

CORRECTED TRANSCRIPT OF ORAL EVIDENCE

HOUSE OF LORDS HOUSE OF COMMONS MINUTES OF EVIDENCE TAKEN BEFORE THE ECCLESIASTICAL COMMITTEE

CORRECTED ORAL EVIDENCE: CLERGY CONDUCT MEASURE

TUESDAY 10 JUNE 2025

11.10 am

Evidence heard in Public

Questions 1 – 16

Oral Evidence

Taken before the Ecclesiastical Committee
on Tuesday 10 June 2025

Members present:

Baroness Butler-Sloss (Chair)

Catherine Atkinson

Juliet Campbell

Tom Collins

The Earl of Cork and Orrery

Jonathan Davies

Marsha De Cordova

Baroness Eaton

Lord Faulkner of Worcester

Lord Glenarthur

Lord Griffiths of Burry Port

Baroness Harris of Richmond

Lord Jones

Danny Kruger

Lord Lisvane

Baroness McIntosh of Hudnall

Luke Myer

Dr Al Pinkerton

Lord Shinkwin

Rebecca Smith

Lord Taylor of Holbeach

Dan Tomlinson

Examination of Witnesses

The Lord Bishop of Chichester, Chair, the General Synod Legislative Committee; The Reverend

Canon Kate Wharton, Prolocutor, Province of York; Edward Dobson, Deputy Head, Legal Office, National Church Institutions.

Examination of witnesses

The Lord Bishop of Chichester, Reverend Canon Kate Wharton and Edward Dobson.

Q1 The Chair: You are very welcome. May I ask the members of the committee to declare their interests?

Baroness Harris of Richmond: I am high steward of Ripon Cathedral and I have a nephew who is a priest in the Isle of Man.

Lord Glenarthur: I have an indirect interest to declare, in that I have been involved with a disciplinary issue involving a bishop in the Scottish Episcopal Church. Various comments that I have made have been in the press.

The Earl of Cork and Orrery: I am a trustee of Chichester Cathedral, governor of the Society for Advancing the Christian Faith and a trustee of my parish church.

Lord Lisvane: I am chair of the fabric advisory committee of Hereford Cathedral, a governor of Hereford Cathedral Perpetual Trust, a fee-earning organist, a churchwarden and I am married to an Anglican priest and rural dean.

Lord Jones: I chaired for 10 years a diocesan education board.

Lord Griffiths of Burry Port: Do we all have to declare even if we have nothing to declare? I have nothing to declare.

The Chair: You are a methodist minister.

Lord Griffiths of Burry Port: Yes, but that is before the Almighty, not this committee.

The Chair: I think mine are all past, so I do not think that I need to declare them.

Bishop, would you like to start discussing what you would like us to know?

The Lord Bishop of Chichester: May I first introduce the two witnesses? To my left is Canon Kate Wharton, who is prolocutor in the province of York and the chair of the steering committee for the Measure that is before us. On my right is Edward Dobson, who is the deputy legal adviser for the General Synod and has been the lead lawyer for this Measure.

The Chair: I think he drafted the Measure.

The Lord Bishop of Chichester: Yes, indeed. To set the scene a little, the most important thing to note is that this is replacing the 2003 Clergy Discipline Measure. I will point to two urgent reasons for doing this, though there will be others. The first is that

that Measure was drafted with a view to dealing with serious misconduct. That was the focus. When it first came into effect in the early years, we reckon that there were something like perhaps 10 cases a year. We have discovered that there are many more cases that are much more complex that are now coming through under this Measure. It is something like 100 cases a year. It has shown that the 2003 Clergy Discipline Measure is no longer fit for purpose. We are also seeing that not only are there more cases but they bring greater complexity and are demanding time and resources beyond anything that was envisaged back in 2003.

The history is that, after the IICSA hearings, which the Church of England, and indeed the Diocese of Chichester, were focused on, Bishop Tim Thornton set up a working party to look into how we might review our discipline processes. Bishop Viv Faull also was part of that. In 2020, the House of Bishops made a decision to proceed with a major review of the 2003 Measure. Since then, we have benefited, I hope, from the cases that have emerged of clergy discipline and failures in safeguarding, all of which have informed us of the shaping of the Measure that is before us.

There are just a couple of things to add. There will be rules for the Bill, which will be drawn up by the Rule Committee, the Chair of which is the Dean of the Arches, Morag Ellis KC. Also, with the hope and expectation that eventually this Measure will pass into law, provision for funding and recruitment to enable the Measure before us to function is already being considered and put in place. We hope that there would be a smooth transition into implementation, on the basis that you find that it is expedient and it passes through the processes.

The Chair: You, or I expect Edward, very helpfully provided three flowcharts. Would you like to take us through those, so we can see what happens on each of the three—the grievance, the minor misconduct and the major misconduct?

The Lord Bishop of Chichester: Yes, indeed. If I may say so, as a practitioner of the 2003 CDM, I still use the flowchart for that one. I will ask Edward to take us through this one.

Edward Dobson: I am very happy to do so. The flowchart is in three stages. The first page, entitled “Bringing a complaint”, is for complaints against deacons, priests and

bishops. There are slight amendments to deal with bishops and archbishops, but, broadly speaking, it is the same process.

Who may complain? Any person with a proper interest may complain. For the most part, that would be a church officer, so an archdeacon, who generally exercises discipline in the name of the bishop. A diocesan safeguarding officer would have a right to complain. Then there is anybody who experiences the misconduct, so the victim-survivor or the person perhaps who witnesses the misconduct in question.

We have also introduced a new power for a clergyperson to self-refer into the system, where they consider that perhaps they have themselves committed misconduct or a grievance is going to be made against them, as a point of recognition themselves that this is going to happen and they now wish it to be dealt with.

Once a complaint in writing has been made, it is laid before the responsible bishop, in box 2. That is section 16 of the Measure. For the most part, the responsible bishop is the diocesan bishop for the relevant clergyperson. The diocesan bishop forthwith is to send that complaint to somebody called the lead assessor. There are likely to be two lead

assessors, or possibly more if we think that capacity is needed. That person has an important role, because it is the lead assessor who will allocate the case to one of three tracks. The three tracks are the grievance track, the complaint of misconduct track and the complaint of serious misconduct track.

In short, if I can deal with those in reverse, a complaint of serious misconduct will be a complaint that, taken at face value, would result in the clergyperson being removed from their office and prohibited either for a limited period of time or for life. Those are the utmost serious complaints. We have, in the annex to the comments and explanations, provided some examples of the different tracks and the sorts of complaints that may fall into each category.

A complaint of misconduct would be something that is still misconduct under the Measure but would not, on the face of it, result in a removal from office or prohibition. For example, it might result in a warning letter, an injunction for the person to do more training, or advice and a reprimand for lower-level misconduct, but they would not be removed from their office.

A grievance is intended to be the lowest level of complaint. It is something that in law would not amount to misconduct. Some of the examples might be lateness for services, lack of preparation for services, low-level snapping or rudeness to parishioners or the general public and that sort of thing. It is something that needs a small intervention but not the full force of a disciplinary system.

Once the lead assessor has allocated the complaint to that track, it is then determined in different ways, which I will come on to in a moment. There are two points of importance to make at this stage. The lead assessor may recommend at that initial stage that the complaint be dismissed because, on the face of it, there is simply nothing in it. The lead assessor is not making an assessment of the facts. They are not making an assessment that this is true or not true but, occasionally, clearly on the face of a complaint, it is simply vexatious. There is nothing in it. Where the complaint is totally without merit, the lead assessor may say, "This should be dismissed", and the bishop is required to dismiss it.

There is, I hope the committee has seen, a provision in the Measure for the declaration of

what is called a restraint order against vexatious complainants. Where a person habitually makes a complaint that is totally without merit and is intended only to harass a respondent person, so if they had a number of complaints that were dismissed totally without merit, the bishop or a judge can declare that person vexatious and they will not be permitted to make any further complaints unless the prior permission of a judge is given.

The last thing to say before I very briefly take you through each of the tracks and how they are dealt with, is that there is something called a limitation period, which I am sure the Committee will be familiar with. At the moment, under the Clergy Discipline Measure, there is a 12-month limitation period for all cases, apart from some exceptions dealing with sexual misconduct against children. Following an IICSA recommendation, there are limitation periods for each of the tracks.

In terms of serious misconduct, there is no limitation and that is a retrospective effect, so it will apply to allegations of misconduct whenever they took place. For misconduct, there is a 12-month limitation from the last date of the incident or act or omission taking place. That is extendable by the lead assessor

where the lead assessor is of the view that there was a good reason why the point was not raised earlier within the 12-month limitation period. For grievances, there is a 12 month limitation period without the possibility of it being extended. Where somebody wishes to raise a grievance, they must do so within 12 months and thereafter they cannot raise it formally under this system.

Very briefly, in two minutes or so, I will take you through each of the tracks. On the second page you have the grievance track. Where a complaint is allocated as a grievance, the bishop dealing with it must appoint a designated person to set out and try to resolve that grievance. That commonly might be, for example, the bishop's chaplain. It might be an area dean. It might be somebody with HR experience where the grievance arises in a parish context and perhaps an employee in the parish has fallen out with the incumbent. It is intended to be a quick, light-touch approach. There will be no formal penalties or outcomes. The Measure and the rules around it will recognise that, sadly, on occasion it is simply not possible to resolve some grievances for whatever reason. It is intended to be a broad-brush approach, perhaps more

akin to a mediation rather than a formal disciplinary system.

I should say that, in relation to all the allocations, it will be possible to reallocate the case if, during the course of investigations, suddenly it were to transpire that this was more serious than first thought. I have to say that, in my experience of dealing with cases at the moment, that is quite commonplace. Sometimes it goes the other way as well. It can go down a track, but often, once it is looked into, it can become more serious than was first thought.

In relation to the misconduct track, once the lead assessor has allocated as misconduct, a case assessor will be appointed. That case assessor retains the case, interviews the parties, makes findings of fact, collects evidence as is necessary and will then write a report. That report may say that the complaint is proven in full, dismiss the complaint in full or make findings that it is partly proven and partly dismissed. That report is given to the bishop and the bishop is required to implement that outcome. The bishop cannot derogate from that outcome.

However, where misconduct in that report is said to have taken place, the bishop has a

freer hand in what the penalty should be. The report may make a recommendation, for example, that this clergyperson undergo training and be warned about their conduct. The bishop may then have a freer hand in exactly how that training takes place, recognising the importance of the bishop in a disciplinary system. The case assessor may draw on expert advice from the investigations and tribunals team at any time.

Lastly, the serious misconduct track will be allocated. When it is allocated to that track it is sent forthwith to the investigations and tribunals team in Church House in Westminster, which is a service that will be provided to the diocese as a whole. That team of lawyers and investigators will immediately take on that case, investigate the allegation, interview the parties, take interviews of record and write a report. Then a judge will decide whether the case should be referred to a tribunal. Then there is a court-based tribunal system not wholly dissimilar to what we have at the moment but with some improvements, particularly in terms of special measures and witness handling, recognising the best practice in the secular world.

That is a very brief overview. There is a system of reviews and appeals within the system and I am very happy to answer questions in relation to that. We hope that that is a much more comprehensive system for dealing with complaints.

The Chair: Taking us back to the serious misconduct, am I right that, more or less from the beginning, it is lawyers who take over?

Edward Dobson: Yes, that is the case, broadly speaking. It is envisaged that, if a complaint of serious misconduct lands on the bishop's desk, within a matter of days that is referred to the investigations and tribunals team, once it has been allocated, and it is a team of lawyers that oversees that. It would not necessarily be the lawyers who would do the investigating. Lawyers are not necessarily always the best at investigating cases, but the analysis of whether there is, on the face of it, misconduct would be run by a team of lawyers, yes.

The Chair: What about the relationship with the police?

Edward Dobson: In a number of cases, where there has, on the face of it, been a criminal complaint, the referral comes first to

the attention of the Church because the clergyperson in question has been arrested and sometimes interviewed, either under caution or not, or sometimes interviewed without first being arrested. The rules that are being drafted at the moment are making provision for the sharing of information from the police to the investigations and tribunals teams, so where the police are carrying out investigation.

The last thing to say about that is that, in principle, the fact that the police are also looking into the matter would not be a reason for this process to be paused, unless the police or the Crown Prosecution Service were to say to the Church, "You must now pause your case because we are about to charge this person and this person is about to go to trial".

The Chair: What I was really thinking of was the case where the Church finds out about it first. The referral by the Church to the police is what I really wanted to ask you to deal with.

Edward Dobson: My apologies. In the Measure, there is a statutory duty on the bishop to refer the case immediately to the police when it lands on his or her desk. That is in section 20 of the Measure, if I remember

correctly. It is section 20(2). The bishop must refer it to the police unless it has already been referred to the police, which we would know because it came from them.

Q2 Marsha De Cordova: On the back of that, going back to the ITT, what is the composition of it? Is it just lawyers? Who appoints them?

Edward Dobson: It will be primarily lawyers, with some investigators as well who will be employed or on contract. It is likely to be a small team. They will be employees of the National Church Institutions and of the Archbishops' Council, so far as that currently exists. Members may know that there are plans to restructure those provisions at the moment. They will be employed by the Church, but, as lawyers would always do, act independently and objectively, in line with their professional ethics. They will be regulated by their external regulators, so if they are barristers by the BSB and if they are solicitors by the Law Society. They would act independently and fairly in all cases.

Marsha De Cordova: What about if they are not lawyers?

Edward Dobson: If they are not lawyers, they are likely to be from a range of backgrounds

to carry out an investigation. There is a clear crossover with former police officers or some social workers who might do some of this work. Some may be employed and some contracted to carry out particular investigations, particularly in very complex cases.

The Chair: Kate, did you want to add anything to this?

Reverend Canon Kate Wharton: I hoped to simply outline some of the changes. Bishop Martin has explained to us why we needed to make this change to bring in the CCM as opposed to the CDM. Edward has talked us through the main change, which is these three tracks. I will, very briefly, draw your attention to some of the other changes that the Clergy Conduct Measure enables.

Alongside the three-track system, which is the biggest and perhaps most important change, we have been very keen throughout the whole process of this to align safeguarding processes with disciplinary processes to ensure that there is as little stress as possible for both complainant and respondent. Edward has talked about the introduction of the restraint order where vexatious complaints are brought. Another change is that, in regard to a

cleric being suspended from their duties while a complaint is investigated, a threshold test of necessity has been introduced, which must be met if the cleric is to be suspended.

The Clergy Discipline Measure gave the option of penalty by consent where a respondent admitted misconduct. This has been removed from the Clergy Conduct Measure as an implementation of one of the IICSA recommendations.

Additionally, the Clergy Discipline Measure had no power to depose a clerk from holy orders, but this is reintroduced in the Clergy Conduct Measure. A clerk can be deposed from holy orders following a failure of misconduct that does not involve a question of doctrine, ritual or ceremony. That is another recommendation from IICSA.

Finally, another IICSA recommendation is the abolition of the limitation period for serious misconduct, which Edward has already alluded to. We feel that those are the key changes that are represented by the Clergy Conduct Measure.

Q3 The Chair: What support does a clergyperson accused of serious misconduct get?

Edward Dobson: I will deal with the legal aid aspect first and then perhaps Bishop Martin may talk about pastoral support. There is a comprehensive legal aid system that will apply to clergy accused of both serious and, as it were, non-serious misconduct. That will apply at a much earlier stage than it does now. The moment a clergyperson is aware that a complaint has been made, they will be eligible in principle to apply for ecclesiastical legal aid, which provides for a solicitor.

The Chair: Are they told what the offences suggested are? That has been one of the major problems. A clergy did not know what it was that they were being accused of. What is the situation now?

Edward Dobson: The process under this Measure will be that, once the complaint arrives, it is sent to the lead assessor, who immediately allocates. That allocation is set out in writing and sent to all parties, so it is sent to the complainant and the respondent. The respondent at that stage will find out, "This is a complaint that has been made against you. It has been allocated to this track. This is the procedure that will happen. This is how you apply for legal aid thereafter, et cetera". We would expect that, unlike now, a

clergyperson, let us say accused of serious misconduct, would know within a matter of days that a complaint has been made against them.

The Chair: Bishop, is there anything else that you want to say before we open it to questions?

The Lord Bishop of Chichester: We would see the present provision extending from the current CDM 2003 Measure into the new one under the code of practice. This would require the bishop, by consent of the person who is the respondent to the complaint, agreeing a pastoral person to give support throughout the whole process. We are also very aware that it is not just the clergyperson who might need pastoral support. Often, if there is a family, their family, they may need pastoral support as well. We also recognise that there may be additional pastoral support needed for the complainant.

It is a complex network of relationships in which already we are familiar with assessing and finding appropriate pastoral support. It is not always easy to accomplish that in the levels that we would like. I would also have to say that there is no funding for it. We tend to look for somebody who is another cleric,

possibly somebody else who has pastoral responsibility or maybe a responsible churchwarden. That is an important and vital part of the care.

If it is a safeguarding matter, often a diocesan safeguarding team can have within its network those people—sometimes with professional expertise in terms of therapeutic or psychological care—to offer support to all parties who are most immediately affected by a complaint.

Q4 Baroness Harris of Richmond: First of all, could I say thank you very much to Edward, who responded to a couple of questions I had, one of which I want to come back to? If I use a case as an example of how I see this Measure being infinitely better than how this particular cleric was dealt with, that will show my colours straightaway. This Measure takes away, as far as I can see, the concern that I have apart from when the police initially go and arrest a cleric because they have been advised that the priest is misbehaving in some particular way.

This particular priest was immediately taken into custody and put into jail overnight. The Church was incredibly insensitive to all his concerns. It immediately stopped him from

performing any of his church work and took him out of his work area. He was not able to discuss any of it with any of his parishioners, who had no idea what had happened. This took for ever. It took about 18 months. Edward, you will know the case I am referring to. It took 18 months.

There was no redress whatsoever for him until the police discovered that the complainant, in fact, was a person who had been perpetrating the crime on the priest. Absolutely nothing happened then. There was no apology to the priest, who eventually—thank goodness—has managed to move out of one area and into another and is now happily in another parish. He went through an awful time. It was just awful. There was no real help or support at all, all the way through. I am hopeful that this Measure will now make sure that that can never happen again to any priest who was totally without fault. He was totally without fault and it was never recognised by the Church the whole time he went through it.

Edward Dobson: That will be, I hope, shared from this side of the table as well. In terms of suspension, for example, a priest will often in that case be suspended. The new imposition of a necessary threshold test, which is a

relatively high test, will be very significant. There is the introduction also of a lesser step called a restriction order. A suspension is an all-or-nothing event. If you suspend somebody, they are suspended, broadly speaking, from doing anything of or incidental to the office. A restriction order is a lesser step, so somebody may be restricted pending the outcome of a complaint in a small, particular way, which is a much more proportionate way of dealing with complaints.

Clearly, in a case where it is found that the complaint, in effect, is vexatious because the actual perpetrator of the offence was making the complaint, without any special knowledge of the facts necessarily before me, that, on the face of it, would come under the restraint order provisions for a vexatious complainant. That is almost the definition of a vexatious complaint. Therefore, there would be a modicum of protection, I hope, in relation to that. Thank you, Baroness Harris.

The Chair: Did you have a second point?

Baroness Harris of Richmond: No, not really, only that you slipped in at one point, Edward, about the police taking the initiative first. You were still looking at how to deal with this, or have you dealt with it? The police will

come in first, take hold of someone and you are still working out how that might work together. It did not work then.

Edward Dobson: No. Previously, broadly speaking, the procedure has been that where, as it is most commonly, the police are taking action, the disciplinary procedure stopped entirely. That can cause, I am afraid, considerable delay on occasion. It can, sadly, be 18 months or two or three years and then no further action is taken by the police. Nobody is charged and only then this process would start. That is not the case under this process.

That is very common in other jurisdictions, such as the police, for example. In fact, Wayne Couzens was removed from the police before he was even convicted or had pleaded guilty in the Crown Court. We hope that taking some of those best examples from the secular world will ensure that those sorts of delays do not happen, unless we are instructed by the CPS or the police to stop. We think that it is appropriate to do so in those cases.

Lord Taylor of Holbeach: I had the same problem. I thought that the difficulty was two systems of justice. One is a professional system of justice, or could be analogous with

a professional body seeking to investigate somebody for either incompetence or malfeasance of some description, and the other is the police. It is the interaction of these two systems that presents the biggest challenge. I am not entirely sure that justice can cope with these situations.

I mentioned before a case I knew of where I thought the allegations hinged on a prosecution of a third party. This third party's conduct was a matter of dispute, but it actually presented the cleric concerned with problems that he was not able to obviate. He had to do what was required of him by, in his case, the Archbishop of Canterbury giving instructions as to what he was or was not allowed to do. It is very difficult. I am not sure that we have got it right. I fear that somebody could still be lifted by the police and carried off to jail and our own system would not be able to operate because of the process of justice handled by the police.

Q5 Danny Kruger: I have three questions. I do not really know who I am aiming them at, so whoever wants to catch the balls, please do. The first one, in response to some of the material that we have received from people who have significant concerns about the

existing system and the proposals, is about the privacy of proceedings. We have concluded that the safeguarding team will not be an independent body. Given that, it seems to be even more important that there should be transparency over the processes. Yet, in section 31, the default setting is that a tribunal or court is to sit in private. Can you explain why that is, given that, according to the material we have received and my understanding, in most comparable tribunals in the secular space, whether that is in respect of medical practitioners, even police misconduct hearings, the Bar or the Military Court Service, the default setting in those cases is that the proceedings will be public?

Edward Dobson: I am very grateful to the Clerk to the Committee, because I think that the submission you referred to, Mr Kruger, we had not seen. I am grateful to her for sending that to us. It used the words “secret hearings”. These are not secret hearings. These are private hearings and the evidence is taken in private. It is important to distinguish between those two concepts. Anybody who has seen the press knows that disciplinary actions of the Church of England tend not to be secret.

You are correct that the starting point under section 31 is that evidence is taken in private. That was a policy decision taken by the steering committee and the revision committee. During the course of the debate at General Synod, there was an amendment that sought to reverse that presumption and say that the starting point should be to sit in public. There was a very robust debate and the General Synod decided to stay with this presumption. It is only, however, a presumption. The reasoning, broadly speaking, behind it was that it was felt very strongly that the interests of children in particular, vulnerable adults and those giving evidence were best met, and the evidence was achieved best, with a broad confidentiality that the evidence is taken in private.

Judgments of tribunals are made public in full. There is a very wide discretionary power for the chair of the tribunal, where the interests of justice are met, to sit in public. In section 31(3) and over the page (c), the rules provide for the sitting to be in public. The Rule Committee are looking at the moment at providing provision for particular cases, for example, to sit in public. For example, where children were not involved in the case at all and vulnerable adults were not involved, it is likely that the

jurisprudence will evolve that these hearings will be in public, with the starting point that that needs to be an active decision for the chair of the tribunal to make.

Danny Kruger: I understand. It is strange, given the precedents elsewhere and the very well-established systems by which safeguarding is maintained in respect of vulnerable people, that the default is not to sit in public. Let us not have the debate, but I just want to note my concern that this decision has been made. It strikes me as the wrong way around.

My second question is, as it were, from the other side of the argument, which is about protection of clergy. You have explained the limitation period, Mr Dobson, which is that, basically, the lead assessor applies subjective judgment about whether it is a misconduct or serious misconduct case. This is significant because, as you said, in the case of serious misconduct, there is no limitation period. Even if the President of Tribunals subsequently concludes that it should have been a misconduct case, not a serious one, it will still be treated as a serious misconduct case in terms of the limitation period.

What I am getting at is there may well be

pressure from the lead assessor to allocate a complaint to serious misconduct in order to circumvent the limitation period. There is nothing that the President of Tribunals can do about that. Do you recognise that there is potentially the danger of the lead assessor making that judgment under some kind of pressure to ensure that a retrospective investigation can be made?

Edward Dobson: That is a point that was discussed at length by the revision committee to guard against that. You mentioned about the lead assessor making a subjective judgment. It is probably more likely to be an objective judgment, if I may say so, simply on the basis that it takes the case at its highest and applies factors that were set out in the code of practice. The lead assessor, who is likely to be a judge, will allocate it on that basis.

Yes, you are correct that the difference of limitation period may mean that some cases would be allocated as serious misconduct. There are two points that I would say. The Clergy Conduct Commission is going to be overseeing the standards, particularly peer-to-peer reviewing of the decision of the assessors, to ensure that they do not feel

themselves under pressure to allocate a case in a particular track simply so that it can be heard.

Secondly, if a case were to be allocated as serious misconduct and get to the President of Tribunals and the President of Tribunals were of the view that it should not, in fact, be serious misconduct, the President of Tribunals can reallocate it as misconduct. If something goes to a tribunal and the tribunal at the end was of the view that, having heard all of the evidence, this is not as serious as was thought throughout the entire process, it has all the powers of, if you like, the lower court, the lower tribunal or the lower decision-maker. It does not have to remove the person from office. Its powers are not limited. It could simply rebuke or warn the person as well. There are some safeguards in relation to reallocation.

Danny Kruger: I slightly misunderstand. In section 27(9)(b) it says that the complaint is to continue as if it had been allocated as a complaint of misconduct.

Edward Dobson: Yes. The meaning of that is it continues as if it had been allocated as a complaint of misconduct, i.e. sent to the misconduct track, not sent to a tribunal.

Danny Kruger: Thank you for that. Thank you for explaining. This may possibly be one for the Bishop, because it is, if not doctrinal, at least a more conceptual question. Part of my concern about this question of whether misconduct or serious misconduct can be applied is that we are edging towards a situation, I think, where failure to pay the parish share by a parish might be regarded as a misconduct, or indeed serious misconduct. Salisbury Diocese, which covers part of my constituency, has a policy that states that parishes are required to cover the cost of stipendiary ministry, i.e. parish share, and that serious breaches may constitute gross misconduct. Is it your view, Bishop or others, that failure to pay the parish share, which is in theory a voluntary donation, might be regarded as misconduct on the part of clergy that could then fall within the purview of the Measure?

The Lord Bishop of Chichester: I would doubt that very much. Once again, you have already touched on the voluntary nature of the payment. I would also expect that to be regarded as a matter that is a policy of the whole PCC and not simply at the direction, unilaterally, of the incumbent, who has no powers to direct payment or withholding of

payment. The proper exercise by those trustees of that responsibility is where I would land the concerns and the investigation.

Danny Kruger: Is it your view that a policy from a diocese that states that clergy are held responsible for adhering to the policy of paying the parish share is in fact unlawful?

The Lord Bishop of Chichester: It would be unwise to say that clergy have no responsibility for this, in that clergy work with the PCC in terms of the direction of the policy, behaviour and mission of the parish. For an incumbent to say, “It is nothing to do with me” is probably not legitimate, but nor do I think an incumbent can take the full weight of responsibility and blame if the PCC decides not to pay.

The Chair: Picking up on that, once this Measure is law, as you obviously hope we shall agree it, will the various dioceses be rethinking some of the wording that they are using within their dioceses?

The Lord Bishop of Chichester: Yes, that is certainly one of those happy agenda items that will come to bishops’ councils across the whole length and breadth of the country, and no doubt the diocesan Synods as well. If I

may, I would also say that that is a very helpful opportunity for us to present what I hope are the improvements in the exercise of discipline for clergy but also for building the confidence of the public and parishioners in fairness, what is proportionate and appropriate, clarity and transparency.

The Chair: Picking up from what Mr Kruger has been asking, it looks as though dioceses ought to look at the wording of their various requirements, either in statutes or by-laws.

The Lord Bishop of Chichester: Absolutely, yes. Sometimes enthusiasm can run ahead of us and mistake what is actually written in law, measure or canon et cetera.

Q6 Rebecca Smith: Before I ask my question, it is worth putting on record that it is easy to look at this Measure and assume that there is this enormous problem that we are trying to fix. I want to put on record that I personally, having not grown up in the Church of England and only gone into it in recent times, have been through things that arguably should have been followed through a process like this. These processes actually exist within the Church of England in a way that they do not in other, non-denominational churches. I want to put that on record. Having seen particularly

spiritual abuse take place in churches that do not have these structures, it is important to acknowledge what is before us, the measures that have been taken and the progress that the Church of England has made in that. I just want to reflect that to the Committee.

That leads me to my question. Often, as Members of Parliament, we tell everybody to go through all of the complaints procedures before they get to the final one. In annex A that you have provided us, there is an example of the different types of grievances, misconduct and serious misconduct. My question is about who judges where a grievance lands. Do you have to go through each of the complaint procedures to get, for example, to the serious misconduct at the end, or is a decision made at some point along the way where it bypasses the earlier stages and goes straight to the top? If you have a minor rudeness or anger versus a major harassment, at what point does somebody decide which is what?

Edward Dobson: The Rule Committee at the moment is designing some prescribed forms that will assist the person making a complaint. Those forms will enable the complainant to indicate perhaps which track it would go into.

On very clear examples, that will be straightforward. There will be cases, of course, and quite understandably, where complainants will often themselves feel that the consequence should be greater than, objectively, the facts of the case are.

In the end, it will be the lead assessor who will allocate as quickly as possible, taking the case at its highest. To emphasise that, that is not necessarily a once-for-all decision. It can be reallocated, although, to be clear to the Committee, there is no appeal against the allocation. The revision committee thought that that would not be appropriate, simply because of a ping-ponging back-and-forward that would bog cases down in an appeal structure. Rather, it ensures that, objectively, if there are new facts that come to light, it could be reallocated to a different track, even a lower track, to ensure that it is dealt with proportionately.

Rebecca Smith: On that, from a timing perspective, we all know that, when there is a workload, you might get stuck on a case that is a serious misconduct that could distract you from being able to move something that is simply a grievance into that track quite quickly. How many people are we talking

about doing this and making those decisions? Will there be a turnaround time where they need to be aiming to at least get to the point that it is simply a grievance and then they do not need to escalate it and vice versa? Ultimately, you do not want somebody who has had a grievance made against them waiting endlessly because the assessor is having to decide what to do with a serious misconduct, for example.

Edward Dobson: It is a perennial problem with the current system that it is too delineated and fragmented amongst the diocese, national level, et cetera. At the moment, the draft rules are providing that that decision be made in seven days of the complaint being made to allocate it to the particular track and that the relevant parties are informed no later than seven days after that. The anticipation would be that, in most cases, that will be done very quickly because, on the face of it, if, for example, it is an allegation of an adulterous affair, that will uncontroversially be a complaint of serious misconduct. There is no investigation at that stage. It is simply referred immediately, or it is a grievance because it falls under some of the examples.

One thing that the Clergy Conduct Commission is going to do is keep under review the workload of the two lead assessors and ensure that they have capacity. They will be paid for their work. The revision committee thought that that was an important principle to professionalise the system and not simply rely upon volunteers. They do sterling work for the Church, day in, day out, but, equally, something of this importance requires enhanced professionalism. If a person is paid, generally speaking, they can be kept to timelines in a stricter sense than a volunteer might be able to be.

Rebecca Smith: Thank you for that. That is really helpful. Forgive me if this is buried in the detail of this, but, should something be deemed a lower grievance initially, but, in the course of the investigation, it becomes clear that there might be a safeguarding issue that somebody has not revealed, is there scope within these new measures to escalate it back up the chain, so to speak? Particularly around spiritual abuse, sometimes that can evidence itself as something fairly minor and then, when you dig into it or see that there is a pattern or something, it might need further work. Is that written into this as well?

Edward Dobson: It is. In particular in relation to safeguarding issues, section 28 is entitled “Safeguarding issues arising during an investigation”. If it becomes apparent, immediately what happens is that our safeguarding adviser or officer is brought into the process as an officer and adviser to that.

Q7 Lord Glenarthur: My concerns are about section 40, “Conditional discharge”, where the responsible bishop, president of tribunals, tribunal or court is of the opinion that it is not expedient to impose a penalty or administrative sanction. What can be done to ensure that the public and others who are involved in a particular case have confidence in the judgment that has been made and the decision taken not to proceed? It strikes me that it is possible for those concerned to be less than satisfied and letting this miscreant off the hook for some reason is not a sufficient way to proceed and is likely to generate further concern. Could you please describe how one protects the public interest in this?

Edward Dobson: Yes, I am very happy to do so. The first thing to say about the conditional discharge is that it is not quite a penalty, but it is a form of outcome. The opening words of subsection 1 are, “On a finding or admission

of misconduct". It can only be imposed once misconduct has been found and it is intended to recognise that there are perhaps very high levels of mitigation, that in this instance it would not be appropriate to impose a penalty, but the discharge is conditional upon the person committing no further misconduct within that period of two years, for example. It could not be used to not proceed with a case because perhaps it was not thought expedient or appropriate to subject somebody to giving evidence in court, for example.

In terms of public accountability, the Measure provides that the Rule Committee—a lot of the detail is going to be in the rules—will set out what will be published and made public into the public domain. At the moment, the general proposition is that only tribunal decisions are made public. I think I can say appropriately that the general view of that committee is that more needs to be made public. Taking your feedback, Lord Glenarthur, conditional discharges may also be made public. I cannot give that guarantee because it is a matter for the Rule Committee, but that might be something that it would consider making public, to ensure that, when a conditional discharge is imposed, the public are aware that that is what has happened and so there is

a level of scrutiny. It is not, as it were, a behind-closed-doors decision.

Lord Glenarthur: The conditional discharge can only apply for two years. Why was two years chosen?

Edward Dobson: It was chosen as a proportionate middle ground to ensure that the matter does not hang over a respondent's head for a very long period of time, but, equally, it would not be too short that somebody could receive a conditional discharge for six months, on the seventh month do something again and therefore is free, as it were, and no penalty has ever been imposed. Everything has a line, to a certain extent. It was felt that two years was, broadly speaking, a proportionate way of dealing with it.

Q8 **Tom Collins:** I note that in this process, which has been described very clearly, the lead assessor has a very critical role in deciding which track a complaint is treated under. From a system point of view, that individual and, from a process point of view, that decision are a potential single point of failure. My understanding is that the way that the accountability is going to be applied and this will be managed is through the Clergy

Conduct Commission's guidance, which decides the terms on which a person is nominated for inclusion. Those terms are doing a lot of heavy lifting in providing the robustness and the safety of this process. Could you speak a little about the process through which the Clergy Conduct Commission is going to develop its guidance or those terms? I would like to put on record how critical it is that that work is carried out rigorously to ensure the robustness of this process.

Edward Dobson: I do not think I can go into the detail of that at the moment because that has not yet been gone into and I would not wish to speak for the commission, which in fact does not yet exist because the Ceasure is not law. I will say, though, that that has been recognised. There were a number of speeches in the General Synod asking for who the identity of the assessors would be. I do not know whether Canon Wharton wants to speak about the revisions to paying the assessors and why that was felt important in the committee that she chaired. That has been recognised very acutely, I can assure you.

Reverend Canon Kate Wharton: This was something that was discussed throughout the steering committee and revision committee stage. I am sure that Members will be aware of how this process makes its way through Synod, with steering committee, revisions, coming to Synod, going back again and revising. That process is therefore quite long and robust in terms of feeding in some of these concerns. To be honest, everything that has been raised this morning has been things that the steering committee and revision committee discussed and the General Synod brought out in its speeches along the way. Particularly on this question of the lead assessors, there was a real recognition of the need for the right people to be appointed, for there to be good training, for there to be accountability and for there to be payment, so that that process works entirely robustly, as you describe.

Q9 The Earl of Cork and Orrery: Most of the questions I was going to ask have already been asked. I am particularly concerned about the independence of the tribunal, in that one believes that the system can be somewhat circular if the tribunal appoints assessors and the assessor appoints people back to the tribunal. There is also the lack of transparency

that could result from this process, whereby victims, for example, appear, until now at least, to have been shut out of the system and not to be informed for long periods of time about what the outcome of the tribunal assessments were. I could not find anywhere that dealt with information to victims, i.e. the transparency and the public display of the results of these investigations should be emphasised more greatly.

The bottom line is that we have been asked to consider this Measure without the rules, which you have referred to many times, that actually govern how it will be implemented. I really feel that it is another example of insufficient information coming to this committee before we are in a strong position to make a decision.

Edward Dobson: Can I deal with those two points in turn? In relation to the independence of the tribunal, we hope that those tribunals are robust and independent. They will be chaired by, primarily, judges or senior practitioners, most likely from the Bar. The current panel are either all senior judges or in silk. On the appointment of the other two tribunal members, there are safeguards to ensure that they are not from the diocese, in relation to contact with any of the accused or

the complainants, and are fully trained and take on their work independently, objectively and appropriately.

In terms of, if you like, walking the complainant or the underlying true victim alongside, there have been instances, I am aware, where that has not been as good as it might have otherwise been. That has tended to be in cases that have been kept within the diocese, not cases that have been referred to a tribunal as a general proposition. Of course, tribunal judgments are public. There are new provisions in this Measure about that sort of support and the statutory duty, which Bishop Martin talked about, of the bishop making sure that those people are included as much as possible. It is something that we are acutely aware of. The only comment I would make is, of course, that it is ultimately the Church dealing with the discipline.

In relation to the rules, I am and we are acutely aware of that. I hope that there are sufficient comments and explanations, and with the flowchart, for you to understand how this system is going to work. The rules will be drafted alongside the code of practice in the coming months.

To confirm to the Committee, the rules are subject to rigorous debate in the General Synod. They are amendable by the General Synod. If they are passed, they are then presented to Parliament. They are presented under the negative procedure, whereby, if a House of Parliament, within 40 days of it being laid, wishes for them to be debated, that procedure carries out. I do not know the last time that secondary legislation from the Church was debated in Parliament, but they are subject to, in effect, the parliamentary scrutiny provisions. Certainly, if the Committee wanted more information as to the rules, we would be very happy, I am sure, to provide that in due course, but it was important to have the Measure passed. The jurisdiction to make the rules only applies once the Measure is passed, but I understand the point that has been made, absolutely.

Q10 Marsha De Cordova: The Earl has made a really important point and that is what I wanted to flag. Yes, we have a lovely flowchart, which you talked us through at the start of the session, but the rules will govern how this Measure is going to work. From that perspective, I hear that we do not have a timeline for when that is going to happen or be drafted. We will not see a draft until it is laid

here in Parliament as a negative Measure. Is that right? We will not have an opportunity to see how those rules are going to work in relation to the Measure.

Edward Dobson: In terms of the timeline for the rules, they will be drafted over the coming months. They will be completed, the anticipation is, for the Rule Committee by the end of the year and presented to the General Synod at the sitting in February of 2026, alongside the code of practice, and then laid before Parliament, under the negative procedure, soon after. If, prior to that, this Committee wanted to see the rules, they would be a public document and we would be very happy to come and explain how that would work.

Marsha De Cordova Forgive my ignorance here. Why then are we looking at a Measure without the rules? Why are we not seeing them together? Apologies if I should know.

Edward Dobson: No, not at all. It is a fair question. There are two reasons. Respectfully, the jurisdiction of the Committee is over the measures, not secondary legislation. That is not to say that the Committee does not have a clear legitimate interest in seeing how the system operates.

The second point is that, until, ultimately, the Measure is passed and comes into law, there is no jurisdiction to make those rules, and we would not want to put the cart before the horse in that respect. A considerable amount of work is already being done, and there are some draft rules already, but only when the Measure is in its final form, which took place only in February, when the Measure received final approval, can those rules then be drafted. The vires of those rules have to comply entirely with the measure—i.e. they have to be lawful—and there has to be a primary power in the Measure for those rules to correspond.

Q11 The Chair: Does that mean, effectively, that this Measure will not come into effect until sometime next year? The Measure will be ineffective without the rules to go with it. It is going to be a considerable delay, is it not?

Edward Dobson: We anticipate that some provisions of the Measure will be brought into force immediately—for example, the provisions on the Clergy Conduct Commission, so that it can start its work immediately on the appointment of assessors. The entire system is not scheduled to come into effect—i.e. a complaint being able to be made underneath it—until April of next year.

The Chair: So the 2003 Measure will continue for the rest of this year.

Edward Dobson: Yes, indeed.

The Chair: That is very unsatisfactory, is it not?

The Earl of Cork and Orrery: Why are we considering passing it before we have seen the rules?

The Chair: We do not have that power. We do not have a power to adjourn, as far as I know. We have a power only to say whether it is expedient under the 1919 legislation.

The Earl of Cork and Orrery: I believe that we have a power to extend our deliberation and to consider the further evidence, if necessary.

The Chair: We will look at that in a moment.

Q12 Lord Shinkwin: In his helpful and clear explanation of the flowcharts outlining the mechanics of the Measure, Mr Dobson made the crucial point that the Measure would recognise “the best practice in the secular world”. Transparency of the process is crucial to engendering trust. I noted the questions from Mr Kruger and Lord Glenarthur, and the last two questions, about the importance of

victims and their trust, or, as Lord Glenarthur said, confidence in the process, and yet, as we have already heard, representations to the Committee have made clear that victims are going to be made to feel that they are shut out of the process.

My question is to Mr Dobson and the other witnesses. In what way is this Measure meant to engender more trust of and more confidence in the system by victims? Crucially, to go back to Mr Dobson's opening remarks, in what way does it recognise best practice in the secular world?

Edward Dobson: Perhaps Bishop Martin could talk first about the role of victims and survivors alongside complaints, as complaints land in the diocese first and are the responsibility of the bishop. I would then be very happy to answer the second part of the question about best practice.

The Lord Bishop of Chichester: My response in terms of the place and voice of victims would be not so much in the detail of what is before us here, but in the wider context of how dioceses oversee their safeguarding responsibilities. It is incumbent upon every diocese to ensure that the DSAP, or Diocesan Safeguarding Advisory Panel,

which is an external, independent monitoring body for every diocese, also includes the voice of survivors in its deliberations. That, therefore, gives us a sense in which somebody who is on the receiving end, if you like, of our failures has a voice in terms of saying how well a diocese is responding to those failures. This is particularly in the context of safeguarding.

Similarly, in that context, in my own diocese in Chichester, the appointment of an independent worker who works alongside survivors, enabling them to articulate their concerns and supporting them in bringing those concerns to the attention of the diocese, as well as giving pastoral support to them, has been a very important part of our response to survivor needs. That is the broad context in which some of the detail of this Measure would be undertaken in response to your questions.

Edward Dobson: In relation to the general comments that I made about best practice, some examples would be aligning different processes so that they do not operate at different times or do not marry up—in this context, the aligning of safeguarding and disciplinary processes.

There have been new provisions in section 17, for example, on protected parties, so the use of litigation friends, which are very commonplace in the civil courts. There is a wider range of penalties available, so it is simply not an all-or-nothing approach, recognising that advice or training can sometimes be more proportionate and better in ensuring that misconduct does not take place again, rather than simply removing somebody from their office, prohibiting them, and doing nothing thereafter.

There are also new provisions in section 64 for the recording and publishing of a wider range of decisions, recognising best practice in lots of other secular disciplinary systems, whereby a wider range of decisions are published.

I hope that that gives an indication of what I was referring to in relation to taking some of the best practice approaches of the secular world, but applying them in the ecclesiastical context.

Q13 Lord Faulkner of Worcester: Looking at annex A and the helpful examples that you include for grievance, misconduct and serious misconduct, can you give us any indication of what sorts of numbers are involved in each

category and whether there has been a trend in recent years, either up or down?

Edward Dobson: Yes, I am very happy to do that. In recent years, recognising that the current system deals only with serious misconduct and not with other types of allegations, there have been about 100 or so cases a year. About 50% are either dismissed or no further action is taken. That can be for a broad range of reasons, but, broadly speaking, it is because they do not meet the threshold of seriousness for what is currently a tribunal-based system.

In relation to the implementation of the new Measure and the three different tracks, it is difficult to say whether the new system will see an increase in complaints overall. What I would say, and what discussions have been on, is that we have recognised that it is likely that they will. It is unlikely that there will be an increase in the level of serious complaints, but, on the grievance track and the misconduct track, which are, of course, new, and particularly with the advertising of the existence of a new grievance track, it is anticipated that there will be an increase in complaints, which will be built into the resourcing of those systems.

Q14 Dr Al Pinkerton: As a comparatively new member of this Committee—and if not new, certainly junior—I have received some correspondence about today's proceedings.

The Chair: As have the rest of us.

Dr Al Pinkerton: It is good to know that we have so many people taking an active interest in this area. I just wanted to relay some of those points to you, without any judgment on my part. One of those points relates back to Mr Kruger's original question about the sitting in private covered by section 31(3). I have received correspondence about this that questions whether section 31(3) is consistent with Article 6 of the ECHR and the right in law for individuals to have independent and public tribunals. Have you had any advice on that point? Do you consider it to be consistent with the ECHR?

Edward Dobson: We do consider it to be compliant with the Human Rights Act and the requirement for all legislation, including church legislation, to be interpreted in compliance with that. The right to a fair trial in Article 6 has certain derogations and exceptions, particularly in relation to the protection of children, personal information, and confidentiality. It is not uncommon for courts

and tribunals—the family courts, for example—to sit in private on occasion. What Article 6 expressly says is that all judgments must be made public. The provisions of this Measure do say—and there is no derogation from this—that the judgment of the tribunal must and will be made public. I really do emphasise the point that it is only the taking of some evidence that will be in private.

The starting point under section 31 is that that is the default position, but, as a practitioner who may appear in these courts, what I would say is that, at the case management stage, it is likely always to be a live question, as it is in most courts and tribunals, about whether there should be an order for hearings to be in private or public. I expect that that will be a regular point for the tribunals to consider, and that it may well be that, in lots of cases, it is in the interest of justice for hearings to be in public.

Dr Al Pinkerton: I just wonder, given that this has already piqued the interest of the public and those who have sought to correspond with me, it is not necessarily for us, as Mr Kruger has said, to reopen those past decisions. The fact that it is private by default and public by exception certainly has raised more than one eyebrow, and I wonder

whether the Church is missing an opportunity to be seen to be always seeking to be as public as possible by having that particular clause written in the way that it is.

The fact that I have had as much correspondence as I have suggests that you have perhaps got this the wrong way around. Given what you say, that this will be looked at on every occasion, I just wonder whether you might as well say public by default and private by exception.

Another point that has been raised with me is perhaps not directly related to this particular piece of legislation or rules, but is more to do with the quality of the reporting structures that the Church has in place, particularly around diocesan safeguarding officers and the national safeguarding team. I would be so grateful if you could even just correct this for the matter of public record, but I have been told that, in February, the Synod voted against making the national safeguarding team fully independent. Is that a characterisation of the national safeguarding team that you recognise, and would you like to address that particular point?

Edward Dobson: Can I just pause for a moment, because that is, as it were, not necessarily a matter of law?

The Lord Bishop of Chichester: On the specific question of the choice between four options, the choice of option 3 with a reference to option 4 was how to proceed with a degree of independence which would bring scrutiny, accountability, training, oversight, et cetera, but has not absolved dioceses and the Church of England, as such, from holding a responsibility for safeguarding, for which they are accountable as charity trustees. It was in that area that there was some considerable discussion with the Charity Commission.

As a result of that discussion, the choice of option 3 with reference to option 4—i.e. to look at how complete independence, accountability and transparency in the operation could be achieved moving forward, without the delays that would be required by going for removal of responsibility from dioceses and, therefore, from trustee bodies—meant that we have been able to proceed more immediately with introducing the degree of independence that everybody and we in the Church would want, as opposed to spending a considerable amount of time exploring with

the Charity Commission and legal exchange on how we might be absolved from something that we believe properly belongs to us. That was the outcome of the Synod discussion and debate there.

Dr Al Pinkerton: I am grateful for the opportunity that you have had to put that on the record, not least because I know that there will be people listening to this meeting.

Finally, I have one last point. I know that we are dealing here with ordained clergy, but, of course, the Church is a complex organisation that exists beyond the clergy, with lots of other participants in everyday church life. This is more of a question for my own information. Beyond ordained clergy, does this require you now to go back and look at other processes for those other people who are involved in the Church—organists, lay preachers, and others—to ensure that there is a consistent parallel process for them if they, indeed, fall outside this particular process?

Edward Dobson: I am very happy to answer that because it aligns with some work that has already been carried out. There are two things to say in relation to that question. The first is that, at the February Synod, a new statutory code of practice setting out procedures for

investigating and managing safeguarding allegations against a wide range of persons—not just clergy, but organists and flower arrangers and such—was passed and will be implemented.

There is work also under-way looking at the experience of, as it were, lay bullying or lay harassment of clergy by lay officers in particular. There is a specific piece of work being undertaken on a similar process, or one that provides for the removal from office or the discipline of lay officers who cross into unacceptable behaviour. That is being currently looked at.

The Chair: We are running out of time, so I am a bit concerned. Lady Eaton, could you ask a short question, with, Edward, a short answer?

Baroness Eaton: Actually, Chair, I no longer need to ask my question because it has just been asked—about volunteers and lay people.

The Chair: I know Tom Collins wants to ask something. Can you keep it very short? Can you keep the answer very short?

Q15 Tom Collins: I am sorry to cycle back round, but I do not understand the point around

jurisdiction to develop the rules ahead of this legislation. As far as I can see, the rules will be written under existing measures by the Rule Committee or by the Clergy Conduct Commission, which already exists as the Clergy Discipline Commission. Those bodies already exist, and I am also concerned that I note that the Measure says that it repeals the 2003 regulations and does not defer that in any way. I would just like to confirm this point around the availability of rules prior to this Measure taking effect.

Edward Dobson: I am very happy to answer that. The Clergy Discipline Commission and Clergy Conduct Commission will be two entirely separate bodies. I realise that there is only a change in one word there, but it is dealing with an entirely separate system. What I meant by “jurisdiction” really was the ability to properly draft and put rules before the General Synod and Parliament, and then to make them, ultimately, engaged only once the Measure is finalised, because the rules have to align with the Measure.

The power to make the rules is contained in the 2018 legislation, but that legislation operates only by way of reference to the power to make rules for the purposes of

primary legislation, and so, until this becomes primary legislation, we cannot make the rules. That does not mean that work has not started on the rules. They are being drafted and dealt with at the moment, but it simply was not, I am afraid, possible to put a full set of rules before the Committee, this Measure having been finalised in February, and now we are in early June. They are going to be very detailed.

Q16 The Chair: I just need to ask one or two points. The lead assessor is going to be extremely important. Could you give us some idea of what sort of people will be doing the job? Will they have some training?

Edward Dobson: They are going to be trained. The Clergy Conduct Commission will be in charge of ensuring training and standards. It is likely that they will have a legal or judicial background, and we recognise that the allocation of cases to a particular track is an experience primarily of judges.

The Chair: There is a question that has not been asked, but we were discussing it earlier. This relates to clergy. What does the Church do about members of the public who are parishioners or in other ways connected with the Church? Do you have any responsibility for dealing with that, or do you say that that is

a matter outside your jurisdiction?

The Lord Bishop of Chichester: Certainly in my own diocese, we have diocesan policies that provide for complaints. Complaints can be made against people who are organists, churchwardens, et cetera. However, coming back again to the business of best practice in other organisations, how one manages a voluntary body, and how one gets the best from them, but also arranges for accountability from and of them, is something that is beyond the scope of this Measure. We do not yet have any other single way of doing that.

The Chair: The last one is just to urge you to look at sitting in public, because that is an issue that a number of people have raised, and I share the concern. It is fair to say that family courts sit in private, but we do try to sit in public when we can. It may be that you consider looking at the sorts of cases that would be better heard in public, bearing in mind cases where children may give evidence, or something like that. It may be that the chairs of these various serious misconduct allegations should be thinking very carefully about whether they should do it in public. The Church would gain from more cases being heard in public rather than in

private. I just make that point following on from what we have been saying.

We are extremely grateful to you, and particularly you, Edward, because we have grilled you, and we will now consider in private.