

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

BEFORE THE BISHOP'S DISCIPLINARY TRIBUNAL FOR THE DIOCESE OF OXFORD

Complainant: KAREN GADD

Respondent: THE REVEREND CANON RICHARD PEERS

Constitution of the Tribunal: Lyndsey de Mestre KC (Chair)

The Reverend Nicholas Cooper

The Reverend Frances Jeffries

Naomi Gyane

Philip Harper

Appearances: Adam Hobson, Designated Officer

Justin Gau, Counsel for the Respondent

DECISION OF THE TRIBUNAL

1. This is the Tribunal's¹ decision and reasons in relation to facts and conduct.

Introduction:

2. The hearing in relation to facts and conduct has taken place in private over 5 days (which included a day of deliberation by the Tribunal) between 4 and 8 March 2024. The hearing was then adjourned until 21 March 2024 for the public pronouncement of the Tribunal's findings. The main body of the hearing took place in person, whereas the adjourned hearing proceeded remotely.
3. The Tribunal wishes to record its thanks for the assistance it has been provided with throughout the hearing by Mr Hobson, the Designated Officer (the "DO") and by Mr Gau, Counsel for Dean Peers (the "Respondent") and by Mrs Connacher and Ms Bolton, the Provincial Registrar and Registry Clerk.
4. The Panel also records here its deep concern at some of the conduct that has been revealed in the course of this matter. *Prima facie* breaches of confidentiality in the process have come to light. As to the wider history of the matter - which the Panel has had to review - as well as social media and gossip playing a part in aggravating a highly complex and delicate

¹ Throughout this decision "Tribunal" and "Panel" are used interchangeably.

situation, there have also been misguided expressions of deeply entrenched views against the Respondent, including through a sermon and the circulation of derogatory cartoons amongst members of the cathedral congregation and receipt by the Respondent of a grossly offensive and threatening letter containing a white powder. The Panel makes no findings as to these matters. Save where explicitly stated, they are not matters which have been other than tangentially relevant to the issues before the Panel and the Panel has carefully treated them as such. Nonetheless, such an unedifying picture of unkindness and immaturity has emerged as part of the background to the case that the Panel is moved to observe that this has done many involved serious discredit. The Panel expresses the sincere hope that this decision will bring a full stop to what has been an extremely damaging saga to all concerned.

Summary of Panel’s decision on misconduct:

5. The Panel has concluded that the allegation against the Respondent shall stand dismissed. The reasons for its conclusion are detailed below.

Case management history:

6. Before the hearing commenced:
 - 6.1. A case management hearing was held on 20 November 2023 before the Chair sitting alone. A number of procedural matters (including timetabling, admissibility of evidence and procedure) were dealt with and an anonymity order was made in respect of the DO’s witness Gilo (“Gilo”);
 - 6.2. Subsequently, on 26 February 2024, a further application was made by Mr Gau on behalf of the Respondent. The application requested that permission be given for the attendance by witnesses and third parties at the whole of the substantive hearing of this matter. Following compliance with directions for written submissions from the parties, permission was refused, save for the attendance by the Respondent’s partner, Jim Cable (“Mr Cable”), which was permitted. A separate ruling was given by the Chair in writing on 28 February 2024.

Charge against the Respondent:

7. This matter has a long procedural history and has, most unfortunately for all concerned, been going on for a long time as a consequence. In summary, the Bishop of Tewkesbury originally reviewed and dismissed the complaint, but his decision was overturned by HH Peter Collier KC upon an appeal of the Bishop’s decision brought by the Complainant, and by the decision of the Deputy President of the Tribunals dated 7 May 2022, the Respondent has faced a single, albeit multi-stranded, allegation². It is concerned principally with his meetings and correspondence with six individuals in the wake of an allegation of sexual harassment which had been made against the former Dean of Christchurch, Oxford (“Christchurch”), The Very Reverend Martyn Percy (“Martyn Percy”) by Alannah Jeune (“Alannah Jeune”) in October 2020.

8. The charge that the Respondent has faced is as follows:

² Also referred to in this decision as the “charge”.

“The conduct of the Respondent, THE REVEREND CANON RICHARD PEERS, 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, around the time of and following the commencement of Clergy Discipline Measure proceedings against the Very Revd Martyn Percy, had contact with or met a number of third parties in the course of which he, the respondent, in breach of confidentiality and/or inappropriately, unfairly denigrated or undermined Mr Percy and/or promoted a narrative of events and/or expressed his views or opinions on the merits of what was alleged, in a way which was partisan and/or biased and/or misleading and/or false and/or unfairly imbalanced.”

9. The Respondent admitted the fact of the contact with the third parties at the time alleged, but denied the totality of the substance of the charge, namely that such contact amounted to any of *“breach of confidentiality and/or inappropriately, unfairly denigrated or undermined Mr Percy and/or promoted a narrative of events and/or expressed his views or opinions on the merits of what was alleged, in a way which was partisan and/or biased and/or misleading and/or false and/or unfairly imbalanced”*.

The Tribunal’s approach to these proceedings:

10. The Tribunal has approached its decision-making by keeping in mind the purpose and character of clergy discipline proceedings. Namely that 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, including the complainant and the interests of the wider church. It must support the collective good standing of all faithful men and women who are called to serve in the ordained ministry and it must ensure that the clergy continue to be worthy of the great trust that is put in them as ordained ministers by both the Church and the public³.
11. The Panel has also had regard to a framework of regulations and guidance, in particular the following:
 - 11.1. The Clergy Discipline Measure 2003 (the “CDM”);
 - 11.2. The Clergy Discipline Rules 2005 (the “Rules”);
 - 11.3. The Code of Practice (the “Code”), which provides guidance to those concerned in formal clergy discipline and provides additional explanation and information regarding the CDM and the Rules, of particular relevance in this case in relation to its explanation of unbecoming or inappropriate conduct; and
 - 11.4. Canon 26.2, the Ordinal and the Guidelines for the Professional Conduct of the Clergy 2015, which describes what is desirable in the professional conduct of ordained ministry.
12. The Panel has observed that the burden of proof rests throughout on the DO and that the standard of proof in these proceedings is the civil standard, which is a single unvarying

³ Clergy Discipline Measure 2003 Code of Practice para 4.

standard with no sliding scale. In this regard the Panel has taken the approach that matters will be proved on the balance of probabilities if it is satisfied by the evidence that it is more likely than not that the conduct occurred. It also took the approach that the more serious the allegation of misconduct that is made or the more serious the consequences that flow for the Respondent from a finding against him, the more persuasive (cogent) the evidence needed to be in order to meet that standard. It reminded itself that this does not mean that the standard is higher. It means only that the inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when weighing the probability and deciding whether on balance the conduct occurred.

13. The Panel has listened carefully to all of the oral evidence. It has read and carefully considered every item of the other evidence before it. It has repeatedly reminded itself of the need to consider all of the evidence in the round as to how events unfolded and how these were perceived, both by the Respondent and those he was interacting with, but has put out of its mind irrelevancies. It considered the totality of the evidence and submissions made. It does not propose to deal with each and every aspect of the evidence or submissions made, extending as they do over hundreds of pages and over almost a week of intense hearing days, but it states its main conclusions and makes no apologies for the length of this as the charge is long and multi-layered and the Panel lacked any assistance in the form of particulars for the charge. It has described its approach to this below where relevant and has sought, in the first instance, to ensure thoroughness and accuracy by distilling discrete allegations from the generality of the evidence, bearing in mind the aspects of the evidence relevant to the different allegations made, and also to ensure that it stepped back and assessed the totality of the evidence as well.
14. The facts of the case are a matter of record. The accounts of the witnesses not called to give oral evidence are clearly contained in the papers before the Tribunal. The evidence of witnesses, including the Respondent, who gave oral evidence is a matter of record.

Background:

15. The Respondent is currently the Dean of Llandaff cathedral (“Llandaff”) in Wales. However, at the time of the incidents specifically complained of in this matter (i.e. late December 2020 and early 2021) he was a few months into a new appointment as Sub Dean of Christ Church, Oxford (“Christ Church”).
16. Christ Church is unique in the Church of England in that it is not only the cathedral of the Diocese of Oxford but also the chapel of Christ Church college, Oxford University. The Dean of Christ Church (who, at the relevant time, was Martyn Percy (“Martyn Percy” or the “Dean”)) has both a significant role within the University of Oxford as Head of Christ Church college and a senior ecclesiastical function as the Dean of the cathedral. This highlights a further peculiarity of the functions and objectives of Christ Church, in that it as well as being a Church of England cathedral and a chapel it is also an academic institution (a college of the University of Oxford). There is a further element to the Christ Church structure, namely an on-site independent preparatory school for boys, Christ Church Cathedral School (the “Cathedral School”) which shares some senior governance, buildings, grounds and facilities with the other parts of Christ Church (i.e. the college and cathedral). A governing body (the “Governing Body”) has oversight of many of Christ

Church's different activities and some members are chosen to be "Censors", with responsibilities to the Governing Body for welfare and discipline at Christ Church.

17. In terms of the Respondent's role as Sub Dean, as a member of Chapter he was also a trustee of the Christ Church charity (the "Charity") which encompasses college, cathedral and school under a single charitable umbrella. The Sub Dean also has practical responsibility for the day-to-day management of the life and worship of the cathedral by virtue of a delegation of these functions by the Dean. In addition, both the Dean and Sub Dean also occupy senior governance roles in respect of the Cathedral School.
18. This represents only an outline of the unusual and complex structure, governance and objectives of Christ Church which assisted the Panel in our understanding of the matters before us and informed the context in which the facts in this matter played out.
19. The evidence before the Tribunal from those who lived, worked and worshipped at Christ Church conveyed a sense of an hierarchical and inward-looking environment, at least in so far as those involved in or interested in the various areas of its governance were concerned. The Panel detected a paradox in that those associated with Christ Church appeared to take pride in its peculiarities and distinctions but simultaneously struggled with them as divisive and complex issues and internal politics (explained further below) emerged and strongly challenged all concerned in those matters.
20. The imposition of COVID restrictions at the relevant times added a further layer of difficulty and insularity. Those restrictions appeared to the Panel to increase the sense of separateness as regards Christ Church's relationship with the wider world and also to operate as a hindrance to natural encounters and nuanced modes of communication between individuals connected with the institution as greater formality and distance were required. The Panel found that they also had an additional, unhelpful effect in this case, namely that the restrictions on daily life led to an increased interest in and disproportionate reliance by several of the witnesses we heard from upon gossip, social media accounts and other untested sources of information.
21. The Respondent commenced his appointment as Sub Dean in early September 2020. He gave evidence, which was not challenged and which the Tribunal accepted, that Martyn Percy had been instrumental in his appointment as Sub Dean and that one of the reasons he accepted the role when it was offered to him was the opportunity it appeared to offer to work closely with Martyn Percy, whom he admired.
22. The Respondent arrived as an outsider to Christ Church. He had no previous connection with the University of Oxford or the institution, in its various aspects, of Christ Church itself. His background, since his ordination in 1993, had been principally in church schools, rising to a senior level as Director of Education in Liverpool. These roles gave the Respondent what the Panel observed to be demonstrable and impressive safeguarding knowledge and considerable experience of this in practice.
23. At the time of his taking up post, Christ Church was a deeply divided environment as a result of a highly publicised breakdown in confidence between the then Dean, Martyn Percy, and a majority of the Governing Body. A series of unsuccessful attempts had been made to remove Martyn Percy from office as Dean. The various legal processes arising as a result of those attempts and of Martyn Percy's own allegations against the Governing

Body had been long drawn out, traumatic and painful. The Panel accepted the Respondent's unchallenged evidence-in-chief that he found the polarisation of views he encountered upon arrival, concerning the breakdown of the relationship between Martyn Percy and the Governing Body and the way in which that had subsequently been handled, "...shocking...". The Panel further accepted his unchallenged evidence that "*Arriving in Oxford as an outsider I found that the College was divided in an extent that I had never encountered in my life...It became clear...that you were either "team Dean" or "team College".*"

24. At the time of the Respondent's arrival, Martyn Percy was in post as Dean. Legal processes against him had concluded and he was active in his role, attempts to remove him from office having been dismissed, albeit that the strongly polarised feelings about the processes and underlying issues were still palpable.
25. However, only around four weeks after he had taken up his office as Sub Dean, the Respondent was approached to deal with a fresh and separate allegation against Martyn Percy. Rather than originating from internal disputes with the Governing Body, this was an allegation of sexual harassment made by a female verger, Alannah Jeune, concerning an incident in the cathedral vestry.
26. Given the very raw, divided and divisive background of the various recently concluded legal processes against Martyn Percy, a fresh allegation against him was plainly significant. The allegation was, in that context, potentially a very serious development in that it held a strong likelihood of re-opening deeply painful issues within Christ Church and of further polarising communities who had taken an interest in the situation that had unfolded there. The Panel found particularly striking the Respondent's evidence about his immediate realisation of the import and potential consequences of the situation upon receiving Ms Jeune's account on 11 October 2020. The Respondent said that he "*saw his life flash before his eyes*". He immediately realised that his life would be changed by what he heard. The Panel found nothing ambiguous in the Respondent's evidence that this description related to his recognition that a fresh allegation against Martyn Percy was, in the circumstances which existed at the time in Christ Church, likely to have an inflammatory effect in a volatile environment, rather than being an evaluative view of the truth or merits of matters reported to him by Ms Jeune.
27. An evaluation of Ms Jeune's complaint forms no part of this judgment. The Tribunal has restricted itself to understanding what the complaint related to, the complex background against which it was made and the various effects it had in the context of the allegations that are brought against the Respondent. The Tribunal has also read, understood and properly placed into context the scope of Dame Sarah Asplin's non-fact-finding determination that it would not be proportionate to refer the allegation to a tribunal and accordingly there was no case to answer.
28. It was apparent in these proceedings that Ms Jeune anticipated that this hearing might provide an opportunity for her to put forward at least part of her account of events. This was evident not least from the extremely detailed and lengthy witness statement prepared by Ms Jeune in these proceedings but also by the application (which was refused) to have her attend throughout the course of the hearing in order to hear the DO's witnesses give evidence and to be able to comment upon it and the fact that she flew from New Zealand in order to give evidence in person despite the DO stating that he would support any

application for evidence to be given by video-link in order to spare her the journey. The Tribunal makes no criticism of Ms Jeune's desire to do so but was astute to ensure that the hearing focussed only upon issues relevant to determination of the allegations against Dean Peers. The Tribunal is not concerned with adjudicating details of the complaint or exploring the process around it.

29. Nonetheless, a summary of the key elements of the trajectory after Ms Jeune raised her complaint does assist with the contextualisation of the matters the Tribunal is tasked with determining. The key points are as follows:

- 29.1. Following Ms Jeune's complaint, the Respondent asked Ms Jeune to provide a written account. He passed the matter on to the Diocesan Safeguarding Advisor and Chapter Safeguarding Lead and College Safeguarding Lead;
- 29.2. the Respondent was asked both to inform Martyn Percy that a complaint had been made (which he did on Tuesday 13 October 2020) and to identify an appropriate investigator;
- 29.3. the Respondent's evidence under cross examination was that it proved relatively difficult to identify and engage an appropriate investigator and that the process was hampered by concerns over freedom of movement under COVID restrictions, timescales for production of references and the need to carry out interviews of potential candidates. After around two weeks, Kate Wood was appointed as investigator. She undertook an investigation, including interviews with Alannah Jeune, Martyn Percy and other witnesses. Ms Wood then provided a report (the "Wood Report") which concluded, amongst other things, that Ms Jeune's accounts were "*entirely credible*", citing credible supporting evidence from six witnesses and proffering her professional opinion that on the balance of probabilities it was more likely than not the incident had occurred as alleged and that it amounted to a safeguarding allegation requiring further investigation;
- 29.4. four risk assessments were subsequently prepared on the basis of the conclusions in the Wood Report. (These and other safeguarding processes put in place at the time have been criticised. For the avoidance of doubt, the Tribunal is not concerned with the details of how those operated or with evaluating their appropriateness.) During this time it appears that Martyn Percy withdrew from activities related to his role and it is not in dispute that he became unwell during this time;
- 29.5. CDM proceedings were commenced and a formal investigation by the DO ensued;
- 29.6. the CDM concluded with the decision of Dame Sarah Asplin, President of the Tribunals, on 28 May 2021 that it would not be proportionate to the allegation to refer it to a tribunal and, consequently there was no case to answer;
- 29.7. Thames Valley Police investigated but concluded (as the Tribunal understands it) that no criminal offences had taken place;

- 29.8. Christ Church’s Governing Body set up a second⁴ internal tribunal to determine the incident, although in fact that tribunal was never convened.
30. Perhaps inevitably, given both the levels of interest in the relationship between Martyn Percy and others at Christ Church and the microcosmic environments of the cathedral, college and university, the fact of the complaint and the various legal steps that followed rapidly came to be known to the wider public. The evidence the Panel heard established that the state of communications in and around matters relating to Christ Church was highly porous. As the Respondent had immediately realised it would, the news of a fresh allegation against Martyn Percy spread quickly and led to the deepening of rifts and increased partisan-ship within the various communities of Christ Church and amongst those who had taken an interest in the situation that had unfolded there.
31. In accordance with appropriate safeguarding procedures in cases where an allegation of sexual harassment has been made, Alannah Jeune’s identity was not made public by those with whom she shared her disclosure and she was referred to only as Miss X. However, a story was published in the Times on 17 November 2020 which appears to have been leaked by an unknown source and which included information revealing that the complainant was a verger at the cathedral and that the alleged incident had taken place inside the cathedral vestry. At the time, Ms Jeune was the only female verger on the cathedral staff. The story immediately led to intense speculation amongst the congregation and elsewhere as to the complainant’s identity. (Ms Jeune later (in or around February 2022) waived her anonymity voluntarily following the conclusion of a mediation process involving her, Martyn Percy and Christ Church which had resulted in a mediated settlement. However at the times relevant to the complaint against the Respondent she was known only as Miss X).
32. As a result of significant media interest and also as a result of leaks, blogs and social media accounts, the range of those taking an interest in the position of Martyn Percy at Christ Church appears to have been broad. It extended very significantly beyond those directly connected with the issues themselves or with the life of the cathedral or college. The degree of interest in and speculation about matters was described by the Respondent in oral evidence, which the Tribunal accepted, when he explained that he could “*hardly walk around Oxford*” from 11 October onwards without being interrupted by people asking for information or offering opinions on the situation at Christ Church. The Panel considered this to be an impressionistic but fair reflection of the intensity of interest in the situation at the time. This was corroborated by the evidence of Reverend Clare Haynes (“Clare Haynes”) who described a very large volume of correspondence concerning the events that was shown to her as a “*fraction*” of that which was received during the period under scrutiny in this matter.
33. Following the appointment of Kate Wood, the Respondent’s role encompassed aspects linked to the progress of Alannah Jeune’s complaint which were explored in his written evidence in chief and under cross examination. The evidence before the Panel established that the Respondent was not a “*formal link person*”⁵ for Alannah Jeune and that he was careful not to be involved with her in that capacity. Neither was he the formal link person, or otherwise responsible for the provision or pastoral or other support, for Martyn Percy.

⁴ An earlier Tribunal had related to matters arising from the breakdown in confidence between Martyn Percy and the Governing Body.

⁵ Per questions put to the Respondent during cross-examination.

Rather Clare Haynes provided Ms Jeune with direct pastoral support and a retired bishop appointed by the Diocese of Oxford did the same for Martyn Percy. The Panel were satisfied that the Respondent took seriously his role “*as senior pastor of this community [which meant that] I looked after both the accuser and the accused...*”.

34. The Respondent nonetheless had some particular ongoing responsibilities towards Ms Jeune because she continued to be a cathedral employee, including ensuring that she was free from harassment and that she was able to continue to do her work at the cathedral without detriment. He was also required to provide Kate Wood with practical access to Alannah Jeune and other witnesses during an investigation process that was further complicated by COVID regulations. The Tribunal also accepted the Respondent’s account, which was not substantively challenged, that at the same time he took every opportunity to find ways to “*communicate care in an obvious way*” for Martyn Percy, in particular by ensuring that he received support, encouraging those who wished to visit to do so, ensuring he was included in cathedral newsletters and prayers and by asking the Respondent’s partner, Jim Cable, to liaise directly with Martyn and Emma Percy to get together for “*dog play dates*”, explaining that he encouraged Mr Cable to “*drop everything whenever we got a request – we never said no*”.
35. The Tribunal was satisfied on the evidence it heard that as part of his execution of these various responsibilities - and as part of a broader objective the Panel found that he sought diligently to fulfil, namely that of seeking to bring members of the separate parts of Christ Church “*together after a period of conflict and fragmentation*”⁶ – the Respondent became concerned that the level of gossip and unregulated dissemination of mixed fact and opinion via social media was proving unhelpful to these aims (“*I felt that nobody benefited from a social media storm. They raised the atmosphere*”).
36. His live evidence under cross-examination established clearly that he concluded that, in his role as trustee of the Charity and as senior pastor of the cathedral, he could seek to communicate with “*...influential people with a public platform...*” who were either publicly commenting on Alannah Jeune’s complaint against Martyn Percy, or whose status meant that they were a likely vehicle for disseminating the key message the Respondent wished to convey. The Panel was satisfied by the clear and unambiguous evidence it heard on this point that in the case of all six of the DO’s witnesses the key message the Respondent sought to convey was that gossip and social media commentary should stop in order to reduce the inflammation of tensions resulting from such commentary (which he described as “*upping the ante*”). He considered that dialling down social media commentary and gossip would both assist the legal processes to take place untrammelled, allowing justice to be done, and ensure that Alannah Jeune, as an employee of the cathedral, was protected from harassment in the meantime. The Panel also concluded that in terms of contacting Jonathan Aitken and Deborah Woudhuysen, both known close confidantes of and known to be directly in touch with Martyn Percy, he also sought to begin to explore whether there were alternative ways to progress matters that Martyn Percy might be open to. The Respondent’s evidence on this (in response to cross-examination about his contact with Deborah Woudhuysen) was that he was seeking to “*...eke out a glimmer of hope which, had one emerged, I would have taken back to the college authorities.*”

⁶ WS of Richard Peers page 3 para 8

37. The people he identified to reach out to included those who were using their social media platforms to offer public comment. It also included Mrs Gadd who, although she was not known to be active on social media, was, in Dean Peers' assessment, an "*...influential person... an important person in the congregation because of her membership of the Council of Friends of Christ Church who had very effectively brought the congregation together in the past, using cartoons...*").
38. Under cross examination the Respondent was asked whether the people he contacted on this basis were "*...all people who were vocal supporters of [Martyn Percy], using their platforms to support him?*", to which he answered "*Yes, I wanted to encourage them not to do it publicly because of the effect on Christ Church, Alannah Jeune and Martyn Percy*". He also gave evidence, which the Panel found to be entirely convincing, that he wanted to encourage those he met with to "*...trust the process...*" and that his primary concerns were "*...the impact [of gossip and the social media "storm"] on colleagues...*"; for "*...truth to be dealt with...*" and "*...to protect the reputation of safeguarding procedures⁷...*" which he was working hard to establish and embed at Christ Church.
39. The evidence established that the Respondent discussed these ideas with the Senior Censor and it was agreed that he could proceed with informal discussions with the aims described above. It was felt that this approach "*...might be one way forward...*" in a complex situation. No terms of reference were set out and there were no requests for the Respondent to report back to fellow trustees or the Governing Body. The Respondent's evidence established that these meetings were conducted informally. They were also conducted on a one-to-one basis (or two-to-one in the case of Mrs Gadd, who attended with her husband, Mr Haines) because of the COVID restrictions in place at the time and also because "*...meeting with two people [from Christ Church] raises the ante from an informal, pastoral conversation to a more formal one...*", which he wanted to avoid, and finally because it was also difficult to know who might have been an appropriate person to accompany him even if the other factors had not been in play, so divided was Christ Church over issues concerning Martyn Percy at the time.
40. This is the highly complex and strained background against which the Respondent made contact with each of the DO's six witnesses⁸. The content of what was said in the meetings is in dispute and it is alleged that the Respondent behaved in the ways articulated in the complex charge during the meetings and in some correspondence.
41. The Panel assesses each incident of contact complained of in detail below and makes specific findings in each case.

Assessment of witnesses:

42. Before setting out its further specific findings, it is usual for a Tribunal to provide its assessment of each of the witnesses it has seen giving live evidence at trial. The Tribunal has taken a different approach to structure in this case because it provides a more natural reading to provide our assessment of each of the DO's witnesses at the start of the analyses

⁷ The Respondent gave detailed evidence, which the Tribunal accepted, that when he arrived at Christ Church he encountered an environment where there was widespread mistrust and misunderstanding of safeguarding procedures, the need for training was not well respected, the internal procedures required amendment and a recent inspection had failed the Cathedral School in respect of safeguarding.

⁸ Of whom all but Jeremy Pemberton gave evidence in person at the substantive hearing.

of the relevant conversation or correspondence in turn. That approach leaves the Respondent and his two witnesses and so it is convenient to first summarise the Tribunal's assessment of those three witnesses here before turning to each of the relevant meetings or exchanges of correspondence in the order in which they have been presented to us in the hearing bundle. This, in the Tribunal's view, provides an appropriate structure to preface our findings of fact in respect of each meeting or written exchange.

43. Following that structure and turning first to the Respondent's witnesses:

Dean Peers

44. The Tribunal found the Respondent to be an impressive and truthful witness. He gave reflective, thoughtful and candid answers which were directed to the point of the question even where he also provided context or further details. He did not obfuscate or avoid difficult questions. Through his answers he came over as a balanced witness, not prone to overstatement or exaggeration.

45. The Respondent was plainly expert and highly experienced in matters of safeguarding. It was evident that improving the quality of safeguarding at Christ Church, destigmatising and embedding its practice, were key aims of his alongside the task of seeking to bring together divided sections of Christ Church and beginning to heal the damage of years of very painful internal dispute.

46. The Panel noted that in her evidence Deborah Woudhuysen corroborated the Respondent's account of the difficulty of the task that the Respondent embarked upon in communicating with those he contacted in a divided and very tense environment, noting the "...*very difficult position he was in...*" and observing that she was unsure what she would have done had she been in the same position herself. Clare Haynes observed, too, that "*We were managing a very abnormal situation.*"

The Reverend Clare Haynes

47. Clare Haynes' short cross-examination made a limited contribution to issues germane to the charge as she was not present during any of the interactions which are impugned. Nonetheless, the Panel found her to be a measured, calm and truthful witness. She gave balanced, factual answers to questions and added the following details to the overall picture presented to the Tribunal:

47.1. Clare Haynes corroborated the Respondent's accounts of the acute difficulties facing him in the context of Christ Church at the time;

47.2. She confirmed under cross examination her confidence, based on her experience of the Respondent, that he would have modelled best safeguarding practice appropriate to the nature of each conversation (which is a matter the Panel received as to character and propensity rather than as proof of witnessing the conversations themselves);

47.3. Provided some eyewitness corroboration of an account given by Alannah Jeune of an incident of intimidation against her by Mrs Gadd in 2022 following Communion in the cathedral at a time shortly after the mediated settlement had been reached. In

the account given by Alannah Jeune, Mrs Gadd turned around, slightly raised, in her seat and held her gaze for around five seconds “...staring right at me with an expression of such malice I have never encountered anything like it”. When asked an open question by Panel Member Philip Harper about interactions between Mrs Gadd and Alannah Jeune, Clare Haynes’ evidence was that she did not ever witness any arguments between them, but she went on to describe an incident she observed “...just after settlement. We were sitting behind Karen Gadd and Emma Percy and I remember seeing Karen Gadd turn around and saw her looking at Alannah and looking angrily at her.” This evidence contradicted the evidence Ms Gadd gave about the incident when questioned in examination-in-chief about the same incident. She denied that it had happened and suggested that she would not have recognised Ms Jeune (“I did not turn to her and glare. I was unaware of her. I don’t even know that I would know what she looks like.”) Noting both the corroboration between the accounts given by Alannah Jeune in her witness statement and Clare Haynes in her examination by the Tribunal on this point, and what the Tribunal finds to be the falsity of Mrs Gadd’s suggestion that she did not know who Ms Jeune was in February 2022, the Tribunal prefers the account of Alannah Jeune as corroborated by Clare Haynes on this point;

- 47.4. She provided some detail of her father’s “*bemused and upset*” reaction about being sent a cartoon by Jonathan Aitken (depicting various senior staff of Christ Church, including Clare Haynes and the Respondent, as thieves and robbers in the parable of the Good Samaritan, kicking Martyn Percy who is depicted on the ground as the traveller). The Tribunal accepted the truth of Clare Haynes’ evidence on his point on the balance of probabilities based on its assessment of the reaction she described as being a natural one and inherently likely. The Tribunal considered that this revealed a lack of sensitivity on the part of Jonathan Aitken who, when questioned on the same point, answered “*Her father and I are the oldest of friends – I don’t think he would be in the least bit offended by this*”.

Alannah Jeune

48. Alannah Jeune’s cross-examination was very brief. Miss Jeune presented as a composed, clear and accurate witness to the limited extent that the Tribunal heard from her. Her evidence confirmed that she was not aware of the Respondent having any of the conversations which have led to these proceedings at the time, save that she became aware that he was intending to speak to Jonathan Aitken shortly before he did so because her pastoral supporter, Clare Haynes, knew Mr Aitken.
49. As set out above, the Panel recognised that there is likely to have been a sense of anticlimax on the part of Ms Jeune when attending to give her evidence, in light of the efforts made to attend and the length and scope of the written evidence that was submitted by her in this case. However much of the detail of her evidence was not directed to the issues raised in the charge.

Findings of fact (incorporating the Tribunal’s assessment of the DO’s live witnesses):

Meeting with Karen Gadd (“Mrs Gadd” or the “Complainant”)

Tribunal’s assessment of Mrs Gadd

50. Karen Gadd gave evidence under oath on three separate occasions during the course of the hearing, once primarily consisting of lengthy and often testing cross examination on the substantive issues contained in her written evidence, and later in the proceedings Mrs Gadd was recalled briefly twice to give evidence dealing with a breach of the confidentiality required under the CDM process. The manifestation of the breach was that it emerged during her evidence that she had provided confidential papers in this matter to third parties, namely her husband Geoff Haines and a person she turned to for informal advice, David Lamming. This is considered further below.
51. Mrs Gadd was present throughout the hearing in accordance with the Rules in her capacity as Complainant. The Tribunal had, accordingly, ample opportunity to observe her.
52. Mrs Gadd was an emotional witness. She clearly cared deeply about Christ Church and her strongest moments during her time giving evidence came when she was touched on her own role in the cathedral or her family's long ties to it. She also had a clear and sharp recall of some aspects of the case, particularly the various processes which have led to this hearing.
53. However, she lacked specificity and recall in other aspects of her evidence, notably when pressed as to her involvement with third parties on confidential aspects of the case. On several occasions her evidence was obscure and she sought to avoid providing direct answers. She frequently referred to a desire to reference emails to improve her recall.
54. The Tribunal found her evidence, written and oral, to be prone to exaggeration and lacking in balance and occasionally simply untrue⁹. Some (but not an exhaustive list of) examples include:
- 54.1. Karen Gadd described her "...*extreme distress at being subjected to the obscene allegations of Canon Peers...*"¹⁰. There has never been any suggestion in the notes she produced three days after the event of the conversation she had with the Respondent or of the longer list at paragraphs 18 and 19 of her witness statement that anything Canon Peers said amounted to an obscene allegation. Nothing in her witness statement provides any evidence that "*obscene allegations*" were made. Nothing in her evidence given under cross-examination supported this. The Panel concluded that on the basis of a lack of any corroboration for this statement and its inherent unlikelihood given its assessment of Dean Peers and the lack of that this was an inaccurate statement, made with the intention of slurring the Respondent and of adding weight to her complaint;
- 54.2. Mrs Gadd, in both her written statement and her oral evidence under cross-examination, stated that she had come under pressure from the Respondent to meet with him (her evidence at paragraph 11 states "...*he pressed me for a meeting ...*" and under cross examination she stated been "...*I felt pressed...*"). The text of the email which the Respondent sent to her¹¹ requesting a meeting read as follows: "*Dear Karen, I hope you are well. Would you like to meet? It would be good to talk with you. I am not sure where you are but I am happy to come for a walk or we could*

⁹ The Panel had in mind at all times that there are many reasons why a person might not tell the truth and that simply because a person is not believed on one thing it does not automatically follow that they are not telling the truth about everything else.

¹⁰ KG WS para 16.

¹¹ 26 February 2021 at 13.42

walk in the gardens/Meadows here. Would you have any time this weekend? I could do either afternoon. Obviously, I will not be able to break any confidences but I can certainly talk through some of this. Hoping to meet up soon. With every blessing, Richard.” Under cross examination, after some consideration of the Respondent’s email to her and of the fact that in her email to Martyn Percy some days later¹² to tell him about the meeting she made no reference to pressure and instead described having received an “invitation” to meet, Mrs Gadd made no response to Mr Gau’s challenge to her that the text was open, courteous and contained nothing pressing at all. Instead, her oral evidence was that it was the great respect she felt for the clergy combined with the speed at which the Respondent’s email arrived after she had contacted the cathedral office with a complaint that the Dean had not been mentioned in the cathedral newsletter (the Respondent’s email is said to have arrived “minutes” after she sent her email) that produced any perception of pressure. The Panel found her evidence that she had been “...pressed...” for a meeting with the Respondent to be unconvincing, exaggerated and inaccurate;

- 54.3. Mrs Gadd repeated several times during her oral evidence that she did not know Martyn Percy well and that she had little contact with him. This was, in the Tribunal’s assessment on the balance of probabilities, a significant minimisation by Mrs Gadd. The evidence before the Tribunal pointed to a well-established and familiar relationship between them and Canon Robin Gibbons’ evidence under cross examination was clear that Mrs Gadd’s contact with Martyn Percy was close and that she “...cared very much about [him]”;
- 54.4. The Panel also concluded that, on the balance of probabilities, oral evidence Mrs Gadd gave that she has never met Alannah Jeune and that as at 18 April 2021 (the date of the post-Evensong meeting facilitated by the Bishop) she did not know who she was (“*I have never met her. I didn’t know her. I didn’t know of her existence*”) was untrue. Alannah Jeune was, at the relevant time, the only female verger in the cathedral. Mrs Gadd was a regular, long-standing cathedral congregant and also acted as a server (her evidence on this was that “...*I was a lowly member of the serving team...*”) and the Tribunal considered that it was more likely than not both that Mrs Gadd did know who she was at 18 April 2021 and that that they had met before then;
- 54.5. The Tribunal concluded, on the balance of probabilities, that Mrs Gadd’s evidence that the Respondent compared her and her husband to supporters of Peter Ball was untrue. The basis for the Panel’s finding is set out in more detail below.
55. The Panel formed the view that there was a strong sense of hostility towards the Respondent flavouring Mrs Gadd’s evidence. It was plain that Mrs Gadd felt negatively about the Respondent for reasons that were not limited simply to her meeting with him on 27 February 2021. She became particularly emotional when questioned, in two separate lines of questioning, about the closure of the cathedral Education and Outreach Department and the Respondent’s decision not to furlough staff in that department during COVID. Mrs Gadd also intimated the depth of her feelings towards the Respondent and admitted her hostility towards him (albeit with, the Tribunal concluded, considerable understatement) in part of her questioning under cross examination when asked about a meeting the Bishop of

¹² 02.03.21

Oxford facilitated in the cathedral in April 2021 concerning Alannah Jeune's allegation against Martyn Percy¹³ at which she had spoken. Her account was: *"The Bishop and Richard Peers were standing at the end of the meeting and they were smiling. Yes I was heated and upset. When I finished speaking the Bishop said "That must have been hard to hear Richard". I agree, I wasn't his biggest fan."*

56. As a result of Mrs Gadd's evidence as to how she came to initiate and drive the CDM forwards through several potentially challenging procedural hurdles that arose along the way, it quickly became apparent that she had received significant input and advice from the earliest stages and throughout from third parties unconnected with the CDM, and that she had extensively shared confidential information with them through discussion of the issues or through actual provision of full sets of confidential papers in this matter to some of them, in breach of the Clergy Discipline Rules and Statutory Guidance. She revealed this group to consist of her husband and two other men, (an initially coy answer *"One or two other people have been advising with my husband..."* changed when pressed to the identification of *"David Lamming and Martin Sewell. I have told them about the issues in this case."*). Mrs Gadd's evidence was that *"The CDM idea came into being after the [Dame Sarah] Asplin [decision]. The Bishop said the only ways forward were CDM or informal complaint. I didn't even know what a CDM was and Martyn Percy then advised me to contact David Lamming and Martin Sewell to take it forward."* Mrs Gadd also did not demur from a description she was challenged with in cross examination as to her having operated as a *"go between"*. She stated that Martyn Percy *"...told me that there were other people. It seemed sensible to contact them and pull together. David Lamming, Martin Sewell and Martyn Percy suggested that."*
57. Upon her recall to deal more specifically with the question of breach of confidentiality of the proceedings and provision of confidential documents to third parties she stated under oath that she had only supplied documents to her husband and David Lamming. Martin Sewell was mentioned relatively little (although his name came up on several occasions in the evidence of Father Robin Gibbons). Her husband's role appears (and the Tribunal accepts this) to have been relatively minimal and administrative. He was mentioned only rarely in evidence.
58. Throughout, the Panel noticed that Mrs Gadd sought to minimise any suggestion of involvement by Martyn Percy, pointing instead to the role played in particular by David Lamming and to a lesser extent by Martin Sewell in advising her and putting her in touch with other potential witnesses. Despite this it was evident to the Tribunal from Mrs Gadd's answers that Martyn Percy had played the pivotal role in putting Mrs Gadd in touch with David Lamming and Martin Sewell. Mrs Gadd was asked *"Martyn Percy advised you to contact Martin Sewell and David Lamming?"* She answered *"Yes I think so. Or they may have contacted me by email given to them by Martyn Percy"*. She also confirmed in evidence that she was intermittently in touch with Martyn Percy to discuss matters relating to the case against Dean Peers with him and it was apparent to the Panel as a result of the evidence given by several other witnesses that Martyn Percy's leaving service and reception (held outside Christ Church) was an occasion at which several of the DO's witnesses were introduced for the first time.

¹³ At the time anonymised as Miss X.

59. Clergy disciplinary proceedings are, by default, private and confidential save as to some limited aspects (for example the public pronouncement of the Tribunal's determination of the complaint). The rules as to confidentiality are set out clearly in the Clergy Discipline Code of Practice and elsewhere (including the Statutory Guidelines). It is plainly a matter of concern that there appear to have been breaches of confidentiality in this case. Upon learning of this the Tribunal took immediate steps in order to preserve the integrity of the hearing going forwards. David Lamming and Mr Haines, the two people named as recipients of confidential papers, were contacted via the Provincial Registrar requiring confirmation that the papers had not been disseminated elsewhere, provision of further names and details in the event that they had been circulated more widely and confirmation of the immediate destruction of the documents in their possession. Confirmations were duly received from Mr Haines and David Lamming, save that David Lamming has not confirmed destruction of the documents in his possession and disputes the basis for challenging his entitlement to hold the papers. This aspect of the matter remains under review but falls outside the scope of the Tribunal's determination of the complaint and has not held up the Tribunal's execution of that part of its function.

Tribunal's findings of facts as to the meeting between the Respondent and Mrs Gadd

60. The detail of the allegation against the Respondent is not particularised in one place. It has fallen to the Panel to carefully review the written evidence in order to locate the various aspects of Mrs Gadd's evidence amounting to allegations and to adjudicate upon whether or not they were said and if so whether they make out the charge as framed, as well as to assessing the overall content and tenor of the conversation as the Panel finds it to have taken place against the wording of the charge in this case. This was the approach the Tribunal took. Because of the diffuse nature of the particular allegations in the evidence it was not a straightforward task.

61. The Tribunal's starting point was Mrs Gadd's two emails to her husband, Geoffrey Haines (the "Emails"), dated 1 March 2021 at 20.49 (the "First Email") and the next day (2 March 2021) at 15.11 (the "Second Email"). The First Email was sent two days after a meeting which (it is not in dispute) had taken place between Mrs Gadd, Geoff Haines and the Respondent in the gardens behind the cathedral in the afternoon of 27 February 2021. This open air meeting was appropriate due to COVID restrictions in place at the time and took place in response to a courteous and open invitation sent by email to Mrs Gadd by the Respondent on 26 February 2021 at 13.42 to which Mrs Gadd had responded, equally courteously, at 17.09 the same day, agreeing to meet the following day. The Panel has already rejected any suggestion that the Respondent applied pressure to Mrs Gadd to meet - and for the avoidance of doubt, Mrs Gadd's evidence as to her perception of pressure (which under cross examination she said arose because of the esteem in which she held members of the clergy and the fact that the email invitation arrived quickly after she had written complaining of the absence of a mention of Martyn Percy in the cathedral newsletter) are not, in the Panel's assessment, matters that would have caused any reasonable person to consider themselves to be under any pressure given the open, polite content and tone of the Respondent's email to her.

62. Although the header of the Second Email makes it plain that Mrs Gadd is replying to a message from Mr Haines, the full chain has not been disclosed and his message is not visible. The Panel noted that the heading of the Emails ("*notes from last Saturday with subdean – things that worry me that he is saying to members of the congregation*") on the

First Email and “*RE: more notes from last Saturday with subdean – things that worry me that he is saying to members of the congregation*” on the Second Email) appeared to encompass the possibility that these notes were not strictly limited to an attempt at a semi-contemporaneous account of what was said to Mrs Gadd and Mr Haines during the conversation, but may have sought to embody wider speculation by Mrs Gadd about what might be expressed to the cathedral congregation on other occasions. Whilst the Panel would not have expected Mrs Gadd, as a lay person, to adopt an overly strict or lawyerly approach to her record keeping, much of Mrs Gadd’s case rests of the veracity of those statements and the accuracy of her recording of what was said by the Respondent. These are matters which she was tested on in cross examination and her evidence was that these email lists represent an accurate note of what was said.

63. The Emails contain in total 11 statements that Karen Gadd alleges the Respondent said to her and her husband during their meeting in the cathedral gardens. The First Email contains statements numbered 1 -7. The Second Email starts by reproducing statement 5 from the First Email, changes the text of what was previously stated as statement number 6, reproduces statement number 7 and then adds new statements numbered 8 -11. In addition to the statements that are recorded in this way in the Emails, there are, in her written evidence (paragraphs 18 and 19), additional statements which Mrs Gadd alleges were also said by the Respondent at the meeting but which she did not record in either of the Emails.

Statements contained in the Emails

64. The Respondent denies that any of the statements recorded were said, or if they were, that they were said as has been interpreted and reported by Mrs Gadd. There is a direct conflict of evidence on these points and the Panel carefully assessed the position, drawing on the Emails, the witness statements of Mrs Gadd and the Respondent, their evidence in cross examination and its assessment of the two as witnesses and found the following.

65. *“Within 10 minutes of the “victim” coming down from the vestry he was on the phone to the Diocese to log the complaint formally.”*

- 65.1. The Tribunal were unanimously satisfied on the balance of probabilities that this statement was not made by the Respondent;
- 65.2. The Respondent denied that he had said this to Mrs Gadd or her husband, pointing to the fact that he would not have done so because it was not an accurate statement of fact. There had been a week’s gap before the Respondent was even informed of the complaint by Ms Jeune, such that the statement Mrs Gadd alleges he made in no way reflected the factual position as he knew it to be;
- 65.3. It was said by Mrs Gadd that although she accepted that it was not an accurate statement of fact, point 1 is an accurate account of what the Respondent said to her. The Panel rejected this assertion as untrue;
- 65.4. In assessing the likelihood of whether or not the Respondent made this statement, the Panel assessed it as inherently unlikely that the Respondent, as an accurate and careful person (in the Panel’s assessment of him), would make a factual assertion that he knew to be demonstrably untrue;

65.5. The Panel also evaluated the likelihood of this statement having been made by reference to its assessment of the credibility of the two witnesses, Karen Gadd and the Respondent, finding the Respondent to be highly credible and balanced in his presentation of evidence, with his honesty and integrity unimpugned in these proceedings, whereas Mrs Gadd was a significantly less credible and balanced witness for the reasons set out in the Panel’s earlier assessment of her;

65.6. The Panel noted as relevant in its assessment of how this allegation came to be made by Mrs Gadd that widespread media and social media reporting of confidential matters was taking place. The Panel finds that such reporting was already happening by late December 2020 and through January 2021. In this regard the Panel had regard to the unchallenged evidence of Clare Haynes¹⁴ that confidential details from the Wood Report (which had been published on 27 October 2020) had been released into print media and social media by December 2020 and were widely in circulation amongst those taking an interest in matters concerning Martyn Percy and Christ Church.

66. “No one at Christ Church College or employed by them has informed the press of anything against the Dean at any time in the last 3 years. He says all press leaks have come from the Dean and his supporters.”:

66.1. A majority of the Tribunal concluded on the balance of probabilities this was not statement made by the Respondent. A minority concluded on the balance of probabilities that this was said by him;

66.2. The majority considered that speculating on highly sensitive matters that arose before his appointment was not something that the Respondent was likely to have said to Mrs Gadd given what the Panel have assessed as his professionalism, accuracy and lack of tendency towards exaggeration. The majority considered that this was supported by the Respondent’s written evidence at paragraph 32.8 “*I do not know what happened in the years before my arrival, or who leaked what; I have sought at all times to avoid evaluating the prior dispute*”. This was not explored with him in cross-examination and the majority found this to be a statement which rang true, chiming with other equally convincing areas of his evidence that he was seeking to navigate delicately out of the trauma and damage of past issues in the college, rather than revisit it in a way which might further ignite divisions;

66.3. The minority reasoned that it was possible that this was said given the Respondent’s keenness to dampen the flames of social media speculation concerning the fresh Alannah Jeune complaint at the time and that on the balance of probabilities they were persuaded that this was a true report by Mrs Gadd;

66.4. By reason of the majority’s view, the facts as alleged by Mrs Gadd were not proven on the balance of probabilities.

67. “The Dean is lying about the incident”

¹⁴ Paragraph 8 WS of Clare Haynes.

67.1. The Tribunal unanimously rejected, on the balance of probabilities, that the Respondent said this. Based on its assessment of the Respondent and its findings as to his aims for the meeting the Panel considered that it was implausible that the Respondent would speak to Mrs Gadd or her husband about the yet-to-be-determined safeguarding incident in the way suggested. On the basis of the Panel's assessments of both witnesses - who adopt diametrically opposed evidential positions on this - and in the absence of any independent corroboration, the Panel preferred the evidence of the Respondent, which it found wholly credible, and concluded that the Respondent did not say this.

68. "Noone in the cathedral or college supports the Dean and everyone wants him to leave":

68.1. The Panel considered it likely that the Respondent would have acknowledged the reality of the factual situation which existed, namely that there were people in the cathedral and college who did want Martyn Percy to leave just as there were others (such as Mrs Gadd and her husband) who wanted him to stay. But the Panel unanimously rejected, on the balance of probabilities, that the Respondent spoke the words as he is alleged to have done by Mrs Gadd;

68.2. The Respondent was not asked about this statement in any detail under cross examination in the context of his conversation with Karen Gadd. However, the Panel found useful and persuasive the Respondent's responses under cross-examination about a similar point which came up in relation to the evidence of Canon Robin Gibbons. Canon Gibbons, whilst not explicitly asserting that he was able to give a verbatim account of what the Respondent had said to him, referred to "...three direct allusions to the situation [concerning Alannah Jeune's allegations against Martyn Percy]", which included an allegation that the Respondent told him that "*everyone wanted Martyn to go*"¹⁵. The Respondent was challenged with having made this statement and answered "*It is not true therefore I would not have said it. It [whether or not Martyn Percy should stay at Christ Church] was a live issue and I would have acknowledged that. There is a kernel of truth, but it is an exaggeration. Robin wanted him to stay and others did too. I simply would not have said that everyone wanted Martyn to go. Lots of people did want him to go. But not everyone. It was descriptive and factual to say that lots of people did want him to go. But I would not have said "everyone wants him to go" as it was not at all the case.*";

68.3. Taking this evidence into account when assessing the allegation made by Mrs Gadd, the Panel found it credible and convincing that the Respondent would have acknowledged with Mrs Gadd and her husband the reality of the divided views about whether or not Martyn Percy should stay or go. However, in the absence of any independent corroboration it unanimously preferred the Respondent's account over Mrs Gadd's and concluded that he did not say that no one in the cathedral or college supports the Dean and everyone wants him to leave. The Panel reached this conclusion on the basis of its assessment of the relative credibility of the two witnesses and considered this conclusion more likely than not given the reality of the situation at Christ Church at the time. It is also in keeping with what the Panel

¹⁵ The Panel noted that Father Robin's written statement is explicitly caveated by the note that he is recording his recollection of "*the essence of the conversation*" rather than attempting a verbatim account.

found to be the Respondent's generally cautious and fact-based approach in the conversations he was undertaking at and around this time;

68.4. Accordingly, this element of the charge against the Respondent has not been proven to the appropriate standard on the facts;

68.5. The Panel was also unanimous in its further evaluation that, to the extent that the Respondent made a statement of fact that lots of people (rather than "everyone") did want Martyn Percy to go (which the Panel has found, on the balance of probabilities, it is likely that he did), this was merely an acknowledgement of a factual position. It was not evaluative nor a biased appraisal of the Alannah Jeune complaint against Martyn Percy. The Panel was satisfied that no reasonable person would have considered this other than as a mere statement of fact. The Panel unanimously concluded that no parts of the charge were made out by a statement to this effect by the Respondent.

69. *"The incident between the Dean and the victim is much worse than reported":*

69.1. The Panel unanimously concluded that it was more likely than not that the Respondent did say words to this effect, save that it also unanimously considered on the balance of probabilities that the Respondent did not use the word "worse". The Respondent candidly accepted during his cross-examination "*I would have said that there is more than is in the press because there was. I can't imagine that I would have used the words "worse than"*". The evidence of the Respondent's exchanges with Deborah Woudhuysen supported the Panel in its conclusion that it was unlikely that the Respondent would have made any evaluative statement that the conduct alleged against Martyn Percy was "worse" than had been reported in the media. The Panel noted the Respondent's care over language that he used on this point in an email to Ms Woudhuysen dated 28 January 2021 where he referred to the facts being "*very different*" to that which was contained in media reports. It considered that "*very different*" was a much more likely description the Respondent would have used and that the use of the word "worse" is unlikely and not proven to the applicable standard;

69.2. The Panel therefore unanimously reached its conclusions on the balance of probabilities that the word "worse" was not used by the Respondent and that a statement that the facts were "*very different*" (or a statement to this effect) was a statement of fact and was not an evaluative or biased appraisal of the Alannah Jeune complaint against Martyn Percy. The Panel was satisfied that no reasonable person hearing such a statement from the Respondent would have considered it other than as mere a statement of fact. The Panel considered the charge as it is framed and unanimously concluded on the balance of probabilities that no parts of the charge were proven.

70. Two different formulations to the alleged statement numbered 6 are given in Email 1 and Email 2. The Panel notes that this fact is, of itself, supportive of a conclusion that Mrs Gadd's recollection of events is more impressionistic than verbatim, contrary to her account that these notes are accurate records of the Respondent's statements. It diminishes the reliability of Mrs Gadd's written accounts. In Email 1 Mrs Gadd's record is that the Respondent said "*The Dean enjoys flouting the rules and thinks he can get away with*

anything". In Email 2 she records this differently, and more moderately, as "*The Dean was disobeying his instructions by going up the Vestry at all – he wasn't allowed in there.*":

- 70.1. The Respondent's evidence, giving his account of his conversation with Mrs Gadd, at paragraphs 32.2 ("*When talking about the difficulty of the COVID regime I have always been clear that no clergy were allowed in the vestry...I mentioned this to the Dean on at least three occasions as his continued use of the vestry was commented on by vergers and clergy...*"), 32.4 ("*When talking generically about safeguarding issues I was clear about how careful all of us must be about being alone in spaces that are enclosed – such as the vestry; and where there are inequalities of age and power*") and 32.7 ("*I did not think that the Dean thought he could get away with anything*") is relevant. It was not challenged in cross-examination;
- 70.2. The Panel considered the relative credibilities of the two witnesses in the absence of independent corroboration and preferred the Respondent's account. It also considered that the credibility and reliability of Mrs Gadd's evidence was further attenuated by her production of two different versions on this point. It therefore found unanimously as follows on the balance of probabilities:
- a. that the statement recorded in the First Email was not said by the Respondent;
 - b. that the statement recorded in the Second Email is aligned to the Respondent's evidence on this point. Accordingly, the Panel was unanimously satisfied on the balance of probabilities that the words "*The Dean was disobeying instructions by going up to the vestry at all – he wasn't allowed in there*" were said by the Respondent;
- 70.3. The Panel was unanimous in its evaluation of the statement "*The Dean was disobeying instructions by going up to the vestry at all – he wasn't allowed in there*" as being a statement of fact and not as degrading or denigrating of Martyn Percy or in any other way and unfair or biased appraisal. The Panel concluded that no reasonable person hearing the statement would have considered it otherwise. The Panel therefore considered this statement against the charge as it is framed and unanimously concluded that no parts of the charge were proven by the fact of having made the statement recorded at paragraph 6 of the Second Email.

71. "*The Dean's secretary was at risk working alone with him in the next room to his study*":

- 71.1. Mrs Gadd's allegation that the Respondent engaged in the speculation she has recorded is uncorroborated and is not seen in any relatable account of other conversations the Respondent undertook at or around the same time. It is also at odds with the Panel's assessment of the Respondent's careful and fact-centred approach to safeguarding issues and to the professional, careful way in which the Respondent presented in giving his evidence before the Panel. The Panel therefore unanimously rejected Mrs Gadd's account on this point and preferred the wholly credible account of the Respondent whose evidence was: "*It is impossible that I commented on the Dean's secretary; I did not know the arrangement of the Dean's office at that time and did not visit the secretary's office until the house was empty in 2022*";

71.2. The Panel was therefore not satisfied on the balance of probabilities that this statement was made by the Respondent and this statement was not proven on the facts.

72. *“It is the Dean who has caused himself and the cathedral expensive legal costs by refusing arbitration and the cathedral have had to hire a company which costs 10 times more than their usual firm of solicitors”:*

72.1. The Panel considered, on the balance of probabilities, that it was likely that some discussion of the costs and expenses of the recent history of disputes between Martyn Percy and Christ Church was likely to have occurred. This struck the Panel as in keeping with the line of questioning that Geoff Haines had opened the meeting with and to be an appropriate aspect for discussion when reviewing how matters currently stood at Christ Church;

72.2. However, the Panel was unanimous in its rejection of Mrs Gadd’s account that the Respondent stated either that *“It is the Dean who has caused”* such costs or that he made any reference to Christ Church having *“... to hire a company which costs 10 times more than their usual firm of solicitors...”*. The Panel was satisfied on the basis of the evidence it received from the Respondent as to his lack of knowledge of the detail of the historic disputes and as to his aims for a forward-looking focus, that he did not attribute expense to Martyn Percy as she alleges. It was further satisfied that the Respondent’s unchallenged evidence at paragraph 32.5 of his witness statement¹⁶ supported his denial of having made any statement about hiring new solicitors at greater cost. The Respondent was a fact-centred and careful witness, rooting his statements in factual accuracy. The Panel concluded on the balance of probabilities that he would not have made a statement he regarded to be factually inaccurate;

72.3. Accordingly, the Panel unanimously concluded that the DO had not proven this element of complaint on the facts to the appropriate standard.

73. *“There is a list of people who must be sacked after this is resolved”:*

73.1. The Panel concluded on the balance of probabilities that the Respondent did not make this statement;

73.2. The Panel reached its unanimous conclusion in this regard by reason of its assessment of the relative credibility and reliability of the Respondent and Mrs Gadd as witnesses. In the absence of independent corroboration, the Panel preferred the Respondent’s credible account. Furthermore, the Panel heard evidence from the Respondent during cross-examination concerning statements he is alleged to have made to Jonathan Aitken where he explained that he would not have said *“sacked”*. The Panel considered the Respondent’s evidence highly plausible and considered that the use of the word *“sacked”* would have been out of character for the Respondent in that it was language that could have had an inflammatory effect. The evidence the Panel received during the hearing indicated that the Respondent avoided such language during his various conversations;

¹⁶ “It is not true that the Cathedral have hired any additional solicitors and I simply do not understand the reference to ‘10x the usual cost’; as far as I know Christ Church as a whole had continuity of lawyers.” (para 32.5 WS of Richard Peers.

- 73.3. Furthermore, the Panel considered that a statement that there was list of people to be sacked when matters were resolved appeared to be inconsistent with Mrs Gadd's own earlier evidence, where she alleged that the Respondent had told her that no-one supported the Dean and everyone wanted him to go;
- 73.4. The Panel therefore concluded that, on the balance of probabilities, this statement was not made by the Respondent.
74. *“There are two outcomes for the Dean – one he accepts settlement and restarts his career as a writer or he fights on an no-one will touch him with a barge-pole”:*
- 74.1. The Panel was satisfied that the conversation between Mrs Gadd, Mr Haines and the Respondent touched on how Martyn Percy's situation might be resolved and what the future might look like for him. However, the Panel unanimously concluded that on the balance of probabilities the Respondent did not make the statement as alleged against him by Mrs Gadd. In the absence of independent corroboration, the Panel were persuaded to this conclusion in particular by the Respondent's evidence on this point in cross examination; by the fact that the language used is intemperate and out of keeping with the careful and moderate modes of expression which the Panel found the Respondent generally used; and by his written witness evidence, which made it clear that this statement did not reflect what the Respondent envisaged the future might look like for Martyn Percy;
75. *“This is not the first time he has had his boss removed for improper behaviour – he cites a case of a headmistress who wrote 3 love letters to a younger member of staff – who showed him the letters and was immediately encouraged to report her. He claims the incident is similar”:*
- 75.1. The Respondent does not deny that he raised an example he knew of about a headteacher who had written love letters to a colleague. He was open in his evidence that he had done so, and that he had also raised this in conversation with Canon Robin Gibbons. The Respondent's evidence, which the Panel was satisfied was true, was that in offering the example he was not stating, or otherwise demonstrating a partisan attitude, that indicated that he felt that Martyn Percy should be dismissed. Rather that the example was introduced in order to attempt to address and calibrate discussion concerning thresholds for dismissal;
- 75.2. In answer to questions posed to him about this in the context of his conversation with Canon Robin Gibbons, the Respondent's evidence was that the headmistress in question had not been dismissed and that it was not, in fact, a situation he had been directly involved in, but that he drew on his general knowledge of the incident because there *“...was a lot of bandying around of thresholds for dismissal and a lot of conversation about leadership by consent and how do you regain consent. Talking about previous experiences is how we make sense of the universe.”*;
- 75.3. The Panel unanimously accepted the Respondent's evidence as clearer and more persuasive than the report given by Mrs Gadd. The Panel concluded that the account as narrated by Mrs Gadd was both factually inaccurate as to the details of the incident and therefore, on the balance of probabilities, does not represent a true account of what was said to her by the Respondent, nor does it provide a fair and

balanced account of the way in which the example was deployed by the Respondent;

- A. The Panel accordingly finds that on the balance of probabilities the statement as it is recorded and reported by Mrs Gadd was not made by the Respondent, although it is satisfied that an example of a headteacher was deployed by the Respondent in conversation in the manner found above. For the avoidance of doubt, the Panel was unanimously satisfied that using the example as the Panel has found did not prove any part of the charge as framed to the appropriate standard.

Additional allegations at paragraphs 18 and 19 of Mrs Gadd's witness statement

76. The Tribunal also considered Mrs Gadd's wider complaints about matters she alleges came up in conversation. Although the majority of paragraph 19 duplicates the allegations set out in the numbered lists contained in the Emails, which are evaluated above, the Tribunal noted the following additional allegations in paragraphs 18 and 19 which did not appear in the Emails and assesses them as follows.

77. When asked by Geoff Haines why this whole incident could not be resolved and the Dean returned to the cathedral "...Canon Peers laughed and said there's no hope of him ever returning...":

77.1. The majority of the Panel found that, on the balance of probabilities, the Respondent did not say "*there's no hope of him ever returning*". In the absence of any corroboration the majority reached this conclusion based on its assessment of the relative credibilities of the Respondent and Mrs Gadd as witnesses, preferring the Respondent's credible account. The majority also considered that such a remark was improbable as the Panel found the Respondent to be generally fact-centred and careful in his statements and making such a remark in circumstances where the Panel is satisfied that a principal aim was to attempt to defuse tension and work to bring divided elements of the Christ Church community together would have been counterproductive and inherently unlikely. A minority view was expressed on the balance of probabilities that the Respondent had alluded to a possibility that the Dean might never return, albeit the minority was only satisfied to the extent that any such allusion had been made in a purely factual way as being one possible outcome out of many that needed to be explored and did not consider that any part of the charge was proven by the statement;

77.2. The majority of the Panel also concluded, on the balance of probabilities, that the Respondent did not laugh when Mr Haines' questioned him and reached this conclusion having regard to the seriousness of the context of the meeting and what the majority assessed as the Respondent's lack of propensity to have done so. A minority of the Panel considered that on the balance of probabilities that the Respondent had laughed and reached this conclusion because they considered that a laugh might have expressed the Respondent's view that the situation was much more complicated and nuanced than Mr Haines' question countenanced.

78. A further allegation made in paragraph 18 of Mrs Gadd's witness statement but which is not reflected in either of her Emails is that the Respondent said "...the alleged incident was very sexual and the Dean had clearly lost control and was a danger to everyone". This

overlaps with a bullet point allegation at paragraph 19 that the Respondent said “...the allegation is of a sexual nature”:

78.1. The Panel found unanimously that neither of the foregoing statements were made by the Respondent. In the absence of corroboration the Panel preferred the account of the Respondent, which it found wholly credible and concluded on the balance of probabilities that neither of these statements were said by the Respondent.

79. The bullet point list at paragraph 19 includes an allegation that the Respondent stated that “The victim is a very impressive young woman of 28”:

79.1. The majority of the Panel concluded on the balance of probabilities that part of this was said by the Respondent. A minority considered on the balance of probabilities that it was unlikely that the Respondent said this in the form alleged and that the statement contains later interpolations by Mrs Gadd given that this statement is not recorded in her notes of the conversation and the level of detail (in particular the reference to Ms Jeune’s age) causes the minority to believe that this was a later insertion;

79.2. The majority went on to assess this statement against the charge and considered that it did not satisfy any part of the charge as framed. The statement that Ms Jeune was “impressive” did no more than reflect a legitimate view as to Ms Jeune’s demeanour and credibility. The majority was satisfied on the evidence that this was stated simply in an attempt to introduce balance and to emphasise that there was a complaint that should be taken seriously while appropriate legal processes were underway to determine its truth, in the face of attitudes which sought to dismiss it outright or minimise the complaint. The majority was satisfied that it did not amount to an expression of views or opinions on the merits of what was alleged, whether in a partisan, biased, unbalanced, false or misleading way, or at all. The other parts of the statement were mere statements of fact of matters which were already in the public domain at the time as a result of publication of details in mainstream and social media;

79.3. Accordingly, albeit for the separate majority and minority reasons given, the Panel unanimously concluded that no part of the charge had been proven in respect of this statement;

80. An allegation, made only once at paragraph 18 of her written evidence and elaborated upon under cross examination that the Respondent, is made that the Respondent “...accused us of being like supporters of Peter Ball”:

80.1. The Panel found unanimously on the balance of probabilities that the Respondent did not say this and that Mrs Gadd’s statement is untrue in this regard;

80.2. Mrs Gadd gave evidence stating that she had not known who Peter Ball was and had had to look it up. The Panel considered that it was unlikely that such a striking statement - and one which Mrs Gadd suggests she had gone to particular lengths to understand - would not have been remembered by her shortly after it was made and its way into her semi-contemporaneous written accounts in the Emails. Those documents purport to be a record of matters she had found to be particularly worrying or upsetting during her conversation with the Respondent. The absence of

this statement from the Emails is particularly noteworthy given Mrs Gadd's evidence that the Second Email was written because she remembered more detail overnight, so she provided a fuller account in the Second Email. It is even more conspicuous an omission where Mrs Gadd thought to include a reference to details including her recollection that the flies of the Respondent's trousers were unzipped when they met. The Panel considered that if a statement comparing Mrs Gadd and her husband to Peter Ball had been made, it was sufficiently striking that it would have been included in Mrs Gadd's lists in her Emails to corroborate her account. Its notable absence supported the Panel in its conclusion that on the balance of probabilities this statement was not made. In the absence of corroboration the Panel's conclusion was also reached on the Panel's assessment of the relative credibility of the witnesses, and its preference for the evidence of the Respondent which it found wholly credible on this point.

Conclusion as to statements alleged by Mrs Gadd

81. It follows that the Panel does not find the charge proven in respect of any of the statements alleged to have been made during the conversation between Karen Gadd and the Respondent.
82. In light of its findings, the Tribunal also considered the conversation in the round. It examined the effect upon Mrs Gadd of that conversation and her perceptions of it. The Panel did so in order to assess whether the impressions Mrs Gadd states she formed of the conversation are accurate and reasonable. For example, at paragraph 12 of her witness statement Mrs Gadd said "...during this meeting he forcefully defamed and denigrated the Dean in detail and at length in a way which my husband and I found shocking, wrong, distressing and incompatible with his priestly role." At paragraph 16 she refers to her "...extreme distress at having been subjected to the obscene allegations of Canon Peers..." The Panel considered that Mrs Gadd's descriptions do not reflect an accurate or fair account of the conversation. The Panel further concluded that the reactions Mrs Gadd describes that she had to the conversation (i.e. shock, distress and extreme distress) are exaggerated and are not reactions that a reasonable person with knowledge of the position at Christ Church, participating in the conversation as the Panel has found it to be, would have formed. The conversation was, in the Panel's view, likely to have been at times difficult and tense as it dealt with matters which were sensitive and deeply felt. However, the Panel has found nothing in the way that the Respondent conducted the conversation which would lead to a reasonable person to the reactions described by Mrs Gadd.
83. The Tribunal also considered whether, when taken together, the statements that the Panel has found were made could constitute conduct which satisfied the charge, or any parts of it. The Panel was unanimously satisfied that they did not.

Meeting with Canon Robert Gibbons ("Father Robin")

Tribunal's assessment of Father Robin

84. The Panel was informed by this witness that his preference was to be addressed as Father Robin, and that is how the Panel will refer to him in this decision.
85. Father Robin is an ecumenical canon of Christ Church and a former Benedictine monk. It was not in dispute that Father Robin carries out significant pastoral work at the cathedral.

He is a close contact of Martyn Percy and according to the account given in his written evidence, which was also not in dispute, had been asked by the previous Sub Dean to act pastorally towards Martyn Percy and that he continued to visit and “...act in a confessorial role...”¹⁷

86. The Panel found Father Robin to be a good natured, well-meaning and straightforward witness, who was somewhat hard of hearing (which the Panel noted as being potentially relevant to his interpretation of the conversation that had taken place, outdoors and socially distanced, between him and the Respondent). He was, perhaps understandably, guarded in the face of sometimes challenging cross-examination from Mr Gau. Father Robin was, by his own confession, “*not good with dates*” and the Panel found that this was something of an understatement as he was, as the Panel observed it, vague on details generally. For these reasons the majority of the Panel did not consider Father Robin to be an especially helpful or reliable witness, and this was especially so in light of his description of his evidence of the conversation with the Respondent as being “...*the essence of the conversation...*” rather than a verbatim record – a point about which Father Robin is to be given credit for his candour.
87. The Panel were united in their impression of Father Robin as an innocent and kindly person, but also someone who was somewhat easily led. Father Robin’s evidence was that he had been asked to write a statement by Martin Sewell, a person unrelated to these proceedings, who Father Robin described as “...*a member of General Synod who is a robust character who tackles issues...*”. Father Robin was unable to assist the Panel with when he had been approached and when he had first set out his account of his conversation with the Respondent. Martin Sewell had earlier been identified by Mrs Gadd as someone Martyn Percy had put her in touch with and with whom she had shared details of the case and received advice from. Father Robin stated that he agreed to provide a witness statement because he “...*thought it would sort something out. The whole issue is that people ran with bits between their teeth...*” He had not, he said, provided his statement in order to support Martyn Percy but rather because he considered that an “...*unpleasant, raw battleground...*” had emerged “...*because of people caring...*”

Tribunal’s findings of facts as to the meeting between the Respondent and Father Robin

88. It was not in dispute that the Respondent contacted Father Robin via Facebook Messenger on 29 January 2021 requesting a meeting following a Tweet which Father Robin had posted some time earlier (28 December 2020) in reply to a Tweet by Canon Angela Tilby concerning the situation at Christ Church, Oxford. Nothing before the Panel turned on the undisputed fact that the Respondent’s contact concerning Father Robin’s Tweet came about one month after the original post.
89. The text of Father Robin’s Tweet is no longer available as he took it down after being contacted by the Respondent (although his decision to do so was voluntary and unbidden, the Panel notes, rather than at the request of the Respondent). The text of the Respondent’s message to Father Robin read: “*Fr I was hugely disappointed to see your comment on Angela’s tweet. Could we meet in person to speak soon? I am happy to come to you tomorrow morning.*” It was not in dispute that, having received the Facebook Messenger contact in the morning, Father Robin and the Respondent in fact met that same day (29 January 2021) in Woodstock car park. Although towards the end of his written evidence

¹⁷ WS of Robin Gibbons para 7

Father Robin refers to a “*demand for an immediate meeting*” and to feeling put on the spot, the Panel was unanimously satisfied that there was no pressure applied to Father Robin to meet or to meet quickly. The Facebook Messenger request to meet did contain an admonishment at the beginning, but the request to meet was couched neutrally and was open and courteous.

90. Father Robin’s evidence, which was not the subject of any challenge on this point, was that when they met he immediately steered the conversation into enjoyably neutral territory by opening with a statement that he had taken his Tweet down and refusing thereafter to be drawn into any discussion of controversial issues.
91. Father Robin’s evidence was that despite having successfully steered away from anything that he thought might be controversial, the Respondent nonetheless made “*three direct allusions*” to what Father Robin described as “...*the great matter...*” and which the Panel understood to be a reference to Alannah Jeune’s complaint against Martyn Percy. The Panel has assessed the account given by Father Robin, reaching the following conclusions as to the facts.
92. The first allegation made by Father Robin is that the Respondent stated that “...*everybody wanted Martyn to go. I took that in the spirit of his usual exaggeration.*” The Panel unanimously concluded that this was not a statement the Respondent made. It found that, whilst it was likely that the Respondent would have referred to the factual position that there were people who wanted Martyn Percy to leave and others who wish him to stay, it is a misrepresentation and an exaggeration to report this as him having said “...*everybody wanted Martyn to go...*” The Panel considered it to be inherently unlikely that the Respondent, as a person who was careful about the truth and accuracy of his language, would make such a statement, in particular when addressing someone who he knew to be an example of someone who did not want Martyn Percy to go, and preferred the Respondent’s credible evidence and clear denial to Father Robin’s self-described “*synthesis*” of the conversation on this point. Accordingly the facts were not proven in respect of this statement on the balance of probabilities.
93. The next allegation is multi layered. The following statements are said to have been made:
 - 93.1. The Panel was unanimously satisfied that Father Robin’s account that the Respondent “...*referenced the event with Miss X*” was true;
 - 93.2. As to Father Robin’s statement referring to the “*event with Miss X*” as being an event “...*(which I didn’t know about and said I didn’t)*...”, a majority of the Panel concluded (i) that this statement was not said by Father Robin and (ii) that it is not an true statement of his likely state of knowledge at the time of the conversation:
 - a. The majority attributed no lack of integrity to Father Robin in making this finding, rather concluding that it was a misremembering by him;
 - b. The majority noted that Father Robin’s Tweet to the Reverend Canon Angela Tilby was responding to her post regarding the Alannah Jeune allegations; the majority also noted that the context of the meeting with the Respondent was the Respondent’s desire to discuss the Tweet; and further noted the fact of Father Robin’s pastoral role with the congregation, all of which led the Panel to conclude

it was more likely than not that Father Robin would have known of the new complaint, in particular given its importance and impact upon cathedral life;

- c. In its assessment of this point and indeed of Father Robin's evidence generally, the majority also considered that it was significant that Father Robin's own account of his evidence is that it is "...*essence*..." and, as he further stated under cross examination, a "...*synthesis*...", rather than purporting to be a detailed and accurate record of the conversation itself. The majority further noted that it was unhelpful not to know the date at which Father Robin had attempted to recall matters when asked to do so by Martin Sewell, nor indeed the basis or contextual framework which Mr Sewell provided to Father Robin when asking him to do so;
- d. For all of these reasons the majority of the Panel decided on the balance of probabilities that Father Robin did know about the event with Miss X and that he did not say to the Respondent that he did not know about it. It follows that this statement is not proven to the required standard;
- e. A minority of the Panel was persuaded on the balance of probabilities that his statement was credible as to his underlying state of knowledge and that it was something that seemed likely to have been said by this witness and therefore was satisfied both that it was said and that it was accurate;

93.3. The Panel were unanimous in their findings that Father Robin's account that the Respondent said "...*that he couldn't say much because it was very serious and couldn't be discussed*..." is, on the balance of probabilities, a true account of a statement made by the Respondent. On this point, the Panel were also unanimous in accepting the Respondent's evidence that his reference to "...*very serious*..." was not evaluative of the merits of Ms Jeune's complaint, but rather was a reference both to the fact that any credible¹⁸ complaint of sexual harassment is a serious matter and to the fact that a fresh complaint against Martyn Percy in the climate that existed at the time was a matter which was highly political and divisive. The Panel unanimously concluded that the intention behind the use of "very serious" was as described by the Respondent and further that the meaning that would be ascribed to this statement by a reasonable person with a basic knowledge of the situation at Christ Church were also as described. There is, accordingly, nothing in this statement which proves any part of the charge as framed;

93.4. Father Robin alleges that "*He nevertheless said that if this had been done when he was in charge of a school it would mean instant dismissal, (which has been heard elsewhere) and then I was given the example of the Head Teacher he sacked for writing love letters to another member of staff I 'ummed about this), but quite strangely shortly that he changed to "or at least a final warning" I thought to myself there is a big distinction here!*" The Panel has already¹⁹ assessed the evidence the Respondent gave under cross examination about the context and reasons for introducing of the example in the context of his conversation with Father Robin (which related to attempting to provide a calibration for thresholds for dismissal as

¹⁸ As the complaint had, at this stage, been found to be in the Wood Report.

¹⁹ See the Panel's assessment of Karen Gadd's evidence regarding the example of the Head Teacher where the Respondent's cross examination about his conversation with Father Robin was referenced.

this question was being widely “*bandied around*”) and repeats its findings on that here. On the specifics of Father Robin’s account of how the Respondent framed this part of his conversation with him, the Panel was split as to the accuracy of Father Robin’s recording. A majority concluded that, on the balance of probabilities, the Respondent did not say “... *if this* [i.e. the alleged sexual harassment of Alannah Jeune by Martyn Percy] *had been done when he was in charge of a school it would be instant dismissal...*” reaching this conclusion, in the absence of any independent corroboration, on the basis of its preference for the Respondent’s credible account, its assessment of the unreliability of Father Robin’s evidence, his admission of “*synthesis*” in his account and the inherent improbability of the Respondent saying this given the Panel’s findings that he was a generally cautious, fact based witness who did not indulge in speculation but rather sought to “*trust the process*” and to persuade others to do the same. A minority of the Panel was persuaded by the credibility of Father Robin as a witness that this was more likely than not to have been said, although concluding that they did not consider that this demonstrated any partisanship or otherwise make out any part of the charge;

- 93.5. Father Robin also stated that he “...*noted that he saw himself as the disposer of justice for Ms X against MP...*” This is a report of Father Robin’s opinion rather than a question of fact. Nonetheless the Panel unanimously concluded that there was nothing in the conversation, as the Panel has found it to be, that would lead a reasonable person to reach this conclusion. The Panel were satisfied on the balance of probabilities that the Respondent was attempting to bring balance to the situation, not to dispense justice, and that the tone and content of the conversations properly reflected that;
- 93.6. It is also said that the Respondent “...*spoke several times about ‘the innocent young girl who is a commendable witness and is being whitewashed out.’*” The Panel was unanimously satisfied on the balance of probabilities that “*commendable*” was used and that the Respondent said (per his evidence in cross examination on this point) that there was an “*erasure*” of Alannah Jeune by the minimisation of her complaint. The Respondent’s evidence was that although he understood why this was so, he was conscious of the potential impact that minimisation of her and her complaint may have on his duties to her as her employer. The Respondent’s evidence on this and related points candidly accepted that he made such statements. The Panel assessed this as follows:
- a. The Panel unanimously concluded that expressing the view that Ms Jeune was a “*commendable witness*” does not satisfy any part of the charge, nor does expressing the view that by minimising what had, by that stage, been found by a professional investigator to be a credible sexual harassment complaint, there had been an erasure of her. These were views rather than facts, but they were limited and permissible and expressed nothing of the Respondent’s view of a likely - or desired – outcome of the complaint against Martyn Percy;
 - b. As to Father Robin’s evidence that the Respondent spoke of Ms Jeune as an “...*innocent young girl...*”, this was convincingly denied by the Respondent in cross examination. His explanation, which the Panel accepted, was that this was “*infantlising*” language which he was careful never to use, always using a factually accurate descriptor instead, for example “*young woman*”. The Panel was

therefore satisfied on the balance of probabilities that the Respondent did not refer to Ms Jeune in the way alleged;

- 93.7. Father Robin's account is that the Respondent told him that "*saw [Alannah Jeune] nearly every day to give her support.*" A majority of the Panel found that, on the balance of probabilities, this was not said. The Respondent's evidence was that he was not the link person for Alannah Jeune (Clare Haynes filled this role) and that he was careful to maintain care, to the extent permissible, for both Martyn Percy and Alannah Jeune, albeit that his responsibilities towards Ms Jeune were greater as she was his employee in the cathedral. The Respondent's account was convincing, and the Panel's view that the Respondent was careful to anchor himself in factual accuracy supported the majority conclusion that Father Robin has misremembered this statement. A minority of the Panel concluded on the balance of probabilities that this was something that the Respondent would have said in communicating with Father Robin in an attempt to bring balance and to underscore the human person at the core of the allegations. However, the minority did not consider that this statement amounted to bias, partisanship or any other element of the charge, as framed.
94. Finally, Father Robin finally reported that the Respondent "*...used the phrase "Martyn called her (Ms X) a liar..."*" Father Robin's evidence went on to state that "*From how he spoke I did not understand that he was suggesting that this was a direct quote about Martyn making such an accusation, but simply referenced Martyn denying the account which she gave!*" The Panel unanimously concluded on the balance of probabilities that the Respondent did not use the phrase "*Martyn Percy called her (Ms X) a liar..."*. Father Robin was very vague about this when pressed in cross examination, recalling only that something had been said that had made him conclude that the Respondent was saying this. The Respondent, by contrast, was clear and unambiguous that he had said no such thing and this also accorded with the Panel's assessment of the inherent incredibility of the Respondent speaking in this way in a meeting where his aim was to introduce greater balance to a delicate situation, rather than increase divides. Accordingly, any allegation relating to this statement was not established on the facts.

Conclusion as to statements alleged by Father Robin

95. It follows that the Panel does not find the charge proven in respect of any of the statements alleged to have been made during the conversation between Father Robin and the Respondent.
96. In light of its findings, the Tribunal also considered the conversation between Father Robin and the Respondent in the round. It examined the effect upon Father Robin of that conversation and his perceptions of it. The Panel did so in order to assess whether the impressions Father Robin states he formed of the conversation are accurate and reasonable. For example, at paragraph 9 of his witness statement Father Robin said "*...The real problem I have is in the adding up of the stories which show quite an effort to target any who dissent from the orthodoxy of anti Dean sentiment.*" The Panel considered that the impression of 'anti Dean' sentiment on the part of the Respondent which is recorded by Father Robin does not reflect an accurate and fair account of the conversation and is not an analysis that a reasonable person participating in the conversation as the Panel has found it to be would have formed.

97. The Tribunal also considered whether, when taken together, the statements that the Panel has found were made could constitute conduct which satisfied the charge, or any parts of it. The Panel was unanimously satisfied that they did not.

The Reverend Jonathan Aitken (“Jonathan Aitken”)

Tribunal’s assessment of Jonathan Aitken

98. Jonathan Aitken was a combative witness and under cross-examination was quick to take offence or to challenge the questioner rather than answer the question squarely. The Panel’s impression is that despite these pugnacious qualities, his tendency to rise quickly to anger and indignation were a weakness and he struck the Panel as, overall, somewhat vulnerable by reason of his willingness to not only be drawn into disputes but to fuel and accelerate them (the Panel notes here, by way of two examples, the derogatory Good Samaritan cartoon which he sent to Clare Haynes’ father and the sermon he wrote which dealt extensively and, in the Panel’s assessment, in a highly inflammatory way, with Alannah Jeune’s complaint against Martyn Percy). The Panel found his evidence lacking in candour and that it was approached with a high degree of equivocation (for example, asked whether the Respondent had used the words “sexual harassment” rather than “sexual assault” the answer was given “...recollections may differ...”; other answers when tasked with specifics of the conversation with the Respondent included “...many words are spoken in a long meeting...” and “...I should be careful here...”).

99. The Panel also considered that Reverend Aitken displayed an unusual sense of considering himself the arbiter of which rules to observe and which to disregard. One example of this was the circulation to the whole of Christ Church’s governing body of a confidential and unredacted tribunal decision by Sir Andrew Smith²⁰. Challenged with the fact that he knew that the judgment was confidential and that he circulated in spite of its confidentiality, he said in cross-examination: “*It ought to have been in circulation to the trustees and it was in the public interest. I make no apology for circulating an unredacted version of the judgment. I think it was legally and morally the correct decision.*” It also appeared to be the case that in circulating the confidential judgment he had also attached notes and commentary on the judgment prepared by Martyn Percy. His evidence was that this was inadvertent, he did not know they were Martyn Percy’s notes and he had “...just sent out the bundle...” without reviewing it. The Panel make no findings about that but observes that if the witness’s account is correct it discloses a concerning lack of attention to detail around important and contentious information.

Tribunal’s findings of facts as to the meeting between the Respondent and Jonathan Aitken

100. The Panel found that the Respondent and Jonathan Aitken met on 20 February 2021 at Reverend Aitken’s home following a request by the Respondent to meet. The Respondent’s request had followed an open letter from Jonathan Aitken to the Chapter of Christ Church on 8 January 2021 in which he indicated that he and his legal advisers were preparing to bring judicial review proceedings against the governing body in respect of decisions relating to the treatment of Martyn Percy and contained an open invitation to its addressees

²⁰ The Deputy President’s decision of 7 May 2022 explains at para 17 that this decision is confidential and has never been made public. It is not in dispute that Jonathan Aitken had obtained a copy and circulated it in the way described.

to meet together for a “...private and confidential discussion aimed at solving some of these problems rather than going to war over them...”

101. There is a difference in the accounts of the Respondent and Jonathan Aitken as to the purpose of the meeting. Jonathan Aitken states²¹ that “...it became apparent that RP’s real purpose was an attempt to persuade me to influence the Dean in the direction of resigning from his post and reaching a financial settlement with Christ Church”. The Respondent states that “As I made clear in my comments to Aitken my sole purpose was to see if anything could be done to stop the publicity about Alannah. This was the shortest part of the conversation as he rejected this idea completely as not being “in the public interest”. Aitken then raised wider issues which did include discussion of why the Dean stayed at Christ Church and what would be best for him. This is I believe a legitimate question which puzzled me. At no time did I ask or seek to persuade Aitken to persuade the Dean to leave. It would not have been appropriate for me to do so. My interest was as much compassion and concern for the Dean as for the whole institution.”²²
102. The Panel assessed these written accounts and both witnesses’ live evidence in answer to questions about Jonathan Aitken’s perception of the purpose of the meeting. The Panel preferred the clear and candid account given by the Respondent to the evidence given by Jonathan Aitken. In particular, the Panel noted that Jonathan Aitken did not give a direct answer to the question “He never said that the Dean should resign did he?”, answering instead “My strong impression was that he was on a mission to get him to resign and go. But many words are spoken in a long meeting.” By contrast the Respondent’s answer to cross examination on the same point confirmed his written evidence, dealing frankly with the fact that after his attempt to deal with the need to stop publicity about Ms Jeune, the conversation did go to discussion of Martyn Percy’s future and that he did express puzzlement as to why he might want to stay at Christ Church despite the evident damage that being there was continuing to do to him. However, it was Jonathan Aitken who raised the question of whether he should go. The Respondent said “It was making Martyn Percy ill. Christ Church is just a job. Is any job really worth it? When I arrived he was extremely unwell and underweight. Blogs were being written about suicidal ideation. I was exceptionally concerned about it. I would not have stayed in that situation and I was puzzled and bewildered as to why he would want to be in a job that much and I wanted to understand that and help him flourish. Jonathan Aitken raised the question of whether he should stay and I said I was puzzled.”
103. The Panel preferred the Respondent’s account and rejects Jonathan Aitken’s evidence, both as to the “real purpose” of the meeting and as to the meeting being an “...attempt to persuade me to influence the Dean in the direction of resigning from his post and reaching a financial settlement with Christ Church...” Instead, the Panel finds that both the purpose of the meeting and the way in which the meeting proceeded was as described by the Respondent in paragraph 49 of his written evidence.
104. The Panel also considered allegations made in paragraph 5 of Jonathan Aitken’s witness statement. The Panel was satisfied to the appropriate standard on the basis of the evidence that it heard and read that:

²¹ Para 4 WS of Jonathan Aitken

²² Para 49 WS of Richard Peers

- 104.1. The Respondent did say that Ms X's complaint was "*immensely serious*" and "*extremely damaging to the Dean*". The Panel finds that it was plain from the context in which those words were spoken (a discussion that had moved to the welfare of Martyn Percy and the impact that his experiences at Christ Church had had on him) that were statements which related to the serious impact of the of a fresh allegation given the background of the previous attempts to remove him. They were not statements intended to be, nor reasonably interpreted as, an evaluation or view of Ms Jeune's complaint indicating any bias or partisanship on the part of the Respondent. The Panel was accordingly satisfied that charge is not made out in any aspect by the Respondent having spoken these words;
- 104.2. On the balance of probabilities, the Panel also unanimously rejected Jonathan Aitken's evidence (paragraph 5 of his witness statement) that the Respondent told him that Ms X's complaint was "*the equivalent of sexual assault*". The Respondent gave convincing evidence as to his care around safeguarding language and this was amply demonstrated during his live evidence. His evidence was that he would only ever have used the words "alleged sexual harassment" as that reflected where the matter had reached following the complaint and the Wood Report. The Panel finds on the balance of probabilities that "alleged sexual harassment" was the language used in the discussion between the Respondent and Jonathan Aitken and that the allegation as described this part of the evidence is not proven;
- 104.3. For the same reasons (the Panel's assessment of and its preference for the quality, attention to detail and credibility of evidence given by the Respondent over that given by Jonathan Aitken) the Panel unanimously concluded on the balance of probabilities he did not say he had "*personally assessed Miss X's complaint*", nor did he use the language of being "*completely convinced of its seriousness and validity as an immensely damaging blow to the reputation and character of the Dean*";
- 104.4. The Respondent admitted in his evidence (paragraph 53) that he did say that Alannah Jeune had been "*...traumatized by the Dean's misbehaviour*". His clear evidence, which the Panel accepts, was that this was stated by him because it was a fact that he knew to be true from his firsthand experience. On the basis of this admission, the Panel assessed this statement against the charge and unanimously concluded that by the use of the word "*misbehaviour*" the charge was made out by this statement in that it amounted to an expression of a view on the merits of what was alleged in a way which was "unfairly imbalanced". The charge was therefore satisfied by this statement and the Panel went on to consider whether this amounted to misconduct by the Respondent (considered separately below);
- 104.5. A majority of the Panel were not persuaded on the balance of probabilities that the Respondent said "*The Dean's misbehaviour was good grounds for his dismissal*". The Panel gave consideration to whether, in light of the Respondent's admission that he used the term "*misbehaviour*" in a separate statement, that made it more likely than not that he had used it in the context of this alleged statement, but the majority concluded that it did not. The statement that the complainant had been traumatized by the Dean's misbehaviour was, the Panel has found, unfairly imbalanced but it related only to a current state of affairs within the Respondent's own sphere of observation. It did not go as far as explicitly indicating a preferred

or likely outcome to the ongoing proceedings. The allegation that he stated “*The Dean’s misbehaviour was good grounds for his dismissal*” is of a different character, which would require the Panel to find that the Respondent had gone further and expressed a view about the outcome of the ongoing confidential processes. This, the majority found, was extremely unlikely given the Panel’s findings as to the Respondent’s respect for process and safeguarding generally. Furthermore, the Panel has already established by its findings that Jonathan Aitken’s evidence consists of a mixture of some kernels of truth mixed with some statements which were not said, or which are misrepresentations of what the Panel finds the Respondent said. Consistent with this assessment of the evidence is the majority’s conclusion that the words in question were more likely to be an extrapolation than a statement that was actually made by the Respondent. Accordingly, the facts were not proven on the balance of probabilities in respect of this statement. A minority of the Panel considered that, on the balance of probabilities, the Respondent did say “*The Dean’s misbehaviour was good grounds for his dismissal*” drawing on the fact of the Respondent’s admission of his use of the word misbehaviour elsewhere.

105. At paragraph 6 of his witness statement, Jonathan Aitken makes further allegations that include that the Respondent made it clear through his words “*and innuendo*” that he was aware of clear evidence the Dean had acted wrongfully, that there were witnesses to the Dean’s serious wrong-doing and that he asserted that the Dean was a liar:
 - 105.1. The Panel’s unanimous conclusion was that none of the matters alleged in this paragraph are true;
 - 105.2. The Panel reached this conclusion in respect of these uncorroborated assertions on the basis of its assessment of the Respondent’s evidence as being much the more credible and the Panel preferring it to that of Jonathan Aitken;
 - 105.3. The Panel was further supported in its unanimous conclusions as to paragraph 6 by reason of Jonathan Aitken’s answer to a question posed by the Panel during his live evidence where he said “*We had an agreeable talk on the whole*”²³. That account of civility and agreeableness is, in the Panel’s view, at odds with the suggestion that the sorts of highly inflammatory statements alleged at paragraph 6 were being made by the Respondent to a known supporter of Martyn Percy’s who had recently threatened the Chapter with legal action;
 - 105.4. The Panel also gave thought to whether the finding it has made given the Respondent’s admission of the use of the word “misbehaviour” elsewhere in the conversation made it more likely that Mr Aitken’s account at paragraph 6 is true. The Panel was satisfied that one isolated misstep in the course of a delicate conversation did not have that effect;
 - 105.5. Accordingly, the Panel unanimously concluded on the balance of probabilities that none of the facts set out in paragraph 6 are true.

²³ Jonathan Aitken had elsewhere stated that the meeting had lasted between 1.5 -2 hours, which was not a matter in dispute.

106. The Panel find that the account of the conversation given at paragraph 7 is true, save as to the words “*because it was so serious*”. Whilst the Panel was satisfied on the balance of probabilities that the Respondent did say that the complaint was serious, it considered that it was more likely than not that he did so in the same way as the Panel has found he used this word elsewhere, i.e. in the context of the impact of a fresh complaint in the context of the history of the breakdown between Martyn Percy and Christ Church, rather than suggesting that it was the seriousness of the complaint that had been made that warranted a second tribunal. The Panel was also satisfied that the Respondent did say that the second tribunal was “*the only way*”. His evidence to the Panel was that this is what he understood to be the legal position under Christ Church’s statutes and regulations in the event that no settlement was reached. The Panel was unanimous in its conclusion that nothing alleged in this paragraph made out any part of the charge.
107. In light of its findings, the Tribunal considered the conversation between Jonathan Aitken and the Respondent in the round. It examined the effect upon Jonathan Aitken of that conversation and his perceptions of it. The Panel did so in order to assess whether the impressions Jonathan Aitken states he formed of the conversation are accurate and reasonable. For example, at paragraph 8 of his witness statement Jonathan Aitken assessed the content of the meeting as being “*mendacious and malicious nonsense*.” The Panel considered that this is not an accurate and fair account of the conversation and is not an analysis that a reasonable person participating in the conversation as the Panel has found it to be would have formed.

Conclusion as to statements alleged by Jonathan Aitken

108. The Panel’s consideration of the conversation with Jonathan Aitken has resulted in single finding of fact that does satisfy an aspect of the charge, with all other allegations not proven or failing to satisfy the charge as set out above. The Panel’s assessment of whether that breach amounts to misconduct is set out in detail at the conclusion of this decision.

Reverend Canon Charles Baring Jeremy Pemberton (“Jeremy Pemberton”)

Tribunal’s assessment of Jeremy Pemberton

109. By agreement between the parties, Jeremy Pemberton was not called as a witness at the hearing. The Panel therefore accepts his evidence.

Tribunal’s findings of facts as to the meeting between the Respondent and Jeremy Pemberton

110. Jeremy Pemberton’s evidence provides an account of a meeting which, it is not in dispute, took place between himself the Respondent via Zoom in the morning of 23 March 2021. The Panel assessed the evidence before it and found nothing biased, unbalanced or otherwise of concern in it. There was, in the Panel’s judgment, no aspect of this evidence which made out the charge or any part of it.

Deborah Woudhuysen

Tribunal's assessment of Deborah Woudhuysen

111. Deborah Woudhuysen is a public supporter and friend of Martyn Percy, who has also acted in a formal capacity as his Mackenzie Friend in aspects of some of the legal processes that have taken place to date.
112. Ms Woudhuysen is a retired HR director and her professional background was evident in her demeanour as a witness. She was highly articulate and, on the whole, presented her answers in a calm and sensible way (save in respect of the cost and financing for legal proceedings, where she became notably heated). The Panel found her credible, truthful and generally measured.

Tribunal's findings of facts as to the correspondence between the Respondent and Deborah Woudhuysen

113. The Panel finds that the Respondent sought to contact Deborah Woudhuysen for the reasons it identified earlier, namely in order to seek to reduce gossip and social media commentary about the allegation made by Alannah Jeune, and in order to seek to explore whether there were alternative ways to progress matters that Martyn Percy might be open to. The evidence before the Panel also led it to conclude that the anonymisation of Alannah Jeune's identity as "Ms X" was, at around the time of the contact with Deborah Woudhuysen, under significant threat, if not possibly already breached. The Panel found that the Respondent was very concerned about this from a safeguarding point of view and in his capacity as Ms Jeune's employer and that this lent an edge of urgency and frustration to his messages to Ms Woudhuysen although not, the Panel finds, to any unreasonable degree.
114. Mrs Woudhuysen refused to meet with the Respondent in person and so no meeting between them on these issues ever took place. The single matter which is said by Mrs Woudhuysen to be a matter of complaint from her perspective is "*Instead of answering perfectly reasonable questions, he offers private and informal conversations*"²⁴. Although this appears to be the only matter Mrs Woudhuysen considers to be worthy of complaint, the DO challenged the Respondent with the content of some of the emails between them. It was not entirely clear to the Panel whether this was by way of supporting the Complainant's complaint or whether it is alleged that aspects of the correspondence of themselves amount to breaches sufficient to make out aspects of the charge.
115. The Panel has assessed the evidence before it with both possibilities in mind and found nothing for complaint either in the way the Respondent replied to questions from Mrs Woudhuysen nor in the fact that the Respondent suggested meeting for a private and informal conversation. Nor has the Panel found any material which is biased, unbalanced or otherwise of concern in their exchanges (which in any event Mrs Woudhuysen did not complain of).
116. Some particular parts of the correspondence were put to the Respondent (and denied) as amounting to biased or partisan statements and the Panel found the following in respect of these:

²⁴ WS of Deborah Woudhuysen statement exhibited as DW1 (un-numbered paras)

- 116.1. In an email to Mrs Woudhuysen dated 28 January 2021 at 11:53am the Respondent wrote “*The facts are very different to what you and others have been led to believe and to what is being said in this most unfortunate media campaign, which is a blatant attempt to subvert due and appropriate process in regards to a credible sexual harassment complaint.*” The Panel was satisfied that “*very different*” is an unproblematic statement of fact addressing the fact that ill-informed comment and speculation was circulating. The use of the words “*credible sexual harassment complaint*” also discloses nothing of bias, partisanship or otherwise improper per the charge as framed. This statement goes no further than the Wood Report (published on 27 October 2020 and well known to have been leaked into mainstream and social media) in using this terminology. The Panel unanimously concluded that, on a reasonable interpretation, the word “*credible*” in this context carried no connotations of bias or partisanship and conveyed only that the complaint in question was capable of being believed;
- 116.2. On 21 February 2021 at 17.36 the Respondent replied to an earlier email sent by Mrs Woudhuysen.:
- a. In it he referred to “*...the allegation of sexual harassment in the excellent Wood Report*”. The Panel finds nothing to satisfy the charge in this. It is simply a proper and non-evaluative statement of Ms Jeune’s complaint and a description of the quality of the Wood Report. It makes no assessment of the likely outcome of the complaint;
 - b. He also referred to Ms X as “*...someone for whom I have the utmost admiration...*” and stated “*...Not least because she is showing admirable agency in contacting people who feel free to comment on the case most inappropriately in the public domain and by retweets etc...if she were to ask me, which she hasn’t, I would encourage her in this.*”. The Panel noted (a) that in this email the Respondent was using stronger words than he had in previous exchanges and noted that his frustration at his inability to talk matters through face to face with Mrs Woudhuysen was apparent (he stated in cross-examination, in the Panel’s assessment, very plausibly, that he was at this stage “*...desperate...*” to speak to Ms Woudhuysen because of his concern that Alannah Jeune was about to be more publicly “*...outed...*”) and (b) that this statement was made in direct response to an email from Ms Woudhuysen which minimised her complaint as having been “*...ruthlessly exploited by the anti-Dean faction*” and criticised Ms Jeune for a “*...campaign of telephoning the press and the Dean’s supporters to advance her cause...*”. The Panel considered that the Respondent’s statement was, in this context, neither a denigration of Martyn Percy nor an expression of bias in favour of Ms Jeune. It expressed a view about Ms Jeune expressly in order to balance a negative “*attitude*” towards her that Mrs Woudhuysen had conveyed in her original email. The statement contained nothing of evaluation of Ms Jeune’s complaint. It was also compatible with the Respondent’s equal admiration (which he gave evidence of and the Panel accepted as true) of Martyn Percy;
 - c. An email dated 4 June 2021 from the Respondent stated “*...I too feel profound moral shock. However for me it is that you and others support Martyn in the way that you do, and the leaks that have come from his supporters, diminishing and*

minimising a young woman who believes that she has been sexually harassed by him.” The remainder of the email expresses his concern and desire to help Martyn Percy. Save that she proffers this email as an example of her single complaint that the Respondent does not answer direct questions and rather suggests private and informal meetings, no other complaint has been made by Mrs Woudhuysen as to the content of this email, either in her written evidence or under cross examination. As to the failure to answer direct questions, the email from Mrs Woudhuysen to which this was a reply has not been reproduced. It is therefore impossible to assess whether or not that is true (it is, in any event, a separate complaint from that set out in the charge that the Panel is tasked with adjudicating). The Panel notes the strong tone of the email (again noting here the inability to assess what it responds to), but finds nothing in the content that contravenes any of the areas identified in the charge. The concern at addressing damaging leaks of information and of the risk to his staff member by unfettered public minimisation of her complaint was a legitimate aim which he addresses squarely, but which does not disclose partisan or biased attitudes against Martyn Percy or in favour of Alannah Jeune. The language of “*young woman*” and “*believes that she has been sexually assaulted*” is careful, accurate and appropriate. The Respondent’s strong expression of concern regarding the use of the media to support Martyn Percy is balanced by the Respondent’s evident concern and care for him expressed elsewhere in the email. The Panel concluded that there is nothing in this email that contravenes the charge.

Conclusion as to statements alleged by Mrs Woudhuysen

117. It follows that no aspect of Mrs Woudhuysen’s evidence satisfied the charge or any part of it.
118. The Tribunal also considered whether, when taken together, the whole of course of correspondence between the Respondent and Mrs Woudhuysen could constitute conduct which satisfied the charge, or any parts of it. The Panel was unanimously satisfied that it did not.

Gilo

Tribunal’s assessment of Gilo

119. Gilo’s identity is subject to an anonymity order made by the Chair which remains in place.
120. Gilo attended to give his evidence in person and the Panel found him to be open and keen to be helpful, although his answers were very diffuse, frequently seeking to express wider views about agendas not germane to the issues specifically before this Panel including, for example, generalised criticism of the Clergy Discipline Measure and its processes.

Tribunal’s findings of facts as to the meeting between the Respondent and Gilo

121. It is not in dispute that Gilo and the Respondent met over Zoom at the Respondent’s request on 30 December 2020. Gilo’s account, which the Panel accepts in this respect, is that Gilo is a known supporter of Martyn Percy and that the Respondent explained

that he sought to meet with him “because I was “an influential figure within the Church, far more than you realise.”” At this meeting the following statements are said to have been made by the Respondent:

122. “...that the Dean was a serious safeguarding risk...”;
123. “He talked about the Dean’s sexual attraction to the woman with the hair and said that Martyn Percy had himself confessed his sexual arousal and attraction when he spoke with Richard Peers about the incident. On this he was very clear...”. Gilo referred to this elsewhere as “the confession of sexual attraction”;
124. “...that anything that was being said in the media in the Dean’s defence was a ‘tissue of lies’ and that I shouldn’t believe the statements issued from his supporters at all...”
125. The Panel was surprised by the unguarded and more sexually focussed terms in which the Respondent is said to have spoken at this meeting, which are not reflected in any of the accounts of conversations with others that the Respondent had at or around this time. They are also significantly at odds with the Panel’s assessment of the Respondent and what it has found was his approach in this matter. The language and content alleged would have been particularly insensitive to raise with a known survivor of abuse - this, again, is something which runs contrary to the Respondent’s character and his approach to the issues as the Panel has assessed them. Similarly, it noted the striking disregard for safeguarding in the content of the alleged statements, which the Panel considers to be out of character for the Respondent.
126. Furthermore, according to Gilo’s own evidence, rather than being an untainted recollection of events his evidence was “...shaped...” by David Lamming, a third party to these proceedings. Temporarily leaving to one side issues of confidentiality in relation to this point, the Panel noted Mrs Gadd’s evidence which established that Mr Lamming is a supporter of Martyn Percy’s. He was not, therefore, an unbiased filter for Gilo’s evidence.
127. Following further evidence given by Gilo about the production of his evidence, the Panel also concluded on the balance of probabilities that his reconstruction of the conversation contained in his written evidence had also passed through another filter, namely that of a dinner in a Chinese restaurant at which Gilo discussed the conversation with friends and members of the clergy, including Martyn Percy.
128. Gilo’s evidence was that his account was originally derived from notes he said he had taken on the day. However, no such contemporaneous notes have been exhibited.
129. The evidence also states that he rang the Diocesan Safeguarding Advisor to advise them of concerns he says he had developed about the conversation and was met with a “offhand...rude...disrespectful...aggressive” response in which he was not allowed to finish a single sentence and which resulted in Gilo hanging up (and a call back which ended the same way), and that he later received an apology from the Bishop’s chaplain for this. The Panel notes that this took place 2 months²⁵ after the Zoom conversation had taken place. In the absence of notes or other corroboration as to the detail of the

²⁵ The phone call is said to have taken place on 24 February 2021

matters that Gilo sought to raise, the Panel is unable to draw substantial assistance from this.

Conclusion as to statements alleged by Gilo

130. The Panel spent considerable time evaluating the evidence and assessing the likelihood of the alleged comments having been made by the Respondent. It also considered whether the conversation when taken as a whole could satisfy the charge, or any parts of it. The Panel was unanimously satisfied on the balance of probabilities that the comments that are alleged to have been made by the Respondent were not made by him and that there was no other aspect of the conversation which satisfied any aspect of the charge. The charge is therefore not made out on the facts in respect of the conversation between the Respondent and Gilo.
131. While the Panel chose not to accept Gilo's evidence, it did not consider that he was trying to mislead the Tribunal and it considered he had given his evidence in good faith. However, his evidence had been through much prior and unfortunate discussion with others which, in the Panel's assessment, had moved it on from being a true recollection and into an unreliable variant. The Panel were therefore unable to accept this evidence where it was uncorroborated and where there was a direct conflict of evidence with the Respondent, who the Panel has evaluated as entirely credible.

Assessment of the evidence as a whole

132. Having assessed each of the conversations and exchange of messages, and the detail of them, in turn the Panel stepped back and considered the totality of the evidence before it. It did so in order to assess whether, when all of the behaviour the Panel has been taken to is assessed as a whole, it demonstrates a course of conduct on the part of Respondent which satisfies the charge, or any part of it.
133. The Panel has made a single finding that a limited part of the conversation with Jonathan Aitken was unfairly imbalanced (and this is considered further below as to whether or not it amounts to misconduct). But otherwise the Panel has found no other individual elements which satisfied the charge. The Panel reviewed its single finding of breach together with all of its other findings across the totality of the evidence, and has evaluated all aspects of the evidence it has seen and read in the round, in order to examine whether any course of conduct was revealed, or whether any act or statement which, although not problematic when taken alone, assumed a different character when taken together in a whole picture assessment. The Panel was unanimously satisfied on the balance of probabilities that no such issues were revealed on a global view of the totality of the conversations. There was, accordingly, nothing, on this approach, which satisfied any element of the charge.

Findings as to conduct unbecoming or inappropriate conduct

134. In light of the Panel's conclusion that the charge has been made out in a single respect, namely as to the Respondent's admission that he said, during his conversation with Jonathan Aitken, "...the complainant, Miss X, has been traumatised by the Dean's

misbehaviour...”, the Panel has considered whether this amounts to conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders.

135. The Panel has had regard to the following Canons and sources of guidance in reaching the conclusions which follow in this matter:

135.1. Paragraph 2 of Canon C 26:

Canon C 26.2 – Of the manner of life of clerks in Holy Order

2. A clerk in Holy Orders shall not give himself to such occupations, habit, or recreations as do not befit his sacred calling, or may be detrimental to the performance of the duties of his office, or tend to be a just cause of offence to others; and at all times he shall be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ.

135.2. The Guidelines for the Professional Conduct of the Clergy (the “Guidelines”), in particular paragraph 2.2 which states:

“...In their ministry, pastoral care and working relationships, the clergy should offer equal respect and opportunity to all. They should be unbiased in their exercise of pastoral care, especially when caring for one party in a dispute between two or more people...”

136. The Panel has found that the statement was made by the Respondent to Jonathan Aitken in the context of offering a factual observation of Ms Jeune’s position from his firsthand experience of her. It finds that he did so in an attempt to bring Jonathan Aitken - who in or around the same time was known to have and to express very strong views about the incident in question²⁶ - to a position of greater balance with a view to his influence then being used to dial down media commentary, which was inflammatory and unhelpful.

137. The Panel considered that whilst it has found that by this statement the Respondent expressed views in a way which was “unfairly imbalanced” per the charge, this is properly to be characterised as a minor and isolated incident of mis-speaking in the full context of the Respondent’s otherwise careful navigation of both the fraught wider situation at Christ Church and in the context of a potentially difficult to navigate conversation with an influential supporter of Martyn Percy. The statement plainly had no detrimental effect on Jonathan Aitken at the time as his live evidence was that the conversation was overall an “agreeable” one. The Panel also takes into account the equality of power between them by virtue not only of the fact that they are both ordained members of the clergy, but they are both men with significant and senior career experience, such that this was unlikely to prove influential or unchallengeable. It was also not a view that the Panel has found the Respondent expressed at any other times. Nor has it seen any evidence that he, by his conduct, embodied and executed anything other than an even-handed approach and properly process-driven approach to Ms Jeune’s complaint.

²⁶ See for example Jonathan Aitken’s letter to Chapter dated 8 January 2021 at exhibit RP 1

138. In the circumstances, whilst the statement was inapposite, the Panel concluded that it lacked any elements of reprehensibility or disgracefulness or other relevant qualities which may have made this more than a single, minor mis-step. The Panel therefore considered that this isolated incident was insufficiently serious to meet the threshold of “unbecoming or inappropriate conduct”.
139. It was therefore the Panel’s unanimous conclusion on the balance of probabilities, that in respect of the facts it has found, the Respondent has not engaged in conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders under section 8(1)(d) CDM 2003. The Panel unanimously found that the single allegation against him was not made out.

Conclusion

140. It will be evident from the foregoing that all of the allegations relied upon for this charge have been found not proved or not to amount to conduct unbecoming or inappropriate to the office of a clerk in Holy Orders.
141. As such the allegation shall stand dismissed.

21 March 2024