

- (ii) on 26 June 2012 he committed adultery with X,
- (iii) on 27 July 2012 he committed adultery with X.”

4. The Respondent admitted each of these allegations. The case against the Respondent was based entirely on his admissions in the texts and when interviewed by the police.

5. The Respondent had admitted that he had had sexual intercourse with X in a text sent to Revd Peter Nisbeck, an Associate Minister at St Giles on 11 October 2012.

6. The Respondent was not legally represented at the hearing but did not seek an adjournment of the hearing. In making submissions to the Tribunal he was informally assisted by the Revd Ray Owen.

7. At the conclusion of the hearing Mr Iles, the Designated Officer for the Complainants, made an application pursuant to Rules 49 and 50(4) of the Clergy Discipline Rules 2005 that the Tribunal should order that the name and any other identifying details of X should not be published or otherwise made public and that the Tribunal should omit from the written determination the name and any other identifying details of X if satisfied in each case that such an order was desirable to protect the private life of that person. The Respondent made no submissions to the contrary.

8. In such circumstances we made an order that the actual name and any identifying details of X or any member of her family must not be published or otherwise made public, being satisfied, pursuant to Rules 49 and 50(4) of the Clergy Discipline Rules 2005, that this was desirable to protect the private life of X.

The relevant background facts

9. The Respondent was admitted as a deacon in June 2011 and ordained a priest on 23 June 2012. His place of ministry was St Giles Newcastle-under-Lyme.

10. X first began to attend St Giles in Spring 2012 and was interested in exploring a call to ministry within the Church. Although the Ministry Team at St Giles did not agree to her having a placement, the Respondent's incumbent suggested that she should shadow him whilst she continued to explore the idea. The Respondent's incumbent asked him to meet X to talk about the path to ministry in the Diocese and the Respondent agreed to do so.

11. The Respondent and X first communicated by text on 25 April 2012 when she sent him a text to introduce herself and asked that they should meet.

12. Thereafter the Respondent and X exchanged innumerable texts. In the Bundle of Documents put before the Tribunal such texts covered over 240 pages. Whilst the summary below purports to summarise such texts, such cannot be a substitute for a full consideration of the nature and content of such texts.

13. Within two days the texts had become flirtatious. So it was that on 27 April 2012 the Respondent texted X and suggested that she should “send the other half to the park with the kids ... get yourself a big glass of red, slip into the bath and enjoy yourself ... Sx”

14. It is self evident from the texts that the Respondent and X met in the Cherry Tree public house on 25 May 2012.

15. By 18 June 2012 the text messages between the Respondent and X were sexually explicit. There were about 87 text messages between them on that day. The texts were full of double entendres about underwear, ways in which sexual intercourse could take place, how each might want to have sexual intercourse and oral sex.

16. It is self evident from the texts that the Respondent and X again met at the Cherry Tree public house on 19 June 2012. On that day they exchanged about 80 text messages. During such exchanges the Respondent stated that in different circumstances he may have kissed X, she sent him a photograph of her in her underwear and there was extensive texting as to how the Respondent might wish to behave towards X and their sexual preferences.

17. It seems likely that X attended the service on 23 June 2012 at which the Respondent was ordained as a priest.

18. On 25 June 2012 there were texts between the Respondent and X in which underwear was a predominant part of the conversation.

19. On 26 June 2012, three days after the Respondent’s ordination as a priest, the Respondent and X committed adultery. The Respondent and X had earlier exchanged texts about underwear during which X had indicated that she preferred to wear stockings and suspenders rather than tights. In his police statement the Respondent described meeting X in a bar for a drink, that they had kissed and cuddled and that they went into what was described as “an alleyway” and had what he described as a “consensual shag” against a wall. The next day the Respondent texted X to apologise that he had been rough, which he regretted.

20. It is self evident from the texts that the Respondent and X met at the Black Friar public house on 27 June 2012.

21. On 29 June 2012 the Respondent reported to X that his wife was suspicious because he had been out of the house too much.

22. It is self evident from the texts that the Respondent and X met on 22 July 2012 and the next day, during about 85 texts exchanged between them, the Respondent stated “I’m sorry about how forward I was last night. It wasn’t good or fair.”

23. On 27 July 2012 the Respondent was in a public house in Newcastle-under-Lyme. He and X exchanged texts and he invited her to join him. He stated that his incumbent suspected that something was going on with “me and someone”. X did join him at the public house and she made it clear to him that she wanted sex. She told him that she was going out later and she left to go home. Soon after she left the Respondent sent her a text asking if he could catch her up to which she replied “I’m home now come and get me”. After texting her for her address, he replied “I’ll only be able to fuck n go ...Sx”.

24. In his police interview the Respondent described going to X’s home. She came to the door only wearing a silky dressing gown and knickers. They went upstairs, the Respondent performed oral sex on her, they then had sexual intercourse following by more oral sex and more vaginal sex. In his police interview the Respondent described the sexual activity as “roughish but he would describe it more as passionate”. There followed further texts about the meeting but by 2 August 2012 they had stopped. No explanation was apparent as to how the relationship was terminated.

25. The incident gave rise to a complaint by X that she had been raped and led to the Respondent being arrested and detained. During the course of investigations by the police the texts between the Respondent and X were disclosed and the police interviewed the Respondent under caution. It was in such interview that the Respondent admitted having sexual intercourse with X on two separate occasions. As to what happened during the meetings he had had with X in public houses, the Respondent told the police very little and, given that the Respondent’s statement did not deal with those meetings and the Respondent did not give evidence to the tribunal, for the purposes of the imposition of penalty we have no alternative but to assume that nothing improper occurred at such meetings.

26. The police decided not to prosecute the Respondent for any offence. We need to make it abundantly clear that we unreservedly accept the Respondent’s account that the sexual activity between the Respondent and X was consensual.

The mitigating factors put forward by the Respondent

27. The Respondent did not seek to excuse his behaviour [although he recorded that in early 2008 he had been diagnosed with severe depression and anxiety and had thereafter suffered frequent panic attacks] and stated that he felt deeply sorry and apologised for all the hurt he had caused, both within the Church and his family. He said that he had betrayed and hurt his wife, his family and his church “in exchange for the impression of being wanted : of being desired” and that he regretted his actions completely and felt deeply ashamed.

28. We also considered statements from the Respondent’s wife Erin and Revd Peter Mockford who had given the Respondent some psychotherapy. Although these statements were supportive of the Respondent, we did not feel that they were of significant assistance to us in determining the appropriate penalty.

The appropriate penalty

29. Paragraph 4 of the Code of Practice issued by the Clergy Discipline Commission provides that:

“The purpose of the administration of discipline is to deal with clergy who are found to have fallen below the very high standards required and expected of them. For the individual member of the clergy who is subject to discipline, this involves:

- the imposition of an appropriate penalty
- pastoral support
- encouraging repentance and forgiveness
- whenever possible putting right that which is wrong
- attempting reconciliation
- moving on constructively from the past

There is also a wider picture in that the administration of discipline must:

- have regard to the interests of justice for all who may be affected by the faults, failings or shortcomings of the clergy, including the complainant and the interests of the wider church
- support the collective good standing of all faithful men and women who are called to serve in the ordained ministry
- ensure the clergy continue to be worthy of the great trust that is put in them as ordained ministers by both the Church and the public.”

30. Paragraph 11.1 of the Guidelines for the Professional Conduct of the Clergy states:

“The reputation of the Church in the community depends to a great extent on the example of its clergy, who should recognize their role as public representatives of the Church. Their lives should enhance and embody the communication of the gospel.”

31. In *Re the Reverend David King* [7 April 2008] the Chancery Court of York considered an appeal against a penalty of prohibition for a period of 4 years from exercising any of the functions of his Orders where the tribunal had found that there had been an intimate relationship between a priest and a woman falling short of adultery. It approved the observations of the Court of Appeal in *Bolton v Law Society* [1994] 1 WLR 512, at 519, that the reputation of the profession is more important than the fortunes of any individual member and applied them to the clergy in stating:

“The same principle is true of the clergy as otherwise the reputation of the church in the community ... would be taking second place to the personal interests of the member of the clergy on whom a penalty is to be imposed. However, depending on the circumstances, in particular, the nature of the misconduct, and the degree of

repentance, the age of the respondent may be a material factor (for example youth and inexperience) in arriving at an appropriate penalty.”

32. In the Clergy Discipline Commission`s Guidance on Penalties it is stated:

“By virtue of their office, great trust is placed in the clergy by members of the Church and by the wider community. Clergy are expected to be worthy of this trust, and are required to uphold Christian values in their pastoral ministry, in performing other duties, and in the conduct of their private lives. ... [It then referred to *King*, cited above]. ...

Sexual misconduct is usually a deliberate and damaging failure to comply with the high standards of Christian behaviour required of clergy. ... Clergy who commit sexual misconduct should be dealt with firmly, and in a way which will protect those who could be harmed if the respondent were otherwise to be allowed to remain in ministry. ...

Adultery is destructive of marriages and is hurtful and disturbing for the children of the families affected. If the adultery is with a person within the cleric`s area of pastoral responsibility, that can be an aggravating factor because issues of vulnerability, exploitation and abuse of position arise. Removal from office and prohibition, either for life or for a limited time, are usually appropriate in cases of adultery.”

33. Mr Owen submitted that this matter could have been dealt with pastorally, that there was no need for the matter to have been referred to a tribunal and that the Respondent had a great deal to offer in ministry. He referred to the Respondent being depressed, that this was a consensual relationship as was self evident by the mutual exchange of explicit texts, that the Respondent realised that he had behaved stupidly and improperly and that two years had elapsed since the adulterous relationship had come to an end. Although we accept all these matters, we do not believe that they reflect the seriousness of adulterous relationships as reflected in the Commission`s Guidance on Penalties.

34. In his oral submissions to the Tribunal the Respondent related that at the time of his relationship with X, his marital situation was difficult, he had had a tough first year at St Giles and a difficult relationship with his training incumbent although it was no fault of the latter. In such circumstances to have someone express an interest in him was a fantasy although he himself described the text messages exchanged with X as “ugly and graphic” and said that it was easy to say in quasi-anonymous texts what one might not say in direct conversation.

35. This was not simply an isolated incident of adultery. The Respondent committed adultery with X on two separate occasions [on 26 June 2012 and 27 July 2012]. In addition he exchanged innumerable text messages with her between 27 April 2012 and 27 July 2012.

Within a couple of days they were flirtatious and very soon they were profoundly explicit. All of these were intentional acts on the Respondent's part and were at the time when the Respondent was being ordained as a priest. We have no doubt that the Respondent fully understood that his behaviour was incompatible with his continued ministry in the Church.

36. X was a member of the congregation which the Respondent served. She was exploring the possibility of ministry in the Church and it was his role to seek to assist in her proposed path to ministry. Although we accept that she was a willing partner as to what happened between them, she was entitled to expect that the Respondent would give her a positive example of Christian ministry and that he would not behave improperly towards her. To that extent he owed a responsibility to X. Even if she had unilaterally demonstrated any sexual interest [which does not seem to be the case because our assessment of the texts is that there was a mutual sexual interest] it was the Respondent's responsibility to firmly remind her that, as a priest, he was required to resist any such sexual interest.

37. Although we do not know all the facts surrounding X's domestic situation, such behaviour by the Respondent was likely to have had an adverse effect on X's then relationship and would inevitably have damaged the reputation of the Church and its clergy.

38. Although it was suggested that the relationship had come to an end on 27 July 2012, we found no evidence to justify this and but for X's allegation of rape in our judgment it is at the very least probable that it would have continued.

39. At the conclusion of the hearing each member of the Tribunal concluded that, having carefully considered what had been said by the Respondent or on his behalf, we did not accept that the Respondent had exhibited any real understanding of the effect of his behaviour towards X or the effect that his behaviour has had on the Church and its clergy.

40. In our judgment these are very serious allegations admitted by the Respondent and it is inevitable that the Respondent is removed from office with immediate effect, that he is prohibited from the exercise of any of his functions of his Orders and that his name is entered on the Archbishops' List in accordance with section 38 of the Measure.

41. Although Mr Iles reminded us that each case must turn on its own facts, we note that even in respect of cases of an intimate relationship falling short of adultery, the prohibition in *King* was 4 years and in *Gair* [11 November 2008] was 7 years. For adulterous relationships the periods of prohibition will usually be much longer.

42. On the facts of this case we adjudge that the appropriate period of prohibition is 8 years.

43. We express no view as to whether there are realistic prospects that, with appropriate pastoral support, the Respondent may be able to return to active ministry in the future.



Canon Geoffrey Tattersall QC [Chair]

As Chair of the Tribunal on behalf of:

Canon Geoffrey Tattersall QC

Revd Robert Burles

Richard Hill

Sara Stonor

Revd Canon Kathryn Windslow