

John Cleary

From: geoffrey spring [REDACTED]
Sent: Monday, 8 November 2010 9:28 AM
To: Bishop Brian
Cc: John Cleary; Glen Pope; Peterson, Dymphna; Lynne Graham; Michael Elliott; Margaret Payne
Subject: Response to the Parkinson Report

8th November 2010

Dear Bishop,

Thank you for the opportunity to respond to the Parkinson Report. The PSC is entirely in agreement that following difficult and serious matters reviews should be undertaken to ascertain what lessons can be learnt and what improvements need to be made to the process.

The PSC makes the following responses to the recommendations of Prof Parkinson(P)

1. The PSC has reviewed the Report as requested . It is necessary to divide its response into two parts as the complaint against D is still before the Board, which has adjourned the matter for decision 12 months from the date of the hearing which took place on 30th August 2010.
 - (a) G Matter.
 - (i)The PSC is pleased to note that P states” In my view , the process was in all essential respects proper and thorough” and” I regard the process as sound and the outcome as not only appropriate, but inevitable.” P also stated that” all the essential requirements of a fair, impartial and thorough investigation were adhered to in this matter.” Most importantly in relation to the spiritual diaries he agrees with decision of the Board to allow them to form part of the evidence.
 - (ii) P made a comment about the need for allegations to be clearly expressed so that a respondent is aware of exactly what the substance of the complaint is. The PSC agrees with this but notes that it draws attention to the fact that the PSC and the Director will need to seek expert advice usually of a legal nature to ensure that this is done. This also highlights the fact that whole process including documentation needs to be professionally handled and that will involve expense.
 - (iii) The question of delay arises in both matters. It needs to be stated most strongly that each of the respondents contributed most significantly in this regard by not making themselves available, delaying through their legal advisors and refusing to co operate with the investigators. The lesson learnt from this is that the PSC needs to require respondents to adhere to reasonable time limits so that reference to the Board if appropriate can be made at the earliest opportunity.
 - (b) COJ
 - (i)There seems to be a considerable amount of confusion concerning the present status of this matter. The Complaint came before the Board on 30th August 2010 for determination. CO through his legal advisor had indicated that he would concede the truth of the complaint and there was therefore no need to call witnesses other than those witnesses that CO wished to call as to character. The Board stated “I have carefully weighed all of the options of recommendations available under the ordinance but I have concluded that at this stage it is premature to make one, an adjournment upon conditions of supervision and counselling for a period of about 12 months seems to be appropriate..”. Included in the conditions is “ there will be adequate opportunity for the respondent and his supporters to acquaint the parishioners of St John’s with the truth of the detail in the allegations

without revealing the identity of the complainants, in my view a facet of restorative justice that is not insignificant as well.”

(ii) The Board also stated “the respondent must be aware that all of the sanctions available for recommendations by this Board are still on the table.” This makes it abundantly clear that the matter is still sub judice ie still before the Board. Any comment by the PSC at this stage on the conduct of D would be highly inappropriate.

(iii) At this point of time the PSC can respond that in relation to suspension, bearing in mind that the PSC only makes recommendations, the issues raised by P which should have been taken into consideration ,were taken into consideration. The PSC was and is mindful of the need for a careful risk assessment and also extremely aware of reputational damage that may arise.P has a section, which extremely critical of^{COJ} “views on sexual relationships” this certainly played a part in risk assessment. There was considerable debate in relation to^{CO} and the recommendation was not unanimous.

(iv) P’s conclusion whilst stating that the matter “was not handled as well as it might have been.”, nevertheless is highly critical of^{COJ} delaying tactics, his failure to tell the truth and his need to maintain the core teachings of the Church.

(v) The issue of investigation is properly raised . The investigator used in both matters will not be employed again. This investigator was recommended by Garth Blake SC the Chair of the Episcopal Standards Board. That investigator is employed by many churches and is of good reputation. Further comment will be made under 6 below.

(c)WHAT HAS BEEN LEARNT GENERALLY

(i) That in each case the respondents tried to delay the process by failing to meet deadlines, not making themselves available for interview, going on holidays and at times claiming to have important evidence which was not produced.

(ii) That respondents blatantly lied to the investigators

(iii) That respondents lied to their fellow priests, congregations and supporters by saying that they did not know what the allegations against them were, even when these allegations had been produced to them in writing from the beginning of the process OR denying the complaints outright to all and sundry and stating that they were innocent and trying to demonise the complainants.

(iv) That members of the congregations became victims as they were bewildered by the conflicting information and rumours which flourished

(v) That as much information as is appropriate should be released to Church members and members of the Clergy by way of the Anglican Diocesan paper and the secular press if necessary, so that the processes are understood and the decisions of the Board are clearly promulgated. This should happen when matters are referred to the Board and when the decisions of the Board are activated by the Bishop. Transparency of the processes of the PSC and the Board will help to mitigate rumours and innuendoes that circulate through congregations about the role of the PSC and Board and about their deliberations and help to emphasise that these processes are put in place to protect all the parties.

(vi) That there are high ranking Diocesan officers who have no role under the Ordinance who have tried to influence(without success) the processes which the PSC is required to follow under the Ordinance.

(vii) That the processes are highly technical and legal by nature and according to P should be. This makes it difficult for the members who are highly trained in other disciplines such as counselling and social work to fully comprehend the use of the language of the lawyers and the need to express all written correspondence in legal terms, so as not to be misinterpreted by legal reviewers, who may be reviewing the document out of context.

(viii) That complainants are demonised by other church members in spite of Board rulings and strenuous attempts by the Director to prevent this happening. For example one complainant received several death threats!

(ix) That there is a need to have training and understanding in the principles of risk assessment and determination in supporting good decision making.

2. This is a matter for the Diocese.

3 and 6 Investigations

The PSC has adopted, as a result of recent experience , an approach to investigation where initially , if appropriate in the circumstances , an immediate investigation will be undertaken by either the Director or an employed investigator to ascertain the seriousness of the complaint and report back to the PSC as to whether the complaint can be dealt with by processes that will not involve a Board . If the matter is more serious and more information is needed then a fuller investigation will take place. The PSC agrees that this investigation should initially be confined to the complaint at hand. This however does NOT exclude the possibility that in the course of investigating information may come to hand that demands a more extensive inquiry. Arising from those investigations clear details of the allegations and the form of misconduct will be provided to respondents for response as recommended by P, and as was done in each matter by the Director

4 The approval of the Chair of the PSC will be required before any written list of allegations goes out to the respondent.

5 and 7 These are matters for the Diocese and the Bishop.

Other matters. The issue of the lack of a Protocol has been highlighted by these recent cases. Whilst the Ordinance sets out the procedure and principles a Protocol gives detail as to how complainants are dealt with and followed through. Part 4 of the Ordinance provides for the requirement of a Protocol. So far as can be determined one has not come into existence. The Director has been asked to obtain copies of Protocols in other Dioceses. The PSC will submit as soon as possible to the Diocesan Council a draft for its consideration.

The PSC continues to deal with a number of very difficult matters, which are being submitted to it. The members ask for your prayers and support and those of the members of the Diocesan Council as they strive to carry out the onerous task assigned to them.

Yours sincerely ,
Geoff Spring
Chair on behalf of the PSC