

Diocesan Council December 16th 2010:

Dear Bishop Brian

During this period when you do not have a Chancellor, you have asked me, as Chairman of the Church Law Commission, to review the situation presently facing the Diocesan Council in relation to a number of Professional Standards matters. You have provided me with Professor Parkinson's report, and with the response from the Chair of the Professional Standards Committee.

As discussed with you by phone, my view on the current situation is as follows:

1. It seems to me that the primary issue before Diocesan Council is whether or not it has confidence in the Professional Standards Committee;
2. If it does, it needs to back that committee strongly - if it does not, then it needs to take action to re-form the committee;
3. On the material I have before me, it seems that, despite some criticism in relation to some aspects of the committee investigations from Professor Parkinson, taken together with the response from the PSC, there is no evidence (based on the documents I have seen) of any fundamental problem with the PSC that would cause the Diocesan Council to lose confidence in it;
4. If the Diocesan Council agrees with that view, then I think it is important that the Diocesan Council backs the committee and ensures that its future investigations - which will no doubt lead to public airing of some controversial matters - can be conducted within a framework of the Diocesan Council's complete confidence;
5. You might think it wise to list the matter for discussion at the next Diocesan Council meeting. No motion of confidence needs to be, or should be, moved. If, however, someone wants to raise no confidence in the committee, then this would be an opportunity for that to occur. If it does not occur, the presumption should be that the Diocesan Council has full confidence in the committee;
6. One final matter which I should address is the issue that you raised of the possibility of some senior Diocesan activists (including Diocesan Council and Diocesan trustees) representing people involved in Professional Standards matters. I would regard this as unwise as it potentially compromises the ability of the person involved to both properly represent their client in the Professional Standards matter - and then to take a disinterested role when the matter comes before the Diocesan Council or other Diocesan authorities. I would think it highly desirable that persons represented in those proceedings are represented by people who have no significant Diocesan role.

I trust that this may help in assisting you during a period when you have no Chancellor to advise you. Please feel free to share these thoughts with the Diocesan Council and to contact me if you have any further enquiries.

Regards

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