



CLERGY DISCIPLINE MEASURE
2003: CODE OF PRACTICE ON
RETURN TO MINISTRY

Issued by the Clergy Discipline Commission



Issued November 2023

INTRODUCTION

1. The administration of discipline must have regard to the interests of justice for all who may be affected by the faults, failings or shortcomings of the clergy. It must also support the collective good standing of all faithful men and women who are called to serve in ordained ministry.¹

2. A fundamental principle of that discipline is that clergy are expected to merit the great trust of congregations and the wider community which they serve: all those who come into contact with the Church should be safe from harm. It should be recognised by all that when clergy transgress, the whole Church and its message are brought into disrepute.

3. A further principle is that all transgressors are within the scope of Christian redemption. For the individual member of the clergy who is subject to discipline, this involves:
 - the imposition of an appropriate penalty
 - encouraging repentance and forgiveness
 - whenever possible putting right that which is wrong
 - attempting reconciliation
 - moving on constructively from the past.

4. This Code of Practice is issued by the Clergy Discipline Commission under section 3(3)(b) of the Clergy Discipline Measure 2003. Its purpose is to provide a common standard and procedure in assessing the return to ministry of clergy who have been subject to a limited period of prohibition.

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Version 1

¹ Clergy Discipline Measure: Code of Practice paragraph 5

THE ROLE OF CDM ASSESSORS

5. The role of a CDM assessor is to advise the Diocesan Bishop on the return to ministry of a Respondent who has been subject to an allegation of misconduct under the CDM. The final decision on whether to grant a form of authority to exercise ministry rests with the bishop.
6. This guidance applies equally to when a penalty by consent has been agreed with the bishop, or a penalty under section 30 CDM 2003, or when the penalty has been imposed by a tribunal.
7. Under the CDM there are two combinations of penalty following which a Respondent may return to ministry.
8. The first is where the Respondent is removed from office, has a licence revoked, or resigns from office **and** a limited prohibition is imposed. In these cases the role of the assessor is to advise the Diocesan Bishop as to whether the Respondent should be restored to ministry, and if so, in what sort of role. Final responsibility for deciding if and when the Respondent returns to ministry is that of the Diocesan Bishop.
9. The second is where the Respondent is subject to a limited prohibition **without** removal from office, revocation of licence or resigning from office. In these cases, when the period of prohibition ends the Respondent will automatically return to active ministry in the role they held at the time the prohibition was imposed. In the cases the role of the assessor will be more limited. The focus of the assessor's enquires will be on the compliance with the penalty and what support and/or oversight the Respondent may need upon their return to ministry.

PANEL OF ASSESSORS

10. A single panel of CDM Assessors is to be maintained by the archbishops. An assessor needs skill and insight into human nature and objectivity in forming judgements. The panel should be made up of senior clergy with a range of experience in different types of ministry (parochial, chaplaincy, episcopal etc) as

well members of the laity. Assessors should have a mix of knowledge and skill in legal, human resources, ministry, and related areas.

11. Appointments to the panel should be for an initial period of three years. The Commission recommends that any appointment be renewable for one further period of three years subject to the discretion of the archbishop to appoint for further three year periods where a good reason exists. The archbishop may remove a person from the panel at any time where in the view of the archbishop that person is no longer able to perform the functions of a CDM Assessor.
12. Responsibility for the recruitment and oversight of the assessors rests with the archbishops, in accordance with the House of Bishops' Safer Recruitment and People Management Guidance.

TRAINING

13. Induction courses for new assessors should be held at the commencement of each appointment. The course should include an introduction to the Clergy Discipline Measure 2003, the Clergy Discipline Rules 2005 and data protection as well as the process for assessing return to ministry. Courses may be held online or in person. Refresher training for assessors should take place once every three years.
14. Assessors are encouraged to share best practice and experience with other members of the panel.

PROCESS FOR THE ASSESSMENT

15. The assessment process should begin in sufficient time for completion before any anticipated return to ministry. This will normally be not less than three months before the end of the period of the prohibition.
16. The bishop should identify an appropriate assessor from the panel maintained by the archbishops. The assessor should not have any connection with the Respondent, or to the disciplinary proceedings that gave rise to the penalty. The assessor should be from outside of the diocese where the misconduct took place

and, if different, the diocese in which the respondent is seeking to a return to ministry.

- 17.** The bishop should write to the Respondent setting out the process and the identity, background and qualifications of the assessor. The Respondent should be given a copy of this Code of Practice. It should be made clear to the Respondent that the assessment process is not a final decision, and this rests with the bishop.
- 18.** Where the Respondent has moved diocese the process should be undertaken by the diocese in which the Respondent is seeking to exercise ministry. It will be necessary for diocese in which the Respondent is seeking preferment to obtain the necessary information from the diocese where the misconduct took place.
- 19.** The appointed assessor should then invite the Respondent to interview. The Respondent should be encouraged to be accompanied by a friend or supporter (which includes a union representative) but legal representation should not be allowed. The interview may take place in person or by digital means.
- 20.** The assessor should be provided by the bishop with a copy of the formal allegation of misconduct, the Respondent's answer and either the form 7 penalty by consent or the decision of the Tribunal. The assessment process may only take into account misconduct upon which a penalty has been imposed.
- 21.** Where a Respondent refuses or fails without reasonable excuse to engage in the assessment the assessor's report may draw such adverse inferences from that refusal or failure as are appropriate in the circumstances of the case.
- 22.** The assessor should apply the criteria set out in appendix A.
- 23.** The assessor will produce a written report for the bishop. Except in cases of unusual complexity the report should be completed within 28 days of the meeting with the Respondent.
- 24.** The report should:

- Weigh-up the responses of the Respondent to the criteria in appendix A.
- Consider the confidence the assessor has in the Respondent to exercise ordained public ministry according to the high standards expected of clergy.
- Consider the reputational harm to the Church if the Respondent were to be return to ministry. The Bishop will want to be reassured that any restoration will be free from scandal².
- Consider, where relevant, if there is or should be geographical distance between where the misconduct took place and where the Respondent is to exercise ministry.
- In cases where the Respondent is without licence, make a recommendation as to whether the Respondent should be returned to ministry and, if so, the type of ministry that should be exercised.
- In all cases consider make recommendations as to what support or oversight the Respondent will need upon the return to ministry.

25. In evaluating the suitability of the return to ministry a balance should be struck between seeking to facilitate restoration and the need to ensure public confidence in the Church and her ministers. The overriding consideration will always be the welfare and protection of others.

26. The report should be made available to the Respondent before it is sent to the bishop. The Respondent may submit factual or other minor corrections to the assessor, but does not have a right to challenge the contents of the report. A copy of the report should be placed on the clergy personal file.

² σκάνδαλον: discredit to religion occasioned by the conduct of a religious person or perplexity of conscience occasioned by the conduct of one who is looked up to as an example.

27. The assessment process must at all times be compliant with data protection requirements.

APPENDIX A

Criteria for the return to the exercise of Holy Orders

1. The exercise of ordained public ministry is a privilege.

Priests are ordained to lead God's people in the offering of praise and the proclamation of the gospel. They share with the Bishop in the oversight of the Church, delighting in its beauty and rejoicing in its well-being. They are to set the example of the Good Shepherd always before them as the pattern of their calling. With the Bishop and their fellow presbyters, they are to sustain the community of the faithful by the ministry of word and sacrament, that we all may grow into the fullness of Christ and be a living sacrifice acceptable to God.

Common Worship Ordination Services: The Ordination of Priests, also called Presbyters

2. Where clergy commit misconduct the whole Church is harmed. Mindful of the nature and purpose of this public ministry a bishop will wish to be assured as to the Respondent's future conduct, insight, faithfulness and obedience prior to any return to ministry.

3. In cases where the Respondent was removed or resigned from office there is no automatic right to return to licensed ministry at the end of a period of limited prohibition. In each case the assessment criteria will be applied.

Assessment criteria

4. The assessor should explore the following criteria with the Respondent and address each question in the report:

- a. Has the Respondent shown insight into why the behaviour was wrong?
- b. Has there been a recognition and understanding of the harm done to individuals, the place of ministry, and to the wider Church?
- c. Has there been repentance for the harm caused?
- d. Has the Respondent where possible and appropriate sought reconciliation with those against whom the Respondent has offended?
- e. Has restitution, where possible and appropriate, been made?
- f. In applicable cases have all responsibilities towards the Respondent's estranged family been met?
- g. Has there been no repeat of the offending behaviour or any further misconduct?
- h. Has the Respondent complied with any injunctions or requirements imposed as part of the penalty?
- i. Does the Respondent have a settled prayer and worship life? Where did the Respondent worship during the period of prohibition?
- j. Does the Respondent live in accordance with the standards of behaviour and morality expected of clergy?
- k. Is the Respondent's life, and that of any family, fashioned and framed according to the doctrine of Christ so as to be to be a wholesome example to the flock of Christ?
- l. **In cases of where the respondent is not removed from office:** what thought has the Respondent given to how he will address his return to

ministry. For example, what conversations will the Respondent have with officeholders or the PCC? What will the Respondent preach about on the first Sunday when the ministry resumes?

5. In completing the report the views of the following may be sought, where appropriate:

- a. The bishop of the diocese, area bishop or suffragan (or in the case of a bishop, the archbishop of the province) in which the misconduct took place;
- b. Where different, the Respondent's current bishop (or archbishop);
- c. The Respondent's former spouse (if applicable);
- d. The former spouse's Bishop's Visitor (if applicable);
- e. In criminal cases, where appropriate, the Respondent's probation officer;
- f. In appropriate cases, the diocesan safeguarding officer;
- g. Any other person who in the view of the assessor is relevant to the question of whether the respondent should return to public ministry.

6. Depending on the original misconduct and the type and stage of ministry the Respondent was engaged in when the prohibition was imposed, it may be appropriate to apply some or all of the Ministry Team's formation criteria for ordained ministry within the Church of England at IME Phase 1, as outlined in *Formation Criteria with mapped Selection Criteria for Ordained Ministry in the Church of England*.