

BRIEF SUMMARY of key elements of the proposals for a new Clergy Conduct Measure

A regional panel of trained assessors to ensure proper triaging within 28 days

- the facts of the complaint are investigated by an assessor from outside the cleric's own diocese
- if there is no credible evidence of grievance or misconduct the assessor reports to the cleric's bishop with a recommendation to dismiss the complaint
- if there is a credible allegation of misconduct of a seriousness that would indicate unfitness to hold office (ie passing the test of "if proved would warrant temporary or permanent prohibition from ministry") the case would go into the serious misconduct track and be handled judicially at national level within 6 months
- if there is credible allegation of misconduct but at a level that does not meet the threshold for "serious" the assessor would report to the cleric's own bishop with recommendations for penalty such as rebuke or directions. The bishop would have no power to prohibit from ministry either temporarily or permanently in this track.
- where the assessor identifies a grievance between the complainant and the cleric – whether or not there is also evidence of less-than-serious clerical misconduct – the assessor will take steps to resolve any outstanding issues and to facilitate conciliation between the parties

Proportionality and stress-reduction

- clear recognition that serious misconduct is a track of its own and distinct from the track dealing with complaints/grievances/less than serious misconduct
- home and livelihood would only ever be on the line if the allegations are serious enough to warrant it, and with automatic access to legal aid on this track
- clergy will be provided with the full details of any complaint and be invited to respond in writing to the assessor at the earliest opportunity
- staffing levels and training sufficient to ensure consistency and independence at regional and national levels
- strict and monitored timetables to ensure speedy resolution
- the assessor can recommend to the bishop that a matter should be treated as a capability issue requiring additional training or support for the cleric
- at each stage of the process there would rights of review of recommendations and decisions
- proper oversight and safeguards around suspension imposed only where "necessary" after assessment of risks
- takes the lawyers out of everything except the "serious misconduct" channel
- contested cases of serious misconduct will be determined by a panel of three (judge, layperson and cleric)
- a new Code of Practice and clergy conduct *Guidelines* will assist clergy, assessors and tribunals in identifying real instances of misconduct in clerical life and ministry

The diocesan bishop's role in the complaints/disciplinary process

- the bishop will be obliged to act upon the recommendations of the assessor to dismiss complaints that show no credible grounds of complaint or misconduct
- the bishop may intervene, on the assessor's recommendation or on their own initiative as chief pastor of the diocese, to bring about conciliation and resolution of grievances
- in cases of less-than-serious misconduct the bishop will convene a "pastoral meeting" with the cleric to hear any further representations from the cleric and to impose a penalty in accordance with national guidelines

- if the bishop determines, contrary to the assessor's recommendations, that there is credible evidence of serious clerical misconduct then the bishop may transfer the complaint to the serious misconduct track for investigation and disposal; the cleric would be able to challenge such a decision at the initial Plea and Directions Hearing (PDH) before a tribunal judge
- once a complaint has been allocated to the serious misconduct track then the bishop will have no active role in the disciplinary process UNLESS the cleric admits the misconduct prior to the full tribunal hearing. In such cases of admitted misconduct the matter will be referred to the bishop for a "penalty meeting". After consultation with a tribunal judge and after hearing representations from the cleric's lawyer, the bishop will impose a penalty in accordance with the guidelines (which would include prohibition amongst the options)
- in all cases of misconduct the bishop to be responsible for ensuring that appropriate pastoral support has been provided to the cleric, the complainant, and other relevant parties, usually through a network of trained diocesan pastors

Pastoral care of parties and witnesses

- if the assessor identifies credible evidence of misconduct the diocesan bishop will be responsible for ensuring that meaningful pastoral support is provided to the parties throughout the remaining disciplinary process
- in serious misconduct cases the bishop will determine whether it is necessary to offer additional pastoral support to any witnesses or other parties connected to the case (including the wider church community)
- those providing care or support to vulnerable witnesses and in safeguarding or other sensitive matters to be trained to national standards
- the tribunal judge will be able to impose special measures, either on application or on their own initiative, to help vulnerable witnesses give their best evidence before the tribunal

Additional safeguards for clergy accused of misconduct

- in less-than-serious misconduct cases, clergy will have the right to request a review of the bishop's penalty decision by the diocesan bishop of another diocese
- there will be a 12-month limitation period on cases alleging less-than-serious misconduct, and any cases falling outside this period will only be allowed to proceed on the basis of cogent reasons given by the complainant to explain the delay
- in serious misconduct cases, the cleric will be able to apply at the PDH (i) to have the case dismissed (ii) to have the case referred to the bishop for penalty as constituting less-than-serious misconduct (iii) to stay the case as the length of time passed since the conduct complained of precludes a fair trial
- with all tribunal decisions and penalties for serious misconduct there will be a right of appeal to the Court of Arches, subject to the same strict timetables and a reduced panel of three members to ensure speedy determination
- admitted or proven serious misconduct will be recorded on the Archbishops' List with clergy able to apply to have their name removed in appropriate circumstances, while penalties for less-than-serious misconduct will only be recorded on the cleric's personal file and for a specified period not exceeding five years

Click here for [in depth final report from the ELS Working Party](#)

Click here for Sheldon's [Scope and Purpose](#) document

These proposals have the support of both [Sheldon](#) and [CECA](#) (but with the proviso that they think some of the details and safeguards need more work)

To get these proposals enacted into legislation at Synod will require considerable political will. If you want to help it become reality, join www.sheldonhub.org/cdm and make your voice heard.