

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

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

Mr Andrew Thurston

Complainant

And

The Reverend David George Huntley

Respondent

Decision and reasons of the Tribunal consisting of:-
HHJ David Turner QC
The Revd Canon Geoffrey Ravalde
The Revd Canon Veronica Hydon
Mr Ian Garden
Mrs Alison Shacklady

I CERTIFY THIS TO BE A TRUE COPY OF
THE ORIGINAL

REGISTRAR OF THE DIOCESE OF YORK
DATED THIS 29 DAY OF October 20 17

1. By an order dated the 25th February 2017 Sir Mark Hedley, the Deputy President of Tribunals, referred for hearing a complaint against the respondent dated the 12th October 2016 made by Andrew Thurston, diocesan secretary of the Diocese of Durham.
2. The Deputy President was satisfied that there was a case for the respondent to answer and formulated the charge thus:
"The conduct of the respondent, the Revd. 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, having been removed from office as the Vicar of St Lawrence, Horsley Hill, by a bishop's disciplinary tribunal on 12th April 2016 for misconduct, he made a fraudulent claim under an income protection policy by falsely claiming that he had been made redundant as the result of a re-organisation of parishes in the deanery and, in support of his fraudulent claim, relying on the letter he had forged, which letter purported to be from the Bishop of Durham dated 21st April 2016"
3. The Tribunal chair gave case management directions by order of 3rd July 2017. A timetable for filing of evidence was set and directions requiring the identification of the issues were given. The respondent was, in particular, expressly required to indicate if he accepted the contested letter of 21st April 2016 purporting to be from the Bishop of Durham was a fabrication.
4. Further, the respondent was required to indicate (a) whether or not he intended to attend a final hearing in person; (b) whether or not he intended to be legally represented; and, (c) which, if any, of the Designated Officer's witnesses he required to attend for oral evidence and cross examination.
5. The respondent filed no evidence, nor did he respond to any of the directions given.

6. He has not communicated with the Registrar of Tribunals or the Designated Officer.
7. He was given notice of the final hearing, to be heard on 16th October 2017, by a letter dated the 13th September 2017.
8. As a further precaution, he was served personally at an address in County Durham by a process server, Simon Bennett, on 27th September 2017. A Certificate of Service dated 2nd October 2017 was available to the Tribunal.
9. The respondent did not attend the final hearing nor was he represented.
10. The relevant background may be stated shortly.
11. The respondent, now aged 54, was ordained deacon in 2007, priest in 2008. In 2011 he became Vicar of St Lawrence, Horsley Hill, in the Diocese of Durham.
12. On or about the 6th May 2015 the respondent obtained an income protection policy with Marketing and Management Services Ltd, trading as MMS. Under the terms of the policy no claim was payable if unemployment was caused by dismissal due to any misconduct. This included conduct that led to, or might have led to, a disciplinary procedure being taken by an employer.
13. In fact, during 2015/16, pursuant to a complaint made on the 26th March 2015, the respondent was subject to disciplinary proceedings under the Clergy Discipline Measure 2003.
14. At a hearing before a disciplinary tribunal, chaired by Her Honour Judge Sarah Singleton QC, which concluded on 12th April 2016, the respondent was removed from office and prohibited from exercising ministry for a period of two years, with effect from 12th April 2016.
15. That tribunal found the respondent guilty of ‘conduct unbecoming or inappropriate to the office and work of a Clerk in Holy orders’, contrary to s.8 (1)(d) of the 2003 Measure.
16. The background to those disciplinary proceedings, and their outcome, is to be found in the detailed Decisions and Reasons of the Tribunal dated 5th May 2016 and in the Decision of the Chancery Court of York, dated the 4th August 2016, upon the respondent’s subsequent, and unsuccessful, applications for permission to appeal.
17. Both decisions are matters of public record, readily available on the Church of England web site to anyone wishing to read them.
18. Following the tribunal hearing, which concluded on 12th April 2016, the Bishop of Durham, the Rt. Revd. Paul Butler, wrote a letter dated the 21st April 2016 to the respondent explaining, inter alia, the penalties imposed, their practical consequences, and indicating to the respondent his stipend would cease from 30th April 2016.
19. By a completed Claim Form, signed and dated by the respondent on 17th June 2016 and submitted to the insurers, the respondent purported to initiate a claim under the policy previously mentioned.
20. Significantly, in reply to a question on the form: “What is the reason for your unemployment?” the respondent wrote: “Re-organisation leading to redundancy of post”. That was a plainly untrue statement.
21. Further, in reply to another question on the form: “What date were you first made aware of your impending unemployment?” the respondent wrote: “23rd April 2016”. Again, that was, to say the least, somewhat misleading.
22. In an apparently undated letter from the respondent to the insurer in which he had purported to request a Claim Form, the respondent had said this:

“I am sad to say that I am needing to make a claim due to unemployment. I realise on reading your terms and conditions that I should have done so earlier but had thought that it would not be necessary if I found another job quickly, sadly a month later I still find myself looking for work. Reasons for delay was (sic) the suddenness and shock of hearing that my post was to become redundant at short notice, and to vacate the vicarage within a month meant that there has been a lot to contend with. I received a letter on the 23rd April from the bishop informing me that my last stipend would be paid on 30th April and that I had a month to vacate the vicarage. The reasons given are that as a part of deanery reorganisation, structures were changing and that the services in my parish for the foreseeable future would be covered by a bank of retired ministers. While the reasons given are stated as ‘pastoral reorganisation’ the reality is financial cutbacks. It is on this basis that I am looking to make a claim.”

23. Again, this was, on its face, a profoundly dishonest letter.
24. The reference to ‘a letter on the 23rd April from the bishop’ related to the letter dated the 21st April which the complainant asserted was a forgery.
25. That letter was in these terms:

“I understand from Archdeacon Stuart Bain that in the latest reorganisation of parishes in the deanery that your post is to become redundant effective from 30th April 2016. I know that you will find this decision difficult as it means that you can no longer exercise your ministry as a priest there.

 1. *I require you to vacate the vicarage and return all keys to the Diocesan Office as soon as possible, but by no later than May 31st 2016.*
 2. *I need to inform you that your stipend will cease from April 30th 2016.*
 3. *I have to make it clear that you may not exercise ministry in kind (sic) of way in an Anglican Church unless you hold a bishop’s licence.*

Having made all this clear, it is my responsibility to seek to support you so that serious consideration for another appointment may be possible. I would be happy to meet you to talk it all through. I recognise this may not n(sic) be easy, but hope you will give it full consideration. I ask you to respond to this letter simply writing that you have received it and that you will comply with points 1-3 above within seven days of this letter. You and all the family are in my prayers”.
26. This letter purported to be on the Bishop’s (official) headed notepaper and to bear the Bishop’s (personal) signature. The letter contained a number of apparently minor typographical and other errors, as well, of course, as being fraudulent.
27. On the 24th June 2016 the Diocese of Durham received, via the Bishop’s office, a letter of 21st June from the insurers explaining that the respondent’s claim was being dealt with and seeking certain information. Attached to the letter was a signed authority from the respondent for information to be shared.
28. The Diocesan office, unaware at that stage of the respondent’s precise claim, sought to answer in writing various questions posed by the insurers.

29. On the 25th July 2016 the diocesan secretary received a telephone call from Miss Faye McEntee of MMS Claims Department requesting a copy of ‘the Bishop’s letter of 21st April 2016’ to the respondent.
30. Upon taking legal advice, Mr Thurston was counselled that, for reasons of confidentiality, disclosure of that letter would require the respondent’s consent.
31. The respondent declined to consent to disclosure and the insurers were notified accordingly by an e mail of 11th August 2016.
32. On 12th August 2016 Miss McEntee made further contact with Mr Thurston, inviting him, at the very least, to confirm the authenticity of the (other) letter of 21st April 2016 – that purporting to come from the Bishop which the respondent had submitted in support of his insurance claim.
33. It became immediately apparent to Mr Thurston that letter was not the one held on file and written by the Bishop. It was plainly not genuine and gave a wholly false reason for the termination of the respondent’s ministry. There had been no such reorganisation of parishes and certainly no redundancy.
34. On the contrary, the respondent’s ministry had been terminated as a direct result of the penalties imposed by the earlier disciplinary tribunal.
35. It was plain to Mr Thurston the letter supplied to the insurers was a forgery.
36. He duly informed Miss McEntee of this by an e mail of 15th August 2016 and she responded on 18th August confirming that the respondent had no valid claim under his policy.
37. A letter of the same date, in robust terms, was sent by Miss McEntee to the respondent rejecting his claim and cancelling his policy.
38. At the final hearing on 16th October 2017 the Tribunal considered the statement of Andrew Thurston of the 17th July 2017, and its exhibits, adopted on oath before us, and heard the representations of the Designated Officer.
39. The witness evidence was unchallenged.
40. The Tribunal was wholly satisfied the respondent had had notice of the directions by a letter dated 3rd July 2017 and of the final hearing by a letter of 13th September 2017. The latter had enclosed the hearing bundle. He had later also been personally served.
41. He had plainly chosen not to participate or attend. There was no basis for the Tribunal to adjourn proceedings.
42. It was beyond argument that the conduct alleged, if proved, would amount to grave, indeed criminal, misconduct by the respondent.
43. It is a criminal offence contrary to the Forgery and Counterfeiting Act 1981 s.1 to make a false instrument (such as a letter) with the intention that it should be used to induce someone to accept it as genuine and, by reason of so accepting it, to do or not do some act to [their] prejudice.
44. Further, the respondent by his actions, if proved, was probably also guilty of the offence of fraud, contrary to the Fraud Act 2006 s.1, by dishonestly making a false (i.e. untrue or misleading) representation with a view to gain or with intent to cause loss or to expose to a risk of loss [for the insurers].
45. The Tribunal was somewhat surprised to learn that, having been informed of the matter on 22nd August 2016, the Durham Constabulary had considered this a ‘civil matter’, and proposed to take no police action.
46. The Tribunal must determine all factual issues, and the complaint must be proved, upon a balance of probability.
47. Here the Tribunal considered the evidence to be overwhelming.

48. The Tribunal made the following principal (and unchallenged) findings of fact
- (i) The chronology of events set out hereinabove in paragraphs 10-37 was proved.
 - (ii) The respondent forged a letter from the Bishop of Durham.
 - (iii) The respondent submitted that forged letter in support of his claim under an insurance policy.
 - (iv) The claim was fraudulent and in making it the respondent acted deliberately, deceitfully and dishonestly.
 - (v) The respondent's conduct was unbecoming and inappropriate to the office and work of a Clerk in Holy Orders under s.8(1)(d) of the 2003 Measure.

Penalty

49. By the letter dated 13th September 2017 the respondent had been informed that, if appropriate, the Tribunal would proceed to consider penalty at the conclusion of the final hearing.
50. No representations have been received from him, or on his behalf, by the Registrar of Tribunals.
51. The Tribunal had regard to the range of powers available, to the Code of Practice and to the Guidance on Penalties (2012 revision).
52. The Tribunal received the further oral representations of the Designated Officer.
53. It was not in all the circumstances considered necessary to invite the Bishop to make written representations on the appropriate penalty.
54. The Tribunal considered this to be grave, indeed criminal, misconduct.
55. It fell very far short of the high standard of behaviour expected of clergy.
56. It involved a high degree of deceit and dishonesty and, of necessity, a significant, and deeply unattractive, degree of planning and calculation in the generation of a (potentially convincing) forged letter bearing what purported to be the Bishop's signature and under the Bishop's letterhead.
57. Further, the misconduct swiftly and cynically followed hard upon the earlier (if significantly different) disciplinary proceedings from which the respondent appeared to have learnt little. The outcome of those disciplinary proceedings was very seriously, and publically, misrepresented. We regarded the proximity of the present matter to those previous proceedings a significant aggravating feature.
58. The respondent chose not to co-operate with the present proceedings and has, regrettably, demonstrated to the Tribunal no apparent signs of remorse or regret at his misconduct. He has made no admissions, offered no explanation, advanced no mitigation and tendered no apology.
59. The Tribunal, in all the circumstances, saw little realistic possibility of his ever being able to resume the normal duties of the ministry of a Church of England priest, even with pastoral and other support.
60. Had he not already been removed from office the Tribunal would, without hesitation, have so ordered.

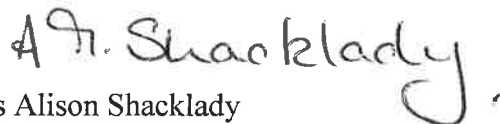
61. Not without considerable sadness, we have concluded that the appropriate penalty which we should impose in respect of the respondent's misconduct is one of prohibition for life. This was the unanimous decision of the Tribunal.
62. We also order the respondent's name to be entered on the Archbishops' List in accordance with s.38 of the Measure.



HHJ David Turner QC



The Reverend Canon Geoffrey Ravalde



Mrs Alison Shacklady



The Reverend Canon Veronica Hydon



Mr Ian Garden

Dated 27th October

2017