

A Report upon the Causes, Conduct and Outcome of Proceedings under the Clergy Discipline Measure 2003 against The Reverend Timothy Davis, formerly Vicar of Christ Church Abingdon

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In appendices: -

- 1 Terms of Reference- see website
- 11 Summary of recommendations – see website
- 111 [Redacted]

1.) Introduction

- 1.1 We have been appointed by the Bishop of Oxford to conduct an independent review of the circumstances surrounding the Archdeacon of Dorchester’s complaint under the Clergy Discipline Measure 2003 against the Reverend Timothy Davis, Vicar Of Christ Church Abingdon. Neither of us had previous connections of relevance with the Diocese of Oxford or the main participants in the events with which we are concerned. Our Terms of Reference are set out in Appendix 1, and a summary of our recommendations appears at Appendix 11 (see website).
- 1.2 The Diocese has provided us with unrestricted access to its documents, including the “Blue File” (personal records) relating to the Reverend Davis. The Diocesan Registrar has permitted inspection of the file relating to the CDM proceedings. We have also conducted numerous interviews; those who have made a significant contribution feature in the text. We have respected the wishes of those who preferred not to be identified. Where we needed to attribute comments and information shared with us directly to individuals, not previously in the public domain, we have used a system of lettering and numbering, which provides anonymity for them. The Tribunal directed that two witnesses, designated W1 and W2, should remain anonymous. Accordingly they are identified in the same way in the report.
- 1.3 Several key contributors chose to supply written representations, which cannot conveniently be incorporated into the report. The value of their contents, however, is such that we have decided to assemble them in a file for retention in the Diocesan Office. We wish to express our gratitude here to everyone who has assisted us, both by way of interviews and in writing.

2) Factual Background

2.1 C2 ([Redacted]) provided us with both written and oral representations, and also prepared a diagrammatic timeline which demonstrates the sequence of events between January 2015 and December 2017. Where possible, interviewees were given a copy of the timeline and asked to suggest additions or corrections. [Redacted]

2.2 Although there were significant concerns within the parish about aspects of the Reverend Davis' conduct, in the event the case against him at the Tribunal concerned only allegations of spiritual abuse of W1 (a teenage boy during the period of complaint). The evidence and the Tribunal's findings of misconduct on the Reverend Davis' part are fully documented in its decision dated 28 December 2017; repetition of this material in the report is unnecessary. Subsequently the Tribunal determined that the Reverend Davis should be deprived of office and a two year prohibition was placed on his ministry. The prohibition expired in March 2020. There are, however, preconditions to any return to ministry within the Church of England; these are detailed at paragraph 11.5. The Tribunal's decisions were published and will be stored with other relevant documents in the Diocesan file.

2.3 Notwithstanding the nature of the penalty imposed, which brought about the Reverend Davis' permanent severance from Christ Church Abingdon, the Tribunal's decision did not bring matters to a rest. There is a perception that the proceedings were mishandled and that voices were left unheard. It is this legacy of discontent that we have sought to address in our report.

2.4 Having spoken with a number of people at parish level, both parishioners and staff, it is clear to us that the legacy of discontent in the parish falls into several key areas. Firstly, there was a feeling from a significant number that concerns about the Reverend Davis' attitude and behaviour had been brought to the attention of senior diocesan staff at an early stage, but that the responses had been slow and partial, and had failed to address major concerns. Churchwardens had emailed very clear concerns to the Rt. Revd. Colin Fletcher, Area Bishop of Dorchester, in June 2015, which did trigger the eventual investigation. However, prior to that, in October 2013 P1, [Redacted], had spoken to and later wrote to the Rt. Revd. Andrew Proud, Area Bishop of Reading, with concerns about the Reverend Davis. Based on the response from Bishop Andrew and the then DSA, the parish was led to understand that this was a "pastoral" situation between an unwell vicar and a family struggling with their own difficulties.

2.5 There was no recognition of the potential for more serious, safeguarding, issues, until March 2015 when the then a priest in the parish (referred to here as Cleric 1) referred issues to Bishop Colin and the then DSA (Diocesan Safeguarding Adviser). By then the Reverend Davis was on sabbatical. There is no explanation as to why the earlier issues had not been followed up more robustly.

2.6 On the Reverend Davis' return from sabbatical in June 2015 the parish staff noted that they felt shocked that he simply returned to work in spite of serious allegations having been made. Thus there was firstly delay and secondly a lack of appreciation of the seriousness of the situation, and [cleric 1] was left to try and monitor someone senior to himself, who had been informally told not to oversee work with children and young people. Cleric1 felt in an impossible position. In addition, W1 and W2 felt that they had made formal complaints, which should have started the CDM process, at the beginning of the year, but in fact they had misunderstood this stage and the formal process did not start until much later.

2.7 In respect of the legacy of this matter on the wider parish and diocese, we received comments that it was very difficult to balance the positive impact of the Reverend Davis' long ministry at Christ Church, Abingdon and the many good things he did there, with the impact of his difficult and at times dismissive personal style with individuals. Several people mentioned feeling fearful of the Reverend Davis and that he was very controlling and manipulative. A point worth making is the comment of his former curate, who was asked to give feedback in 2014 about the Reverend Davis' performance for his Ministerial Development Review, but was unable to do this frankly, as he knew the Reverend Davis would see the references and who had written them. The lack of direct involvement from senior clergy in the diocese in seeking to understand what was happening on the ground, in spite of the warnings which had been received, is regrettable.

2.8 Some parishioners and parish staff felt that they had been misled and that an unnecessary delay in due process allowed a potentially dangerous situation to continue with the Reverend Davis remaining largely unmonitored.

3.) The Making of a Complaint

3.1 A critical stage was reached in the early months of 2015 when Bishop Colin held a number of meetings with potential complainants. He saw W1 and W2 on two occasions, while C1 followed up a previously inconclusive meeting by telling the Bishop that the Reverend Davis was "unsafe."

3.2 Both C1 and W2 came away from these meetings under the impression that, through expressing their serious concerns to Bishop Colin, they had made formal complaints against the Reverend Davis which would have initiated a disciplinary process. In this belief they were mistaken, because under Section 10(1) of the Clergy Discipline Measure 2003 a complaint must be made in writing and accompanied by written particulars of the alleged misconduct, together with supporting evidence. Their innocent misunderstanding at the outset had a grave impact upon subsequent events. In particular it delayed the proceedings and led to what was perceived to be a suppression of their complaints.

3.3 Although we cannot fairly impose blame for the confusion which arose at this point, there is an important lesson to be learned from it. A bishop or other senior cleric dealing face to face with a potential complainant, who is likely to be anxious or upset, cannot be expected to explain the applicable procedures under the CDM. Equally, it is important that the person concerned must be informed of his or her legal rights to make a complaint and the manner in which this may be done. We consider that it would be helpful for bishops, archdeacons and the safeguarding team at Church House to be provided with a simple explanatory hand-out to be given to those likely to make a formal complaint. The hand-out might usefully refer to other informal means of resolving complaints.

3.4 In conjunction with written material of this kind it is essential to provide complainants with the assistance required by paragraphs 36 to 39 of the Code of Practice. When we asked him, Bishop Colin was unsure of there being in the Diocese of Oxford “a person designated to ensure that appropriate help is made available to any complainant who needs it.” (Code of Practice, paragraph 37.) This omission must be rectified. A retired police officer or legal executive would be well qualified to give such assistance. The helper’s contact details should appear on the hand-out which we have proposed at paragraph 3.3 above.

4.) **Exclusion of Intending Complainants**

4.1 The initiation of a complaint by the Archdeacon (discussed further at Section 5 below) effectively took the case out of the hands of those who thought that they had made valid complaints and those who might otherwise have done so (including the E family, who had contacted the then Diocesan Safeguarding Adviser). In the result, the role of the intending complainants was diminished to that of witnesses. Although statements were taken from them by the Archdeacon, they were unable to exercise the various rights vested in complainants under the Clergy Discipline Measure and the Rules. These rights are set out at length in the written submission of C2; three aspects are of particular significance in the history of the case. First, the right to be informed of, and to be involved in, the progress of the proceedings was lost. For reasons of confidentiality the witnesses were given only minimal information as to what was happening. Secondly, had the intending complainants known of their rights and exercised control over the process from the outset, there can be little doubt that the formal complaint would have been made within the 12 months limitation period. The need for an application to extend time (which itself occupied some three months) would thus have been avoided. Thirdly, the Archdeacon as complainant was allowed to be present at the whole of the Tribunal hearing; the witnesses were not. The witnesses were thereby deprived of the ability to give relevant information to the Designated Officer during the course of the hearing.

4.2 There was a clear view from W2 and C1 that the Archdeacon had been very poor at communicating with them, and from when she took over the complaint it was out of their hands and they had no idea what was happening. They did not know the details of the complaint and were left feeling that they were somehow suspects rather than complainants. W2 was emphatic that she had felt in the end more damaged by the process of the investigation and of the tribunal than by the original bullying and manipulation by the Reverend Davis. W2 had been told she could not discuss the issues with anyone once the investigation started, and felt very isolated. She still feels traumatised and does not feel there was any support to them as a family until the Bishop's Chaplain became involved. W2, C1 and C2 are appreciative of his support for W1 and W2.

4.3 Others apart from the families involved also felt some exclusion from the process. P1 wrote to the Archdeacon complaining that she, the Archdeacon, had drafted a statement for P1 to sign without having spoken to [P1]. According to the Archdeacon she did in fact visit P1, but no agreement on the content of the statement was reached. P1 contacted both the legal section and the (newly appointed) Bishop of Oxford during the process to share [the] views that elements of the Reverend Davis' mental health and the lack of support Reverend Davis received had been overlooked by the investigation and Tribunal. Other clergy and parish staff also told us they would have liked more involvement in the process and felt they should have met the Archdeacon. When they saw the statement in the Tribunal that the Reverend Davis had given "25 years of excellent service" as a parish priest they felt they had not been properly listened to and that the damage he had done was not being taken seriously.

4.4 These and other matters fuelled a sense of exclusion and loss of control. In the later stages of the process this sense was compounded by the fear that a (possibly lenient) penalty by consent might be agreed, or the complaint might be withdrawn. The dissatisfaction expressed to us is both genuine and well-founded. It would largely have been avoided had the complaint begun on a proper footing without the need for the Archdeacon's intervention. The question remains, however, whether the final outcome was affected by the procedural misfortunes explained to us. We revert to this question in Section 11a of the report.

5.) **The Archdeacon's Role**

5.1 Although she had attended a meeting with Bishop Colin, W2 and the husband of W2, the Archdeacon of Dorchester, the Ven. Judy French, was not directly involved until she received a message from Bishop Colin dated 24 July 2015. The message invited her to consider making a formal complaint under the CDM. The introductory comment, "None of the complainants has asked if they can register a formal complaint under the CDM process"

serves to highlight the misapprehensions which we have referred to at paragraph 3.2.

5.2 It is important to appreciate that the Archdeacon's active function as a complainant was limited to the period between 24 July 2015 and 22 April 2016, when there was an episcopal direction that the case should proceed to formal investigation. At that point the entire conduct of the proceedings passed, by virtue of Section 17 of the Clergy Discipline Measure 2003, into the remit of the Designated Officer, Mr Adrian Iles. The secular analogy of a police investigation into a suspected crime being passed to the Crown Prosecution Service may be helpful. Although thereafter the Archdeacon remained a point of contact, and was herself a witness at the Tribunal hearing, she had no control over events.

5.3 This was the first CDM case to have raised issues of spiritual abuse. It is important to note that the absence of the legal definition of spiritual abuse caused particular uncertainty to those involved in this case. There is still very little case law about this. Fortunately the Archdeacon had the assistance of [Redacted] an experienced ecclesiastical lawyer, who provided her with legal advice. This included the assessment of the evidence, the formulation of the complaint, and the handling of questions of confidentiality. Such assistance will not always be readily available. The Diocesan Registrar cannot provide it by reason of conflicting functions under the Measure. It is therefore essential that in potentially complex CDM cases like the present, dioceses should arrange and pay for competent legal advice for the benefit of archdeacons acting as complainants.

5.4 The Archdeacon has been the target of a number of criticisms in the course of this inquiry. It is, however, unrealistic to blame her for the failure to make the complaint within the 12 month limitation period, because there was insufficient time at her disposal to contact witnesses, take statements, obtain legal advice and formulate the complaint before the period expired. Neither is the criticism that she overrode the interests and concerns of the other potential complainants valid; the Archdeacon was in law the complainant solely able to exercise powers under the Measure. It was not her fault that others, through misconceptions, had failed to make formal complaints sooner.

5.5 Two other matters, in particular, have been the subject of adverse comment. One is that the complaint was limited to the issue of spiritual abuse to the exclusion of the allegations of bullying made by several of the witnesses from whom the Archdeacon took statements. This is not wholly accurate, because some (primarily concerning the E family) appeared in the written complaint, while observations about overbearing behaviour were made in the Archdeacon's Reply to the Reverend Davis' formal Answer to the Complaint. In so far as other allegations about bullying were abandoned at the outset, the Archdeacon and [the ecclesiastical lawyer] explained that they were deliberately omitted because the evidence was insufficiently compelling to be taken to a Tribunal. That this was the correct decision is demonstrated by the

ruling of the Deputy President of Tribunals, who decided on 23 January 2017 that only the allegations of spiritual abuse standing in the complaint should proceed to a hearing (see paragraph 12 of his Decision). In any event, the Archdeacon acted correctly in adopting the legal advice which she had received concerning the insufficiency of the allegations of bullying.

5.6 The other matter arises from the Archdeacon's strict adherence to the legal advice which she had received about maintaining confidentiality. It is suggested that the pastoral need for witnesses and other parishioners to be kept informed of the nature and progress of the case overrode such legal advice. In fact a failure to observe the necessary confidentiality of legal proceedings carries serious risks. One is that the evidence of witnesses might be contaminated by information derived from extraneous sources, thereby undermining their credibility. Another is that widespread discussion within a parish, and the adoption of opposing positions, enables a respondent to be portrayed as the innocent victim of a faction. Disturbing as it may have seemed at the time, there was good reason for the Archdeacon's reticence.

5.7 As explained in paragraph 5.2, with the involvement of the Designated Officer in April 2016 the Archdeacon ceased to have the conduct of the case. Neither during the long delay which followed (the subject of further consideration in part 9 below) did she have a great deal of information about the progress being made. The suggestion that the Archdeacon ought to have chased the Designated Officer for reports on progress is scarcely realistic. Pressure applied to the Designated Officer in this way would probably have been counter-productive.

5.8 We have taken into account the Archdeacon's heavy workload (there being some 325 church buildings in her Archdeaconry) and the fact that she had not previously been involved in a CDM case of this magnitude. In so far as she obtained and followed expert legal advice, we consider that she discharged her functions appropriately. Nevertheless the Archdeacon was herself the subject of a complaint under the Measure brought by C1 and C2. It is disturbing that a complainant who is in Holy Orders and who has acted in good faith in making a complaint under the CDM can be the subject of a further complaint in respect of the manner in which the case was conducted. However, this could be seen as one of the outcomes of the poor communication opportunities for those involved. In the event the Bishop of London (acting on behalf of the Bishop of Oxford) dismissed the complaint of C1 and C2 on 27 June 2019 and the Bishop's decision was upheld on a review. Both the Bishop of London and His Honour Judge David Turner Q.C. (who completed the review) expressed the hope that C1 and C2 would participate fully in this Independent Case Review. We are glad to record that they have done so, and that their contribution to our processes has been of considerable value.

6.) Management at Diocesan Level

6.1 There were several changes in the management of the Diocese which may have had an impact on this matter. In March 2014, the archdeaconry boundaries of the Diocese of Oxford were amended with Abingdon Deanery (of which Christ Church is a part) and three other Berkshire deaneries becoming part of the Dorchester Archdeaconry. It was particularly unfortunate that during the earlier stages of the CDM proceedings the see of Oxford was vacant, with the result that the Diocesan Bishop's powers had to be exercised by the Area Bishops under instruments of delegation. Thus both the Bishop of Dorchester and the Bishop of Buckingham were involved at different times. The Bishop of Reading also had previous contact with the parish (see paragraphs 2.4, 7.1, and 8.5) because prior to an Area reorganisation it fell within the Reading Area. The time of the transfer of Christ Church, Abingdon to the Dorchester Area was unfortunate in causing a break in continuity. The absence of a single controlling mind undoubtedly gave rise to difficulty and delay; matters were not assisted by the departure of the Diocesan Safeguarding Adviser and his replacement by someone lacking detailed knowledge of the circumstances.

6.2 One consequence of the division of responsibility was the limited information being given to the parish about the complaint and the Reverend Davis' absence from duty. There was uncertainty as to whether the Reverend Davis was suspended or was absent on sick leave. The result was inevitably confusion and the circulation of rumour within the parish. As time passed without apparent progress, the fear developed amongst those critical of the Reverend Davis that the complaint might be compromised or withdrawn. C1 and C2 summarised in blunt terms the attitudes of some parishioners: "Many had prayed extensively for (the Reverend Davis) in view of his long term absence "off sick" in ways that now appeared inappropriate. Others regarded the diocese's secretive handling of the matter as a breach of trust and, still others, as an attempted cover-up."

6.3 The unfamiliar allegations of spiritual abuse were the cause of particular difficulty. Although many straightforward CDM complaints can be dealt with expeditiously, a diocese has to be prepared for the occasional complicated or protracted case which can impose unforeseen burdens upon the parish concerned, the parties to the proceedings and the diocesan staff. It is desirable for dioceses to be prepared to meet these challenges with a preexisting plan involving bishops, archdeacons, the diocesan communications officer and (where appropriate) the diocesan safeguarding adviser. If the key participants know in advance what is expected of them, a lack of co-ordination will be avoided, and sensitive matters addressed such as the handling of ambiguities with regard to sick leave or suspension (see paragraph 6.2) or the more general approach to publicity.

7. Safeguarding issues emerging for diocesan learning

7.1 Cleric 1, [a priest in the parish], wrote a lengthy report of confidential issues relating to the Reverend Davis, which he sent to the then Diocesan Safeguarding Adviser in March 2015. He detailed his first concerns following an approach from the E family in Sept 2013, and at this point as he felt it was a pastoral issue, he passed concerns to P1, Churchwarden at the time. The Reverend Davis had become emotionally dependent on the family of W1, and indeed in March 2013 had actually moved in with them. Cleric 1 encouraged P1 to pass on the concerns to Bishop Andrew, which she did, and asked the youth pastor to speak to her as well. He thought initially that things were resolved and the Reverend Davis had been told by P1 to move out of W1's household.

7.2 Commenting on the Reverend Davis' relationship with W2, the then DSA records the "formal complaint", made by the churchwardens. The matter was raised to the then DSA in 2013 by Bishop Andrew as the Reverend Davis had "self disclosed" that there were rumours in the parish about his, the Reverend Davis', position in W1's household. The then DSA advised that the Reverend Davis should write his own account but didn't think this happened. The DSA's comment was that the relationship was "somewhat exploitative." As the Reverend Davis had conceded this, the DSA felt he must know that it was inappropriate. There are no specific conclusions about the safeguarding and risk elements at this point and no sign that any steps were going to be taken within safeguarding procedures.

7.3 In May 2014 Cleric 1 was told that the Reverend Davis had gone on holiday with W1's family, so although the relationships were obviously still close, he and the informant felt at that time there were no safeguarding concerns, other than the issues the diocese had been informed of in September 2013. Cleric 1 did stress that the informant should act if they became aware of any child protection concerns.

7.4 It subsequently became clear that issues with the Reverend Davis had not been resolved, and the parish was left dealing with the pastoral fallout of the allegations which had been passed to the diocese in 2013. W2 was upset that the church had intervened by insisting that the Reverend Davis moved out of her home, as that time she had not fully grasped the impact he was having on the family. Reverend Davis was putting pressure on the staff team by trying to find out who the informant had been, and fresh concerns were being raised within the parish about Reverend Davis' wider leadership style. Thus between October 2014 and February 2015, a group was set up in the church, with a small number of concerned parishioners and staff, to "support and challenge" the Reverend Davis about the recent events which had happened in the family. The meetings included prayers, and did not yield anything materially different to what had already been passed to the diocese in September 2013. This was not in our view, on its own, an appropriate way to monitor or challenge any concerns about safeguarding. However, there is

little evidence of any serious support to the parish staff team at this time from the diocese, and it is clear people in close contact with Reverend Davis acted out of the best intentions. Cleric 2, curate at the time, admitted to being in fear of the Reverend Davis' angry outbursts, and indeed experiencing a "victim reaction" to these.

7.5 In January 2015 Cleric 1 felt the Reverend Davis was in denial about the issues, and urged him to meet with Bishop Colin with some members of the "round table" group. This meeting took place but the Reverend Davis was not open about the real issues and the group felt let down by him. However, matters took a more serious turn as on 3 March 2015 W2 emailed, and then phoned Cleric 1, explaining that W1 had the previous evening disclosed further details of Reverend Davis inappropriate activity during his time staying in the family home. W2 gave details of W1's struggles to deal with Reverend Davis and the pressure he put on him, the impact of which had not been fully clear to her until that point. It was clear to Cleric 1 that these were new safeguarding issues coming directly from the family involved, so he immediately reported them to Bishop Colin and the then DSA.

7.6 Concerns about safeguarding were summarised by the then DSA, in his report written on 20.5.15, which he sent to Bishop Colin. The report from Cleric 1 was in front of him. He had read Reverend Davis' blue file and also letters and notes of meetings with Bishop Colin with W2, the E family, Cleric 2, Cleric 1, and P1, [Redacted]. At this point, the then DSA was focussing on safeguarding but noted there had been other issues in the parish. We know that the Tribunal did not seek evidence on other matters, which would have included accounts of the Reverend Davis' bullying behaviour and controlling attitude, which had affected both clergy and some parishioners. On the safeguarding issues, the then DSA outlined the unorthodox approach the Reverend Davis took to the youth mentoring scheme set up by the Youth Pastor, P3, in 2012/13. He detailed the development of an over close relationship with W1 and the Reverend Davis' framing of this in terms of God telling him that it was the right thing to do. He noted that the Reverend Davis was "ill" and moved in with the family of W1, and continued to put a lot of emotional pressure on W1 for contact. This included trying to interfere with the relationship W1 had with his own girlfriend, and calling her family "evil."

7.7 The then DSA notes that the behaviour was "clearly inappropriate" and contrary to good practice and guidance. This was "tantamount to emotional and spiritual abuse." Although he felt it could be seen as "suggestive of grooming" there had been no allegation of sexually inappropriate behaviour. The then DSA listed other boys and young men who may have been similarly targeted for close attention by the Reverend Davis but it is not clear whether any of these families were contacted at this point.

7.8 It was following the report from the then DSA of 20 May 2015, that Bishop Colin emailed Christ Church Abingdon clergy and churchwardens, confirming

that the Reverend Davis could continue to function as a vicar but that he wanted a careful investigation of the concerns, without prejudging the result. Again, in our view, this was not, with the benefit of hindsight, an appropriately robust response to what was by then a range of concerns. We feel there was a definite safeguarding thread, including abusive pressure and potential grooming behaviour. This inadequate response was at least partly due to the mixed messages the Bishop was receiving about the seriousness of the situation. The diocese was by then facing a complex set of issues. This was subsequently followed up by the request to the Archdeacon for an investigation to start to decide whether a formal complaint should be taken forward.

7.9 It is our view that at this point the potential safeguarding issues were overtaken by the formality of the Archdeacon's investigation process, which was indeed conducted in compliance with church procedures. In fact, the Reverend Davis told the Tribunal that he took the Bishop's email following his meeting as an exoneration of any safeguarding allegations. An element of confusion may have entered the matter, as to whether the chief concern was safeguarding or spiritual abuse. It is relevant that the identification and definition of spiritual abuse was at an emerging stage during this process for the Church, and there is still continued discussion about the potential overlap of definitions of emotional abuse with spiritual abuse.

7.10 [Redacted] P4, told us that [they were] very clear that there were safeguarding issues in the Reverend Davis' behaviour, P4 did not feel intimidated by him and gave him some feedback. P4 felt the Church's response was weak and too cautious, and although information was passed up through the curates there was little evidence of a response. A very powerful testimony was given to us from P5, the person who observed the incidents involving the Reverend Davis and W1 at the New Wine conference, in the summer of 2013. However, having passed information to [Redacted], P5 was not aware of what happened, although trusted the "system" would work. P5 wrote a statement and there appears to have been a core group although P5 was unclear about this. We have been unable to identify written evidence of such a meeting or discussion. P5 was disappointed that the reaction was so slow and felt there were many key signs that the Reverend Davis behaved inappropriately and had a poor understanding of safeguarding issues. P5 does not feel the Reverend Davis had mental health issues and felt that he was very manipulative, choosing curates and churchwardens who would not challenge him. P5 experienced difficulty working with him and felt he did not like anyone to challenge him, particularly women.

7.11 An additional issue is that a review of the records from the parish and our meetings with people gives a strong impression that many people had concerns about the Reverend Davis' style of ministry and specifically concerns about inappropriate relationships, but there appeared to be no easily identifiable person with the responsibility of putting these concerns together and taking them to the right person for actions. The clergy and staff felt it was

the churchwardens' responsibility, but the churchwardens, who changed over the period in question in any case, were not all of one view on the matter, and each person tended to think someone else had alerted the Bishop or senior clergy. An attitude of polite and respectful reticence distracted people from the seriousness of the situation and it took several separate efforts to alert the senior church staff and clerics to what was actually happening. One or two people with strong opinions blocked others from being heard or at the least made them question their natural suspicions. This is not a conducive environment for good and thoughtful safeguarding practice, and overall there seems to have been an atmosphere of naivety and amateur psychology, almost second-guessing what was going on. This left the Reverend Davis with mixed messages himself, about the acceptability of his behaviour, and left several vulnerable young people and adults wondering whether they were to blame for the whole situation, rather than being supported as potential victims of emotional abuse or even sexual grooming.

7.12 It is also of concern that the churchwarden with a lead for safeguarding at the time, P2, appears to have been left out of the loop of information sharing, and was unable to explain why colleagues had reported straight to the Bishop without alerting P2 to the detail of incidents as they developed.

7.13 In more than two decades as a minister the Reverend Davis had not received safeguarding training. However, the Tribunal found that as an experienced pastor he would have been well aware of local and national safeguarding procedures and the lack of compulsory training at that point cannot justify a clear breach of safeguarding in the context of the case. The Tribunal Determination notes that the intensity and manner of the Reverend Davis' relationship with W1 was in breach of the safeguarding procedures of both the national Church and the parish, and that this amounted to spiritual abuse and he was therefore guilty of misconduct. Reference is made to the Church of England Policy for Safeguarding Children 2010, "Protecting God's Children" which states that in faith communities "harm can be caused " by inappropriate use of religious belief or practice, including misuse of authority and oppressive teaching. The Tribunal commented on the accounts of physical contact between W1 and the Reverend Davis, and found that the Reverend Davis initiated this and it was generally unwelcome by W1. The Tribunal noted that W1 was aware of the Reverend Davis' distressed state during 2013 as he was staying in W1's home, and accepted W1's view that he felt unable to challenge the Reverend Davis about his oppressive behaviour because he was anxious that this would make his condition worse. Although the Reverend Davis had refuted this view of the matter, the Hearing found that although physical contact during prayer as described by W1 was regarded as normal within this type of charismatic tradition, this is only acceptable within groups of worshippers and is a clear breach of safeguarding in the circumstances such as those described, in a private bedroom. The Tribunal concluded there was no suggestion of any sexual touching at any time, but did not in our view take the opportunity to reflect on the longer term damage that a young person such as W1 could experience as a result of the confused and

troubled feelings that this kind of behaviour, arguably grooming, could cause. The impact on others, who felt they had been misled and had failed to protect W1 and other young people, should not be overlooked.

8.) Pastoral Support for the Reverend Davis

8.1 We found conflicting views in the parish and diocese about the level of support the Reverend Davis should have received, and also about the extent of his mental health problems. His supporter and friend, D, made extensive representations both to the senior clergy in the diocese, and to the Tribunal, and felt that the Reverend Davis' "mental fragility" had not been recognised or addressed. He repeated this view when we met with him. However, others made the point that the Reverend Davis had not given evidence of mental health problems to the Tribunal or the investigation. It was our view that the Reverend Davis only shared his troubles with vulnerable parishioners or junior clergy, and there was no record on his personal file of him bringing mental health problems to the attention of senior clergy. D cites 2012 as the time when the Reverend Davis was "succumbing" to Post Traumatic Stress Disorder (PTSD) arising from a "childhood incident." A note from D to the Tribunal states he and his wife have known him for many years and noticed the change around 2012 and felt he had taken too much work on in the parish of Abingdon, which then triggered his PTSD. They felt the diocese should have picked this up and supported him, and that he was thus failed. It is interesting that the Reverend Davis had been on an overseas holiday in early 2012 and others noted this as a point of deterioration in his emotional state.

8.2 D's view was that the Reverend Davis was left to find and fund his own therapeutic support, and no pastoral or professional support was offered, either once he was suspended or prior to that. His view is that health issues should have been discussed in the Reverend Davis' appraisals and that the HR structure should have played a role before CDM was considered. His view, and that of several others, is that the Reverend Davis was severely traumatised by the process of the investigation and the Tribunal, and was left without support from the church, and had to fund his tribunal expenses through crowd funding and his own savings.

8.3 The Registrar of the Province and Diocese of York also forwarded some of D's concerns to the Church of England Legal Office for consideration by the Clergy Discipline Commission. We are not certain whether there has been any response to this, but the concerns were focussed on failure to take the Reverend Davis' mental health into account when entering into the CDM process. The view being put forward was strongly that this was a situation of "pastoral breakdown" and senior clergy did not provide adequate support to the Reverend Davis throughout his illness, while still in ministry. This representation also questions whether the issues in this case were in fact actual spiritual abuse and urges the House of Bishops to reflect on this.

8.4 We appreciate the genuine concern about the Reverend Davis' welfare, and the questions raised, but there is no mention in any of the communications of the suffering and long-term impact felt by vulnerable young people and families, which led to the charges of spiritual abuse. Nor is there any reflection on the allegations that the Reverend Davis had a bullying and oppressive attitude to some parishioners and junior colleagues.

8.5 P1 echoed many of the points raised by D, and P1 knew the Reverend Davis as P1 had been [Redacted] during 2013, and noticed changes in his behaviour at this time. P1 raised the first serious issues in a letter to Bishop Andrew Proud in October 2013. P1's focus was generally on the poor state of the Reverend Davis' emotional well-being and the lack of support P1 felt he received from the Diocese. However, P1 did set out clearly the concerns about the development of inappropriate relationships between the Reverend Davis and parishioners. P1 expressed a strong view to us that the diocese was guilty of a complete failure in its duty of care to the Reverend Davis and was very positive about his ministry and the things he had achieved in the parish and for the wider Church. P1 also felt Reverend Davis had been treated "shamefully" by the Tribunal process. When P1 was contacted by the legal office for information during the Tribunal process P1 recalled that their earlier concerns had been reviewed by the then DSA and deemed not to constitute a safeguarding matter. P1 wrote to the Bishop in January 2018 urging him to remember how poor P1 felt the Reverend Davis' mental health was and hoping that the Determination would bear this in mind.

8.6 It appears to us that there remains considerable ambivalence in the parish and diocese as to whether the Reverend Davis had severe depression or PTSD, and that if he did then he was not fully responsible and accountable for his behaviour. Others feel that he was fully aware of what he was doing in manipulating his way into families, and that his attitude towards some parishioners and junior colleagues had often been dismissive and arrogant when they did not agree with him, or interest him. Concerns about bullying behaviour were raised as early as 2011/12 by churchwardens.

8.7 The Penalty Hearing found that the Reverend Davis required greater insight, and engagement with treatment, pastoral support and safeguarding training, before consideration would be given to further licensed ministry.

8.8 In the Reverend Davis' own evidence to the Tribunal he gives an account of a diagnosis of PTSD in September 2016 but no medical evidence of this was presented to the Tribunal. He confirmed that he began to feel unwell around February 2012, shortly after the mentoring at CCA began. He stated that he saw counsellors about likely PTSD as a result of childhood trauma around the age of 7 years. The only reports submitted to the Tribunal were from a psychologist, who is not medically qualified and therefore not competent to give a diagnosis, in the view of the Tribunal. Two medical certificates submitted by the Reverend Davis from his GP noted "intense

counselling for PTSD type symptoms” and sickness absence noted for “PTSD” in 2017/18.

8.8a A more detailed psychiatric report by Dr. Michael Orr was submitted to the Tribunal after they had issued their judgement but before they had determined the appropriate penalty. This report offers an alternative diagnosis of Emotional Dysregulation. The psychiatric report was not available to the Diocese until the final stages of work on this report.

8.9 The nature of the Reverend Davis’ mental condition, and its relevance to the Tribunal hearings, remains unclear to us. Even if mental disturbance was a factor in his behaviour, it might have provided no more than an explanation of his misconduct as opposed to an excuse for it. There may, however in future be cases in which the question of medical evidence becomes of critical importance. For this purpose it is desirable that funding be made available in appropriate cases so that a wholly independent medical report from a suitably qualified medical practitioner can be put before the Tribunal. More generally, D deplored the financial hardship suffered by the Reverend Davis in contesting the case. Although Ecclesiastical Legal Aid is available, it is means-tested and its scope is limited. Accordingly there is a real risk that respondents in CDM proceedings may find themselves financially exposed. In other professions it is the requirement or expectation that the individual should obtain and pay for insurance against this risk. A similar approach is to be encouraged amongst the clergy.

8.10 After the imposition of the penalty the Reverend Davis has been provided with pastoral support from Cleric 3, an Area Dean, who told us that none had been received by the Reverend Davis in the course of the proceedings. The need for a respondent to be provided with care and support is identified in paragraph 97 onwards of the Code of Practice. It is not clear to us why pastoral support was forthcoming so late, since an earlier intervention may well have been of benefit to the Reverend Davis. The explanation may lie in his apparent inability to engage with the CDM process or in correspondence not reaching him at his home address. We question, however, whether a single letter or message offering pastoral support is sufficient discharge of the responsibility placed upon the diocese. The prompt provision of pastoral support for respondents is an important requirement which ought to be treated as a high priority at diocesan level.

9.) **Witness Support**

9.1 There were powerful reflections on the impact of the process of the investigation and the Tribunal from the key people we interviewed as part of our investigation, specifically by W1 and W2, and by C1 and C2. The E family also felt let down by poor communication about timescales and likely outcomes. W2 told us that she found the process of the investigation and Tribunal so traumatic it was worse than the actual incidents. She felt very

poorly supported and was specifically concerned that when the final allegations were prepared for the Tribunal, it was mainly evidence from her family that was going to be presented. She had difficulty understanding why other families in the parish weren't being asked to give evidence, and why the general poor behaviour of the Reverend Davis was not being included in the Tribunal. W2 felt she had lost control of the investigation when the Archdeacon took over, and this was very much reiterated by C1 and C2, as we have already noted. W1 echoed this very strongly, saying that he felt all the weight of the outcome of the Hearing rested on his shoulders and he had not been prepared for this.

9.2 When they received invitations to attend the Tribunal, W1 and W2 thought they would receive more support and advice, but felt completely unprepared for the formality and the stress of the experience. Both key witnesses had been told not to discuss the investigation with anyone and this added to their isolation. On attending the actual Tribunal, W1 and W2 felt very much on their own, they were not supposed to talk to each other or other family members when it was adjourned over night, and they were not given support for even basic issues like where to get refreshments.

9.3 After the Hearing they were not told what would happen next, and they did not know how decisions would be made about the Reverend Davis and any further role as a minister. They don't know where he is living, and both W1 and W2 told us they have anxieties about bumping into him around the area, or if and when they attend another church anywhere in the future. A very serious impact for W2 has been that at the time that we met her, she had not returned to church since the investigation and had lost her trust in the Church of England to protect and support her and people like her. W1 told us he has kept his faith and commitment to the Church of England, but felt very traumatised by the whole experience. He had been offered some help from his GP and from counselling, as he was imagining seeing the Reverend Davis or his car, as he was going out and about and was feeling very anxious. W1 is feeling that he is coping well with life now but the timing of the hearing was particularly difficult for him as he was at University by then, and was preoccupied by the investigation and Tribunal, and had in the end to tell tutors what was happening and retake some pieces of work. He felt his ability to maintain a private life away from home had been affected.

9.4 No one from the Safeguarding Team in the diocese or parish spoke to W1 and the witnesses found the presentation and communication from the Archdeacon unhelpful and unsupportive. There was clearly some confusion as to her role and we comment elsewhere in this report on how understanding of the CDM process needs to be improved. W2 commented particularly on how difficult it was for a parishioner to make a complaint about a clergyman, and the secrecy of the situation in the parish, where so few people knew what was going on, made coping with the situation even more difficult. W1 commented that this feeling of isolation and secrecy was like a mirror of the relationship with the Reverend Davis itself. Even when they got to the hearing, their lawyer

(in fact the Designated Officer) told them that he could not coach them, but they felt they had no experience of this kind of process and did need some kind of preparation. There was then a long gap between the hearing and the outcome decision and that was very difficult to deal with, again with little communication about what was happening.

9.5 At the time of the investigation W1 felt very conflicted, and he did question and blame himself at times. He wondered whether he was conducting a witch-hunt against a sick person. This was very distressing to hear and it is our view that in spite of their apparent appearance as people who are recovering from the experience, both W1 and W2 have been hurt very badly and may take many years to regain their confidence and trust in the Church and its processes, and also to some extent their trust in human relationships, since they feel they got things so wrong with the Reverend Davis. We are sure that all those dealing with them, and especially those people offering them support more recently, have been at pains to reassure them that they were victims and not responsible for the Reverend Davis' behaviour, but this message takes time for people to assimilate.

9.6 W1 and W2 did note that they have received much improved support and communication since the Bishop appointed his Chaplain as their link with the diocese. The strained relationships between the families in the parish who were involved have remained, although things are better. It is particularly sad for the young couple at the centre of this.

9.7 Tribunals, if they are to function effectively, rely heavily upon the goodwill and co-operation of the witnesses who appear before them. Giving oral evidence, as the Archdeacon reminded us, is a daunting experience. The assistance given to witnesses involved in the CDM process, especially at or shortly before tribunal hearings, is either fragmentary or non-existent. We recommend that better co-ordinated arrangements are made, probably at provincial level, for witness support. Help of this kind does not involve the coaching of witnesses about the content of their evidence. Instead it concerns practical matters such as the mechanics of giving evidence (how to address a tribunal, the sequence of questioning, reference to documents, when to sit or stand, and the like) where to obtain refreshments, access to a quiet area away from the opposite party, the timetable of the hearing, and effective responses to witnesses' other concerns. The task may be undertaken by one person who should be put in contact with the witnesses well before the hearing date and would serve as liaison between the witnesses and those involved in other aspects of preparation. At the hearing itself the person giving witness support should be available to answer questions, provide guidance and resolve practical difficulties. Since the service ought to extend to the witnesses of both parties, witness support ought to be given by someone otherwise independent of the proceedings.

10.) Delay

10.1 The Law's delay is an all too familiar irritant. We have therefore examined closely the sequence of events [Redacted] to see whether unjustifiable delay occurred. Two periods call for comment. First, the false start and resultant need for an application to lay the complaint out of time (see paragraphs 3.1, 3.2 and 5.4 above) caused the avoidable loss of several months. The second, and more significant, lapse of time occurred between the Deputy President's referral of the case to the Tribunal on 23 January 2017 and the hearing on 13 December 2017. This period, in excess of 10 months, is disturbing in the context of a complaint based on events which primarily dated back to 2013. It should also be noted that, beyond the end of the [Redacted] timeline, the Tribunal's decision on penalty was handed down on 12 March 2018 following a hearing on 10 March; thus over a year was occupied between the Deputy President's directions and the final disposal of the complaint.

10.2 Mr Edward Henderson, the Reverend Davis' solicitor, explained that the period between January and December 2017 was not entirely wasted. It was occupied in part by attempts at compromise, and in part by an application to vacate the hearing because the Reverend Davis was allegedly unfit to attend. These matters, nevertheless, were not in themselves unduly protracted; moreover minds would have been concentrated by an imminent date for the hearing. We remain convinced that potential delay between the formal referrals to tribunals and the resultant hearings constitute a weakness which deserves to be addressed.

10.3 The secular courts provide examples of strategies to expedite hearings which repay study with a view to improving CDM processes in this area. More radically, the moment may have arrived to reconsider the composition of tribunals. The reduction of the membership of tribunals from five to three (a legally qualified chair, one ordained and one lay member) would produce a leaner, more efficient structure less vulnerable to the conflicting diary commitments of those involved. A three-member tribunal is capable of being convened sooner, and administered more efficiently, than one consisting of five members. Although it was originally believed that the larger membership served the interests of fairness, experience has not necessarily borne out this assumption. On the contrary, a just outcome is liable to be prejudiced by the cumbersome nature of the adjudicating body.

11.) Conclusions (a) Legal

11.1 Earlier in this report we have identified various respects in which the CDM proceedings against the Reverend Davis were less than satisfactory. To what extent did these shortcomings affect the outcome of the case?

11.2 It was urged upon us by D that, with proper recognition of the Reverend Davis' mental fragility at an early stage and the provision of appropriate support by the diocese the events giving rise to the complaint would have been avoided altogether. In the absence of medical evidence we cannot

properly reach that conclusion. The possibility remains that, even with the benefit of early intervention, the underlying traits of the Reverend Davis' personality would at some point have produced a crisis in the parish.

11.3 Next it is necessary to consider what might have happened if W2 and C1 had made legally valid complaints at the outset. Some delay would doubtless have been avoided. With the assistance contemplated by the Code of Practice (see paragraph 3.4 above) complaints would have been formulated in good time covering both spiritual abuse and bullying or over bearing behaviour. At some point, however, and at the latest when the Deputy President gave his directions, the case for the Tribunal would still have been narrowed to the issue of spiritual abuse. We cannot ignore the considered opinion of the Archdeacon and her legal adviser that much of the evidence of bullying was insufficient to include in the complaint. Nor can the practical difficulties involved in pursuing the allegations of bullying be disregarded; in particular a serious conflict of evidence would have been inevitable with the Reverend Davis being in a position to seek support from sympathetic parishioners as well as from those in the wider Church favouring his style of ministry. The prudent course, both in terms of pursuing a viable complaint and from the perspective of case management lay in concentrating upon the allegations of spiritual abuse.

11.4 There remains, however, a belief among the critics of the Reverend Davis that the penalty imposed was unduly lenient, and that he would have been more severely treated by the Tribunal had the full extent of his oppressive behaviour been aired. This perception has been fuelled by the Tribunal's observations about the Reverend Davis' "Very successful ministry" and "Outstanding record as a Christian pastor over many years." If D is to be believed, such comments were literally true. The problem was that the Reverend Davis' gifts of ministry were accompanied by serious flaws in his personality which eventually became dominant and destructive. The Tribunal had all these matters in mind, as paragraph 5 of the Determination of Penalty demonstrates.

11.5 It is not part of our function to review the Tribunal's decision or its penalty. Nevertheless, it may be helpful to record our view that, even with further aggravating evidence before it, the Tribunal would not necessarily have imposed a more serious punishment. The essence of the penalty was the removal of the Reverend Davis from office. In setting a period of prohibition at two years, it was appropriate to allow for the possibility that he might overcome his mental difficulties and be fit to return to some form of ministry. An ecclesiastical penalty, whilst a punishment, may include within it the opportunity for redemption. Furthermore, as the Tribunal made clear in paragraph 9 of its Determination of Penalty, it was for a bishop to decide whether the Reverend Davis had progressed sufficiently before granting a licence to him. In practice, therefore, the prohibition was without limit but capable of termination on proper grounds after two years. A return to ministry at Christ Church, Abingdon is barred by the Tribunal's decision. Before

embarking upon any other ministry within the Church of England, the Reverend Davis would have to undergo an occupational health assessment, a risk assessment, and a process of independent assessment overseen by staff at Lambeth Palace. Given these constraints placed upon the Reverend Davis, we do not envisage that any greater penalty, in terms of prohibition from ministry, would have served any useful purpose or would have been in the interests of justice.

12. Conclusions (b) Pastoral

12.1 There continues to be concern about the view that the earlier complaints about the Reverend Davis' poor management of his curates and his lack of consideration for other parish staff have not been followed up, and as they are not recorded as part of the Tribunal Determination will not be available as a record for any future parish or employer. In addition several people mentioned concerns that issues raised about the Reverend Davis' possible inappropriate relationships or targeting of other young people in CCA or previous parishes had not been followed up.

12.2 We were told of the positive impact of the support which was offered to the parish after the Tribunal in the form of work undertaken by CCPAS and Acorn organisations. Parishioners and staff were offered the chance to meet in groups or individually to deal with feelings of hurt and confusion left by the situation. Several people mentioned these meetings as very helpful, although others who had been affected by the Reverend Davis' time at CCA chose not to attend. We saw some brief reports of the events but we presume that more detailed feedback was given to the Bishop and key diocesan staff.

12.3 It was of concern to us that during meetings with several families and parish staff there was evidence of considerable personal distress still being experienced by the events surrounding the Reverend Davis' time at CCA and the process of the Tribunal. Much of this was personal regret that more steps had not been taken earlier to raise issues about his behaviour either directly with him or with senior clergy. A number of people expressed continued guilt, and others felt let down by the Church and what they see as poor and tardy responses to the issues in the parish. There is continued resentment that the Tribunal focussed on one family for evidence in the hearing, and a feeling that other issues have been overlooked. Although there is an issue of confidentiality and duty of care towards the Reverend Davis, this needs to be balanced against the distress still being experienced, which for some is having an impact on their faith and Church attendance. The diocese needs to address this.

13. Final Reflections: What people would like to see as an outcome

In the course of our conversations with people in the parish some important themes have emerged which we list here:

- There needs to be transparency in the handling of safeguarding issues

- There needs to be a clear communication path when safeguarding issues are raised
- Someone needs to be identified within the parish to whom people can go to speak safely about parish clergy
- There needs to be understanding of what it feels like to be complaining about your own parish priest, as a member of the parish and not as a clergy person
- Speeding up of the complaint process is needed
- Clear explanations of each stage of the complaint and tribunal process
- Open communication with the parish, as needed, about the progress of complaints
- Further work is needed in CCA as people are still unclear about what happened and whether the Reverend Davis has any future role in the parish

These reflections make a fitting epilogue to our report. We commend them to the attention of the Diocese and the wider Church.

V5.1 01.09.20