordshire. The Tribunal’s understanding, based on the face of the evidence before it, is that Person 1 continues to live an honest and reformed life.
21. Rather, the Tribunal concludes that while the convictions indicate dishonesty in Person 1’s past, neither the mere fact of the existence of convictions such as those that Person 1 has admitted nor the fact that she did not disclose their existence in these proceedings are, without more, reason to conclude that the evidence she has provided to this Tribunal in relation to the particular allegations before it was false.
22. It was also put to Person 1 in cross-examination that she has told a lie regarding a traffic offence of careless driving relating to a road traffic accident, with which she was charged and convicted in her absence in 2016. At the time Reverend Evans had assisted Person 1 with an appeal against sentence and his evidence is that she subsequently told him that it had in fact been her husband who had been driving and Person 1 had swapped places with him at the time of the underlying accident. There is also evidence in the witness statement of Joy Cliff which states as follows: “...*I did not want to get involved in what could have*

³ The witness statement of Clive Evans has no other internal numbering or pagination.

serious police implications such as Person 1 telling the police that she had been driving a car in an accident when it was her husband". The Tribunal noted the overlap in evidence with Reverend Evans' statement but also identified ambiguity in this statement in that it is capable of being read as a statement by Mrs Cliff not that she had been told this herself by Person 1 but that she wished to avoid being told any such thing by Person 1 (which would be commensurate with Mrs Cliff learning this as gossip from another source rather than evidence of Person 1's wrongdoing), or that Person 1 had in fact told her this herself. The Panel was unable to conclude positively either way and neither Reverend Evans nor Mrs Cliff were asked about this incident. However the Tribunal noted that neither Reverend Evans, who is a former solicitor and a former barrister, nor Mrs Cliff (if indeed she was told this by Person 1) suggest that they reported what is presented as their understanding of serious dishonesty to the police or Courts Service.

23. Person 1 was asked about this under oath. Her evidence in answer to Mr Gau's questioning could not have been clearer: "*I was driving. Not my husband.*" And in answer to Mr Gau's question whether she remembered telling Reverend Evans that it had been her husband driving, Person 1 answered: "*I did not tell him anything of the sort.*" The Panel accepts the truthfulness of Person 1's response and therefore draws no adverse inferences as to veracity or character on this point.
24. It has been necessary to devote some time to considering the points raised to the discredit of Person 1 because her veracity is an important issue in the assessment of the matters before the Tribunal. It is not the only evidence as to any of the three allegations before this Tribunal, but nonetheless matters of significance have been raised in relation to credit and in consequence it has been necessary to give some time to considering their proper scope and impact in these proceedings.

Person 2:

25. Person 2 was a composed witness who gave straightforward and clear evidence to the Tribunal. The Panel assessed her as reliable and her evidence as to the events in question as being clear and credible. The Tribunal were struck by the unchallenged evidence of Person 2's contemporaneous reaction which the Tribunal felt had the ring of truth as a teenager's response and which our impression of Person 2 supported, namely: "*That night*

I felt like “ew” and that it was gross”. The Panel concluded that this reaction together with her need to discuss it with her brother and the fact that she did not report it to her mother or engage any process of complaint indicated some uncertainty in Person 2’s mind as to her interpretation of the severity of the incident, how she felt about what had happened and how she ought to react to it.

26. The Tribunal’s conclusion as to Person 2’s credibility is reached despite her veracity having been called into question when it was pointed out that her written evidence states that “*A few days later [i.e. after the incident in allegation (b)] my brother and I were talking about what had happened and my mother overheard...After that my brother and I didn’t go back to the [church group] and stopped going to church for a while*”, which it was said meant that Person 2 had stopped attending the church group immediately after the incident, whereas the evidence of Kina Robertshaw and Person 2 both indicate that there may have been some limited attendance by Person 2 after incident (b) before she stopped attending altogether.
27. This apparent discrepancy was not challenged directly with Person 2 in cross-examination, but in response to Mrs Sykes’ questioning of Kina Robertshaw the answer was given that “*we noticed her attendance dropped off*” and the Tribunal notes that Mrs Robertshaw’s written evidence says in relation to the aftermath of the incident that “*With time Person 2 did not consistently attend the [church group]...*”. Person 3’s written statement in relation to the same point says “*We went probably one more time to [the church group] [after incident (b) took place], but then we both stopped going, because we felt uncomfortable*”).
28. Bearing in mind that these events took place over three years ago, some lack of precision as to when there had been attendance is, in the Tribunal’s view, understandable (and on this point Reverend Robertshaw confirmed in evidence that no register of attendance was kept.) The history recounted by all giving relevant evidence is somewhat imprecise about the dates but differed by very little as to its gist (indeed both Person 1 and Reverend Evans’ evidence also confirmed that Person 2 and Person 3 did stop attending the church group following the incident. In the case of Reverend Evans’ evidence this is drawn from the fact that he refers to questioning Person 2 about her non-attendance and being surprised, in retrospect, that Person 2 did not mention the incident, which he says he would have expected if it were true). This, together with the Panel’s conclusions regarding Person 2’s

uncertainty about how to react to the incident (which indicated, in the Panel's view, that it would not be inconsistent for Person 2 to have attended the Cell after the incident as she was uncertain in her mind as to its significance and how to react to it) mean that the Tribunal concluded that there was no serious issue as to Person 2's credibility as a result of imprecision on this point.

29. Person 2 gave very clear oral evidence refuting that she had not been touched by Reverend Evans when exiting his car and regarding her recollection of comments made by him regarding her weight and about comments Reverend Evans made to her after he was approached by Geri Miller with a request no longer to hug Person 2.

Person 3:

30. Person 3's oral and written evidence concerned his witnessing of the incidents referred to in allegation (b). The Panel's assessment of Person 3 was that he was an honest and polite witness but that his evidence exhibited poor recall and, despite attempts to be helpful to the Panel, was marked by imprecision. It was alleged on behalf of Reverend Evans that Person 3 had fabricated his account of seeing Reverend Evans touch Person 2's bottom and that he did so only because the DSA "*had her teeth firmly into proceedings*" by the time his statement was produced and that Person 3's evidence was felt to be needed in order to bolster Person 2's credibility. His credibility was not, however, seriously called into question on any reasoned or evidenced basis and indeed the Tribunal found no good reason to doubt it.

Geri Miller:

31. Mrs Miller presented as a confident, extremely forthright person. The majority of the Tribunal found Mrs Miller to be an honest witness, albeit overzealous in the account she gave to the Tribunal. Although we found her to be accurate and truthful in most respects, we found her overly emphatic during aspects of her oral evidence which led to unnecessary embellishment of what the Tribunal found to be the honest essentials she relayed. For example Mrs Miller offered to demonstrate what she describes in her written evidence as Person 1 being "patted" on the bottom. In doing so she indicated a liberal smacking motion, which the Panel concluded went further than was accurate. She also indicated that Person

1 had exclaimed “*Clive!*” and swept Reverend Evans’ hand away in a way that was not reflected in her written account and which echoed very closely evidence given by Person 1.

32. Much time has elapsed since the incident took place and the Panel cannot be certain that there has not been some discussion of this matter over the course of the past three years and if so to what degree some embellishment and glossing of the basic facts has occurred. This concerned the Panel. However the majority of the Panel concluded that it did not amount to reason to doubt the essential truth of evidence that Mrs Miller gave on the key facts. One member of the Tribunal disagreed with this and found Ms Miller to be untruthful as to the central issue of what she had seen on 3 March 2019 for reasons which will be set out further below.
33. It should also be noted that the Panel was concerned as to the role Mrs Miller undertook in the course of the safeguarding investigation. In the Panel’s view Mrs Miller discharged her safeguarding responsibilities at the point of reporting the incident to the DSA. In this case she continued to be involved in aspects of evidence taking and communication. There was some explanation for this, the Panel finds, because of the initial reluctance of Person 1 to involve the church or the police. The Panel can see that there was a potential initial bridging role for Mrs Miller at a very early stage in order to engage Person 1 in communication with the DSA. However, in the Panel’s view, beyond that other ways forward - which did not involve a witness to one of the incidents in a supporting role to the DSA - ought to have been engaged.
34. Indeed the fact that Mrs Miller remained involved in support of and communication with Person 1 has meant that Reverend Evans has suggested collusion on the part of Mrs Miller, Person 1 and the DSA at various points in the investigation of these proceedings. For reasons set out in more detail below, the Panel is unable to conclude that there is any credible evidence to support that theory. Nonetheless we observe that the blurring of boundaries, and in particular the role of Mrs Miller, has contributed to that suggestion being raised.

The Reverend Kina Robertshaw

35. It was initially agreed between the parties that Reverend Robertshaw was not required to attend on the basis that Reverend Evans had no questions for her and that the Panel could, accordingly, give her written evidence full weight despite her non-attendance. However the Panel had some questions for her and required her attendance under rule 46 of the Clergy Discipline Rules 2005 (the “Rules”). Reverend Robertshaw duly attended.
36. Albeit that the Panel found her an honest witness, we also found Reverend Robertshaw to be weak and unconvincing as to the issue of why she failed to report the account of Person 1 to her of the matters concerning Person 2 which now form allegation (b) as a safeguarding incident at the time she was informed of them (or indeed ever).
37. It is important to distinguish that Reverend Robertshaw’s evidence was not unconvincing in the sense of casting any doubt on the fact that Person 1 had indeed made such a complaint to her in 2018. Her evidence on this has never been substantially controverted and nothing in her oral account caused the Panel to have any doubt as to the honesty of her written account on that point, which we accept in full. Rather the issue lay with her explanation as to why, having learned of the facts in question and indeed considered the matter in her own mind to raise safeguarding issues, she failed to report it to safeguarding at the time.
38. The Panel was troubled by the inadequacy and opacity of Mrs Robertshaw’s responses to Dr Rustell’s questions on this point (“*I regret not to. I did not want confusion...I did not want to cause confusion and be in the middle of whatever*”) and by our lack of understanding as to what steps have been taken in consequence of her failure and her lack of explanation. However, while we mention these as matters which arose in evidence, ultimately we did not consider them to be issues in the context of the factual and legal determinations which are for us to make at this hearing and they have not, therefore, formed any part of our reasoning in determining the matters we are seized with.

Amanda McPhee

39. Mandy McPhee is the Diocesan Safeguarding Advisor (the “DSA”) and is a former police officer, highly experienced and retired at the rank of Detective Inspector. The Panel found her account of the steps she had taken to be clear and honest. Mrs McPhee’s confidence and experience was evident throughout her oral evidence.

40. Mrs McPhee's manner is robust and direct and sometimes the voice of the former police officer came through quite strongly, as in contact she had with current police officers on this matter. In particular the text of an undated email from Mrs McPhee to officers investigating Reverend Evans which was produced late on an application by Mr Gau. In this email Mrs McPhee provided a list of names of possible witnesses that the police ought to contact. She referred to Reverend Evans as "the suspect" and she voiced a view that Reverend Evans might already have spoken to those on the list in order to influence them and that that made them not truly independent in her view. This was said by Mr Gau to be an indication of extreme prejudice against Reverend Evans and to render Mrs McPhee wholly unfit for her role as DSA.
41. The Panel was not convinced by this. In this email Mrs McPhee simply indicates what she knew (the names of three people who might be witnesses) and what she understood (that there was a likelihood that Reverend Evans had already spoken to them and may have tried to influence them). Although the email did not set out balanced and detailed bases for these views, it is plain from the content of the mail that it is a follow up to an oral discussion earlier in the day and is in keeping with the medium and the brief exchange of key "recapping" style information it represents. In it Mrs McPhee did not purport to influence the police, nor did she indicate any foregone conclusion as to an outcome in respect of Reverend Evans (whether via the police or church safeguarding routes). The Panel, accordingly, reject the suggestion that she conducted a biased or prejudiced investigation or sought a particular outcome unfavourable to Reverend Evans. To the contrary we found her to be a very capable and straightforward DSA.
42. It was said against her more generally that she had not conducted her investigation impartially, that she had been "gunning" for Reverend Evans and had sought to construct a case against him in a biased way. The reasons for alleged bias and allegedly wishing to build a wholly partial and untruthful case against Reverend Evans were not clear to the Panel. The only suggestion for motive on Mrs McPhee's part comes through in the written evidence of the church warden Geoffrey Simmons produced in June 2020 which states as follows "*It was obvious to me that more than investigating an allegation, she was looking for incriminating evidence against Clive. Also, I was concerned to be questioned by her about how well I thought Clive and Deb Evans got on together and when she said that she subscribed to the "Me-Too" movement*". The Panel noted that the contemporaneous

evidence of Mr Simmons of his direct contact with Mrs McPhee contained no hint of any such concerns (for example his email to her of 22 March 2019). Moreover there was simply no hint of any bias or partiality on Mrs McPhee's part in the papers or in her oral testimony.

Archdeacon Derek Chedzey

43. The Archdeacon gave evidence via video-link. The evidence he gave concerned the baptism of Person 3 and his responses to enquiries the police made of him around this matter, as well as answering questions which touched on issues of Canon law which were put to him. The Archdeacon was a robust and clear witness.
44. It has been suggested that the Archdeacon went further than merely robustly offering his evidence and rather that he sought to usurp the decision-making role of this tribunal by presenting his opinion so firmly as to suggest that the Panel had no further role in the outcome on allegation (a). That submission is, with respect, plainly wrong.
45. In his oral evidence the Archdeacon did a number of things including recount information he provided to PC Lowri Anderson in response to a very specific list of questions she had asked of the DSA on 7 December 2019. This concerned, amongst other things, "*information on the importance of baptism within the religion, any guidelines that exist on how they should be conducted...*". He also provided opinion evidence. The Panel questioned the capacity in which such evidence was being provided, namely whether the Archdeacon was appearing as an expert or a witness of fact. We were provided with the answer that he appeared as the complainant, but it continued to appear to us that the line of questions put to the Archdeacon engaged his opinion as an expert. Whilst this might arguably generate some procedural issues concerning permission for expert evidence, what it does not do is purport to oust our jurisdiction as decision-makers in relation to allegation (a). In this respect we are grateful (and to the extent necessary give permission) to receive both the evidence and opinion of the Archdeacon in the context in which it was provided and we have considered all of it in balance with other views, including those ably expressed by Mr Gau, as to the proper approach to allegation (a).

The Reverend Clive Evans

46. Reverend Evans is the Respondent in this matter. He is plainly a highly experienced and self-confident priest who has made strong relationships, offered strong leadership and given of himself generously in his roles. In the face of an undoubtedly stressful and difficult time for him he gave his evidence calmly and in a measured way. The Panel found that much of what Reverend Evans said in his evidence was accurate and indeed balanced and fair (in this respect, for example, Reverend Evans was careful to agree and give detailed evidence, which he had not provided before in his written statements, that in dropping Person 2 and Person 3 home he had in fact parked under a bright LED street light which is a matter which potentially tends to support the accounts of those who accuse him and which he did not shy away from).

47. However we also found that there were some limited areas of his evidence where his answers revealed untruthfulness (noting that, although agreeing with our assessments of veracity in most respects one member found his account truthful as regards the incidents described in allegation (c)). In so concluding we weighed carefully the fact of the Respondent's good character, noting that good character cannot of itself provide a defence to the allegations made in this case. It is, however, evidence that the Panel has taken into account in the following ways:

47.1. The fact of this evidence supports Reverend Evans's credibility;

47.2. This evidence is relevant to propensity, i.e. that it might mean that Reverend Evans was less likely to have acted in the way contended for by the DO.

48. These factors weighed heavily in the minds of the Tribunal. However we ultimately resolved on the balance of probabilities that in some limited but critical respects, Reverend Evans had not told the truth.

49. In particular, in response to questions concerning the way in which Reverend Evans came to know of the allegations against him, he was taken through his accounts of a meeting with Person 1 on 6 March 2019 at which her account is that she confronted him about touching her bottom and he apologised for this and went further, apologising for "the Person 2 thing",

which Person 1 had not mentioned but she understood to be a reference to him having been spoken to by Geri Miller about inappropriate or unwanted contact with Person 2.

50. Reverend Evans' written and oral evidence flatly deny that he acknowledged or apologised for touching her bottom, stating he knew nothing of any such allegation and that he did not know what he had done. He states: "*She did not explain what I had done wrong but I assumed that she was talking about our exchange in church on Sunday, 3rd March. I thought that perhaps I had upset her by my remarks. I didn't understand what she meant about the safeguarding officer or about CCTV*". His oral evidence developed this and he said "*She didn't get into details. Per my statement I thought it was to do with comments I had made about her being black. I did not apologise for patting her on the bottom. I did not say I felt rebuked. I agree she looked troubled. I couldn't understand what I had done wrong.*" In answer to a question from the Chair, Reverend Evans stated that the first he had known as to any allegation of bottom-touching was when he received the DSA's letter dated 22 March 2019.

51. Before receiving the DSA's letter of 22 March 2019 Reverend Evans refused an offer made on 7 March 2019 to meet with the DSA and Diocesan Secretary in order to receive details of the allegations and an opportunity offered to him by the bishop on 8 March 2019 to meet, hear details and to provide explanation. Reverend Evans' explanation given in his oral evidence for his refusal of both was that he felt that he would be dealt with in a prejudicial fashion, that it would be a "*kangaroo court*", that he had been told by Person 1 that the DSA was out to get him to lose his job and he had found the DSA's letters minatory. The Panel notes that at the point at which he declined to meet with the DSA he had not received any letter from her at all, although she had read out the bishop's letter to him over the phone. He said that despite having little or no information as to what was alleged against him he had every reason to believe that these offers were a trap.

52. Despite what he says is the lack of any explanation from Person 1, Reverend Evans' evidence reveals that he did have an understanding of the position and that he concluded he was in danger of what he perceived to be "*traps*". The Panel concluded that there was no reasonable basis for Reverend Evans to conclude on 7 and 8 March 2019 that there was a trap, a "*kangaroo court*" or danger to him in attending meetings with either the DSA or the bishop for further information based on the account of the conversation as he reports

between him and Person 1 on 6 March 2019. On the balance of probabilities the Panel concluded that Reverend Evans' decision and reactions were not consistent with his account of a priest who has been approached by an unhappy parishioner who has told him nothing sufficient for him to gain an understanding of what was alleged. It is also, in the majority of the Panel's view, inconsistent with an explanation that he only thought he might have made (what he says he perceived to be⁴) a minor transgression towards her concerning comments on her appearance. It is, by contrast, supportive of his having had an understanding of what was alleged against him and being deeply concerned about its potential consequences for him. The Panel concluded that this was corroborative of Person 1's account of what passed between them on 6 March 2019.

53. Furthermore, Reverend Evans wrote to the bishop on 9 March 2019 and purported to offer him an explanation. He had also offered an explanation by phone to the DSA on 6 March 2019 which included an explanation that he had unintentionally touched the front of Person 1's thigh. The Panel concluded that on the balance of probabilities it was more likely than not that Person 1 had, as she set out in her evidence, explained her complaint to him and that he sought, as he saw it, to minimise this by immediately putting forward an, as he saw it, less serious explanation referring to tangential matters including a reference to an inadvertent and inconsequential physical contact in a similar area of the body.
54. The Panel therefore concluded that, on the balance of probabilities, Reverend Evans was not telling the truth in relation to his meeting with Person 1 on 6 March 2019.
55. Having concluded that Reverend Evans was untruthful about his account of his meeting with Person 1 on 6 March 2019 the Panel reminded ourselves that the fact that a person tells a lie about one matter does not necessarily indicate that the facts underlying the allegations in this matter are true. However for the reasons that are dealt with in the Panel's narrative finding of facts below, the Panel were also unanimously content that Reverend Evans also lied in relation to his denials of touching Person 2's bottom and the majority were content that he lied in his denial of touching Person 1's bottom.

Mrs Evans

⁴ Based on his written and oral accounts that he did not feel rebuked and could not understand what he had done wrong.

56. Mrs Evans gave very short oral testimony and she was understandably highly emotional. The Panel accepted as entirely truthful the account she gave orally in response to the very limited questioning of her, both as to the distress this matter has caused and its impact upon her, Reverend Evans and their family and as to the history of her good relationship with Person 1.

Michael Dukes

57. The Panel accepted that Michael Dukes offered his evidence honestly to the best of his recollection. The Panel accepted his recall of broad facts, including his account of having witnessed the hug between Person 1 and Reverend Evans on 3 March 2019, was sound. This was in keeping with what we found to be the culture of this particular church, where greeting with a hug is practised by members of the congregation.

58. Having assessed Mr Dukes, the Panel accepted his account (which differed in some respects to that of the other witnesses called by Reverend Evans) that in fact Reverend Evans had approached Person 1 and hugged her, rather than Person 1 approaching Reverend Evans (which was the high-level recollection of, for example, Mrs Harris). Mr Dukes is preferred to Mrs Harris on the basis that he offered a relatively clear recollection that he was in fact talking to Person 1 himself when Reverend Evans approached her. This also accords with Person 1's account that she was making a move to leave the church when she was approached by Reverend Evans, because she was blocking other cars in the car park with her own.

59. The Panel also accepts Mr Dukes' written account of the fact that Mrs Miller's facial expression caught his attention after the physical contact between Reverend Evans and Person 1. However his interpretation that she was nodding and winking in order to indicate something to him seemed to the Panel to be less likely than Mrs Miller's plausible account of what she referred to in her oral evidence as "*facial leakage*", explaining that her face had registered shock and surprise⁵, and the Panel preferred Mrs Miller's account on this, nonetheless he and Mrs Miller's account that her face immediately bore an expression

⁵ Although a minority of the Panel found there to be different reasons for why Mrs Miller's facial expression registered in this way.

registering something unusual immediately after the contact between Reverend Evans and Person 1 is mutually corroborative.

60. Mr Dukes' recollection of points of detail and of dates gave the Panel cause for doubt as to quality. Although he claims that Mrs Miller attended his flat on 5 March 2019 and showed him a video of Person 3's baptism, this is at odds with Mrs Miller's explanation that she was first shown the video on 27 March 2019 at a meeting she attended at the Bishop's Palace as support for Person 1. There is no other evidence to gainsay Mrs Miller's account and her contemporaneous note (dated 28 March 2019) strongly supports that she had not previously seen the video, given the comments she makes about "*noticing*" Reverend Evans appearing in just his underpants, as do the accounts of Mrs McPhee and Catherine Cashmore which suggest that the video came to Mrs Miller's attention and was quickly passed on to the DSA via secure means. The Panel looked for assistance to Mrs Cliff's evidence as to her knowledge of the existence of a video of Person 3's baptism. However her account was that she had never been shown the video and when pressed as to dates as to when she first became aware of its existence gave first an unspecified date in 2017 and next an unspecified date in 2019. Accordingly the Panel was able to draw little assistance from that. Assessing these factors in the round on the balance of probabilities, the Panel prefers Mrs Miller's evidence as to when she received the video and regards Mr Dukes' evidence as unreliable as to dates.

61. His evidence was also at odds with Reverend Evans' account of having pointed at Person 1's legs to make remarks about what she was wearing and brushed against her thigh with his finger. Michael Dukes' (appearing as a witness for Reverend Evans) account is that "*Clive did not touch Person 1 on the bottom or anywhere else, apart from hugging her.*" Given that both Person 1 and Reverend Evans assert that there was touching elsewhere, albeit differing fundamentally as to what sort of touching and where, the Panel is unable to accept Mr Dukes' evidence on the specifics of what he saw taking place, although, as described above, we accept he gave an honest account which helpfully advanced matters in broad terms on other issues.

Geoffrey Simmons

62. Mr Simmons oral evidence was very short, as indeed is his written evidence. The Panel concluded that he has attempted to be truthful whilst simultaneously tried to be helpful to Reverend Evans. The result is somewhat unfortunate and unhelpful. His evidence relates to his meeting with Mrs McPhee and purports to offer his opinion of her conduct of the investigation of Reverend Evans and, as set out in our assessment of Mrs McPhee's evidence, revealed a concerning disparity between his contemporaneous reaction (recorded in an email from him) to Mrs McPhee's contact with him and his later recall and interpretation of the same contact. The disparity was put to him in cross examination and his answer "*But in my statement I have raised concerns*" was vague and did not advance the Panel's understanding. The Panel, overall, did not find Mr Simmons' evidence helpful.

Jill Simmons

63. Mrs Simmons appeared at the Panel's request pursuant to rule 46 of the Rules. Her oral testimony was very brief, albeit straightforward, clear and honest. She elaborated on her written statement by explaining that Person 1's conversation with Reverend Evans had concerned who had made the safeguarding report. The Panel accepted her evidence.

Joy Cliff

64. Mrs Cliff's oral evidence as to Person 1's lack of criticism of Reverend Evans or of the church was clear. The quality of her evidence and recall of dates in relation to the existence of the baptism video has been dealt with in the context of Mr Dukes' evidence.

Judith Harris

65. Along with Mr Dukes, Mrs Harris was the only other witness for the Respondent to provide oral eyewitness testimony from the 3 March 2019 service. Her evidence was that she was standing around ten metres away from Reverend Evans and Person 1, from the side with a clear view of them, and talking to others in the room. The Panel unanimously accepts that Mrs Harris's account was given honestly. However, in common with our appraisal of the evidence of Mr Dukes, the majority of the Panel have reservations that Mrs Harris was either able to see as clearly or was watching as closely as she now says she was, given that

both Person 1 and Reverend Evans assert that there was additional uninvited touching of Person 1 by Reverend Evans, albeit differing fundamentally as to what sort of touching and where. A minority of the Panel was unreservedly satisfied that Mrs Harris, in common with others nearby to Reverend Evans and Person 1, would have seen any touching by Reverend Evans.

Findings of fact relevant to allegations (a), (b) and (c):

Allegation (a)

66. The facts relating to this allegation are, to a large extent, not in dispute. There is no disagreement that on 18 April 2017 Reverend Evans attended the home of Person 1 in order to baptise Person 3, that he performed a full immersion baptism in the bath whilst wearing only his boxer shorts⁶, that Person 1 and her family were present and that the baptism was filmed.

67. Furthermore, the Panel accepted Reverend Evans' evidence and finds that he received a call from Person 1 over the course of breakfast on 18 April 2017, which was a day he and his wife were departing on holiday to Liverpool. Person 1 was agitated, informing Reverend Evans that Person 3 was leaving to join the Army on the same day and that he wanted to start his new life having been baptised. We accept Reverend Evans' account that he was initially reluctant because it was not a convenient day to undertake this and that he took some persuading, but that he was persuaded after he spoke to Person 3 and found him to be in an emotional state. The Panel thought that there may also have been an element of feeling that it was important to seize the moment where Person 3, as a member of the church group, sought to make such an important commitment.

68. Reverend Evans gave evidence that he finished his breakfast and did his packing before leaving with his wife to attend at Person 1's house on their way to their holiday. The Panel finds that there was ample opportunity at this stage for Reverend Evans to give thought to including a change of clothing for conducting the baptism, which he knew, at this stage, was to be a full immersion using the bath. For the avoidance of doubt, a case has been

⁶ Per a correction provided by Reverend Evans in his witness statement dated 29 July 2020 the Panel notes that the particular style of boxer shorts worn by Reverend Evans was boxer trunks, although nothing turns on this.

advanced that this was an emergency baptism. The Panel were assisted in this regard by the evidence of the Archdeacon confirming that baptism in an emergency is defined as being where there is imminent danger of death⁷. This plainly does not apply in this case and although a reference was made as to a perception of the death of an old life and commencement of a new one in relation to joining the Army, it was quite properly not pressed upon us in any serious way that there was any belief in Reverend Evans' mind that this was an emergency in the strict sense.

69. The Panel does accept that Reverend Evans felt there was an urgency to the request and that this led him to take the unusual step of acquiescing to it and stopping off en route to his holiday to perform the baptism. We do not, however, accept that the degree of urgency was extreme or that it was perceived as such. In particular Reverend Evans did not drop everything and rush to the house. By his own account he finished his breakfast and did his packing before he left, which gave him, in the Panel's view, ample time to consider what it would be appropriate to wear and to collect what he needed to conduct the sacrament of baptism appropriately and also ensure that he was subsequently comfortable on his journey.
70. Once at the house the Panel accepts the oral evidence of Person 2 that this was a "quick process". The video recording confirms as much. The Panel finds that Person 3 was wearing a polo shirt and knee-length (outerwear) shorts (Reverend Evans' written evidence was that Person 3 was in his boxer shorts, which the Panel finds is incorrect.) Reverend Evans undressed down to his boxer shorts. He was otherwise unclothed and this is accepted and visible on the video recording.
71. In Reverend Evans' two written statements he states that he informed the family that he would need to take off his T-shirt and trousers and that the family were happy with it. He does not say that he asked their permission or agreement to do so before he did it, but rather that he "*explained*" to them that he was going to do it and that he felt it was an entirely appropriate thing to do. He says the family were happy with it. However the Panel notes Person 2's unchallenged evidence that "*...Clive then started to remove his shirt which I thought was fair enough seeing as he didn't want to get it wet, however when he started taking his shorts off I was shocked and thought to myself why is he undressing completely in front of my mother, my sister and I.*" In response to a question from Reverend Thorold

⁷ Canon B22

concerning whether Reverend Evans had asked the family permission before taking off his clothes, Reverend Evans' evidence was that there was no comment about it and he did not demur from Reverend Thorold's summation of his response as being that it was neither agreed nor disagreed. Although we accept that the family did not indicate unhappiness about his state of undress, and indeed only Person 2 has expressed reservations about it, the Panel has concluded that no agreement was reached with the family to his taking off his clothes leaving only his boxer shorts.

72. The conclusion of our findings of fact relevant to this matter are that following the baptism, the family were pleased and that in due course Person 3 attended church and joyously shared the news of his baptism with the congregation, which was well-received within the church.

Allegation (b)

73. It is not disputed that Reverend Evans gave Person 2 and Person 3 a lift home in his small three-door car after a meeting of a particular church group in February 2018 (the exact date has not been ascertained and no register or record was kept of the church group meetings). Person 3 sat in the front seat and Person 2 in the back. At the point of dropping Person 2 and Person 3 off at home Reverend Evans states, and the panel accept, that he parked directly under a bright LED streetlamp. His evidence was that the effect of this was to render the interior of his car darker, but Person 3's evidence was that the streetlighting made a view inside the car possible. On balance the Panel preferred Person 3's account of the effect of the street lighting as Reverend Evans at all times remained in the car and Person 3 was outside and better able to judge diffusion of light from an outsider's point of view.

74. Person 3 exited the car and waited nearby. The Panel rejects his account that he was standing "...two centimetres..." from the car and concluded that he had a poor recall of some of the detail, although we accepted that he was attempting to be helpful and not lying to the Tribunal about the point. Person 2 had to climb out from the back seat across the front seat and out through the passenger door. The passenger seat had to be moved forwards on its rails and laid flat in order for her to do this. We were unable to reach a clear

conclusion as to who had used the lever to enable the seat to be moved forward. However it is not in dispute that Person 2 then exited the car facing forwards.

75. The Panel unanimously finds that at a point when Person 2 was exiting the car in this way, Reverend Evans touched her on the bottom and that he did so without her consent. In this we prefer Person 2's evidence to that of Reverend Evans. We prefer it for the following reasons:

75.1. Person 2 presented as a very credible witness;

75.2. The Panel refutes the unattractive theory presented on behalf of Reverend Evans that Person 2 had a motive for lying about him because he had upset and angered her over time by teasing her about her weight. The Panel were very troubled to hear that Reverend Evans had spoken in this way to a young person, even more so that he did so to the extent that he recognised that it would have upset Person 2. However, this was put to Person 2 in cross examination and - although she candidly admitted that the remarks Reverend Evans made about her made her feel "*uncomfortable, embarrassed and upset*" - she made a dignified, entirely credible and cogent denial that she disliked Reverend Evans because of these comments or that she had felt angry about them;

75.3. The Panel had doubts about when Person 3 bent down to see inside the car and to thank Reverend Evans and about how far away he was from the car. By reason of those doubts we were ultimately not satisfied on the balance of probabilities that he was able to see the moment of touching directly. We did, however, consider his evidence credible that the street lighting and his positioning enabled him to see inside the car and that he did so at a moment which meant that he saw something which caused him to conclude that Person 2 had been touched on the bottom by Reverend Evans. Whether this was simply a movement, or the withdrawal of Reverend Evans' hand, his hand in close proximity to Person 2's bottom or some other snapshot in time we were unable to conclude clearly. However we were satisfied that he saw something take place that triggered him to ask Person 2 "*Did he just do that?*" The Panel unanimously accepted that this exchange between brother and sister took place and that the only plausible reason for it was because Person 2 had been touched and Person 3 had seen something which alerted him to that fact. We found this to be corroborative

of Person 2's account and dis-probative of Reverend Evans account that no touching occurred;

75.4. There has been no challenge to the evidence that Person 2's reaction was "*That night I felt like "ew" and that it was gross*" or that she and Person 3 discussed this matter between themselves after the event. The Panel again found these natural and credible teenage responses to the events which took place which tended to support Person 2's account of events;

75.5. A report that this incident had taken place was made almost contemporaneously by Person 2 and Person 3 to Person 1 when she overheard them talking and in turn it was reported by way of a complaint by Person 1 to Reverend Robertshaw at a date unknown in 2018. Reverend Robertshaw's corroboration of this is particularly believable as she has, by giving her evidence, potentially exposed herself to the risk of further investigation or consequences for her acknowledged safeguarding failings⁸.

76. In all of the circumstances the Panel was unanimously satisfied that in or around February 2018 Reverend Evans touched Person 2 on her bottom without her consent.

Allegation (c)

77. It is not in dispute that Person 1 attended the 10.30am service on 3 March 2019, that she encountered Reverend Evans as she was leaving the church and that there was a hug between them.

78. Accounts differ as to whether Person 1 approached Reverend Evans or whether Reverend Evans approached Person 1. For the reasons set out in relation to the assessment of Mr Dukes' evidence the Panel is satisfied that Reverend Evans approached Person 1 and hugged her. The majority of the Panel was satisfied that it is more likely than not that as part of their contact Reverend Evans deliberately touched Person 1's bottom. We heard and read differing accounts as to whether the touch was with both hands or one hand and where on the body it took place. We find that it was a touch with his left hand alone and we were

⁸ An appropriate warning that she was not required to answer the questions put to her on this point was given in the hearing.

satisfied by reason of Person 1's demonstration of where and how she had been touched that the touch in question was a double pat to her bottom in an area that is contiguous with her right hip.

79. A minority of one of the Panel was not satisfied to the required standard that such touching had taken place. The reason the minority of one was not satisfied was because it was felt to be insufficiently likely that such touching would not have been seen by others in a busy church, that the touching was unlikely given the difference in heights between Person 1 and Reverend Evans. It was accepted by the minority that Mrs Miller's facial expression had registered surprise in relation to the contact between Reverend Evans and Person 1 and that Mr Dukes had see that reaction of Mrs Miller, but it was felt that that was a reaction to the hug itself rather than to any other form of contact between them.

80. As to the majority of the Panel:

80.1. Person 1's on this evidence was cogent and credible, as examined above;

80.2. The Panel repeats its conclusions as to the evidence of Geri Miller's eyewitness account of the incident and Michael Dukes' corroborative account of her reaction;

80.3. The majority also repeat the findings set out above as to Reverend Evans' lack of credibility in his account of this incident and of Person 1' subsequent meeting with him to discuss it on 6 March 2019;

80.4. Similarly the Panel repeats its observations as to the fact that both Person 1 and Reverend Evans assert that there was additional uninvited touching of Person 1 by Reverend Evans, albeit differing fundamentally as to what sort of touching and where, whereas those witnesses for Reverend Evans who assert that the hug was the limit of the contact make no mention of any other pointing at leggings or inadvertent touching;

80.5. The Panel unanimously rejected the suggestion either that there was a common intention between some or all of Person 1, Ms Miller, Mrs Mcphee, Person 2, Person 3, or that there was an individual intention on the part of any of them to "*bring down*" or do harm to Reverend Evans:

- a. This is contradicted by the clear and believable evidence of Person 1, corroborated by others including Reverend Evans himself, that Person 1 sought to tackle Reverend Evans about allegations (b) and (c) herself and was deeply resistant to any formal action until a point was reached at which she read the DSA's letter of 22 March and concluded that Reverend Evans had made misrepresentations to her that the DSA had lied about the incidents Person 1 had alleged. The Panel accepted Person 1's evidence that in reading the letter in question, she concluded that the DSA's account of events was reasonable and rather that she felt that Reverend Evans had not been honest with her in his account of it in order to have her write to the bishop to retract her own accounts;
- b. It is also the case that Reverend Evans' witnesses all agree that Person 1 always spoke well of the church and of Reverend Evans. To the contrary she had every reason to be grateful to him for his support of her⁹, as did Person 3 (who referred to him as a trusted person and almost a father figure) and Person 2 (whose evidence was that she liked Reverend Evans, despite his comments about her weight);
- c. Mrs Miller had no motive to wish to do Reverend Evans harm. Whilst the Panel accepts that she appears to have been overzealous in attempting to discharge what she perceived to be her safeguarding role in this matter, there is no credible basis for the Panel to conclude that she wished Reverend Evans harm. Evidence of an email between Mrs McPhee and PC Lowri Anderson was produced, listing a number of senior figures in the diocese and whether they knew of any complaint about Mrs Miller from Reverend Evans. At its highest that document states that on occasion Reverend Evans was critical of Mrs Miller in her role. The Panel did not conclude from that that there was any contemporaneous complaint by Reverend Evans against Mrs Miller that could have given rise to resentment in the way that it is suggested has happened;

⁹ Although the Panel notes that in no sense does this give rise to any degree of consent to unwanted touching, whatever the underlying motivation for such touching.

- d. As to the suggestion that Mrs McPhee conducted a biased and unfair investigation, the Panel refers to our earlier conclusion on this point;

80.6. Equally whilst it is acknowledged that there has been a letter before action on behalf of Person 1 relating to a damages claim for psychological damage resulting from this matter, it is unanimously rejected that these proceedings are the denouement of a plan by Person 1 to deceive the Diocese and obtain monetary compensation. The Panel notes that this letter was sent some 21 months after matters at allegation (c) occurred. The suggestion that this has been Person 1's motivation throughout is wholly inconsistent with Person 1's reluctance to become involved in any formal proceedings and her determination to tackle and conclude matters herself. The suggestion is, to the Panel's unanimous conclusion, simply not credible.

Findings as to conduct unbecoming or inappropriate conduct

81. In light of its findings of fact, the Panel has considered whether the three allegations proven on the facts, or any of them, amount to conduct unbecoming or inappropriate to the office and work of a clerk in holy orders. We are grateful to the parties for their helpful written submissions on the relevant standard in assessing this.

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

82.1. 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.

82.2. The Ordinal;

82.3. The Guidelines for the Professional Conduct of the Clergy (the “Guidelines”), in particular at paragraph 10.1:

“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.”

Allegation (a)

83. The Panel repeats its conclusion in relation to the jurisdiction phase of these proceedings, namely that the allegation is not one of an offence against ceremonial rubric, but rather a question of a failure by the Respondent to comply with good order by appearing in a state of substantial undress.

84. It is said by Reverend Evans that appearing in his boxer shorts was appropriate in all of the circumstances. In particular he says that the urgency of the situation was such that he had little time to think about what to wear (the Panel has already found that this was not the case). He says that he would have got wet and any after the event conclusion that he did not in fact get wet based on the video evidence (where he noticeably stays dry), is to miss the point because he was acting appropriately in order to avoid getting wet before his holiday.

85. However the Panel reject that explanation on the basis of our findings that he had ample time to bring with him an appropriate change of clothes which would have served the same purpose. He also says that the family did not object. The Archdeacon in his oral evidence strongly opposed this as a justification for the way in which Reverend Evans appeared in a state of undress for this baptism. The Panel observes that there was in fact some hesitation from the family in that Person 2 felt troubled by it. But in any event there was no agreement with the family, rather there was no consultation or objection (Reverend Evans informed the family what he was going to do and proceeded to do it). Furthermore the Panel agrees with the Archdeacon and considers that regardless of the family’s personal views of the situation, the real question is one of maintaining an objective standard of dignity and propriety when conducting a holy sacrament.

86. The Panel considers that underwear is intimate apparel. It is qualitatively different to, and has different associations from, other forms of clothing, or even of swimwear. As such there is a loss of dignity by stripping down to underwear in the circumstances in which it occurred which is inherently inappropriate and unbecoming. There was no extreme urgency which might conceivably be imagined to justify a state of semi-nakedness and public display of underwear.

87. It was therefore the Panel's unanimous conclusion that in respect of the facts we have found in relation to allegation (a) 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 (a) made out accordingly.

Allegation (b)

88. Having concluded that Reverend Evans touched Person 2's bottom in the circumstances we have found and without her consent, the Panel in its unanimous decision had no doubt that he had thereby engaged in conduct which was unbecoming and inappropriate to the office and work of a clerk in Holy Orders under section 8(1)(d) CDM 2003. The Panel unanimously found charge (b) made out accordingly.

Allegation (c)

89. Having concluded by a majority that Reverend Evans touched Person 1's bottom in the circumstances we have found and without her consent, the majority of the Panel had no doubt that he had thereby engaged in conduct which was unbecoming and inappropriate to the office and work of a clerk in Holy Orders under section 8(1)(d) CDM 2003. The Panel unanimously found charge (c) made out accordingly.

Post-script observation by the Panel

90. The Panel has been troubled by a number of aspects of this case. In particular (i) the failure of appropriate safeguarding following the initial raising of the matters referred to in allegation (b); and (ii) the Respondent's comments, which he freely admits he made, related

to Person 1's ethnicity, her style of dress and her daughter Person 2's weight. Our concern on this latter point relate not only to the fact that the content of these comments is wholly unacceptable but also the lack of self-awareness in attempting to make them in a seemingly well-intentioned way and in seeking to proffer them as somehow a less bad alternative to having touched Person 1 and Person 2's bottoms.

91. We recognise that neither of these points are directly in issue before us. However they do, in our view, reveal in relation to (i) a concern about the implementation and support for safeguarding in the parish at the time and in relation to (ii), a concern about how apparent ignorance, lack of propriety, sensitivity and cultural sensitivity – all of which may have had some bearing on how and why the events in question came to pass – were not noticed and properly addressed. A blurring of boundaries combined with these deficiencies appears to the Panel to have created a situation in which Reverend Evans lost sight of what was appropriate and becoming conduct.

9 December 2021