

GENERAL SYNOD
CLERGY DISCIPLINE COMMISSION

1. INTRODUCTION

- 1.1. This report is made in fulfilment of the duty placed upon the Clergy Discipline Commission by section 3(3)(c) of the Clergy Discipline Measure 2003 to make an annual report to the General Synod, through the House of Bishops, on the exercise of its functions during the previous year. This is the twentieth annual report made by the Commission and covers its work in the year to 31st December 2023. The House of Bishops received this report in May 2024.

2. MEMBERSHIP AND FUNCTIONS

The membership of the Commission in 2023 is set out in Appendix 1

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

3. THE WORK OF THE COMMISSION IN 2023

- 3.1. The Commission met on two occasions in 2023: January and May. It considered a request by a former member of the General Synod to revisit the [Guidance on Penalties](#) and agreed that it would be premature to make any changes at this point. It resolved to examine the operation of the guidance in the future and make any amendments if necessary.
- 3.2. The Commission continued to maintain and update the CDM [penalties webpage](#) on the Church of England website (displaying all penalties imposed since October

2022). The Commission received positive feedback on the fact that s.30 penalties (those that were imposed following a criminal conviction) were now being published as it was in the public interest that such notices were published online. The Commission agreed that where the penalty was a rebuke, the notice of penalty should be taken down after one year; where the penalty was an injunction, it should be removed on the date upon which it ceased to become operative; and with a penalty of removal from office, it should be removed on the date when the cleric re-entered ministry (the same in the case of a prohibition).

- 3.3. It was also agreed that it would be the responsibility of the cleric to make an application to the President for the notice to be removed and it clarified that there was no duty for bishops' chaplains to monitor this. Notwithstanding this, the Commission agreed that it was important that clergy were made aware of the process for removing of the notice and clergy should be given this information both at the time the penalty was being imposed and at the point when the cleric was being re-licenced (where applicable).
- 3.4. The Commission issued an updated [Code of Practice](#) in November 2023 concerning clergy returning to ministry following a period of prohibition. It outlines the assessment process and criteria to determine whether a cleric is fit to return to ministry.

4. ANALYSIS OF ALLEGATIONS OF MISCONDUCT

The data for this section are contained in Appendix 2

- 4.1. In 2023, 98 allegations of misconduct were made under the Measure against priests or deacons (an increase from 81 allegations in 2022).
- 4.2. 24% of dioceses had no allegations at all (a decrease from 33% in 2022) and 10% had six or more allegations (an increase from 5% in 2022). Most of the allegations (84%) were made by complainants other than archdeacons, churchwardens or persons nominated by a PCC (compared with 69% in 2022). Archdeacons comprised the majority of 'other' complainants (21%).
- 4.3. 44% of allegations were dismissed by the bishop (an increase on 33% in 2022) and no further action was taken in 16% of cases (an increase on 12% in 2022). A penalty by consent was imposed in 10% of cases (compared with 23% in 2022) and 6% were conditionally deferred (similar to 5% in 2022).
- 4.4. There were 2 new CDM allegations involving allegations of a sexual nature towards a child (there were none in 2022). There were 9 new allegations involving misconduct towards a vulnerable adult (an increase from 7 in 2022). There were 3 police investigations involving an allegation of sexual misconduct involving either children or vulnerable adults (a decrease from 7 investigations in 2022).

- 4.5. Following formal investigation, the President or Deputy President of Tribunals decided there was no case to answer in respect of 3 allegations (a decrease from 7 in 2022). 2 cases were referred to a bishop's disciplinary tribunal (2 in 2022).
- 4.6. The President of Tribunals received 60 applications under the CDM in the course of 2023 (in addition to numerous requests for extensions to deadlines for reviews and miscellaneous correspondence which were not counted). 19 applications were made for permission to make an allegation of misconduct which occurred more than 12 months ago, the majority of which were granted; only 3 were unsuccessful. This was reflective of previous years (17 applications in 2022; 8 of which were unsuccessful). 31 applications were made to review decisions taken by bishops to dismiss a CDM allegation; 6 of which were reversed or remitted to the bishop for reconsideration (compared with 2 in 2022). 6 applications were made for a review of a bishop's decision to take no further action; 2 were remitted (compared with 2 in 2022). There was one application for a review of an entry on the Archbishops' List which was unsuccessful. There were 3 occasions when the President was consulted regarding the imposition of a penalty following conviction or a decree of divorce.
- 4.7. There were two tribunal hearings in 2023 (compared with 5 in 2022) and one appeal before the Court of Arches (the outcome of which was a remittal to the original tribunal panel which heard the case in the first instance).
- 4.8. There were two cases where a penalty of prohibition or removal from office was imposed under section 30(1)(a) of the Measure following conviction and sentence of imprisonment (same number in 2022); and 2 following the inclusion in a barred list or following decree of divorce or order for judicial separation (none in 2022).
- 4.9. There were 11 suspensions in 2023, (a decrease from 15 in 2022). Of these, 3 resulted in a finding of misconduct (4 in 2022).
- 4.10. 7 allegations were made against bishops and one allegation against an archbishop in the course of 2023; 12 were dismissed (some allegations were not decided by the end of 2022 and are therefore included in the figures for 2023). No further action was taken in one case; and no penalties by consent were imposed. One case was referred for formal investigation.
- 4.11. The Commission asked a new question about the nature and extent of pastoral support being provided to complainants and respondents in CDM cases. The results indicate that 74 individuals were provided with pastoral support in 2023.
- 4.12. The persons who provided this support varied considerably: archdeacons, area deans; priests independent of the CDM process; clergy known to the parties themselves; retired bishops; deans; staff from the diocesan safeguarding team for complainants; trained accompaniers; senior priests; retired archdeacons; retired bishops; lay workers; lay ministers known for good pastoral skills; diocesan safeguarding advisers from other dioceses; clergy with mental health experience; private counsellors; and retired clergy with permission to officiate.

- 4.13. The most common arrangement was for the bishop's chaplain to contact the parties with a named individual who was found to be acceptable and independent of the CDM process.

Dame Sarah Asplin D.B.E.
May 2024

APPENDIX 1

MEMBERSHIP OF THE COMMISSION IN 2023

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

Chair (and President of Tribunals)

The Rt Hon Lady Justice Sarah Asplin DBE

Deputy Chair (and Deputy President of Tribunals)

HH Judge David Turner KC

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

House of Bishops

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

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

House of Clergy

The Venerable Mark Ireland, Archdeacon of Blackburn+ ^

The Revd James Pitkin (Newcastle)+^

House of Laity

Julie Dziegiel+ ^

Michelle Tackie+ ^

Other members appointed under section 3

Louise Connacher Provincial and Diocesan Registrar for York*#

The Ven. Moira Astin, Archdeacon of Reigate*

Dr Jamie Harrison (Durham)*^

The Reverend Adeola Eleyae*# (resigned 5th May 2023)

^ Member of the General Synod.

* Appointed to 31st December 2023.

+ Appointed to 31st December 2027.

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

APPENDIX 2

ANALYSIS OF FORMAL ALLEGATIONS MADE UNDER THE MEASURE AND HOW THEY WERE DEALT WITH

ALLEGATIONS AGAINST PRIESTS AND DEACONS	Total 2023 (2022)	As a % of 42 dioceses
Formal allegations made to bishops	98 (81)	
<i>Dioceses with no allegations made</i>	10 (14)	24% (33%)
<i>Dioceses with between 1 and 5 allegations made</i>	28 (26)	67% (62%)
<i>Dioceses with 6 or more allegations made</i>	4 (2)	10% (5%)
Of the total (81) the following numbers of allegations were made by:	2023 (2022)	As a % of total complaints
<i>a person nominated by a PCC under s10(1)(a)(i)</i>	1 (0)	1% (0%)
<i>a churchwarden under s10(1)(a)(ii)</i>	1 (2)	1% (2%)
<i>an archdeacon under s10(1)(a)(iii)</i>	20 (23)	21% (28%)
<i>another person under s10(1)(a)(iii)</i>	76 (56)	84% (69%)
Number of allegations delegated under s13 Dioceses, Pastoral and Mission Measure to a suffragan bishop for determination	21 (11)	21% (14%)
Extensions of time for preparation of Preliminary Scrutiny Report	0	0
Action taken in 2023 in relation to allegations made in 2023 or earlier		
<i>Dismissed by the bishop under s11(3)</i>	43 (42)	44% (38%)
<i>No further action under s12(1)(a) & s13</i>	16 (10)	16% (12%)
<i>Conditional deferment under s12(1)(b) & s14</i>	6 (4)	6% (5%)
<i>Resolved by conciliation under s12(1)(c) & s15</i>	1 (0)	1 (0%)
<i>Penalty by consent under s12(1)(d) & s16</i>	10 (19)	10% (23%)
<i>Formal investigation under s12(1)(e) & s17</i>	9 (0)	9% (0%)

<i>Withdrawn (rule 59(1)(a))</i>	0 (0)	0% (0%)
<i>No decision as at 31st December 2023</i>	14 (13)	14% (16%)

New allegations involving misconduct towards a vulnerable adult (sec 6 SCDM 2016)	9 (3)
New allegations involving misconduct of a sexual nature towards a child	2 (0)
Sexual misconduct (child & vulnerable adult) involving a police investigation at any stage	3 (7)
CDM allegations involving a police investigation at any stage	8 (9)
Number of allegations referred unsuccessfully to conciliation before being dealt with under s12(1)(a), (b), (d) or (e)	0 (4)
Penalties by consent imposed under s12(1)(d) & s16	
<i>Prohibition for life (with or without resignation)</i>	1 (1)
<i>Limited prohibition (with or without resignation)</i>	8 (8)
<i>Resignation without prohibition including revocation of licence</i>	1 (4)
<i>Injunction</i>	2 (1)
<i>Rebuke</i>	2 (1)
<i>Injunction and Rebuke</i>	2 (1)
Cases referred for formal investigation under s12(1)(e) & s17	9 (11)
<i>President of Tribunals decided 'No case to answer'</i>	3 (7)
<i>President referred allegation to bishop's disciplinary tribunal</i>	2 (4)
<i>No further steps taken under s16(3A) (penalty by consent)</i>	3 (4)
Number of cases determined by a tribunal	2 (5)
Allegations withdrawn from a tribunal or otherwise terminated	0 (0)
Number of suspensions imposed (total)	11 (15)

<i>Suspensions under s36(1)(a) in course of allegation proceedings</i>	9 (5)
<i>Suspensions under s36(1)(b) following arrest</i>	0 (4)
<i>Suspensions under s36(1)(c) following conviction</i>	0 (0)
<i>Suspensions under s36(1)(d) following inclusion in a barred list</i>	0 (0)
<i>Suspensions under s36(1)(e) following determination that the cleric presents a significant risk of harm</i>	2 (6)
<i>Suspensions under s36A pending determination of an application to bring proceedings out of time</i>	0 (0)
<i>Of the number of suspensions imposed, allegations resulting in a finding of misconduct, either as a result of a penalty by consent or after a tribunal?</i>	3 (4)
<i>Of the number of suspensions imposed, allegations resulting in no finding of misconduct</i>	2 (0)
<i>Of the number of suspensions imposed, number of allegations ongoing as at 31 December 2023</i>	1 (7)
<i>Applications, reviews & appeals to the President/Deputy President of Tribunals</i>	60 (38)
<i>Application to bring an allegation out of time (s9)</i>	19 (17) applications 3 (8) unsuccessful
<i>Review of a dismissal (s11(4))</i>	31 (10) applications 6 (2) reversed / remitted
<i>Referral of a decision of no further action (s13(3))</i>	6 (6) applications 2 (2) remitted
<i>Consulted by bishop re penalty in case of divorce/conviction (s30(2))</i>	3 (0) applications 0 (0) remitted
<i>Bishop applies for extension: 2 yr. limit for imposing penalty (s30; r.67A)</i>	0 (0) applications
<i>Appeal against notice of suspension (s36(6))</i>	0 (1) appeals

	0 (0) suspensions revoked
<i>Sec 37 - Rule 86 - Suspension of Bishop</i>	0 (0) appeals
<i>Review of inclusion of entry in list under s38(1)(a) to (d) (s38(2))</i>	1 (4) applications 0 (3) variations permitted

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

ALLEGATIONS AGAINST BISHOPS AND ARCHBISHOPS

Formal allegations made to archbishops	2023 (2022)
<i>in respect of a bishop</i>	7 (17)
<i>in respect of the other archbishop</i>	1 (3)
Action taken in 2023 in relation to allegations made in 2023 or earlier	
<i>Dismissed under s11(3)</i>	12 (8)
<i>No further action under s12(1)(a) & s13</i>	1 (8)
<i>Conditional deferment under s12(1)(b) & s14</i>	0 (0)
<i>Resolved by conciliation under s12(1)(c) & s15</i>	0 (0)
<i>Penalty by consent under s12(1)(d) & s16</i>	0 (2)
<i>Formal investigation under s12(1)(e) & s17</i>	1 (4)
<i>Withdrawn (rule 59(1)(a))</i>	0 (1)
<i>No decision as at 31st December 2023</i>	0 (6)

Number of allegations unsuccessfully referred to conciliation before being dealt with under s12(1)(a), (b), (d) or (e)	0 (0)
Number of occasions when the Vicar-General's court was held	0 (0)
Number of suspensions imposed	0 (0)
Cases where a penalty of removal from office or prohibition was imposed under s31(1)(a) following conviction and sentence of imprisonment	0 (0)
Cases where a penalty of removal from office or prohibition was imposed under s31(1)(b) following decree of divorce or order for judicial separation	0 (0)
Cases where the Archbishop imposed a penalty of removal from office or prohibition under s31(1)(c) following inclusion in a barred list	0 (0)
Cases where there where the misconduct in question was of a sexual nature towards a child	0 (0)
Cases where there where the misconduct in question was of a sexual nature towards a vulnerable adult within the meaning of s6 of the Safeguarding and Clergy Discipline Measure 2016	0 (0)