

## CLERGY DISCIPLINE COMMISSION

### PUBLICITY FOR CLERGY DISCIPLINE PROCEEDINGS: GUIDANCE TO DIOCESAN BISHOPS AND REGISTRARS

This guidance is issued by the Clergy Discipline Commission under section 3(3)(b) of the Clergy Discipline Measure, and supplements paragraphs 262 and 263 of the Code of Practice.

#### Publicising penalties

1. Paragraph 262 of the Code of Practice emphasises it is important that the Church should be open about any misconduct that is proved to have taken place. Tribunals therefore announce their decisions in public, giving reasons for their decision. **The same principle applies to penalties that are imposed by bishops. Consequently, paragraph 263 of the Code provides that if a penalty is imposed other than after a determination by a tribunal, the penalty and brief particulars of the misconduct should be announced publicly.**
2. An appropriate means which the Commission recommends for the diocese to publicise the imposition of penalties, would be to set up a Clergy Discipline page on the diocese's website. All penalties should be recorded on it, whether imposed by the bishop or by a bishop's disciplinary tribunal for the diocese. The name of the cleric, the penalty, the date imposed and a brief summary of the nature of the misconduct should be included in the entry.
3. The Commission recommends that, generally, an entry in a particular case should be removed from the diocesan website after 5 years, save in the following cases:
  - (i) a rebuke – the entry should be removed at the end of 1 year;
  - (ii) an injunction – the entry should be removed at the end of the period during which the injunction has been operative;
  - (iii) removal from office – the entry should be removed where the cleric re-enters ministry before the period of 5 years has expired.
  - (iv) prohibition – the entry should be removed at the end of the prohibition if the period is longer than 5 years.
4. In particularly serious complaints, such as safeguarding cases, the diocese is encouraged to consider issuing a separate statement to the media, referring to the high standards required and expected of clergy, the serious or shocking nature of the misconduct, and apologising for any harm caused to those affected by the misconduct.
5. The Commission assumes that, as a matter of practice, the diocese will notify a congregation direct in all cases where a cleric is removed from office or has his or her licence revoked at the end of disciplinary proceedings.

## Publicity before a penalty is imposed

6. Whilst complaint proceedings are under way, there is normally no good reason for the Church to disclose publicly the existence or details of a complaint, and the proceedings should be confidential. Although the media may be particularly interested in complaints of misconduct against the clergy, coverage in advance of the determination of a complaint can be misleading, unfairly damage the reputations of the parties to the complaint, and damage the Church both locally and nationally. This is particularly the case where a complaint is without foundation and the bishop either dismisses the complaint or decides to impose no penalty. The public does not need to know that a complaint in any particular case has been presented – it merely needs to know that if a complaint is made, it will be dealt with in accordance with the due process of law.
7. Subject to this general principle of confidentiality whilst complaints are being processed, the Commission recommends there are two circumstances when the diocese should disclose that a complaint has been made and that it is being investigated:
  - a. Where a cleric is suspended under the Clergy Discipline Measure, his or her absence will usually need to be explained to the local congregation. Any such explanation should be truthful, and will therefore need to disclose if a complaint has been made, for example: *'The Reverend [name] has been suspended pending a complaint made under the Clergy Discipline Measure. Suspension does not mean the bishop has formed any view that the complaint is true. The complaint is being investigated.'* When the suspension comes to an end, that too should be announced to the congregation.
  - b. Where the media already know that a complaint has been made and seek confirmation about the complaint from the diocese, denying what is already in the public domain would be fruitless and merely lead to the Church appearing to be secretive. If approached by the media, the Commission suggests the diocese should disclose that a complaint under the CDM has been made against the cleric in question, and that it is duly being considered in accordance with the appropriate statutory procedures. The details of the complaint should not be revealed publicly at that stage.
8. Where there is a police investigation connected with the alleged misconduct, the diocese should liaise with the police before any public announcement is made.