

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

**THE BISHOP'S DISCIPLINARY TRIBUNAL FOR
THE DIOCESE OF LONDON**

Complainant: The Venerable Duncan Jamie Green
Respondent: The Reverend Martin Waswa
Appearances: Mr Adrian Iles, Designated Officer for the Complainant
Miss June Rodgers, Counsel for the Respondent

WRITTEN REASONS FOR PENALTY
Delivered on 1 February 2017

Introduction

1. This is a determination by the Tribunal of the penalty in the above matter. The conduct alleged by the Complainant was admitted by the Respondent in writing within his Answer to the Complaint dated 2 April 2016 and orally by his Counsel at the hearing on 1 February 2017.
2. The Complaint was that of conduct 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, while married, the Respondent had an improper relationship from November 2015 to January 2016 with a woman who had contacted him through a dating website and to whom he falsely pretended to be an unmarried fundraiser for Christian Aid.
3. In exercise of its powers under Rule 49 of the Clergy Discipline Rules 2005, the Tribunal, being satisfied that its determination of the Complaint should be anonymised for the protection of the Respondent's wife, the other woman involved, and all the children of both women and at the request of the Parties, hereby orders that neither their names nor any other identifying details should be published or otherwise made public.
4. The Complaint was made by the Complainant on 10 February 2016 and referred for preliminary scrutiny under section 11 of the Clergy Discipline Measure 2003,

which resulted in the Rt. Revd and Rt. Hon the Lord Bishop of London deciding under Section 12 of the Measure that there should be a formal investigation under section 17 of the Measure.

5. Following formal investigation of the Complaint, the President of Tribunals, pursuant to section 17(3) of the Measure, on 9 August 2016, referred the determination of the allegation set out at paragraph 2 above to this Tribunal.

The Hearing

6. The Tribunal heard Mr Iles put forward his outline of fact and submissions after which Miss Rodgers:
 - (a) formally admitted the Complaint on behalf of the Respondent; and
 - (b) made submissions by way of explanation and mitigation.

No witnesses were called to give evidence.

7. The Tribunal then retired to consider its decision on penalty.
8. The Tribunal decided upon the penalty and delivered the same in open Court on 1 February 2017, namely that the Respondent be prohibited from exercising any of the functions of his Orders for a period of 12 (twelve) months from 1 February 2017 and further that he be removed from his Office as Assistant Curate of St John Upper Edmonton with effect from 1 May 2017.
9. The reasons for the penalty imposed were:
 - (a) The Tribunal had regard to the Clergy Discipline Commission's Guidance on Penalties and considered the circumstances of this case in the light of the particular matters there set out to assist Tribunals to determine proportionate penalties.
 - (b) The period of time during which there was an improper relationship between the Respondent and the woman was from 4th November 2015 to early January 2016, though contact between them continued until the end of January, shortly after the Respondent's wife discovered the relationship. That is the basis of the behaviour forming the Complaint, and the conduct in respect of which the Tribunal has assessed the penalty. The background to the behaviour is, however, part of the surrounding circumstances which gives a full picture of how the situation arose. The Respondent had subscribed to a dating website or websites from 2008, when he was under monastic vows within the Roman Catholic Church. He did not remove his name from the website or websites when he married in 2010. Whilst it may be the case, as he asserted, that he was

indeed engaged in charity work at the time when his name began to appear on the website(s) in 2008, this was in fact ancillary to his main occupation at the time, which was not mentioned on the website profile(s). He continued to allow himself to be held out in that way throughout the ensuing years and removed himself from them only at the end of January 2016.

- (c) The Tribunal considers that harm was caused to: the woman who was deceived into believing that the Respondent was a single man, without family responsibilities and a charity worker, and who thought that he was free to embark on a relationship with her; the Respondent's wife and her two children, by reason of the destabilising effect on the marriage and family life, although the Tribunal bears in mind that there were difficulties with the marriage before the Respondent replied to the woman's overture; the woman's family, especially her young son and some other children whom he met at Christmas 2015; the reputation of the Church in the eyes of the woman and her family, on their discovering that the Respondent was in fact a married priest in the Church of England.
 - (d) The Tribunal accepts that the Respondent admitted his misconduct in the Answer to the Complaint; he also wrote to the woman to apologise after his wife had found out about the relationship, and to the Bishop, although there is little recognition in these documents of the hurt caused to his wife; the Tribunal regards it as positive, however, that the Respondent and his wife are taking part in marriage counselling, which will continue for another twelve months.
 - (e) The Tribunal recognises that the Respondent was under a variety of pressures – feeling isolated in his ministry, which involved heavy responsibilities for a curate in training; he had also been through major spiritual, cultural and emotional upheaval, by reason of leaving the monastic community, being released from his vows, moving from Africa to the UK and from the Roman Catholic to the Anglican Church, marrying and taking on responsibility for his wife's two children then becoming a curate after a fairly short period of training.
10. In the circumstances, the Tribunal considers that this penalty is an adequate reflection of the seriousness of the admitted misconduct, while at the same time offering the Respondent and his wife a breathing space from clerical responsibilities to continue working at their marriage, which is a shared vocation; a limited period of prohibition also offers the opportunity for the Respondent to reflect on his priestly vocation with the prospect, the Tribunal hopes, of being able to resume ministerial duties in the future.

11. In particular, deferring removal of office until May 2017 mitigates the severity of the disruption to the Respondent's wife and her children by giving time for making arrangements for family adjustment and to find new housing.

Morag Ellis QC (Chair)

Revd Rebecca Clarke

Revd Henry Pryse

Michelle Tackie

James Turner