



CLERGY DISCIPLINE COMMISSION: ANNUAL REPORT 2023



INTRODUCTION

1. The House of Bishops received this report in October 2023.

MEMBERSHIP AND FUNCTIONS

2. The Clergy Discipline Commission (“the Commission”) is constituted under section 3 of the Clergy Discipline Measure 2003 (“the Measure”). The Measure provides for the appointment by the Appointments Committee of a Commission of not more than twelve persons, to include at least two from each House of the General Synod and at least two with legal qualifications specified in the Measure. The Chair and Deputy Chair of the Commission are appointed from amongst the legally qualified members after consultation with the Dean of the Arches and Auditor.
3. The Chair and Deputy Chair sit respectively as the President and Deputy President of Tribunals. In those capacities they exercise certain judicial functions under the Measure. The Commission itself has no judicial or investigative role in respect of individual cases. It has a general responsibility to monitor disciplinary procedures under the Measure, and its specific duties include formulating guidance for the purposes of the Measure generally, issuing general policy guidance to persons exercising disciplinary functions, and giving general advice as to appropriate penalties.

THE WORK OF THE COMMISSION IN 2022

4. The Commission met on three occasions in 2022: January, May, and October.

Amendments to the Code of Practice

5. The Commission promulgated two amendments to the CDM Code of Practice. The first changed the practice in relation to the publication of penalties by consent and other penalties imposed without a tribunal hearing, which had previously been published by each individual diocese. These penalties are now made public via a dedicated section on the Church of England website which lists the name of the individual, the diocese, the ground of misconduct under the Measure, and the penalty.
6. The second amendment addressed delays in CDM cases that arise as a result of police or other secular investigations. The amendments provide that where there are police or other investigations, CDM proceedings will not be paused pending the outcome of the secular

proceedings, unless the police or other investigating body have requested this to happen. The amendments were endorsed by members of the General Synod in July 2022.

Bishop's Disciplinary Tribunals (BDTs)

7. There were two new appointments to the panel of chairs for BDTs: Lyndsey de Mestre KC and Gregory Jones KC. The Commission welcomed considerable improvements in the length of time it takes for a matter to be heard by a BDT. Hearings in the Province of Canterbury now take place in the Court House of St Andrews Church, Holborn, London and for the Province of York in St George's Centre, Leeds. The Commission were also pleased to note that a new Practice Direction, allowing for standard directions to be issued at an early stage in cases, had reduced delays considerably.

Updates to CDC Guidance

8. The Commission reviewed and re-issued its guidance on penalties and agreed to examine the guidance on an annual basis. Further updates were made to the statutory guidance on confidentiality and publication, following the amendments to the Code of Practice.
9. The Commission agreed to commence work on a new Code of Practice concerning the processes and procedures involved in the return to ministry of clergy subject to a penalty of limited prohibition from ministry.
10. The Commission made a commitment to revise the various leaflets on the Clergy Discipline section of the website "***Making a Complaint***" and "***I've had a complaint made against me what do I do?***" which are routinely sent out to parties in CDM proceedings.

Removal of tribunal decisions from the public domain

11. The Commission considered a request for the removal of tribunal decisions from the website of the Church of England after a certain period of time. The Commission decided not to remove these decisions as they provided a publicly available body of case law, enabling jurisprudence to be developed, while also being of assistance to diocesan registrars. Responding to concerns that outdated information might be in the public domain, the Commission agreed that if a tribunal decision had been considered on appeal, it would not remove the decision from the public domain - rather it would add a heading at the top of the decision to inform the reader that it had been considered on appeal.

CASE SUMMARIES

12. The Commission has determined that in order to highlight significant principles arising out of tribunal cases the annual report will include case summaries where matter of wider general importance have arisen.

[The Reverend Julian Blakeley](#)

13. **Facts:** Two allegations were made against the Reverend Julian Blakeley, namely that:

(i) Mr Blakeley's conduct towards a suspected survivor of abuse in a phone call in January 2011 was unbecoming or inappropriate to the office and work of a clerk in Holy Orders within Section 8(1) (d) of the Clergy Discipline Measure 2003 in that he was insensitive by adopting an aggressive tone and using inappropriate language; and

(ii) Mr Blakeley failed to comply with the duty to have due regard to the House of Bishops' guidance on safeguarding children and vulnerable adults contrary to section 5 of the Safeguarding and Clergy Discipline Measure 2016 and section 8(1) (aa) of the Clergy Discipline Measure 2003 in that he allowed a known sex offender to take on leadership roles in the parish and failed to carry out reviews of a safeguarding agreement in relation to that person.

14. **Outcome:** The Panel upheld both allegations, finding them to be misconduct. The Panel found allegation 1 to be misconduct because even though Person 1 wasn't in the Respondent's parish, the Panel noted the interaction drew similarity to the Clergy Discipline Commission's Guidance on Penalties which notes the power imbalance between clergy and those reaching out to them for support. In respect of allegation 2, the Panel found that there had been a clear failure to comply with the safeguarding guidance in relation to the sex offender. The Respondent, who was no longer in office, was prohibited for 1 year, rebuked for the misconduct and required to undergo further safeguarding training should he return to licensed ministry in the Church of England.

15. **Discussion:** The case was the first to be heard by a tribunal concerning an allegation under section 8(1)(aa) of the CDM 2003. The case emphasises the importance of the duty to have regard to the House of Bishops' guidance on safeguarding and vulnerable adults. The Panel notes that "these were not trivial matters, given the paramountcy of safeguarding and the poorly managed risk posed by the sex offender's roles and presence at church, and are sufficiently serious, in the Panel's view, to amount to misconduct." Further, the Panel emphasised that the

duty falls upon the incumbent of a parish and cannot be discharged by blindly following the advice of third parties, including the DSA.

The Revd Dr Stephen Sizer

16. Facts: There were numerous allegations against the Revd Dr Stephen Sizer that his conduct was unbecoming or inappropriate to the office and work of a clerk in Holy Orders, within s.8(1)(d) of the Clergy Discipline Measure 2003 in that he provoked and offended the Jewish community; and/or engaged in antisemitic activities. The Tribunal was required to consider if it found the behaviour to be antisemitic.

17. In consideration of the above, the Tribunal considered eleven allegations, namely that the Respondent:

- A. Participated in a conference run by the Islamic Human Rights Commission entitled "Towards a New Liberation Theology" in 2005
- B. Met Sheikh Nabil Kaouk, a senior commander of Hezbollah forces in about summer 2006
- C. Spoke at a conference in Indonesia in May 2008 alongside Fred Tobin, a Holocaust Denier
- D. Promoted Michael Hoffman, a Holocaust denier and anti-Semitic conspiracy theorist in June 2008
- E. Cited Holocaust deniers and far-right figures, in particular Dale Crowley in about January 2009
- F. Posted a link to an article entitled "The Mother of All Coincidences" in September 2010
- G. Accompanied and defended an Islamic Movement leader Raed Salah in June 2011
- H. Promoted the idea that Israel was behind the terrorist attacks on 11 September 2001 by posting a link in January 2015 to the article entitled "9-11/Israel did it" that blamed Israel for the attacks
- I. Attended an event in October 2016 chaired by Baroness Tonge in breach of an agreement with the Bishop of Guildford which required him to refrain from writing or speaking on any theme that related directly or indirectly, to the current situation in the Middle East or its historical backdrop
- J. In an interview on 30 March 2018 on Australian radio, defended the link he posted to the article blaming Israel for the 11 September 2011 terrorist attacks
- K. Posted an item on his Facebook page in August 2018 in relation to Jeremy Corbyn being a victim of the hidden hands of Zionists

18. Outcome: The Tribunal found that in each of the allegations Dr Sizer had offended the Jewish Community and that in relation (B), (F), (H), and (J) it amounted to conduct unbecoming to the office and work of a clerk in Holy Orders. Further that, in respect of allegation (H), by the Respondent's conduct he engaged in antisemitic activity. Dr Sizer was subsequently prohibited from ministry for 12 years, less the time since his permission to officiate had been withdrawn as a result of the complaint.

19. Discussion: In considering whether the Respondent's behaviour was antisemitic, the Tribunal took into account definitions of antisemitism from the Church of England report 'Sharing One Hope' and from the International Holocaust Remembrance Alliance. It also heard evidence from two experts instructed by either party. The Tribunal noted the importance of taking into account the perceptions of the Jewish people themselves in judging whether or not a person or group is thinking, speaking or behaving in an antisemitic way. The Tribunal noted that whilst the Respondent was not inherently antisemitic, his actions in engaging in antisemitic activity and consistently displaying a regrettable pattern of behaviour over a period of time, meant that the Respondent fell short of acceptable conduct for a clerk in Holy Orders. In doing so, the Respondent harmed Christian-Jewish relations and the public perception of the Church.

ANALYSIS OF ALLEGATIONS OF MISCONDUCT

The figures for this section are contained in Appendix 2

20. In 2022, 81 allegations of misconduct were made under the Measure against priests or deacons compared with 94 allegations in 2021.

21. 33% of dioceses had no allegations at all, compared with 31% in 2021, and 5% had six or more allegations. As in previous years, the majority of allegations (69%) were made by complainants other than archdeacons, churchwardens or persons nominated by a PCC, with archdeacons making up a further 28% of complainants.

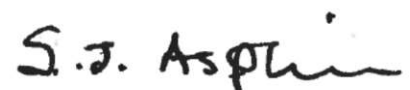
22. 38% of allegations were dismissed by the bishop and no further action was taken in 12% of cases, a decrease compared to the previous year (19%). A penalty by consent was imposed in 23% of the allegations and 5% were conditionally deferred.

23. There were no new CDM allegations involving allegations of a sexual nature towards a child. However, there were 7 police investigations involving an allegation of sexual misconduct

involving either children or vulnerable adults. 3 new CDM allegations involved misconduct towards a vulnerable adult. 9 CDM allegations involved a police investigation at some stage of the allegation.

24. Following formal investigation, the President or Deputy President of Tribunals decided there was no case to answer in respect of 7 allegations, 4 were referred to a bishop's disciplinary tribunal, and 3 investigations were ongoing at the end of the year.
25. There were 6 tribunal hearings in 2022 and no appeals before the Court of Arches.
26. There were 2 cases where a penalty of prohibition or removal from office was imposed under section 30(1)(a) of the Measure following conviction and sentence of imprisonment and none following the inclusion in a barred list or following decree of divorce or order for judicial separation.
27. There were 15 suspensions in 2022, compared with 27 the previous year. Of these, 4 resulted in a finding of misconduct.
28. 18 allegations were made against bishops and 3 against archbishops in the course of 2022; 8 were dismissed, no further action taken in 8 cases; and 1 penalty by consent was imposed and 1 was referred for formal investigation. There were no allegations against bishops or archbishops outstanding at the end of 2022.

On behalf of the Clergy Discipline Commission



Dame Sarah Asplin DBE (Chair)

May 2023

APPENDIX 1
MEMBERSHIP OF THE COMMISSION IN 2022

Appointed under section 3(1)(b) – ‘legally qualified’

Chair (and President of Tribunals)

The Rt Hon Lady Justice Sarah Asplin DBE

Deputy Chair (and Deputy President of Tribunals)

HH Judge David Turner KC

Appointed under section 3(1)(a) – ‘at least two from each House of the General Synod’

House of Bishops

The Rt Revd Robert Innes (Bishop of Gibraltar in Europe)+^

The Rt Revd John Perumbalath (Bishop of Liverpool)+^

House of Clergy

The Venerable Mark Ireland, Archdeacon of Blackburn+ ^

The Revd James Pitkin (Newcastle)+^

House of Laity

Julie Dziegiel+ ^

Michelle Tackie+ ^

Other members appointed under section 3

Louise Connacher Provincial and Diocesan Registrar for York*#

The Ven. Moira Astin, Archdeacon of Reigate*

Dr Jamie Harrison (Durham)*^

The Reverend Adeola Eleyae*#

^ Member of the General Synod.

* Appointed to 31st December 2023.

+ Appointed to 31st December 2027.

Legally qualified other than those appointed under section 3(1)(b).

**APPENDIX 2:
ANALYSIS OF FORMAL ALLEGATIONS MADE UNDER THE MEASURE AND HOW THEY
WERE DEALT WITH**

ALLEGATIONS AGAINST PRIESTS AND DEACONS	Total 2022 (2021)	Allegations as % of 42 dioceses (2021)
Formal allegations made to bishops	81 (94)	
<i>Dioceses with no allegations made</i>	14 (13)	33% (31%)
<i>Dioceses with between 1 and 5 allegations made</i>	26 (24)	62% (57%)
<i>Dioceses with 6 or more allegations made</i>	2 (5)	5% (12%)
Of the total the following numbers of allegations were made by:	2022 (2021)	As % of total complaints (2021)
<i>a person nominated by a PCC under s10(1)(a)(i)</i>	0 (1)	0% (1 %)
<i>a churchwarden under s10(1)(a)(ii)</i>	2 (2)	2% (2%)
<i>an archdeacon under s10(1)(a)(iii)</i>	23 (36)	28% (38%)
<i>another person under s10(1)(a)(iii)</i>	56 (55)	69% (59%)
Number of allegations delegated under s13 Dioceses, Pastoral and Mission Measure to a suffragan bishop for determination	11 (18)	14% (20%)
Action taken in 2022 in relation to allegations made in 2022 or earlier		
<i>Dismissed by the bishop under s11(3)</i>	42 (28)	38% (30%)
<i>No further action under s12(1)(a) & s13</i>	10 (18)	12% (19%)
<i>Conditional deferment under s12(1)(b) & s14</i>	4 (18)	5% (19%)
<i>Resolved by conciliation under s12(1)(c) & s15</i>	0 (1)	0 (1%)
<i>Penalty by consent under s12(1)(d) & s16</i>	19 (19)	23% (20%)
<i>Formal investigation under s12(1)(e) & s17</i>	0 (13)	9% (14 %)
<i>Withdrawn (rule 59(1)(a))</i>	0 (1)	0% (1%)
<i>No decision as at 31st December 2022</i>	13 (13)	16% (14%)

	<u>2022 (2021)</u>
New allegations involving misconduct towards a vulnerable adult (sec 6 SCDM 2016)	3 (11)
New allegations involving misconduct of a sexual nature towards a child	0 (14)
Sexual misconduct (child & vulnerable adult) involving a police investigation at any stage	7 (n/a)
CDM allegations involving a police investigation at any stage	9 (n/a)
Number of allegations referred unsuccessfully to conciliation before being dealt with under s12(1)(a), (b), (d) or (e)	4 (0)
Penalties by consent imposed under s12(1)(d) & s16	
<i>Prohibition for life (with or without resignation)</i>	1 (2)
<i>Limited prohibition (with or without resignation)</i>	8 (7)
<i>Resignation without prohibition including revocation of licence</i>	4 (1)
<i>Injunction</i>	1 (1)
<i>Rebuke</i>	1(2)
<i>Injunction and Rebuke</i>	1 (6)
Cases referred for formal investigation under s12(1)(e) & s17	
<i>President of Tribunals decided 'No case to answer'</i>	7 (7)
<i>President referred allegation to bishop's disciplinary tribunal</i>	4 (3)
<i>President not decided as at 31st December 2022</i>	0 (1)
<i>Formal investigation ongoing as at 31st December 2022</i>	3 (4)
<i>No further steps taken under s16(3A) (penalty by consent)</i>	4 (4)
Number of cases determined by a tribunal	6 (6)
Allegations withdrawn from a tribunal or otherwise terminated	1 (1)
Number of suspensions imposed (total)	15 (27)
<i>Suspensions under s36(1)(a) in course of allegation proceedings</i>	5 (10)
<i>Suspensions under s36(1)(b) following arrest</i>	4 (3)
<i>Suspensions under s36(1)(c) following conviction</i>	0 (0)

<i>Suspensions under s36(1)(d) following inclusion in a barred list</i>	0 (1)
<i>Suspensions under s36(1)(e) following determination that the cleric presents a significant risk of harm</i>	6 (12)
<i>Suspensions under s36A pending determination of an application to bring proceedings out of time</i>	0 (1)
<i>Of the number of suspensions imposed, allegations resulting in a finding of misconduct, either as a result of a penalty by consent or after a tribunal?</i>	4 (n/a)
<i>Of the number of suspensions imposed, allegations resulting in no finding of misconduct</i>	0 (n/a)
<i>Of the number of suspensions imposed, number of allegations ongoing as at 31 December 2022</i>	7 (n/a)
Applications, reviews & appeals to the President/Deputy President of Tribunals	38 (96)
<i>Application to bring an allegation out of time (s9)</i>	17 (47) applications 8 (13) dismissed
<i>Review of a dismissal (s11(4))</i>	10 (17) applications 8 (11) upheld
<i>Referral of a decision of no further action (s13(3))</i>	6 (14) applications 4 (12) upheld
<i>Consulted by bishop re penalty in case of divorce/conviction (s30(2))</i>	0 (6) applications 0 (0) remitted
<i>Bishop applies for extension: 2 yr. limit for imposing penalty (s30; r.67A)</i>	0 (0) applications
<i>Appeal against notice of suspension (s36(6))</i>	1 (5) appeals 1 (0) suspensions revoked
<i>Sec 37 - Rule 86 - Suspension of Bishop</i>	0 (0) appeal
<i>Review of inclusion of entry in list under s38(1)(a) to (d) (s38(2))</i>	4 (6) applications 3 (4) variations permitted

Cases where a penalty of prohibition or removal from office was imposed under s30(1)(a) following conviction and sentence of imprisonment	2 (6)
Cases where a penalty of removal from office or prohibition was imposed under s30(1)(b) following decree of divorce or order for judicial separation	0 (0)
Cases where a penalty of removal from office or prohibition was imposed under s30(1)(c) following inclusion in a barred list	0 (1)

ALLEGATIONS AGAINST BISHOPS AND ARCHBISHOPS	
Formal allegations made to archbishops	2022 (2021)
<i>in respect of a bishop</i>	18 (19)
<i>in respect of the other archbishop</i>	3 (3)
Action taken in 2022 in relation to allegations made in 2022 or earlier	
<i>Dismissed under s11(3)</i>	8 (7)
<i>No further action under s12(1)(a) & s13</i>	8 (7)
<i>Conditional deferment under s12(1)(b) & s14</i>	0 (0)
<i>Resolved by conciliation under s12(1)(c) & s15</i>	0 (0)
<i>Penalty by consent under s12(1)(d) & s16</i>	1 (2)
<i>Formal investigation under s12(1)(e) & s17</i>	1 (4)
<i>Withdrawn (rule 59(1)(a))</i>	0 (1)
<i>No decision as at 31st December 2022</i>	7 (6)
Number of allegations unsuccessfully referred to conciliation before being dealt with under s12(1)(a), (b), (d) or (e)	0 (0)
Number of cases referred to court of the Vicar-General	1 (0)
Number of suspensions imposed	0 (0)
Cases where a penalty of removal from office or prohibition was imposed under s31(1)(a) following conviction and sentence of imprisonment	0 (0)
Cases where a penalty of removal from office or prohibition was imposed under s31(1)(b) following decree of divorce or order for judicial separation	0 (0)