

Summary of Responses to the Questions

8. What follows is a brief summary of anonymised key points made in response to the questions. We have tried to ensure they are made accurately but in this section the aim has been to collect them rather than evaluate them.

1a How much time do you spend on CDM matters each month?

9. When does a complaint under the CDM begin? Many dioceses have an informal process seeking to resolve the less serious complaints. This is often time consuming for archdeacons and bishops' chaplains but is not considered as time on CDM matters. If it leads to a complaint under the CDM, it might feel to both the complainant and the respondent to have been part of the process.
10. For bishops, time spent on CDM matters varies between 0 and 4 days per month depending on whether there is a CDM complaint currently in play. Bishops typically spent not more than 2 days per month, for most it is much less. A complaint relating to safeguarding usually take more time, in some cases considerably more.
11. It became clear that many bishops have had CDMs taken out against them. Some of the experience of bishops is therefore as respondents in a process in which the archbishop of the province has the determining role.

1b How much time does your chaplain spend on CDM matters each month?

12. It is similarly varied; a small number of chaplains were said to spend up to 4 days per month. Those supporting the archbishops are spending very much longer on matters related to CDMs and safeguarding.
13. One bishop said that he has never had a CDM and his answers were 0 and 0 to both 1a and 1b.

2. How confident do you feel in applying the CDM procedure?

14. Nearly all replied Confident/ fairly confident / sufficiently confident. Many commented positively on the quality of advice from registrars and Diocesan Safeguarding Advisers (DSAs) as well as the clear guidance provided nationally.
15. Several said this aspect of their role had been a steep learning curve with relatively little training. Two said they were learning fast and one was not very confident.

25. Many thought that the threshold for what counts as a complaint may not be high enough. CDM works most easily where there is admission of guilt and the seriousness of the matter means there is the possibility of a priest being deprived of their office.
26. There is concern about the climate and culture created by the CDM. Clergy are fearful and think the institution, through which they have given their lives in service of the gospel, is not supportive to them and has given some parishioners a stick with which to beat the clergy.
27. Some think the bishop's role is conflicted because s/he is both judge and jury. The bishop is in an isolated role. There was a ready acceptance on the part of nearly all bishops that their responsibilities include aspects that are both pastoral and disciplinary. Some thought that the CDM process tipped the bishop's role more towards discipline in a way that changed the relationship with their clergy; in other professional settings there would be a Human Resource adviser or, a union representative. In comparison our process feels somewhat amateurish. Lay complainants can feel the clergy are being favoured because the matter is being dealt with by a bishop who is seen as also one of the ordained.
28. There was quite a lot of comment about the inability of those managing the process to keep to time. Several said that for one reason or another, often never stated, registrars extend the time period without necessarily communicating it to the parties involved. This is compounded where there is a safeguarding element. In safeguarding and other criminal cases, the involvement of the Designated Officer for Allegations (DOFA) and the police can lead to inordinate and unexplained delays. If the matter is referred to the DOFA, the proceedings move slowly. "Justice delayed is justice denied."
29. The CDM is the only complaints process that appears to be available. It is being used for some matters that are simply not serious enough. It is also open to vexatious complainants.
30. The provision of pastoral care for the respondent is not always felt to be adequate. Those against whom complaints under the CDM have been made emphasised this. This was reinforced by the leader of the Sheldon Community. This seems comparable to a complaint made against a bishop where it was said that little pastoral care had been offered let alone provided.
31. There is no provision for a bishop to award costs to a respondent. Legal aid is available but some clergy have paid for legal representation and incurred large expenditure which is irrecoverable.
32. At diocesan level, a penalty can be imposed only by agreement.
33. Some thought there may be a lack of parity about penalties. Bishops are functioning on their own and, although advice on this is received from the registrar, bishops ought to be talking together to establish a common approach to offering appropriate sanctions.
34. We are advised not to negotiate a penalty but the reality is that bishops need to do so in order to achieve a penalty by consent. This can lead to the agreement of a penalty at a lower level than the offence merits or would have been awarded by a tribunal. If the respondent is not readmitted to ministry at the end of the penalty period, they feel unfairly

treated because the end of the penalty does not automatically mean a penitential process leading to rehabilitation to the practice of the ordained ministry.

35. The requirement to publish a penalty does not encourage clergy to accept a penalty by consent and can represent a further humiliation. Despite the recent additional guidance from the Clergy Discipline Commission, there are circumstances when it is no-one's interest to publish the fact of the penalty. For example, in the case of adultery where a spouse is willing to stay with the respondent, the publication of the matter is humiliating and makes it more likely to break up the marriage.
36. The Archbishops' List is a record of penalties etc. and from which names are removed only if they should not have been on it in the first place. There is no equivalent to 'spent convictions' where minor criminal offences need not be declared after a lapse of time. It is intended that the List will soon be online with secure access to limited users. A list of those subject to conditional deferment will probably also be published online.
37. There is a lack of connection between CDM and safeguarding. There is no reference in the CDM process to the Code of Practice or the Guidelines for the Professional Conduct of the Clergy which should be normative.
38. There were a number of examples of bishops losing contact with clergy who have been on the receiving end of a complaint under the CDM.
39. Even if there is no penalty or when the complaint has not been upheld, there can be a sense of betrayal and loss of trust. The formal complaint is often brought by an archdeacon rather than by the person making the original complaint. To have a complaint made by your archdeacon is a serious matter for future relationships even when the complaint is not upheld.
40. A priest who has been suspended and who has chosen for whatever reason to go to tribunal can find themselves continuing to live in the parsonage on a full stipend. This can be a cause of scandal and division locally.

3c What can be improved?

Initial handling

41. When someone enquires about how to make a complaint, the default position should be to tell them about an informal process rather than to tell them how to do so under the CDM.
42. A complaints process should be credible and creative.
43. The present process escalates too easily into a legal, adversarial and costly procedure. The initial complaint could go to someone in the diocese who can determine how best to deal with it. There was a great deal of support for an informal process which tried to resolve the less serious complaints but also gave direction to the more serious ones, such as that developed by Gloucester Diocese. This could be required prior to a complaint being made under the CDM though it might have to be a matter of judgement as the more serious matters dealt with by CDM could not be resolved in this way.

84. It works best in a relatively straightforward case. Cases that cross diocesan boundaries can become complex, especially when different advice is given by the registrar and/or DSA.

b What procedures or aspects of the CDM do not work well in the safeguarding context?

85. See also the same question about CDM's above.

86. In addition:

- It is not possible to run different processes at the same time. Only when a criminal investigation or trial is over can the CDM process begin properly.
- Suspension is said to be a neutral act but it is not experienced as such and needs a lot of explanation.
- Other agencies (e.g., the police and DOFAs) can cause long and often unexplained delays. It is recognised that the police and social services are overwhelmed with work.
- Dealing with requests for anonymity adds another level of complexity.
- Evaluating the evidence is difficult - it often comes down to the word of one against another.
- When the police fail to prosecute, it can still have a damaging impact on the priest who may have been suspended for a long period and is therefore the subject of public speculation and rumour. The investigation in itself can ruin a person's life and ministry.
- There can be uncertainty about confidentiality and what information can be shared with whom. It can be difficult to know what can or cannot be said to a parish. Sometimes a priest will talk publicly when the bishop and her or his advisers can't.

87. Risk Assessments (RA) are problematic from a number of points of view. For example when someone has been tried and found not guilty, a RA is required. Equally a priest who is not charged with a criminal offence is likely to feel they have been found innocent when they might still be a safeguarding risk. This is very difficult for the person under investigation and for the alleged victim as different criminal and professional standards are operating.

88. The recommendations of a RA are sometimes not easily measureable e.g. where someone is thought to be a low level risk and they should go on a course, how is that assessed? When the course is appropriate and done willingly, this can be useful but they are not always and it is difficult to assess.

89. Risk assessments are of variable quality and have uncertain authority. Because they are likely to explore a person's experience and personal development, they can go into intimate detail so that it is unfair and unhelpful for the whole core group to read them.

90. There are anomalies, particularly when working across diocesan boundaries. For example:

A priest who applied for a job in another diocese had a CDM taken out against him when he was looking to move. The diocese to which he had applied asked him to undertake a RA. He did the RA but found the process so disturbing that he withdrew from the appointment process. He was told [probably wrongly] he has no right to see the RA but