

Working Party on Revision of the Clergy Discipline Measure 2003

Consultation

1. Terms of Reference – the working party has met twice and has settled its Terms of Reference which are attached as an appendix. These may change as the work continues, but they are what the group is currently working with.

2. Work done so far
 - I. We have looked at the history of clergy discipline in the church but with particular reference to the church in England. We have noted that during and since the 19th century there have been a number of efforts to introduce a system of clergy discipline that would overcome perceived issues with whatever was the then current system – those issues were often the same namely delay, expense and complexity. They also gave the bishop different roles in the system at different times.

 - II. We have noted that the most recent iteration of clergy discipline in the CDM 2003 was introduced following the General Synod Working Party’s Report, *Under Authority*, but did not include the Working Party’s proposal for a robust Stage One. The Stage One in the Code is used minimally so far as we have gathered, and only a minority of dioceses have any formal or advertised process for resolving grievances about clergy apart from through the CDM.

 - III. We have considered the role of the bishop in discipline from a theological perspective. We see a need to refocus discipline within the bishop's wider pastoral ministry, holding together doing justice and showing mercy, correcting misconduct and restoring relationships.

- IV. We have noted the widespread dissatisfaction with the 2003 scheme, particularly with regard to delays, lack of pastoral support and the inability of respondents to know the case against them from the outset.
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3. Our initial thoughts about the future of clergy discipline have focussed on the need to distinguish between what on the one hand we shall refer to as ‘service level complaints’, grievances against members of clergy for the way they have treated people or have behaved generally, but falling short of serious misconduct and on the other hand matters of serious misconduct that would be likely to put in question the issue of ‘fitness to practice’. In those phrases ‘service level complaints’ and ‘fitness to practice’ we are using language that is commonly used in other professions to describe different types of complaint calling for different approaches and protocols.
 4. To help us progress this we would like to hear people’s views on the following questions:
 - I. Are there any reasons why priests should not be approached immediately for their response after a complaint (whether of a grievance or of a case of serious misconduct) has been laid? ie moving away from the holding your cards close to your chest for as long as possible. Is it the same answer in both cases?
 - II. Do you agree that the process should be divided into two separate streams as suggested in the terms of reference, and broadly along those lines?
 - III. What should be the test for misconduct falling within the second stream?
 - IV. Should cases of serious misconduct be dealt with along the lines of “in-house misconduct proceedings” as per ACAS processes, or by an "external tribunal” along the lines of many professions with a legally qualified chair and other panel members.

Please send your response to cdmconsultation@gmail.com

We would appreciate receiving responses by the 31st July 2020

HH Canon Peter Collier QC

Chair of the Working Party

Feast Day of Peter & Paul, Apostles 2020

Appendix

Ecclesiastical Law Society – Working Party to Review the Clergy Discipline Measure 2003

The Terms of Reference

1. To review the history of how clergy have been disciplined within the Church of England.
2. To determine the principles (both theological and otherwise) upon which any system of discipline should operate; looking in particular at the theology around the role of the bishop and the theology of discipline.
3. To identify both design flaws and regular operational flaws in the current CDM processes.
4. To design systems for dealing with
 - a. Grievances about clergy of the type that in other professions would be classed as service level complaints which should be capable of being handled with a view to a speedy resolution; and to consider whether it would be appropriate
 - i. to expect the aggrieved to say what they were looking for by way of an outcome to their complaint and
 - ii. to require the priest to respond immediately and
 - iii. for someone acting under the auspices of the bishop to seek to bring about a resolution?
 - iv. If not how should such a system operate?
 - b. Misconduct of a serious nature the outcome of which might involve prohibition or other significant intervention in the life or ministry of a priest. This should again be dealt with speedily, openly and supportively. The system that does that must be one that is not only appropriate theologically but one that commands the respect of the organisation, respondents and the wider public (both church-going and non-church-going).
5. To consider the relationship between disciplinary processes and safeguarding particularly in relation to risk assessments and if appropriate to recommend how safeguarding risks should be assessed and managed in the context of new disciplinary processes.