

**IN THE MATTER OF A COMPLAINT UNDER THE CLERGY DISCIPLINE
MEASURE 2003.**

BEFORE THE BISHOP'S DISCIPLINARY TRIBUNAL FOR THE DIOCESE OF
ROCHESTER IN THE PROVINCE OF CANTERBURY

RULING GIVEN AT BOURNEMOUTH COMBINED COURT

22nd DECEMBER 2008

The Reverend Canon James Tipp
and
The Reverend Elaine Northern

RULING

1. This tribunal is dealing with complaints made against the two above named priests by the Venerable Peter Lock, Archdeacon of Rochester.
2. Canon Tipp was, and remains, Rector of Snodland with Lower Birling. He was also Rural Dean of Cobham. The Revd Elaine Northern was, and remains, Associate Rector in the same benefice.
3. Those complaints allege that each respondent deserted his or her spouse and set up home with the other respondent, this being conduct unbecoming or inappropriate to the office and work of a Clerk in Holy Orders, contrary to s.8(1)(d) of the Clergy Discipline Measure 2003. They further allege that each respondent permanently deserted his or her office as Rector or Associate Rector (we shorten the precise wording), such conduct being neglect of duty contrary to s.8(1)(c) of the same Measure.
4. The complaints are admitted so the tribunal has to deal only with penalty.

5. The tribunal received written submissions from the Designated Officer, Mr Adrian Iles, and from the solicitor for the respondents, Mr HJ Dellar.
6. The tribunal met in London on 16th December to consider those submissions. Dr Hugh Mason was not present at that meeting but discussed the matter with the chairman both before and after it and agrees with the decisions made.
7. The background is as follows. Canon Tipp has been in the parish since 1982 and has been Rural Dean since 1996. Mrs Northern was ordained deacon in 2003 after which she served as curate in the parish. She was ordained priest in 2004 and became Associate Rector in 2007.
8. The two respondents worked closely together.
9. On 4th February 2008 they both left their homes, their spouses and their offices as Rector and Associate Rector respectively. Canon Tipp left a note for his wife to say that he was leaving her and setting up home with Mrs Northern.
10. On 5th February the Archdeacon received a letter signed by both respondents. This letter was also addressed to the Diocesan Bishop, the Rt Revd Dr Michael Nazir-Ali.
11. In the letter the respondents say that during their working relationship of four years their feelings for each other had moved from friendship to being very much in love. They found it impossible to walk away from their feelings but realised the deep hurt this would cause to their partners and to the parish.
12. The letter concludes "We cannot say sorry for our feelings despite knowing that they will cause pain and hurt. We hope that in time that pain will ease and all will be able to get on with their lives. It would be true to say that our feelings have created huge moral, emotional and theological questions within us; our faith is under real stress as we struggle with ourselves and with God in all of this. We can only ask for all the years of faithful service within the church to be considered for ourselves as well as for those we leave behind".
13. The respondents have now set up home in Murston, approximately 18 miles from Snodland but in the Diocese of Canterbury.
14. Canon Tipp is 63, and approximately two years from retirement. Mrs Northern is 54.

15. The Diocesan Bishop proposed that both respondents should be removed from office and prohibited for life from exercising any functions of their orders. His reasons were:

- They had abandoned their parish and pastoral responsibilities without notice and without advising him initially of their whereabouts.
- They had both deserted their spouses, without notice.
- They had both been responsible for causing a major public scandal in the local community.
- They formed an inappropriate intimate relationship with one another while they were professional colleagues.
- He would not be able to recommend either of them again for ministry.

16. The respondents are not prepared to accept the bishop's proposal which is why the matter comes before us. They do however accept that they must be removed from office and prohibited for a determinate time.

17. Since February both respondents have been made respondents to petitions for divorce. They intend to marry each other.

18. Mr Dellar, in his submissions on behalf of the respondents, made a number of points. He said that the respondents had not come to their decision lightly, but that to remain with the spouses would have been dishonest towards their feelings for each other.

19. He referred to their lengthy service to the church, and produced a number of letters in their support, and an extremely generous email from Mrs Northern's husband dated 11th December 2008. Mr Dellar pointed out that Canon Tipp's appointment as an Honorary Canon of Rochester Cathedral in 2001 and his election to the Bishop's Council showed the regard in which he was held. The respondents both had had distinguished careers.

20. Mr Dellar referred to other cases involving sexual misconduct brought under the Measure, and pointed out that none, even the most notorious, had resulted in prohibition for life. The longest prohibition – twelve years - was that in the recent case of the Revd Teresa Davies.

21. He complained that the respondents had not received the pastoral support which they might expect under Paragraph 75 of the Code of Practice made following the Measure.
22. Paragraph 13 of Mr Dellar's submission reads as follows. "The respondents did appreciate that by leaving the parish in the way they did without notice may in retrospect not have been the best way of dealing with the issue. It has to be acknowledged though that the respondents were themselves in a great state of shock and stress at what was happening to them. They did consider both resigning and then divorcing Mr Northern and Mrs Tipp respectively but this course of action did not at the time appear to be better to them at the time (sic). They would have been immediately suspended so the parish would have been without pastoral care from the outset. They thought the press would still have been informed. The respondents felt that when they did in due course marry the people of the parish could have felt they had been deceived as the course of action seemed calculated. To commence divorce proceedings themselves under the circumstances seemed inappropriate and dishonest - they deemed it better for them to take the blame."
23. We have considered all these submissions very carefully, and in the light of the guidance given to tribunals by the Clergy Discipline Commission. We note all the excerpts from the Guidance set out in Mr Iles' submission, but in particular the references to prohibition for life and for a determinate period.
24. *Prohibition for life* – "This is the most serious penalty that can be imposed. It prevents the respondent without limit of time from exercising any functions as a member of the Church of England clergy. It should be imposed only where there

appears to be no realistic prospect of rehabilitating the respondent back into ministry because the misconduct is so grave.”

25. *Limited prohibition* - “This prevents the respondent from exercising any functions as a member of the clergy for a specific period of time. It is suitable for serious cases where there is a realistic prospect that the respondent, with appropriate pastoral and other support, could in the future resume normal duties of ministry.”

26. We note that the Guidance says that adultery is destructive of marriages and is hurtful and disturbing for the children of the families affected and that removal from office and prohibition, whether for life or for a limited time, are usually appropriate in such cases. We also note that the Guidance does not cover misconduct involving desertion of office.

27. We have considered the following factors in coming to our determination.

28. The public must understand that the church takes matters such as this extremely seriously.

29. The church must exercise forgiveness, but this does not involve pretending that something has not happened.

30. In this instance although the respondents felt that they should not be dishonest to their feelings for each other, that stance involves dishonesty to their marriage and ordination vows.

31. They were professional people having professional care for others. Mrs Northern is herself a trained counsellor (according to the letter in her support from Jane Rimmer).

32. The respondents could have dealt with the matter differently. Once they realised that they were developing feelings for each other they could have ensured that they no longer worked together.
33. Lack of pastoral care after matters came to light is unfortunate and may result from lost correspondence but does not affect the conduct and the responsibility of the respondents for that conduct.
34. Removal from office and prohibition do not amount to excommunication and do not prohibit those involved from giving faithful lay service to the church.
35. Although both respondents are spoken very highly of we find this to be small mitigation. Persons of their standing and intellect have a greater degree of responsibility for their actions than those without these advantages. It is also right to say that those in public positions, whether in the church or elsewhere, must consider those positions when making decisions in their private lives.
36. We have quoted paragraph 13 of Mr Dellar's submission because we want to make it plain that we have considered it carefully although we reject most of his arguments. It is not for us to dictate how the respondents should have gone about leaving their spouses and their posts but we cannot condone the courses which they took.
37. Paragraph 5 of Mr Dellar's submissions sets out the apologies which both respondents have now made, and their understanding of the hurt they have caused. We take this fully into account, and we also appreciate the fact that by admitting the complaints the respondents have relieved others from the distressing need to

give evidence, and the church of the trouble and expense of mounting a contested hearing.

38. The way in which the respondents went about matters in the early part of 2008 makes this case particularly serious. They abandoned their posts and spouses in a most public manner and without making appropriate provision for the parish. Indeed for some while it was not known where they were.

39. We have considered very carefully whether there is any mitigation in their cases. We have found it difficult to discover any.

40. There is no doubt that both respondents must be removed from office. There is no doubt either that they must be prohibited.

41. Our initial reaction was that it was impossible to see how either, having abandoned their responsibilities as they did, could ever be allowed to exercise any function of the clergy of the Church of England again.

42. We have also had to consider whether the responsibility of each respondent is the same as that of the other. We have come to the conclusion that that of Canon Tipp is the greater. His was the cure of souls. He had ultimate responsibility for the parish and as Rural Dean. His experience as a priest was much the longer. We have therefore concluded that our initial reaction was correct and that it will not be possible for him to be rehabilitated into ministry. We therefore determine that he should be removed from office and prohibited for life.

43. We now turn to the position of Mrs Northern. Although her experience as a counsellor should have alerted her to her situation her position was subordinate to that of Canon Tipp and we take the view that there is the prospect that with

pastoral and other support it should be possible for her to resume the normal duties of ministry. We do however consider her behaviour, both in the commission of adultery and in her desertion of spouse and office to be particularly serious. In her case we determine that she should be removed from office and prohibited for a period of 12 years.

44. We have come to these conclusions having taken account of the cases cited to us.

Each case must be dealt with on its particular facts and we are satisfied that the determinations we have made are necessary upon the evidence placed before us.

We recognise that both Canon Tipp and Mrs Northern have given long and faithful service to the church. We recognise also that they have been highly regarded and we take note of all the documents placed before us. We very much hope that healing will take place, both within their own families and within the church. We also hope that Canon Tipp and Mrs Northern will be able to recognise their position and to give the further service to the church that they would wish.

His Honour Judge Samuel Wiggs (Chairman)

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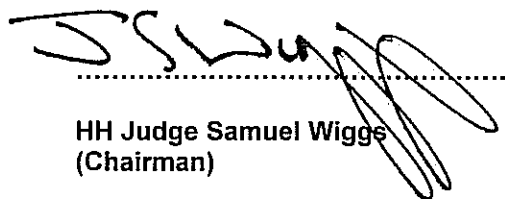
COMPLAINANT: THE VENERABLE PETER LOCK

RESPONDENT: THE REVEREND CANON JAMES EDWARD TIPP

PENALTY IMPOSED BY THE TRIBUNAL

The Respondent having made admissions under Rule 43 of the Clergy Discipline Rules in relation to the complaint lodged by the Complainant on 12 February 2008 **We order** that:

1. The Respondent be removed with immediate effect from holding office as incumbent of the benefice of Snodland with Lower Birling in the diocese of Rochester and cease to hold this or any other ecclesiastical office or appointment which he may currently hold, under s 24 (1)(c) of the Measure; and
2. The Respondent be prohibited for life (that is, without limit of time) from exercising any of the functions of his Orders, under s 24(1)(a) of the Measure; and
3. The Respondent's name be forwarded to the Archbishops of Canterbury and York for inclusion on the List maintained by them under s 38 of the Measure



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HH Judge Samuel Wigge
(Chairman)

Dated 22 December 2008

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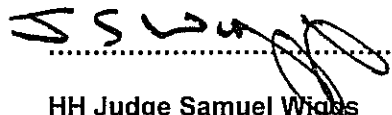
COMPLAINANT: THE VENERABLE PETER LOCK

RESPONDENT: THE REVEREND ELAINE JOY NORTHERN

PENALTY IMPOSED BY THE TRIBUNAL

The Respondent having made admissions under Rule 43 of the Clergy Discipline Rules in relation to the complaint lodged by the Complainant on 12 February 2008 **We order** that:

1. The Respondent be removed with immediate effect from holding office as Associate Rector of the benefice of Snodland with Lower Birling in the diocese of Rochester and cease to hold this or any other ecclesiastical office or appointment which she may currently hold, under s 24 (1)(c) of the Measure; and
2. The Respondent be prohibited for the period of twelve years from exercising any of the functions of her Orders, under s 24(1)(b) of the Measure; and
3. The Respondent's name be forwarded to the Archbishops of Canterbury and York for inclusion on the List maintained by them under s 38 of the Measure



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**HH Judge Samuel Wiggs
(Chairman)**

Dated 22 December 2008