

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

**Complainant: THE VENERABLE RICHARD WORSFOLD**

**Respondent: THE REVEREND SIMON LUMBY**

**Constitution of the Tribunal: HHJ Heather Norton (Chair)  
The Reverend Canon Simon Everett  
The Reverend Canon Victoria Pask  
Mr Michael Elsom  
Mrs Sarah Smith**

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

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**DETERMINATION OF THE TRIBUNAL  
ON PENALTY**

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*In accordance with Rule 49, the Panel directs that neither Person 1's name, nor any material that may identify him as the complainant in this matter should be published*

**Introduction**

1. On 16 January 2022, having heard evidence from Person 1 and Person 2, having regard to written comments made by the Respondent in two Form 2 responses dated 30 August 2020 and 31 January 2021 and to other documentation submitted by the Respondent (including 12 Form 3 witness statements), and having regard to the submissions made by the Designated Officer, the Panel were satisfied by a majority on allegation a) and unanimously on allegation b), that the Respondent:

*(a) on 3 occasions between November 2013 and March 2014, fondled the genitals of Person 1, a member of the congregation of St Aidan's Church, New Parks, and lodger in the vicarage; and*

*(b) in or around the same period, failed to implement and maintain appropriate and professional boundaries with the said Person 1, by allowing him repeatedly to enter his bedroom at night and remain there.*

2. Having found both allegations proved, the Panel were further satisfied that the conduct of the Respondent was unbecoming and inappropriate to the office and work of a clerk in Holy Orders.
3. A decision on penalty was deferred until a later date. In accordance with Rule 51 CDR 2005, the Panel invited The Bishop of Leicester, The Rt Revd Martyn Snow, to express his views as to the appropriate penalty.

#### **Material Received**

4. The Panel received the following material in writing:
  - a) Written submissions from the Designated Officer, dated 7 March 2022;
  - b) A 'Victim Impact Statement' from Person 1, dated 5 March 2022;
  - c) A witness statement from the Archdeacon of Leicester dated 14 January 2022;
  - d) A letter from The Rt Rev'd Martyn Snow, dated 20 February 2022.
5. The Panel further heard oral submissions from the Designated Officer.
6. The Respondent did not make any submissions, either in writing or orally. The Respondent did not attend or engage in the original hearing to determine the allegations (save as set out at paragraph 1 above and as detailed in our original findings), and did not attend or engage in the hearing on penalty either. The Panel are entirely satisfied from all the material before us both on the previous and this occasion, that the Respondent has made a voluntary decision not to engage in the process and the Panel determined to proceed in his absence in accordance with Rule 42.

#### **Approach to Penalty**

7. In deciding upon the appropriate Penalty, the Panel considered all the material that has been placed before it; we are grateful for the written and oral submissions received from the Designated Officer, and for the careful and helpful views expressed by the Bishop of Leicester to which we have paid due regard.
8. The Panel adopted a staged approach to penalty, applying the Clergy Discipline Commission's 'Guidance on Penalties', and conscious of the need to act fairly, justly, and proportionately.

### **Stage 1**

9. The Panel first considered the harm caused by the Respondent's actions, and his culpability for them.
10. The Panel considered that the harm caused to Person 1 was significant. The Respondent's actions took place at a time when – whilst not vulnerable in the generally accepted sense – Person 1 was subject to the control and influence of the Respondent in a number of ways: the Respondent was his landlord, his Spiritual Director and Confessor, and was the ordained minister to whom he had turned both when exploring membership of the Church, and his own vocation for Ordination. The scope in that situation for both spiritual and psychological harm was great indeed. We noted the contents of Person 1's Victim Impact Statement in which he speaks of the impact of these matters on his mental health, his sense of shame, his distrust for authority, and the effects upon both his training and ministry.
11. In terms of culpability, the Panel noted that at the relevant time the Respondent was undergoing a period of stress and anxiety resulting in 'night terrors' as a result of other matters relating to his accommodation and challenges in his ministry. Further, the Panel considered that Person 1 had consented to the actions of the Respondent which in all probability took place in the context of an intimate friendship between the two of them, and when both were under the influence of alcohol. However, as the Panel stated at paragraph 27 of our original determination, it was the Respondent who, *'was in a position of authority; he was the ordained minister and the responsibility of ensuring that boundaries were not only in place but were adhered to, rested with him.'* Accordingly, the Panel found the Respondent to be fully culpable for his own actions.

### **Stage 2**

12. The Panel next considered the Aggravating and Mitigating factors.

13. The Panel considered that the Respondent's actions were a significant breach of trust and power that took place over a number of months. As noted above at paragraphs 10 and 11, the Respondent was an experienced priest who was in a position of authority and influence over Person 1. The Panel agree with the Bishop of Leicester's observation that the Respondent's actions, *'were a serious abuse of his power and status as an ordained priest, not just in his pastoral responsibilities, but also as [Person 1's] Spiritual Director and Confessor, together with the trust placed in him to discern [Person 1's] vocation.'*
14. The Panel noted that the Respondent has a number of previous findings of misconduct, in particular the first dated 25 July 2013, in which the Respondent sent inappropriate text messages to a 17yr old boy. We requested, and were provided with details of the circumstances of this misconduct which had clear sexual undertones, and were deeply concerned by what they revealed about the Respondent's conduct towards a vulnerable child who was a member of his congregation. In both that previous case and the present case, there was a wholesale failure to observe proper boundaries, and a breach of the privileged position of trust and authority that the Respondent held. We further noted that all the previous findings of misconduct dated to 2013 and 2014 and were therefore contemporaneous, or nearly contemporaneous, with the matters with which we have been concerned. It is a matter of great concern to the Panel that despite the intervention of the Diocese, the misconduct with which this Panel has been dealing was nevertheless able to take place. This raised for us questions not only about the extent to which the Respondent was able to reflect upon, understand and alter his behaviour, but also the effectiveness of Diocesan oversight at that time.
15. In so far as mitigating factors are concerned, although none of the illustrative factors set out in the Guidance are present in this case, the Panel noted that the Respondent was suffering from anxiety and stress at the relevant time. Further, the Panel noted and paid appropriate regard to the statements from parishioners and others submitted by the Respondent prior to the original hearing, which speak to the good qualities and gifts that the Respondent had.

### **Stage 3**

16. In determining the appropriate penalty, the Panel were assisted by the Guidance on Sexual Misconduct – especially paragraph 2, and paragraph 4.1 in Misconduct in Private Life. The Panel were conscious of the necessity that any penalty imposed should not only reflect the seriousness

of the misconduct found proved and act as the administration of discipline, but should also protect others, particularly those in respect of whom the Respondent stands in a position of authority and trust, from harm.

17. The Panel considered which penalty was appropriate in reverse order.
18. The Panel considered that the nature and circumstances of the Misconduct were so serious that neither a conditional discharge or deferment, rebuke, or injunction would suffice.
19. The Panel noted that the Respondent has resigned his post and wishes to relinquish Holy Orders. In these circumstances, removal from office and or revocation of licence do not apply.
20. The Panel next considered whether the threshold for prohibition from ministry had been crossed. The Panel unanimously concluded that it had been given the nature of the misconduct, the time over which the misconduct had taken place, the culpability of the Respondent – including the position of trust and authority that he held, the harm caused to Person 1 and to the wider Church, and all those other matters referred to above.
21. Having concluded that the threshold for prohibition from ministry had been crossed, and that none of the lesser penalties would be sufficient, the Panel considered whether there was a realistic prospect that the Respondent could be rehabilitated into public ministry if provided with the appropriate training and support. In considering this, the Panel paid due regard to the views expressed by the Bishop of Leicester, who believed that this was a possibility and who recommended a limited prohibition for 5 years.
22. Although the Panel carefully considered the Bishop's views, and noted that there had been no further allegations raised against the Respondent since October 2014 when the Respondent was placed under an injunction, we nevertheless concluded that a limited prohibition would be insufficient, for the following reasons:
  - a) In the Panel's view, there was no realistic prospect of rehabilitation: notwithstanding that the Respondent had undergone regular meetings with a safeguarding officer for a period of 3-4 years as a result of the finding of misconduct in October 2014, he showed no remorse for, insight into or understanding of the inappropriate and harmful nature of his conduct with and towards Person

1, and declined to participate in or engage with these proceedings. Without acceptance of or insight into his misconduct, rehabilitation is difficult if not impossible;

b) Clear safeguarding issues arise in this case. The Panel found it difficult to conceive of any form of ministry for which the Respondent might seek appointment in the future which would not potentially put him in a position whereby he would come into contact with vulnerable people who might be put at risk as a consequence of his behaviours;

c) This was the 4<sup>th</sup> finding of Misconduct against the Respondent; although, as noted above, there has been no suggestion of repetition since 2014, nevertheless the number of findings and the nature of them, which in at least 2 instances raise safeguarding issues, mean that in the Panel's view the Respondent was fundamentally unsuited for the office of a Priest in Holy Orders.

23. Accordingly, the Panel unanimously concluded that the only appropriate penalty in all the circumstances of this case, was one of prohibition for life.

**7 April 2022**