EC/24-26/**29**

GENERAL SYNOD LEGISLATIVE COMMITTEE

Clergy Conduct Measure Comments and Explanations

The draft Clergy Conduct Measure amends the law on the regulation of the conduct of clergy in the Church of England by repealing the Clergy Discipline Measure 2003 and replacing it with a new system for the investigation and determination of complaints, establishing three different procedures depending on whether the complaint is a grievance, an allegation of misconduct, or an allegation of serious misconduct. Various other amendments have also been made to improve the overall operation of the Church's disciplinary structures.

Introduction

1. The Legislative Committee of the General Synod, to which the Measure entitled the Clergy Conduct Measure ("**the Measure**") has been referred, has the honour to submit the Measure to the Ecclesiastical Committee with these Comments and Explanations.

Background

2. The current system for the regulations of discipline relating to clerks in Holy Orders in the Church of England is set out in the Clergy Discipline Measure 2003, the Clergy Discipline Rules 2005 and the statutory Code of Practice. The system has been in operation since 2005 and has undergone minor changes and improvements in that time.

3. Following the Church's involvement in the Independent Inquiry into Child Sexual Abuse a House of Bishops' Working Group, chaired by the then Bishop at Lambeth, the Rt Revd Tim Thornton, was set up to examine improvements to the CDM in the context of safeguarding allegations. The recommendation of that group went further and proposed to the House of Bishops in 2020 that the CDM be replaced in full.

4. The Lambeth Working Group, along with others, identified that there was a pressing need for the creation of a system that could deal with different levels of misconduct and behaviour.

5. At the July 2021 group of sessions General Synod voted to take note of the final report of the Lambeth Working Group which recommended the creation of a smaller more focussed implementation group to bring legislative proposals back to General Synod.

6. Further work including extensive consultations took

place and in July 2022 Synod endorsed the legislative proposals contained in the Implementation's Group's report entitled '*Under Authority: Revisited'* and passed a motion requesting that the Archbishops' Council introduce legislation to give effect to the proposals.

Overview of changes

7. The principal feature of the new Measure is that complaints are categorised as either a grievance, misconduct, or serious misconduct.

8. Grievances will be dealt with at a local level and in a relatively informal way without the imposition of any penalty.

9. Complaints of misconduct will be investigated by a case assessor. In a case where a finding of misconduct (not amounting to serious misconduct) is made, the bishop will impose a penalty but will not be permitted to remove the cleric from any office, revoke the cleric's licence, or prohibit the cleric from ministry.

10. Complaints of serious misconduct will be referred by the bishop to a central body of lawyers and investigators located within the structures of the National Church. After an investigation the complaint will be subject to a report to the President of Tribunals who will decide whether the complaint

should be determined by a bishop's disciplinary tribunal (priests and deacons) or the Vicar-General's Court (bishops and archbishops).

11. Amongst the key changes are:

   a. The creation of a new Investigation and Tribunals Team to investigate and oversee cases of serious misconduct and to give general advice and guidance about the Measure (**see section 14**).

   b. A new procedure for protected parties, where a child or a person who lacks capacity or has a disability wishes to bring a complaint. In such cases it will be possible to appoint a litigation friend to conduct the complaint in the place of the child or person lacking capacity or having a disability (**see section 17**).

   c. Clerics will be able to self-refer themselves into the system in respect of their own conduct (**see section 18**)

   d. The abolition of a decision to take 'no further action' as an available outcome to a complaint.

   e. The panel of either a bishop's disciplinary tribunal or the Vicar General's Court will now comprise three members, down from the current five (**see sections 29 and 30**).

f. The introduction of a power to make a restraint order against a person who has brought vexatious complaints (**see sections 32 and 33**)

g. The introduction of a threshold test of ‘necessity’ prior being able to suspend a respondent (**see section 36**).

h. The introduction of a power to make a restriction order, prohibiting a cleric for carrying out certain specified functions in the order, as opposed to imposing a full suspension from carrying out *any* functions as a cleric (**see section 35**).

i. New provision for administrative sanctions, which are not a penalty, for lower-level misconduct (**see section 37**)

j. The abolition of ‘penalty by consent’ where a respondent admits misconduct. This implements an IICSA recommendation (**see section 38**).

k. The re-introduction of a power to depose a clerk from Holy Orders following a finding of misconduct that does not involve a question of doctrine, ritual or ceremony. This implements an

IICSA recommendation (**see sections 41 and 42**).

Rules and Code of Practice

12. The Measure will be supplemented by procedure rules, made as secondary legislation and by a statutory Code of Practice. Much of the detail on how a complaint will proceed under the new system will be contained in either the Rules or Code of Practice.

13. It is intended that the Rules will be considered by General Synod in July 2026 Responsibility for drafting the Code of Practice falls to the Clergy Conduct Commission.

The provisions of the Measure

Section 1 Duty to have regard to purpose of disciplinary system etc

14. Section 1 is an overarching provision that sets out that every person who exercises a function for the purposes of the Measure must have due regard to the purpose of the clergy conduct system and also to the general role of bishops and archbishops in administering discipline. This reflects the role of bishops as set out in the Ordinal and the Canons, specifically Canon C18.7.

Section 2 Jurisdiction on clergy conduct

15. Section 2(1) sets out that the Measure confers a jurisdiction regulating the conduct of a priest, deacon, bishop or archbishop, whilst section 2(2) maintains the current position that where a case concerns a question of doctrine, ritual, or ceremonial, the matter is to be dealt with under the procedure contained in the Ecclesiastical Jurisdiction Measure 1963.

Section 3 Meaning of "misconduct"

16. Section 3(1) sets out four grounds for which a complaint of misconduct may be made under the Measure. 'Serious misconduct' also falls within these grounds and is assessed by reference to the likely penalty should misconduct be found to have taken place.

    a. Section 3(1)(a) provides that a breach of ecclesiastical law is to amount to misconduct. This includes an act or omission.
    b. Section 3(1)(b) provides that a failure to comply with a requirement imposed by a Code issued under section 5A of the Safeguarding and Clergy Discipline Measure 2016 continues to be misconduct.
    c. Section 3(1)(c) provides that neglect or inefficiency in the performance of a duty of ecclesiastical office continues to be misconduct.
    d. Section 3(1)(d) replaces the wording found in

the CDM of "conduct unbecoming or inappropriate to the office and work of clerk in Holy Orders" with a redrafted formulation of 'conduct which fails to meet the standards required of a clerk in Holy Orders.'

17. A non-exhaustive list of examples of misconduct appears in Annex A

18. Section 3(2) provides that, for the purposes of (d) above, the standards are to be found in particular (but not limited to) in the Ordinal, the Canons, and in assessing whether conduct has failed to meet those standards, regard may be had to any guidance issued by the Convocations of Canterbury and York on what is desirable in the professional conduct of clergy (for example, *The Guidelines for the Professional Conduct of the Clergy*).

19. Section 3(3) and (4) continue the current position that where the House of Bishops have declared that the constitution, polices, objectives, activities or public statements of a political party or organisation are incompatible with the Church's teaching on equality of persons or groups of different races, then membership, promotion, or an expression or solicitation of support for that party or organisation amounts to misconduct.

20. Section 3(5) provides that holding lawful political opinions or undertaking lawful political activities cannot constitute misconduct for the purposes of section 3(1)(d) (conduct which fails to meet the standards required of a clerk in Holy Orders.)

21. Section 3(6) provides that the term ‘races’ in subsection (4) is to read with section 9 of the Equality Act 2010.

22. Section 3(7) provides that any declaration previously made by the House of Bishops under the corresponding provisions of the CDM is to remain in force under this Measure. Presently the House of Bishops have made one declaration in relation to the British National Party and the National Front.

Section 4 President and Deputy President of Tribunals

23. Sections 4(1) and (2) provide that the current offices of President and Deputy President of Tribunals are to continue to exist and provides that they are to be appointed by the Appointments Committee of the Church of England on the recommendation of the Dean of the Arches and Auditor.

24. Section 4(3) sets out the qualification requirement for appointment as President or Deputy which are

that the person currently holds or has held high judicial office or they hold, have held, or have the qualification for holding, the office of circuit judge. ‘High judicial office’ is defined in section 68(2).

Section 5 President and Deputy President: functions

25. Section 5 then goes onto set out provisions relating to the functions of the President and Deputy.

26. In general terms, these are that the President of Tribunals has such functions that are conferred on that person by this Measure or under this Measure (for example as set out in Rules or other secondary legislation) and by any other Measure.

27. Specifically, section 5(2) provides that the President is entitled, should the President wish to, to act as Chair of a bishop’s disciplinary tribunal and section 5(3) requires the President to issue practice guidance in relation to the operation of tribunals.

28. Section 5(4) provides that the President and Deputy President have a coterminous jurisdiction so that that, if the President is absent, or unable or unwilling to act, then the Deputy President must do so instead and section 5(5) allows that the President or Deputy President may select a person who is eligible to be a Chair of a bishop’s disciplinary tribunal to act in their place where they are unable

or unwilling to act.

Section 6 Registrar of Tribunals: continuation

29. Section 6 provides that the current office of registrar of tribunals for each province under the CDM 2003 is to continue and sets out that the appointment of each registrar is to be made by the archbishop of the relevant province after consultation with the President and makes provision for the eligibility, retirement, resignation and termination requirements in relation to the registrars of tribunals. The Registrar is to oversee the early stages of the tribunal process.

Section 7 Registrar of tribunals: functions

30. Section 7 sets out that the functions of the registrar of tribunal for each province will be such as are conferred by rules and makes provision for what happens in the event that a registrar of tribunals is unable or unwilling to act. In those cases, the functions must be carried out by either the registrar of tribunals for the other province, or a person selected under subsection (3) of this section.

Section 8 Clergy Conduct Commission: continuation

31. Section 8 allows for the continuation of a Commission to oversee the general operation of the Measure and changes its name to the Clergy Conduct Commission.

32. Section 8(2) – (5) provides that the Commission is

to consist of no more than 12 members, which include the President and Deputy President. The other members are to be appointed by the Appointments Committee and must include at least one member from each House of General Synod.

33. Section 8(6) changes the current position that the President is automatically the Chair of the Commission and allows, should the Appointments Committee wish, for the Committee to appoint another member of the Commission as Chair.

34. Section 8(7) is a standard provision that allows the Commission to regulate its own procedure subject to any provision made by or under this Measure.

Section 9 Clergy Conduct Commission: functions

35. Section 9(1) sets out that the three primary functions of the Commission are to

    a. give general advice to tribunals, courts and to bishops and archbishops on the penalties or other orders that would be appropriate to make;
    b. oversee the training and professional standards of persons exercising functions within system. For example, the training and work of the lead and case assessors; and
    c. continue to give an annual report on its activities to the General Synod through the House of Bishops.

36. Section 9(2) - (5) require the Commission to prepare both general guidance for persons exercising functions under the Measure, which may then be amended or replaced and also guidance in a Code of Practice. The guidance must have the approval of the Dean of the Arches and Auditor and the President of Tribunals. The section does not replicate the current provision in the CDM 2003 whereby the Code of Practice is laid before General Synod for approval with or without amendment but see section 67 for the provisions relating to the approval under this system.

37. Section 9(6) provides that the Commission will also have other such functions that are conferred on it by or under this or any other Measure

Section 10 Provincial panel: composition

38. Section 10 requires the Clergy Conduct Commission to a maintain a list known as the ‘provincial panel’ of persons suitable to sit as member of tribunals and courts. These are in addition to the legally qualified chairs.

39. Section 10(2) replicates the provisions of the CDM 2003 in respect of the nomination by the diocesan bishop of two lay persons and two clergy to the panel. A member of the laity must be resident in the diocese and on the electoral roll of a parish in the diocese or on the community roll of a cathedral in

the diocese. A person in Holy Orders must be resident in the diocese and have served in Holy Orders for at least seven years. Before making a nomination the bishop must consult with the bishop's council.

40. Section 10(2)(a) expands the panel by including each diocesan chancellor as a person who may chair a tribunal.

41. Section 10(2)(d) removes the current cap under the CDM 2003 of 10 nominations per province for those eligible to chair a tribunal and sets out the qualification requirements for appointment.

42. Section 10(3) continues to allow the archbishop of each province to nominate for inclusion in the relevant panel up to five members of the laity and five persons in Holy Orders, each satisfying the same qualification criteria as if they had been nominated by a diocesan bishop.

43. Section 10(4) requires a lay person nominated to be an actual communicant. Section 68(1) defines 'actual communicant' by reference to Rule 83(2) of the Church Representation Rules.

44. Section 10(6) provides that subsection (2)(d) operates to mean that the eligibility requirements for appointment to the provincial panel as a tribunal

chair under this Measure are treated as a statutory provision for the purposes of section 50 of the Tribunals, Courts and Enforcement Act 2007, which sets out the eligibility requirement for the appointment of certain secular judges.

Section 11 Provincial Panel: period of inclusion

45. Section 11 sets out the period for which a person nominated to the provincial panel serves.

46. Section 11(1) provides that each person will initially serve for a period of six years.

47. Section 11(2) provides that a lay person or member of the clergy (other than those eligible to act as a Chair) nominated either by a bishop of an archbishop is eligible to be nominated for inclusion on the relevant panel for one further period of six years, which does not need to be consecutive to the previous term.

48. Section 11(3) allows for those nominated to act as a Chair to be nominated for one or more further period of six years, each of which does not need to be consecutive to the previous term.

49. Under section 11(4) if a person’s inclusion on the panel comes to an end whilst they are a member of a court or tribunal which is hearing a complaint, either under this Measure or the CDM, that person

continues on the panel until such time as the complaint has been determined.

50. Section 11(5) sets out the procedure for filling a casual vacancy where a person has resigned from the panel or is no longer eligible to be a member.

51. Section 11(6) provides that a person nominated to fill a casual vacancy does so for a period not exceeding 6 years as is specified in the nomination.

Section 12 Regional panel of assessors: composition

52. This section makes provision for the creation and maintenance of a regional panel of assessors who will have responsibility for the allocation of cases and investigation of complaints of misconduct which are not serious.

53. Section 12(1) requires the Clergy Conduct Commission to compile and maintain a national list which is to be known as the panel of assessors.

54. Section 12(2) sets out that the panel should consist of assessors in such numbers as the Commission thinks appropriate and that one or more of the assessors shall be appointed a ‘lead assessor’.

55. Section 12(3) provides that the lead assessor may only be nominated on the recommendation of the

Dean of the Arches and Auditor.

56. Section 12(4) allows for a lead assessor to delegate his or her functions to any other person on the panel of assessors.

57. Section 12(5) requires the lead assessor(s) to make a report to General Synod, through the House of Bishops, each year on the exercise of their functions in the previous year.

58. Section 12(6) sets out the eligibility requirements for nomination to the panel of assessors. The requirement is the same as for inclusion on a provincial panel, save that a clerk in Holy Orders must have been in orders for five years.

59. Section 12(7) provides that it is for the Commission to decide the terms on which a person nominated for inclusion on the panel is so included, for example, length of service.

60. Section 12(8) requires the Commission to have due regard to any advice issued the House of Bishops when making a nomination to the regional panel. The Code will set out the general experience and qualities required for exercising the functions of an assessor.

61. Section 12(9) makes amendments to section 86

Ecclesiastical Jurisdiction and Care of Churches Measure 2018, which deals with the annual fees orders, to allow for a person included on the panel of assessor to be paid.

Section 13 Regional panel of assessors: period for inclusion

62. This section sets out the period for which a person nominated to the regional panel of assessors serves.

63. Section 13(1) provides that a person nominated for inclusion on the panel of assessors serves an initial term of six years.

64. Section 13(2) allows for that initial term to be renewed for one further period of six years, which does not need to be consecutive to the previous term.

65. Sections 13(3) and (4) set out what happens when an assessors' term come to an end whilst they are dealing with a complaint. An assessor who is investigating a complaint continues on the panel until the investigation is complete. In the case of a lead assessor, that person continues on the panel until the complaint has been allocated to the appropriate track under section 21.

66. Section 13(5) provides that where a casual vacancy occurs on the panel, the nomination to fill it

by the Commission must be made subject to the same conditions as the nomination in respect of which the vacancy has occurred.

67. Section 13(6) provides that the rules made under this Measure may provide that a person's inclusion on the panel of assessors depends upon the completion of specified training and that the Commission may remove a person from the panel upon specified grounds. The provision of training will be overseen by the Clergy Conduct Commission.

Section 14 Investigation and Tribunals Team

68. This section makes provision for the creation of an 'Investigation and Tribunal Team' ("**ITT")** to oversee cases of serious misconduct and to give general advice and guidance about the Measure.

69. Section 14(1) requires the Chief Legal Adviser to the Archbishops' Council and the General Synod to designate one or more members of the Legal Office of the NCIs as members of the ITT.

70. Section 14(2) sets out the general responsibilities of the ITT which are to oversee and administer the process in relation to complaints of serious misconduct, and in particular to ensure that matters are fully investigated and then compile a report on the case.

71. Section 14(3) is a technical provision which provides that the work of the ITT has effect as if it were a function of Chief Legal Adviser and therefore enforceable through that person.

Section 15 Complaint: proper interest

72. This section sets out who may bring a complaint against a priest, deacon, bishop or archbishop, known as having a ‘proper interest’.

73. Section 15(2) provides that in the case of a priest or deacon the following persons have a proper interest:
    a. if the priest or deacon holds office in a parish—
        i. a churchwarden of the parish, or
        ii. a person nominated by the PCC at a duly convened meeting where at least two-thirds of the lay members are present and at least two-thirds of the lay members present vote for the complaint to be brought. The person nominated need not be a member of the PCC.
    b. the archdeacon in whose archdeaconry the priest or deacon holds a form of authority to exercise ministry; or,
    c. if the priest or deacons hold a form of authority which operates in more than one archdeaconry any archdeacon in the diocese;
    d. if the priest or deacons hold a form of authority

which does not operate by reference to an archdeaconry, the archdeacon of the archdeaconry in which the respondent is resident;

e. the diocesan safeguarding officer of the diocese in which the priest or deacon either holds a form of authority to exercise ministry or, if the person does not hold a form authority, is resident;
f. the national director of safeguarding or a member of the national safeguarding team nominated by the national director;
g. a person who experienced or witnessed the conduct alleged in the complaint.

74. Section 15(3) provides that where the complaint is brought against a clerk in Holy Orders who serves in a cathedral then the complaint may be brought by:
    a. a person nominated by the Chapter of the Cathedral. The person nominated need not be a member of Chapter;
    b. the cathedral safeguarding officer;
    c. the diocesan safeguarding officer of the diocese of which that cathedral is the cathedral;
    d. the national director of safeguarding or a member of the national safeguarding team nominated by the national director;
    e. a person who experienced or witnessed the conduct alleged in the complaint.

75. Section 15(4) provides that where the complaint is brought against a bishop, the following persons have a proper interest:
    a. in the case of a diocesan, suffragan or other bishop who has authority to exercise ministry in the diocese, a person nominated by the bishop's council of the diocese at a duly convened meeting where at least two-thirds of the members are present and at least two-thirds of the members present vote for the complaint to be brought. The person nominated does not need to be a member of the bishop's council
    b. the diocesan safeguarding officer of the diocese in which the bishop either holds a form of authority to exercise ministry or, if not holding authority to do so, is resident;
    c. the national director of safeguarding or a member of the national safeguarding team nominated by the national director;
    d. a person who experienced or witnessed the conduct alleged in the complaint; or
    e. a person nominated by the archbishop of the relevant province.

76. Section 15(5) provides that where the complaint is brought against an archbishop the following persons have a proper interest:
    a. a person nominated by the bishop's council of the diocese of that archbishop at a duly convened meeting where at least two-thirds of

the members are present and at least two-thirds of the members present vote for the complaint to be brought.
The person nominated does not need to be a member of the bishop's council

b. the diocesan safeguarding officer for the archbishop's diocese;
c. the national director of safeguarding or a member of the national safeguarding team nominated by the national director;
d. a person who experienced or witnessed the conduct alleged in the complaint; or
e. a person nominated by the other archbishop.

77. Section 15(6) makes provision for an archdeacon to nominate another archdeacon, either from within that diocese, or from another diocese, to bring a complaint where the archdeacon is unable or unwilling to do so, for example because of a conflict of interest.

78. Section 15(7) sets out that where an archdeacon nominates another archdeacon that must be done in writing and a copy of the record sent to the relevant diocesan registry.

79. Sections 15(8), (9) and (10) define who is to be regarded as the 'cathedral safeguarding officer', the 'national director of safeguarding' and a member of the 'national safeguarding team'.

Section 16 Complaint: procedure

80. Section 16 sets out the procedure for bringing a complaint.

81. Section 16(1) allows for the procedural rules made under this Measure to set out the form that a complaint must be made in and the procedure which must be followed.

82. Section 16(2) sets out that a complaint against a priest or deacon (subject to the exceptions set out below) must be made to the bishop of the diocese in which the priest or deacon held a form of authority to exercise ministry at the time that the alleged conduct occurred, or if the priest or deacon did not hold a form of authority the diocese in which the priest or deacon was resident.

83. Likewise, section 16(3) sets out that a complaint against a bishop must be made to the archbishop of the province in which the bishop held preferment at the time that the alleged conduct occurred, or if the bishop did not hold preferment at time, the diocese in which the priest or deacon was resident.

84. In either case, if the complaint alleges that the priest or deacon or bishop officiated as minister without authority then the complaint must be made to the bishop of the diocese (in the case of a priest or deacon) or the archbishop of the province (in the case of a bishop) in which the person is said to

officiated without authority.

85. Section 16(4) requires a complaint against an archbishop to be made to the President of Tribunals, who must notify the other archbishop. This changes the position under the CDM 2003 where a complaint against an archbishop is made to the other archbishop.

86. Sections 16(5) to (7) sets out special modifications for certain clergy and provides that:
    a. a complaint against a chaplain of one of the armed forces of the Crown must be made to the Archbishop of Canterbury;
    b. a complaint against a minister who has a licence to preach from an archbishop must be made to that archbishop;
    c. a complaint against a minister who has a licence to preach from the University of Oxford or Cambridge must be made to the Archbishop of Canterbury.

87. Section 16(8) provides that where a respondent falls within both one of the general provisions in (2) to (4) and one of the special provisions in (5) to (7), only the special provision will apply.

88. Section 16(9) operates to prevent a complaint being made under this Measure against a cleric about the way they have performed a function under

this Measure, without the prior permission of the President of Tribunals. For example, this provision would apply to a priest who acted as a case assessor on a complaint of misconduct or an archdeacon who brings a complaint.

89. Section 16(10) confirms that where a cleric holds a licence from a bishop of the diocese that licence may not be terminated because of the cleric's misconduct otherwise than by a complaint being made under this Measure.

90. Section 16(11) creates the term 'responsible bishop' which operates as a tag for future references in this Measure.

Section 17 Protected Parties

91. This sets out the procedure where a child or a person who lacks capacity or has a disability wishes to bring a complaint or where the respondent lacks capacity or has a disability. In such cases the procedure allows for the appointment of a litigation friend to conduct the proceedings in the place of the child or person lacking capacity or having a disability.

92. Section 17(1) provides that a child may not bring a complaint, but where the child would otherwise have a proper interest (for example under section 15(2)(e) above because they experienced the misconduct) then

a person with parental responsibility (which under section 17(9) has the same meaning as in the Children Act 1989) or a person appointed as a litigation friend may bring the complaint. This section does not prevent another person from bringing the complaint, for example the archdeacon or diocesan safeguarding officer.

93. Section 17(2) provides that a person who otherwise would have a proper interest but lacks capacity (which under section 17 (10) is to be read with the Mental Capacity Act 2005) or has a disability (which under section 17 (11) has the same meaning as in section 6 of the Equality Act 2010) may appoint a litigation friend to bring the complaint. This provision does not affect the powers of any person who may be appointed an attorney or other authorised person under the Mental Capacity Act 2005.

94. Section 17(3) provides that a respondent who lacks capacity or has a disability may appoint a litigation friend.

95. Section 17(4) is a technical provision that confirms that subsections (2) and (3) do not affect the powers of a person authorised under the Mental Capacity Act 2005 to act for that person generally.

96. Section 17(5) provides that the appointment of a

litigation friend is to be by the President of Tribunals or, if a court or tribunal has been convened, the Chair, in accordance with the procedure that will be set out by the rules.

97. Section 17(6) is a standard provision that sets out that it is the duty of a person appointed as litigation friend for another person to act in the best interests of that person.

98. Section 17(7) and (8) confirm the position that a person who under this section is authorised by virtue of their appointment as litigation friend is treated as having a proper interest in the complaint.

Section 18 Self-referral by cleric

99. Section 18 creates a provision whereby a cleric may self-refer themselves into the system in respect of their own conduct. There is no obligation on a cleric to do so and they may not do so where the conduct in question is already the subject of a complaint under this Measure or the CDM. The section also sets out where a self-referral is to be made to.

Section 19 Limitation periods

100. This section deals with the period in which a complaint against a cleric must be brought, known as a limitation period.

101. Section 19(2) provides that a complaint that

constitutes a grievance or misconduct (that is not serious misconduct) must be brought within 12 months of the last occurrence of the conduct ending with the date the complaint is made. Where the conduct constitutes a course of conduct the whole of the conduct may fall within the scope of the complaint so long as the last event is within 12 months of the complaint being brought.

102. Section 19(3) allows for a complaint to be made in respect of conduct occurring before the coming into force of the Measure, subject to the limitations imposed by this section regarding time limits as set out above.

103. Section 19(4) provides that the limitation period does not apply to any complaint self-referred by the cleric.

104. There is no limitation period for complaints of serious misconduct. This is a change to the current position and implements an IICSA recommendation.

Section 20 Referral of a complaint

105. This section sets out the actions that must take place once a complaint has been made to the responsible bishop.

106. Section 20(1)(a) requires that upon receiving the complaint the responsible bishop, or the President of Tribunal (in the case of a complaint

against an archbishop) must refer the case to the lead assessor. This is for the purposes of allocating the complaint to the appropriate track.

107. The operation of sections 20(1)(b) and 20(2) and (3) is to require referral to the police (unless it has already been referred), and to the diocesan safeguarding officer (unless it has already been referred), where the conditions for doing so are met.

108. Sections 20(4), (5), (7) and (8) make provision for either the DSO or the national director of safeguarding (or a member of the NST nominated by the director), to become a party to a complaint involving a child or vulnerable adult and for the rules to make provision for their role as a party.

109. Section 20(6) sets out that, where there is more than one lead assessor in post, the rules will determine which lead assessor will deal with the complaint.

110. Section 20(9) provides that upon referring the case to the lead assessor the responsible bishop of President must give to the lead assessor such information as the rules may specify. For example, this could include details of previous complaints of a similar nature.

111. Section 20(10) requires the responsible bishop

to consider and offer appropriate pastoral support to each of the parties to the complaint, people in the area where the respondent exercises ministry (for example churchwardens or other parishioners) and any other person with an interest in the complaint (for example the person who experienced the alleged conduct or another witness).

112. Section 20(11) confirms that in cases where an archbishop is the respondent the functions in subsection (10) above are to be carried out by the other archbishop.

21 Allocation of complaint

113. Section 21(1) requires the lead assessor to either

a. allocate the complaint to one of three tracks (grievance, misconduct and serious misconduct); or
b. make a recommendation to the responsible bishop that the complaint be dismissed on the grounds that it is vexatious or totally without merit or
c. if a complaint of misconduct has been made outside of the 12 months limitation period, either dismiss the complaint, or where the assessor is of the view that there was a good reason why the complaint was not made within time, give permission for it to proceed; or
d. dismiss the complaint on the grounds that it was

made by a person who does not have a proper interest under section 15.

114. Section 21(2) allows for the lead assessor to allocate a complaint of misconduct as a grievance. For example, where the complaint alleged a very minor breach of ecclesiastical law.

115. Section 21(3) provides that before deciding whether or not to give permission under section 21(1)(e)(ii) – where the complaint of misconduct is out of time – the lead assessor must give the persons specified in the rules an opportunity to make written representations.

116. Section 21(4) requires the assessor to notify the responsible bishop or President of Tribunals of the decision.

117. Section 21(5) makes provision for the rules to specify the procedure for when a complaint alleges different levels of conduct – for example a mixed case of misconduct and serious misconduct.

Section 22 Action after allocation of complaint

118. Section 22(1) requires the responsible bishop or President of Tribunals to inform the parties of the lead assessor's decision.

119. Section 22(2) makes provision that, in the case

of a complaint allocated as a grievance, the bishop must appoint a designated person to investigate and seek to resolve the grievance.

120. Section 22(3) provides that the designated person must be a clerk in Holy orders or an actual communicant and before making the appointment the responsible bishop or President of Tribunals must have due regard to the factors set out in the Code of Practice.

121. Section 22(4) provides that where the case is allocated as misconduct (but not serious misconduct) then the lead assessor must appoint a case assessor from the panel.

122. Section 22(5) provides that where the case is allocated as serious misconduct then the responsible bishop must refer the case direct to the ITT.

123. Sections 22(6) and (7) make provision in respect of informing the respondent as to the availability of ecclesiastical legal aid and make amendments to the Church of England (Legal Aid) Measure 1994 to allow for the instruction of a direct access barrister.

124. Section 22(8)(a) requires the bishop to dismiss the complaint where that has been the recommendation of the lead assessor under

subsection (1). Section 22(8)(b) allows that the President (in the case of a complaint against an archbishop) may either dismiss the complaint or where the President disagrees with the recommendation may either not dismiss the complaint or may give directions in accordance with the rules for the next steps.

Section 23 Grievance

125. This section sets out the basic procedure for investigating and resolving a grievance. It will be supplemented by procedural rules and guidance in the Code of Practice.

126. Sections 23(3) and (4) make provision for the re-allocation of a grievance at any time before it has been resolved. This may be, for example, where during the investigation stage new evidence comes to light that warrants a re-evaluation of the allocation.

127. Section 23(5) provides for the allocation process to be rerun.

128. Section 23(6) provides that where the designated person is satisfied that it is not possible to resolve the complaint, then the designated person must inform the parties, the lead assessor and the responsible bishop or the President of Tribunals.

Section 24 Complaint of misconduct: investigation

129. Section 24 sets out the process for the investigation of a complaint of misconduct (but not serious misconduct).

130. Section 24(2) requires that the case assessor to be appointed from the panel maintained by the Clergy Conduct Commission.

131. Section 24(3) sets out that it is the role of the case assessor to investigate the complaint and make such findings of fact that are required for determining the complaint. The procedural rules and Code of Practice will set out further details on the process that the case assessor will follow.

132. Sections 24(4) and (5) provide that the case assessor <u>must</u> seek advice from the ITT where an issue specified in the rules arises (for example a question of law) and that the case assessor <u>may</u> seek advice from the ITT on any issue relating to the complaint.

133. Sections 24(6), (7) and (8) provide the same procedure as in section 22 for the re-allocation of the complaint as a grievance or a case of serious misconduct and for the subsequent decision by the lead assessor and also that the lead assessor may allocate a case of a minor case of misconduct as a grievance.

134. Section 24(9) is the same as section 23(5) and provides for the allocation process to be rerun.

Section 25 Complaint of misconduct: report

135. This section sets out what happens once the case assessor has completed the investigation. Under section 25(1) the assessor must write and issue a report to the parties and to the responsible bishop or President of Tribunals. Section 25(2) provides that the rules will specify the time period and the contents of the report.

136. Section 25(3) sets out the recommendations that the case assessor may make.

137. Section 25(4) provides that where the report finds the complaint proven or part proven, it may also recommend what, if any, penalty or administrative sanction should be imposed.

138. Section 25(5) makes provision for the case assessor, when recommending that the case be dismissed, to also recommend that the complaint be declared vexatious or totally without merit.

139. Section 25(6) requires the responsible bishop (in a case against a deacon, priest or bishop) to implement the recommendations in the report, whilst having due regard to the Code of Practice.

140. Section 25(7) set out the procedure in the case of a complaint against an archbishop. In that case, the President may implement the recommendation under subsection (3) or
(5) or if the President does not agree with a finding of fact or with a recommendation, the President may determine the case or give directions.

141. Section 25(8) allows the President or responsible bishop a discretion in whether or not to accept the recommendation for a penalty or administrative sanction and, should the person wish to decide the appropriate penalty or administrative sanction themselves.

Section 26 Complaint of misconduct: conciliation

142. Section 26 set out the process for the parties entering into conciliation where the complaint has been allocated as misconduct (but not serious misconduct). It does not apply to cases that have been allocated as a grievance, but the procedure set out in the rules for resolving grievances will allow for a separate process akin to a conciliation.

143. Where conciliation is reached, an agreement must be put in writing and no further steps may be taken on the complaint. If within three months conciliation is not reached, then the complaint proceeds in accordance with the preceding sections.

Section 27 Complaint of serious misconduct

144. This section sets out the process when a complaint is allocated as serious misconduct.

145. Section 27(2) provides that the ITT is to investigate the complaint and make a report to the President of Tribunals.

146. Section 27(3) operates so as to allow a person other than a member of the ITT to carry out the investigation and write the report (for example an external investigator or barrister).

147. Section 27(4) requires that the report to the President be given to the parties and that each party be given an opportunity to make written representations to the President.

148. Section 27(5) then requires the President to consider the report and the representations and either refer the complaint in full for determination by a bishop’s disciplinary tribunal (for priests and deacons) or the Vicar-General’s Court (for bishops and archbishops), to refer part of the complaint and dismiss the remainder, or to dismiss the complaint in full.

149. Sections 27(6) and (7) set out the test that the President is to apply in making the above decision. The President must consider if there is a real

prospect of a finding of misconduct; if so, whether it is likely that the misconduct would be a finding of serious misconduct; and if so whether there are exceptional circumstances such that referring the complaint to a court or tribunal would cause an injustice.

150. Where the President is satisfied that the test is met, the complaint must be referred to a bishop's disciplinary tribunal or to the Vicar-General's court.

151. Section 27(8) provides that where the President determines that there is no real prospect of a finding of misconduct then the case must be dismissed.

152. Section 27(9) provides that if the President determines that there is a real prospect of a finding of misconduct, but that the misconduct would not amount to serious misconduct, then the President must refer the case to the lead assessor and the complaint proceeds as if it has been allocated as misconduct (but not serious misconduct).

153. Section 27(10) sets out that if the President determines that sending the complaint to a tribunal would cause an injustice (see section 27(6)(c)) then the complaint is to be dismissed and not further steps may be taken on it.

154. Section 27(11) requires the President to put the

decisions in writing.

Section 28 Safeguarding issues arising during investigation

155. Section 28 sets out that if, during an investigation into a complaint of misconduct or serious misconduct an issue relating to the safeguarding of a child or vulnerable adult arises, the person carrying out the investigation must notify the DSO or director of the NST (or a member of the NST nominated by the director). The person who is informed then may become a party to the proceedings in accordance with the procedure that will be set out in the rules.

Section 29 Bishop's disciplinary tribunal

156. Section 29 sets out the composition of and appointment to a bishop's disciplinary tribunal. The tribunal is reduced from five persons (under the CDM) to three.

157. It provides that a person may not be appointed to sit on a tribunal if they were nominated to the provincial panel by the responsible bishop who dealt with the case.

Section 30 Vicar-General's court

158. Section 30 sets out the composition of and appointment to the Vicar-General's court. The composition of the Courts has also been reduced to three persons. Where the Vicar-General is unable or

unwilling to serve as Chair, the President of Tribunal (or deputy) or a person appointed from the relevant sections of the provincial panel may be appointed as Chair.

159. It also provides that a person may not be appointed on the court if they were nominated to the provincial panel by the responsible bishop who dealt with the case or the President of Tribunals.

Section 31 Procedural matters

160. Section 31(1) provides that the standard of proof to be applied by a Bishop's disciplinary tribunal or Vicar-General's court is the balance of probabilities. This is the usual standard of proof in civil and disciplinary cases and means ‘is it more likely that not that an event occurred’.

161. Section 31(2) provides that a decision of a court or tribunal is to be taken by a majority of its members, but there is an exception for any question of law or procedure, where the decision is to be taken by the Chair alone.

162. Section 31(3) and (4) require a tribunal or court to sit in public except in circumstances where the tribunal or court is satisfied that it is in the interest of justice to sit in private, or in circumstances which are prescribed the rules. Where the court or tribunal does sit in private this may be for part of a hearing,

or for particular pieces of evidence. Where the court or tribunal sits in public, the Measure provide a power to exclude persons from the whole or part of the proceeding.

163. Section 31(5) allows for the rules to make provision for certain procedural matters.

Section 32 Vexatious litigant: application for restraint order

164. Section 32 is a new provision that allows for the respondent to a complaint, or a bishop or archbishop, or the ITT, to apply for a restraint order against a vexatious litigant. It has been introduced to protect clergy against malicious and harmful complaints.

165. Section 3(22) sets out what a restraint order is and the consequences of an order being made. Where a restraint order is in place the person subject to the order may not make any complaint, request or application without the prior permission of the President. Similarly, a person with a proper interest may not make the complaint, request of application on behalf of a person subject to a restraint order. Any complaint, application or request that had been made before the restraint order was made proceeds no further.

166. Sections 32(3) provides that the application is to be made either to the President of Tribunals or to

the Chair of a court or tribunal if one has been convened.

167. Section 32(4) sets out the test to be applied upon an application for a restraint order and subsection (5) provides that before making an order the person against whom the order would be made must be given an opportunity to make written representations.

Section 33 Vexatious litigant: operation of restraint order

168. Section 33(1) and (2) provides for the period that the restraint order is to remain in force and for the publication of the order in line with directions issued by the President.

169. Section 33(3) operates so as to make any complaint, application or request made by a person subject to an order without the necessary permission to be a nullity.

170. Section 33(4) and (5) sets out the test for the granting of permission to a person who is subject to a restraint order to bring a complaint, application or request and also makes provision for the variation and discharge of an order.

Section 34 Restriction order and suspensions: power to impose

171. Section 34 sets out the circumstances when a

restriction order may be made against a cleric or when a cleric may be suspended. A restriction order or suspension may only be imposed on a complaint of misconduct or serious misconduct (i.e. not in the case of a grievance).

172. Section 34(3) allows for a restriction order or suspension to be revoked at any time.

173. Section 34(4) sets out who may impose the order or suspension. In the case of an archbishop the relevant officer is the President of Tribunals.

174. Section 34(5) repeats the provisions of the CDM 2003 in relation to the meaning of 'significant risk' for the purposes of section 34(1)(f), which derives from Canon C 30.

175. Section 34(6) allows for the rules to specify that a particular offence or type of offence is excluded from this section, for example, speeding offences.

Section 35 Restriction order

176. This section sets out provisions relating to the making of a restriction order and the test and procedure for imposing the order.

177. Section 35(2) provides that the relevant officer (which is the person who imposes the order) may only do so once they have considered all the circumstances of the case and is satisfied that an

order is necessary to secure the proper exercise of a typical clerk in Holy Orders.

178. Where an order is imposed the cleric may not carry out the action specified in the order unless the person who imposed the order gives permission. A restriction order differs from a full suspension in that a suspension is a full prohibition from exercising <u>any</u> function in relation to the cleric's office. It is designed to be a more proportionate response to lower-level concerns raised about the cleric's conduct.

179. The relevant officer must consult such persons as the officer considers appropriate and if relying upon section 34(1)(f) ('significant risk of harm') then the officer must consult either the DSO or the director of the NST unless the information came from that person.

180. The rules will make provision for the recoding in writing of decisions and the procedure of serving notice of the order.

181. A restriction order has effect for three months, unless revoked and the relevant officer may at the expiry of the order impose a further order, applying the same test.

Section 36 Suspension

182. Section 36 deals with the power to suspend a cleric.

183. Section 36(1) sets out the definition of a suspension.

184. Section 36(2) sets out the test for suspension. The relevant person must first have considered whether it would be sufficient to impose a restriction order. If they are satisfied that such an order would not be sufficient, then they may only suspend the cleric where it is necessary to do so, having considered all the circumstances of the case.

185. Sections 36(3) provides for consultations prior to imposing a suspension, including if the relevant officer relying upon section 34(1)(f) ('significant risk of harm') then the officer must consult either the DSO or the director of the NST unless the information came from that person.

186. Section 36(4) provides that, before a bishop or archbishop may be suspended the consent of the two most senior bishops in the province must be obtained.

187. Section 36(5) makes provision for the creation of rules concerning the recording of decisions, the giving of notice and revocation of suspension and the period of suspension.

188. Sections 36(6) and (7) provides that a suspension has effect for three months, unless revoked and the relevant officer may at the expiry of the order impose a further order, applying the same test.

189. Section 36(8) – (11) provides for the making of arrangements for ministry in the relevant place where the cleric is suspended.

Section 37 Penalties and administrative sanctions

190. Section 37(1) sets out the penalties that may be imposed for misconduct. Three new penalties have been added which are (i) a written notice given to the respondent concerning the commission of misconduct that is not serious and (ii) a mentoring and supervision requirement, which would require the respondent to be supervised and mentored by another cleric for a period of time specified in the order and (iii) removal of permission to officiate.

191. Section 37(2) makes new provision for administrative sanctions, which are not a penalty, for lower-level misconduct.

Section 38 Power to impose penalty or administrative sanction

192. Section 38 sets out the circumstances in which a penalty or administrative sanction may be imposed.

193. Section 38(1) provides that where a case assessor makes a finding that the respondent has committed misconduct then the responsible bishop or President of Tribunals may impose a penalty <u>or</u> an administrative sanction.

194. Section 38(2) provides that a tribunal or court may impose either a penalty <u>or</u> an administrative sanction when dealing with misconduct or serious misconduct.

195. Section 38(3) provides that the responsible bishop or President of Tribunals may impose a penalty <u>or</u> administrative sanction where the respondent admits misconduct.

196. Sections 38(4) and (5) provide that where in a complaint of serious misconduct the respondent admits to the misconduct the court or tribunal, as the case may be, may impose a penalty or administrative sanction.

197. Section 38(6) provides that where the respondent enters a partial admission, either to a complaint of misconduct or serious misconduct, a penalty or administrative sanction may not be imposed until such time as the remaining part has been concluded, either as a result of a tribunal or court, or by being withdrawn.

Section 39 Exercise of power under section 38

198. Section 39(1) operates so that the responsible bishop or President of Tribunals when dealing with a case of misconduct may only impose following penalties:

e. a written notice of misconduct;

f. a mentoring and supervision order; and

g. an injunction;

or may impose either or both of the administrative sanctions (written warning and written advice).

199. Section 39(2) operates so that a tribunal or court may impose <u>any</u> of the penalties or either or both of the administrative sanctions.

200. Section 39(3) confirms that, for the avoidance of doubt, where one or both of the administrative sanctions is imposed, a penalty may not be imposed.

201. Section 39(4) inserts a new provision that allows a tribunal or court to take into account any period that a respondent has been suspended when imposing a limited prohibition, but in doing so may not extinguish the total period of prohibition altogether.

202. Section 39(5) and (6) repeats the current provisions in the CDM whereby a tribunal or court may invite the responsible bishop to give a written

opinion of what an appropriate penalty would be in the particular case.

203. Section 39(7) requires those imposing a penalty to have due regard to the Code of Practice as well as guidance issued by the Commission on penalties.

Section 40 Conditional discharge

204. Section 40 repeats like provisions in the CDM for the imposition of a conditional discharge where the responsible bishop, President of Tribunals or the tribunal or court is of the opinion that it is not expedient to impose a penalty or administrative sanction. A conditional discharge may only be imposed for a period not exceeding two years from the date of the order.

205. Where a respondent, during the period of discharge, commits further misconduct, the bishop, President of Tribunals, court or tribunal as the case may be, may deal with the Respondent for both the original misconduct and the new misconduct.

Section 41 Deposition from Holy Orders: priest or deacon

206. Section 41 re-introduces a power for a bishop to depose a priest or deacon from Holy Orders following a finding of misconduct that does not involve a question of doctrine, ritual or ceremony. The re-introduction of this power implements an IICSA recommendation. Canon C1.2 provides that

once a person is admitted to Holy Orders they can never be divested of the character of the order but may by legal process be deposed from them. The power to depose will be exercisable only where a tribunal has imposed a penalty of prohibition for life.

207. Where a tribunal makes a recommendation that the respondent be deposed from Holy Orders the bishop may then depose that person, subject to the provisions of section 41(4) to (8) which sets out a process of appeal to the archbishop of the relevant province.

208. The effect of deposition from Holy Orders is that the person must thereafter live their life as a lay person and the same consequences apply as if the person had voluntarily relinquished their orders by deed under the Clerical Disabilities Act 1870[1].

Section 42 Deposition from Holy Orders: bishop or archbishop

209. Section 42 makes equivalent provision for deposition from Holy Orders in respect of a bishop or archbishop. In the case of a bishop or archbishop the Upper House of the relevant Convocation must consider the recommendation and may not pass a resolution to depose the person from their orders until they have given the bishop or archbishop an opportunity to be heard before it and considered any representations.

Section 43 Restoration on pardon

210. Section 43 provides that the Royal prerogative of mercy (“a free pardon”) applies to proceedings under this Measure, the CDM or the Ecclesiastical Jurisdiction Measure 1963 (“EJM”).

211. Where a person receives a free pardon the relevant prohibition, removal or deposition ceases to apply and the person is restored to any ecclesiastical office or form of authority held previously held, unless it has been filled in the meantime.

Section 44 Limited prohibition: performance of cleric’s functions

212. This section makes provision for the exercise of functions when a priest or deacon holding a form of authority, a suffragan or diocesan bishop, or an archbishop is subject to a period of limited prohibition.

213. In each case the bishop or archbishop, as the case may be, may appoint some other person to carry out the cleric’s functions during the period of prohibition, save that in the case of an archbishop the other archbishop is to carry out those functions.

Section 45 Disobeying penalty etc

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[1] (1) He shall be incapable of officiating or acting in any manner as a minister of the Church of England, and of taking or holding any preferment therein, and shall cease to enjoy all rights, privileges, advantages,

and exemptions attached to the office of minister in the Church of England:

(2) Every licence, office, and place held by him for which it is by law an indispensable qualification that the holder thereof should be a minister of the Church of England shall be ipso facto determined and void:

(3) He shall be by virtue of this Act discharged and free from all disabilities, disqualifications, restraints, and prohibitions to which, if this Act had not been passed, he would, by force of any of the enactments mentioned in the first schedule to this Act or of any other law, have been subject as a person who had been admitted to the office of minister in the Church of England, and from all jurisdiction, penalties, censures, and proceedings to which, if this Act had not been passed, he would or might, under any of the same enactments or any other law, have been amenable or liable in consequence of his having been so admitted and of any act or thing done or omitted by him after such admission. This final paragraph is subject to the provisions of section 43(2) of this Measure.

214. Section 45(1) provides that a breach of any penalty or censure imposed under this Measure or the CDM or the EJM is to be regarded as misconduct for the purposes of section 3(1)(a).

215. Sections 45(2) and (3) provides that where a person has been deposed from Holy Orders a subsequent complaint may still be brought against

them, as if they had not been deposed.

Section 46 Conviction for offence etc. power to impose penalty etc

216. Section 46 provides that where a cleric is convicted of an offence, whether committed in England or elsewhere, or is included in a barred list, a penalty or administrative sanction may be imposed on the cleric without the need for a complaint to be made.

217. Section 46(2) to (7) sets out who may impose the penalty or sanction, the requirement for that person to obtain a report from the ITT, consultations, and allows representations from the cleric in question. It also sets out the guidance that must be taken into account and the procedure for imposing the penalty.

218. Section 46(8) provides that the provisions of sections 38 to 45 (which includes the power to depose from Holy Orders) apply to penalties imposed under this section.

219. Section 46(9) allows for the rules to provide that certain specified offences or an offence of a certain description does not fall within this section, for example, minor traffic offences.

220. Section 46(10) provides that this section applies to a conviction or inclusion in a barred list

which occurred before the cleric was in Holy Orders and which occurred before the coming into force of the Measure.

221. Section 46(11) provides for a definition of ‘relevant diocese’ for the purposes of section 46(2).

Section 47 Power under section 46: time limit

222. Section 47(1) provides that the power to impose a penalty or administrative sanction above must be exercised within two years of the date the conviction becomes conclusive (for the definition of which see section 65) or the date on which the cleric was included on the barred list.

223. Section 47(2) and (3) sets out that the President may on application extend the above period if satisfied the applicant did not know about the conviction or inclusion and provides for who must make the application.

Section 48 Recognition of external decisions etc.

224. Section 48 is a new provision to recognise disciplinary findings made by a church other than the Church of England, or by the Church of England in a territory where this Measure does not apply. For example, section 48 would operate to recognise a disciplinary finding made by the Church in Wales against a priest who was at the time of the misconduct licensed in the Church in Wales, but at the time of the Welsh disciplinary proceedings held licence in the Church in England. This finding of

misconduct could be relied upon by the Church of England and, subject to the procedures set out in this section, a penalty (including removal from office and prohibition) imposed on the cleric.

225. Sections 48 (1) - (3) provide that where the President of Tribunals is satisfied that a cleric who holds a form of authority to exercise ministry in either province in the Church of England is subject to a finding by the other church or territory which would amount to misconduct under this Measure, the President may either take no further action or may refer the matter to a tribunal or court. Before making the decision, the President must seek written representations from the ITT and the cleric in question.

226. Section 48(4) requires the President to record the decision in writing.

227. Section 48(5) provides that upon referral to a court or tribunal that body may impose a penalty or administrative sanction for the misconduct.

228. Section 48(6) confirms that a finding of misconduct includes the making of an admission by the respondent.

Section 49 Rights of Patronage

229. The section makes provisions to protect the rights of patrons in the event that an incumbent is

removed from office as a result of this Measure. Section 49(2) operates so that the start date specified in a notice that is required to be served under section 7(4) of the Patronage (Benefices) Measure 1986 is the date specified in the notice, and not when the incumbent was removed from office, which may have been earlier.

230. Section 49(2) provides for any right of patronage held -

h. by a priest or deacon to vest in the bishop of the diocese where the place to which the patronage applies or subject to a limited prohibition in one of the archbishops;
i. by a diocesan bishop in the archbishop of the province concerned; or
j. by an archbishop in the other archbishop

231. Section 49(3) provides that were a cleric exercises any right of patronage as part of a board of trustees, the person may not participate in the exercise of the board's functions as trustees during any period of suspension or limited prohibition.

Section 50 Review etc by the President of Tribunals on complaint

232. Section 50 sets out each occasion that a person may request the President of Tribunals or Dean of the Arches and Auditor to review a decision, finding of fact, order or penalty. The

procedural rules that will accompany the Measure will set out the procedure for requesting a review and the procedure along with the powers of the President when determining a request.

233. Section 50(6) permits a DSO or the director the NST to ask the President of Tribunals to review a decision a bishop not to impose a restriction order or suspension where the officer is of the view that the cleric presents a significant risk of harm.

Section 51 Review by the President of penalty etc under on conviction

234. Section 51 provides that a cleric on whom a penalty has been imposed under section 56 (i.e. following a conviction for an offence) may seek a review of that penalty.

235. In the case of a priest, deacon or bishop that review is considered by the President of Tribunals. In the case of an archbishop, it is considered by the Dean of the Arches and Auditor (because the President will have imposed the penalty).

236. In each case the President or Dean must invite written representations from the persons or body listed in either section 51(3) or 51(4).

237. The procedural rules will set out the procedure for requesting a review along with the procedure and powers of the President or Dean when determining a request.

Section 52 Appeals etc to court

238. Section 52 sets out the routes of appeal open to each party to appeal against the decision of a tribunal or court.

239. Sections 52(1) and (2) provide that a respondent may appeal against a penalty imposed by a tribunal or court, or on a question of law or finding of fact determined by a tribunal or court.

240. Sections 52(3) and (4) provide that the ITT may appeal on a question of law against a finding of a tribunal or court and may also apply for a review of the penalty imposed where it appears that it was unduly lenient.

241. Section 52(5) sets out the court to which to the application or appeal is made.

Section 53 Permission to appeal

242. Section 53 sets out that an appeal or application for review, as set out above, may only be made where prior permission has been given by the tribunal or court which heard the proceedings, or the Arches Court of Canterbury or the Chancery Court of York, depending on the province.

243. Sections 53(2) and (3) make provision for who determines applications for permission and enables directions to be made as to the issues that may be determined on any appeal or review.

244. Sections 53(4) and (5) make provision for the implementation and recording in the Archbishops' List of any penalty to be postponed pending the disposal of the application for permission or the appeal.

Section 54 Composition of court on appeal or review

245. Section 54(1) provides that for an appeal brought by a priest or deacon or an application for review of penalty brought by the ITT the Court is to be comprised of the Dean of the Arches and one judge from the relevant provincial panel (see section 10(2)(a) and (d)) and one clerk in Holy Orders from the relevant provincial panel (see sections 10(2)(c) and (e)), both appointed by the President.

246. Section 54(2) provides that an appeal by a bishop or archbishop is to be heard by the same composition, save that the clerk in Holy Orders must be in Episcopal Orders and need not be on either provincial panel but must serve or reside in the other province to the appellant.

247. Section 54(3) provides for the Dean of the Arches and Auditor to appoint another person to Chair the court where the Dean is unable or willing to sit.

248. Section 54(4) sets out that a person may not be appointed to sit on the court if they were

nominated for inclusion on the panel by the responsible bishop who dealt with the case.

Section 55 Duty to disclose convictions, arrests, cautions

249. This section sets out the duties on a cleric to disclose when they have been arrested, charged with an offence, had proceedings for an offence commenced against them, convicted of an offence or received a caution or administrative disposal[2], or have been include in a barred list (which must include the reason). The section operates so as to include offences committed outside of England.

250. Section 55(4) provides that the rules may specify that certain offences fall outside the duty to disclose, for example, minor traffic offences.

251. Section 55(7) provides a definition of 'administrative disposal' for the purposes of this section.

Section 56 Divorce or separation order

252. Section 56 makes provision requiring the disclosure of a final divorce order or a judicial separation.

Section 57 Work in other capacities: adverse findings

253. Section 57 makes new provision for the sharing of and reliance upon information relating to disciplinary proceedings or process relating to a

cleric's work between secular employees and the church.

Section 58 Archbishops' List

254. Section 58 provides for the continuation of the Archbishops' List. Under the CDM the List is a record of all clerks in Holy Orders who have subject to penalty or censure under

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2 See subsection (7).

the CDM or EJM; who have been deposed from Holy Orders or who have voluntarily relinquished their Orders under deed; who resigned their office following a complaint being made under the CDM or EJM; whose name has been included in a barred list; or who in the opinion of the archbishops, have acted in a manner (not amounting to misconduct) which might affect their suitability for holding preferment.

255. The section and sets out the grounds upon which a cleric is to be added to the List and the making of procedural rules for an appeal process against the particulars (but not the inclusion) of the entry. The names of clergy who were placed on the list under the provisions of the CDM and EJM will continue to appear on the List.

256. It will no longer be possible to add a person to the List where they have behaved in a way not amounting to misconduct but the archbishops were

nevertheless of the view that the person's conduct might affect their suitability for holding office. Furthermore, the provisions concerned with the removal of names from the List after a specified period have not been replicated in this Measure, so names of those on whom a penalty or an administrative sanction has been imposed will remain on the List indefinitely.

Section 59 Panel of solicitors

257. Section 59 makes amendments to the Church of England (Legal Aid) Measure 1994 to include a power for the rules made under that Measure to make provision for the creation of a panel of solicitors' firms and direct access barristers. Subject to any circumstances specified in the rules, only solicitors from such a firm will be eligible to represent respondents under a legal aid certificate.

Section 60 Place where courts and tribunals to sit

258. Section 60 is a standard provision that provides for where a court or tribunal may sit to hear cases.

Section 61 Evidence

259. Section 61 sets out that the powers of a court or tribunal are the same as the High Court in relation to the attendance and examination of witnesses and the production and inspection of documents. This replicates existing provisions that apply to proceedings under the CDM 2003.

Section 62 Contempt

260. Section 62 restates the provisions of the CDM 2003 in relation to a person carrying out an act or omission before a court or tribunal that would constitute contempt. Where that takes place the judge or chair of the court or tribunal may send a certificate to the High Court which in turn may consider proceedings for contempt.

Section 63 Costs and fees

261. Section 63 makes provision for the payment by the Archbishops' Council and the Church Commissioners of the costs and fees in relation to the work of bishops and archbishops (but not in their capacity as a respondent), the tribunal and courts, and ecclesiastical judges or legal officers, concerned with this Measure.

Section 64 Recording and publication of decisions

262. Section 64(1) requires that judgments, orders or other decisions made under the Measure must be recorded in the diocesan or provincial registry.

263. Section 64(2) requires that certain judgments, orders or other decisions must be published in the form and manner that is be specified in the procedural rules.

Section 65 Delegation by bishop or archbishop

264. Section 65 allows a bishop or archbishop to directly delegate their functions under this Measure to another bishop from either inside or outside the diocese. This provision replaces the need for

bishops to rely upon the more general procedures in section 13 of the Dioceses, Pastoral and Mission Measure 2007 which are not designed for dealing with delegation in cases of discipline.

Section 66 House of Bishops' declarations

265. This section sets out the procedure before the House of Bishops and General Synod where the House of Bishops wishes to make a declaration for the purposes of section 3(4) of this Measure (i.e. a declaration that the policies etc. of a political party are incompatible with the church's teaching on racial equality). A declaration made by the House of Bishops must be laid before General Synod and if at least 25 members of Synod give notice that they wish it to be debated it must be so.

Section 67 Code of Practice

266. Section 67 sets out the approval process for the Code of Practice.

267. It provides that the first iteration of the Code may not be issued until it has been approved by General Synod. Thereafter, amendments to the code, apart from those which in the view of the Commission are insubstantial, are made by the Commission and laid before General Synod. If within the period of four weeks of that taking place 25 members of Synod give notice in writing to the Clerk that they wish for the amendment to be debated, then the Business Committee must secure a debate on the Code at the next group of sessions.

If Synod votes to revoke the amendments, then anything done in reliance upon the new sections would not be invalidated.

Section 68 Interpretation

268. Section 68 defines a number of words and phrases, as well as clarifying some of the terminology used in the Measure.

Section 69 Conclusive convictions

269. Section 69 provides for when convictions for criminal offences become conclusive as well as setting out various provisions for relying upon convictions, cautions and administrative disposals as conclusive evidence that the respondent has committed the conduct to which the convictions or cautions relates.

Section 70 Consequential amendments

270. Section 70 refers to the consequential amendments set out in schedule 1.

Section 71 Repeals

271. Section 71(1) repeals the CDM 2003.

272. Sections 71(2) and (3) list a number of provisions that are in consequence repealed.

Section 72 Transitional and saving provisions

273. Section 72 refers to the transitional and saving provisions set out in Schedule 2.

Section 72 Citation, commencement and extent

274. Section 72 makes standard provision for the Measure’s citation, commencement and extent.

275. The Measure may be applied to the Channel Islands or extended to the Isle of Man where those jurisdictions make provision under their own laws and procedures for doing so.

Schedule 1 Ancillary Amendments

276. Schedule 1 sets out a number of amendments to Acts, Measures and Regulations consequential on the passing of this Measure.

Schedule 2 Transitional and Saving Provisions

277. Paragraph 1 provides that proceedings under the CDM that have commenced and not yet completed when this Measure comes into force continue under the CDM until they are completed.

278. Paragraph 2 makes provision for penalties under the CDM or censures *etc* imposed under the EJM to be treated in the name manner as if they were imposed under this Measure. Further provision is made for dealing with conditional deferments and conditional discharges made under the CDM by this Measure once it comes into force.

279. Paragraph 3 makes provision for those persons on the provincial panel under the CDM to continue on that panel when this Measure comes into force and also provides for the filling of casual vacancies.

280. Paragraph 4 provides for the continuing effect of guidance issued by the House of Bishops and the operation of article 3 of the Safeguarding (Code of Practice) Measure 2021 (Commencement and Transitional Provision) Order 2022, in so far as it relates to section 3(1)(b) of this Measure.

281. Paragraph 5 is a technical provision dealing with the interaction between this Measure and the Interpretation Act 1978.

Proceedings in the General Synod

First Consideration

282. The Measure was introduced into the Synod for First Consideration in July 2023. A number of general points about the Measure were raised but it was favourably received and was committed to a Revision Committee.

Revision Committee

283. The Revision Committee met on seven occasions between 7 November 2023 and 4 June 2024. The Committee received 24 submissions from members of Synod and 3 submissions from non-members of Synod. One submission was submitted after the deadline. The Committee determined that it would consider the points raised in all submissions received, including those late and those from the non-members. Submissions were also received from the National Safeguarding Team.

284. The Committee made many amendments to the Measure, the most significant of which are summarised below.

Assessors

285. The Committee received a number of representations asking for more information as to the role and identity of the proposed assessors under sections 12 and 13 of the Measure. The Committee recognised the significance of this position and were of the view that it would be important to encourage professionalism, objectivity and accountability in the assessors. The Committee decided that instead of a regional model of assessors that was proposed in the Measure at First Consideration, a smaller and more agile group of assessors who were well trained would be better. Furthermore, that they should be paid for the work at a rate to be set by the Fees Advisory Commission. They will be appointed by the Clergy Conduct Commission rather than by bishops.

Definition of misconduct and reference to 'Acts of Convocation'

286. Section 3 of the Measure sets out four grounds of misconduct. The Committee were not in favour of giving further detail in the legislation of what amounts to 'serious misconduct', with the preference being to leave that to statutory guidance, 'seriousness' being determined by reference to a number of factors, including the likely

penalty. The Committee however were of the view that the original reference to ‘Act of Convocation’ in 3(2) as a source to assist decision-makers in determining the standards of behaviour expected of clergy could be overly complicated and instead preferred to simply reference any ‘guidance issued by the Convocations of Canterbury and York on what is desirable in the professional conduct of Clergy’. This will allow future guidance to be issued without having to amend the Measure.

<u>Standing to bring a complaint against a bishop or archbishop</u>

287. The Committee were made aware of an occasional issue that arises where a bishop or archbishop is said to have committed misconduct, but no person has a proper interest in the bringing of a complaint. Unlike the role of the archdeacon in relation to priests and deacons, there is no person who exercises a general disciplinary function. The Committee therefore amended section 15 to provide for that, in the case of bishops, the archbishop of a province may nominate a person, or in the case of an archbishop, the other archbishop may do so, and that person will be deemed to have a proper interest in bringing a complaint.

<u>Limitation period on self-referral of complaint</u>

288. Section 18 of the Measure introduces a new procedure to the Church’s disciplinary systems whereby a cleric may self-refer into the process. In

order to avoid a situation where a cleric may wish to ‘run-down’ the clock on limitation section 19 was amended by the Committee to provide that the one-year limitation period for complaints of misconduct does not apply to cases where the cleric has self-referred. There is no limitation period on complaints of serious misconduct.

<u>Safeguarding related complaints</u>

289. The Committee received very detailed submission form the National Safeguarding Team concerning the operation of the Measure and safeguarding-related complaints. The Committee were conscious of the need to ensure an aligning, so far as possible, of the disciplinary system and the safeguarding ‘core group’ process, whilst recognising that they are intended to carry out separate functions. To that end, a number of amendments were made to the Measure as follows:

a. Section 20 was amended to provide that where a complaint of misconduct or serious misconduct is made that involves child or vulnerable adult, then the complaint must also be referred to the relevant church safeguarding officer and that officer will then become a party to the complaint. The rules will make provision then for the role of the safeguarding officer in the case.

b. A new section 28 was inserted to provide that where during an investigation into an allegation of misconduct or serious misconduct an issue relating to the safeguarding of children or vulnerable adults arises, then the person carrying out the investigation must refer to the case to the relevant church safeguarding officer who may then apply to become a party to the complaint in the same manner as above.

c. Sections 35 and 36 were amended to require the bishop to consult the diocesan safeguarding officer (or in the case of a bishop or archbishop from the NST) when considering whether to suspended a cleric or imposing a restriction on the ground that the cleric presents a significant risk of harm to a child or vulnerable adult.

d. Likewise, section 46 was amended to require the same consultation where a penalty is to be imposed on a cleric convicted of an offence involving children or vulnerable adults, or is included on a barred list.

e. Section 50 was amended to provide the relevant safeguarding officer a right to seek a review of a decision by the bishop or archbishop not to impose a suspension or restriction order on a cleric, but the officer is of the view that the cleric presents a significant risk of harm to a child or vulnerable adult.

<u>Grounds for suspension or imposition of restriction order</u>

290. The Committee expended the list of triggers for when a cleric can be suspended or be subject to a

restriction order to include circumstances when a cleric is interviewed under caution, but without being arrested.

Adverse findings in secular work

291. The Committee considered a proposal to make provision for where non-stipendiary minsters have other secular or external-employment to the church in a regulated profession – for example, doctors or teachers. In such cases, where the church imposes discipline, the secular body may wish to take account of that decision for their own purposes, particularly in cases involving questions of safeguarding or dishonesty.

292. The Committee were of the view that this was an important point, but that it also worked both ways, in that the church would also, in appropriate cases, wish to take account of the findings of bodies against clergy acting in their secular capacity. It would be important to ensure that there was a lawful basis for the sharing of information in each direction. The Committee were of the view that ‘work’ should not be limited to paid employment and should include acting on a voluntary basis.

293. Accordingly a new section 57 was inserted into the Measure to provide for the necessary statutory basis of information sharing and cross-reliance on decisions.

Approval of the Code of Practice

294. The Revision Committee considered that it was important that the Code of Practice could be updated quickly, to take account of changes in practice and amendments that might need to be made, particularly the early years of the new system. The Committee was also however, conscious that the General Synod should have a role in scrutinising the Code, albeit in a way that would not cause delay in changes to it becoming operational. The Committee determined that the first iteration of the Code should be approved by the General Synod. Thereafter, revision to the Code would be subject to Synodical approval only if 25 members give notice that they wish the amendments to be debated. This procedure does not however apply to amendments which, in the opinion of the Clergy Conduct Commission are insubstantial.

Revision stage at General Synod

295. The Revision Committee reported to the Synod in July 2024 and the Measure was then considered at the Revision Stage in full Synod. Two amendments were re-submitted by a member for consideration by Synod.

296. The first amendment proposed that the standard of proof be changed from ‘the balance of probabilities’ to ‘that the tribunal or court must be satisfied that the allegation is significantly more likely to be true than not.’ The amendment was opposed by the Steering Committee on the basis

that it would be unworkable and that the concept of 'significant more likely to be true than not' was a notion unknown to the general law, unlike 'on the balance of probabilities' which was a well-established test. Following a debate the amendment was lost.

297. The secondment amendment proposed a reversal of the presumption that a tribunal or court will sit in private to that it will sit 'in public except in a case where the tribunal or court is satisfied that it is in the interests of justice to sit in private.' The Steering Committee opposed the amendment noting that it was commonplace for tribunals dealing with sensitive material to sit in private and that safeguards to protect the principle of open justice were contained in the Measure, including the right of the Respondent to request a public hearing and a power for the tribunal to do so where it considered that it was in the interests of justice to do so. Furthermore, it was noted that there was a requirement for tribunals decisions to be published in full. Synod considered the issue carefully in a debate and the amendment was lost. Following the debate between the proposer of the amendment and the Chair of the Steering Committee, the Synod was asked the question whether it wished for the debate to continue. Under Standing Order 59(6) 25 members must indicate a wish for the amendment to be further debated. The amendment failed to obtain the required level of support and therefore lapsed.

Final Drafting and Final Approval

298. The Final Drafting and Final Approval Stages were taken at the February 2025 group of sessions. The Rt Revd and Rt Hon Dame Sarah Mullally, as Bishop of London and Dean of the Chapels Royal signified His Majesty's consent to place his prerogatives and interests, so far as they are affected by the Measure, at the disposal of the Synod.

299. At Final Drafting the Synod took note of the Steering Committee's report which set out a number of small drafting amendments to the Measure.

300. The Steering Committee also proposed a number of special amendments, all of which were accepted by General Synod, and are explained below.

<u>Royal Peculiars</u>

301. Four special amendments were proposed to provide that a complaint under the Measure will be able to be made against a clerk in Holy Orders who holds office in a Royal Peculiar to the extent that the rules will allow.

302. The position since 1963 has been that clergy who hold office in a Royal Peculiar[3] have been exempt from the disciplinary provisions contained in the Ecclesiastical Jurisdiction Measure 1963 and then the Clergy Discipline Measure 2003. The position reflected the ecclesiastical and constitutional status of the Peculiars as sitting

outside of the diocesan and provincial structures of the Church of England.

303. Following consultation with His Majesty the King, the Deans of Windsor and Westminster and the Dean and Sub-Dean of His Majesty's Chapels Royal, it was agreed with the Steering Committee that clergy holding office in a Royal Peculiar would be subject to the CCM for complaints that amount to serious misconduct. Where a complaint is made the initial stages will mirror that under the CCM, with an assessor appointed by the Royal Peculiars allocating the case to the correct track. Where the assessor allocates the case as 'serious misconduct' the Dean[4] will refer the matter to the Investigation and Tribunals Team and the case will proceed in accordance with the provisions of the CCM, including to a disciplinary tribunal, which will exercise all the

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3 Which means Westminster Abbey, St George's Chapel Windsor, and the Chapels Royal

4 A modi;ed procedure will exist where the complaint is against the Dean.

same powers as a bishop's disciplinary tribunal. The details of the process will be contained in the rules, which will be placed before Synod for approval in July 2025.

304. Complaints that amount to a 'grievance' or

'misconduct' (i.e. where the matter would not result in removal from office or prohibition) will continue to be dealt with by the individual Royal Peculiars under their own internal procedures.

Confirmation of Penalty by Order in Council

305. A special amendment was proposed to maintain the current position that where a penalty is imposed removing a person from an ecclesiastical office, the appointment to which vests in His Majesty[5], then the order does not take effect unless approved by Order in Council.

Rehabilitation of Offenders Act

306. A special amendment was proposed to allow the rules to make provision for cases where a cleric has been included in the Archbishops' List due to being convicted of an offence and a penalty imposed under section 58.

307. Section 58 allows the bishop, archbishop or President of Tribunals to impose a penalty without a formal complaint being made in reliance upon the fact that the cleric has been convicted of a criminal offence. The Rehabilitation of Offenders Act 1974 provides that certain offences may become spent after the expiry of a period of time and that the conviction can no longer be relied upon for certain purposes – for example employment decisions. In order to ensure that the Archbishops' List is a full record of all penalties that have been imposed it

will be necessary to make specific provision in relation to how the CCM interacts with the Rehabilitation of Offenders Act. This amendment allows that provision to be placed in the rules, which will be considered by Synod at a later group of sessions.

308. At Final Approval the Measure received comprehensive support across all three Houses.

309. The voting on the motion for the final approval of the Measure was as follows:

	In favour	**Against**
Bishops	25	0
Clergy	128	0
Laity	145	0

1 abstention was recorded in the House of Clergy and 2 abstentions in the House of Laity.

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[5] For example, archbishops, bishops, deans and some other appointments, but not appointments to a parochial benece.

Proceedings before the Ecclesiastical Committee

310. The Measure was then submitted by the Legislative Committee to the Ecclesiastical Committee of Parliament, together with comments and explanations, under section 3 of the Church of England Assembly (Powers) Act 1919.

311. On 14 May 2025, an informal meeting was held for representatives of the General Synod to brief members of the Ecclesiastical Committee on the Measure and to answer questions. On 10 June 2025 the Ecclesiastical Committee sat formally, in public, to hear representatives of the Synod on the Measure. The Ecclesiastical Committee then adjourned its further consideration of the Measure. It sat again, in private session, on 7 July and 21 October 2025.

312. On the 30 October the Ecclesiastical Committee communicated its draft report under section 3(4) of the 1919 Act indicating that it was of the opinion that the Measure was not expedient. The Ecclesiastical Committee's principal concern related to section 31(3) and the presumption that courts and tribunals would sit in private. The Ecclesiastical Committee's view was "that the Measure should ... be amended to make clear that the tribunal or court will ordinarily sit in public, with limited exceptions where it may be appropriate and justified for sittings to be held in private – such as cases relating to children".

313. Having considered the Ecclesiastical Committee's draft report the Legislative Committee decided to withdraw the Measure from further consideration by the Ecclesiastical Committee and to move in the Synod the motion that the Measure be re-introduced, to address the concerns of the Ecclesiastical Committee.

Proceedings in the General Synod (February 2026)

314. The Measure came back before the Synod at the February 2026 group of sessions. The Legislative Committee produced a report for the Synod explaining the proceedings before the Ecclesiastical Committee and recommending that Measure be re-introduced with a proposed amendment to reverse the presumption on courts and tribunals sitting in private to sitting in public. The Synod voted to take note of the Legislative Committee's report and to the motion that the Measure be re-introduced, following which the Deputy Chair of the Legislative Committee moved an amendment to clause 31 in the following terms -

> Clause 31, page 19, line 35, leave out subsection (3) and insert—
>
> "(3) The tribunal or court is to sit in public except—
> (a) in circumstances in which the tribunal or court is satisfied that it is in the interests of justice to sit

in private, or (b) in such circumstances as the rules may specify."

315. During the course of the debate on the amendment all of the speakers spoke in favour of the amendment, with two speakers reminding the Synod to be mindful of the effect on all those involved, both directly and indirectly, in a tribunal process that takes place in public. The amendment was carried.

316. The motion for Final Approval of the Measure (as amended) was then moved once again and the voting was as follows:

	In favour	**Against**
Bishops	21	0
Clergy	142	0
Laity	149	0

3 abstentions were recorded in the House of Clergy.

Conclusion

317. The Legislative Committee invites the Ecclesiastical Committee to issue a favourable report on the Measure. Should the Ecclesiastical Committee

require any further information or explanation, the Legislative Committee stands ready to provide it.

On behalf of the
Legislative Committee

+Martin Cicestr:

Deputy Chair

29 May 2025

Corrected 25 June 2026

Updated 23 March 2026

Annex A

Grievance Examples

Non-exhaustive

Pastoral breakdown in relationships

Lateness for services,
meetings, parish appointments
Minor rudeness or anger
Unprofessional approaches in the
management of parish staff, structures or
organisations
Lack of proper preparation of services, preaching or
other aspects of ministry

Misconduct Examples

Non-exhaustive

Negligent, unintentional or minor breaches of safeguarding policy Inappropriate communications with another adult
Aggressive rudeness or anger, especially when directed towards parishioners Failure to comply with formal requirements as to service registers, accounting or other parish administration
Engaging in a trade, profession or other activity which is inconsistent with priestly life or effects of the performance of ministry

Serious Misconduct Examples

Non-exhaustive

Deliberate and/or prolonged failure to comply with safeguarding policies Sexual, spiritual, domestic abuse
Adultery

Downloading, viewing or otherwise possessing child abuse images
Harassment
Serious financial misconduct e.g. fraud, theft

Serious breaches of pastoral ministry, trust or professional boundaries