

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

Before the Bishop's Disciplinary Tribunal for the Diocese of Durham
Between:-

The Venerable John Stuart Bain

Complainant

And

The Reverend David George Huntley

Respondent

Decision and reasons of the Tribunal consisting of:-

**HHJ Sarah Singleton QC,
The Reverend David Dixon,
The Reverend Karen Smeeton,
Mrs. Sue Champness,
Mr. Ramsay Lunn.**

1.1 The Tribunal was appointed as a result of the decision on 16th October 2015 of the Deputy President of Tribunals, Sir Mark Hedley. He recorded that a complaint had been made by the Archdeacon of Sunderland (the Complainant) and that the Bishop of Durham had directed an investigation by the Designated Officer. The Deputy President, after consideration of the resulting report, explained that discussions about a voluntary penalty had been inconclusive because the Respondent and the Bishop differed significantly about the gravity of the conduct involved although the conduct itself is admitted.

1.2 The Deputy President was satisfied that there was a case for the Respondent to answer before a disciplinary tribunal and formulated a charge as follows:-

“That the conduct of the respondent, the Rev David George Huntley, was unbecoming or inappropriate to the office and work of a Clerk in Holy Orders within Section 8 (1) (d) of the Clergy Discipline Measure 2003 in that, whilst vicar of St Lawrence Horsley Hill, he has had a sexual relationship outside wedlock with a member of the congregation, CG, whom he instructed and prepared for baptism in December 2014, and who has become pregnant with the respondent's child.”

The Facts leading to the complaint

2.1 *These facts are not disputed and are therefore adopted as the findings of the Tribunal. They were elicited from the documents and during the submissions of the Respondent made at a directions hearing conducted by the Panel Chair, Judge Singleton on 15th March 2016 and at the hearing before the Tribunal on 12th April 2016.*

a. The Reverend David George Huntley (the Respondent) was ordained in 2008 having been ordained a deacon in 2007. In 2011 he became the Vicar

of St Lawrence, Horsley Hill in the Diocese of Durham (the parish). He is a single man having been divorced from his wife in 1998. There is one adult child of that marriage. He is now 52 years old.

- b. On 16th March 2015 the Respondent met with the Complainant for a review of his ministerial development.
- c. On 19th March 2015 the Respondent emailed the Complainant as follows:-

*“I wish to apologise profoundly for doing this, your having been so generous in my MDR. There is an issue I should have raised, but really have been confused and it was good to see the possibilities for St Lawrence’s without being clouded by anything else. Though I think all we discussed will stop being relevant.
I can only say how deeply sorry I am to have to let you know that (I) have been growing close to one of my parishioners, which has gone further than it should and she is now pregnant”*
- d. That parishioner was CG who was then 24 or 25 years of age and a single mother of two children ChG (then 8 years old) and PhG (then 2 years old) Her relationship with their father had broken down in or about 2013.
- e. On 27th October 2015 SG was born of the relationship between CG and the Respondent. They remain in a committed relationship and now wish to get married. They are prevented from doing so only because they wish to marry in church and have not felt able to pursue the question of the necessary permission to do so whilst the Respondent has been in dispute with the Bishop in this CDM matter.
- f. At the hearing before the panel on 12th April 2016 (at which the Respondent was sworn) and at the earlier directions hearing on 15th March 2016 more details of the conduct in issue emerged.
- g. CG had begun to attend St Lawrence’s in the summer of 2014 together with her two children. The Respondent had prepared her for baptism together with one or two other mothers who had begun to attend the church with their children. She was baptised on 7th December 2014. During the preceding autumn she had become actively involved in the life of the church and the Respondent began to visit her at her home in the evenings. They became friendly.
- h. One evening shortly after CG’s baptism when the Respondent was at her home her ex partner and the father of the older two children came round. He did not like what he saw and punched the Respondent. In the aftermath of this incident the Respondent and CG became intimate and at least some sexual touching took place between them. He originally said that this was the first occasion of full sexual intercourse. CG told the Tribunal that they had only kissed but the kissing she described was plainly kissing with a sexual overtone. After that on 2 or 3 more occasions they did have full sexual intercourse despite their resolve not to do so. CG continued to

worship in the parish. SG's birth date would suggest that one of those occasions must have been towards the end of January. The Respondent explained that he had not mentioned any of this at his MDR session because the pregnancy had not been confirmed at that point and might not have been viable.

- i. His email to the Complainant prompted the complaint process which is set out below. The Respondent was not suspended from his office but agreed voluntarily to desist from exercising his ministry and has not done so since the Complaint was issued.
- j. He went to reside outside the parish but returned to the vicarage after the birth of SG in order to support CG. He remains resident there now. He has claimed sick pay at points during the process.

The process

- 3.1 On 19th March 2015 after his email to the Complainant the Respondent went to see the Bishop of Jarrow and after that meeting prepared a statement which is included in the bundle of documents prepared for the tribunal (the "Tribunal bundle").
- 3.2 The Complaint in this matter is set out on Form 1a and is dated 26th March 2015. The Respondent's Answer to the Complaint is dated 30th April 2015. He had ticked the box confirming his admission of the misconduct alleged in the Complaint.
- 3.3 A hearing took place on 15th March 2016 before the Tribunal chair both for the purposes of case management and issues resolution. The Respondent confirmed and the resulting order records that the issue for the Tribunal to resolve was that of the gravity of the conduct alleged. The Respondent has from time to time in correspondence appeared to question whether the conduct he admitted did constitute misconduct sufficient to justify the processes which have been applied. He acted in person during the hearings and in correspondence although he has consulted a solicitor at some point during the process.
- 3.4 The Tribunal bundle included all the relevant documents, a case summary by the Designated Officer and a response by the Respondent.

4 The principles applied by the panel

- a. The conduct admitted by the Respondent is in breach of the teaching of the church that sexual intercourse properly belongs within marriage exclusively.
- b. The conduct admitted by the Respondent is in clear breach of the expectations of the clergy which are conveniently set out in the Guidelines for the Professional Conduct of the Clergy. Our references are to the Revised Edition 2015:-

One of the primary aims of the Guidelines is : “To encourage the clergy to aspire to the highest possible standards of conduct throughout a life time of ministry”

Among other matters the Guidelines provide:-

- 1.2 Ordained ministers bear the privilege and responsibility of being servants and leaders in the ministry of the Church. As pastors, spiritual guides and representatives of the Christian faith, they are in a position of trust in their relationships with those for whom they have pastoral care.
- 2.7 There is a risk in all pastoral work. The appropriateness of visiting and being visited alone, especially at night, needs to be assessed with care...
- 2.8 It is essential in pastoral care to acknowledge appropriate physical, sexual, emotional and psychological boundaries. Inappropriate touching or gestures of affection are to be avoided...
- 2.9... The responsibility for maintaining appropriate boundaries always rests with the clergy, however difficult or challenging the pastoral relationship may prove to be.
- 9.1 The reputation of the Church in the community depends to a great extent on the integrity and example of its clergy, who should recognise their role as public representatives of the Church. Their lives should enhance and embody the communication of the gospel.
- 10.1 The clergy are called to an exemplary standard of moral behaviour... There is no separation between the public and home life of the clergy: at all times and in all places they should manifest the highest standards of personal conduct.

c. Principles applied in considering the appropriate penalty

- i. The panel was referred to and was guided by paragraph 4 of the Code of Practice issued by the Clergy Discipline Commission and in particular the need to have regard for the impact on the wider church and the standing of the clergy generally of the conduct under consideration.
- ii. We noted the citation and application by the Chancery Court of York in Re the Reverend David King (April 2008) of the Court of Appeal’s observations in *Bolton v Law Society* [1994] 1 WLR 512 B-E
“The reputation of the profession is more important than the fortunes of any individual member”
We also noted from Re the Reverend David King (April 2008) that the Court in that matter did not consider it appropriate to take into account periods of suspension when fixing the length of any prohibition (paragraph 17 of the Chancery Court of York’s Determination)
- iii. We took into account the remarks of the Court of Arches in Re the Reverend David Gilmore (April 2011) at paragraph 42 emphasising the important link between clergy conduct and the reputation of the Church in the community.
- iv. The panel was referred to and took into consideration the Guidance on penalties issued by the Clergy Discipline Commission and in particular the following factors:-

The period of time the misconduct lasted; the longer the period of time during which the misconduct was committed, the more serious it becomes.

Whether any harm has been caused; the greater the harm caused the more serious the misconduct becomes.

Whether a respondent has readily admitted the misconduct and demonstrated repentance, remorse and a willingness to learn from past errors. An important factor in mitigation is where there is a frank admission of misconduct at the earliest opportunity and an attempt to put right, in so far as possible, the consequences of the misconduct.

The hearing

- 5.1 The Designated Officer opened the case to the Tribunal by reference to his Case Summary.
- 5.2 The Respondent replied. He acceded without any objection to the Chair's request that he be sworn before he did so because it was anticipated that his contribution was likely to consist both of factual assertions and arguments. CG was in attendance throughout the hearing and was also invited by the panel to speak. She did so on oath for the same reasons. She had, in fact, prepared a short written contribution which the Tribunal received and read. We were grateful to the Designated Officer for taking no objection to this. The document is now added to the bundle of documents.
- 5.3 The Tribunal retired to consider its decision which was announced at the end of the hearing.

The Tribunal's decision and reasoning

- 6.1 This matter had to come before the Tribunal because of the fundamental difference between the Bishop and the Respondent as to the measure of gravity of the admitted misconduct. This difference was still apparent. The Tribunal noted that the Respondent sought from time to time, both in documents and in his oral contributions, to step back from his admission if it were to be accorded the measure of gravity allotted to it by the Bishop.
- 6.2 Our reasoning as to gravity was as follows:-
 - 6.2.1 The misconduct alleged was in clear breach of the teaching of the church that sexual intercourse properly belongs within marriage exclusively.
 - 6.2.2 In this case sexual intercourse took place between 2 and 4 occasions¹ when the relationship between the Respondent and CG was neither marriage nor that of

¹ At the hearing on 15th March 2016, the Respondent told the Chair, for the purposes of preparing the Chronology attached to the case management order of that day that sexual intercourse took place first on the same evening as the assault upon him by CG's ex partner in December 2014. He said that sexual intercourse subsequently took place on 2 or 3 occasions during January 2015. That remained his recollection at the hearing on 12th April 2016 but was not shared by CG who told the Tribunal that on the evening of the assault they

a committed monogamous relationship outside marriage. It took place on the accounts of both of them simply because they were unable to control their sudden physical desire for each other.

6.2.3 The misconduct alleged occurred in a context which aggravates its gravity as follows:-

- The Respondent had been visiting CG's home alone during the evenings for some little time before the first occasion of sexual touching. He was doing so apparently for his professional purposes to have her input for the preparation of material for children's work at St Lawrence's. He was doing so in breach both of his own professional conduct guidelines and of good sense. The Tribunal considers that it should have been obvious to him if not by reference to the former (which he told us he had not read) but by the exercise of the latter that his position was deeply professionally conflicted.
- CG was a parishioner, new to the church. The Respondent was preparing her for baptism.
- The professional relationship between the Respondent and CG was one wholly inconsistent with the development of any sexual intimacy whether sexual desire was suddenly experienced or had gradually built up.
- Whether the commencement of sexual touching between them was as a result of a gradual development of attraction or a sudden mutual desire the misconduct endured several weeks before the Respondent admitted it to the Complainant and then only when a viable pregnancy had been confirmed.
- The boundaries which should have been self imposed by the Respondent by reason of the professional relationship between him and CG would undoubtedly apply in other secular professional settings (viz doctor and patient, teacher and pupil, lawyer and client by way of a non exhaustive list of examples)
- The need to avoid any sexual intimacy with someone over whom one has been put in a position of trust should apply absolutely to a member of the clergy upon whom there is an obligation for both professional and spiritual reasons to maintain standards of moral behaviour which are higher than those of the wider community, or as expressed in the guidance "an exemplary standard".

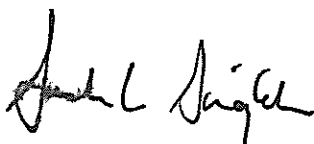
6.2.4 The documents before the Tribunal include references to CG's age relative to the Respondent's as an aggravating factor. She is now 26 years old and was 24-25 at the time of the conception of SG. The Respondent is now 52 years old. This is, on the face of it, a startling age difference. After hearing from CG the panel were less concerned about this factor other than as a matter which might aggravate the wider community's perception of the conduct. The Tribunal were satisfied that CG is very much her own person with regards to her moral and sexual decision making and that the present dynamics of the relationship show that she is at least an equal with the Respondent. The Respondent and CG argue that their relative ages are therefore irrelevant. The Tribunal would agree to the extent that we are satisfied that this is not a question of an older man taking advantage of a younger woman vulnerable to his role of being in charge of her spiritual development.

had kissed in a sexually intimate manner but had not had intercourse; she said that there were two occasions of intercourse in January 2015. The Tribunal did not consider it necessary to resolve this issue for the purposes of our determination as to gravity and penalty.

- 6.2.5 The Tribunal are clear that we acknowledge the joy to the Respondent and to CG of the birth of SG who is plainly a much loved and wanted child albeit unplanned. It is not, of course, any part of our reasoning that she has been harmed or causes anyone any harm.
- 6.2.6 The Tribunal are also clear that the harm that has been caused in this matter is hurt to the congregation and harm to the wider community's perception of the clergy generally. So far as the former is concerned the Tribunal was informed that there is a dispute between the Respondent and the Complainant as to the feelings of the congregation at St Lawrence about what has happened. It seemed to the Tribunal that it would be destructive to require evidence to resolve this. It is overwhelmingly likely that within that congregation there will be some with strong feelings in support of the Respondent and some with strong feelings of condemnation. That very dispute demonstrates in itself the hurt and harm caused by the misconduct.
- 6.2.7 Similarly the misconduct as a breach both of the church's teaching on sexual intimacy and as a departure from proper professional standards necessarily harms the perception of the Church by the wider community.
- 6.2.8 The Respondent's approach to this matter is now one of rather angry indignation at the gravity accorded it and of complaint about how the processes necessary to resolve the dispute between him and the Complainant have impacted upon him. The Tribunal attempted to explain to the Respondent that the Tribunal's jurisdiction is not to determine whether the employment processes of the Diocese have been appropriate or fair and it makes no comment upon the Respondent's apparent grievances with regard to that. The Respondent sought to argue that it was the disciplinary process and not the conduct which prompted it which brought the church into disrepute. This was the essence of CG's contributions as well.
- 6.2.9 The Tribunal acknowledged with sadness the Respondent's evidence of the adverse impact of the process upon his physical and mental health, and also noted that his position as Vicar of Horsley Hill went against the recommendation of a report following a series of counselling sessions in 2010 that 'a future move to a team or shared ministry would be preferable to a single parish situation'. However, the Tribunal agreed that the Respondent still needed to accept personal responsibility for his failure to seek appropriate support and guidance as soon as he realised that his relationship with CG was beginning to conflict with good practice, and that his refusal to accept responsibility for this, or for his subsequent choices and actions, at an early stage in the process, was a significant contributory factor in the extent of the stress he had suffered
- 6.2.10 It is therefore an aggravating feature of this misconduct that the Respondent fails to appreciate its gravity. The Tribunal observed a failure on his part to acknowledge the extent of his departure from the exemplary standards of conduct required of the clergy and a failure to acknowledge that whilst he should be able to expect forgiveness and rehabilitation it is a necessary part of such a process and not inconsistent with it that there should be a due penalty for the misconduct sought to be forgiven. He rejected the concept that his standards of behaviour as someone in Holy Orders particularly with regard to sexual conduct should be much higher than those of others and that the responsibility for maintaining such standards was his and not CG's.

Conclusions

- 7 In all the circumstances and for the reasons set out in this document the Tribunal considered the admitted misconduct to be a more serious matter than is conceded by the Respondent. Our assessment of gravity is in line with that of the Bishop having regard for the penalty he had proposed in 2015 to the Respondent.
- 8 The Tribunal agrees with the Complainant's perception that it is inconceivable that the Respondent could continue his ministry at St Lawrence's and his continued aspiration to do so is another manifestation of his failure to comprehend the gravity of what has happened and the harm and hurt done by it. He has declined to resign from his preferment and it is therefore necessary for the Tribunal to order that he be removed from office.
- 9 The Tribunal also considers that the misconduct alleged should be marked by a period of prohibition from exercising ministry
- 10 In determining the length of the period of prohibition the Tribunal considered the features of the admitted misconduct and the agreed facts which aggravated and mitigated the proper penalty. The Tribunal members were unanimous in their conclusions and saw no reason to depart from the penalty suggested to the Respondent by the Bishop of Durham of 2 years prohibition from exercising the functions of his Orders. This seemed to the Tribunal properly to match the gravity of the conduct. We considered carefully the Respondent's argument that the impact of the last year upon him has been punishment enough but concluded that this would run contrary to the reasoning of the Chancery Court of York in Re the Reverend David Charles King (April 2008) (see above). We also considered that to shorten the period of prohibition to reflect the Respondent's suffering during the last year would represent an endorsement of the approach of the Respondent as to gravity of his misconduct which the Tribunal fundamentally does not endorse.
- 11 During the hearing before the Tribunal the Respondent and CG repeatedly expressed a wish to receive forgiveness and love and for him to be rehabilitated. The Tribunal's purpose in imposing any penalty is not only to mark the gravity of the misconduct of the Respondent but also to allow enough time for him to reflect both on his own and with guidance upon the events which brought this process about and his responsibility for them. It is the hope of this Tribunal that the Respondent may eventually see the imposition of this penalty as part of such a process and be assisted in the future to return to his calling.



HHJ Sarah Singleton QC



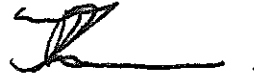
The Reverend David Dixon



Mrs. Sue Champness



The Reverend Karen Smeeton



Mr. Ramsay Lunn

Dated

5th May

2016