

**IN THE MATTER OF A COMPLAINT DATED 23 FEBRUARY 2023
UNDER THE CLERGY DISCIPLINE MEASURE 2003
RE: THE REVEREND GEOFFREY BAULCOMB**

**Before: Gregory Jones KC
The Revd Canon Beverley Hollins
The Revd Tim Harling
Ms Josile Munro
Mr Andrew Halstead**

Approved Decision on Penalty

Determined with a hearing.

The date and time for hand-down is deemed to be 23 August 2024.

(Amended 27 August 2024)

Appearances: Edward Dobson (Designated Officer) (“DO”) in person, the Respondent represented himself and appeared remotely.

Introduction

1. At the first directions hearing in this matter held before the Chair sitting alone, the Revd Geoffrey Baulcomb (“the Respondent”) asked to be addressed as Mr Baulcomb in these proceedings.
2. The Respondent is 78 years of age. He was ordained 1970 and worked in Chichester.
3. On 14 December ~~2023~~ 2022 Sussex Police (“the Police”) attended the Respondent’s address and found crystal meth and ketamine. Under the Misuse of Drugs Act 1971 “crystal meth” is a class A drug and ketamine a class B drug and their possession is a criminal offence.
4. Controlled drugs are classed according to their relative degree of overall harm from misuse. There are three classes of controlled drugs. The class of drug a

person is caught possessing, supplying or producing affects the severity of the offence. Class A drugs are treated as the most dangerous and include cocaine, ecstasy, heroin, LSD, magic mushrooms and “crystal meth”. Class B drugs include codeine, ketamine, cannabis and “spice”. Class C drugs include anabolic steroids, minor tranquilisers, GHB and khat.

5. The Respondent was interviewed under caution by the Police and made admissions of possessing the drugs and that he had taken crystal meth. He was subsequently issued with a police caution. That caution was passed from the Police to relevant officers at the Diocese of Chichester.

The Proceedings

6. The Archdeacon of Hastings commenced proceedings under the CDM against the Respondent on the 23 February 2023 noting that the Respondent had accepted a police caution for possession of a class A drug. The record of caution provided to the diocese records possession of both a Class A drug (“Crystal meth”) and a class B drug (Ketamine). The complaint stated:

The misconduct about which I complain is as follows: Conduct unbecoming or inappropriate to the office and work of a clerk in Holy Orders. Canon Baulcombe (*sic*) has accepted a plice (*sic*) caution for possession of a class A drug

7. On the 1 April 2023 the Respondent submitted a “form 2 Answer” in which he ticked the box: “I admit the misconduct alleged in the allegation of misconduct.” He further included statements making factual admissions subsequently relied upon by the DO including:

“I purchased drugs over the telephone and online periodically over the last 20 years.”

“I was offered and accepted a simple caution.”

“It is simply an admission that the drugs in question were found in my possession.”

“The small amount of crystal meth found at my house was purchased last May and I sampled a small amount by myself.”

“I totally accept that I was wrong to have them. I am only too well aware of the high standards of my calling as a priest.”

8. The statement concluded by asking the Bishop of Chichester to exercise a degree of mercy and take no further action on the complaint. However, subsequently the Bishop and the Respondent were unable to agree a penalty by consent.
9. The decision to refer a case to a tribunal, and on what basis, are made by the President of Tribunals under section 17 CDM 2003 and rule 29. The President was satisfied in her decision that proper admissions had been made and the matter was referred by the President of the Tribunals for determination of penalty by a tribunal. After the referral of the matter to a Tribunal the Respondent lodged with the Registrar of Tribunals an undated and unsigned document entitled “Submission to the Tribunal” in which he made further factual admissions.
10. In the Respondent’s first statement he made factual admissions as to the possession of the substances, the use of the crystal meth, the acceptance of the caution, and that it was “wrong” to have the drugs in his possession. In the Respondent’s second statement he repeated his admission as to buying crystal meth online.
11. During these proceedings various applications have been made by both sides. These have been the subject of oral and written rulings by the Chair sitting alone and by the Tribunal (as appropriate). We do not repeat in this decision the reasoning we gave in the previous rulings suffice to say the Respondent’s applications to withdraw his admissions and to adjourn proceedings were rejected by the Tribunal. The Chair sitting alone rejected the application by

the DO to adduce further evidence. Both decisions were given orally with summary reasons on 17 April 2024 and were followed up by fuller written rulings dated 14 June 2024.

12. Directions were also issued by the Tribunal including an invitation to the Bishop to appear and/or make written submissions at the penalty hearing. He declined to do so. We read nothing either way into his non-appearance before us in person or in writing.

Analysis

CDC Guidance on Penalties

13. The Tribunal has taken account of the Clergy Discipline Commission's Guidance on Penalties (March 2023) ("the Guidance"). The Tribunal accepts that the Guidance is only to guide and that the narrative sections must not be read prescriptively. Each case is different and will turn on its facts. References to a particular penalty are the starting point that then requires an adjustment to take account of any aggravating and mitigating features of the misconduct.
14. The Guidance says this about criminal offences in respect of controlled drugs:
 - 4.5 Being in unlawful possession of a controlled drug is a criminal offence and is a serious failing by any ordained minister. The penalty will depend on the type of drug, the amount involved and all the surrounding circumstances, but for a class A drug removal from office and prohibition should normally follow.
 - 4.6 Supplying a controlled drug to any third party is a serious criminal offence. Regardless of the type of drug it is likely that removal from office and lifetime prohibition would be appropriate."
15. There is no evidence before the Tribunal that the Respondent supplied controlled drugs (para 4.6). However, paragraph 4.5 does apply to the facts

of this case. It says that “for a class A drug removal from office and prohibition should normally follow.” It does not state what length any prohibition should be. However, it is reasonable to assume that “[t]he penalty will depend on the type of drug, the amount involved and all the surrounding circumstances.”

The Approach to the Preliminary Table

16. Any penalty must be proportionate to the misconduct. A penalty outside of the guidelines may only be imposed if that would be appropriate taking account of the circumstances of the case.

Stage 1 - Harm and Culpability

Harm

17. Whilst at first sight this is not a case of obvious harm to third parties, the Tribunal agrees with the DO that harm has been inflicted upon a number of victims. Firstly, there is the harm to the suppliers of the drugs purchased by the Respondent. Clients who willing to pay for drugs provide the market that attracts and sustains dealers in a life of crime. We note that in addition to the incident that is the subject of this police caution the Respondent has admitted in these proceedings that he “purchased drugs over the telephone and online periodically over the last 20 years.” Nonetheless, on the facts of this case, we regard this harm to such third parties to be limited.
18. Although the Respondent is retired, he remains in Holy Orders. He had permission to officiate at the relevant dates of the offence. The Respondent asserted that no one who was aware of his periodic drug taking (which he himself has admitted was over a 20-year period – although his admission does not specify the classes of the drug purchased) was also aware that he was in

Holy Orders. The Tribunal is sceptical that this was the case but there is no direct evidence before us of third-party knowledge of the Respondent's status. Nonetheless, all misconduct undermines confidence in the public ministry of the Church and her clergy. No authority is needed in support of this observation, but it is neatly articulated in the "Theological Reflection" by Francis Bridger in the appendix to the "Guidelines Professional Conduct of the Clergy":

"When one clergyman or woman acts unprofessionally, he or she threatens to bring the Church as a whole into disrepute – witness the ripple effect of scandals. As Eric Mount has commented: "Moral responsibility includes being responsible people within institutions." Or in St Paul's words, "We are members one of another" (Ephesians 4.25)"

Culpability

19. The Tribunal finds that the Respondent is plainly culpable for his action in this case. The Respondent admitted culpability and the associated criminal offence. These were deliberate and conscious acts.

20. At various stages the Respondent had opportunities to "pull back." For example, having clicked the button to purchase the drugs on the internet he could have opted not to open the package when it arrived sometime later, or he could have opened it and then disposed of it upon receipt. Having sampled the drugs he could have destroyed the remainder so that they no longer posed a risk to himself or third parties. As stated above, the Respondent has admitted that he has purchased drugs "periodically" over a 20 year period. He has also admitted to having injected himself with heroin (a class A drug) in the presence of the supplier. There were thus significant gaps in time for the mature reflection by the Respondent.

Stage 2 - Aggravating and Mitigating Features

Aggravating

21. The Respondent says that he believes that when he accepted the police caution that was effectively the end of the matter. He is retired so he says so what is point of any disciplinary proceedings being brought by the Church? Contrary to apparent suggestion by the Respondent a caution is not an agreement that no offence had been committed quite the contrary; a caution may only be administered if the defendant admits their guilt. It is true that a caution is less serious than a conviction. An unconditional caution is a criminal record that becomes “spent” immediately. This means they are not disclosed on basic Disclosure and Barring Service (“DBS”) certificates and police certificates. The Respondent may be retired but he remains in Holy Orders and at the relevant times in question had permission to officiate. The Tribunal has no doubt that it is appropriate that he be subject to clergy discipline.
22. Absent perhaps something quite exceptional (such as fraud, police misconduct in obtaining the caution or the like) we take the view that the facts in the caution are proved for the purposes of this penalty decision. Even in his application to withdraw his admissions the Respondent did not seriously suggest any of the foregoing factors applied. Moreover, he did not allege that the recorded admissions were untrue or had not been made.
23. At various stages in these proceedings the Respondent has also suggested that his activities are not misconduct because they assist him in carrying out his pastoral mission. The Respondent argued by experimenting with drugs or by providing a venue at his home for drug taking better enables him to relate and minister to people with difficulties as part of his pastoral care. For the reasons it gave first orally in summary form on 17 April 2024 and confirmed with

fuller reasons in writing on 14 June 2024, the Tribunal considered the Respondent's attempt to justify drug taking as a part of his ministry as entirely misconceived displaying a fundamental misunderstanding of the nature of his Holy Orders.

24. At that hearing held on 17 April 2024 held in the absence of the Respondent the Tribunal refused the Respondent's application to withdraw his admissions but decided against proceeding then straight to a penalty hearing for several reasons, one of which was a wish to question the Respondent in the light of his hitherto apparent lack of expression of any real contrition for his actions.

25. During the penalty hearing on 26 June 2024, the Respondent did say that purchasing the drugs on the internet was a "mistake." He also said that sampling the drugs was also a "mistake." Having heard the Respondent by video link, the Tribunal were not convinced that the Respondent felt true contrition for his actions. He had no plausible explanation as to why he had continued to possess the drugs for months after their purchase. At the penalty hearing the Respondent was at pains to stress that he was not a drug addict. In the absence of medical evidence, the Tribunal has no view on this point. At one stage he sought to suggest that this incident was a "one off." He said he was curious. He said he just wanted to see how easily a class A drug could be obtained over the internet by a click of a button. However, we were reminded by the DO that the Respondent had admitted to having injected himself with heroin on an earlier occasion in the presence of the drug dealer who had supplied him. The Tribunal also recalls that the Respondent himself admitted to purchasing drugs on the internet over a 20-year period.

26. Accordingly, having carefully considered the Respondent's submissions both in writing and orally, the Tribunal did not consider that the Respondent was

truly contrite and moreover it could not rule out the possibility that in the future the Respondent would not again purchase and sample unlawful drugs.

Mitigation

27. Over his long priestly career, the Respondent has no record of any prior disciplinary infractions. He is a man of previous good character. However, it is to be noted that he has admitted to having previously purchased drugs and injected himself with heroin. We presume he did not inform the Church about this. Nonetheless, his otherwise good record counts in his favour to some degree. It is of course undermined to an extent by his own admissions concerning his previous drug taking.

28. The Respondent has also pleaded guilty to the charges. He did so at an early opportunity although in the light of the acceptance of police caution by the Respondent there might be thought little to dispute. Nevertheless, that is to his credit, as are his admissions as to previous drug taking that went further than the subject of the police cautions. However, the credit is somewhat undermined to a degree by the fact that he later applied to withdraw the admissions without any good basis for so doing. Nonetheless, we do give him some credit for the admissions.

Stage 3 – Consideration of Penalty

29. Any penalty imposed must obviously be proportionate. The determination of penalty remains a matter for the Tribunal.

30. In this case the Bishop has made no representation in respect of penalty.

Rebuke or a conditional deferment

31. Having regard to the seriousness of the charge that relating to possession and sampling of the most serious type of prohibited drug and as reflected in the Guidance, we do not consider that a rebuke or a conditional deferment would be proportionate in the circumstances of the case.

Removal from Office

32. The Respondent has retired and does not hold office from which to be removed.

Permanent or Limited Prohibition

33. For all the reasons set out above, the Tribunal sees no reason in this case to depart from the Guidance that the starting point should be prohibition for taking a Class A controlled substance.

34. The next question is should that prohibition be for a limited period (and if so what period) or should it be permanent? The Guidance states:

“Prohibition for life: This is the most serious penalty that can be imposed. It prevents the respondent without limit of time from exercising any ministry or functions as a clerk in Holy Orders. It should be imposed only where the misconduct is grave and there appears to be no realistic prospect of rehabilitating the respondent back into ministry.

Limited prohibition: This prevents the respondent from exercising any ministry or functions for a specific period of time. It is suitable for serious cases where there is a realistic prospect that the respondent, with the appropriate pastoral, training and other necessary support, could in the future resume ministry.”

35. The Tribunal considers the sanction should be permanent. It is correct that he was given a caution by the Police. Nonetheless, as the Guidance makes

clear the possession and taking of a class A Drug is a serious matter. Moreover, it is not a “one off” matter as the Respondent sought at one stage to suggest. The Respondent admitted to injecting himself with heroin another class A drug on another earlier occasion and to periodic drug taking over 20 years.

36. A limited prohibition is said to be “suitable for serious cases where there is a realistic prospect that the respondent, with the appropriate pastoral, training and other necessary support, could in the future resume ministry.” The Respondent is 78 and retired. We consider there is no realistic prospect of the Respondent being “rehabilitated” into ministry. As we have said based upon his written submissions and his appearance before us at the Penalty Hearing, we do not consider that he showed any remorse for what he had done. The Tribunal also considers that some of the justification advanced by the Respondent for withdrawing his admissions demonstrated a fundamental misunderstanding of theology. As stated above, the Tribunal cannot also rule out the possibility that the Respondent would take class A drugs and/or other drugs in the future.

37. We consider it most unlikely that he would or could undergo training at all, still less, that any such training would be successful. Even without regard to his age we consider there to be no realistic prospect of him being fit to return to any form of ministry even if exercised whilst in retirement from office.

38. If one does have regard to his age the Tribunal sees absolutely no prospect of the Respondent being fit for ministry in his remaining lifetime.

Order

39. Accordingly, for the reasons set out above we order that: the Respondent be subject to permanent prohibition

Date of Decision for the Purposes of Any Appeal

40. This order and a summary of the reasons were given orally to the Respondent at the hearing on 26 June 2024. At that hearing the Tribunal made clear that it would be prepared to direct that the period for any legal challenge to this decision should only run from the date at which this written decision is delivered.

Gregory Jones KC

The Revd Canon Beverley Hollins

The Revd Tim Harling

Ms Josile Munro

Mr Andrew Halstead