

Summary of Minutes

Below is a summary of what was discussed at a meeting of the Clergy Discipline Measure Working Group held on 6 March 2020 at Lambeth Palace.

Bishop Tim Thornton opened the meeting in prayer. The Working Group then moved to consider three substantive matters in some detail. The Group's conversations grew from papers which had been prepared by members of the Group. The main points spoken about are described below.

1. Triaging

The Working Group started by considering whether it is possible to ensure that good practice can be moderated across all dioceses, while also ensuring that diocesan independence is maintained.

The Working Group moved to consider whether there is a risk that by trying to simplify matters by introducing a more stringent triaging process, that this could create a backlog of cases earlier in the process; consideration was also given to whether a possible hypothetical backlog at the outset could give rise a delay in the resolution of serious matters which warrant a quick resolution.

Conversation moved to think about the fact that a Complaints procedure needs to be accessible to anyone who has a grievance. Thresholds should be set up as part of any triaging process which allow matters to be dealt with proportionately; this will allow for the most serious of cases to be dealt with as quickly as they otherwise would.

It was recognised that any new system which includes a triaging process has to be streamlined to ensure that any pre-action stage doesn't become cumbersome and time consuming.

The Group moved to consider the difficulties presented by the present preliminary scrutiny process. It was noted that in conducting such scrutiny the registrar only has one side of the story, and generally isn't in a position to ask for more information. More thorough investigation and triaging at the outset will mitigate against the complications this currently gives rise to where relatively unserious matters get escalated unnecessarily.

The Group moved again to consider diocesan consistency, and recognised that bishops and registrars had not built up a body of experience when dealing with CDM matters.

2. The Role of Bishop in the Discipline of Clergy

Conversation opened by noting that the Bishop can hold authority, even if she or he delegates the exercise of this authority to someone else.

The Group considered and agreed with a perspective shared by one individual relating to how the dual role of bishop as pastor and person responsible for discipline has been skewed towards discipline. There was a recognition that Bishops need to be able to rely on a national body of experience whose determination they can rely on and implement, rather than being intimately involved in the disciplinary process themselves. This will allow them to provide pastoral support.

The Group moved to think about the necessity or otherwise of a tribunal process for some cases. The Group largely agreed that some more serious cases warranted this approach. One member

of the group suggested that Chancellors might be naturally placed to be more involved in the tribunal process. This suggestion was rejected by others, who noted that this idea has been considered before and rejected. It was noted that if they were to be involved in a diocesan capacity, they would not build up the necessary experience given the low number of cases. Another member noted that Chancellors tend to have expertise in property matters, and tribunals should be staffed by people with a human resources background. Others also noted that a purely legal approach doesn't achieve the best outcome for all parties, and so a panel broad in its expertise should be maintained.

The group moved to consider the implications of conducting tribunals within a professional standards context; it was recognised that there needs to be a clear articulation of the standards that are to be adhered to. It was noted that professional standards matters could be conducted by a national office who pass determinations to a bishop to implement. Consideration was given to whether there was merit in having a lower level localised panel for less serious misconduct, and if so how this would interact with any triaging process.

Consideration was given to whether, if the Church began emphasising professional standards whether clergy should be encouraged to join a union or other professional body.

There was agreement on the part of the Group that Bishop's need to be freed from being intimately involved in the judicial elements of discipline to allow them to take their pastoral role more seriously.

There was agreement that the Group needs to conduct further work on the number of *low level complaints* brought each year to establish a clearer view of the size of matters being dealt with.

The Group moved to consider how triaging and any tribunal process considers safeguarding. It was noted that it is important to consider safeguarding at every point in the process. Any panels involved in triaging or conducting tribunals should have members with safeguarding expertise to ensure this is possible. The Group considered the involvement of DSAs in lower level complaints.

There was some agreement that safeguarding matters need to be viewed holistically, with proper support and safeguards being put in place after individuals are disciplined; this support, particularly assessment after the end of limited prohibition, also needs to be independent. The Group also considered the need for thought to be given to diversity matters in the establishment of panels.

The Group also considered whether deposition should be reintroduced for the most serious of cases.

3. Professional Standards

At the outset, further consideration was given to what body would be responsible for the professional standards of clergy.

It was considered whether an increased emphasis on professional standards could give rise to greater emphasis on clergy being appraised, as office holders, with possible requirements to undertake formal training. There was agreement that a more structured framework enabling support and supervision needs to be developed. The resource implications of this were considered. It was also recognised that any approach to supervision needs to be varied to take into account a variety of variables, not least the different types of ministries that people are involved in.

It was agreed that at Consultation stage this matter would have to be explored thoroughly; consideration would need to be given to the perspective of complainants, respondents and clergy

more generally. There was further consideration of the specific questions that will be posed at public consultation.

Consideration was also given to how any new process would act in protection of clergy against bullying parishioners, and how clergy can be helped to effectively challenge poor behaviour.

The Group considered how other provinces of the Communion and other Church's have developed systems of Professional Standards and considered what could be learned and gleaned from these systems.

The Group agreed to meet again in June or July 2020.