

DEALING WITH COMPLAINTS AGAINST CLERGY

THE CONTEXT OF CHURCH ORDER

It is arguable that a Bishop's first duty of care, and highest responsibility, is towards their clergy. If clergy are overseen well, encouraged and led, their parish ministry is likely to flourish with long term consequences. Bishops will appreciate that every priest, chosen and ordained by the Church has, with their family if married, gladly made several sacrifices to serve in the Church. Yet this results in their having a serious inherent vulnerability. For example, they lack employment law protection, a choice of housing, the possibility in the main of seeking or receiving higher pay levels, or that possibility of saving for retirement available in the secular world. This is evidenced by the number of charitable trusts in the wings available to step in if crises hit.

Being the victim of a malicious complaint is arguably the worst disaster to befall any priest—disastrous if inadequately investigated and upheld. At a stroke s/he may lose house, stipend, the possibility of further ministry and professional reputation. Such complaints, especially from articulate, intelligent people can seem plausible, yet be deeply damaging if heeded. Therefore, the first instinct of a senior pastor should be protective towards the overseen pastor, to whom they have a primary duty of care

Our Church—consciously or not—sits along the line between organism (the Body of Christ, where active relationships form natural glue) and organisation (the world's self-conscious way of ordering itself, where rules, regulations and rank insert distance into relationship, harming trust,). Discipline should arguably be placed at the former end of this line, and always viewed as a component of pastoral care. Such thinking needs to dominate the way bishops lead their dioceses. So, when real troubles occur, the primary episcopal approach needs to be regulatory—acting to keep the diocese/deanery/parish working well—rather than punitive. Although tough decisions may sometimes be necessary to protect individuals and communities, punishment should never be the aim even if outcomes are so perceived. Discipline, notwithstanding the severity of the word, should therefore be seen through a pastoral lens. We should be wary of evading this principle.

So, any successor to the present CDM needs to enforce a system that ensures an initial investigation—certainly within a week. An initial investigation, conducted competently, is likely to exonerate an innocent priest before natural anxiety damages health, family and parish.

GOVERNING PRINCIPLES FOR DEALING WITH COMPLAINTS

The following governing principles are suggested for adoption.

Archdeacons and bishops should routinely be poised to 'head off' embryonic complaints, should symptoms emerge. Thus, if a moaner 'leans' on an archdeacon, the best response might be to offer help with their perceived difficulties, rather than guide on making a formal complaint. Fostering a formal approach risks exacerbating parish difficulties. It is suggested that with training and guidelines in place, non-serious complaints can be pre-empted sensitively for the benefit of all. Dioceses could usefully define a formal grievance procedure—open to laity and clergy—overseen by archdeacons with specific training.

The Church's initial response to complaints is pivotal to church community and clergy wellbeing, as Sheldon's accumulated evidence demonstrates powerfully. It is the entry point for right or wrong responses. If senior clergy get it right, justice and proper pastoral responses are likely to follow, with a tangible community benefit.

If they don't, as has been demonstrated strikingly in the Bulloch Tribunal Chair's verdict on the lack of *tested evidence*, injustice and confusion will surely result. Proper Church-wide processes—easy to follow—seem within reach, yet will only work if mandatory. I suggest some key elements that should allow hunch and guesswork to be left aside.

This initial response is surely central to a bishop or archdeacon's pastoral task; needing to be second nature. If senior pastors are neither handed nor taught a practicable system, dysfunctionality, harm and reputational damage seem inevitable. Sheldon Hub posts indicate archdeacons dread having to handle such matters. If they are ill-equipped, this is understandable. The pastor thus needs to be publicly neutral from the outset. No complaint should ever be taken at face value prior to professional examination—no complaint constitutes evidence in itself. Furthermore, senior clergy should always expect trouble as an intrinsic part of Church life. From the Incarnation onwards, godly ministry has always risked different degrees of trouble, and is evident today. The ministry of any godly priest carries risk. Seemingly plausible, but malicious, complaints can inflict deep damage to clergy and church life.

Since the key people—complainant, the accused and any witnesses—will be found within a diocesan and local community, a complaint deserves to be investigated rapidly by someone with local knowledge; ideally an area/suffragan bishop or archdeacon, known and hopefully respected in that community. Their role is not to exercise judgment or punish in any way. At this stage, their sole purpose is to discern whether or not there's a case to answer—for dismissal or possible further action. Written records should be kept at every stage.

The initial exploratory process should follow five phases:

- A bishop or archdeacon receiving an informal 'moan' before any complaint arises. *Alertness to the risks at this point should prompt a defusing attempt.*
- Receiving or rejecting the complaint. *Rejecting extreme or intemperate language, or inappropriateness.*
- Validation or otherwise. *Checking evidence of words spoken and deeds observed—or necessary deeds not done.*
- If validated, deciding on route for disposing of the case. *Criminal law, ecclesiastical law/regulation or diocesan pastoral response.*
- After actions

RECOMMENDED PHASED APPROACHES

Phase 1: Receiving an informal moan

1. How best to respond:
 - a. Recognise the 'danger signs.'
 - b. If the moan suggests criminal wrongdoing, make it clear the police will need to be informed immediately; that they would need to supply clear evidence and risk a penalty if the complaint is malicious.
 - c. Show a pastoral interest whilst remaining neutral at this point.
 - d. Ask the complainant with whom they might have shared their concerns.
 - e. Unless the alleged misconduct is criminal or otherwise serious, ask whether they have tried to discuss the matter with the priest, in order to help him/her, and
 - f. so far as possible, offer no advice on how to complain.
 - g. Ask the complainant what their recommendation might be.

2. Record the conversation, for the minister's file, at the least.
3. If and when reasonable, get alongside the priest to see if help would be welcomed.

Phase 2: Receiving or rejecting a written complaint

1. Assessing the topic:
 - a. An alleged criminal offence (including safeguarding issues), in which case the statutory bodies should be alerted immediately, if not already done.
 - b. An alleged breach of Ecclesiastical Law or Regulation, in which case a diocesan investigation will be necessary.
 - c. An alleged malpractice in dealing with church life, in which a diocesan investigation may be necessary.
 - d. A competence/capability complaint, lacking clear disciplinary implications, is a matter for pastoral follow-up.
2. Content of the complaint. It should always be in writing, legible and clearly expressed, signed and dated, without extreme or intemperate language. *Clergy discipline should be based invariably on clear evidence—witness evidence—not opinion; of words said, and observable deeds done or not done, with details of location, occasion, time and place stated.* Without such information, it should be returned to sender for resubmission.
3. A copy should be passed to the respondent.

Phase 3: Validating or dismissing the complaint.

1. The respondent, likely to be an incumbent or licensed priest, deserves to have their office honoured from the outset. Therefore, the investigator being neutral needs to avoid seeking opinion of others i.e. Rural/Area Deans, Lay Chairs or trusted laity. Such opinion is valueless and if absorbed can skew the whole process. The respondent should then meet with the investigator, as pastor. The discussion should open along the following lines: 'I've received a complaint against you and would value your help to know what to make of it. Here's a copy for you to keep. What can you tell me of 'X', the complainant? Is s/he an active member of the congregation? Does s/he contribute in a good way? Have you found him/her difficult in the past?' Depending on what transpires, and if the case is likely to proceed, the investigator should offer a mature priest—acceptable to the respondent—to stand alongside them. This conversation should be noted down.
2. The investigator then meets the complainant informally, asking gently about their own faith journey and how the complaint fits in. They can be asked to clarify any aspect of their complaint—of words spoken, deeds observed or expected deeds not done—with location, occasion, time and place stated (already offered). If such data is not provided adequately, the complaint should be dismissed.
3. Lastly, the investigator (or a responsible person assigned) needs to meet potential witnesses of *events* to hear specific testimony re words spoken and deeds observed—or necessary deeds not done.
4. The investigator then decides if there is prima facie evidence to dismiss or allow the complaint forward. If s/he decides to dismiss the complaint, s/he should write to the complainant giving reasons. S/he should then have someone keeping an eye on the complainant's subsequent life in the parish community.

Phase 4: If validated, deciding on how best to proceed.

The Sheldon suggested "separation into two completely separate complaint Tracks which are clearly demarcated" is strongly commended:

“Track A. Gross Misconduct. To handle allegations which, if proved, would warrant loss of home/livelihood. This would have a clear gateway process before being actioned, and would be professional, national. Transparent, properly funded, evidence based and not episcopally led.

“Track B. Grievances. To handle all other complaints. This would be episcopally led, local, focused on restoration of relationship and community, using resources such as mediation and training. Bishops would be able to sanction both clergy and laity.

“It would not be possible to escalate a Type B into a Type A just because the grievant was dissatisfied with the outcome. If additional concerns or evidence emerged during the course of a Type B process the formal gateway into Type A would have to be actioned”. (Taken from the Sheldon Briefing paper re CDM for Dr Carl Senior, January 2020)

1. At the lower end of the scale (Type B), episcopal options might include:
 - A sabbatical, if stress-related,
 - A guided retreat,
 - An offer of counselling,
 - A rebuke,
 - Some sort of training support, or course, from the diocesan staff,
 - A decision not to extend the licence term beyond its present end-date,
 - The provision of a mentor.
 - The provision of an alternative post as a choice: without threat or coercion.
2. If the complaint discloses serious malpractice in the church,
 - Safeguarding problems: a response in accordance with current Church Regulation (Type A)
 - A suspected crime (eg. the ‘general public’ being charged irregular fees, fraud, theft of church money or property) should be reported to the police (a diocese having no competence to investigate crime). (Type A)
 - Reported breaches of Ecclesiastical Law: to be referred to the Diocesan Chancellor and possible Consistory Court. (Type A)
 - Reported breaches of Church Regulation: to be handled as advised by the Diocesan Registrar/Chancellor. (Type A or B)
3. Whilst a bishop may currently impose a ‘penalty by consent’ that may include prohibition, it is hard to imagine how this can be achieved except by coercion. I suggest it should disappear in any CDM revision.
4. If the complaint concerns competence or capability, it has no place in any disciplinary process and accompanied by evidence of misconduct. Nonetheless the complaint should be acknowledged, and complainant told it will be examined, and followed up by pastoral action.

Phase 5: Possible after-actions

1. If the complaint is dismissed,
 - The targeted clergyperson—respondent—should receive a formal yet pastoral letter from their diocesan bishop confirming they’ve been exonerated, and their record is clean. This should be copied, eg. to the Rural/Area Dean, appropriate churchwardens
 - If the complainant shows some contrition, appropriate follow-up care might then be considered,
 - If the complainant is a postholder (warden, treasurer, PCC member), it may be appropriate to invite them to stand-down. *

- All paperwork should be retained in the Minister's blue file.
- The Diocesan Communications/Press Officer should be briefed at every point in a process.

* *I was involved in a case where a churchwarden of some 20 years' service bullied his priest disgracefully. The man confided in the investigator (me) his determination the vicar should go. Eyewitness evidence of several bullying events made his purpose clear. The bishop then wrote to thank him for his 20+ years' service, but saying the time had come when he should join a church where he was able to give the Vicar unfettered support. This letter was copied to church officers in the three parishes of the benefice—several of whom had testified to the investigator. The man chose to move on.*

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