

In the matter of a complaint under the CDM 2003

Before the Bishop's Disciplinary Tribunal for the Diocese of Oxford

The Venerable Judith French Complainant

and

The Reverend Timothy Davis Respondent

Determination of Penalty

The tribunal delivered the decision on penalty orally at 2pm on 10 March giving brief reasons. The written reasons add to the oral reasons where underlined setting out more detail of our reasons.

1. We have decided not to seek the Bishop's views on penalty. The reason for this is that we have been entrusted with the responsibility to decide these allegations and set the appropriate penalty. We have heard all the witnesses and made findings about their evidence, we have heard submissions from Mr Iles and Mr Gau as well as reading all the material placed before is in the Trial and Supplementary bundles. In the circumstances we consider that we are able to reached decision on penalty without seeking the Bishop's views.
2. We have found the misconduct proved as set out in our Determination 28/12/17, and we do not intend to summarise those findings. However any consideration of the penalty we have set must be understood by reading our determination and our findings of misconduct. The finding of misconduct is at para 59 of the determination. We also found that there was an obvious imbalance in the relationship between Revd Davis and W1 (para 41), Revd Davis had a poor understanding of the vulnerability of young people and the reason that safeguarding was required (para 52), the safeguarding breaches were serious (para 55) and Revd Davis placed his own emotional needs first (para 54).
3. It is a tragedy for Revd Davis that his very successful ministry over many years has been marred by the events which have given rise to these proceedings.

4. It is clear that Revd Davis has an outstanding record as a Christian pastor over many years. We have read all the testimonials submitted to us to this effect.
5. The penalty that we impose takes into the account the following:
 - (i) The submissions made on behalf of the Complainant and the Respondent
 - (ii) the misconduct that we have found to be proved, and the period of time over which it occurred – some 21 months
 - (iii) the regulatory nature of the proceedings: we were referred to Bolton v The Law Society 1994 1 WLR 512 and other cases cited by Mr Iles. We adopt the approach set out by the CA and the Chancery Court of York and the Court of Arches in those cases
 - (iv) our concerns about his continuing lack of insight about (i) his underlying emotional fragility (as diagnosed recently by Dr Orr) and (ii) the imbalance in the relationship between himself and W1. Mr Gau described his insight as ‘evolving’. We are not satisfied that his insight into these events and what may have caused them, has developed yet sufficiently. The summary he gave in February 2018 to Dr Orr of his understanding of what had occurred with W1 and W2 is set out at p 2 of Dr Orr’s letter 28/2/18. The words quoted by Dr Orr at para 8 demonstrate a poor grasp of the misconduct that we found had occurred. We take into account his expression of remorse and sorrow against this background.
 - (v) his fruitful ministry until these events took place as shown by the testimonials submitted to us.
 - (vi) the Guidance of the CDC on penalties : they should be proportionate to the misconduct taking into account personal and mitigating features. We have applied this Guidance.
6. We have considered each possible penalty beginning with the least serious first.
7. We look forward to a time when as a result of greater insight, and through engagement with treatment, pastoral support and safeguarding training, he will be able to be restored to a fruitful licensed ministry in the Church of England.
8. The penalty that we impose is:
 - (i) That he be put out of office as Vicar of Christ Church Abingdon
 - (ii) That there is a prohibition on his licence for 2 years.

9. At the end of that 2 year period, we hope that with medical treatment specified by Dr Orr, pastoral support and safeguarding training, he will be in a position to be entrusted again with licensed ministry. However, it will be for the Bishop to whom he applies for a position to be satisfied that the progress he has made with treatment, support and training is sufficient that a license can be properly granted to him.

The Rev. and Worshipful HH Judge Mark Bishop, Chair

The Rev. Canon Edward Bowes-Smith

The Rev. Canon Ann Philp

Prebendary Sue Lloyd

Dr Stephen Longden

Dated 12 March 2018