

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

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

**First Complainant: Ms STEPHANIE HAYNES**

**Second Complainant: Mr "AB"**

**Respondent: THE REVEREND HELEN GREENHAM**

**Constitution of the Tribunal Gregory Jones KC (Chair)**

**The Revd Ola Franklin**

**The Revd Sarah Hayes**

**Mr Ian Barnetson**

**Mr John Morrison**

**Appearances: Edward Dobson, Designated Officer**

**Mark B. Ruffell, Counsel for the Respondent**

**Edward Henderson, Solicitor for the Respondent (at  
directions hearing on 19 January**

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**DECISION OF THE TRIBUNAL ON PENALTY**

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*References to the Hearing Bundle are given page 1 of Hearing Bundle is "[HB 1]"-*

## **Preliminary Matters**

1. The Penalty Hearing in relation to the facts and conduct took place in private over one day on 6 March 2023. The Tribunal was grateful for the helpful assistance provided by both counsel, Mr Dobson (the Designated Officer) and Mr Mark B. Ruffell (for the penalty hearing only) for the Respondent and Ed Henderson solicitor who appeared for the Respondent at the direction hearing. The Tribunal is also grateful to assistance provided by its secretariat, Darren Oliver and Ruth Rundle.

### *Written Evidence*

2. In the light of the admissions made by the Respondent in respect of both complaints and having regard to the nature of the written submission and evidence, it was decided by the Chair with the agreement of the parties that the matter could proceed by way of oral and written submissions and written evidence. In arriving at that decision, it had been agreed that there would be no material conflict of evidence between the parties such that would require a “Newton” style hearing<sup>1</sup> (which would be adapted to the nature of these proceedings), or that any evidence submitted by the Respondent would suggest the Respondent’s pleas were in fact equivocal.<sup>2</sup>

### *Additional Evidence*

3. At the start of the hearing, an application was made by the Respondent to admit two witness statements, from the Reverend Simon Marshall and his wife Sarah Marshall. Following oral submissions, the Tribunal admitted both statements (see further below).

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<sup>1</sup> Named after the case of *R v Newton* [1983] Crim LR 198, a Newton hearing or inquiry is a procedure used in criminal proceedings where the two sides offer such conflicting evidence that a judge sitting alone (that is, without a jury) tries to ascertain which party is telling the truth. It is generally used when a defendant pleads guilty to an offence (as in *R v Newton* itself), but factual issues (relating, for example, to the appropriate sentence or penalty) need to be resolved.

<sup>2</sup> An issue explored with the advocates by the Chair, in particular, at the directions hearing on 19 January 2023 held remotely.

*The Hearing*

4. Oral submissions were made by the advocates of both parties. Following deliberation amongst the Tribunal, the decision was delivered in public by the Chair with brief reasons at the end of the hearing on 6 March 2023. The decision of the Tribunal was that the Respondent be removed from office and prohibited from the exercise of any of the functions of her Orders for the rest of her life.
5. The Tribunal indicated that written reasons would be given some weeks later but no date was fixed.
6. These are those reasons.
7. The Tribunal agreed that in respect of any appeal from its decision as a matter of fairness the time for appeal should run from the date of delivery of the written reasons.

*Anonymity application –Rule 49 Clergy Discipline Rules 2005*

8. At the end of the hearing the Designated Officer (“DO”) made an application on behalf of the Second Complainant that his name and that of his family members should be anonymized under r.49 of the Clergy Discipline Rules 2005. The Respondent did not object. The Tribunal granted the application. In anonymizing the Tribunal has had regard to the material which is already in the public domain and concluded that the correct balance is for the names of the Second Complainant and his family be given consecutive letters of the alphabet. Following the distribution of this reasoned decision to the parties a further request under r.49 CPM was made by the DO on behalf of a witness seeking anonymity prior to the wide publication of the decision. The Respondent did not oppose the application. The Tribunal granted the request and the decision has been amended accordingly so that the witness is now referred to as “EF” in this decision. It is obviously generally undesirable for

requests of anonymity to be made at such a late stage in the proceedings. Witnesses should, of course, not be unduly discouraged from giving evidence. It may therefore be useful in future if a short guidance note could be produced for prospective witnesses explaining the public aspects of the decision making process and the ability to secure where appropriate an anonymity order at an early stage.

### **Introduction**

9. The Respondent is the Team Vicar of the Parish of Solihull. She was made deacon in 2008 and ordained priest in 2009. She was appointed Team Vicar in 2011. She served her curacy between 2008 and 2011 in the Benefice of Bridgnorth in the Diocese of Hereford. She has been suspended since 2 October 2020.

### **The Complaints and Procedural History**

10. This case concerns two complaints made under the CDM 2003. The first complaint is dated the 27 October 2020 and was brought by the Diocesan Safeguarding Adviser Stephanie Haynes (“the First Complaint”). The second complaint is dated the 9 October 2021, and was brought by Mr “AB” (“the Second Complainant” on his behalf and that of his daughter (“Ms CD”) and his immediate family (“the second complaint”). Ms CD has a formal diagnosis of autism with a range of comorbid conditions.
11. The Respondent admitted the following misconduct:

“The conduct of the Respondent, THE REVEREND HELEN GREENHAM amounted to neglect or inefficiency in the performance of the duties of her office under Section 8(1)(c) of the Clergy Discipline Measure 2003 in that she, between 2011 and 2019:

- a failed to disclose to the Diocese of Birmingham information regarding the criminal conduct of her husband, Peter Greenham, in relation to his abuse of

children;

b in doing so exposed others to the risk of harm, in particular, Ms CD;

c and, further, failed to effectively manage the risk posed by the same said Peter Greenham by:

- (i) allowing him to perform roles and functions in church when it was inappropriate for him to do so; and
- (ii) allowing him to be a member of the District Church Council between 2015 and 2021 when it was inappropriate for him to be so.”

12. On the 26 February 2021, the Respondent submitted by her Form 2 a full admission to the first complaint. An exploration of a penalty by consent with the Bishop of Aston took place under section 16 CDM 2003 but resulted in no agreement. On the 21 July 2021, the President of Tribunals referred the admission to a tribunal for the imposition of a penalty. That case was stayed pending the outcome of the investigation into the second complaint.

13. On the 6 December 2021, the Respondent submitted a denial in her Form 2 Answer to the second complaint. The matter was referred for formal investigation by the bishop under section 17 CDM 2003. By her decision of the 22 June 2022, the President determined that there was a case to answer in relation to some of the allegations in the second complaint. The two complaints were joined by the President in her decision.

14. On the 26 July 2022 directions for a contested trial were issued by the Registrar of Tribunals. Pursuant to those directions on the 6 September 2022 the DO submitted his statement of case and witness statements he intended to rely upon at trial. On the 3 October 2022, the Respondent through her solicitors entered an admission to the second complaint – thereby admitting the entire case.

15. The Respondent failed then to adhere to the directions set by the Registrar of

Tribunals and the December dates set for trial were vacated. The Chair of this Tribunal set a new date for the Penalties Hearing for 19 January 2023.

16. The Respondent made an application to vary the date of the hearing citing chosen counsel's longer-term unavailability, difficulty in securing expert evidence and the Respondent's family commitments and also to be allowed to seek permission to adduce expert evidence. On 13 January 2023, the Chair directed that:

“The hearing for submissions on penalty previously listed for 19 January 2023 is vacated.

1. An online directions hearing will instead be held at 11.30am on that date, with a time estimate of one hour. The respondent can be represented by her solicitor rather than counsel.
2. The purpose of the hearing will be to:
  1. Fix a date of the hearing for submissions on penalty towards the end of February (to last half a day to one day)
  2. Fix a date for any application for expert evidence to be submitted
  3. Fix a date for the respondent's submissions on penalty to be submitted (the Designated Officer having submitted his within the previously directed timeframe)
  4. Consider any other preliminary issues that need to be dealt with in advance of the hearing
3. Legal representatives should attend with details of professional commitments for dates to avoid so that the date agreed at the directions hearing can be fixed.”

17. Following an application by the DO on behalf of the Second Complainant,

Mr AB was permitted to observe the directions hearing save for a small proportion which contained potentially personal confidential information to the Respondent. On 19 January 2023 an online directions hearing was held fixing Directions for a Penalty hearing to be held on 6 March 2023 and fixing dates in accordance with the previous written directions.

18. Having received written submissions from the parties concerning the admission of expert evidence, the Chair granted permission under rule 36(2) on 27 January 2023 for admission of expert evidence, in so doing the Chair directed the Registrar to remind the parties that the hearing was to consider the matter of penalty and any expert evidence should be confined to that which could reasonably relate to mitigation issues.

19. Immediately prior to the Penalty Hearing, two applications were made for persons to attend the hearing. The DO applied for Ms CD to attend on the basis that she is the “underlying” complainant in part of the allegations that have been brought by her father as a formal party and there is already a Victim Impact Statement from her submitted before the Tribunal. There was no objection from the Respondent’s solicitor. The Respondent’s solicitor applied for Sarah Marshall to attend to support the Respondent. The DO did not object. By directions dated 2 March 2023, the Chair granted permission for both requests stating that:

“...it should be made clear that they are not to participate during the hearing – that it should be treated with the same respect of a court of law.”

20. It is to be noted that the conduct of everyone attending the Penalty Hearing was impeccable.

21. The Respondent also made an application for three statements in support (from Mike Kelly, Reverend Simon Marshall and Sarah Marshall). It was said

that since these statements had formed part of the Respondent's Answer to the complaint at an earlier stage, and that the written submissions expressly quoted from and referenced them, that accordingly they should be included in the hearing bundle. (See email dated 28 February and repeated 2 March 2023). The response of the DO by email dated 1 March 2023 stated that:

“I have no issue with Sarah Marshall's statement being included in the bundle, as it is relied upon as character evidence – ref para 6 of the submissions on penalty.

The other two statements (Michael Kelly and Simon Marshall) are more problematic.

Mr Kelly's statement that PG '*was supportive to the youth ministry but never a volunteer or helper in relation to the youth ministry that took place in any of the churches across the parish*' - is clearly not correct. See for example exhibit SH8 at page 51 of the bundle where PG is listed under youth volunteers. EF's evidence at para 7 of page 58 is that -

*Peter helped regularly before and after Youth social events, e.g., tidying up after at least three end-of-year Christmas parties held for the Youth at St Helen's Church, a flexible multi-purpose, multi-room complex attached to a hall and chapel – with the Greenham's vicarage adjacent. This, along with other events in St Helen's Church hall, placed Peter alongside young people in the main hall, kitchen, small meeting rooms, storerooms, walk-in cupboards and the like.*

These are statements that were served as part of my case and the Respondent has entered full admissions to.

Footnote 3 to the submissions references a form 3 from Simon Marshall - I don't think I've seen that. I have seen his letter dated the 24 Feb 2021, which I can't see how that relates to the contents of footnote 3/para 5.14.!”

22. The Chair ruled on 2 March that:

“The mere reference in the written submissions does not of course entitle new evidence to go in. There is no dispute re Sarah Marshall so that can go in. Re the other two:

I will treat the application as preliminary matter on Monday and hear oral submissions – so the documents should stay out of the bundle but enough copies made so that if admitted they can be added.”



23. As already stated above the two statements were admitted following oral submissions before the Tribunal and on the understanding that the Respondent did not intend their admission to be relied in a way which would resile from her admissions.

### Documents

24. For the avoidance of any doubt in addition to the documents expressly referred to in the reasoning of this Decision, the Tribunal has read and taken into account all the documents contained in the HB namely:

Designated Officer's Submissions on Penalty; Witness Statement of Mr AB; Witness Statement of Stephanie Hayes; Witness Statement of EF; Witness Statement of Vivien Dobson; Witness Statement of Christopher Carrington; Witness Statement of Ms CD; Victim Impact Statement of Ms CD; Submissions on behalf of the Respondent; Report of Dr Karen Barton; Helen Greenham statement; Sarah Marshall statements; Reverend Simon Marshall statements; Designated Officer's further submissions on penalty; Submissions of the Acting Bishop of Birmingham; Clergy Discipline Commission Guidance on Penalties January 2021; and Michael Kelly statement.

### Summary of Factual Background

25. The following facts are not in dispute.<sup>3</sup> At the material times the Respondent was married to Peter Greenham. According to the report of Dr Karen Barton (HCPC Registered Clinical Psychologist) at [HB 76-106] produced on behalf of the Respondent, the order of events was as follows<sup>4</sup>:

“[The Respondent] ended her marriage in 2019 after discovering her husband had accumulated significant debt. She subsequently

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<sup>3</sup> See e.g. paragraph 5 of the Respondent's Written Submissions at [HB 70]: “The background to these complaints is agreed, as it came to light through the disclosures made by the Respondent.”

<sup>4</sup> This order of events is consistent with R's statement at paras [21]-[22].

disclosed her knowledge of sexual activity with young people below the age of consent and that she had been aware of this activity for a number of years, but had failed to disclose to her employer or the police...”

26. During the period of misconduct (2011 - 2019) the Respondent was aware that her husband Peter Greenham had previously committed sexual offences either with or involving children. In particular, the Respondent knew that Peter Greenham had:

- a In around 1989/1990 whilst at Leeds University had a sexual relationship whilst with a 13 year old girl (“G1”) – the girl became pregnant;<sup>5</sup>
- b In around 1993 had a sexual “relationship” with a 16 year-old pupil (“CM”) at the school at which Mr Greenham was teaching in Aston-under-Lyne and that he admitted that he struggled with girls “rubbing up against him”;
- c In around 1993 whilst in Saddleworth, “picked up” an older woman and her 14 year old sister and proceeded to engage in sexual intercourse with the older woman whilst the 14 year girl watched;
- d In 1997 (and throughout the marriage) had sexual relations with prostitutes;
- e In around 2005 had a sexual relationship with a 16 year old girl who sang in the church choir and on occasion would babysit (“G2”)<sup>6</sup>;
- f Around the same time looked for clothed “younger models” on the internet

27. In 2007 Mr Greenham wrote a letter to the then Bishop of Hereford in which

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<sup>5</sup> Para 4 of Respondent’s Witness Statement at [HB 108].

<sup>6</sup> The Respondent spoke to her parish priest about this incident who communicated with the Bishop of Hereford, see e.g. para 13 of Respondent’s Witness Statement at [HB 110].

he admitted to having an inappropriate “physical” relationship with 16-year old girl who acted as the family babysitter (“G2”). As a result of this admission Mr Greenham agreed to cease to have any connection with youth work in Leominster Priory and in Bridgnorth.

28. In 2008 Mr Greenham signed a confidential declaration form in which he accepted that his conduct had “caused or been likely to cause significant harm to a child or vulnerable adult, or put a child or vulnerable adult at risk of significant harm.” The conduct in question is described by Mr Greenham as “a relationship with a 16 ½ yr old member of the church choir...”.
29. In 2011, the Respondent was appointed Team Vicar and Director of Children and Families Ministry in the Parish of Solihull. Upon her appointment the Bishop of Hereford contacted the then Bishop of Birmingham about Mr Greenham’s “relationship” disclosed to him in 2007.
30. In 2011 the Respondent met with the Bishop of Birmingham for the purpose, in part, of discussing any risk posed by her husband. At that meeting, it is not disputed by the Respondent, that the Respondent failed to disclose, in breach of her duties of office, the full extent of her husband’s criminal behaviour and the potential risk he posed. Despite her knowledge she expressly asserted that her husband was not a risk to younger children but nevertheless agreed with the Bishop that he would have no involvement in work with teenagers or children.
31. In her Form 2 answer to the first complaint the Respondent wrote that

“I wish to start by recording my sadness and shame that my ex-husband Peter Greenham, ("PG") has engaged in repeated extra-marital sexual behaviour which has included underage girls and that I did not disclose what I knew to the extent I should have.”

32. It was not until January 2020 that the Respondent disclosed to the First Complainant and Archdeacon Simon Heathfield the criminal conduct of her husband.<sup>7</sup> She did not inform the Second Complainant and his wife of her husband's abuse of children until 16 October 2020.
33. In or around the early part of 2020, Mr Greenham was arrested by the police and subsequently charged with child sexual abuse offences. On the 27 July 2022 Mr Greenham pleaded guilty to 15 offences which included rape, indecent assault, sexual assault, unlawful sexual intercourse and inciting a girl to commit an act of gross indecency. On the 12 August he was sentenced to 13 years imprisonment.

### **Legal Duties and Policy Principles**

#### *Relevant Duties*

34. As the DO acknowledged, the misconduct in this case took place before the coming into force of section 5 of the Safeguarding and Clergy Discipline Measure 2016 which concerns the express duty to have due regard to the House of Bishops' policies on safeguarding children and vulnerable adults. However, the DO submitted that following the decision *Re: The Reverend Paul Robinson* (2008; Bishop's Disciplinary Tribunal for the Diocese of Chester), it was part of the Respondent's duties of her office to be "*paying regard to, and generally acting in accordance with House of Bishops' Policy*" (*Robinson* para 120). That submission was not disputed by the Respondent and the Tribunal accepts it to be correct.
35. The Tribunal agrees that as a clerk in Holy Orders exercising parochial ministry with the cure of souls<sup>8</sup> the Respondent was under a duty to act in accordance with and to follow the House of Bishops' policies on safeguarding

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<sup>7</sup> See e.g. para 22 of the Respondent's witness statement at [HB 113].

<sup>8</sup> Section 34 of the Mission and Pastoral Measure 2011 the cure of souls is shared between the incumbent and team vicar(s)

children and vulnerable adults. Again, this proposition was not disputed by the Respondent.

*Relevant Policy and Guidance*

36. The House of Bishops' policy 'Protecting All God's Children' (4<sup>th</sup> edition 2010) at para 4.2 states "...it is important to remember that above all it is people who protect, not procedures. The aim should be to create a culture of informed vigilance in the Church." The House of Bishops' policy 'Key Roles and Responsibilities of Church Office Holders and Bodies Practice Guidance' (October 2017) states that the incumbent must:

"Ensure that known offenders or others who may pose a risk to children and/or vulnerable adults are effectively managed and monitored in consultation with the diocesan safeguarding adviser" (page 20).

37. The House of Bishops Parish Safeguarding Handbook (2018) provides that:

"...there may be those who do not have convictions or cautions but where there are sound reasons for considering that they still might pose a risk to others. Where people may pose a risk to others, their position in a congregation will need to be carefully and sensitively assessed to decide whether they pose a present risk to others and to put in place arrangements to ensure that these risks are mitigated. In these circumstances it is not only about monitoring individuals but offering support to lead a fulfilled life. As such, the Church has an important role in contributing to the prevention of future abuse." (page 34)

"Always contact the DSA as soon as practicable, but within 24 hours, if you learn that any of the following people worship in your church:

....

4. Anyone who may pose a risk to other church members due to their behaviour, irrespective of their criminal status." (page 35)

38. The 'Guidelines for the Professional Conduct of the Clergy' provide that:

"2.10 The clergy must always put first the interests of those for whom they are pastorally responsible, and act to protect them even where this requires them to override personal and professional loyalties

2.11 The Church of England’s national and diocesan policies, guidelines and requirements must be known and observed.”

#### CDC Guidance on Penalties

39. The Tribunal has also taken into account section 5 (page 11) of the Clergy Discipline Commission’s Guidance on Penalties (January 2021), in particular, to the opening to para 5 that states: “The safeguarding of children, young persons, and vulnerable adults is an integral part of the life and ministry of the Church.”
40. The Tribunal accepts that the guidance is only to guide and that the narrative sections must be read not prescriptively. Each case is different and will turn on its facts.
41. References to a particular penalty are the starting point that then requires an adjustment to take into account the aggravating and mitigating features of the misconduct.

#### The Approach to the Preliminary Table

42. Any penalty must be proportionate to the misconduct. A penalty outside of the guidelines may only be imposed if that would be appropriate, taking into account all of the circumstances of the case. We have taken into account the approach of a previous tribunal to safeguarding failures in the case of *Re: The Reverend Julian Blakely* (2022; Bishop’s Disciplinary Tribunal for the Diocese of York) at para 78 onwards although the particular facts are quite different.

#### **Stage 1 - Harm and Culpability**

##### *Harm*

43. The Tribunal agrees with the DO that harm has been inflicted against a number of victims. Firstly, direct harm towards Ms CD. Regardless of her age, Ms CD’s condition puts her into the category of a vulnerable person. The Tribunal

rejects the suggestion made by counsel for the Respondent in oral submissions (without the support of any expert medical evidence) that we should give less weight to the Victim Impact Statement from Ms CD in which she described the impact upon her of this breach of trust because her condition of autism meant that she would feel and see things in more extreme ways than others do. But even if correct, that would not be to mitigate the harm but increase it. Secondly, the family of Ms CD as a whole, including her father Mr AB, who is the Second Complainant.

44. The parish of Solihull, the community and the whole church are also victims. By the very fact of his status as husband to the vicar the Respondent allowed her husband to enjoy a trusted position within the Parish which increased the risk he posed to the community, in particular the vulnerable. She allowed Mr Greenham to perform roles and functions in church relating to youth and children's ministry that also gave him a position of status and/or authority, this included being seen and known to be involved in the church youth group as well as Mr Greenham driving his own children and other children back from youth club meetings (see e.g. the evidence of Stephanie Hayes at [HB 17] para 9; EF at [HB 58] at paras 5-9 and Vivien Dobson at [HB 60-61] at paras 4-5).

45. The Respondent in her written submissions relied upon the Witness Statement produced by the Reverend Simon Hardy Marshall in which he said that he had attended "Messy Church" on 8-9 occasions each year (it operated once a month) in which he performed various duties but said:

"On the occasions when I was part of the helpers (sic) team I did not see Peter Greenham assisting with activities involving children. I always spent some time in the main hall where the children's activities were taking place and never saw Peter in the vicinity of these activities. Peter's work was confined to assisting with food preparation in the kitchen and with tidying and moving furniture after Messy Church had ended. Whenever I was present I observed that this was always the case"

46. It is not clear from the statement how often Reverend Simon Marshall was part of the helpers' team and what happened when he was not there or in the main hall. The point is that in terms of risk of harm Mr Greenham should not have been participating in an event involving young children at all.

47. Sarah Marshall, in her second Witness Statement, admitted that she and her husband were taken in by the Respondent and Mr Greenham since they first met in September 2011. With three children of similar ages and with both working in the Ministry, she says it was natural that she became friends with the Respondent. In a witness statement submitted on behalf of the Respondent she says:

“Looking back my husband and I would often smile to ourselves and comment on what an amazing family the Greenhams were... Peter was hugely involved both as a Father and as a spouse. until much later on I had no idea of his dark side. He was fun to be with, kind and caring towards the children and gave up huge amounts of time and energy to support Helen and her Ministry. I had no doubt from what I saw from close proximity (Camping together at “The Greenbelt festival”, Family games nights, family days at the beach) that Peter was a great dad and a supportive husband.”

48. Whilst these statements were submitted on behalf of the Respondent, they reinforce the fact that the risk of harm caused by the Respondent's non-disclosure extend beyond simply the direct parish community.

49. The Tribunal agrees with the submission of the DO that all misconduct undermines confidence in the public ministry of the Church and her clergy. No authority is needed in support of this conclusion, but the DO referred the Tribunal to see the ‘Theological Reflection’ by Francis Bridger in the appendix to the ‘Guidelines Professional Conduct of the Clergy’:

“When one clergyman or woman acts unprofessionally, he or she



threatens to bring the Church as a whole into disrepute – witness the ripple effect of scandals. As Eric Mount has commented: “Moral responsibility includes being responsible people within institutions.” Or in St Paul’s words, “We are members one of another” (Ephesians 4.25)”

50. Finally, at paragraph 51 of her witness statement at [HB 119] the Respondent states that:

“I now accept and admit that my neglect to disclose was insufficient in doing this and had the potential to cause harm. I do wish to have it noted however that as far as anyone can be aware, no child or young person has been directly abused by PG since I began training for the ministry.”

51. The Tribunal notes the absence of any evidence of sexual abuse by Mr Greenham during these years. This does not mitigate the harm felt by those exposed to the risk. That the Respondent exposed young people to such a risk for a long period of time means that as a collateral harm nobody including the victims can know as of today either way whether anyone did suffer direct abuse during this period.

#### *Culpability*

52. The Tribunal finds that the Respondent is culpable for her own inaction in this case. She has admitted culpability and the charges which specifically allege *inter alia* that she exposed others to risk of harm, in particular, Ms CD by allowing Mr Greenham to perform roles and functions in the church (as described above) when it was inappropriate for him to do so. The Respondent was well aware that allowing her husband access to youth etc. events posed a risk of harm, not least, because an outcome of the meeting with the Bishop of Hereford led to her husband undertaking not to engage in youth work and their joint undertaking to the Bishop “not to host any youth work in their home.” at [HB 37]. See the letter to the Bishop dated 4 October 2007 at [HB 35].

53. The Respondent along with her husband had met<sup>9</sup> with the Bishop of Hereford and the Reverend Mary-Lou Toop (Diocesan Director of Ordinands) in 2007, to discuss the circumstances of her husband's relationship with G2. The Respondent had an opportunity to reveal her husband's past conduct<sup>10</sup> in a meeting at which his sexual conduct with young women was the subject of the meeting but instead she was party to a misrepresentation that the relationship with G2 was a "one off" incident.

54. Further, when she moved to Birmingham the blue file note of her husband's relationship with G2 was triggered. As a direct result the "context" which the Bishop of Hereford presented misled the Bishop of Birmingham as to the true extent of Mr Greenham's abuse. In meeting with the Bishop of Birmingham the Respondent also failed to reveal the extent of her knowledge of her husband's sexual abuse and expressly asserted that he was not a risk to young children. This went beyond simply failing to act but misled the Church as to the likely threat posed by her husband. In written submissions made on the Respondent's behalf at para 5.10 at [HB 72] it is said that the Respondent accepted that in 2011 she was under a duty to report what she knew about her husband to the Diocese but:

"Wrongly, in her own mind, the matter was settled and the agreement that she reached with her husband in 2005 was binding upon her. At the time she believed that PG's offending behaviour was in the past."

55. This justification is not expressly contained in the Respondent's Witness Statement but nonetheless is an admission of culpability.<sup>11</sup> The Respondent

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<sup>9</sup> It is unclear from the Bishop's file note at [HB 37] whether he met the Respondent separately from her husband or whether he and the Reverend Mary-Lou Toop each separately met together the respondent and her husband.

<sup>10</sup> For example, his past relationship with G1 -a 13 year old whom he made pregnant

<sup>11</sup> In her witness statement at paragraph 17 at [HB 110] having discussed the problem in relation to her husband's relationship with G2 the Respondent says that when she later learnt of his conduct with the prostitute and her 14 year sister along with her husband's confession he looked for clothed younger models on the internet she said "I was shocked and disgusted and I told PG that I had no choice but to report him." She says she did not report him because he threatened to kill himself and

was actively complicit in misleading both Bishops as senior representatives of the church as to the level of risk her husband posed.<sup>12</sup>

## **Stage 2 - Aggravating and Mitigating Features**

### *Aggravating*

56. The period of misconduct is substantial being 2011 – 2021. It is not disputed that the evidence is of multiple occasions of risk of harm occurring both at church, in the car, and at home. It is also not disputed that the misconduct took place within the context of a breach of trust. It is clear from the evidence that Ms CD and her parents trusted the Respondent. This breach is particularly egregious given Ms CD's condition.

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then threatened to kill the children. She also states she feared no one would believe her.

<sup>12</sup> In accordance with court practice a draft copy of this decision was circulated to both parties to provide any comments on typographical or other errors of that nature. The Respondent's solicitor had confirmed he had no further comments, he then sent a further email saying the following:

"As a final comment, I should say that we do not agree with para [55] [it was para [54] in the draft] 'The Respondent was actively complicit in misleading both Bishops as senior representatives of the church as to the level of risk her husband posed.' However this seems to me to be a potential issue for appeal rather than a correction. It was not pleaded that HG was 'actively complicit in misleading...'. That was never the allegation and we would say it is an unfair and potentially harmful finding." Regardless of whether this objection by the Respondent's solicitor is properly raised at this stage, it having been so raised and there being no provision for permission to appeal from this Tribunal, it is perhaps useful if we address briefly the point. Whilst we did not consider this finding to be a determinative factor, given the other reasons in our conclusions in respect of seriousness and the lack of realistic prospect of rehabilitation, nonetheless, we do consider this to be an aggravating factor. The facts relating to the interviews with the Bishops of Hereford and Birmingham were expressly relied upon by the DO in written argument before us and were not disputed by the Respondent (see paragraphs [27]-[31] above of this Decision to which no objection was taken by the Respondent upon circulation of the draft, nor has objection been taken to paragraphs [53] –[54], [72] and [84] of this Decision upon circulation of the draft). Our conclusions are drawn from the undisputed evidence before the Tribunal. Furthermore, the Chair put the matter orally to the Respondent's Counsel when the Chair suggested that the Respondent's conduct in presenting a limited and inaccurate portrait of her husband's sexual history as known to her, as well her statement that he posed no threat to young people, in interviews which were specifically focused on establishing the history of the sexual misconduct of the Respondent's husband and his potential safeguarding threat to young people, went beyond mere reporting omission and could be regarded as "shielding" or "protecting" a sexual offender in accordance with para 5.1 of the 'Guidance on Penalties,' Issued by the Clergy Discipline Commission. It was argued by Respondent's counsel that this conduct did not amount to "shielding" or "protecting" - a submission we reject. However, it was not argued on behalf of the Respondent (correctly in our view) this was not a matter we could take into account on account of fairness. We think it is. But in any event, as stated above, even if we could not have taken this into account it would not have affected the outcome in respect of the two separate grounds of seriousness and rehabilitation which both singularly and cumulatively in our view justified a prohibition for life.

57. As discussed above, the Respondent was aware of the risks posed by his failure to disclose her husband's past sexual abuse. As the DO notes she had previously trained and worked as a teacher and her appointment to the Parish of Solihull included being the Director of Children's Ministry and her failure to act was not due to a lack of experience in children and safeguarding. The Respondent was up to date with her safeguarding training. The Respondent's part in misleading the Bishop of Birmingham as to the actual extent of her husband's misconduct was deliberate.

### *Mitigation*

58. In mitigation, the Respondent admitted the misconduct in the first complaint at an early stage of these proceedings. The second complaint was admitted after the witnesses had compiled their statements. However, credit is given to the Respondent that she admitted both charges and a trial and all that would have entailed was avoided.

59. Some credit is also given to the fact that the Respondent did eventually report her husband's history of sexual abuse to the Church, and it is apparent that this may have contributed to his decision to surrender himself to the police, something which eventually led to his convictions.

60. A principal part of the Respondent's mitigation relies very much upon her psychological history. A clinical psychological report by Dr Karen Barton has been prepared for the purposes of this Penalty Hearing. It is based on one interview conducted on 31 January 2023 with the Respondent over 3 hours 20 mins. Appendix 2 of the Report contains the Respondent's medical history. The Respondent's Written Submissions at paragraph 4 at [HB 70] requested the Tribunal to have regard to Dr Barton's Report and note the following factors:

“The GP note (at page 27) relating to the respondent aged 11 having seen a psychiatrist and certainty over a previous event having occurred (the sexual abuse)

The GP notes summarized (at page 26) showing mental health concerns over a 20-year period.

The diagnosis and recommendation at paragraph 2, and specific conclusions at 10-15”

61. The Tribunal has noted those aspects and read with care the whole report. In her Witness Statement the Respondent states that

“...the 27 years of our marriage, whilst outwardly settled and happy, was largely characterized by PG’s coercion, mental, sexual and physical abuse of me. I consider this to be fundamental to understanding the reason why I did not disclose what I knew about his abuse sooner.”<sup>13</sup>

62. At paragraph 11.1 of her report [HB 91] Dr Barton states that she:

“...is unable to comment on whether Rev Greenham was manipulated.”

63. Dr Barton states that she is aware of “a body of research and information concerning coercive control in intimate relationship that is beyond my area of expertise, but which is likely to be relevant in providing an extended response to this instruction.”[Underlining added] at para 11.2 [HB 91]. Instead, Dr Barton stated that she “would remain within the remit of my knowledge, and consider Rev Greenham’s specific experience and the influence of her psychological profile as described in section C and D of this report” [paragraph 11.2]. At paragraph 11.5 at [HB 92] Dr Barton stated:

“Finally, once she was in a relationship where she felt abused, she is likely to have felt reinforced in her view that her needs are unimportant, by perceived messages from others that she was incorrect in her relationship. She was predisposed to perceiving her needs as invalid by her childhood experience and this was then reinforced by her adult experience.”

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<sup>13</sup> Para 21 of Respondent’s Statement at [HB 113].

64. In the Respondent's Written Submissions at para 7 [HB 74], the Tribunal is asked: "to accept that the respondent's insight into her own misconduct has been affected by her experience as a victim both of childhood trauma and adult trauma within her marriage. Her lack of action regarding PG contemporaneous to his actions is explained by her complex psychology and this explains how her understanding of her misconduct since her revelations has been 'egocentric' and from her own perspective." The submission no doubt seeks to meet the statement made by the Second Complainant upon finally being told by the Respondent of her husband's past sexual abuse:

"My wife and I were completely shocked by this information. I asked Helen why she did not leave Peter and she emphatically stated that 'I couldn't possibly have coped with bringing up a child on my own.' I was shocked that she expressed no remorse for Peter's victims at any point then or since." (para 13 at [HB 13-14]).

65. The Respondent has since expressed remorse in her witness statement before this Tribunal. However, the unchallenged contemporaneous account of what was said by the Respondent in the Tribunal's view shows at least a degree of inconsistency in the Respondent's narrative. The Tribunal also notes that the Respondent evidently had the strength to separate from her husband in July 2019 when he got into financial difficulties (albeit the debts may have been related to viewing pornography on the internet). It was not until January 2020 that she reported his criminal conduct to the first complainant and Archdeacon Simon Heathfield.

66. Dr Barton's summary at para 2.1 [HB 79] is that the Respondent "experiences symptoms of Other Specified Trauma and Stressor Related Disorder...She has a persistent response to trauma with PTSD-like symptoms that are subthreshold for a full diagnosis." However, Dr Barton acknowledges at paragraph 2.2 [HB 79] that she is "aware of the range of opinion on this

diagnosis but would consider this as most accurately summarising symptoms reported at interview and in the medical records.” She concludes at para 2.5 [HB 79] that:

“Blame, reduced self-trust and poor esteem is likely, on the balance of probabilities, to both reduce faith in her opinion, making it more difficult to articulate them and encourage greater vulnerability to persuasion. This further maintains a sense of shame and avoidance.”

67. As Dr Barton acknowledges there are “a range of opinions” as to the extent to which these experiences would make the Respondent less likely to report child sexual abuse. Furthermore, even Dr Barton’s diagnosis is quite different from a finding that the Respondent was “manipulated” by her husband.
68. Furthermore, in Section E of her Report at paras 9.1–9.5 [HB 87-88] which relates to reliability and validity of the findings, Dr Barton drew attention to one inconsistency:

“I note that she details that she was unaware of the risk that her husband might pose to young adults, but that she also held a belief that she minimised the amount of time that her daughter’s friends spent alone in his company. When asked, Rev Greenham had no explanation for this inconsistency. It may however, lead some psychologists to question the reliability of the narrative and therefore the validity of the finding of this assessment.”

Dr Barton considered on balance it to be an anomaly. As requested by Dr Barton, the Tribunal did explore this inconsistency. When asked about this part of the report, despite his best efforts Mr Ruffell was unable in our view to provide any more cogent explanation than the Respondent had to Dr Barton. He suggested that it was because the Respondent was under the influence of her husband. However, even if correct, this is not relevant to the inconsistency identified by Dr Barton.

69. Furthermore, as stated above, Dr Barton recorded that the Respondent finally

left Mr Greenham when he got into financial debt. It was approximately six months before the Respondent reported any of his sexual abuse to the Church. In answer to questions by the Chair on this point Mr Ruffell sought to explain that this was part of the process which the Respondent was going through. In her witness statement at paragraph 43 at [HB 117] she says: “Having ended my marriage to PG I finally got to the point where I could speak to my therapist.” The Respondent therefore somehow found the strength to break from her husband when he got them into financial debt before she found the strength to disclose his sexual abuse.

70. The Tribunal considers Dr Barton’s report to be carefully written – she has fairly highlighted areas where there may be different expert opinions to hers and the Tribunal accepts from the medical evidence that the Respondent suffered some form of sexual abuse when she was 8. The Tribunal also accepts the medical evidence in relation to the notes produced from her visits to GPs over the years concerning her mental state and her marriage. She was in a seriously dysfunctional and abusive relationship with her husband. Her now former husband is a deeply unpleasant sex offender but an evidently, persuasive man.
71. Whilst the Tribunal accepts some of the force of Dr Barton’s diagnoses it notes the various *caveats* present in her report and her frank acknowledgment that other experts may not agree with her diagnosis. In addition, the Tribunal does have some degree of doubt about the veracity and reliability of the diagnosis based upon the interview and tests carried out with the Respondent and consideration of the material set out in Dr Barton’s Report for the reasons set out above.
72. However, even if one were to accept Dr Barton’s diagnosis at its highest it does not mitigate the seriousness of the misconduct and it does not go as far



as to say that the Respondent was not culpable. Dr Barton has made clear that she expresses no opinion on whether the Respondent was manipulated by her husband. In short, Dr Barton does not opine that the Respondent was rendered an automaton. Indeed, it is evident from even the statement submitted on the Respondent's behalf, that the Respondent herself was also very persuasive in demonstrating to the outside world that all was well within the family. She was evidently persuasive in her dealings with the bishops in which she misled them as to the extent of her knowledge of her husband's previous sexual abuse. Dr Barton's diagnosis may go to explaining the Respondent's conduct over such a long period of time, but it does not excuse the Respondent from culpability and in that respect we can only give it limited weight in terms of mitigation.

73. In any event, in this case, as noted above, the seriousness of the misconduct is such that the Respondent accepts that she should be prohibited from ministry – the issue is whether that prohibition should be for life. In that respect, the diagnosis of Dr Barton highlights the huge challenge faced by the Respondent to be able to live an ordinary and well life. Whether there is a prospect that she can ever be fit for the demanding role of a ministry within the Church is a question we address below.

### **Stage 3 – Consideration of Penalty**

74. Any penalty imposed must obviously be proportionate.

#### *The Bishop's Representations*

75. The determination of penalty remains a matter for the Tribunal. The Tribunal considers the Bishop of Aston's views on penalty (letter dated 16 November 2022) to be relevant. In short, the Bishop called for the Respondent to be prohibited from Ministry for life. As requested by the DO, in considering the Bishop's representations we have taken into account the provisions of section 1 of the CDM 2003 - the duty to have due regard to the role of the bishop in

the administration of discipline

“1 Duty to have regard to bishop’s role

Anybody or person on whom functions in connection with the discipline of persons in Holy Orders are conferred by this Measure shall, in exercising those functions, have due regard to the role in that connection of the bishop or archbishop who, by virtue of his office and consecration, is required to administer discipline.”

76. This section reflects the provisions of Canon C 18.7 and the Ordinal. Clearly, the work of a priest is shared with the Bishop and the Tribunal agrees that episcopal confidence in the sharing of the cure of souls in ministry is clearly important. Counsel for the Respondent did not challenge the relevancy of these issues. However, he submitted that we should also take into account when assessing what weight we give to the Bishop’s view the fact that the Bishop had not seen all the evidence presented on behalf of the Respondent, in particular, she had not seen the report by Dr Barton that included evidence of the Respondent’s sexual abuse at the age of 8 and the impacts that might have including her relationship with her husband.

77. We concluded that the Bishop’s opinion is relevant to our determination and it should be given some weight, in particular, with regard to the seriousness of the misconduct and also to the extent to which the Respondent might be likely to be rehabilitated to the ministry. However, we recognised, as counsel for the Respondent submitted, that the Bishop wrote the letter without the benefit of the Respondent’s evidence and in particular, the opinion of Dr Barton, and we have accordingly tempered the weight we have given to the Bishop’s opinion. Although we took the Bishop’s view into account, it was not determinative in our decision.

#### *Approach to Penalties*

78. In the *Blakeley* case, the Tribunal was invited by counsel to start its 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 the misconduct crossed the threshold to justify it.

79. In this case, in his written submission, counsel for the Respondent at [HB 75] stated:

“8.5 The Respondent accepts that the threshold for prohibition from ministry may have been crossed, but notes that the safeguarding guideline 5.1 is broad and allows the Tribunal to determine the appropriate penalty taking account of the particular circumstances of a case.

8.6 The respondent submits that there is a more than a realistic prospect of rehabilitating her back into ministry.”

“9. The Respondent respectfully asks the Tribunal to impose a penalty that is not graver than a limited prohibition.”

80. The Respondent also did not contest that she should not be removed from office, and accepted that a prohibition from ministry would be appropriate. Thus, the only live issue before us was whether that prohibition should be for a limited period. However, we have considered ourselves whether lesser sanctions would be appropriate and we give our brief reasons.

#### *Rebuke or a conditional deferment*

81. Having regard to the seriousness of the charges we agree with the approach taken by both advocates. We do not consider that a rebuke or a conditional deferment would be proportionate in the circumstances of the case.

#### *Removal from Office*

82. Taking into account all of the circumstances, including the seriousness of the sexual offences by her husband which the Respondent failed to report for many years,<sup>14</sup> the significance of the duty upon incumbents to be diligent in

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<sup>14</sup> The offences included rape, indecent assault, unlawful sexual intercourse, and inciting a girl to commit a gross indecency that resulted in a prison sentence of 13 years, see e.g. witness statement of

safeguarding children and vulnerable adults and the long-period of time over which the Respondent failed in her duties towards her congregation and parish, we can see no prospect of her securing the confidence of the congregation.

*Permanent or Limited Prohibition*

83. The Tribunal considers the sanction should be permanent for two separate reasons. First, we consider the seriousness of misconduct warrants prohibition itself and second, we have considered that there is no realistic prospect of her being “rehabilitated” into the ministry (we explain why we have put the word “rehabilitated” into quotation marks below).

*Seriousness*

84. For the reasons set out we consider the offence to be of the utmost seriousness. The Respondent’s failure to disclose the very grave sexual offences went on for a considerable period of time. This is compounded by the fact that the Respondent allowed her husband to occupy and take positions within the Church, some of which exposed him to young and vulnerable persons. The Respondent’s conduct was not simply passive in failing to report her husband but it was also active in that it is apparent she misled the Bishops of Hereford and also Birmingham as to the extent of her husband’s previous sexual misconduct. Even if one discounts her meeting with the Bishop of Hereford, the DO’s allegation that she misled the Bishop of Birmingham was not challenged by the Respondent.
85. Secondly, we consider there is no realistic prospect of the Respondent being “rehabilitated” into ministry. We pause to observe that the word rehabilitated means the restoration of something damaged or deteriorated to a prior good condition. In terms of the Respondent’s ministry, there never appears to have

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the First Complainant at paragraph 10 at [HB 17].

been a point in time when her ministry was sound. Right from the beginning the Respondent's ministry has been tainted by this non-disclosure.

86. If we take Dr Barton's diagnosis at its highest, it is clear that the Respondent has a long way to go before she can begin to live anything like a balanced life. Her past medical history records levels of depression and on occasion threats of suicide. It is said on her behalf that her recent heart attack may be attributable to what has happened to her.

87. Dr Barton was not directly asked whether there was a realistic possibility of the Respondent being rehabilitated to ministry. The closest the question is put to her in her instructions is at [HB 96]: "Would Rev'd Greenham benefit from counselling and, having made the admission of misconduct and with the support of counselling and therapy should the prognosis be that she could return to lead an ordinary, healthy life?"

"15.3 Therapy would take place weekly and is likely to last in the region of 9-12 months. The prognosis following successful engagement for the entire treatment would be good. In reaching this decision I have considered Rev Greenham's responses on the PAI which indicate little resistance to treatment and an ability to develop therapeutic relationships with others. Both are key factors in determining the success of therapy intervention."

88. It is important also to note also what Dr Barton means by a positive response at para 15.15 – 15.17 [HB 96]:

"I would consider a positive outcome to be one in which Rev Greenham no longer meets criteria for a diagnosis of Other Trauma Related Disorder. I would expect a residual emotional response that is likely to lie within normal limits for an experience of this kind.

If Rev Greenham no longer meets criteria for a diagnosable psychological condition then, on the balance of probabilities, this will not restrict her functional or occupational capacity.

There is likely to be a range of opinion on the extent to which, having admitted misconduct of this nature, an individual can return to their previous psychological trajectory. I am basing my opinion on my understanding of Rev Greenham's willingness to engage with the work, and research using psychological therapy with people who have admitted wrongdoing" (e.g. Kolts & Gilbert, 2018). [Emphasis added]

89. Given the Respondent's past medical and mental history we are sceptical that a treatment period of only 9-12 months would be enough to reach a positive outcome however so defined.
90. Moreover, the positive outcome as defined by Dr Barton is one which "no longer meets criteria for diagnosis of Other Trauma Related Disorder. I would expect a residual emotional response that is likely to lie within normal limits for an experience of this kind" [Underlining added] Dr Barton again acknowledges that there is a range of professional opinion as to whether such "an individual can return to their previous psychological trajectory".[Underlining added]. In this case given that the abuse of the Respondent occurred at a young age, one must ask what is the "psychological trajectory" to which she would be returning? It seems rather that future treatment must produce a *new* psychological trajectory for the Respondent.
91. Furthermore, the question for the Tribunal is not whether the Respondent has a realistic prospect of reaching some form of well-being in her mental health – something which in our view is obviously a real challenge -but whether there is a "realistic" prospect she could return as a functional priest to her ministry. The call to ministry is a demanding one. A minister in the Church is someone whom the community can expect to trust and provide a moral lead. Ministers frequently have to care for the wellbeing of those who are vulnerable and who themselves have mental difficulties.
92. Having regard to her age we see no prospect that the Respondent will ever be regarded as suitable to return to the ministry.

93. In addition, even if we were of the view that the Respondent had a realistic prospect of developing a sufficiently robust mental health state, as well as the other skills required of ministry, we see no realistic prospect of her being trusted again within the Church and community, such that she be given the cure of the souls of any Parish or any other ministerial role. This is based not only upon the view of the Bishop of Aston's letter to which we have given only some weight, but also upon the collective judgement of the Tribunal based upon the evidence before us.
94. In oral submissions, counsel for the Respondent suggested that we could consider some form of limited ministry in which the Respondent could work with only the elderly including those with dementia. Quite apart from the vulnerable nature of those with dementia; ministry cannot be so conditioned, and neither can trust.
95. Finally, we hope the Church will provide all appropriate pastoral support to the Respondent. The Tribunal hopes very much that the Respondent can move ahead to overcome her mental and physical health challenges; but there is no realistic prospect of her returning to the ministry and to suggest otherwise would be to hold out a false hope which would not be a kindness to the Respondent.

**11 May 2023**