

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

Complainant: THE VENERABLE ANDREW WOODING JONES

Respondent: THE REVEREND ROBERT LLOYD RYAN

Constitution of the Tribunal: HHJ Heather Norton (Chair)
The Reverend Canon Kathryn Percival
The Reverend Canon Peter Walley
Mr Richard Hill
Prebendary Sue Lloyd

Appearances: Mr Edward Dobson, Designated Officer
Ms Katherine Apps, Counsel for the Respondent

DETERMINATION OF THE TRIBUNAL

Introduction

1. The Respondent – the Revd Robert Ryan (RR) – faces allegations 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.*

The allegations all relate to his conduct in 2014/2015 with and towards Person A, a married woman, and 'parishioner' in that she was a regular attendee of 'The Gathering' a pioneer Fresh Expression set up initially under the aegis of Rochester Cathedral where RR had previously been a Curate.

2. In summary form, the allegations are that:
 - (1) He had sexual intercourse with Person A on 3 occasions: twice in a houseboat where he was temporarily resident; and once at the Premier Inn in Brighton;
 - (2) He a) accepted small gifts from her, and b) kissed her, and c) accordingly failed to observe or maintain appropriate professional boundaries.
3. Allegation 1 is disputed: RR denies that any sexual intercourse took place between himself and Person A, whether at the times and places alleged, or at all.
4. Allegation 2 is accepted in part: RR accepts that he accepted some small gifts from Person A and kissed her, but disputes the circumstances or context in which each event is alleged to have taken place. Accordingly, it is denied that the acceptance of gifts amount to a failure to observe or maintain appropriate professional boundaries.

Legal Submissions

At the outset of proceedings, and at the conclusion of the evidence, the Panel received a number of legal submissions; one, on behalf of the complainant, the remainder made on behalf of the Respondent, as follows:

- (i) An application on behalf of the Complainant for Person A to be accompanied when she gave her evidence by a supporter who was not a witness in the case.
This application was acceded to unopposed.
- (ii) An application on behalf of the Respondent to be permitted to submit a further skeleton argument at the outset of the proceedings.
This application was opposed by the Complainant who argued that it was unnecessary, but acceded to by the Panel on the basis that it would be helpful to receive any submissions in writing.

- (iii) Lengthy submissions were made on behalf of the Respondent about the correct construction of s.17 CDM and the extent to which evidence could be placed before the Panel which did not go specifically to the individual allegations with which the Panel were concerned. It was argued that the decision of the Deputy President of Tribunals limiting the allegations to be determined to those in which there was corroborative evidence, on the basis that, *'the unsupported evidence of [Person A], should it stand alone, would not be sufficient to discharge the standard of proof required to elicit findings of misconduct against this respondent'*, bound the Panel; not only in so far as the allegations to be determined, but also as to the evidence that could be received, the extent to which RR could be cross-examined, and the conclusions that the Panel could reach about Person A's credibility; indeed, Ms Apps went so far as to argue that because the Deputy President had not referred all allegations for a hearing, his decision amounted to *'a judicial decision on Person A's credibility on those [other] matters which cannot be revisited in relation to those allegations'*, and that it was, *'not open to the Tribunal to find that Person A has given wholly credible evidence in this process'*. The Panel disagreed with these submissions. The only allegations for determination by the Tribunal were those allegations that had been referred to them by the Deputy President. However, that did not render inadmissible, or bar the Panel from considering, evidence that was relevant to those allegations and which established the circumstances of and context in which those incidents were alleged to have occurred. The Deputy President's decision was a decision as to which allegations should be referred; it was not a 'judicial finding of fact'. Where evidence is relevant to an issue that has to be determined, that evidence is (save in specific legal circumstances, which did not here apply) admissible. As a matter of law, there is no requirement for corroboration.
- (iv) An application was made that RR should give his evidence last, after all his witnesses. The Panel refused this application.
- (v) One of the evidential issues in dispute was as to the appearance of RR's genitalia. Person A maintained that skin of RR's [anatomy] was darker in colour than the rest of his body. RR, supported by his wife, maintained that there was no difference in skin tone. Each side relied upon Person A's ability, or inability (as the case may be), to accurately describe an intimate part of RR's anatomy. Ms Apps on behalf of the Respondent:

- a) Made an application for an Order under Rule 49 prohibiting publication of any description of RR's [anatomy]; and
- b) Requested assistance from the Panel how this issue may be resolved.

The Panel agreed to make an Order that any reference to this issue should be redacted from any publication of this determination. The Panel further suggested that the only proper way in which the issue in dispute could be resolved would be for the Respondent to consent to a medical examination. This the Respondent acceded to and the Panel in due course received a short report from a medical practitioner that he 'could not find that his [anatomy] was abnormally darker in colour than the rest of his body.'

The Panel took the view that the wording of the GP's report was equivocal. The Panel accordingly made no findings about this issue which we ignored entirely when reaching our determination.

- (vi) The allegations date back to 2012-2015. Permission was granted to bring the complaint out of time. Ms Apps made some reference to delay and A.6 ECHR, but did not make any application for a stay of proceedings. The Panel took delay into account when reaching their determination.
- (vii) Lengthy and detailed submissions were made on behalf of the Respondent about the application of A.8 ECHR to s.8(1)(d) CDM 2003.

The overarching allegations made against RR were that the conduct particularised in those allegations was conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders within s.8(1)(d) CDM 2003. On behalf of the Complainant, the DO relied upon sections 2.17, 10.1 and 10.2 of the Guidelines for the Professional Conduct of the Clergy.

As we understood it, Ms Apps' argument on behalf of the Respondent was that both s.8(1)(d) CDM 2003, and the Guidelines were to be read and interpreted subject to Article 8 ECHR. That required the Guidelines to be both proportionate and legally certain. She submitted that the specific Guidelines relied upon were neither, and that therefore, if the Tribunal relied on those Guidelines without more, in support of a finding that RR had breached section 8(1)(d) CDM, such a finding would be in breach of A.8 and would therefore be unlawful. In support of her argument she relied heavily on ***Martinez v Spain* [2014] 6 WLUK 386**, and ***Beckwith v SRA* [2020] EWHC 3231 (Admin)**

In *Martinez*, the non-renewal of a married, secularised, Roman Catholic priest's contract of employment as a teacher of Catholic religion in a state school, following the publication of a newspaper article in which he advocated optional celibacy, was held to amount to an interference with his right to respect for his private life. However, the interference was proportionate and did not constitute a violation of his rights under A.8 as he had accepted a heightened duty of loyalty towards the Church which limited the scope of those rights.

In *Beckwith*, a solicitor had had consensual sexual intercourse with a junior colleague outside working hours, but it was determined that in so doing he had not abused his position of seniority or authority. In those circumstances he had not breached his professional allegations to act with integrity. It was held that regulations could reach into a professional's private life only in relation to conduct that realistically touched on his practice or standing in the profession. There had to be a fair balance between the public interest and the private rights of the individual. To justify an interference with A,8 rights, the personal conduct complained of had to be demonstrably relevant to the practice of or the standing of the profession.

The Panel determined that a step approach was required. Firstly the Panel had to determine which facts had been proved to the appropriate standard; secondly, the Panel had to determine whether on those facts it was more likely than not that the conduct complained of had taken place; and thirdly it had to determine whether or not that conduct was conduct unbecoming in accordance with s.8(1)(d), applying the relevant Guidelines. Whether the facts proved did amount to conduct unbecoming was not something that could be pre-judged; but there was little – indeed no dispute – especially from RR himself that an adulterous sexual relationship with a married parishioner would indeed be a breach of s.8(1)(d) – as RR put it in evidence, *'it would most definitely not be appropriate for a married priest to have sex with someone who is not his wife.'*

The Evidence

5. The Panel heard evidence from the following witnesses called by the Designated Officer on behalf of the Complainant:
 - Person A
 - Jean Kerr

- Paul Kerr
- Jennifer Hughes
- Person B

6. The Panel heard evidence from the following witnesses called on behalf of the Respondent:

- Robert Ryan
- Elwin Crockett
- Jeremy Fraser
- Sarah Ryan

7. In addition, the Panel were provided with a 'Trial Bundle' including written statements from each of the witnesses named above, as well as a further witness, Judy Rider; and a number of documents exhibited to the statements.

The Panel was also provided with 'Disclosure' including the initial Form 3 for Person A dated 26 March 2019, and Jean Kerr dated 30 March 2019. Substantial reference was made to the various documents in the Disclosure section by both sides.

Some short additional material was placed before the Panel in the course of the hearing.

8. In summary form, the evidence received by the Panel was as set out below:

Background

9. RR was born in 1965. He was ordained as a deacon in 2008 and a priest in 2009. He served his curacy at Rochester Cathedral where he was Pioneer Curate with a remit to create a 'Fresh Expression', and formed 'The Gathering', a community developed to encourage people to attend Church and discuss spirituality. The Gathering continued after RR finished his curacy and until 2014.

10. Person A met RR in 2011 at a barbeque organised by St Mark's Church, Gillingham, and in due course, from around 2012/2013 she, her husband Person B and their children started to attend meetings of The Gathering.

11. Between 2013 and 2015, Person A became increasingly involved both with The Gathering, which she helped to lead, and with RR himself. They met frequently in pubs and cafes in the Rochester area to discuss and plan The Gathering, did outreach at car boot fairs, and Person A enrolled on

an MSM course taught by (amongst others) RR, and attended the MSM residential weekend at Aylesford Priory in March 2014 at which both RR and Jean Kerr (JK), the then Director of Mission and Canon Missioner at Rochester Cathedral, were teaching.

12. By this point (March 2014), Person A had developed romantic feelings for RR. On her evidence, in February / March 2014, she told her husband that she was attracted to RR, and told RR himself that she thought she was falling in love with him; he said that he felt the same. At the MSM residential weekend, during a prayer meeting, Person A told JK that she had feelings for a married man, although she did not reveal who that person was.
13. At the same time RR was going through a period of marital difficulty. He was aware that Person A had feelings for him and he had similar feelings towards her. In May 2014 he contacted JK and informed her that he had feelings for another woman; JK arranged a meeting with the then Bishop of Rochester. In that meeting, RR shared that he was having marital difficulties, that he thought that Person A had feelings for him, he was aware that feelings were developing on his side too, and that he had let his guard down. He was advised by the Bishop to create space between him and Person A, and to step back from his ministry for a period if necessary. In order to give him space, JK offered RR to move into her home at Prebendal House; RR accepted this offer, but did not in fact move in to live with the Kerrs until around July 2014.

In the intervening period, and following, RR continued to see Person A.

14. In June 2014, Person B stated that he saw RR and Person A come out of the Waggon at Hale pub in Gillingham together; a verbal confrontation between Person B and Person A resulted in which she told him that their marriage was over.
15. On or around 17 June 2014, a meeting took place between Person B and RR at The Honourable Pilot pub in Gillingham. Although there is no dispute about the fact of the meeting, recollections about the conversation held vary. According to Person B, at the meeting he pleaded with RR to honour his marriage, that they were going to have counselling, and he asked RR to give him and his wife the time and space to make their marriage work. RR gave a different account of the meeting; he stated that it was Person B who had asked for the meeting to share with him his concerns that Person A was getting too close to RR and that he wanted RR to be aware of this fact. RR said that he reassured Person B that his friendship with Person A was purely in relation to ministry and the meeting ended amicably.

16. In December 2014, RR moved out of the Kerr's home and into a houseboat owned by friends – Justine Wood and Martin Crick.

The Allegations

17. On or around 19 December 2014, Person A visited RR on the houseboat where he was living at the time (in evidence referred to as 'Justine's houseboat'). It was either on the houseboat, or in an earlier meeting the same day at a café, that Person A gave to RR a number of small gifts (a key ring and a t-shirt). Person A's evidence was that this was an exchange of gifts and that RR gave her jewellery in return (a Pandora bracelet and a Tinkerbell necklace). Whilst on the houseboat, RR accepts that he kissed Person A: he states that this was an instinctive reaction which shocked both of them; Person A stated that by this point they were in a long-standing relationship and had kissed many times.

18. Person A alleged that on 23 January 2015, she was invited to, and attended, a Burns Night party on the houseboat. She stated in evidence that when she arrived, RR was not present; he arrived later on in the evening. Person A stated that she remained on the boat after all the other guests had left; she stayed the night and sexual intercourse took place. RR denied this. He maintained that he met a male friend for a meal at the Ace of Spice and returned to the boat at around 11.30pm. There was no party, and Person A was not present. The following day he went to watch football. He denied that sexual intercourse took place on this, or any other occasion.

19. Over the course of the next 6 months, on her account, the relationship between Person A and RR continued. She purchased and sent him a 'Red Letter' gift experience for his 50th birthday present, although this was unused (according to RR, he returned it to her). She maintained that they went to Brighton together on either 16 April or 22 May and spent the night at the Premier Inn Hotel. RR denied this and produced evidence from a combination of bank statements and emails to and from Premier Inn to demonstrate that he was not in Brighton on 16 April, and that although he held a Premier Inn account, he had not stayed in a Premier Inn hotel in 2015 at all.

20. Throughout this time, as is clear from her medical records, Person A's mental and physical health deteriorated, as did her marriage.

21. On 5 June 2015, according to Person A, she and RR had sexual intercourse for the last time on the houseboat. She stated that she was able to date this occasion by reference to the fact that it

was exactly one week later, on 12 June 2015, that she and RR went for a walk along the beach in Upnor. RR had been offered a job in Greenwich and ended the relationship between them as it was 'not the right time'. RR denied that either the sexual intercourse, or the walk on the beach had ever taken place.

Aftermath

22. The evidence suggests that after RR took up his new position in Greenwich, contact between Person A and RR continued, although this did not form part of the allegations and the evidence was limited. In broad terms it would seem that Person A was seeking to maintain contact, and RR was seeking to terminate it.
23. In 2018, RR took up a new position at St Barnabas, Little Ilford, Manor Park.
24. Between May and August 2018, Person A was in contact with JK and began exploring the CDM process. In September, she asked JK to return to RR a small cross that he had given to her. JK agreed to do so and slipped the cross into RR's top pocket on the day of his induction.
25. On 24 October 2018, Person A sent a lengthy email to RR detailing the history of their relationship, her views about it and the effect it had had on her. That email was copied to a number of other people including JK.
26. On 27 October 2018, RR had a telephone conversation with JK. JK stated that in the course of that conversation she asked RR if he had ever invited Person A to her home when she and her husband were visiting the Falkland Islands for a period of 3 months. He said that he had invited her over for a meal. JK asked RR whether he and Person A had ever had sexual intercourse at her house; he denied it. JK then asked RR whether he and Person A had ever had sexual intercourse anywhere else. He said that he had: in Justine's houseboat and at the Premier Inn in Brighton. She asked him why he had lied to her, to which he replied, 'I am stupid; I am sorry'. She described his tone as contrite, and said that the conversation was clear. JK told RR that she would have to report the conversation to the Bishop. As soon as the conversation concluded, JK told her husband, Paul Kerr that RR had admitted that he had had sexual intercourse with Person A on three occasions; twice on a boat, and once at a Premier Inn hotel; PK noted that JK was very distressed.

RR agrees that this conversation took place, but suggests that either JK had misheard or misunderstood what he was saying – perhaps because of a poor telephone signal at her end, or background noise at his as he was walking home from a football match. He states that he did admit that he had had sexual intercourse in ‘London, Paris, New York, everywhere...’ but said that he meant this sarcastically, not literally, and that it was misplaced ‘humour’. The suggestion is made that JK had picked up on the references to the houseboat and Premier Inn in Person A’s email of 24 October and has misattributed the details to her conversation with RR.

The Panel’s approach to the evidence

27. The Panel directed itself on the following matters of law:

- (i) The burden of proof – which rests on the Complainant throughout;
- (ii) The standard of proof – which is the balance of probabilities. The Panel reminded itself that the more serious the allegation, the more cogent the evidence needed to be before we could conclude that it was more likely than not than an allegation had been made out;
- (iii) Our approach to evidence – we reminded ourselves that we had to approach the evidence calmly, objectively and analytically, without emotion, sympathy or bias. We were at this stage only concerned with whether or not the allegations were proved and not penalty. We adopted a structured approach to the evidence applying the standard of proof to decide in order: a) the factual matrix; b) the individual allegations; c) whether the allegations individually or collectively amounted to misconduct;
- (iv) We were aware that there had been other allegations but reminded ourselves that we had to decide the case only upon the evidence that had been placed before us, without speculating what other evidence there may have been
- (v) We determined each allegation separately and were aware that we did not need to reach the same conclusion in respect of each allegation; however, we also determined that when considering any individual allegation we were entitled to look at all relevant evidence, which could include our determination on any other allegations (whether in favour of or adverse to the Respondent or Complainant);
- (vi) Delay was a relevant consideration in two respects: a) the passage of time may have adversely affected the memories of witnesses from both sides, including RR; b) the passage of time may have made it harder for RR to meet the case against him. If we considered that RR may have been seriously prejudiced in his defence by the passage of

- time, that was something that we should take into account in his favour when deciding whether the allegations had been proved;
- (vii) Demeanour is not necessarily a reliable guide to the accuracy or truthfulness of a witness;
 - (viii) Although the Deputy President had only referred specific allegations on the basis of additional (corroborative) evidence, we reminded ourselves that there is no legal requirement for corroboration – even in the criminal courts where a higher standard of proof applies. The Deputy President was making a decision about which allegations should be referred on the evidence placed before him. We were making decisions about the evidence placed before us, the most important of which was the oral evidence of the witnesses which he was unable to assess. If we were satisfied that a witness was giving truthful and reliable evidence then we were entitled to act upon it;
 - (ix) Dates are not ‘material averments’; what has to be proved is *what* happened rather than where or when; people get dates wrong. However, any inaccuracies or confusion about dates or locations would be matters that we could take into account when deciding whether we were more satisfied than not that an event had occurred;
 - (x) In many instances RR gave a wholly different account to Person A to the extent that either one or the other must have been lying. We bore in mind that even if we were satisfied that a witness had lied, that did not necessarily connote guilt; a person may lie for many reasons;
 - (xi) We heard evidence from other people – Jennifer Hughes, Jean Kerr and Person B – to whom Person A had made complaints. We recognised that this was only evidence that could go to consistency and was not independent evidence of the truth of the complaints made as the source of those complaints was Person A herself.
 - (xii) The Panel took into account the positive assessments of RR’s character presented by Judy Rider, Elwin Crockett and Jeremy Fraser.

The Panel’s Findings

28. The Panel first considered the context in which the conduct subject of the allegations took place. The relevant evidence was as follows:

- February 14 – Person A stated that both she and RR discussed that they had feelings for each other at a meeting in Costa Coffee in Rainham. RR stated that this was a lie

Person B stated that Person A told him that she had been to a pub with RR; that she was having feelings for him which he was reciprocating;

- March 14 – Aylesford Priory. Person A stated that she admitted to JK that she had feelings for a married man; JK confirmed this.

Person B stated that when he collected Person A from Aylesford Priory she told him that she and RR had kissed.

RR denied that anything happened between him and Person A at Aylesford Priory and says that her account is a lie. JK recalled that both Person A and RR arrived together late for dinner one evening. RR stated that they had been to the pub with other attendees from Whitstable, stayed out too long and hurried back, which is why they arrived late and flushed (this was not put to Person A)

- March 14 – Person A says that she told RR that she was falling in love with him and he admitted to her that he felt the same. RR says that this is a lie.
- March 14 – Person A gave RR a gift of a Peter Pan book (not disputed)
- May 14 – RR goes to see JK and the Bishop. He admitted that he told them that he was developing feelings for someone and didn't want it to go further. The Bishop told him to put space into the relationship.

The Panel found Person A and Person B to be credible and accurate witnesses. Combined with the evidence of JK that Person A had confided in her in March that she had fallen for a married man, and the admissions of RR to the Bishop in May 2014 that he was developing feelings for someone, the Panel were entirely satisfied that it was more likely than not that by the time he had a meeting with JK and the Bishop:

- a) RR knew that Person A had 'feelings' for him;
- b) RR reciprocated those feelings;
- c) Person A and RR had discussed the fact that they had feelings for each other;
- d) RR had made at least partial admissions to the Bishop about his relationship with Person A.

29. The Panel next considered how the relationship developed – if at all – between the May 2014 meeting with the Bishop when he was advised to put space into his relationship with Person A, and July 2014, when RR moved into JK's house.

The relevant evidence came principally from Person B who stated that:

- He saw Person A and RR leave the Wagon at Hale pub, 'linked' together. When Person A saw that Person B was present she verbally confronted him and told him that their marriage was over;
- At a meeting at the Honourable Pilot Pub, Person B pleaded with RR to respect his marriage and to keep away from Person A. He gave evidence that RR responded that life wasn't easy for him at home, that he thought that counselling between Person A and Person B would be unsuccessful and that he saw a future for himself with Person A.
- In his evidence, RR stated that after the meeting with the Bishop he stopped one on one contact with Person A, although he did admit that there was some telephone / email contact and that they did at this stage discuss that they were developing feelings for each other. However, he denied that he had been to the Wagon and Hale pub alone with Person A and refuted his account of the meeting at the Honourable Pilot pub which he described as amicable. He said that his friendship with Person A was professional.
- Sarah Ryan, RR's wife, recalled in evidence an occasion when RR came back from a meeting with Person B. She said that she had the sense that Person B had accused him of something, but he didn't say what. She said that she told her husband, 'I told you to be careful in when you met and where' – that being a reference to his meetings with Person A.

The Panel was impressed with Person B's evidence; we found him to be a clear, thoughtful, accurate and wholly cogent witness. We accepted his evidence. We were satisfied that Person A and RR were present together at the Wagon at Hale pub where they were seen by Person B. We were satisfied that, in the context of the admitted feelings that each had for the other, and against the background of the discussions that RR had had with the Bishop in which he was

advised to put space between himself and Person A, this was a clear and wilful breach of boundaries.

We were further satisfied that Person B's account of the meeting at The Honourable Pilot pub was accurate and truthful. If RR did – as he claimed – tell Person B that his relationship with Person A was a professional one, then we are satisfied that that claim was untrue.

30. The Panel was therefore satisfied that by June 2014, a romantic relationship had developed between Person A and RR, and that contrary to the advice given to him by his Bishop, RR had continued to see Person A, including on a one to one basis. We were satisfied that this was in context, a breach of professional boundaries.

31. Allegation 2.

The Panel next considered the allegation that gifts were given and that RR kissed Person A on the houseboat on 19 December 2014.

There was no dispute that a meeting between RR and Person A took place on this occasion, although there was a dispute whether they met on the houseboat, or at a café and then went to the houseboat thereafter. The Panel did not consider that this was a significant detail that needed to be resolved; however the Panel did consider it significant to ascertain why a meeting between the two took place at all. It was RR's evidence that the meeting took place at Person A's request 'to discuss boundaries' (as advised by the Bishop 7 months previously). However, a meeting of this kind in that context would in itself amount to a breach of boundaries. Taking her back to his home in those circumstances would be a further and more egregious breach of boundaries and difficult to comprehend if – as he maintained – there was no relationship between them.

The Panel were accordingly satisfied that the meeting on the boat, the giving and acceptance of gifts and the kiss, all arose in the context of a relationship about which, by this point, RR had been warned by Person B, SR, JK and the Bishop. RR thereby failed to observe or maintain appropriate professional boundaries.

The Panel were unanimously satisfied that Allegation 2 was made out in full, and that his conduct was unbecoming or inappropriate to the office and work of a clerk in Holy Orders within s.8(1)(d) CDM 2003.

32. Allegation 1

The Panel then considered the Allegation 1, that RR had sexual intercourse with Person A on 3 separate occasions: twice on the houseboat and once at the Premier Inn in Brighton.

The Panel were unanimously satisfied on all the evidence that there was an inappropriate relationship between RR and Person A, and that that relationship continued through to the summer of 2015.

The Panel was also unanimously satisfied that, taking into account the length and nature of the relationship and the repeated breaches of boundaries in contravention of the Bishop's very clear instructions, that it is more likely than not that sexual intercourse took place between RR and Person A on at least one occasion.

The Panel considered each of the alleged instances of sexual intercourse in turn:

- a) Burns Night. The evidence before the Panel consisted of Person A's evidence and RR's evidence. RR maintained that there was no party, and that he had had dinner at a local restaurant with a friend that evening before returning to the boat – he produced a bank statement showing payment to a local Indian Restaurant. Person A stated that when she arrived at the party, RR was not there and that he arrived later in the evening. There was no independent evidence to show that a party had taken place on the boat that evening, or that Person A stayed the night. The Panel unanimously concluded that this allegation was not made out.

- b) Premier Inn. Person A stated that there had been two occasions on which she had been to Brighton with RR – in April and again in May 2014. On one of those occasions she maintained that they had stayed in Brighton at the Premier Inn; on the other occasion they had stayed in Crawley. The competing evidence presented focused almost entirely on April 16 which was close to RR's 50th birthday for which Person A had purchased RR a 'Red Letter' experience day.

Person A produced a bank statement showing that she withdrew money from a cash machine in Brighton at 14.51 on 16 April. She gave evidence that there would have been no reason for her to be in Brighton unless she was with RR.

RR produced bank statements showing that he withdrew money from a cash machine in Rochester at 18.01 and was in Kent also on 17 April. He further produced photos from his Facebook account of a day trip to Camden with his children on 15 April. Moreover, he produced emails exchanged with Premier Inn confirming that no Premier Inn bookings had been made in his name throughout 2014 and 2015.

The Panel were struck by the 'coincidence' that Person A should have named the Premier Inn when, as it transpired in the course of the evidence, RR does in fact have a business account with the Premier Inn. The Panel also considered at great length the evidence of JK that he admitted to her in a phone call in October 2018 that he had had sexual intercourse with Person A at a Premier Inn; on balance, the majority of the Panel accepted that JK had given accurate evidence about his admissions to her. However, by a majority, the Panel ultimately concluded that there were too many uncertainties about this particular allegation which was not made out.

- c) Finally the Panel considered the last alleged occasion of sexual intercourse on the boat in June 2014. Again, the primary evidence came from Person A and RR alone; however, the Panel were assisted by additional persuasive details:
- RR maintained that Person A had only been on the boat on one occasion in December 2014, and then very briefly; however, Person A stated that she had been on the boat many times and was able – even at a distance of many years – to give a detailed and accurate description of the layout of the interior;
 - Person A was able to recall the date of the intercourse by reference to the fact that she said that exactly a week later, she and RR went for a walk on the beach in Upnor, and he told her that he wanted to accept a new job in Greenwich and that it was not the right time for them to have a relationship. RR denied that this ever happened, but the Panel were satisfied that Person A was giving a truthful account and accepted her evidence;
 - Person B stated that on 13 June 2014, the day after the walk on the beach, he and Person A had travelled to Bristol for her brother's birthday, and that on the journey she had been inconsolable with grief. She 'opened up' to Person B about her relationship with RR, told him that they had slept together – including on the boat, told him that RR had ended the relationship and that he was moving to a new position in Greenwich;
 - The Panel, by a majority, accepted JK's evidence that RR had admitted to her in a phone call that he had had sexual intercourse with Person A on the boat.

Taking all of the above into account, the Panel concluded by a majority, that it was more likely than not that RR had had sexual intercourse with Person A on the houseboat in June 2015. The Panel further concluded that this was conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders within s.8(1)(d) CDM 2003.

Penalty

33. The Panel concluded their determinations late on the final day allotted for these proceedings. There being insufficient time to receive further submissions, the hearing was adjourned until a later date when submissions will be invited on penalty.

Addendum – Jean Kerr

34. Although the Panel largely accepted the evidence given by Jean Kerr, the Panel wish to draw attention to various actions that she took during the course of this complaint, which – notwithstanding that she holds both Diocesan and National roles in safeguarding – may be seen as disregarding safeguarding procedures. In particular, on her own evidence she:
- a) Contacted RR on Facebook after the CDM process had begun, notwithstanding that she had been advised by the Diocesan Safeguarding Advisor to cease contact with RR;
 - b) When RR, quite correctly, asked her not to contact him due to the ongoing investigation, she then offered to delete messages;
 - c) In 2018, when she had been made aware by Person A that there had been a relationship between her and RR, and when she knew that Person A was suffering with her mental health and considering a formal complaint through the CDM process, she connived with Person A to return to RR and gift from Person A (a cross) which she then physically slipped into his jacket pocket – in itself arguably a breach of personal space and uninvited physical contact.

29 December 2021