

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

**BEFORE THE BISHOP’S DISCIPLINARY TRIBUNAL FOR THE DIOCESE OF
WINCHESTER**

Complainant: MARIE VAN DER ZYL

Respondent: THE REVEREND DR STEPHEN SIZER

Constitution of the Tribunal: The Worshipful David Pittaway KC (Chair)
The Reverend Geoffrey Eze
The Reverend Canon Liz Hughes
Canon Andrew Halstead
Ms Gabrielle Higgins

Appearances: Mr Nicholas Leviseur, Counsel for the Designated Officer
Mr Stephen Hofmeyr KC, Counsel for the Respondent

DECISION ON SANCTION

1. The Tribunal reminds itself that it is satisfied that in respect of allegations (B), (F), (H), and (J), one member dissenting as to allegations (F) and (J), the Respondent’s conduct was unbecoming to the office and work of a clerk in Holy Orders, in that he provoked and offended the Jewish community, and, in the case of allegation (H), his conduct was unbecoming, in that he engaged in antisemitic activity, all within section 8(1)(d) of the Clergy Discipline Measure. It found allegations (A), (C), (D), (E), (G), (I) and (K) not proved.
2. The Tribunal has before it detailed written submissions from both counsel, a victim statement from Ms Van der Zyl, testimonials from Bishop Hill,

formerly Bishop of Guildford, and Bishop Riah Abu El Assal a former Bishop of Jerusalem, and other clergymen. The Tribunal reminds itself that Bishop Hill was the Bishop of Guildford in October 2013 when the Respondent first apologised for causing offence to the Jewish community. The apology followed the conciliation process, concluding the complaint made by Mr Jonathan Arkush, when he was President of the Board. At that time the Respondent accepted that he should have taken more care before posting links to certain websites. The Tribunal has given detailed consideration to all the information before it, including the helpful oral submissions of both counsel.

3. In reaching its decision the Tribunal has considered the *Guidance On Penalties issued by the Clergy Discipline Commission* (January 2021) as to the way it should approach the imposition of sanctions. At the outset of its deliberations, it noted that there is no specific guidance on the misconduct found proved in this case. Nevertheless it considers that the Respondent's activities have been detrimental to Christian-Jewish relations, encouraged conspiracy theories and harmed wider confidence in the Church. As stated in its decision, the Tribunal found that between 2006 and 2018 the Respondent pushed the boundaries beyond what was acceptable conduct for an ordained minister, and in January 2015, he engaged in antisemitic activity, when he knew, as the Tribunal found, that the article he was posting was virulently antisemitic. Throughout its decision, the Tribunal found that the Respondent did not take into account his role as a public representative of the Church, and showed a lack of sensitivity to the Jewish community. Whilst the Tribunal found that the Respondent was not antisemitic by nature, it did consider that there was a pattern of behaviour, over a prolonged period of time, which fell short of the standard to which the Respondent should have aspired to as an ordained minister. There has been an absence of insight of the Jewish perception of his activities.
4. The Tribunal considers that it is an aggravating feature of this case that the Respondent's pattern of behaviour was undertaken in the context of the apology that he had given publicly in 2013, following the conciliation agreement, and the apology and undertaking that he had given Bishop Watson, then Bishop of Guildford, in 2015. It was compounded by the Respondent's assertion in the Australian Broadcasting Corporation radio

interview in April 2018 that his posting of the link about 9/11 in January 2015 was a serious matter that needed to be considered. There has been, in the Tribunal' view, a lack of willingness to learn from his past errors.

5. The Tribunal has considered carefully Mr Hofmeyr's submissions about the incidents found proved, the expressions of remorse, the Respondent's age and ministry. Mr Hofmeyr accepts that the threshold for prohibition has been crossed. In the circumstances of this case, the Tribunal agrees that the only proportionate sanctions open to it are prohibition for life or for a limited period. It does not consider that any of the other sanctions adequately reflect the seriousness of the matters found proved. After careful consideration, it has concluded that there is a possibility that Respondent, with the appropriate pastoral, training and other necessary support, may be able to resume public ministry in the future, after a long period of reflection over his past actions.
6. The Tribunal has considered that it is appropriate that the Respondent should be subject to a prohibition from exercising any of the functions of his Holy Orders for a period of 12 years from the date on which the Bishop of Winchester withdrew his permission to officiate on 14 December 2018. In reaching its decision as to the penalty to be imposed the Tribunal accepts Mr Hofmeyr's submission that the period during which the Respondent has been out of ministry (since the withdrawal of permission to officiate) should be taken into account. Accordingly, the penalty imposed by the Tribunal is a prohibition from exercising any of the functions of his Holy Orders until 13 December 2030.

30 January 2023