

These guidelines are consistent with the provisions of Canon C26(2): "... at all times [a minister] shall be diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ."

- 1 The Tribunal met at St Andrew's House, London W11 1AP on 23 September 2008 and took evidence from the Archdeacon of Northampton (the Venerable Christine Allsopp), Canon Owen Page, the Reverend Peter Davis, Mr Peter Kitson, Mr Mark Lane, and the Respondent (the Reverend Teresa Davies).

The "Open Sexual Relationship" Issue

- 2 As to the first limb of the complaint, which related to the Respondent's alleged sexual activities, it was alleged by the Reverend Canon Owen Page and the Reverend Peter Davis that the Respondent had stated after a Christmas lunch on 18 December 2006 that she and her husband had spent holidays without their children at a particular area in the South of France noted for the casual exchange of sexual partners. The witnesses claimed that the Respondent had explained that she and her husband sought sexual gratification this way, and felt no guilt because both partners had agreed to taking part.
- 3 After the conversation on 18 December 2006, she had sent an e-mail to Owen Page saying that she had "probably loaded you with too much information". On the same afternoon (18 December 2006) when the Reverend Peter Davis was giving the Respondent a lift home, he reports that she said to him "I think I have said too much"; to which he replied "I think you have".
- 4 According to the Archdeacon, in a subsequent conversation on 26 January 2007 the Respondent had told the Archdeacon that she had been drinking during that lunch, and was trying to be "laddish" and "shocking"; and that she had never had any sexual relationship outside her marriage. However, she had added that she was a bit of a flirt.
- 5 Further evidence on this issue consisted of twelve pages of extracts from "swingers'" websites for sexual contact, concerning a couple identified as "Tess and Mick, Daventry". At the hearing, the Respondent first claimed that the entries on the website were made by her husband Mick, and that she was not responsible for them.
- 6 The evidence of Peter Kitson and Mark Lane indicated that stories of the Respondent's "open marriage" were circulating among the congregation at Holy Cross, Daventry. Their evidence was not challenged by the Respondent.

The Alcohol Issue

- 7 The second complaint which relates to the Respondent allegedly being under the influence of alcohol at four separate services, two on 17 September, and the others on 19 November and 3 December 2006.

- 8 With regard to 17 September, the Respondent attended the 9.30am service at Holy Cross and the 11.00am Eucharist at Welton. She then took a baptism at Holy Cross at 12.30pm, for which she was a little late. It was alleged that she arrived smelling of alcohol, but she stated that it must have been caused by the wine from the Eucharist service at Welton. The next service was the Holy Cross patronal choral evensong. Canon Owen Page stated that when the Respondent arrived she smelled heavily of alcohol and her appearance was dishevelled. The choir fell apart under her direction. "Musically, it was chaotic, and deeply embarrassing".
- 9 With regard to 19 November 2006, the Reverend Peter Davis stated that this complaint related to Welton's patronal choral evensong service. The Respondent did not appear to know the order of service and the congregation could hear her asking repeatedly for direction throughout the service.
- 10 With regard to 3 December 2006, this relates to the deanery Advent service at Holy Cross. Canon Owen Page, Peter Kitson and Mark Lane each stated that the Respondent smelled strongly of alcohol. She was unsteady on her feet sitting in the congregation, at times with her head in her hands, clearly unwell (with a hangover as she admitted to him after the service).
- 11 The Respondent stated that she acknowledged that a drinking problem had developed during the course of her ministry. She did not think it had developed by 17 September 2006, but that it was becoming a problem after the autumn half-term. She had seen the Archdeacon on 26 January 2007, and she had been offered professional help, but declined. She bitterly regretted not having accepted the offer. She said that her drinking had been a "self-destruct button".

Assessment of Complainant's Witness Evidence

- 12 The Tribunal considered the witnesses who had attended the hearing. They concluded that the Archdeacon had been entirely credible, and had acted properly at all times. She had offered appropriate support for the Respondent's alcohol problem. The Respondent had refused that help. The Tribunal is very aware that pastoral support cannot be pressed where the recipient is unwilling to receive it.
- 13 Canon Page gave his evidence clearly and unemotionally. The substance of his evidence was not challenged by the Respondent, although she did not seem to agree with some of the less important detail of his recollection of events (for example, the timing of his visit to her in late September or early October 2006).
- 14 The Reverend Peter Davis had made great efforts to attend in order to give his evidence. He expressed some anger about the Respondent's, late arrival at the Tribunal, which had delayed the start of the Tribunal by nearly an hour. His anger was upsetting to the Respondent at an emotional level, but the facts of

his evidence were not challenged. The Respondent seemed to express embarrassment at realizing she had caused so much trouble to her former clergy colleagues.

- 15 Peter Kitson was a careful witness, no longer a churchwarden at Holy Cross, but co-opted back to help his successor. In expressing his concern about the Respondent he said "I needed to get close to see if there was a real Teresa Davies who could do the job of a priest". We found him a truthful and convincing witness.
- 16 Mark Lane, who is now a churchwarden at Holy Cross, was asked about secondary evidence, reported to him by his wife, and separately by two teachers in September 2006. This related to a statement apparently made by the Respondent to them that she and her husband were "swingers" and had an "open marriage". The Tribunal noted this allegation as confirmation of the first complaint, but did not attach significant importance to it, due to its hearsay status.

Assessment of Respondent's evidence

- 17 The last witness was the Respondent herself. She had come alone, and had not thought to bring the paginated bundle or any other papers with her. As she was unrepresented, particular care was taken throughout the proceedings to explain the Tribunal's procedures to her and to make her aware of the significance of her choices of action.
- 18 No evidence had been served by the Respondent pursuant to the Directions given on 28 March 2008. The Designated Officer expressed concern at her breach of the Rules requiring evidence to be supplied in the form of written statements in advance. He pointed out that the purpose of the Rule is to ensure that (if need be) rebuttal could be sought, and that no one should be taken by surprise.
- 19 The Tribunal adjourned to consider the Designated Officer's observations. They indicated that they would be willing to hear from the Respondent in the interests of justice and having regard to the overriding objective and would like to proceed further with the consent of the Respondent. However they indicated, that they would give consideration to any application by the Designated Officer for an adjournment. The Designated Officer declined to apply for an adjournment.
- 20 The Respondent was advised that she might make a statement, or give evidence on Oath and be subject to cross-examination. She was sworn, and tried to put the best face possible on her previously misleading answers. She now conceded that the entries on the websites related to herself and her husband Mick. She expressed regret and contrition.
- 21 She could not give a satisfactory explanation for her previous responses, for example, her remarks to Peter Davis in the vestry before the service on Ash

Wednesday 21 February 2007 that she had been "stitched up like a kipper" by Owen Page, who she had described as "a fucking bastard". The Tribunal noted her denial of using this language, but were not persuaded by it.

- 22 Generally, they considered that her recollection of the events described by the other witnesses was not to be relied upon. She further said (in reply to cross-examination) that she did not think she had complied with the three Guidelines which the Tribunal had been asked to consider. She recognized that the allegations against her were very serious. She stated that she had lost her home and her job. She regretted the inconvenience caused by her not having responded more fully and promptly to the Disciplinary procedures.

Conclusion

- 23 With regard to the first limb of the Complaint, the Tribunal has absolutely no doubt that on the 18th December 2006 the Respondent made the claims attributed to her, namely that she and her husband had an open sexual relationship and engaged in sexual activity with others outside their marriage. Bearing in mind her admission that she and her husband visited the particular resort in the summer months without their children and the evidence of the personal website profiles entries reflecting her claims, the Tribunal has determined that her behaviour was scandalous, and a serious breach of the Guidelines and the provisions of Canon C26(2) and that it was conduct unbecoming or inappropriate to the office and work of a Clerk in Holy Orders.
- 24 With regard to the second limb of the Complaint, the Tribunal found proved the allegations that the Respondent had been under the influence of alcohol at the Holy Cross choral evensong service on 17 September, at the Welton choral evensong service on 19 November, and at the Holy Cross Advent service on 3 December 2006. The Tribunal did not find proved on the balance of probabilities the Complaint relating to the baptismal service on 17 September 2006. Again, it concluded that the Respondent's conduct amounted to "conduct unbecoming or inappropriate to the office and work of a Clerk in Holy Orders" as identified in the complaint.
- 25 The Tribunal has come to the conclusion that the Respondent's conduct was "unbecoming or inappropriate" on both counts. In due course it will be requesting submissions on the penalty to be imposed.
- 26 The Tribunal noted that the Respondent was aware of her drinking problem, and shares her regret that she had not accepted the offer of help. It also regards as deeply regrettable her lack of cooperation with the disciplinary process since she first became aware of these proceedings.
- 27 We would like to record our grateful thanks to those who helped us with our task, especially Mrs Lyn Hester in the office of the Registrar of the Tribunals and Ms Ann Quirke who looked after us during our stay at St Andrew's House.