



# Monmouth Enquiry and Review

Report from the Review Panel

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13 July 2021

# MONMOUTH ENQUIRY AND REVIEW

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# MONMOUTH ENQUIRY AND REVIEW

## INTRODUCTION

### **The significance of this Enquiry & Review**

This is not a story of great and deliberate wickedness, but nonetheless it is a tragedy. Long ministries of service to the Church were curtailed, careers damaged, and reputations left ruinous. The presenting cause of all that happened should not have led to such an outcome. This report seeks to describe in detail the chain of events, and analyse why decisions made at the time, each of which seemed justified to those involved, created such a web of suspicion and mistrust.

The legacy of these events was plain to see in the interviews we conducted (all via Zoom because of lockdown). Those who were key players were by turns distressed, angry, hurt and sometimes tearful. The impact on individual lives remains. Tensions within the Bench of Bishops have not gone away. The Diocese of Monmouth is recovering well under new episcopal leadership, but many in the diocese are still either puzzled by what happened or possess a false narrative. We observed that, for some of those we interviewed, it was therapeutic simply to describe what happened to them, often for the first time to someone else in any detail. Hence, this Enquiry and Review may have been worthwhile if only to offer them such an opportunity. We hope, however, that telling the story in full may be instructive to bishops, clergy and laity in the Church of Wales and that there will be many learning points. Our recommendations are not intended only to prevent something like this happening again, but to improve processes and procedures to make the ministry and mission of the whole of the Church in Wales both more effective and reflective of the gospel of reconciliation the Church proclaims.

### **The Panel and how it went about its work**

This Enquiry & Review was announced in May 2020. Bishop Graham James, the former Bishop of Norwich (1999-2019) was asked to lead it, working with Lucinda Herklots, the former Diocesan Secretary in the Diocese of Salisbury, and Patricia Russell, a lawyer who has specialised in both ecclesiastical and employment law, and who was also the former Deputy Registrar for the Dioceses of Winchester and Salisbury. Bishop Graham had chaired the Paterson Inquiry, an independent Inquiry into the malpractice of a former breast surgeon established by Her Majesty's Government and which had reported to Parliament in February 2020. Lucinda Herklots, in addition to her long experience of lay service to the Church of England, also serves as a Governor of an NHS Trust, and is a lay member of her local Cathedral Chapter. Patricia Russell was instructed in relation to an earlier Inquiry established to review a long running safeguarding and clergy discipline matter in the Channel Islands.

The Panel decided not to describe themselves as such in the body of the report but to speak of "we" and "us" to make the narrative more immediate.

When we were established, it was hoped that we would report within six months. This proved impossible, both because of the complexity of the matters which we had to address,

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and because we had to conduct the Enquiry & Review entirely remotely. Hence, we have not been to Wales nor indeed have members of the Panel yet met each other in person, although we have spent many hours together on Zoom. We discovered that for Zoom interviews the questions needed to be meticulously researched and prepared to be effective, and we also recorded every interview which enabled us to listen again to the evidence witnesses presented. We conducted 27 interviews by this method, many at considerable length. One witness answered our questions (also at considerable length and helpfully) by correspondence, but all others were seen personally. All whom we met provided us with a great deal of documentation, including impact statements, emails and letters, as well as notes of conversations and telephone calls.

While we do not know if there are some key letters or e-mails which we have not seen, all witnesses were given the opportunity to provide us with any materials they considered relevant. We believe that the vast majority of the pieces of the jigsaw are sufficiently in place in order for us to be confident we have seen the whole picture even if a piece or two may even now be missing.

We thank all those who gave so generously of their time to us, sometimes for more than one lengthy Zoom session. The former Bishop of Monmouth decided not to meet us, and we respect and understand his decision. It is a regret that we did not have his reflections on all that happened, but we have seen a great deal of written material, including letters and emails, which we have used to ensure his voice is heard. It has not been part of our task to determine whether allegations related to the former Bishop were true. This is not a further investigation of disclosures made but an examination of the processes and procedures undertaken to consider them, and the decisions made and their consequences.

### **The nature of this report**

We discovered, soon after we began our work, that even those closely involved in these events did not know the whole story, although a good many thought they did. Hence, we decided it was the best course of action to produce a report in which the narrative was given a high priority. The first five chapters tell the story from its beginning in October 2017 through to the establishment of this Enquiry & Review in early 2020. We have attempted to allow the story to speak for itself before concluding each chapter with a brief section describing “what we have learned” and offering some reflections. Only then do we go on to make recommendations based on the narrative and what we have learned.

Chapter 6 is differently constructed. As our work progressed, we realized there were some issues which arose from the story, but which needed to be considered separately from the narrative. To have included them in the narrative would have been distracting. However, we believe they are an important part of the reflection upon the narrative. The final chapter brings all the recommendations together, with a brief commentary where necessary to explain them further.

A detailed timeline is found in an annex to the report, and we hope this will be a helpful guide to the chronology of events. Our terms of reference are found in a further annex.

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The terms of reference asked us “to consider and report on the action of Church in Wales participants identifying both good practice and failings in the Church’s handling of the issues”. This we have sought to do as the narrative progresses so that “the action of Church in Wales participants” is set in context rather than considered abstractly. We were also asked in the terms of reference to describe those involved in these events by their office rather than by name and we were provided with a pseudonym for one of the key witnesses.

We have sought to adhere to these instructions throughout, with the exception of the first few paragraphs of Chapter One. We believed it important to make it clear how much the appointment of the Bishop of Monmouth was welcomed in 2013, and also how many of those involved in this story were new in their respective posts. However, even here we have named only those who had senior executive responsibility, and not those in more subordinate roles, as is customary in independent reports in other contexts.

### **The account of events and accountability**

There were mistaken decisions made in this story, and one in particular (the decision to divide the disclosures and the concerns related to them into two investigations which were run in parallel) was never revisited and contributed significantly to the impasse which developed. There was a keen desire to avoid risk which itself proved to be risky.

The length of time it took to resolve this issue was not the result of any delay in the formal procedures followed. They were implemented well within time limits associated with ACAS recommended guidelines.

All processes lead to reports and recommendations. It was how the reports and recommendations from the investigatory procedures were acted upon which meant matters were unresolved for a considerable time. Even when resolution was in sight, arrangements enabling retirement took time to negotiate. None of this was the consequence, we believe, of any inadequacy in the procedures themselves.

However, whilst there were events in which some unintentional carelessness and thoughtlessness played their part, the overwhelming desire of those who made the decisions in this narrative was to resolve the issues fairly and justly, and to honour those involved. But it did not always feel like that to those subject to their decisions.

We recognize that we are looking at events with the benefit of hindsight, but we do not believe there is a single malign figure on whom all that happened can be blamed. Rather, this is a story of people attempting to do the right thing but tying themselves in knots when they fail to revisit poor decisions and avoid risk to the extent that they create more of it. That is why this is genuinely a tragedy.

**CHAPTER ONE     OCTOBER 2017 TO JULY 2018**

**An introductory overview**

Richard Pain was elected Bishop of Monmouth in July 2013. This seems to have been widely expected. Many of our witnesses believed Richard’s appointment was a good one. He had served in the Diocese of Monmouth for the whole of his ministry since his ordination in 1984 and was well known and appreciated. It was reported to us that since the diocese had begun to reshape patterns of mission and ministry, in which Richard was much involved (having served as Archdeacon of Monmouth since 2008), he was seen as offering continuity and consistency. There seems to have been no significant dissent that an internal candidate, especially one with his gifts, was appropriate for Monmouth at that juncture in the history of the diocese.

[REDACTED]

We understand that the Church in Wales does ask candidates for the episcopate to undergo a medical for their physical health. There seems no monitoring, however, of the mental and psychological well-being of those who become bishops. It seems to be assumed that those who know them well enough to put them forward as candidates for election will have assessed their resilience.

We were also told, in most of our interviews with bishops, that it seems to be largely up to the bishops themselves to arrange any form of induction or continuing ministerial formation. There appears to be no mentoring of bishops during their early years in office or any sort of “buddy” system. We were told that new bishops can feel that they are left to sink or swim.

**The Bishop of Monmouth’s staff team**

The Bishop of Monmouth’s senior team at the time consisted of the Dean of Newport; the Archdeacon of Newport; the Director of Ministry; and the Diocesan Secretary. When a full-time Diocesan Director of Education was appointed in 2015, the postholder also became a member of the Bishop’s staff meeting. Much later still, (in 2018) a third Archdeacon, the Archdeacon of the Gwent Valleys, was added too.

When the new Bishop was elected, the Dean of Newport, Lister Tonge, was himself still new in post, having been appointed in 2012 but with no previous experience of serving in the



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Church in Wales. Also appointed in the same year was the Archdeacon of Newport, Jonathan Williams, who had served in the diocese since 1989. The Bishop of Monmouth then appointed Ambrose Mason, previously Director of Ministry in the diocese, as Archdeacon of Monmouth in 2013. A vacancy soon arose in the Diocesan Secretary's post, and a review was established by the Bishop. This was led by [REDACTED] a licensed lay minister in the diocese, who had wide business experience. Although it was not envisaged that [REDACTED] would become the Diocesan Secretary this is what happened and he served from mid-2014, initially in an acting capacity.

As the foregoing paragraph indicates, the immediate staff team around the Bishop was one with considerable and varied experience but also one in which everyone was either new in post or had served for little more than a year at the time of the Bishop's election. It was a new team, and within his first year the Bishop of Monmouth made two significant appointments to it. Another would follow in 2015 when [REDACTED] became Diocesan Director of Education, introducing a second lay member to the senior team, and the first woman.

We were told by witnesses that the Monmouth senior team gave every impression of working well together and enjoying each other's company. The Bishop of Monmouth [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
His engaging and informal style, and friendliness, was remarked upon by many to whom we spoke. He appears to have been particularly popular with the staff within the Diocesan Office, perhaps partly as the result of residential meetings at Sheldon in Devon to which they were invited as part of the team. We understand he also led a discipleship group for diocesan office staff.

### **The leaders of the staff team at the Representative Body of the Church in Wales**

Key figures at the Representative Body (RB) were also relatively new in post when the events we describe began. Simon Lloyd became Provincial Secretary at the RB in 2016 following 10 years as Diocesan Secretary in Coventry and an earlier career in industry. A year later in August 2017, [REDACTED] was appointed as Head of HR. She had wide experience in HR in other fields, working in universities [REDACTED] [REDACTED] for 13 years prior to joining the RB. Other members of the RB staff (e.g. the Head of Legal, [REDACTED]) had longer experience working for the Church in Wales, but, as in the Diocese of Monmouth, so it was in the RB that some of the key players in this narrative were relatively new in post. We observe also that the Archbishop of Wales, John Davies, was appointed only in 2017. While he had been Bishop of Swansea and Brecon since 2009, he was thus also new to his ministry as Archbishop.

We became aware while conducting this Enquiry & Review that few of those involved had much previous experience of anything similar to the events described here upon which they

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could draw. The previous experience they did possess was sometimes in very different professional settings or other Provinces of the Anglican Communion with a different culture.

### Initial expressions of concern

'Alex' (the pseudonym used in the terms of reference and which we use throughout) began employment [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### The consequences from the initial disclosures

The disclosure was reported to the Head of HR who then met with Alex alongside the other HR staff member who was present at [REDACTED].

This further meeting was intended to gain more details from Alex, support [REDACTED] and advise on the options. [REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED] Alex then decided not to speak with [REDACTED] and told HR that [REDACTED] had not done so since [REDACTED] felt the matter was resolved. The HR team evidently thought their hands were tied but sought to support Alex with calls and email contact until January 2018. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

We were told by the Head of HR at the time that she reported Alex's disclosure to the Provincial Secretary after her interview with Alex and believed he passed on the information to the Archbishop. However, the Archbishop recalls only hearing of the matter some time afterwards [REDACTED]. The Archbishop reported that he then phoned the Provincial Secretary who told us this was the first time he himself had heard of the disclosures, and could not recall having heard them previously from the Head of HR. Despite these conflicting recollections, both the Provincial Secretary and the Archbishop were ultimately satisfied that the Head of HR had dealt with the matter appropriately, deferring to her advice and experience, and therefore took no further action themselves. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Alex had no complaints about the way the situation was handled by HR. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Hence from late 2017 this issue [REDACTED] was known by the Archbishop, the Provincial Secretary, the HR department staff, all but one of the bishops [REDACTED] but was not raised with the Bishop of Monmouth himself.

### Other aspects of the situation in early 2018

Later, in January 2018, one of the bishops spoke to the Archbishop of anxiety about the Bishop of Monmouth's behaviour during a meeting of the Celtic bishops in Rome. This bishop, knowing of the disclosure [REDACTED] was attentive to his fulsome praise of Alex at that meeting, and noted boundaries were being crossed [REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED] So Alex's disclosures were not the only indications of concern.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED] The Dean and Archdeacons thought that the Bishop had become rather more erratic during these months and sensed that he was more strained than in the earlier years of his episcopal ministry. That there was something not quite right appears to have been detected by a number of those closest to the Bishop of Monmouth. This may have been picked up if there was a functioning system of Ministerial Development Review for bishops but none was in place.

It was in the early months of 2018 that the first Archdeacon of the Gwent Valleys was appointed. The post was to be held alongside being Diocesan Director of Mission. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

As it turned out, it was at the reception following the Archdeacon of the Gwent Valleys' installation at Newport Cathedral that events began to unfold which will be described in the next chapter.

### What we have learned, and our reflections on this narrative

- It is clear that all bar one of the Bishop of Monmouth's episcopal colleagues knew of the concerns [REDACTED] along with members of the HR department at the Representative Body and the Provincial Secretary. But the Bishop of Monmouth did not know what his colleagues and others knew. There is little evidence of any consideration of the serious and adverse implications for the Bishop of Monmouth of this situation, and the potential consequences for him.

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- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- All bishops, when informed [REDACTED] about what Alex had disclosed, and that HR was involved, failed to follow up to ensure the matter was being taken forward appropriately, although one bishop did tell us of a conversation mentioned above with the Archbishop in January 2018, which was also not followed up.
- Although HR knew of Alex's disclosures, it is not apparent that HR knew of the other incidents where concern was expressed as described above.
- At no point were the disclosures received by HR staff shared with safeguarding personnel for their advice or information. Given the potential for escalation in a matter of this kind, it was a serious mistake not to share the information and gain a safeguarding perspective on the transgression of boundaries, and whether, in addition, Alex could be an adult at risk. [REDACTED]  
[REDACTED]  
[REDACTED]
- HR took the concerns raised by Alex seriously, and we do not believe there was any sense of cover-up. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED] It seems clear that this is where specialist legal advice should have been sought. The need to ensure that inappropriate behaviour did not escalate may have warranted the employer's intervention given the disclosure could not be unsaid, [REDACTED]  
[REDACTED]
- No consideration seems to have been made of the risk of vicarious liability which the RB ran by not pursuing this if a more serious situation developed following the initial disclosure, notwithstanding Alex's wishes. This is considered in more detail in Chapter 6.
- There is no mental health assessment of incoming candidates for the episcopate to complement a physical medical examination. Such a mental health assessment would enable those who had experienced poor mental health for whatever reason to be supported appropriately in episcopal ministry rather than allowing the issue to be ignored.
- There is not a functioning Ministerial Development Review (MDR) system for bishops in the Church in Wales. (We were told that MDR for clergy in Wales was rather variable and haphazard too, but this lies outside our remit.)

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- There appears to be no annual review/appraisal system [REDACTED] which may also have provided a means of addressing this issue. We believe that this would be a sensible and constructive development but we think it goes beyond the remit of our Terms of Reference and so do not make it a formal recommendation.
- While Alex was content with the way HR dealt with [REDACTED] case, and there was deference to [REDACTED] wishes, the consequent situation was one in which disturbing behaviour was reported and became known among all but one of the bishops but was not pursued in any way with the alleged perpetrator. Where a witness is reluctant to pursue a complaint but has revealed disturbing behaviour, it would be wise to take specialist legal advice before making any decisions, since reluctance on the part of a witness who has made disclosures should not prevent appropriate action being taken.

### Recommendations

- 1.1 We recommend that the assessment procedures, for both physical and mental well-being, for candidates who have already been identified for the episcopate in the Church in Wales should be reviewed and made more robust.
- 1.2 We recommend that there should be a review of arrangements for the induction of new bishops, their mentoring and support and a pattern of continuing ministerial formation appropriate for the circumstances and culture of the Church in Wales should be developed.
- 1.3 We recommend that a well-grounded and supportive system of Ministerial Development Review for bishops should be introduced. (see also 6.9)
- 1.4 We recommend that where concerns are raised about boundaries of acceptable behaviour being crossed by someone senior in relation to a junior employee or volunteer, safeguarding professionals should be consulted as a matter of course for their advice, even if the issue continues to be dealt with by HR staff or others.
- 1.5 We recommend that where concerns are raised about a bishop or another member of the clergy which may be deemed sufficient for investigation under disciplinary procedures and become known to colleagues, it is imperative that the matter is raised with the bishop or clergy person themselves, subject to safeguarding and legal advice, as a matter of natural justice as well as good ordering of the Church.
- 1.6 We recommend that if disturbing disclosures are made about an employee of the Representative Body or a Church in Wales office holder and the person who makes the disclosures does not wish to pursue matters further, specialist legal advice is sought before decisions are taken, particularly if those disclosures have become known to the employee or office holder's colleagues.

CHAPTER TWO JULY TO SEPTEMBER 2018

Matters escalate

As described in the previous chapter, members of the Bishop of Monmouth's immediate team had become concerned in the Spring of 2018 that his behaviour was becoming more erratic. [REDACTED] were sufficiently concerned for his well-being to arrange to meet with him to reduce his workload. Meanwhile, the incoming Archdeacon of the Gwent Valleys had her own concerns about the Bishop of Monmouth's behaviour, particularly at a residential meeting at Sheldon. We note that our witnesses offered different interpretations and sometimes what we judged to be conflicting accounts of this meeting –

[REDACTED]  
[REDACTED]  
[REDACTED]

We learned too that tensions had developed within the Bishop of Monmouth's staff team about the way the programme of Mission Audits was being carried out within the diocese. Following discussions with the Diocesan Secretary, the Bishop had agreed an increased role for certain diocesan staff in carrying out the Audits and in the composition of the reports.

[REDACTED]  
[REDACTED]  
[REDACTED]

The Archdeacons questioned the changes, but they reported that whenever they challenged the Bishop, he would become angry and insist on his own way.

The lay members of the Bishop of Monmouth's staff meeting noted an increased tension between the Bishop and the Dean and Archdeacons but were more sympathetic to the Bishop and did not agree with the characterization of him as angrily dismissing alternative suggestions. They gave us examples of where they found him open to advice and changed his mind in the light of it.

Perhaps because of the small size of the diocese there was little immediate personal support for the Bishop. His chaplain was a self-supporting priest who was part-time, and his role was largely confined to arrangements for services and attending them with the Bishop. [REDACTED]  
[REDACTED]

The Dean and Archdeacons reported that they had been meeting every 6 months or so to discuss the Bishop of Monmouth's behaviour "*for years*". [REDACTED]

[REDACTED] We asked the Dean and Archdeacons why they did not think the Bishop's behaviour transgressed boundaries sufficiently for them to make a complaint, or test whether others were equally disturbed, or to raise their concerns with the Bishop himself. They gave three reasons. Firstly, they regarded him as a friend, and this made them cautious. Secondly, they questioned whether they would be heard. Thirdly, their experience was that the Bishop did not respond well to criticism. [REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Both the Diocesan Secretary and the Diocesan Director of Education at the time did not report the same concerns to us, although they did agree that the Bishop placed considerable stress upon the issue of loyalty.

The Dean and Archdeacons told us that eventually they had to act once they knew the effect of the Bishop's behaviour was not felt only by them but also by Alex.

Matters escalated at the reception after the installation of the Archdeacon of the Gwent Valleys on 7 July. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The Archdeacon of Newport was sufficiently concerned by what he was told to bring the Dean and the Archdeacon of Monmouth to meet Alex on 17 July, by which time the Bishop had gone away on holiday. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The Dean and Archdeacons then discussed the matter further on their own but assured Alex that they would let [REDACTED] know if they made any decisions on what to do. However, they did not tell [REDACTED] that they had decided to seek advice from the Archbishop which meant that what unfolded later was a surprise [REDACTED].



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### The consequences from the second disclosures

The Dean and Archdeacons went to see the Archbishop on the 18 July and reported what they had heard from Alex since they considered that it was for him to determine how to respond rather than for them to take any action in relation to the Bishop themselves. In this respect they took the right action, in line with the Clergy Bullying and Harassment Policy.

At that meeting the Dean and Archdeacons described what they knew of the Bishop of Monmouth's conduct towards Alex. They also raised their concerns about the state of his [REDACTED] health and other aspects of his behaviour, including incidents that they had witnessed which we describe later in this chapter. The Archbishop informed the Dean and Archdeacons of the concerns raised by Alex [REDACTED] in October 2017, of which they were previously unaware, [REDACTED]

The Archbishop, after consulting the Provincial Secretary who had not been present at the meeting with the Dean and Archdeacons, concluded that these were sufficiently serious matters to merit investigation, and which could potentially lead to a Disciplinary Tribunal. He asked the Dean and Archdeacons not to discuss matters further with Alex. [REDACTED]

[REDACTED] Alex therefore did not learn of their actions until the following week. No legal advice was sought at this time although we understand that the Head of HR was alerted to the situation, despite being on holiday.

The following day the Archbishop met the two Archdeacons, this time with the Archdeacon of the Gwent Valleys, to discuss the planning of meetings with the Bishop of Monmouth and Alex [REDACTED].

Over the next few days there were extensive calls between the Archbishop and the Provincial Secretary about how the disclosures should be handled. It was determined to act as soon as possible after the Bishop of Monmouth returned from holiday by interviewing both the Bishop and Alex about the matters raised. It was also decided, given the nature of what was reported, not to inform Alex about what was to happen [REDACTED].

There was much discussion about whether the Archbishop had the power to suspend a diocesan bishop pending investigation. Following advice from the Head of Legal (who was unavailable over the weekend) it was concluded that there was no such power under the constitution of the Church in Wales. It was agreed that the Bishop of Monmouth would be asked to step back voluntarily while the matter was investigated.

Given that the matter had the potential to be referred to a Disciplinary Tribunal, which would require the submission of paperwork giving detailed evidence, there seems to have

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been no consideration at this stage of the process which should be followed to enable all relevant evidence to be collected and documented in a way that would assist a Tribunal.

The decision was made that the Archbishop and the Provincial Secretary would have an initial conversation with the Bishop of Monmouth and that staff from the HR department at the Representative Body (RB) would interview Alex and then the Bishop. The Head of HR was on leave and was not involved in the immediate response, save for offering advice over the telephone. Thus, it was that an HR Business Partner, who had joined the RB staff in the spring of 2018 and had just completed another investigation into a member of the clergy, was called upon to conduct the first meeting with Alex.

The Archbishop and the Provincial Secretary anticipated that the Bishop of Monmouth's normal routine on his return from holiday would be to attend his office on Monday morning 23 July [REDACTED]

[REDACTED] They decided that they would raise the disclosures with the Bishop early on that morning at his office [REDACTED]

### Events on 23 July 2018

At around 7:30am on 23 July 2018 the Dean and the three Archdeacons met the Provincial Secretary to discuss how things were going to unfold that day. Arrangements were made for the Bishop's Staff Meeting to be cancelled [REDACTED]

At 8:30am the Head of Legal and the HR Business Partner arrived and joined the meeting. The HR Business Partner reported that the mood of the meeting was angry and emotional and that, whilst she herself kept an open mind, she thought that others' minds had already been made up that the Bishop would not be able to continue in his ministry.

The HR Business Partner then left the meeting to introduce herself to Alex, who had previously arrived at the Deanery, and to interview and take an initial statement from [REDACTED]. Alex was accompanied by the Archdeacon of the Gwent Valleys at the request of the Archbishop. The HR Business Partner said that she had suggested that this statement should be taken before the Bishop was seen by the Archbishop and the Provincial Secretary, but this did not happen, possibly due to the demands of the Archbishop's diary that day. The process thus felt very rushed to her.

The Archbishop arrived and he and the Provincial Secretary met the Bishop at around 9am at his office. They told him in broad outline about the concerns disclosed [REDACTED] to the Dean and Archdeacons who had then in turn shared them with the Archbishop along with more general concerns about his behaviour. The Bishop was reported to be shocked when told of these allegations, understandably so, and disturbed by the actions of the Dean and Archdeacons in going directly to the Archbishop rather than speaking to him.

We were told that early in the meeting, the Bishop of Monmouth said that if he had lost the trust of senior staff he was finished as a bishop and turned to the Provincial Secretary and

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said, “if I’ve got to go, I want a good deal”. We understand he also spoke unfavourably about the Dean and Archdeacons, which may be unsurprising, given the stress and the shock. At one point during the meeting, the Bishop asked the Provincial Secretary to find out if the Dean and Archdeacons would accept a mediated conversation and to ask Alex if [REDACTED] could still work with him [REDACTED]. The Provincial Secretary committed to do so.

Later in the meeting, however, we were told the Bishop became more agitated and spoke of [REDACTED] caused by overwork, and wondered whether he should resign immediately on the grounds of ill health. The Archbishop told us that he was unaware of any [REDACTED] issue until the Bishop referred to it at that meeting. [REDACTED]

The Provincial Secretary suggested that it would be in his best interest to see his GP and, if the Bishop thought that ill health retirement was necessary, he should meet an occupational health doctor too. It was then agreed to arrange an appointment for the Bishop to have an occupational health assessment. Later that day the Provincial Secretary asked the HR Business Partner to arrange this for the Bishop, which she duly did.

The Archbishop then asked the Bishop to step back voluntarily from his ministry since he had no constitutional powers to suspend him, warning him that if he did not do so the matter would be referred immediately to a Disciplinary Tribunal where the President of that Tribunal had the power to suspend him. The Bishop agreed to step back from his ministry even though he was under no obligation to do so. The Provincial Secretary asked for the Bishop’s office keys and the Bishop then returned to his house to prepare for his interview with the HR Business Partner later that day. He never returned to active ministry thereafter as Bishop of Monmouth.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The HR Business Partner began her interview with Alex by explaining why [REDACTED] was there, what had been brought to her attention, and that she wanted to take a statement from [REDACTED]

We understand that it was intended that this conversation was planned to take place in a safe space for Alex, but it was never explained to [REDACTED] clearly what process was being followed. From what we have learned we do not think [REDACTED] was told at this stage whether this was simply an informal conversation or the first stage of an investigation under the Representative Body’s Bullying and Harassment policy and that a subsequent meeting would need to be arranged. Nor do we believe [REDACTED] was asked at this stage if [REDACTED] was prepared to make a formal complaint.

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Furthermore, it does not seem to have been explained to Alex that the Archdeacon of the Gwent Valleys had been asked by the Archbishop to be part of this meeting to give pastoral support to [REDACTED]

[REDACTED] However, as we understand it, at no point was Alex offered the opportunity to nominate somebody [REDACTED] as a companion.

The HR Business Partner reported to us that initially Alex was terrified and said '*I haven't raised this*' and we understand that the Archdeacon intervened to speak when Alex became distressed. At one point the HR Business Partner told us she had to stop the Archdeacon intervening to allow Alex to answer for [REDACTED] but the Archdeacon did not believe she was speaking for Alex but instead was trying to protect [REDACTED] from forceful questioning.

As the interview proceeded the Archdeacon of the Gwent Valleys became very concerned that, given the nature of what was being disclosed, there was no Safeguarding Officer present as she felt strongly that this was a safeguarding matter. The Archdeacon left the meeting to ensure a Safeguarding Officer attended the interview, and the interview was paused to await her return, as it had nearly concluded. When the Archdeacon had not returned after some time the HR Business Partner went into the room where the Dean and Archdeacons, the Head of Legal, the Provincial Secretary and the Archbishop were present to find them discussing much of what Alex had said. The HR Business Partner therefore assumed that the Archdeacon of the Gwent Valleys had shared confidential information from the meeting. The Dean and the Archdeacons, however, recall that the Archdeacon of the Gwent Valleys expressed her shock and anger at what she had heard disclosed but that she did not divulge any details which were not already known to those present.

The Archdeacon expressed to us her criticisms of how the interview was handled by the HR Business Partner whom she thought was aggressive and unsympathetic to Alex, asking [REDACTED] a detailed series of questions, of which [REDACTED] had been given no advance warning. She was also concerned that no thought had been given to how to support Alex following the meeting.

We understand from the HR Business Partner that she was neither content with the way the Archdeacon conducted herself nor the way in which she considered the Archdeacon broke confidentiality by sharing too much of what Alex had said in interview with the others at the Deanery. She thought that the Archdeacon was seeking to drive the process unfavourably towards the Bishop of Monmouth. The Archdeacon denies this, corroborated by others present, and considers that she was seeking to support Alex and regarded what [REDACTED] said as believable. She was not seeking to assess either [REDACTED] credibility or that of the Bishop of Monmouth, but wanted to give Alex the opportunity to speak frankly within a safe environment.

It is clear to us that the Archdeacon of the Gwent Valleys and the HR Business Partner diverged significantly in their assessment of what happened. We believe that both were seeking to act professionally but differed in their understanding of what was the most appropriate form of questioning of someone making the sort of disclosures Alex had done.

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At the request of the Provincial Secretary (following the Archdeacon raising her concerns with him) a Safeguarding Officer duly arrived at the Deanery. (The HR Business Partner told us that she had seen no need for any Safeguarding Officer to be involved.) Upon her arrival this Safeguarding Officer was given a brief outline from the HR Business Partner about the disclosures Alex had made. Once informed by the HR Business Partner about these, the Safeguarding Officer seemed confused as to why she had been called to come so urgently. She concluded that she had been invited only for welfare reasons, rather than because these disclosures amounted to a safeguarding matter. This was despite the Provincial Secretary having informed the Safeguarding Officer prior to her attendance that the Archdeacon of the Gwent Valleys considered that serious safeguarding disclosures had been made. She attended the end of the interview with Alex but did not participate in any further questioning of [REDACTED].

No further action was taken by the Safeguarding Officer who understood that she would receive an update from HR at the Triage meeting scheduled for the following Monday.

The HR Business Partner prepared a statement for Alex which Alex checked and amended before signing. The interview and the day's events upset Alex who was then driven home by the Safeguarding Officer. Alex was given two weeks' special leave which ran into an already planned two weeks' holiday. [REDACTED]

The Archbishop and the Provincial Secretary returned to the Deanery after meeting the Bishop of Monmouth and briefed the Dean and Archdeacons. The Provincial Secretary asked the Dean and Archdeacons about the Bishop's request for mediation and got a firm refusal: they did not consider their decision to report matters to the Archbishop indicated a breakdown in relationships between them and the Bishop which required mediation. We understand that they did express a hope that, if the Bishop of Monmouth would be moved out of role, it would be with dignity since he was not coping. They were also asked not to contact the Bishop or Alex for reasons of confidentiality.

The Provincial Secretary also raised with the Archdeacon of the Gwent Valleys the Bishop's question about whether Alex would be willing to work with him again. The Archdeacon advised that even to pose the question would cause too much distress. The Archbishop asked the Dean and Archdeacons to compose written statements by the end of the day setting out all the concerns they had reported to him, including matters unrelated to Alex. The Archbishop then left the Deanery to fulfil an engagement at the Royal Welsh Show. He was accompanied by the Director of Communications but did not say anything to her about what had happened that morning. He remained in phone contact with the Provincial Secretary for the rest of the day. The explanation given by the Provincial Secretary for not informing the Director of Communications at this stage was that since Alex did not wish to complain formally it would be a breach of trust. However, several senior staff members of the Representative Body knew, presumably on a "need to know" basis.

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That same morning, when the Diocesan Secretary and the Diocesan Director of Education arrived for the staff meeting, they were told by one of the Archdeacons that the meeting was cancelled but without being told why. The Director of Education returned to her office. The Head of Legal later told the Diocesan Secretary that there were complaints raised against the Bishop of Monmouth that needed to be investigated. The Provincial Secretary then conferred with the Diocesan Secretary about future logistical arrangements, for example making the Bishop's office secure and transferring the phones to the Diocesan Office. The Diocesan Secretary was asked to brief the diocesan staff and diocesan clergy that the Bishop was having some rest away from his duties, and about what to say if people wished to contact the Bishop. He was asked to ensure that the Bishop's correspondence, diary commitments and emails were dealt with appropriately.

Meanwhile at the Deanery, the Dean and Archdeacons prepared their written statements, as requested by the Archbishop. These included the matters brought to their attention by Alex, their wider concerns over the Bishop of Monmouth's [REDACTED] wellbeing and cited examples of his behaviour, namely:

- [REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]  
[REDACTED]

In these statements the Dean and Archdeacons said that the reason they raised these additional matters at this time was a deep concern for the Bishop's increasingly inappropriate behaviour [REDACTED]. They said that they included particular examples to illustrate what the Bishop of Monmouth was like and to show that the incidents with Alex were part of a wider pattern of behaviour.

All three of them sent their statements to the Archbishop by the end of the day. They were advised by the Head of Legal on the appropriate format, given that the case might be referred to a Disciplinary Tribunal. However, the purpose of these statements was never fully explained to the Dean and Archdeacons. They were subsequently treated as if they were formal complaints about the Bishop, separate to those raised about his treatment of Alex. The Dean and Archdeacons did have initial anxieties about writing their statements lest the blame would be shifted on to them but trusted that proper process was being followed.

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The Dean and Archdeacons remain convinced that the Provincial Secretary told them he expected either the formal suspension of the Bishop of Monmouth or his resignation by the end of the day. However, the Provincial Secretary is adamant he did not say this, emphasizing that he would not have promised what he could not deliver. Another witness recalled the subject being talked about as the most likely outcome prior to the meeting between the Archbishop and Provincial Secretary with the Bishop.

Following the conclusion of her interview with Alex, the HR Business Partner went to the Bishop of Monmouth's house to interview the Bishop. She asked the Head of Legal to accompany her as a witness. However, the interview never took place.

[REDACTED]

By the end of Monday 23 July, the Bishop of Monmouth had stepped back from his ministry, [REDACTED] and the diocesan staff informed that his absence was on health grounds. He had [REDACTED] been signed off work and an occupational health assessment had been arranged. Alex had disclosed the details of the Bishop of Monmouth's behaviour towards [REDACTED] and was now on leave. A note of that meeting had been made by the HR Business Partner, which Alex had signed. The Dean and the Archdeacons of Newport and Monmouth had been informed that the Bishop had stepped back and had also written and emailed their signed statements as requested by the Archbishop.

### Events on 24 July 2018

There are indications that, even at this early stage, the Dean and Archdeacons had begun to mistrust the process. On 24 July, the Provincial Secretary told us he received what he termed an "angry" call from the Archdeacon of Monmouth asserting that he had promised that the Bishop would be suspended and seeking this suspension and the appointment of commissaries. The Archdeacon remembered the call and agreed that this was what he sought based on what he understood was promised on 23 July. The Provincial Secretary considered that the Archdeacon behaved inappropriately during that call, but he did agree to speak to the Archbishop about whether commissaries could be appointed in these unusual circumstances. The Archdeacon of Monmouth remembers this call rather differently.

Also, on 24 July the Bishop of Monmouth visited the Occupational Health Doctor. He reported to the Archbishop by email later that day that the doctor was not convinced that he would need to retire on grounds of ill health. However, the Bishop reported that the doctor did believe he needed to take time off to deal with his immediate health concerns

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while saying he would not be surprised if after a few months the Bishop would again be fit for work.

The Bishop wrote that he was concerned that, if he were to resign, there would be a negative impact on the diocese and on the Diocesan Team who had invested so much into the Mission Audits. He said he believed that his colleagues may have been genuinely concerned about his welfare and asked that, if they had issues, these should be addressed in a way in which both he and they could work these things through and feel affirmed.

He wrote that he realised that he needed and deserved help after his long service, [REDACTED] and was willing to receive it but expressed concern that if he were to retire early it would create difficulties for his family. He asked that unless the Archbishop considered his behaviour and the situation unredeemable, he would like to return to work after a period of recuperation, and reconciliation. At no point in that email to the Archbishop did he refer to issues surrounding his conduct with Alex.

The Archbishop replied on the following day saying that, once he had received the Occupational Health report, he would be in a better place to explore options.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **Two investigations are commissioned**

Over the next few days, there were various conversations about what to do next. The Head of Legal was asked to review the statements from the Dean, the Archdeacons and Alex as well as the occupational health report. She wrote to the Archbishop on 7 August concluding that there was an insufficient depth of evidence to make an immediate referral to the Disciplinary Tribunal possible, especially given that Alex seemed a reluctant witness, and therefore there needed to be further investigations. We were told by both the current and the former Head of Legal that it was usual to “fact find” before a referral was made because the Tribunal needed sufficient information and evidence presented to them to help



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them decide whether the case should progress. We were also told that an immediate referral would only be made if plenty of evidence was available making it an obvious course of action.

The Archbishop responded to the Head of Legal confirming this approach and said that he had already set up an investigation.

The Head of Legal was particularly concerned that certain aspects of the Bishop's alleged behaviour may be linked to his [REDACTED] health, [REDACTED], and so there would need to be due regard to the Equality Act when implementing any procedure or taking any action.

General agreement was soon established within the senior team of the Representative Body (RB), namely the Provincial Secretary, Head of Legal and Head of HR, once she returned from leave, that the RB had a duty of care to Alex as an employee and therefore the concerns relating to [REDACTED] should be investigated in accordance with RB procedures. The other issues concerning the Bishop of Monmouth's conduct were thus separated from the Alex disclosures and would be for the Archbishop to follow up in whatever way he thought appropriate. It was this advice, when acted upon by the Archbishop and Provincial Secretary, which proved so significant to the way things played out.

The Provincial Secretary commissioned the Head of HR on 27 July to set up a fact-finding investigation into the Alex disclosures using the Representative Body's (RB) Bullying and Harassment policy and to provide him with a report.

The Head of HR determined the terms of reference for this report and delegated one of her team, the same HR Business Partner who had previously interviewed Alex on 23 July, to carry out the investigation. However, the Head of HR told us she had a "*clear expectation that the RB investigation could and would be fed into clergy proceedings if warranted.*"

On 1 August, the Head of Legal, Head of HR and the Safeguarding Officer met for their regular Triage meeting. At that meeting, it was formally determined by the Safeguarding Officer (although not documented at the time) that the Alex matter was not a safeguarding issue as Alex was not an adult at risk. Because of this decision, the statutory authorities were not alerted, and the Safeguarding Officer had no further involvement or updates about the matter.

On 3 August, the Archbishop had commissioned a separate investigation, designed to establish the facts regarding the additional concerns raised by the Dean and Archdeacons about the Bishop of Monmouth's conduct. This was intended to provide evidence and recommendations so that the Archbishop could decide whether the Bishop ought to be referred to a Disciplinary Tribunal on the grounds of his conduct unrelated to the Alex disclosures.

This investigation was undertaken by Gerard Elias QC and by the Head of HR. (Gerard Elias has had a distinguished career at the Bar and was a former President of the Disciplinary Tribunal of the Church in Wales.) Since the Head of HR was working with Mr Elias on this second investigation, it may explain why she delegated the other investigation into Alex's

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disclosures to another member of her team, whom we understand to have recently completed another piece of work regarding a clergy discipline case very well.

The Archbishop emphasised to Mr Elias and the Head of HR that their report needed to be completed swiftly because *“it was an ongoing situation with a bishop who was apparently very unwell, it was doing him no good, it was doing the diocese no good, and indeed it was doing the senior staff no good”*. As such, this investigation was carried out in parallel to the other investigation and both reports were submitted at roughly the same time.

### The investigation into [REDACTED]

Alex was interviewed by the HR Business Partner assigned to this investigation on 29 August following [REDACTED] return from holiday. [REDACTED]

[REDACTED] The notes of the meeting do not record any explanation to Alex of the process that was being followed and this lack of explanation of procedure was corroborated in testimony received from Alex [REDACTED]. The Archdeacon of the Gwent Valleys attended to support Alex, although it does not appear Alex was given any choice about whom to bring to the meeting. The Archdeacon’s role as [REDACTED] supporter was not explained. Alex was questioned closely about various aspects of the Bishop of Monmouth’s behaviour as had been discussed in July, along with [REDACTED] response to these events and [REDACTED] general relationship with him.

The investigating officer did not interview the Dean or the Archdeacons of Newport and Monmouth or the Diocesan Secretary but wrote to each of them asking a series of five questions which they answered in writing. It surprised us that the Dean and Archdeacons were not interviewed since they had reported what Alex had disclosed to them. We were told by the investigating officer that this was the way she was told to approach these witnesses by the Head of HR and that she would have preferred to meet with them. We note that the terms of reference did not place constraints of this kind upon the investigating officer.

Although the investigating officer was aware of the earlier disclosures that Alex had made in 2017, she did not contact the bishops [REDACTED] to gain their perspective although she was in possession of her HR colleague’s written record of those events. That same HR colleague also accompanied the investigating officer as note-taker in this investigation. We consider issues related to possible conflicts of interest later in this chapter.

The investigating officer interviewed the Bishop of Monmouth on 3 September. He was accompanied by a close friend of his own choosing. Unlike the interview with Alex the interview notes indicate the investigator enquired about the Bishop’s health, explained that the investigation was conducted under the Representative Body’s Bullying and Harassment policy, a copy of which was provided, and explained the role of his supporter. None of this is recorded as having happened with Alex whom, as we have indicated earlier, remains uncertain about the process under which [REDACTED] was interviewed.

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The Bishop explained [REDACTED]  
[REDACTED] His GP had given him a Fit to Work on light duties certificate although, at the request of the Archbishop, he had still not returned to work. The investigator offered to break the meeting at any time the Bishop felt he needed to do so. There is no record that this same offer was made to Alex, [REDACTED]  
[REDACTED]

When questioned, the notes of the meeting describe how the Bishop became upset and asserted that his senior colleagues “*had put [Alex] up to this*” and that it was a conspiracy by those senior colleagues, particularly the Archdeacon of Newport, against him. This contradicted the fact that Alex did not ask for [REDACTED] concerns to be referred. However, the investigator did not seek to correct or dispute these allegations.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Alex was interviewed for a second time by the investigating officer at the Head of HR’s instigation on 11 September to clarify some inconsistencies in [REDACTED] description of matters compared with [REDACTED] 2017 disclosures.

The investigating officer did not return to Alex or to the Dean and Archdeacons to seek further reflections from them about the assertions and allegations made by the Bishop about them. She told us that she was not permitted to do so by the Head of HR, although we have no other evidence to corroborate this assertion.

### **The investigation into the Bishop of Monmouth’s conduct**

This separate investigation was carried out as a preliminary stage of the Clergy Disciplinary Policy and Procedure, which states “*no disciplinary action will be taken...until the matter has been fully investigated*”. When commissioning this investigation, the Archbishop asked the investigators to concentrate on three specific areas:

1. The state of the relationships between the Bishop of Monmouth and his senior clergy colleagues in the Diocese of Monmouth.
2. The appropriateness of the Bishop of Monmouth’s use of alcohol
3. The Bishop of Monmouth’s workload.

Detailed notes were provided for the investigating officers on how to carry out these interviews. We believe these were written by the Head of HR. These notes also highlighted the separate investigation of the allegations surrounding Alex and that

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interviewees needed to be told to maintain confidentiality as the notes from the interviews might form part of a subsequent Disciplinary Tribunal.

Unlike the parallel investigation into Alex's disclosures under the RB's Bullying and Harassment Policy, the invitation to interview for this investigation indicated that the character of this investigation was more formal since it suggested a union representative, or another person, may come with the attendee (if vetted). Mr Elias and the Head of HR interviewed the Dean and the Archdeacons of Newport and Monmouth, the Diocesan Secretary and the Bishop of Monmouth.

It became clear to the Dean and Archdeacons that their concerns, formalised only at the Archbishop's request, were now being investigated separately to Alex's disclosures. They were told this was because one investigation followed the Representative Body's employee procedures and the other clergy discipline processes. However, they were unaware until interviewed for this Enquiry that Mr Elias was not charged to review the concerns raised by Alex at all. They had assumed he was undertaking two investigations in parallel.

Those interviewed were asked to provide any further evidence that they wished the Archbishop to consider and to give the investigators the names of any individuals whom they thought may provide additional information.

Both investigators concluded that the Dean and Archdeacons were colluding to have the Bishop of Monmouth removed from office. Their reasons for this conclusion were that, when interviewed, the Dean and Archdeacons did not entertain the possibility of the Bishop returning to work, that their concerns had not been raised at all until the allegations around Alex arose, and that when they were asked to suggest further witnesses (none of whom were seen) they conferred with each other to produce a single list.

The Dean and Archdeacons, however, strongly disputed this contention. They said that they were concerned that the Bishop of Monmouth's health would prevent him from returning effectively, and that they had been clear throughout about those whom they thought may provide further evidence. They felt that the Bishop would have reacted badly if they had confronted him earlier directly about his behaviour, and that the Archbishop was the most appropriate person to deal with his behaviour. Furthermore, they had not been told to refrain from consulting each other when providing further names of witnesses and simply thought it was the most sensible thing to do.

The Dean and Archdeacons believed that the investigators acted as "*judge and jury at a secret Tribunal*" with a report going to the Archbishop about them which they did not see and without any opportunity for cross-examination.

When we asked Mr Elias why he and the Head of HR had not seen the Dean and Archdeacons again to question them on the allegations made about them by the Bishop Mr Elias said "*Had anything arisen from the Bishop which we felt needed to be put back to one of the Bishop's staff witnesses because that may change our minds in relation to the outcome or the tenor of their evidence then certainly, I would have not hesitated to do so. It didn't seem to me that there was anything [about which] we needed to go back to them.*"

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The investigators did not see the need to interview further witnesses because once they had heard the evidence from the prime movers, they had taken a clear view of the nature of the concerns and allegations raised by the Dean and Archdeacons and that nothing of significance would be gleaned from other interviewees. They concluded that the issues raised by the Dean and Archdeacons would not have been brought to light at all but for the trigger event of the disclosures by Alex and that they were not in themselves sufficiently serious to warrant referral to a Disciplinary Tribunal. They also noted that the Dean and Archdeacons had the same memory of events, some of which took place several years earlier, which suggested collusion. The investigators were also aware that there had been no complaints about the Bishop of Monmouth's use of alcohol during his time in office nor was there any evidence that he had been unable to carry out his ministry because of this or any other reason.

We were told that one of the witnesses showed such animosity towards the Bishop of Monmouth that the investigators considered it affected his credibility. We were also told that the way in which the Dean and Archdeacons (of Newport and Monmouth) seemed unable to contemplate a return to work for the Bishop showed a shared inflexibility of opinion which adversely affected the credibility of their evidence.

The Dean and Archdeacons contended that their concerns should have been treated as supporting evidence for the Alex case and not been considered as possible evidence alone for a Disciplinary Tribunal. They had never made any formal complaint but gave their evidence only to show why they believed the Bishop of Monmouth's behaviour towards Alex was reflective of a deeper problem. They were also open about having talked with each other about their issues regarding the Bishop's ministry. They freely acknowledged that they did see things in much the same way, but that this was entirely different from colluding to remove the Bishop from office, which they firmly denied.

The contention of the Dean and Archdeacons that they were too fearful of the Bishop of Monmouth to raise their concerns about him earlier did not convince some of our other witnesses. The Dean and Archdeacons were not regarded either in the Diocese of Monmouth or elsewhere in the Church in Wales as shrinking violets. The Archbishop found their claim of fearfulness hard to credit. He noted the popularity of the Bishop of Monmouth in his diocese and commented that no word of complaint had reached him of anyone's dissatisfaction with the Bishop or of his dissatisfaction with his senior colleagues until the disclosures by Alex were made. The Archbishop believed that the Dean and Archdeacons did think what had happened was enough to dismiss the Bishop and became cross with the process when this did not take place. The Archbishop told us *"they came to see me with legitimate concerns. They first said we want to save the Bishop."*

At first sight, the investigation by Mr Elias and the Head of HR seems to have had more of a focus on the perceived motives of the Dean and Archdeacons rather than whether the alleged conduct was fitting for a bishop. Since it was concluded that concerns about his conduct were part of a concerted strategy to force the Bishop of Monmouth from office, the assumption was made that the issues were exaggerated. Instead of regarding the way the Dean and Archdeacons made much the same claims as corroboration, this was seen as

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collusion. The concerns raised by the Dean and Archdeacons were undoubtedly coloured by their conviction that the Bishop had [REDACTED] and so they would not have contemplated his return to ministry without some remedial action.

### The two investigations submit their conclusions

The HR Business Partner conducting the investigation into the Alex disclosures submitted her report on 20 September, but she told us that the Head of HR had instructed her to make changes to it, so she did not feel the finished report was hers alone. However, her main conclusion, which was not, as far as we are aware, altered by others, was that [REDACTED] [REDACTED] there was insufficient evidence to support the allegations, but also no evidence to exonerate the Bishop.

The report concluded that Alex was a credible witness and that no evidence was found that [REDACTED] allegations (as the HR Business Partner described them) were malicious. [REDACTED] [REDACTED] [REDACTED]

The HR Business Partner made several recommendations for consideration by the Provincial Secretary, namely:

- As the Bishop of Monmouth was not an employee of the Representative Body, that the Provincial Secretary should refer this matter to the Archbishop of Wales for his consideration of the Bishop's conduct with regard to the Professional Ministerial Guidelines.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Although the HR Business Partner sought initial advice from the Head of Legal on what was needed for a potential Disciplinary Tribunal, our view is that she was not given an adequate brief about how to conduct such a sensitive investigation with such far reaching implications. Nor was she given anyone with authority, knowledge and independence to consult while doing so and she suggested to us she had been discouraged by the Head of HR from seeking further advice.

There was general dissatisfaction with the report. The Head of HR had asked for several aspects to be re-written so there ended up being two versions of the report. The Provincial Secretary said it was a poor report, insufficiently robust and containing only a few practical

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recommendations. However, partly because Alex had not raised any complaint [REDACTED], nothing was done to re-visit the investigation or commission more interviews to seek further evidence which may have enabled the investigating officer to expand on her conclusions and recommendations.

Despite these reservations, the Provincial Secretary referred the report to the Archbishop on the 25 September.

The separate report of the investigation into the concerns raised by the Dean and Archdeacons and the wider questions about the Bishop of Monmouth's conduct was submitted to the Archbishop on 19 September. That report concluded that there were no grounds to believe that misconduct had occurred by anyone, including the Bishop of Monmouth, but it did include eleven recommendations through which the shortcomings in conduct and behaviour which it identified may be addressed '*should the Bishop of Monmouth return to any role in the Church in Wales*'. These were:

- To support the rebuilding of working relationships between the Bishop of Monmouth and his senior clergy, perhaps by the route suggested by the Bishop of Monmouth himself (confidential 1:1 meeting with each member of the team).
- To ensure that all members of the Bishop of Monmouth's staff are made aware of the general thrust of the findings of the report and are encouraged to reflect on how a new start can be made.
- To support the Bishop of Monmouth to develop effective management of his working time.
- To seek specialist advice on whether the Bishop of Monmouth could benefit from support [REDACTED] and whether he would benefit from a sabbatical before his return. Also, to consider whether he might relinquish his one or other of his significant roles as Bishop for Ministry or Diocesan Bishop.
- [REDACTED]  
[REDACTED]  
[REDACTED]
- To remind the Bishop of Monmouth that his conduct at in-house events must reflect that he is a Bishop.
- To remind the Bishop of Monmouth that [REDACTED] staff, [REDACTED] are entitled to the utmost respect and that his relationships with all of them should demonstrate exemplary standards of ministerial professionalism.
- To consider offering the Bishop of Monmouth additional lines of support such as a spiritual director or a mentor and to regularise the support he accesses from the Archbishop and his peers in the Bench of Bishops to strengthen his network of support.
- To consider offering the Bishop of Monmouth executive coaching (for example in team leadership and charring team meetings).
- To consider the introduction of a policy for the Church in Wales on the use of alcohol.

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- To consider the use of inappropriate language by the clergy in the Church in Wales and consider what steps may be taken to improve the position and/or the introduction of a policy in that respect.

The Archbishop copied the report to the Provincial Secretary to seek advice on the next course of action.

Whilst the Archbishop and Provincial Secretary supported the formal fact-finding nature of the Elias investigation, they were disappointed with the vagueness of the conclusions. Mr Elias was not asked to act as a Tribunal judge nor even to ascertain whether he thought there could be a successful Tribunal case. He was unpersuaded by the Dean and Archdeacons and his terms of reference were such that he saw their concerns about the Bishop largely in isolation from the disclosures of Alex, and without reviewing those disclosures, he seemed to regard them as a trigger for the expression of festering complaints which would not otherwise have seen the light of day.

We believe the weaknesses in the outcomes of both investigations and the limited inter-reaction between them was, in part, a consequence of the unsatisfactory way in which they were set up.

### What we have learned, and our reflections on this narrative

- Despite the lack of legal advice prior to the meetings on 23 July it seems that all involved planned largely appropriate actions with speed and efficiency at this stage.
- There was no clear plan of how any subsequent investigations would be carried out when the initial meetings with the Bishop and Alex took place on 23 July.
- Alex and the Bishop of Monmouth were approached, and in Alex's case, interviewed, without forewarning and without being able to nominate someone of their choice to be with them. Therefore no one was present to support the Bishop of Monmouth at the first meeting on the 23 July and to look after his well-being afterwards. [REDACTED]  
[REDACTED]  
[REDACTED]
- There was no formal consideration of whether Alex's case should be referred to the statutory authorities or considered a safeguarding matter until 1 August, over a week after [REDACTED] initial interview, and two weeks after the initial disclosures by Alex to the Archdeacon of Newport. Whilst the eventual decision "not to refer" was correctly determined under the Safeguarding Policy on the basis that Alex was not an "adult at risk", this conclusion was arrived at based on hearsay reports from the HR Business Partner and Head of HR, rather than the Safeguarding Team carrying out its own analysis of the case. If Alex had in fact been an adult at risk, the implications of this approach, and the delay in consideration, would have been grave.
- Once the decision had been made that a statutory referral was not required, the Safeguarding Team ceased to have any involvement in the matter and it was no longer discussed at Triage meetings. This is reflected on further in Chapter 6.



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- There is nothing specific in the Constitution that gives the Archbishop an independent power to suspend a Bishop. The power to suspend should not reside exclusively with the President of the Disciplinary Tribunal. It is to the Bishop of Monmouth's credit that he agreed to step back from his duties at this time solely out of canonical obedience. A less compliant bishop might not have done so. Further reflections on the Constitution and the role of the Archbishop are found in Chapter 6.
- Given that the Constitution does not envisage a situation where a diocesan bishop is away from his duties for a prolonged period, there is no provision about how episcopal duties are covered. This caused chaos in the Diocese of Monmouth where nothing could happen to fill clergy vacancies until the Bishop retired.
- We understand that the Provincial Secretary in his role as Archbishop's Registrar now has authority to refer a bishop to a Disciplinary Tribunal. We believe this to be a wise development in process. Previously it was assumed that only the Archbishop could do so, although it was possible for a diocesan bishop to refer any other bishop in the Province direct to the Tribunal.
- The investigation into the allegations of the Bishop's conduct [REDACTED] did not address the issue of the alleged perpetrator being an episcopal office holder not employed by the Representative Body. There appears to have been no consideration of reviewing the case in the light of the Clergy Bullying and Harassment policy. On reflection it seems clear that such an important investigation should have been undertaken by someone with wide experience of clergy disciplinary procedures as well as HR skills and who would have considered the case *ab initio* in the light of the Professional Ministerial Guidelines.
- The report into the Bishop's conduct [REDACTED] made several recommendations regarding risk assessments concerning the working environment [REDACTED]  
[REDACTED].
- The two investigations were carried out independently and in parallel. The Elias investigation was carried out as the preliminary stage of the Clergy Disciplinary Procedure but focussed on the relationship breakdown between the Bishop and his senior team and did not consider the findings of the HR Business Partner's investigation other than to ensure there were no inconsistencies. This meant that when the Elias investigation began it had not been determined whether or not the Bishop of Monmouth [REDACTED]. So, the additional concerns of the Dean and Archdeacons were investigated in isolation and raised to a more formal level when they had been intended originally only to provide corroborating evidence about the Bishop of Monmouth's [REDACTED] health and behaviour towards Alex.
- It is striking that the Elias investigation was the one conducted on more formal lines as it used the Clergy Discipline policy. This states that '*at all stages of the disciplinary procedure (i.e. even the informal stages) a Cleric has the right to be accompanied by a trade union representative or a colleague*' and the purpose at this stage was to determine whether there was a case to answer. The HR Business Partner's investigation (into more serious issues) however, used the informal stage of the RB

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Bullying and Harassment policy. This is less formal as the intention is that it then feeds into the formal disciplinary policy if it is likely that bullying and harassment has occurred. How an investigation is set up determines to some degree the character if not the content of the outcome. There seems to have been a stumbling into this rather than any considered decisions, or a sense of what satisfactory outcomes might look like – hence the dissatisfaction with the reports but decision to act on them/not act on them, nonetheless.

- We heard from most witnesses that they now considered that it would have been far preferable if the investigation under the RB Bullying and Harassment policy had been carried out first and if that found any potentially serious disciplinary matters these should have been referred directly to a Disciplinary Tribunal. If no such referral had been needed, then the Elias investigation could have been commissioned to consider all professional conduct issues under the preliminary stages of the Clergy Disciplinary Policy including those arising from the first investigation. We understand that the Archbishop and those advising him may have been concerned about time delays if they had held the investigations one after the other, but the resulting confusion caused by running the two investigations in parallel made this whole matter go on much longer in the end.
- The thinness of HR resource in the Church in Wales was exposed by this sequence of events. With hindsight, both investigatory reports should have been written with no involvement from the HR team leaving them free to advise.
- The Archbishop and the staff of the Representative Body appeared to have insufficient familiarity with the detail of disciplinary processes, probably due to little prior experience.
- The lack of communication with the diocese because of concerns about breach of trust with Alex meant that the diocese was in limbo for a long time.
- Both the Bishop of Monmouth and Mr Elias said that a culture of swearing, drinking and inappropriate remarks was prevalent which led to at least two of the Elias recommendations. Was inappropriate behaviour normalised within the Church in Wales? Where this occurs, it is more difficult for everyone to recognise or report behaviours that cross acceptable boundaries and easier for “grooming” to take place. Further reflections on culture within the Church in Wales are contained in Chapter 6.

### Recommendations

- 2.1 We recommend that if complaints are made under the Representative Body’s (RB) Bullying & Harassment policy against an office holder rather than another RB employee, the investigation is jointly commissioned by the RB and the Archbishop (or relevant bishop as the case may be). We further recommend that the investigation is led by an independent person of considerable experience and with knowledge of the Church, and that the case is considered both under this policy and the Clergy Professional Ministerial Guidelines.
- 2.2 We recommend that provision is made in the Constitution for the Archbishop to make arrangements for appropriate episcopal leadership in a diocese if the bishop is

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away from his or her duties for a prolonged period through sickness or some other cause but is not suspended.

- 2.3 We recommend that policies are reviewed to ensure that in any investigation there is consistency in the way its terms of reference and conduct is explained to the participants and appropriate support is provided for both the complainants and the respondents.

### CHAPTER THREE SEPTEMBER TO NOVEMBER 2018

#### The Investigation Reports are submitted to the Provincial Secretary and the Archbishop.

As described in Chapter 2, the final Report compiled by the HR Business Partner was submitted to the Provincial Secretary on 20 September by the Head of HR. A day earlier on 19 September, the report of the other investigation led by Gerard Elias and the Head of HR was submitted to the Archbishop.

The Provincial Secretary delivered a full copy of the HR Business Partner's report with appendices to the Archbishop on 25 September. It is important to note that this was done in order to comply with the recommendations of the Report, and not because the Archbishop was an envisaged recipient of it under the Terms of Reference. We consider this very surprising, given that it was an investigation into the behaviour and potentially serious misconduct of a bishop.

As described in Chapter 2, the summarised reason for the Report's recommendation to refer the matter to the Archbishop was *"for his consideration of [the Bishop of Monmouth's] conduct with regard to the Professional Ministerial Guidelines"*. However, the Report itself gave further detail about this *"conduct"*:

[REDACTED]

In addition to this comment from the investigating officer, there was relevant evidence of inappropriate management of boundaries in the notes of the interviews appended to the Report, [REDACTED]

[REDACTED]

In the days following the submission of the reports, the Archbishop, the Provincial Secretary and the Head of HR discussed the next course of action, but no legal advice seems to have been sought at this stage. There are few records of these initial discussions, but from our witness interviews and contemporaneous emails we believe that:

In respect of the HR Business Partner's report into the disclosures made by Alex:

- Both the Provincial Secretary and the Archbishop were surprised and disappointed that the report appeared to point to what the Archbishop described a *"dead end"*; they considered it could have been more robust. However, they both *"accepted the result of the investigation"*.
- The Head of HR informed the Archbishop and the Provincial Secretary that Alex had emphasised that [REDACTED] had not raised the complaint [REDACTED] and was a reluctant participant. She advised that Alex would not want to pursue the matter further.

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- [REDACTED]  
[REDACTED]  
[REDACTED]
- The failure of the Report to make a finding of bullying or harassment, combined with the fact that Alex was perceived to be an unwilling participant, led the Archbishop to conclude that there would be no prospect of success at a Disciplinary Tribunal, and therefore any referral of the matter to it would be pointless.
- It was agreed that the Head of HR would meet with Alex to convey the outcome of the investigation and to make the necessary arrangements to support [REDACTED]  
[REDACTED]
- [REDACTED] there was, at this stage, no consideration of other elements of the Bishop's conduct and behaviour commented on in the Report and detailed in the accompanying appendices about his failure to observe the boundaries expected within the Professional Ministerial Guidelines.

In respect of the report into the concerns raised by the Dean and Archdeacons and investigated by Mr Elias and the Head of HR:

- The Archbishop accepted the conclusion of the Report that no misconduct had been committed by anyone. He was sufficiently persuaded that the perceived motives of the Dean and Archdeacons described in the report damaged their claim that their concerns were solely based on Alex's disclosures.
- Both the Provincial Secretary and the Archbishop considered that the Report identified a clear breakdown of relationships and trust and confidence between the Bishop and his senior team, and it was difficult to see how the team could continue to function.
- It was agreed that external legal advice should be sought to navigate the potentially complex and difficult legal issues which would arise if one or more of the office holders had to "*step away from their post*" as a consequence of the breakdown (using the words of the Provincial Secretary in his email to the Head of HR requesting the instruction of external lawyers). The Head of HR decided to contact an external law firm (which we will refer to as "LawCo") of which she had some knowledge before joining the Representative Body of the Church in Wales.

### **An external law firm is instructed**

On 28 September, three days after the Archbishop had seen the report into the disclosures made by Alex for the first time, a solicitor from LawCo (whom we refer to as "LC") sent an initial email to the Head of HR setting out the scope of the firm's potential instruction. LC was an experienced employment litigation specialist. We are not aware that this lawyer nor LawCo had much experience, if any, of dealing with complex matters related to clergy discipline, but LC had plenty of knowledge from dealing with other complicated and sensitive employment and office holder issues. The email referred to above stated that LC had "*briefly*" reviewed the two investigation Reports which the Head of HR had sent.

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The proposed scope of LC's work was to provide advice in respect of "*resolving the dispute*" (LC's words) between the Bishop of Monmouth and his senior clergy team, in the first instance "*providing a detailed advice note for the Archbishop assessing the risks, his options, and setting out the recommended strategy*". LC was not tasked with advising on any issues relating to Alex: [REDACTED]

[REDACTED] Neither was LC asked to advise on the content and quality of the Reports, nor whether the matter still could or should be referred to the Disciplinary Tribunal. The Provincial Secretary agreed the instruction of LC and LawCo on this basis.

On Tuesday 2 October, a meeting took place with LC. We have not been provided with any notes of this meeting, but we are aware that LC recommended a strategy that would involve the Bishop and the senior clergy team participating in a formal mediation process. This advice was approved by the attendees even though all were aware that the presenting issue was not one solely of "relationship breakdown". Following the meeting, LC then assisted with drafting the "decision" letters communicating the outcomes of the investigations which were sent to the Dean and Archdeacons and the Bishop on 5 October (see further below). This crucial advice was therefore provided, and these key letters sent in a relatively short space of time, and prior to LC having drafted the "*detailed advice note*" for the Archbishop.

### **The decision to propose a process of mediation**

Prior to this first meeting with external lawyers, the Head of HR, Provincial Secretary and Archbishop had already envisaged that some sort of mediation process might be required due to what they perceived as very deep differences between the Bishop and his senior team. However, it is less clear to us how they intended to deal with all the other recommendations of both Reports.

LC advised that the mediation should be conducted in two stages. The first would be a meeting between the Archbishop and the Bishop while the second would involve individual meetings between the Dean and Archdeacons with the Bishop. During stage one it was expected that outcomes would be agreed regarding the Bishop's future behaviours and working arrangements. Stage two would then aim to restore and reset the relationships within the senior team. The Archbishop considered this a reasonable approach; the concerning behaviours would be addressed in stage one and if the agreed outcomes were subsequently breached by the Bishop "*there would be grounds to take him to a Tribunal*".

The Archbishop explained to us that he felt a mediation process was in fact the only option for moving forward: "*I had been advised that there were insufficient grounds to refer the matter to a Disciplinary Tribunal, so other than doing nothing, the only option was a formal process which would require people to observe boundaries and maintain proper conduct. We don't have robust procedures in the Church in Wales which deal with capability ... A mediation would create formal written agreements, which if breached would provide justification for disciplinary action – the process therefore would have had teeth*".

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LC's detailed advice note was submitted to the Archbishop on 9 October expanding on the verbal advice given the previous week and providing further reasoning for mediation being the preferred course of action: *"in relation to the matters concerning [the Bishop of Monmouth] and his senior clergy team ...there are a number of legal, financial and reputational risks ...a successful mediation represents by far the best prospect of extinguishing or otherwise managing these risks"*.

LC advised that the Dean and Archdeacons qualified for whistleblowing protection despite their clergy status. It was considered that the risk of litigation would be high if there was a failure to reach resolution within the senior team since it could necessitate the eventual redeployment of one or more of them. Such redeployment could constitute a *"detriment"* linked to the disclosures made by the Dean and Archdeacons for which compensation could be sought at an Employment Tribunal:

*"The key to avoiding risk in this area is being able to demonstrate either that they have been subjected to no detriment, or that if they have, that detriment was not done on the ground that they had previously made that disclosure. Currently our best argument is that there has been irretrievable breakdown between key individuals to the detriment of the Diocese, and this, not the disclosure, forms the basis for action. If mediation fails for any reason, this of itself could be good evidence to support that argument."*

The advice note focused solely on the Bishop's relationship with his senior team and the management of the perceived litigation risk. It did not advise how to address the recommendations and other matters of behaviour identified by the Reports save for stating *"as part of an agreement, we should aim to include terms dealing with matters such as leadership, the conduct of meetings, workloads, the organisation and delegation of work, the control of diaries, the resolution of minor differences, and programmes of support and coaching"*.

Also on 9 October, LC sent the Head of HR a document setting out some short, reactive and very similar press statements, in case they were needed. One example: *"There has been speculation in the media regarding the Bishop of Monmouth and relationships within his team. The Archbishop and senior church officials are aware of these issues, and actively working with all parties to resolve them."*

LC also sent associated advice in terms of how and when these statements should be used: *"it is not necessary, but it would be desirable, for any statement the Church plans to issue to be first agreed with the parties to the dispute. If that is not likely to be possible, the parties should in any event be notified that the statement is being made"*.

### **The outcomes of the Reports are communicated**

Following the initial advice meeting on 2 October, LC assisted with drafting the decision letter from the Archbishop to the Bishop communicating the outcome of both investigations and with a request to enter mediation. An almost identical letter was drafted to send to the Dean and Archdeacons. These letters were dispatched on 5 October 2018 but were

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mostly received on 8 October, prior to LC's detailed legal advice note being submitted to the Archbishop for his review.

Below is an extract from the 5 October letter to the Dean and Archdeacons (almost identical wording was used in the letter to the Bishop):

*"The investigation found no grounds for believing that misconduct which merits referral to the Disciplinary Tribunal of the Church in Wales had been committed by anyone, but a number of shortcomings were identified. On the basis of the report's findings, supported by external legal advice, my formal decision is, therefore, that there is no case for the Bishop to answer in terms of any breach of standards within the meaning of the disciplinary policy and procedure of the Church in Wales. Having said that, it is clear to me that these investigations have surfaced a number of serious issues which need urgently to be addressed, and which touch upon both the Bishop's relationship with his senior clergy, and other matters. I propose that these issues be dealt with by way of a mediation process, facilitated by an external, CEDR-qualified, mediator with a view to restoring relationships and re-setting working arrangements."*

*"It is clearly important that this whole matter is, and remains, confidential."*

The letter to the Bishop went on to say:

*"The mediation exercise which I have in mind is designed in stages. I propose that in stage one, you and I would meet with the mediator to discuss my expectations of you in terms of your workload (including delegation and effective time management), your performance, your adherence to the standards set out in the Professional Ministerial Guidelines and elsewhere, and the approach I would like to adopt regarding the rebuilding of relationships between you and your senior clergy team. I would also like to discuss with you a programme of support and counselling that you would undergo [REDACTED] and a programme of executive coaching for you. All such programmes would be paid for by the Church in Wales. I then propose that in stage two, there would be a mediated meeting between you and each member of your senior clergy team (conducted on a one-to-one basis) with a view to rebuilding the relationship and creating a new start in each case. This would build upon (and would be dependent upon) the agreements reached with me as part of stage one."*

*"I would like this mediation process to produce clear and documented outcomes, in the form of:*

- my overall expectations;*
- a reduced workload for you (so that, in particular, you have as part of your normal working week one stated regular free day of twenty-four hours);*
- agreed team working protocols (dealing with such matters as leadership, the regulation of your diary, the conduct of meetings, and the informal resolution of differences);*



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· a recognition by you of the need to demonstrate exemplary personal standards in all aspects of your working life, and

· agreed programmes of support and coaching.”

### Communication of the outcome to Alex

Unlike the Bishop, Dean and Archdeacons, Alex was not sent a formal decision letter. Instead, the Head of HR met with [REDACTED] in person to deliver the outcome of the investigation into [REDACTED] disclosures verbally in the presence of a companion. We have not been provided with the notes of this meeting or the exact date, but it is our understanding that it took place during the week commencing 24 September, prior to the instruction of LC.

The accounts of this meeting from both the Head of HR and Alex are consistent and agree that Alex was told that “*there was insufficient evidence to proceed*”. Alex was disappointed but not surprised at this outcome. [REDACTED] [REDACTED] did not ask to pursue the matter further, and the Head of HR did not suggest that [REDACTED] should or could do so. Alex was not provided with a copy of the investigation report or the appendices to it, and neither was [REDACTED] told any details about the Bishop’s responses to [REDACTED] disclosures or what he had said about [REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### Reaction of the Bishop of Monmouth, the Dean and Archdeacons

We do not have details about the Bishop’s immediate reaction to the Archbishop’s decision letter, save that other witnesses reported to us that he felt “*exonerated*” by the outcome of the investigation and agreed willingly to enter into the envisaged mediation process.

Prior to receiving the Archbishop’s decision letter, the Dean and Archdeacons had received no communication about the outcome of either investigation, and unlike the Bishop’s letter, their letter only communicated the outcome of the investigation led by Mr Elias into their concerns, with no reference to the separate investigation into Alex’s disclosures. The Archbishop requested they confirm their agreement to participate in the mediation process by 12 October.

The Dean and Archdeacons told us that they had not expected any formal disciplinary action to take place as a result of the matters that had been investigated by Mr Elias (as they had only disclosed these in support of the matters raised about Alex). However, they had been

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expecting that some action would be taken in respect of the Alex disclosures given their serious nature. Consequently, the Archdeacon of Newport immediately requested information about the outcome of the separate investigation into those matters, stating that *“he felt he needed to know this before he could respond to the Archbishop’s letter”*.

The Archbishop responded with an email drafted for him by LC: *“I can confirm that this matter [i.e. the investigation into Alex’s disclosures] is now concluded and resolved. It did not reveal any basis upon which a referral to the Disciplinary Tribunal might be made by me...for reasons of both confidentiality and data privacy it is not permissible for me to say any more about this.”*

Following receipt of this email, the Dean and Archdeacons reported to us that *“the conclusion that there was no case to answer came as a hammer blow”* since *“all the issues to do with Alex seemed to be swept away”*. *“We felt we were being bounced into mediation without any understanding of how we got to this point. We began to observe that responsibility for the whole situation (and therefore any solution to it) was being shifted onto us.”*

The Dean and Archdeacons did not understand why mediation, which they perceived to be a two-way process with the aim of resolving a disagreement, was an appropriate way forward to deal with what they saw as the Bishop’s behavioural, performance and conduct issues. The Archdeacon of Monmouth commented: *“The issue was not about us. The issue was not even about us and [the Bishop]. There was not any breakdown in relationship between us and [the Bishop] from our perspective”*.

On 9 October, the Dean and Archdeacons wrote a joint email to the Archbishop requesting a meeting with him: *“before we can consider the request in your letter, we realise that the three of us need to meet with you as soon as possible to discuss this whole matter”*.

The Archbishop sought further advice via email from the Head of HR and LC about whether he should meet with the Dean and Archdeacons. He stated that he would not want to meet them alone if he did. When questioned by us, the Archbishop reported that he had been reluctant to meet with the Dean and Archdeacons alone as he did not relish the prospect of being *“brow beaten”*, especially by the Dean of Newport. However, it was on LC’s advice that he did not meet with them at all: LC’s *“strong advice is NOT to meet with the 3 individuals as there is little that you would be able to say to them in addition to what you have already said, and you can instead point to the mediation process as a means to them finding out and forming a plan of action in respect of the matters that they surfaced”*.

The Archbishop therefore declined the meeting with the Dean and Archdeacons by email stating *“there is very little additional information I can give because of confidentiality and data privacy obligations”*. However, he did make clear that *“from the investigation, a lot of issues emerged, and it is my firm intention that those should be fairly and squarely addressed and, hopefully resolved in the mediation process”*. *“Mediation is not a cosy chat, but a muscular and robust process to re-set standards and expectations, and then work out agreed positions and solutions.”* *“If you would like a discussion with me within the scope of*

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*a mediation, that can be accommodated.*” The Archbishop also reminded the Dean and Archdeacons to continue to keep the matter confidential.

### **The Dean and Archdeacons involve the Bench of Bishops**

The Dean and Archdeacons believed that the Archbishop’s unwillingness to meet with them meant that they had now been cast in the role of adversaries. The Archdeacon of Monmouth commented: *“The attempt to make us in any way responsible for what we had initially taken to the Archbishop seemed to be thoroughly reprehensible”*.

In the light of the Archbishop’s refusal to meet them, the Dean and Archdeacons decided to write to the Archbishop, copying the other bishops on the Bench into their letter since, as they put it, *“we are aware you [the Archbishop] have briefed them on the issue and we do not want them to labour under the erroneous belief that this issue is about broken relationships”*.

In summary, this letter, dated 15 October, expressed the Dean and Archdeacons' views that:

- Mediation is not the appropriate vehicle to address the matters which were raised by them [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] They felt that *“Only the person in oversight of the Bishop – together, we very much hope, with his peers – can deal with these matters which, we respectfully suggest, need now to be attended to decisively”*.
- They were *“deeply perturbed”* at the refusal of the Archbishop to meet with them which they believed suggested an attempt to move responsibility away from the Bishop of Monmouth to them.
- [REDACTED] *We are therefore at a loss to understand how what we have been so reluctant to raise with you (until we felt we had no choice) could be deemed to require no discipline whatever and with no reasons offered after a process devoid of scrutiny.”*
- They had been offered no pastoral care or advice. *“We have had to drag fragments of information out from behind a wall of silence.”*

Their concluding areas of concern included:

- *“The safeguarding dimensions of this whole matter*
- *The procedures followed and the integrity of the process were it available to scrutiny*
- *The impartiality of decisions taken without any justification for them offered to us*
- *Appropriateness of the level of contact with all the parties involved and others.”*

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On the same day that this letter was sent, a statement from the Bishop was released by the Diocesan Office at Monmouth about his absence. This was the first update to the Diocese about the matter since the end of July. It stated *“for some months I have suffered from nervous exhaustion and had been advised by the doctors to refrain from work. Thankfully, I am now improving and I hope that I may be able to resume my duties soon”*.

The Archbishop had approved this statement and explained in his evidence to us that a statement of some sort needed to be made because the Bishop would not be at the forthcoming Diocesan Conference which he would normally chair.

The statement had also been approved by LC but the Dean and Archdeacons had no prior warning of it. They were shocked that they had not been forewarned, and that the accepted position appeared to be that the Bishop would return to his duties. While at the Diocesan Conference the Dean and Archdeacons told us they dealt with numerous comments and queries, which they found very difficult, even traumatic, to navigate.

When he received the Dean and Archdeacons’ letter of 15 October, the Archbishop again sought advice from LC about how to respond. LC set out particularly strong advice in an email dated 17 October. The focus of that advice was that the Dean and Archdeacons had breached the Archbishop’s clear instructions to keep the matter confidential by copying the other bishops into their correspondence with him. LC did not advise on the validity of any of the points raised by the Dean and Archdeacons in their letter and there is no evidence that these received any consideration by either the Archbishop or his legal advisors.

*“This letter, as I see it, is a clear attempt to escalate this dispute and to put it beyond the reach of mediation ...By this letter, the three challenge the actions and decisions of the Archbishop (and they also appear to question the integrity of the other bishops): I think it reasonable to assume that the three are now effectively in dispute with all of these individuals.”*

LC stated there was now an *“emerging case for taking action against the three, not because of any protected disclosure, but because of other actions and circumstances”*: Their decision to copy the letter to the other bishops is *“arguable misconduct in deciding, without good reason, to breach a clear and repeated instruction that they keep these matters confidential”* *“That might open the way to an examination of one or more Category 2 complaints...”*

In his evidence to us, the Archbishop expressed frustration at the Dean and Archdeacons’ decision to involve the other bishops. Both he and the Head of HR considered that as the other bishops were peers of the Bishop of Monmouth, it was not appropriate to involve them in HR matters concerning him. In addition, the Archbishop considered that the Dean and Archdeacons’ letter undermined the decisions he had made, which led to difficulties between him and the Bench, as the rest of the bishops began to question the processes and decisions which he believed had been properly made based on expert legal and HR advice.

██  
██ The Archbishop’s response to the other bishops was that his hands were tied as *“we don’t have a complaint”* meaning that Alex had not made a formal complaint and ██████████ did not want to take the

## MONMOUTH ENQUIRY AND REVIEW

matter any further. The Archbishop emphasised that he was proceeding on the basis of clear HR and legal advice, and that he intended to keep following that advice.

The Dean and Archdeacons reported to us that they believed the bishops to have already been briefed quite fully at the Governing Body meeting at Lampeter on 11 September. The Archdeacon of Monmouth stated *“the bench act as executive directors of the church. All major issues are considered by them ...we thought they had been briefed more than they were”*.

On 19 October, the Archbishop responded to the Dean and Archdeacons with a further email drafted by LC stating, *“it has been necessary for me to show your letter to [the Bishop of Monmouth] and to obtain his permission to share certain aspects of his personal data with you”*.

The Archbishop then gave them some further details about the investigation into Alex’s disclosures, having sought the Bishop of Monmouth’s consent to do so:

*“four allegations were insufficiently supported by evidence for her to make a finding... [The HR Business Partner] concluded that the allegations made in respect of [Alex] were not substantiated ...Having taken external legal advice I am satisfied I may rely on the reports – I am further satisfied again on external legal advice, that there is no basis for disciplinary action against the Bishop... Both reports (and particularly that conducted by Mr Elias QC and [the Head of HR], surfaced a number of serious issues that undoubtedly need attention...I did offer you in my letter dated 5 October the opportunity to learn more about the investigation, the way it was conducted, and outcomes as part of the mediation process, as that process typically offers a protected space in which such disclosures may appropriately be made. ...The raising and the examination of these issues has caused a serious rift between the Bishop and his senior clergy and mediation is clearly the right way to try to heal that ...alternative courses of action may be far less palatable... If you feel that you need to take independent advice before you make a decision ...I urge you to do so).”*

The Archbishop also sent a copy of this letter to the Bishop of Monmouth by way of update. On 21 October, the Bishop responded by email thanking the Archbishop for the *“correspondence relating to the current situation between myself and my senior colleagues. I was saddened but not distressed by the latest letter...The letter offers a portrait of me that the Diocese would not recognise. However your reply was excellent, again being firm and fair... I am continuing to gain strength and have an inner resolve to see matters through.”*

Following the receipt of the Archbishop’s 19 October response, the Dean and Archdeacons report feeling threatened and *“abandoned”* by the Archbishop. They did seek independent advice; however no offer of financial support was made to them to enable them to do so. They were unaware that the Archbishop was receiving his own external legal advice which formed the basis of his correspondence to them. The Dean and Archdeacons also spoke with the Head of Legal who, whilst she was not involved in any way in the ongoing matter, encouraged them to participate in the mediation process. Although the Dean and Archdeacons accepted that the mediation process could have the potential to be robust, they still did not consider it an appropriate course since *“we were being made to sort out*

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*the problems of the Bishop's behaviour and then would have to be the ones to continue to police him".*

In any event they agreed to attend a first meeting with the mediator scheduled for 5 November, primarily with the intention of finding out further information about the process, and the outcomes of the investigations. The Dean and Archdeacons prepared a joint statement for the mediator setting out their hopes for the process. This included "we need to have the Bishop's response both to the allegations made by [Alex] and also to the concerns which the three of us expressed".

### **Planning for the mediation meetings**

An email dated 15 October from the Head of HR to the Archbishop and the Provincial Secretary summarised the plan for the proposed mediation, including LC's advice that it would go ahead regardless of whether the Dean and Archdeacons decided to attend.

*"Phase 1 of the mediation will go ahead on 1 Nov. This involves the Archbishop, the Bishop of Monmouth and the mediator and will focus on his behaviours, how he should ask for help, and what he should do if he encounters hostility from his team so that we minimise his risk of harm. Hopefully Phase 2 involving the Monmouth 3 and the mediator will follow on 5 Nov. In the event that the Bishop is returning to work, it may be that some or all of them ask to be moved".*

*"If the deadline of 19 October passes without the Monmouth 3 responding... we tell them that mediation is going ahead with [the Bishop of Monmouth] and that [the Bishop] will be returning in work in due course".*

It was agreed that LC would act for the Church in Wales in respect of the mediation. "[LC] will be assisting the Archbishop with his preparation, namely, to articulate his objectives...[LC] is already familiar with the issues..."

[REDACTED]

On 26 October, LC requested, for the first time, that the Archbishop outlined the specific things he would like to achieve from the mediation. She then chased up this request on 29 October by calling the Head of HR who emailed the Archbishop stating that LC was "keenly awaiting the list of outcomes that you would want to achieve through mediation. In case

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*this is of help I have suggested some outcomes which are largely drawn from the recommendations of both investigation reports which you may wish to review.*

*Aims of the mediation:*

*The Archbishop would like to achieve the following:*

- *“List of agreed professional standards...” [to complete]*
- *“To be an exemplar of ministry of the Church in Wales Professional Ministerial Guidelines, and respecting personal/professional boundaries with colleagues”.*
- *List of practical working arrangements [to complete]* [REDACTED]  
[REDACTED]  
[REDACTED]
- *Agreed support and coaching [to complete] discussion about whether the Bishop would benefit from coaching support and spiritual director, and advice on amending his behaviour in respect of* [REDACTED]  
[REDACTED]

### **The mediation meetings**

On 1 November, the stage one meeting between the Archbishop, the mediator and the Bishop of Monmouth duly took place. We have not been provided with any details of that meeting nor a copy of the completed list of proposed outcomes. However, the Archbishop told us that not all professional conduct matters were included in that meeting. In particular, the boundary management issues identified by the HR Business Partner’s investigation report were not addressed. The Archbishop said that such issues would have been examined in subsequent meetings were the Bishop to return to work. We note however that there is no evidence that a second stage one meeting with the Bishop was either diarised or planned. The Provincial Secretary told us that all the recommendations from the Reports were not followed up since the focus was primarily on how to restore relationships with his senior team if the Bishop of Monmouth was to return to active ministry.

On 3 November, the Provincial Secretary emailed the Archbishop to tell him that he had discovered that another clergyperson had witnessed the Bishop [REDACTED] earlier in the year when he disclosed [REDACTED] [REDACTED]. This clergyperson had been troubled and reported the matter to the Archdeacon of Monmouth. The Provincial Secretary commented in his email *“I’m not sure if this adds anything of substance to the investigations which have taken place. What it does do is demonstrate that there is a cohort of office holders across the Province with whom the Bishop will need to reset his professional relationship”.*

On 5 November, the Dean and Archdeacons met for their preliminary mediation meeting with the mediator at the offices of LawCo. The mediator was described by the Archdeacon of Newport as *“superb”*. However, it was clear to the Dean and Archdeacons that she was not familiar with all the issues surrounding Alex, even though she had already participated

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in the stage one meeting with the Bishop and the Archbishop. The Dean and Archdeacons expressed their need to understand the conclusions of the Investigation Reports, and how they had been reached, before they could move forward with the process. The mediator did not have permission to share copies of the Reports or any extracts from them but was supportive of their request. Therefore, it was agreed she would seek the relevant consents and deliver this information to the Dean and Archdeacons in a conference call. The mediator also helped the Dean and Archdeacons to finalise their statement regarding the mediation which they all agreed should be shown to the Bishop.

That day, the Dean and Archdeacons also met LC for the first time, as the meeting was at LawCos' offices. LC introduced them to the mediator. The Dean and Archdeacons were told by the mediator that LC was a lawyer acting for the Church in Wales and the Archbishop. The discovery that an external lawyer had been involved behind the scenes without their knowledge antagonised the Dean and Archdeacons and reinforced their belief that the Archbishop had chosen an adversarial stance from the beginning. They themselves had not similarly had the benefit of ongoing legal advice. The Dean and Archdeacons also considered themselves part of "*the Church in Wales*" whom LC was advising and reported that they now felt like outsiders. They did not consider LC was representing their interests as members of the Church in Wales but instead saw them as parties in dispute with the Church in Wales.

### **What we have learned and our reflections on this narrative.**

- The decisions about the next course of action in respect of both Investigation Reports were taken quickly during the week beginning 24 September by the Provincial Secretary and Archbishop alongside discussions with the Head of HR. Their decision making focused on whether there should be a referral to the Disciplinary Tribunal given that there was insufficient evidence in the HR Business Partner's Report to prove that bullying or harassment had in fact occurred. The Archbishop appeared swiftly to reach the conclusion that there should be no referral because he did not see how the case could proceed on the basis of the Report's conclusions and without Alex's participation as a key witness.
- The fact that other potentially serious boundary concerns had been identified by the HR Business Partner's Report was either not taken fully on board on receipt of the Report or ignored. [REDACTED]  
[REDACTED] Notably there were no discussions or consideration of whether these matters in themselves should be considered with reference to the Clergy Disciplinary Policy.
- The safeguarding team was not updated or shown copies of the HR Business Partner's Report or the notes of the investigation, so they had no opportunity to consider the boundary concerns identified by it from a safeguarding perspective.
- There is no evidence of any detailed legal advice having been sought or received about the outcome of either Report, their quality, their recommendations, whether there had been any breach of professional conduct standards or if a referral to the Disciplinary Tribunal remained a possibility. The decision "not to refer" to the



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Disciplinary Tribunal had in fact already been made before the instruction of LawCo. In addition, the issues relating to Alex were specifically stated to be outside the scope of their advice which was to focus on the resolution of the breakdown in relationships between the senior leadership team. The Archbishop told us he recalled receiving general legal advice assuring him that the conclusions of the Reports were within the range of reasonable responses that an investigator was entitled to make, and that he could therefore rely on the outcome of the Reports. Otherwise, any advice he or the Provincial Secretary received in respect of the outcome and recommendations of the Reports came from the Head of HR.

- The Head of HR was one of the investigators and authors of the Elias Report and had also helped in the final drafting of the HR Business Partner's Report. She was, according to the Archbishop and the Provincial Secretary, also the person responsible for advising the Archbishop and Provincial Secretary about what they should do with these Reports, and took the key advisory lead throughout the matter, including being the main point of contact for the external law firm, and providing advice on managing the risk of litigation. The Head of HR was an experienced practitioner with a track record of competence; however, she had had no experience in clergy matters prior to commencing her role with the Representative Body in the summer of 2017.

- We agree that Alex did not want to make [REDACTED] own formal complaint about the behaviour of the Bishop. [REDACTED]

[REDACTED] We consider it highly relevant that Alex was not in fact shown a copy of the investigation Report nor told of the Bishop's response to [REDACTED] disclosures, both of which may have affected [REDACTED] decision making.

- As we have recorded already, one of the key reasons given by the Archbishop for his decision not to refer the matter to the Disciplinary Tribunal was the reluctance of Alex to participate in the process. However, the Archbishop did concede to us that if Alex had been a willing witness, things would have had a chance to progress. There is, however, no evidence of any discussion with Alex about progressing matters to a Disciplinary Tribunal in a way that would offer [REDACTED] protection. Indeed, the Head of HR did not tell [REDACTED] that matters could be progressed when she initially communicated the outcome of the Report, presumably because the decision not to refer to the Tribunal had already been made. Given Alex's unwillingness to formalise [REDACTED] complaint, [REDACTED] we are led to believe that there was very little incentive either for the Representative Body or the Archbishop to encourage [REDACTED] to take the matter further.
- We observe that Alex was very helpful to our Review and took part in it despite being reluctant to revisit the incidents concerned. [REDACTED] also did what was required to assist the HR Business Partner with her investigation at the time of the complaint even though [REDACTED] had not made it. Several witnesses described Alex as helpful, compliant and willing to please, and this reflects our understanding [REDACTED] [REDACTED]. We therefore consider it likely that if [REDACTED] had been told that the Church needed to

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act ██████████ would not have challenged that, even though ██████████ was not prepared to be the person escalating the complaint. ██████████

██████████ it would have been open to the Archbishop to request discretion and anonymity for Alex at any Tribunal.

- The involvement of an external law firm (LawCo) appeared to mark a turning point and an escalation in tensions. We consider why this was so in Chapter 6.
- LC, the lawyer from LawCo, considered there was a high risk of a whistleblowing claim from the Dean and Archdeacons and the main focus of the legal advice throughout was therefore on protecting the Representative Body against such a risk. The choice of a two-stage mediation process reflected this strategy, as described in LC's advice note on 9 October. Mitigation against legal claims could also be gained by relying on the Dean and Archdeacons' own misconduct to justify any detrimental treatment. LC therefore scrutinised the Dean and Archdeacons' actions and correspondence with this in mind and was quick to categorise their behaviour negatively. A key example may be seen in LC's advice to the Archbishop following the Dean and Archdeacons sharing their concerns with the Bench of Bishops. This over-arching focus on minimising litigation risk meant that very little consideration, if any, was given to the validity of the Dean and Archdeacons' objections to the mediation process or to how to implement the recommendations of the two Reports.
- As of 2018, the generally accepted legal position was that members of clergy were office holders without contracts and therefore did not fall within the definition of "workers" who were afforded whistleblowing protection. Whilst every case is decided on its own merits (and the law in this area has since evolved), we were surprised that LC advised in such strong terms that the Dean and Archdeacons were protected under whistleblowing legislation, without providing further caveats and advice.
- Given the emphasis placed by LC on the risk of whistleblowing claims, it is striking that neither LC nor the HR Department saw fit to implement a whistleblowing procedure for clergy akin to that set out in the Whistleblowing Policy of the Representative Body applicable to its employees.
- Good whistleblowing procedures would normally ensure that an organisation takes steps to protect and support those who have reported wrongdoing. However, in this case, we have not seen evidence of any such steps having been discussed or taken. Instead, the Dean and Archdeacons felt themselves cast as adversaries.
- The Representative Body's legal department was notably absent from the narrative, with the Head of HR liaising directly with external lawyers. The consequences of this are considered in Chapter 6.
- The failure by the Archbishop to meet with the Dean and Archdeacons to explain the mediation process, and the outcomes of the Reports exacerbated their suspicion about the integrity of the process and the investigations. The continued failure to explain matters, and the reliance upon emails drafted by the lawyers, led to the

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letter from the Dean and Archdeacons dated 15 October that escalated matters to the Bench of Bishops. It is clear that the opacity of the outcome of the HR Business Partner's investigation made it impossible for Dean and Archdeacons to have faith in a two-way mediation process. The Dean and Archdeacons needed to know how the Alex issues had been dealt with, since the matters they had raised were sufficiently serious that they needed to be assured they had been properly addressed if they were expected to work again with the Bishop.

- The Bishop was sent copies of the Dean and Archdeacons' letters and at least one of the Archbishop's replies to them. This seems to demonstrate a very different approach to dealing with the Dean and Archdeacons, who were not shown any of the Bishop of Monmouth's correspondence or investigation report "*due to data privacy*". Similarly all correspondence required the Dean and Archdeacons to keep the matter entirely confidential but the same insistence is not emphasised to the Bishop of Monmouth in any of the correspondence we have seen with him.
- A two-stage mediation process was decided on relatively quickly as the preferred route forward. This decision was made before the detailed advice note from LC was sent to the Archbishop, and without LC focussing on the Alex issues as these did not form part of the instruction. LC's key concern was how to deal with the breakdown of relationships in the senior team, but there appeared to be a lack of understanding that the main reason for the breakdown was the Alex issues, and how these had been subsequently managed. This hobbled the process from the start. Mediation was also decided upon without due regard to the recommendations and content of both investigation reports which had identified serious concerns about the behaviour and health of the Bishop.

If the Bishop had been an employee, such matters would have been dealt with in the context of capability and/or performance management meetings, and not a two-way mediation process. Whilst the Archbishop and LC maintained that mediation could be robust, this is not how it is commonly perceived, and gave the impression to both the Bishop and his supporters that the Bishop had been entirely exonerated, and that the issues were purely about a breakdown in relationships between the senior team.

- The original plan was for the stage 2 meetings with the Dean and Archdeacons to "*build upon (and would be dependent upon) the agreements reached with [the Archbishop] as part of stage one*" (letter from the Archbishop to the Dean and Archdeacons dated 5 October). This two-stage process would have given the Archbishop the opportunity to treat Stage 1 like a quasi-performance management meeting, with agreed outcomes signed prior to moving onto the secondary issue of the senior leadership relationship breakdown. Those outcomes could then have been communicated back to the Dean and Archdeacons who would have been more confident that the conduct issues had received due attention. What actually happened, however, was that Stage 1 was not completed (and the Alex issues ignored within it) before Stage 2 commenced. There was not any consideration of what outcomes would need to be achieved in Stage 1 until three days before the meeting. The fact both mediation stages appeared to take place in parallel gave the Dean and Archdeacons no confidence that any of the conduct issues had been dealt with according to due process. The way the mediation process was established

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seemed to assume that the Bishop was going to return to his ministry and that there were no conduct issues which needed to be addressed before he could do so.

### Recommendations

- 3.1 We recommend a review of the roles played by members of the HR team in relation to investigations.
- 3.2 We recommend that anyone involved in carrying out an investigation should not be involved in giving any related litigation advice.
- 3.3 We recommend that, following the receipt of an investigation report, and prior to any decision making about the next course of action, appropriate legal and safeguarding advice is sought on the content of any report from professionals experienced in clergy discipline and, where appropriate, abuse of power issues.
- 3.4 We recommend that parameters of confidentiality should be set prior to investigations being carried out if possible, to enable appropriate information to be shared on a “need to know” basis during and following the completion of the investigation.

*Where additional and unforeseen information is disclosed during or following an investigation for which prior parameters have not been agreed, efforts should be made to communicate effectively and pastorally, and further agreed parameters set and relevant consents sought.*

## CHAPTER FOUR NOVEMBER 2018 TO JANUARY 2019

### Operation Lovebomb

On 22 November 2018, the Dean of Newport, the Archdeacon of Newport and the Archdeacon of Monmouth all received an identical email from one of the Area Deans in the diocese which said *“I have just heard that [the Bishop] has been exonerated from a dubious allegation, but his senior team are against him returning to work. As this information is being spread around, can you throw any light on it?”* We understand the Archdeacon of Newport did telephone the Area Dean in question who declined to reveal his source. In that call the Archdeacon told us he refused to comment except to say that it was a complex situation.

This was the first indication of an episode known as *Operation Lovebomb*. The term seems to have been first used as a header on one of the general letters to clergy asking them to offer encouragement to the Bishop of Monmouth to return to his ministry. The letter we have seen read thus:

*“[The Bishop of Monmouth] ...now needs your encouragement to help him and to give him confidence to return to his duties as Bishop.*

*For the past four months he has been isolated from clergy friends and colleagues in the Diocese as we have been told to respect his personal space at this time. Whilst he was very ill and unable to see people, this has been very helpful, but now that he is on the mend he needs to know of the prayers, love and support of the people of our parishes who want him to return to work as soon as he is well enough to do so and resume his duties as our Bishop.*

*So please, take 10 minutes out of your day TODAY OR TOMORROW to write a card or letter to [the Bishop], assure him of your prayers, offer him words of encouragement, send him your love and say how you are looking forward to him resuming his duties as our much-loved Father-in-God.”*

We understand that two diocesan clergy, known to be close to the Bishop of Monmouth, were instrumental in leading this initiative. We believe that the letters were accompanied by telephone calls to some clergy, disclosing more about what had happened and prompting the email to the Dean and Archdeacons referred to at the beginning of this chapter.

On 23 November, an email was sent to the Archbishop from the Area Deans and Ministry Area Leaders in the Diocese of Monmouth *“to express our deep concern at the extended absence of [the Bishop]”*. It went on to say:

*“During the time of [the Bishop’s] absence a variety of rumours have been circulating within the Dioceses concerning his health, wellbeing and good standing as a bishop of the church in our Province. With the exception of two e-mails – the first from our Diocesan Secretary when [the Bishop] first went off duty and the second from the Bishop himself shortly before the Diocesan Conference, we have been kept in the dark about the Bishop.*

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*Whilst recognizing that there may well be matters which require being dealt with confidentially, the silence about [the Bishop] and being told to respect his privacy has meant that our Bishop has been in isolation from friends and colleagues in the Diocese. It has also not served the Diocese well as the lack of information about his wellbeing has only served to allow the most ridiculous of rumours to take hold.*

*Our letter is not about the process of complaint and resolution which we have not been party to, rather it is the heartfelt desire of us as priests of this diocese to see our Bishop back at work and able to resume his duties.*

*As a body we would like to express our complete and unreserved support for, and total confidence in, [the Bishop of Monmouth]. We are aware that allegations that were considered serious enough to warrant investigation were made against him by some of his colleagues. Without exception we have known our Bishop to be a deeply kind and caring pastor to his clergy who has supported us in some of the most challenging aspects of our ministries."*

The letter concluded with reference to the Bishop's work in promoting the mission of God in the diocese, and the esteem in which he was held by laity as well as clergy, and his "tireless work" which he had given "at great personal cost to himself". The Area Deans and Ministry Area Leaders went on to pledge themselves to support the Bishop to the utmost were he to return as their chief pastor once again. They also offered to meet with the Archbishop and said they would greatly value such an opportunity. (No such meeting took place.)

We were told that not all those whose names appeared on this email had seen the content before it was sent. One Area Dean wrote later to the Archbishop and said, "I did not see the content of this letter before it was sent, I only agreed that we could write you [sic] stating our concern for the Diocese with no bishop after a prolonged absence". This Area Dean said this was the case for some of the other signatories too and added that the gossip circulating in the diocese was very damaging.

The Archbishop replied sympathetically but with unmistakable and understandable frustration. After accepting the apology offered, he wrote:

*"Should you be aware of those who are the sources of the gossip of which you speak, perhaps you might indicate your view of just how unhelpful and potentially damaging their activities are. They have certainly made the task of those who are trying to resolve matters much more difficult."*

A further letter was also sent to the Archbishop from Diocesan Office staff simply signed by "the Diocesan Office Team" rather than naming anyone. Whoever may have organized this, it is clear to us that the Bishop of Monmouth was well regarded by those who worked in the Diocesan Office. The letter to the Archbishop emphasized this and said, "we are deeply concerned about recent information which has come to light which suggests that his [the Bishop's] return to work is being hindered by senior colleagues". The letter praised the Diocesan Secretary for keeping the team together so it seems evident that "the Diocesan Office Team" had become convinced that the Dean and Archdeacons were instrumental in

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preventing the Bishop from resuming active ministry, making relationships between the Diocesan Office and the Dean and Archdeacons very difficult. (It is indicative of this mistrust that neither the Dean nor the Archdeacons were invited to the Diocesan Staff Christmas party that year, a petty element of this story.)

The consequence of all this activity was that the Bishop of Monmouth and his wife were indeed “*love bombed*”. A statement was issued through the Diocesan Office on 30 November which read:

*“[The Bishop of Monmouth] would like to thank all those who have sent him cards, flowers and messages of support. He has been overwhelmed with the expressions of love and encouragement which has strengthened his resolve to return to his duties as the Bishop of Monmouth as soon as he is well enough to do so. We look forward to welcoming him back and in the meantime please continue to pray for him and for his wife.”*

This statement came in the weekly diocesan email and it is not clear whom the “*we*” are in the final sentence – Diocesan Office staff, the Bishop’s staff team, diocesan clergy or all clergy and laity. Other members of the Bishop’s staff team (apart from the Diocesan Secretary) had not seen the statement before it was issued.

It is not surprising that four months after a diocesan bishop had stepped back (but was not suspended) those who supported him and were close to him should want to do what they could to demonstrate that support, especially if they were convinced that he had been unwell, as the few public statements on the matter suggested. Given that the diocesan bishop in question was well appreciated among a significant number of clergy and laity in his diocese this became the more likely. We were told that those organising Operation Lovebomb were very close to the bishop himself, suggesting they were likely to interpret whatever information found its way to them in a manner favourable to him.

Regrettably, the information which accompanied Operation Lovebomb was partial, and led to increased suspicion within the diocese focussed upon the Dean and Archdeacons. One witness commented on the refusal of the Dean and Archdeacons “*to counteract the rumours*” and that “*they maintained confidentiality and acted in a very professional way*”. That witness added that “*on a personal level this did not do them any favours because rumours went round criticizing them, and since no-one came out to support them people assumed it must all be true*”. We too admire the way in which the Dean and Archdeacons maintained confidentiality when their reputations in the diocese were being traduced. That this episode had a serious and ongoing adverse impact upon them is evident.

However, it was on 26 November, when Operation Lovebomb was just underway that the Dean and Archdeacons received an email from LC of LawCo, the external law firm instructed by the RB and Archbishop. This was in reply to their request for more information about the result of the two investigations following their first meeting with the mediator, and the ongoing refusal of the Archbishop to meet them to discuss why mediation was thought appropriate. That email concluded with a reference to the need for confidentiality related to every aspect of the process and said:

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*“I would like to emphasise the sensitive nature of the present situation, and the duty of all parties involved to keep this matter (including the original events and subsequent/ongoing events) strictly confidential. In this regard, please kindly be reminded that a breach of confidentiality by you (or any party) could ultimately be treated by the Church in Wales as a serious conduct matter; I cannot stress enough our wish to avoid that scenario if at all possible.”*

When the Dean and Archdeacons were distressed that the Archbishop refused to meet them in early October to discuss the request for mediation, they copied their letter of 15 October to him to all the bishops. This was regarded, certainly by LC, as a betrayal of confidentiality, as described in Chapter 3.

### **The impact of Operation Lovebomb on the Bishop of Monmouth**

It is evident from the statement sent out on 30 November from the Diocesan Office that the Bishop of Monmouth was both moved and encouraged by such an outpouring of support and affection. It persuaded him to become determined to return to his ministry, a marked change of attitude in only a few days.

Earlier in November the Archbishop, mindful of the considerable demands of the mediation process upon all parties, was particularly concerned about the robustness of the Bishop of Monmouth’s mental health. A challenging series of meetings was inevitable, and the Archbishop wished to ensure that the next stage of mediation could be safely undertaken and also to find out, if the Bishop were to return to work, what adjustments and arrangements should be put in place to help and support him. Thus he wrote to the Bishop on 14 November and said that *“to ensure you are fit to face what lies ahead, I would like to obtain a formal expert medical opinion [REDACTED].”*

In the light of this, the Archbishop arranged for the Bishop of Monmouth to meet [REDACTED] in early December. This was both a wise and pastoral decision and attests to the way in which the Archbishop exercised his duty of care to the Bishop and acted in the best interests of his well-being.

The email exchanges we have seen indicate that the Bishop was appreciative of this action but it led him to consider whether he felt himself robust enough to cope with the demands which lay before him. He concluded that he was not, and on 16 November replied to the Archbishop saying that he was *“worn down by this process”* and wished to consider early retirement, thanking the Archbishop for his *“pastoral care and professionalism”*.

Later that same day, 16 November, the Archbishop met with the Bishop of Monmouth and discussed both a timetable for his retirement and what was needed to facilitate it, arrangements for which were to be followed up by the Provincial Secretary.

Thus, it was that on 21 November 2018, just before Operation Lovebomb began, the Provincial Secretary met the Bishop of Monmouth for initial discussions regarding a



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retirement package. While the Bishop was clearly minded at that stage to resign if an adequate settlement was reached, as we have seen in a succession of emails, Operation Lovebomb changed his mind decisively. On 26 November he wrote to the Archbishop again to register a new determination to return to ministry and to work through any issues with his immediate colleagues. [REDACTED]

The Archbishop reported that the Bishop of Monmouth had said explicitly to him at this stage that he would be willing to work with the Dean and Archdeacons again, depending on the outcome of the mediation process. This is borne out in the emails we have seen. The Archbishop also reported to us that the Dean and Archdeacons claimed too that, as far as they were concerned, there had been no breakdown in relationships with the Bishop and they had never refused to work with him. Thus, there remained hopes that mediation would be the way forward even after a difficult start. However, trust was ebbing away, including in the Archbishop and the process as far as the Dean and Archdeacons were concerned.

### **The Bishop of Bangor is asked to assist**

In the email sent by the Archbishop to the Bishop of Monmouth on 14 November when he expressed concern for his [REDACTED] well-being, he also notified him that he had asked the Bishop of Bangor to be available to the senior team in Monmouth for support and advice on day-to-day matters. He said that the Bishop of Bangor *“will not under any circumstances...become involved in or comment on anything else...In different circumstances...this is...something which I would do myself but I cannot do so without risking prejudice to my role in the mediation.”*

As we noted earlier in chapter 2, there had been no formal appointment of commissaries since the Bishop was not suspended and remained in post. In July, the Archbishop considered that the Dean and Archdeacons had the necessary authority already to manage the diocese, working in liaison with the Diocesan Secretary and his staff. If there were matters which needed referral to a bishop, he was available to the senior team.

As time went on, these arrangements, which were never ideal, became more problematic. The Dean and Archdeacons, maintaining confidentiality, did not share with the Diocesan Secretary or the Diocesan Director of Education (also a member of the Bishop’s staff) the concerns they had expressed about the Bishop nor the disclosures made by Alex. While their colleagues understood the need for confidentiality the different levels of knowledge and information created tensions and undermined the unity of the staff team.

In their letter of 15 October to the Archbishop, referred to in the last chapter, the Dean and Archdeacons said that they needed more advice and would welcome some pastoral care. The Archbishop told us in his evidence:

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*“We were in uncharted waters as there was a complete absence of any constitutional provision for when a bishop steps back. One expects the senior staff and diocesan team to get on with their jobs. I wasn’t aware there was any desire for further direction to come from me.”*

The Bishop of Bangor’s role was thus both a response to an expressed need and because the Archbishop recognized that since he was involved in the mediation process, he could not provide the episcopal advice which the diocese may need. However, since there was no formal description of what was required from the Bishop of Bangor, expectations of him may have been greater than he could meet, especially given his geographical distance from Monmouth and that the scope of his support was limited only to day-to-day matters. He presided at two staff meetings but since he was not given leave to address issues to do with the reasons for the impasse in the diocese there was little that he could achieve. Other events soon undermined this initiative as well.

### **The Bench of Bishops and the mediation process**

The Archbishop and the Bishop of Monmouth met for the first time as part of the formal mediation process on 1 December. On 6 December, the Archbishop wrote to the Bishops of St Asaph, St Davids, Llandaff and Bangor and explained the mediation process to them:

*“The mediation process serves a wide purpose, as it is the means through which I will be re-setting my expectations of [the Bishop of Monmouth] with regard to his conduct, his adherence to the standards set out in the Professional Ministerial Guidelines and elsewhere, his wider working arrangements, and identifying a programme of support for him where this is required. [The Bishop] has agreed that he is willing to engage in this process which I expect to produce clear, documented outcomes confirming:*

- *My overall expectations*
- *Sustainable patterns of work*
- *Agreed team working protocols for the Bishop and his senior team; and*
- *Recognition by [the Bishop] of the need to demonstrate exemplary personal standards in all aspects of his working life.”*

The Archbishop then asked the bishops to write individually to share any concerns or information they possessed which should be addressed in the mediation sessions.

It was in the same letter that the Archbishop summarised what he had already told the Bench about what had happened.

*“You will know that the Bishop of Monmouth has been the subject of two investigations. Both of these revealed a number of serious conduct issues which need to be addressed and of which [the Bishop] has been made aware. You also know that, following those investigations, I received formal legal and HR advice that, despite these issues of conduct, there was no basis upon which I could take disciplinary action against any individual.”*

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We are not aware that the Archbishop's request for any further information for the mediation process yielded much from the bishops, most of whom had heard only about what was happening in Monmouth through hearsay. However, the Bishop of St Asaph did respond with a lengthy letter to the Archbishop on 10 December, expressing his "*growing personal discomfort around the process currently in place*". [REDACTED]

[REDACTED] Hence the Bishop requested the Archbishop "*at the very least to invite the President of the Tribunal formally to rule on the substance of these allegations [the disclosures of Alex]*". He argued this for the following reason.

*"While these allegations remain a matter decided by your discretion, no matter the nature of advice you have received, I do not believe that it can be objectively demonstrated that the allegations have been assessed at a sufficient distance from the Bench and from friends of [the Bishop of Monmouth] on the Bench. We become complicit in what could be described as a cover-up."*

The Archbishop did not agree with this characterization of events or his actions and continued to rely on the advice of LC supported by the Head of HR and the Provincial Secretary. The Archbishop hoped to ensure that the mediation produced the outcomes described in his letter to his fellow bishops, and that these outcomes would be robust enough to ensure the Bishop of Monmouth's ministry was appropriately supervised and supported, and that relationships with his senior team were sufficiently restored for them to work well together.

His hopes were not to be fulfilled, not least because through the mediation process the Dean and Archdeacons found out more about the content of the earlier investigation reports.

### **The Dean and Archdeacons learn the outcomes of the two investigations**

As described in the previous chapter the Dean and the Archdeacons had surmised at their first mediation meeting that the mediator was not aware of the full background and thought she was dealing simply with a breakdown of relationships between the Bishop and members of his staff team. The Dean and Archdeacons told her that they did not know the outcomes and recommendations of the two investigations to which they had contributed.

Effective mediation requires the highest level of transparency achievable and so the mediator sought permission to share with the Dean and Archdeacons whatever she could from the reports of the two investigations. This took some time but eventually on 18 December the mediator read parts of each report to the Dean and Archdeacons.

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They were shocked by what they heard from the Elias report. They fully understood that the concerns they raised about the Bishop may not have been sufficient to warrant referral to a Tribunal but they assumed it would have been acknowledged that these were not the primary presenting issue. What shocked them was the reported judgement that they had colluded in the hope that the Bishop would be removed. Given the consequences for their reputations as a result of Operation Lovebomb, this additional information caused the Dean and Archdeacons to believe that the process was one stacked against them and they had no wish to continue. The following day both the Dean and the Archdeacon of Newport emailed the Archbishop to express their feelings (and on behalf of the Archdeacon of Monmouth too), and to request a mediated conversation between him and the three of them urgently. The Archbishop replied almost immediately to warn them of a possible article in the Western Mail, and to urge them to make no comment if contacted. The Western Mail did contact the Dean. As requested, he said nothing.

It was on 21 December that the Dean and Archdeacons received an invitation to meet for a mediated conversation with the Archbishop and the Provincial Secretary on 10 January with further mediated conversations with the Bishop of Monmouth to follow on 16/17 January. However, the article published in the Western Mail threw this timetable entirely off track.

### **The Western Mail**

It is not surprising that five months after the Bishop of Monmouth stepped back from his duties the media would take an interest. An anonymous letter to a journalist at the Western Mail appears to have alerted the newspaper that there may have been more to the bishop's absence than simply ill-health.

An article did appear in the Western Mail on 22 December and included a statement from the Church in Wales which read:

*"In recent weeks there has been speculation regarding the Bishop of Monmouth and about relationships in his senior team. The Archbishop of Wales is aware of these issues and remains actively engaged, with all parties, in a formal process of mediation which seeks to resolve them."*

The Dean and Archdeacons discovered that the process of mediation in which they were engaged was to be made public only when they read it themselves in the Western Mail. The press statement on behalf of the Church in Wales had not been passed by them for approval or even comment, although we believe the Bishop of Monmouth did see a draft. The content of the statement and the way it was issued added to the sense of betrayal the Dean and Archdeacons felt.

Their objection to the statement was primarily that it gave the impression that the sole cause of the problem was that there was a breakdown in relationships in the senior team, with no acknowledgement of any other issues which caused the Bishop of Monmouth to step back from his duties. This played into the narrative already widely believed in the diocese and confirmed the suspicions of those who thought the whole matter was related to the desire of the Dean and Archdeacons to be rid of their bishop.

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The Dean and Archdeacons also believed the statement broke confidentiality. While they had been told that if they broke confidentiality, it would be treated as a matter subject to clergy discipline, this seemed to drive a coach and horses through the whole concept by making the process of mediation public. It was argued by the Archbishop, supported by advice to him from LC, that although the content of mediation was confidential, the process of mediation was not. That was not how it was understood by the Dean and Archdeacons who had been told to keep all matters confidential.

We have quoted above a passage from an email from LC sent to the Dean and Archdeacons almost a month earlier on 26 November. A further email followed on 30 November which said:

*“The first thing to say is how regrettable it is that, notwithstanding that every effort has been made to respect the confidentiality of both the mediation process and the individuals involved in it, information appears to have been disclosed which might risk the viability of the ongoing mediation process. We really do hope that this does not prove to be so. Notwithstanding this apparent breach, it remains vital that all parties continue to keep this matter confidential.”*

These were the ground rules which provide as plain a statement as we have found that the mediation process itself was deemed confidential. It explains why the Dean and Archdeacons were so distressed that, as they saw it, rules imposed on them had been broken by others, and in the public domain.

### **Issues related to Communications**

The process which was followed in writing and checking the press statement did not follow earlier advice given on the matter by LC when they were engaged in October. This stated... *“it is not necessary, but it would be desirable, for any statement the Church plans to issue to be first agreed with the parties to the dispute. If that is not likely to be possible, the parties should in any event be notified that the statement is being made”*.

The Dean and Archdeacons were neither notified that the statement was being made, nor asked to agree it. However, we believe this was an accident waiting to happen since there had been no coherent and well-informed communications strategy in place from the time the Bishop stepped back in late July. The line which had been pursued by the Archbishop and those most closely advising him was that as few people as possible should be briefed about what was happening in Monmouth. While this has considerable merit as a general policy, it is surprising that those who would be fronting media enquiries when they arose (as they would surely do) were neither briefed nor even informed about what was happening. The Director of Communications for the Church in Wales was not involved in the drafting of the few short public statements to the diocese and nor did she know some key features of the narrative.

Although the Director of Communications was with the Archbishop at an event later on 23 July, the day that the Bishop of Monmouth stepped back, she was not told what had

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happened, and only learned of his absence from his ministry in August. Although she understood he had stepped back solely on grounds of ill health at the time (like many others) she did suggest to the Provincial Secretary that a communications plan was needed. This was not followed up.

The Director of Communications reports to the Head of Communications and Technology within the Representative Body, and in recent years has not been routinely briefed on matters which come before the Bench of Bishops, nor does she attend Bench meetings. We understand that her role is now not primarily to be a spokesperson for the Church in Wales but as an advisor since current arrangements assume that bishops and clergy will be the main spokespeople for the Church (and laypeople in appropriate roles).

The consequence of this pattern of working was that the Director of Communications only learned of salient features of this narrative by accident e.g. a reporter told her of the involvement of the Bishop of Bangor, and she discovered that an external law firm was involved well after they came into the picture.

Despite her lack of background knowledge, it was when the Western Mail expressed interest that the Director of Communications was brought in to offer advice and handle the media. She has a wide knowledge of the press, television and radio in Wales and her expertise is considerable. The press statement issued to the Western Mail was based on a draft first written by LawCo on 9 October in case there was media interest. The draft composed then was to be issued if mediation was being considered or ongoing. It read:

*“In recent days/weeks there has been speculation in the media regarding the Bishop of Monmouth and relationships within his team. The Archbishop of Wales and senior Church officials are aware of these issues, and actively working with all parties to resolve them. Out of respect for the confidentiality of those concerned, the Archbishop prefers not to say more at this time.”*

This early draft was to be issued if the parties were still considering mediation or mediation was ongoing and did not mention the process. Quite how a reference to mediation was later included and who added it is unclear. However, it is evident that the original “use if needed” draft from October treats the entire matter as one related only to the relationship between the Bishop of Monmouth and his team. With modest changes and the removal of the final sentence this early draft provided the template for what caused so much distress and difficulty.

The statement issued in December must have been approved by the Archbishop, the Provincial Secretary and LawCo as well as the Director of Communications, who issued it and managed the media response. Like others, she failed to identify what the Dean and Archdeacons would find distressing about the content, which was not surprising given her lack of detailed knowledge of events (she had never been briefed about the issues related to Alex).

It was around this time that the Director of Communications began to get more calls from journalists and she told us that they frequently appeared to know more than she did. If a

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Communications Officer is expected to communicate well on behalf of her employer while being kept in the dark it is not surprising that the outcome is unsatisfactory to everyone.

### **The Bench of Bishops become more involved**

While the press statement on behalf of the Province to the Western Mail was deeply unfortunate, it did act as a catalyst for a step change which led to greater involvement from the Bench of Bishops. Within two days of the article's publication the Dean and the Archdeacons wrote individually to the Archbishop to express their dismay that the code of confidentiality had been broken and the process of mediation fatally undermined. They copied each of the bishops on the Bench into their correspondence. The Dean also wrote a rebuttal of the press article for circulation in the diocese.

The Archdeacon of Newport's email sent early on 23 December to the Archbishop (and copied to the other bishops) was forceful but measured. He wrote:

*"The article in yesterday's Western Mail has now made the situation in the Diocese of Monmouth intolerable. There has obviously been a serious breach of confidentiality by someone in the process... the statement... reveals the fact that there is a mediation process. I was not asked my permission for this information to be revealed. The statement also continues to peddle the myth that this situation is about a breakdown in relationships. It is not – it is about [the Bishop of Monmouth's] behaviour, [REDACTED] behaviour you have known about since October 2017."*

The Archdeacon went on to say that the mediation process had *"been rendered useless"* and also said that whether the Bishop of Monmouth stayed or went, he would *"continue to fulfil the office of Archdeacon of Newport....and will continue to minister to all the clergy and people of the Archdeaconry regardless of the views they hold or have expressed on this matter"*.

A separate email from the Dean of Newport to the Archbishop (and also copied to other bishops) late on 22 December was even more forceful. He complained too that neither he nor his colleagues were told of any statement being issued to the press and complained that it told the world *"that there is a mediation process"*. He repeated the concerns that he and his colleagues had about entering mediation, namely that it would suggest *"that the problem in the diocese is one of relationships between members of the senior staff and the Bishop"*. He pointed out that the original presenting issue seemed to have *"evaporated"* and reminded the Archbishop that he and his colleagues only put their views in writing at the Archbishop's *"specific request"*. The Dean complained that he now believed himself *"seriously defamed"* and commented that he and his colleagues had been *"obedient and compliant, often against our better judgement"*. In fact, he said, *"we have been manipulated, threatened and intimidated by the lawyer instructed "to represent the interests of the Church in Wales""*. While complaining that the Archbishop had declined to meet him and his colleagues, he asked to meet urgently *"face-to-face, as Archbishop to priests, without a lawyer. Even at this late stage, this matter might still be resolved without too much further damage but you would need to talk to us."*

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The Archbishop responded to the Dean and Archdeacons on Christmas Day, a sign in itself of just how this matter dominated the lives of those most closely involved. In his reply the Archbishop acknowledged their anger and regretted the anonymous leak of the story to the press and re-emphasised that mediation was the best way forward. He also asked them if they felt both that a further interim statement would help the situation and whether they would like to suggest what such a statement might contain. Once again, he urged them to continue with the mediation and to maintain confidentiality and arranged to see them on 8 January 2019 to discuss matters further.

A further article appeared in the Western Mail on 29 December, which published the text of the letter in support of the Bishop of Monmouth from the Monmouth Area Deans and Ministry Area Leaders sent to the Archbishop at the end of November as part of Operation Lovebomb and quoted earlier in this chapter. It was reading this letter which caused one of the Area Deans to realise he had never seen what was written over his name and prompted him to write to the Archbishop to apologize, as referenced earlier. Otherwise, this second article largely repeated the content of the first one published a week earlier and included again the press statement which had so upset the Dean and Archdeacons.

This second article prompted the Dean and Archdeacons to ensure the Bench of Bishops were fully aware of the concerns they had expressed to the Archbishop in July, given that they believed the confidentiality stressed in LC's emails in late November had been broken. Hence, on 29 December they sent the statements composed on 23 July at the Archbishop's request to each of the bishops.

Attempts were made both by the Archbishop and the Provincial Secretary to draft a further statement to the press to set the record straight, but it proved impossible to compose anything satisfactory to all parties at this stage without causing more uncertainty and confusion. The Director of Communications also advised against a further statement as she believed this would just lead to greater publicity and further press interest. So, while the situation was acknowledged as deeply unsatisfactory and misleading, nothing further was done. Further articles appeared in the Western Mail (on 1 January) and the South Wales Argus (on 3 January), the latter again quoting the original statement from the Church in Wales, and thus compounding the problem.

One of the bishops commented to us that not withdrawing the Western Mail statement was a serious mistake since it got repeated again and again in subsequent articles and cemented a false narrative. This bishop also said that once mediation became impossible after the Western Mail article no-one seemed to have a clear idea of a desired outcome or what the process should be to achieve it. This bishop further commented that at this stage the Archbishop was unable to see another way forward once the strategy proposed by LawCo was in shreds; the chatter in the diocese was increasing; and the Dean and the Archdeacons were becoming frantic since they felt so helpless while having sought to do the right thing.

Such was the situation when the Archbishop met with the Dean and the Archdeacons on 8 January, accompanied by the Provincial Secretary and the Bishop of Bangor. We understand that the meeting began with the Provincial Secretary giving an outline of how



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the concerns about Alex were handled [REDACTED]

[REDACTED] It would have been wise to have given this explanation about what had happened to Alex much earlier to the Dean and Archdeacons.

At this stage, this briefing did not forestall the Monmouth senior staff members expressing their distress and dissatisfaction with the whole process, culminating in what they perceived as the deeply damaging press statement given to the Western Mail. The Dean and the Archdeacons reported to us that the Provincial Secretary and the Bishop of Bangor grasped quickly why that statement had led many in the diocese to believe that it was simply a breakdown in their relationship with the Bishop of Monmouth which was the cause of his stepping back. It is the case, as the Archbishop thought at the time, that the statement did not say anything which was untrue but in the absence of other information it was so far from the whole truth to be misleading, as well as breaking confidentiality about the mediation process.

We understand that there were three significant outcomes from this meeting. The first was that it was agreed that some form of retraction or correction of the misleading press statement would be made. While the Dean and Archdeacons believe that this remains unfulfilled to this day, we think that what the Archbishop said to the clergy in Newport Cathedral on 5 June went a considerable way towards this. This will be described in full in the next chapter.

Secondly, it emerged at this meeting that the Archbishop and the Provincial Secretary thought that the Dean and Archdeacons had been given authority to seek legal advice at the expense of the Church in Wales. This had not happened. It was in an email to the Dean and Archdeacons on 22 January that an offer was made that the Church in Wales would meet the costs of legal advice (within a budget).

Thirdly, the idea was planted that, now the Bench of Bishops knew the full background, it was important that any mediation process should include them. It is not clear to us that the decision that each bishop should have a mediated conversation with the Bishop of Monmouth was agreed (it could hardly be with three bishops absent from that meeting) but the possibility of this or something similar was discussed.

The first article to appear in the Church Times about what was happening in Monmouth appeared on 11 January. Given that there had been no further statement from the Church in Wales, the one issued to the Western Mail the previous month was included in full. As far as the Dean and Archdeacons were concerned, the narrative that the entire problem centred on their broken relationship with the bishop was now lodged firmly in the minds of many within the diocese and more widely in the Church in Wales.

That same statement found its way into an article on the BBC Wales news website on 25 January. The Ancient Briton website also covered what was happening in Monmouth for the first time. This blog takes a traditionalist and conservative viewpoint and is generally

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critical of the leadership of the Church in Wales. On this matter its author or authors seemed to know no more than was in the public domain, but some of the following comments made by its readers were both personal and negative in relation to some of those involved.

### **The Bench of Bishops meets in January 2019**

The Bench of Bishops met during the third week in January. While the Archbishop had shared some, but not all, of the background with the Bishop of Bangor as Senior Bishop, he was aware that, should a Disciplinary Tribunal be required, one of the bishops may need to serve on it. We understand there was some irritation among the bishops that they were not kept as informed as they may have wished, but we understand why. The difficulty in the Church in Wales is that a group of only six bishops is bound to be painfully aware if one of their colleagues has stepped back from ministry for months, and the intimacy of the group is such that it may inevitably feel as if information is being unnecessarily withheld.

We think the Archbishop made a correct initial judgement about how much to share with the Bench but it became inevitable that this could not be sustained once the Western Mail statement had been issued and the Dean and Archdeacons had circulated their written submissions from the previous July. Since some of the other bishops had their own concerns about the Bishop of Monmouth, [REDACTED] by this stage it became clear that there was mediation needed between the Bishop of Monmouth and some of his colleagues if he were to return to active episcopal ministry.

Hence the decision made at the Bench of Bishops' meeting that each of his colleagues should meet with the Bishop of Monmouth for a mediated conversation. These were fixed to take place in February, and what happened then forms the starting point for our next chapter.

### **What we have learned and our reflections on this narrative**

- The vacuum of public information about why the Bishop of Monmouth had stepped back meant that it was likely to be filled by rumours and partial knowledge.
- Explorations were beginning with the Bishop of Monmouth about a retirement package in late November (and with his approval) but were set aside because of the impact of Operation Lovebomb.
- This concerted campaign (Operation Lovebomb) to bring the Bishop back to his ministry was based both on a deep appreciation of him (through friendships established over many years) but a limited interpretation of events and it served to extend the process and the agony for all concerned, including the Bishop.
- It appears that the mediator appointed may not have been fully briefed on the background to the case but recognised speedily that mediation would not be effective if the outcomes of the two investigations were not shared with the Dean and Archdeacons and she persevered in making these outcomes available to them.

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- The impression the Dean and Archdeacons received from the outcome of the Elias report was that they were colluding to remove the Bishop, and this confirmed the sense which was growing in them that they were now regarded as the problem.
- The stress on total confidentiality, and the suggestion in the email from LC that breaking it would be a matter for discipline, was one which the Dean and Archdeacons honoured, with the significant exception of their communications with the other bishops, first when the Archbishop refused to see them and they copied their letter to him, and then to circulate their July statements to the bishops following the press reports and the statement from the Church in Wales.
- According to LC such total confidentiality covered “*both the mediation process and the individuals involved in it*” but this was broken by the statement to the Western Mail which made the mediation process public. Since it referenced both the Bishop of Monmouth and his senior team it allowed individuals to be identified. (It could have been taken also to imply that the Archdeacon of the Gwent Valleys, the Diocesan Secretary and the Diocesan Director of Education may have been involved, which added to its inaccuracy.)
- While confidentiality is necessary if a process of mediation is to be successful, the imposition of total confidentiality with threats of disciplinary procedures if it is broken means it becomes a powerful weapon rather than a means of facilitation.
- The lack of any communications strategy seriously undermined the ability of all involved to respond well to the interest of the press and media.
- The side-lining of the Director of Communications, whatever its reason, hampered her capacity to do her job once her skills were needed.
- While the Archbishop acted appropriately in handling these issues himself, and not sharing them in any detail with the Bench of Bishops, this became more difficult to sustain as the months went on and a Tribunal seemed unlikely, and with anxieties among bishops themselves about how they would work with the Bishop of Monmouth if he returned to active duty, especially given their knowledge of disclosures made in 2017. These are complex issues made the more difficult by the small and intimate nature of the Bench where, once relationships are strained, trust is eroded.
- The full disclosure of what the Dean and Archdeacons had written in July meant that the bishops needed to enter their own form of mediation with the Bishop of Monmouth and showed clearly how the earlier mediation process, which left all but the Archbishop out of the picture, would not have been sufficient on its own to enable the Bishop to return to his ministry without a process with his fellow bishops too.

### Recommendations

- 4.1 We recommend that whenever a bishop or other senior member of clergy falls ill, faces any sort of allegation or disciplinary charge or has reason to step back from active ministry for whatever reason, a communications strategy is put quickly into

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place, both to inform the clergy and people of the diocese appropriately and to handle media interest, including social media.

- 4.2 We recommend that, contingent upon that communications strategy and legal advice, and taking such other advice as they deem necessary, the Archbishop and Senior Bishop should determine what level of information is shared within the Bench of Bishops on a case-by-case basis.

### CHAPTER FIVE      JANUARY TO JULY 2019

#### **The Bishop of Monmouth meets his episcopal colleagues**

At the Bench of Bishops' meeting on 17 Jan 2019 it was agreed that the Bishops of Bangor, St Davids, Llandaff and St Asaph should each meet separately with the Bishop of Monmouth, facilitated by a mediator.

We understand the Bishop of Monmouth was '*very unhappy*' when these meetings were suggested. He was concerned that the meetings were intended to be for each bishop to tell him his position was untenable given the nature of the allegations. We were told this was what had happened several years earlier in the case of a previous Bishop of St Davids.

The Bishop of Monmouth met the Archbishop and Provincial Secretary on 29 January. They attempted to allay his concerns and emphasised that the aim of the meetings was to try and clarify matters in such a way that would enable relationships of confidence and trust to be re-established between the Bishop of Monmouth and his colleagues. It was hoped that such an outcome would, in turn, encourage the Dean and Archdeacons to engage in facilitated conversations, even if not within the formal mediation process. The Bishop pledged his willingness to engage to rebuild relationships with a view to returning to work.

However, what the Archbishop and Provincial Secretary told the Bishop of Monmouth seems to have been at odds with the understanding that several of the bishops reported to us, namely that these meetings would give them a chance to ask the questions that they still had, and to address the obstacles presented by the lack of resolution of the Alex case which may prevent the re-establishment of collegial relationships.

The next day, 30 January, the first two facilitated conversations took place. The Bishop of Bangor met with the Bishop of Monmouth followed by the Bishop of St Asaph. The first meeting appears to have gone well. The Bishop of Bangor left the meeting feeling it was likely that the situation was recoverable and that the Bishop of Monmouth would return.

The meeting with the Bishop of St Asaph started in the same encouraging way. Although we do not know the details of what was said in a secure and confidential meeting it seems that when the Bishop of St Asaph questioned the Bishop of Monmouth more closely on what had happened with Alex the Bishop of Monmouth felt his colleague was standing in judgement of him and terminated the conversation.

The Bishop of Monmouth then withdrew from the process, refusing to attend the scheduled meetings with the Bishops of Llandaff and St Davids the following day.

#### **The months leading up to Bishop of Monmouth's retirement**

Within five days of withdrawing from the mediated discussions with the Bishops, the Bishop of Monmouth appointed a solicitor and discussions about the terms of early retirement on the grounds of ill-health, briefly pursued in November, were commenced formally with the Provincial Secretary. The Bishop of Monmouth declined a further mediated meeting with

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the Archbishop which the Archbishop believed was because the Bishop of Monmouth had moved beyond any further discussions on the possibility of a return to work.

In a discussion with the Provincial Secretary, the Bishop of Monmouth suggested that the process was getting too difficult, and it was affecting his [REDACTED] health adversely. After consultation with the Archbishop, the Provincial Secretary therefore referred the Bishop to an occupational health doctor who would assess his condition. However, it was felt within the RB staff that the initial report was inconclusive, and a second referral was made to another doctor in London.

Eventually on 2 April 2019 the second medical report was received which supported ill-health retirement. However, final agreement was not reached on the settlement terms until late afternoon on the 30 April 2019.

Meanwhile, following their last meeting with the Mediator during which she had read them extracts from the two investigation reports, the Dean and Archdeacons had become increasingly concerned about the content of those reports and what had been said about them. They also believed that the investigations themselves had been inadequate. They were still subject to adverse criticism within the diocese resulting from the initial Western Mail article before Christmas and the several others in early 2019 which repeated the details from that story, and which were described in the previous chapter.

Despite assurances given by the Archbishop and the Provincial Secretary in January, no retraction of that statement had been issued since nothing could be agreed. Having thought that their bishop would soon return to active ministry, as the early months of 2019 passed people in the diocese of Monmouth began to assume this was unlikely. The Archbishop preached at the Chrism Mass in the diocese and mentioned the prolonged absence of the Bishop but did not allay rumours of the rift between the Bishop and his senior team, simply stating that reasons of confidentiality prevented him from saying too much.

On 4 April 2019, the Dean and Archdeacons submitted a formal data subject access request to the Provincial Secretary. The request was confined to *'any personal data processed by or on behalf of The Representative Body of the Church of Wales (the RB) and the Archbishop of Wales concerning*

- *the allegations and events raised on behalf of [REDACTED]*
- *the conduct and content of the investigations arising out of the issues raised in their statements of 23 July,*
- *the findings of the investigation including the report,*
- *the decision to request mediation between the Bishop of Monmouth and the Dean and Archdeacons,*
- *the decision not to take disciplinary action against the Bishop of Monmouth,*
- *and all press releases, internal drafts and related documents prepared in response to the absence of the Bishop of Monmouth from work'.*

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The response to this in the form of severely redacted reports and correspondence came several weeks later, on 3 May 2019, again heightening the Dean and Archdeacons' belief that they were being '*hung out to dry*'. They increasingly lost faith in the procedures of the Church in Wales and considered raising a formal complaint about how they had been treated but decided that it would not achieve anything. Hence, by the time of the announcement of the Bishop of Monmouth's retirement on 30 April the Dean and Archdeacons were feeling increasingly angry.

### **The Bishop of Monmouth's retirement is made public**

As soon as the terms of the Bishop of Monmouth's retirement had been agreed late on 30 April 2019 a statement was issued from the Archbishop announcing the Bishop's resignation on the grounds of ill-health with immediate effect. On 3 June, the Archdeacons of the Monmouth diocese and the Dean of Newport were appointed as commissaries. The resignation statement was issued to the Governing Body and then released to the press. The aim of issuing the statement so quickly was to make sure that this news was public before the meeting of the Governing Body of the Church in Wales the following day.

No separate statement was made to the Diocese of Monmouth although a copy of the statement was sent to the Diocesan Secretary for circulation. Once again, there does not appear to have been any communications plan prepared before the event and there was little in terms of public narrative. The Dean and Archdeacons were told that they should not say much to those from the diocese who questioned them for reasons of confidentiality, and they abided by that instruction.

The reason for the last-minute rush to make the Bishop's retirement public by this date was that it was felt by the staff of the Representative Body that feelings were so raw in the diocese that it would make it difficult to immediately arrange an electoral college. Only the Governing Body had the authority to adjourn an electoral college if there were circumstances to do so. Hence there needed to be an emergency motion approved in the Governing Body to postpone the holding of the electoral college otherwise the period of preparation would start automatically.

On the next day, 1 May, the Dean of Monmouth publicly (and aggressively) confronted the Archbishop at a tea break during the Governing Body meeting, angrily insisting that the Archbishop used his Presidential Address to overturn the misleading narrative in the public domain that the Bishop of Monmouth's departure had been brought about by a breakdown of relationships within the senior clergy. He wanted the Archbishop to acknowledge publicly that they were not in any way responsible for the Bishop's departure. He further insisted that if the Archbishop did not do this he would stand up and ask him to do so from the floor of the Governing Body as he did not trust him any longer.

The Archbishop was extremely shaken by this angry exchange. When the Provincial Secretary became aware of the altercation, he remonstrated with the Dean who then walked off. The Provincial Secretary then suggested to the Archbishop that a meeting be

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arranged between the Bench of Bishops, the Dean and the two Archdeacons to try and defuse the situation.

### **The decision is made to set up this enquiry and review**

It was at this meeting, held later that evening, that it was suggested that an independent enquiry and review be conducted into all the events from October 2017, the date of Alex's original disclosures. This was agreed by all parties with the Archbishop expressing a preference for use of the term "lessons learned' review" rather than "enquiry and review".. All agreed that from now on everyone would be copied into all correspondence relating to these matters.

It is unclear who was immediately given the task to define how this review would then unfold but it is remarkable that it took over 10 months before the review team was assembled and 12 months before it was announced. The Dean and Archdeacons were not kept informed on progress unless they asked.

On 17 May the Archbishop wrote to the Dean and Archdeacons to tell them that the Bishop of Monmouth specifically asked that they should not attend his retirement service to be held on 7 July at Abergavenny or contact him again. This compounded their sense of alienation as the Archbishop seemed to be supportive of the Bishop's request thus favouring the Bishop of Monmouth over them. When they expressed their concern to the Archbishop that their absence from the Bishop's farewell service would be interpreted negatively, he encouraged them to let it be known quietly in the Diocese why they would not be there rather than issue a statement. The Archbishop later privately emailed the Bishop of Monmouth to request that he change his mind about attendance of the Dean and Archdeacons. However this request was rejected by the Bishop of Monmouth and the Dean and Archdeacons were unaware of this correspondence. .

### **Further unhappiness within the Diocese of Monmouth**

It was also at the meeting on the evening of the 1 May 2019 that the Archbishop was asked by the Dean and Archdeacons if he would come and meet the clergy of the Diocese of Monmouth to address their concerns and to help them and the Diocese move forward. The Archbishop agreed to this and an invitation was issued to all diocesan clergy for a meeting following evensong on 5 June at the Cathedral.

The Archbishop, with assistance from the Provincial Secretary and LawCo, drafted a statement that he would read at the event. [REDACTED]

[REDACTED] the Archbishop was advised not to take any questions at the meeting.

The Provincial Secretary shared a draft of the statement with the Dean and Archdeacons who believed it went a long way towards exonerating them. The statement also had the Bishop's agreement.



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In his statement the Archbishop wrote:

- 1 *In July of last year, I met, at their request, with [the Dean] and Archdeacons [of Monmouth and Newport] who raised with me, as Archbishop, concerns about [the Bishop of Monmouth's] well-being. This was entirely the right and proper thing for them to do, and I commend them for doing so. I then asked others to look into some of the issues which they raised with me and to report back confidentially.*
  
- 2 *There then followed a series of conversations which were always intended to be confidential. But reports began to circulate – some true, some untrue, some a mixture of both and this made it very difficult to comment without breaching confidences. In December, we put out a statement to the press which was factually correct and which it was hoped would be helpful – it turned out not to be. I regret that the statement gave some the impression that [the Bishop of Monmouth] was away from work because his senior colleagues refused to work with him. That is simply not the case.*
  
- 3 *[The Bishop's] absence was prolonged and led to growing speculation about any number of circumstances. These, in turn, have caused unjustified and damaging hurt to a number of reputations and relationships. This is deeply regrettable.*

Towards the end of his statement the Archbishop asked the clergy to keep what he had told them strictly confidential.

The statement was delivered after Evensong in Newport Cathedral. The Archbishop began by asking the lay people present to leave, saying the meeting was only for clergy. He then said that he was going to read a statement but would not be taking any questions. One cleric stood up and asked him to confirm that he would not answer questions. When the Archbishop did so, the cleric walked out. The Dean said that he had sought the Provincial Secretary's advice to check that lay people could attend but the Provincial Secretary denies giving any advice about this since he regarded it as the Archbishop's meeting, and it was not for him to change the decision about who attended. All the written communications we have seen about the meeting confirm it was a meeting for clergy.

As soon as the meeting was over, the Dean followed the Archbishop to the narthex to speak with him before people came past on their way out of church. The Dean complained that the Diocese (i.e. the laity) would still have no narrative about the whole matter. The Archbishop replied that *"that was the whole point"*. He expected that the matter would leak within 24 hours and the whole diocese would know what the Archbishop had said to the clergy. [REDACTED]

This event did not have the beneficial effect that that been hoped for. Many of those present were deeply dissatisfied, even expressing the view that it was a masterclass in how not to do it. Several of the laity were unhappy at being excluded from the event and felt that this was a cover up for what they believed to be the Dean and Archdeacons' behaviour

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in forcing out their beloved Bishop. Copies of the statement were not distributed and there was no opportunity to ask questions so many people did not take in what was said. For the most part the clergy did as they were told and kept the content confidential.

Members of Newport Cathedral PCC were especially angry at their exclusion from the meeting. They discussed the matter at a PCC meeting on the following day. The Dean, as chair of the PCC, and the Archdeacon of Newport as a member of the PCC, suggested that once the rest of the business was concluded, they would leave to enable the other members of the PCC to decide what they wanted to do in relation to the meeting the previous evening.

The consequence was that on 17 June the PCC of Newport Cathedral sent an unsigned open letter to the Church Times on Newport Deanery headed notepaper addressed to the Archbishop, though a copy was not sent to him directly nor copied either to the Dean and Archdeacon.

The letter criticised the Archbishop for excluding members of the PCC from the meeting on the 5 June which they believed they were entitled to attend. It also asked him to retract publicly the statements made in December 2018 about poor relationships between the Bishop and his senior team to save any further reputational damage to those left to carry on the work of the diocese.

The Church Times contacted the Director of Communications for comment. She alerted the Archbishop to the letter. As the Dean was ill and unavailable, the Archbishop emailed the Archdeacon of Newport, also a member of the PCC and his commissary in Newport, to ask if he knew about the letter to the Church Times and if he would intervene to get the PCC to instruct the Church Times not to publish the letter. The Archdeacon declined.

Despite being angry at the perceived failure of leadership from both the Dean and Archdeacon, the Archbishop then wrote to the Churchwardens asking them to withdraw the letter and repeating that the meeting was only ever intended for clergy. He also published his statement of the 5 June.

The PCC regarded this as inadequate, did not withdraw their letter and an article about the matter was published by the Church Times on 28 June 2019 headlined "*Archbishop of Wales sorry for speculation surrounding the Bishop of Monmouth absence*". This article included parts of the statement made in December, extracts from the statement of the 5 June and the PCC's concerns and a response from a spokeswoman of the Church in Wales stating that laity had not been invited to the meeting at Newport Cathedral.

This incident caused further rancour and damage to the relationships between the Archbishop and Newport Cathedral PCC, and between the Archbishop and the Dean which have remained unresolved.

The Archdeacon of Newport told us how at two Deanery Conferences during this period he spoke (within the confines of confidentiality) about his experience of the events surrounding the departure of the Bishop and allowed people to ask anything they wished. He told us he

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tried to answer their questions as honestly as he could to enable them to have a better understanding from his point of view of how events had unfolded.

The negative effect on the diocese during the period between July 2018 and July 2019 was considerable. Because the Archbishop had no formal authority unless the See was in vacancy and commissaries were appointed, new clergy could not be appointed. At one stage, 25% of all clergy posts were unfilled. Furthermore, since neither the Archbishop nor anyone else issued any further statements about these events from the time of the press release to the Western Mail in late December 2018 until the statement at Newport Cathedral on 5 June 2019, rumours abounded within the diocese, particularly about the role of the Dean and Archdeacons in relation to the Bishop's retirement.

### What we have learned and our reflections on this narrative

- The Archbishop has no means of performance managing bishops and does not think bishops expect or want it.
- It was not possible for honest conversations to take place between the Bishop of Monmouth and his fellow bishops given that he had not been told that they knew the extent of the disclosures made by Alex in 2017 and in 2018. If this had been recognised at the beginning of the mediation process, it would have stood a greater chance of success.
- Nothing was said to the diocese in the first 4 months of 2019 and nothing specific about the reasons for the Bishop of Monmouth's retirement in April. This led to the further circulation of rumours.
- Because the Bishop had not been suspended there was an inability to appoint to vacant clergy posts. This led to many in the diocese believing it was neglected during this period. A separate statement to the diocese at the time of the Bishop's resignation would have been a way of showing more pastoral support for the diocese than there had been to date.
- The Provincial Secretary and Head of Legal did act to ensure that the electoral college for a new bishop for the diocese of Monmouth was not automatically triggered by the Bishop of Monmouth's retirement, thus giving them more time to consider what was needed for the future.
- Some witnesses believed that the Archbishop was slow to set up the Enquiry and Review. This led to suspicions that he did not want such accountability. The Archbishop has provided reasons for the delay but it was a whole year before it was finally announced. This does seem excessive.
- Despite the assurances eventually made by the Archbishop at the clergy meeting at Newport Cathedral, the way the meeting was handled and the fact that there was no opportunity for clergy to ask questions made it extremely difficult for the Dean and Archdeacons to continue effectively in ministry and prompted the early retirement of the Dean.
- It does seem clear from the correspondence surrounding the event at Newport Cathedral on 5 June that this was always a meeting for clergy so why the Dean

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invited laity to attend is unclear, as is whether the Provincial Secretary sanctioned this, even if unwittingly. That there was no statement to the wider diocese seems to have been a missed opportunity since the former Bishop of Monmouth had approved the text of the statement [REDACTED].

## CHAPTER SIX SOME BROADER THEMES IN THE LIGHT OF THE NARRATIVE

### The Constitution of the Church in Wales

It is clear in the current Constitution of the Church in Wales that if a case concerning a diocesan bishop is referred to the Disciplinary Tribunal, suspension may follow until the hearing takes place and determination of the case is made (Con. IX.17(a)). Suspension is also a possible censure (IX.18(g)).

However, as we learned from the Archbishop and others too, the current Constitution of the Church in Wales is silent on whether the Archbishop has a freestanding power to suspend a diocesan bishop. It was suggested to us that this reflected the nature of the relationship between the Archbishop and diocesan bishops in Wales, where the Archbishop is very much *primus inter pares* and there is no sense in which the diocesans are his suffragans within the Province. However, those we consulted were not convinced that the silence of the Constitution on this point was the consequence of careful deliberation but more likely that this issue had not been considered at the time of composition or revision.

To illustrate the point, it is curious, for example, that the Constitution does examine the incapacity of an Archbishop in its provisions but is silent on the incapacity of a diocesan bishop. In correspondence with us on this point, Professor Norman Doe wrote:

*“Yes, it is curious the Constitution treats incapacity of the Archbishop but nothing on the incapacity of a diocesan bishop – but the capacity of a diocesan is a known category for the purposes of Governing Body meetings (II.9) – perhaps something could be made of that (i.e. the existence of the category of the capacity, and by implication, incapacity of a diocesan)? In 2002 the Constitution did have a provision for a diocesan bishop incapacitated by infirmity and the Special Provincial Court was involved (see N. Doe, *The Law of the Church in Wales*, 2002 138) – but that seems to have dropped from the Constitution (probably in 2010 when several church courts were abolished).”*

There is a clear lacuna here which ought to be addressed.

Although constitutional points of this nature may be considered by some to be far removed from the daily life of the Church, this case illustrates why this is not so. If the Archbishop was able to suspend the Bishop of Monmouth rather than asking him to step back from his ministry (which the Bishop graciously did) then commissaries could have been appointed and the routine work of the diocese would have proceeded relatively unhindered. As it was, clergy could not be appointed to parishes in the usual way and the number of vacancies gradually rose so that the life of the parishes was weakened. The vacuum of episcopal leadership for such a long period was debilitating for everyone. Much was expected of the Archbishop, and he was not always able to deliver what people wanted, and not all appreciated why.

The Bishop of St Asaph offered us a different interpretation of the Archbishop’s powers within the Constitution. He drew our attention to the phrase *“the powers and functions inherent in the office of Metropolitan”* in the section on provisions for the appointment of

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Assistant Bishops (V.15.6) which he linked with the section (IX.43.1) on Archiepiscopal visitations which says that these “*shall be held as heretofore, and the law and practice relating thereto shall be that prevailing on 30 March 1920*”.

These sections led the Bishop of St Asaph to believe that there had never been any intention on the part of the framers of the Constitution of the Church in Wales to fetter the rights of the Archbishop or limit his metropolitan powers and functions. In other words, he took a maximalist view of those powers whereas the Archbishop himself thought it unwise to rely upon such ancient precedents which were so vaguely referenced in the Constitution. Professor Norman Doe, again in correspondence with us, thought the Bishop of St Asaph’s point had merit but that “*it would require a very thorough search of the pre-1920 English ecclesiastical law (and its associated sources) to determine whether an archbishop/metropolitan has any power (inherent or any other) to suspend a diocesan bishop*” and whether such a power to suspend continued in the Church in Wales under the Welsh Church Act 1914 and all that followed.

What all this illustrates is that the present constitutional situation regarding the powers of the Archbishop is unsatisfactory. We were urged by a number of witnesses to recommend that a clear power for the Archbishop to suspend a diocesan bishop, where there was good cause, ought to be introduced. We believe such a provision may be needed (with appropriate safeguards and a right of appeal against suspension for the bishop concerned). However, any revision of the Archbishop’s powers ought not to be done in a piecemeal fashion but be part of a fuller revision of the role and authority of the Archbishop as expressed in the Constitution. If such provision was seen as giving the Archbishop greater power, and thus liable to reshape the relationship between the Archbishop and the rest of the diocesan bishops, it should be done in full recognition of the consequences.

Further, we believe it may be worth exploring whether in situations where a bishop steps back from active ministry (for whatever cause) then a power may be given to the Archbishop to appoint commissaries with the bishop’s consent. We do not think this needs to be an alternative to the issue of suspension above but may make the Constitution more flexible in situations which are, of necessity, unforeseen.

6.1 We recommend that a full review of the role and powers of the Archbishop of Wales in the Constitution is conducted.

### **The Archbishop of Wales**

We understand that several reviews of the Archbishopric of Wales, its location, resourcing and associated matters, have been completed in the relatively recent past, without leading to substantial change. We do not suggest or recommend that another full review takes place. Whether the Archbishopric should be located in a particular See or be one to which any diocesan bishop could be appointed in addition to their diocesan responsibilities, is not an issue which has bearing upon the matters into which we have been asked to enquire and review. However, the peripatetic nature of the Archbishopric appears to mean that there is little continuity in staffing the Archbishop’s office.

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When the Bishop of Swansea and Brecon was elected as Archbishop of Wales in 2017, he decided not to increase the staff already in his office, and so has exercised both his ministry as Archbishop and his continuing diocesan ministry with only a PA to assist him. He told us that a diocese like Swansea and Brecon did not have the demands of somewhere like Llandaff, and so he saw no need to have an Assistant Bishop. Nor did he consider there was enough for a chaplain to do. His pastoral style meant that he wanted to be seen to be hands on and focussed on the ministry of the Church in Wales.

In an age in which the number of bishops and the growth of diocesan staff has come under considerable criticism, the frugality and spareness of this approach has won attention and admiration. We did not get the impression, however, that the Archbishop avoided having a dedicated personal staff because of an unspoken authoritarianism or a conviction that he needed no advice. Indeed, in his letters and emails through the events we have reviewed, he frequently used the words *"I am advised"* or *"after consultation with my advisors"* indicating that he was neither acting alone nor on impulse.

In consequence, some Representative Body staff, especially the Provincial Secretary, found themselves giving a great deal of time to both advising and supporting the Archbishop over several months, sometimes in ways more appropriate to a role as a member of the Archbishop's personal staff. The Provincial Secretary told us that he felt sometimes that he was fulfilling the role of chaplain to the Archbishop in the absence of anyone else, and that events in Monmouth so dominated his time that he was distracted from other important demands upon him.

We believe that while it is admirable that an Archbishop should wish to serve with as small a support staff as possible, there are times when a wise senior advisor dedicated to the Archbishop, and supporting him in his work, may have identified or questioned more searchingly some of the advice offered and decisions made. For example, the division into two investigations (and the possibility that the Archbishop would have no automatic right to see the outcome of an investigation into bullying and harassment by one of his bishops) seems a clearly questionable decision. This could probably be more easily challenged by a member of the Archbishop's staff than by the Archbishop himself. As it was, it does seem that the Archbishop rarely challenged any advice he was given, and we expect this was due not least to the demands upon him. He needed someone who would watch out for him and his office and explore options for dealing with such complex situations.

A senior chaplain of some experience who knows the Church in Wales well seems to us to be an essential part of the Archbishop's office, alongside the right sort of secretarial/PA support. We believe too that the Archbishop should have direct access to media and communications advice, and, as we have already observed, this was seriously lacking in the overall approach taken in the first months of these events, with lasting and deleterious consequences. This is not a matter of inadequate resourcing since the budget has been provided for such posts to support the Archbishop.

6.2 We recommend that there is a process enabling whoever is appointed Archbishop of Wales to engage in transition to their new role with appropriate (and sufficiently

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senior) staffing to support them so that those in other important senior posts do not have tasks devolving inappropriately upon them in times of difficulty or crisis.

### **The Bench of Bishops**

The Bench of Bishops meets several times a year, and frequently for residential sessions. We heard many references to it when receiving evidence, and the Bench is clearly regarded by many in the Church in Wales, both clergy and lay people, as the place where decisions are made. *“Nothing happens if the Bench is not in agreement”* was one such comment.

Perhaps the sense of power possessed by the Bench is heightened by the surprising fact that there are no terms of reference for its meetings. It is essentially an informal meeting of the six diocesans, one of whom is the Archbishop too. We understand that an order of bishops is recognized in relation to the Governing Body giving it a right to meet for private debate and decision before voting, but that relates to legislation, and the Bench does not meet only in that context. This lack of definition of both the boundaries and responsibilities of the Bench (apart from those occasions when it acts as the order of bishops within the Governing Body) means that an air of mystery surrounds it. This allows exaggerated opinions to form about the power the bishops wield collectively. They are regarded by some as unaccountable.

By contrast, we were also told of the way in which bishops may agree a course of action in Bench meetings but go their own way in their own dioceses. For example, we were told by more than one witness that this was why there was such a lack of consistency in Ministerial Development Review across the Church in Wales from one diocese to another.

The Bench of Bishops operates on a basis of trust and mutual respect, and some who gave evidence thought this was entirely appropriate for a group of only six bishops. We did not detect a longing for synodical government for the Church in Wales in which the bishops would become a house of a general synod. However, the events we were asked to review did adversely affect the trust between the members of the Bench and between the Archbishop and his colleagues. All those familiar with the Bench thought it had undermined collegiality and that things had not yet recovered significantly.

The Archbishop felt some of his colleagues did not trust him to exercise discipline and involved themselves inappropriately, especially after the Dean and Archdeacons contacted them. He also believed the confidentiality of Bench discussions was not observed by some colleagues. Conversely, more than one bishop believed they should have been told more about what was happening to one of their colleagues, especially when he continued to be absent from his ministry.

6.3 We recommend that terms of reference are established for meetings of the Bench of Bishops, enabling a greater sense of both accountability and trust to develop.



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### Culture

The culture of the Church in Wales is changing. One sign of this is that from early 2020 three of the six diocesan bishops have been female, two coming from outside the Province. If, as was alleged by one or two of our witnesses, there was once a club mentality among the bishops because they had known each other so long, some from their days at theological college, this has definitely shifted.

However, we were also told that dioceses in the Church in Wales were surprisingly independent of one another and that a monarchical episcopate was still alive in the Province. We were told by more than one witness that dioceses were not good at learning from one another and tended to operation in isolation more than one would expect in a small Province.

A group of six bishops, however, is bound to have a very different dynamic from that which applies in a larger Church. At its best, the Church in Wales is rather like a large family. It is small enough for clergy, and some lay people too, to know colleagues across the Province. We gained an impression of relative intimacy, with all the benefits and occasional shortcomings found in familial relationships.

The investigation led by Gerard Elias commented upon some features of the prevailing culture among the bishops. Mr Elias believed that some of the concerns expressed by the Dean and Archdeacons about the behaviour of the Bishop of Monmouth went much wider. The prevalence of swearing and an excessive intake of alcohol among bishops and senior clergy was commented upon by several witnesses in their evidence to us, and by the Bishop of Monmouth himself in his evidence both to Mr Elias and to the HR Business Partner.

The impression we gained was that events in Monmouth had provided such a shock to the system that some self-balancing mechanism was already in place and that the culture within the Bench had already been reshaped.

However, there was a wider issue raised with us about a “culture of entitlement” which went further than the Bench. A small Church which has to produce six bishops, six deans and 18 archdeacons from a relatively small talent pool may lead to clergy gaining expectations of preferment and being disappointed if they do not gain a senior position, potentially becoming embittered in the process.

Recommendations to change culture are unlikely to be effective. There needs instead to be a recognition by those who inhabit a culture of its weaknesses and blind spots. We venture to believe that the shock of these events, and some other recent developments beyond our remit, have begun that process of change.

6.4 We recommend that the Bench of Bishops reflects collectively on this whole report and considers the cultural challenges to its life, values and ethos and that of the wider Church in Wales.

### Safeguarding

We were struck by the historic separation of the safeguarding team and safeguarding culture from the rest of the Representative Body and senior church leaders. During much of the Review period, safeguarding seemed, and was perceived, to be a concept that was limited only to ensuring the safety of children and adults at risk. Indeed, the safeguarding policy applicable at the time referred only to these matters.

However, safeguarding is not simply a process for managing discrete allegations; it is effective only when it becomes a culture and value-set in itself that permeates the whole of an organisation and its working practices. Where an effective safeguarding culture exists, it will protect not only children and adults at risk, but all those who may become vulnerable, for example as a result of #MeToo style harassment, spiritual abuse or bullying. An effective safeguarding culture ensures appropriate boundaries and behaviours are adhered to, respected, encouraged and seen as a positive thing by everyone, in all aspects of working and church life, not only when dealing with children and adults at risk. Safeguarding is inextricably linked to a culture of dignity at work.

In the case of Alex, the concerns raised by the Dean and Archdeacons related to [REDACTED] [REDACTED] neither a child nor an adult at risk. For that reason, neither the safeguarding team itself, nor the HR department (nor the Provincial Secretary or the Archbishop) considered that the matter required any continuing safeguarding input or advice. We believe this was mistaken. The HR Business Partner's investigation had identified strong and concerning evidence of the mismanagement of both professional and personal boundaries which would have clearly amounted to a "safeguarding matter" if Alex had been an adult at risk. Furthermore, she recommended that these boundary issues should be considered in light of the Professional Ministerial Guidelines, a task which was never fulfilled, as identified in earlier chapters of this Review.

If crossing the boundaries of appropriate behaviour is minimised or ignored because neither a child nor an adult at risk is involved there is a risk that the alleged perpetrator may cross those boundaries in the future, perhaps with a child or adult at risk. Hence, we believe a precautionary principle needs to be applied.

A small safeguarding team cannot, and indeed should not, take on oversight of every matter which may give cause for concern in respect of maintaining appropriate boundaries in the workplace, but we believe the safeguarding team should be kept fully informed and updated about such matters when they arise. Only if this is done, is it possible for professional safeguarding advice to be provided to the HR team, victim support arranged if necessary, and consideration given to whether any further boundary breaches give cause for greater safeguarding concern.

Witnesses reported to us that such an holistic approach does appear to be working well by proper utilisation of the regular Triage system. This has been assisted by the consolidation of human resources, legal and safeguarding into a "People team" working closely with each

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other, and by the recruitment of a new Safeguarding Manager in mid-2019. However, we note that this Triage system, as in 2018, still relies on all involved professionals being experienced and knowledgeable enough about boundary related matters so that they fully inform and update each other appropriately.

- 6.5 We recommend that all those within the Representative Body who participate in the regular Triage meetings and report to the People Committee should have specific training on boundary management in the context of safeguarding and dignity at work, and with particular reference to the Professional Ministerial Guidelines.

*This training should include the consideration of relationships and contexts which could render someone vulnerable and at risk or harm or abuse notwithstanding that they do not meet the statutory criteria of “at risk”.*

Positive changes in this area have continued with the implementation of a new safeguarding policy in November 2020, which, unlike the old policy, is also specifically applicable to those adults who are “vulnerable in a church context”, as well as children and adults at risk.

“Adults who are vulnerable in the Church context” is defined as referring to someone “who does not meet The Social Services and Well-being (Wales) Act 2014 definition of an adult at risk but who is vulnerable because of specific circumstances, including in the context of spiritual abuse”. The policy also states, “we will take all reasonable steps to challenge any abuse of power, especially by anyone in a position of trust”.

The associated practice guidance has yet to be published.

- 6.6 We recommend that the forthcoming Safeguarding practice guidance document includes further information and guidance in respect of these adults who may be “vulnerable in a church context”.
- 6.7 We further recommend that Safeguarding practice guidance should stress the importance of safeguarding culture and boundary awareness in all aspects of church life, not only in matters relating to children and adults at risk, in order to create a Safe Church for all.

*This practice guidance should also draw attention to the new Dignity at Work policy. (See below)*

### **Dignity at work**

A shared value base is a key driver in ensuring a safeguarding and anti-harassment /discrimination culture, and, whether explicit or implicit, values guide decision-making. Of course, individuals within any workplace or organisation are shaped by their own history and beliefs. Not everyone will hold the same ideas, the same values, or the same priorities.

Some witnesses commented to us that their experience of the senior clergy in the Church in Wales had something of the culture of “an old boys club” due to clergy having trained together, with ongoing friendships and comradery. Inappropriate comments, jokes and language (frequently sexist) were said by some of those we interviewed to be

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commonplace. In addition, it was reported that some clergy remain wary and critical of safeguarding believing that it could act as a curb on them forming close pastoral relationships in their ministry. Where inappropriate behaviour is normalised, it may then become more difficult for both victims and observers to recognise and report serious problems, since they doubt their experience and believe they will not be taken seriously. If a person behaving inappropriately is in a position of trust and power, such behaviour may create such a blurring of boundaries that grooming is more likely to go undetected.

Furthermore, in a culture where “minor” inappropriate occurrences are commonplace, a culture of “organisational silence” often ensues. If such behaviour is in full view, those within the organisation either assume the behaviour is acceptable, or that someone else must be dealing with it. To some degree, this is what happened after the 2017 disclosures were reported, as described in chapter 1.

Embedding a new improved culture within the Church in Wales with appropriate policies and training both in respect of Dignity at Work and safeguarding is essential to an improvement in understanding and awareness in these areas. We believe a sea-change in attitudes is needed so that dignity at work and maintaining appropriate boundaries are seen only in positive ways. Relationships do not need to become cold and detached; authentic warmth can still be given to support and build pastoral connections with depth without placing anyone at risk.

Within such a changed culture, safeguarding and dignity at work becomes everyone’s responsibility and a consistent understanding of its value develops at governance, leadership and staff levels. Personal and professional boundary setting would then flow seamlessly through all interaction and intervention within the Church. However, we understand training in this area has been woefully absent throughout the Church in Wales. No witnesses were able to provide us with any evidence that there has been any training about boundary management. Although there is now a developing programme for all levels of leadership, past focus has been on rolling out the essential and more traditional safeguarding training, mainly for the newly ordained, with the Provincial Office working in conjunction with St Padarn’s Institute. The former Head of HR had started work in 2019 on a new Dignity at Work policy, partly prompted by the matters investigated by this Review. The work she did in this area sought to demonstrate how it was every person’s responsibility to challenge negative ideas, assumptions, behaviour and language whenever and wherever it occurs. However, the policy was neither completed nor implemented by the Representative Body before the former Head of HR left her employment in the Church in Wales.

6.8 We recommend that a Dignity at Work policy is fully developed and implemented, together with an accompanying training package.

### **Understanding vicarious liability**

Where an organisation is aware of behaviour that may be interpreted as harassment, action should be taken, whether or not anyone has complained. Where a witness is reluctant to

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go on the record, their wishes must be respected, but all options should be explained to them. If they still do not wish to participate in any ongoing process, the organisation should make them aware that they have a duty to each and every colleague/employee, and that the organisation may need to take action regardless.

In the case of Alex in 2017, this was not done (as described in Chapter 1) and following the outcome of the HR Business Partner's investigation, Alex's reluctance to formalise [REDACTED] complaints was used as justification not to take further action. Such failure to take appropriate action to prevent future harassment greatly increases an organisation's vulnerability to future vicarious liability claims (where an organisation is potentially liable for the acts of its employees and office holders). Where an organisation has been put on notice of such risk but does not act appropriately to mitigate it, that organisation would be likely to be found liable for any future harassment that occurs.

### Clergy Discipline and Capability Procedures

This Review has highlighted both to us, and to the senior leaders we have interviewed within the Church in Wales, that a lacuna exists in respect of the management of those clergy capability or quasi-disciplinary issues for which the clergy disciplinary process is considered unsuitable.

There is no clergy capability procedure, and the formal clergy disciplinary procedure is designed either for very serious complaints that would proceed to a Disciplinary Tribunal (Category 2 complaints) or for less serious complaints that fall within the categories of "*neglect of the duties of office, persistent carelessness or gross inefficiency in the discharge of such duties*" (Category 1 complaints).

Unlike Category 2 complaints, Category 1 complaints would normally be dealt with by the relevant bishop or Archbishop who has the power to issue admonishments up to a final written warning. Where the concerns, if substantiated, would not fall within the categories of "*neglect of the duties of office, persistent carelessness or gross inefficiency in the discharge of such duties*", there is no formal process for dealing with them. Thus, in the case of the Bishop of Monmouth, the Archbishop, having decided that there was no disciplinary case to answer, considered that his only option was to utilise a mediation process as a way to tackle the concerns highlighted by the two investigation reports.

As described in Chapter 3 of this Review, there was no consideration by anyone, prior to the Archbishop making this decision, of whether the boundary management concerns highlighted by the HR Business Partner's Report may amount to a disciplinary matter in their own right; the focus had always been on the more serious Category 2 allegation [REDACTED]. Had the Archbishop been better advised, we conclude that there would have been scope for him to work with the existing preliminary stages of the clergy disciplinary process. This would have been preferable to a formal mediation process as a means of dealing with concerns which involved breaches of the Professional Ministerial Guidelines.

The introduction to the Disciplinary Policy and Procedure of the Clergy states:

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*“The purpose of the disciplinary procedure is to identify the cause of unacceptable standards of conduct or behaviour or performance and to put in place support to encourage improvements or (where considered necessary) penalties. In some cases of unacceptable behaviour or conduct, or low levels of performance, the right word said at the right time and in the right way will be all that is needed. In other cases, additional training, coaching or advice may be needed and both the Bishop and the Cleric concerned must be open to this approach. If however there is no improvement in conduct, behaviour or performance or should the improvement fail to be maintained it will be necessary to invoke the formal disciplinary procedure.”*

It is clearly evident from the above extract that the Clergy Disciplinary Policy envisages a preliminary stage to the clergy disciplinary procedure which enables informal action to be taken to achieve *“improvement in conduct, behaviour or performance”* prior to invoking any formal procedure. However, the creative potential of this essential feature of the Clergy Disciplinary Policy seems little appreciated or understood by senior leaders in the Church of Wales.

It is our conviction that a two-way mediation process is very unlikely to be the most constructive mechanism for dealing with matters relating to performance and conduct where an ordained minister needs to be held to account and subsequently supervised to ensure standards are met and maintained. Utilising this preliminary and informal stage to the disciplinary procedure could have replaced the Stage 1 element of the mediation process in this case, ensuring it was not *“two-way”* and that the Bishop was appropriately held to account if there were serious breaches of the Professional Ministerial Guidelines which needed to be addressed. Assuming these matters were addressed successfully and the Bishop of Monmouth was then able to return to his ministry, reconciliation and mediation may then have followed with the Dean and Archdeacons. We believe this would have been a more acceptable route forward for them.

Members of clergy will always be more difficult to *“performance manage”* than employees of the Representative Body by virtue of their office holder status, and their relative autonomy. We are not suggesting that reliance simply on the informal stages of the disciplinary procedure is a suitable means by which to handle issues which may come under the umbrella term *“performance management”*. It needs to be one part of a bigger package of appropriate formation, support and continuing training for all clergy and bishops, in addition to the development of an effective system of Ministerial Development Review for all ordained ministers.

- 6.9 We therefore recommend that a robust system of Ministerial Development Review (MDR), carried out at regular intervals would go a long way to addressing problems before they became too serious, as would more effective pastoral oversight from more senior members of clergy.
- 6.10 We further recommend that the Disciplinary Policy and Procedure itself should be improved and updated to expand and clarify the guidance relating to the circumstances in which it can be used, in particular in respect of the informal

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preliminary stages, where performance management accompanied by a package of support is envisaged prior to any formal procedure being invoked.

- 6.11 We also recommend that the Policy should make clear that a bishop or the Archbishop is entitled to invoke the disciplinary process of their own volition and does not rely on receiving a formal complaint from another party.

### Investigations of Ministerial Conduct

Where a complaint is received about ministerial conduct, it would be investigated normally either within the parameters of the preliminary stage of the Clergy Disciplinary Procedure, or under the Clergy Bullying and Harassment Policy.

The case of Alex highlighted the conflict and confusion that can arise when a complaint about clergy behaviour is brought in relation to an employee of the Representative Body (RB). The RB's Bullying and Harassment policy was, in Alex's case, seen by all as the appropriate policy to follow as Alex was an employee of the RB, and it was to ■■■ that the RB owed a duty of care. In principle, we agree with this approach. However, as described in Chapter 2 of this Review, the RB's investigation also acted as the pre-disciplinary investigation to assist the Archbishop in deciding whether to invoke the clergy disciplinary process. Thus an investigation in respect of a potential clergy discipline case was delegated to lay HR employees, with no direct oversight from the Archbishop.

Those who arranged the RB investigation gave evidence that the outcome of the investigation would have fed into clergy disciplinary proceedings, if appropriate. However, they did not recognise that unless their investigation focussed on the ordained minister's behaviour with reference to the Professional Ministerial Guidelines and with a potential Disciplinary Tribunal in mind, any future clergy process would be severely compromised. The only options available would have been to reinvestigate under the preliminary stages of the Clergy Disciplinary Policy, or simply accept the outcome of the Representative Body process even though it did not consider the clergy discipline aspects of the case. In the case of Alex, the Archbishop opted for the latter.

The recommendations on this matter have already been made following the narrative and our reflections in chapter 2. They are replicated here to emphasize their importance.

- 2.1 We recommend that if complaints are made under the Representative Body's (RB) Bullying & Harassment policy against an office holder rather than another RB employee, the investigation is jointly commissioned by the RB and the Archbishop (or relevant bishop as the case may be). We further recommend that the investigation is led by an independent person of considerable experience and with knowledge of the Church, and that the case is considered both under this policy and the Clergy Professional Ministerial Guidelines.

*This would ensure that the preliminary investigation stages to the clergy disciplinary process would be completed appropriately, enabling the formal process to be implemented if necessary, or other follow up action taken as required. Where the*

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*informal stage of the Bullying and Harassment policy is used, we recommend that the bishop/Archbishop is kept fully informed and updated and given discretion to intervene if s/he considers a more formal process is necessary.*

### Law and Practice

The Representative Body (RB) has its own small legal team, mainly focussing on charity and property matters, but with an ability to offer routine advice about HR and related employment issues. There is no specialist employment lawyer in the current legal team, and any complex employment matters would normally be outsourced. The Head of Legal also acts as the Registrar to the Clergy Disciplinary Tribunal. This limits his ability to advise in respect of clergy HR matters that are likely to be referred to the Tribunal, due to the conflict of interest that would arise. “Pre-disciplinary” clergy HR matters are therefore dealt with mainly by the HR team, with assistance from external lawyers where necessary. On occasion, the Head of Legal may need to recuse himself from his role of Registrar to ensure his availability to the RB and Archbishop. The Head of Legal would normally be the key contact and person instructing any external law firm unless he is unable to do so due to a conflict of interest.

Clergy HR was approached differently prior to the former Head of HR joining the RB in August 2017. The previous Head of Legal at the time of the Alex disclosures told us she had specialised in employment law, and historically dealt with all employment and clergy office holder matters in-house, including those where we believe a potential conflict of interest might have arisen due to her role as Registrar to the Disciplinary Tribunal. However, in relation to the matters involving the Bishop of Monmouth, Alex and the Dean and Archdeacons, the expertise of the Head of Legal was called upon very little. Instead, the matter was dealt with almost entirely by the Head of HR alongside the Provincial Secretary and Archbishop as we describe in the narrative in this Review. Legal advice was later sought externally from an external law firm (LawCo). Witnesses report that the Head of Legal was not involved in the matter for several reasons, which are largely irrelevant to this Review, but the effect of her exclusion was that a complex Clergy HR matter was overseen by an HR team and a law firm with very limited prior experience of ecclesiastical issues.

The instruction of LawCo, in our view, marked a turning point in relations between the Dean and Archdeacons with the Archbishop and, to a much lesser extent, the Provincial Secretary, which progressively soured. Whilst the Dean and Archdeacons did not know that external advice was being received by the Archbishop and Provincial Secretary until 5 November 2018, they had identified an increasing level of unwillingness to engage with them and an adversarial tone in correspondence from the start of LawCo’s instruction at the beginning of October 2018.

In fact, at the point of LawCo’s instruction, we consider that the Dean and Archdeacons were already seen in a negative light, partly due to the Archbishop’s reluctance to engage with the Dean, by whom he felt intimidated, and also due to the outcome of the Elias report which had questioned the motives behind the Dean and Archdeacons’ concerns. LawCo was instructed “*to resolve the relationship breakdown within the senior leadership team*”



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and the lawyer (LC) to whom much of the work fell, as a specialist litigator, approached the case with litigation risk management as the priority. Since the instructions received came from the Archbishop and the Head of HR (one of the authors of the Elias report), it is easy to understand why LC saw the Dean and Archdeacons, the very ones who had expressed concerns and requested action, as “the other side” to a dispute, particularly on LC’s analysis of the whistleblowing risk.

Witnesses have explained that following the instruction of LawCo, LC then took the lead role in all ongoing engagement with the Dean and Archdeacons and the Bishop of Monmouth. LC’s advice was received mainly by the Head of HR who reported it directly to the Provincial Secretary and Archbishop. The Provincial Secretary and Archbishop followed such advice willingly and mostly without challenge since it was given by a leading law firm. This meant that ultimate control of the matter was effectively passed externally to those with little insight into, and experience of, the inner workings of the Church of Wales.

Whilst it is commendable that extensive legal advice was sought, and we consider it was done with the best of intentions to ensure the matter was dealt with in a way which complied with best legal practice, we consider that passing the matter to external lawyers, and then following their advice to the letter, was too easy a path to follow in these circumstances and created a false dependency upon legal expertise.

All external lawyers require adequate instructions, background information and appropriate challenge to enable them to tailor their advice accordingly, and lawyers inexperienced in church matters will necessarily require greater input from their client. We would expect a strong leadership team to contribute their proposals, asking lawyers to advise on them and consider whether they are both legal and appropriate. We consider that with more oversight and better instruction of LC, some mistakes such as the press release to the Western Mail, could have been avoided, and greater focus given to Alex’s disclosures.

The parameters of the law are never intended to stifle imagination but release it and channel it appropriately, and to make sure processes are fair and just to all parties. We do not believe this was what was happening here and LC filled a leadership vacuum without fully understanding the culture. The Provincial Secretary conceded to us *“I and others allowed ourselves to become too reliant on legal advice. There is something both seductive and infantilising about continuous and copious legal advice”*.

LC’s legal strategy is well illustrated in the different character of communications with the Dean and Archdeacons and the Bishop of Monmouth. There was a striking difference in legal approach between those perceived to be “whistle-blowers”, namely the Dean and Archdeacons, and the Bishop of Monmouth, who had raised concerns about his health and disability discrimination under the Equality Act. LC perceived a litigation risk from both sides, but the strategy of risk mitigation in respect of whistleblowing was to deal with the Dean and Archdeacons robustly and blame any detrimental treatment on their own behaviour or misconduct. [REDACTED]

[REDACTED]

[REDACTED]

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This disparate treatment created much bad feeling and deepened the suspicion of the Dean and Archdeacons that the Archbishop was conflicted due to his long-standing friendship with the Bishop of Monmouth. We do not believe the Archbishop did allow that friendship to influence his course of action. In any case, the friendship was perhaps not as close as some imagined since they had not seen much of one another, except at church functions, since the Archbishop left the diocese of Monmouth upon his appointment as Dean of Brecon in 2000.

Perhaps also due to the overreliance on external lawyers, pastoral and practical concerns did not receive as much attention as they should. The Archbishop felt himself to be a victim of misunderstanding and his empathy towards the Dean and Archdeacons appeared to decrease when they continued to question his actions (and therefore his authority), which he felt were properly based on legal advice. The Dean and Archdeacons believed they were left largely “out of the loop” of information. They understood this exclusion was justified in correspondence from the Archbishop (drafted by LC) on grounds of “*confidentiality and data privacy*”.

We are satisfied from our interviews with the current Head of Legal and the Provincial Secretary that external law firms are now more appropriately instructed by, and with oversight from, the Representative Body’s legal department, which also works closely with the HR and Safeguarding Teams. We would therefore expect that external advisers would now be made fully aware of all aspects of an instruction, including areas which may be more unfamiliar to them such as clergy discipline and safeguarding.

Even the very best policies, codes of practice and legal advice do not displace the need for good judgement on the part of those following them. When the outcomes of the two investigations did not lead to any kind of swift resolution of the issues at hand, we believe pastoral judgement and imagination were sacrificed too readily and legal advice thought to be sufficient alone. All policies and procedures, no matter how comprehensive, need to be interpreted in relation to the demands of a particular situation, and the more complex that situation is, the greater the need for clear and imaginative thinking. Strangely, the pastoral complexities of the issues we have reviewed here became captive to an approach which discounted pastoral priorities despite the pastoral skills of those involved. That was one of the main reasons why this Enquiry and Review has been required.

### **Confidentiality and data privacy**

When dealing with all complex HR matters, confidentiality and data privacy (or data protection) are key considerations. Under General Data Protection Regulations (GDPR), the data of employees and office holders can be “processed” only with express consent, or if there is a legitimate interest in otherwise doing so, carefully balanced with the rights of the individual. “Sensitive personal data” such as that relating to a person’s health, for example, must be dealt with even more carefully.

In the matters under review, “confidentiality” and “data privacy” considerations strongly impacted on the ability of the Archbishop, the Head of HR and the Provincial Secretary to

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communicate effectively with the Dean and Archdeacons. It also had a serious impact upon the Bench of Bishops, who sought transparency in order to understand the outcome of the two investigations, and how they had been conducted.

In particular, no details of the Alex investigation were shared at all until January 2019. Extracts from the Elias report were only shared in December 2018 within the confines of a mediation meeting. The expectation, based on legal advice, was that the Dean and Archdeacons would simply accept the outcome of the investigations, and that they should have faith in the process and in the decision-making capability of the Archbishop. This approach missed the point at the centre of the Dean and Archdeacons' reluctance to mediate – how could successful reconciliation take place if they did not have confidence that the harassment allegations had been properly dealt with? In these circumstances, proper pastoral communication, including disclosure of the matters which were eventually communicated in January 2019, would have greatly assisted. Instead, the silence, opacity and reluctance to communicate heightened suspicions and tensions.

Whilst the confidentiality and data privacy aspects were real and should not be underestimated, there does not appear to have been consideration of how the parameters of effective communication could be managed. The Bishop of Monmouth's consent (but notably not that of Alex) was sought in November 2018 to share some information with the Dean and Archdeacons, but otherwise the advice was that information could only be shared within the confines of mediation. In fact, it was open to the RB and Archbishop to seek confidential meetings at any time, relying on appropriate consents.

Confidentiality and data privacy considerations also appeared to impact the investigations themselves, for example limiting the ability of the investigators to report to witnesses what the other witnesses had said, thus preventing further relevant evidence being sought and matters of credibility properly examined.

### **The impact on individuals involved**

Although there were many people, even within the Diocese of Monmouth, who knew little of the events we describe, there were some whose lives have been permanently affected.

We understood and respected why the former Bishop of Monmouth may not have wished to revisit what happened in this review, but, as we have sought to explain, the processes of investigation to which he was subject were neither as robust nor as thorough as they should have been. This neither served him well nor those who raised concerns or made disclosures. Almost everyone we met seemed to feel let down in one way or another and believed they had not had any recognition or resolution of the impact on their lives.

Alex [REDACTED] was willing to meet us, despite not wishing to revisit a period of intense unhappiness. Although described to us as a "reluctant witness", there has never been any occasion when [REDACTED] has refused to co-operate with an investigation or review. [REDACTED] has not wished to drive any process as a complainant, but [REDACTED] has always been a compliant witness and the distinction between being reluctant and compliant never seems to have been adequately explored in weighing options. We understand that [REDACTED] sometimes

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felt under pressure to be more forthright in [REDACTED] complaint. [REDACTED] became wary of the Dean and the three Archdeacons, for [REDACTED] believed they thought [REDACTED] should have pursued matters more forcefully. Hence, [REDACTED] sometimes felt [REDACTED] a “pawn”, as [REDACTED] put it, and used as a catalyst for a disagreement in which [REDACTED] had no part.

Some present and former staff at the Representative Body (RB) lost all confidence in the Church in Wales and its processes. [REDACTED]  
[REDACTED]  
[REDACTED]

Others found that colleagues within the RB were short-tempered because of the stress they were under, and relationships became strained. A lot of staff at the RB have since moved on. There have been lessons learned already in working practices within the RB, and we were pleased to note the way the Triage system has developed, helping to break down some of the barriers between departments which once seemed so well defended.

We recognize that the Archbishop and Provincial Secretary were among those who felt their own reputations were attacked during the events described here, and that they were accused of being disingenuous or deceitful when they were attempting to follow due process. It seemed to us that the cloud of these experiences had not fully lifted for them, and that the anticipation of this report added to the anxieties of their lives, as with others involved.

The former Dean of Newport, the former Archdeacon of Monmouth and the Archdeacon of Newport believe their own reputations have suffered irreparable damage within the Diocese of Monmouth and in the wider Church in Wales. As we have said in the report, we consider it was a mistake to have separated Alex’s disclosures and their concerns into separate investigations running in parallel, and to have done so without clearly informing them of the processes. This engendered early mistrust which was never overcome.

Nevertheless, the Dean and Archdeacons did enter the mediation process, but it was the failure to keep that process confidential in the press statement made on behalf of the Church in Wales to the Western Mail which convinced them their interests were not being guarded and that they were considered as “the other side”. Despite this, we have been impressed that they have said so little publicly and borne false accusations as stoically as they have done.

- 6.12 We recommend that the Senior Bishop, in consultation with his colleagues, should consider ways in which the events described in this report have impacted on some of the individuals mentioned in the report, and whether the Church in Wales may be able to ameliorate the damage done.
- 6.13 We recommend that those described as “*the Dean and Archdeacons*”, namely the former Dean of Newport, the former Archdeacon of Monmouth and the Archdeacon of Newport, see this report in its entirety.

## CHAPTER SEVEN RECOMMENDATIONS

### Chapter 1

- 1.1 We recommend that the assessment procedures, for both physical and mental well-being, for candidates who have already been identified for the episcopate in the Church in Wales should be reviewed and made more robust.

*This is not intended to ensure that all candidates for the episcopate have “the constitution of an ox and the hide of a rhinoceros” (to borrow the phrase of a former Archbishop of Wales) but to ensure that physical, mental and emotional well-being are each taken seriously and, where appropriate, measures put in place to ensure that the weight of episcopal ministry is ameliorated by the right structures of support. Hence, this first recommendation is closely connected with the following two recommendations.*

- 1.2 We recommend that there should be a review of arrangements for the induction of new bishops, their mentoring and support and a pattern of continuing ministerial formation appropriate for the circumstances and culture of the Church in Wales should be developed.

*We were told that new bishops sought out their own training programmes, frequently using those provided either in the United States or the UK, but that there was no current specific training programme/mentoring related to the distinctive character of the Church in Wales. Given what seems an increasing possibility of bishops being appointed who may not have served previously in the Church in Wales, we do not believe that current arrangements are satisfactory.*

- 1.3 We recommend that a well-grounded and supportive system of Ministerial Development Review for bishops should be introduced. (see also 6.9)

*Although lying outside our terms of reference, we were told by some witnesses that the provision of both Continuing Ministerial Development and Ministerial Development Review (MDR) is variable across the Church in Wales and should be given greater attention. We cannot make a judgment on this but we do not make this suggestion for bishops in isolation since it would be odd to have a “well-grounded and supportive system” of MDR for bishops if this was not also in place for all clergy.*

- 1.4 We recommend that where concerns are raised about boundaries of acceptable behaviour being crossed by someone senior in relation to a junior employee or volunteer, safeguarding professionals should be consulted as a matter of course for their advice, even if the issue continues to be dealt with by HR staff or others. (See related recommendation at 6.5).

*We believe that the Triage system within the Representative Body introduced by the Provincial Secretary largely fulfils this recommendation, but we make it as a point of principle more generally.*

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- 1.5 We recommend that where concerns are raised about a bishop or another member of the clergy which may be deemed sufficient for investigation under disciplinary procedures and become known to colleagues, it is imperative that the matter is raised with the bishop or clergy person themselves, subject to safeguarding and legal advice, as a matter of natural justice as well as good ordering of the Church.
- 1.6 We recommend that if disturbing disclosures are made about an employee of the Representative Body or a Church in Wales office holder and the person who makes the disclosures does not wish to pursue matters further, specialist legal advice is sought before decisions are taken, particularly if those disclosures have become known to the employee or office holder's colleagues.

*This would ensure that the wishes and rights of the person making the disclosures are properly balanced with the obligations of the Representative Body and Church in Wales to take appropriate action to protect its employees and office holders from bullying and harassment.*

### Chapter 2

- 2.1 We recommend that if complaints are made under the Representative Body's (RB) Bullying & Harassment policy against an office holder rather than another RB employee, the investigation is jointly commissioned by the RB and the Archbishop (or relevant bishop as the case may be). We further recommend that the investigation is led by an independent person of considerable experience and with knowledge of the Church, and that the case is considered both under this policy and the Clergy Professional Ministerial Guidelines.

*This would ensure that the preliminary investigation stages to the clergy disciplinary process would be completed appropriately, enabling the formal process to be implemented if necessary, or other follow up action taken as required. Where the informal stage of the Bullying and Harassment policy is used, we recommend that the bishop/Archbishop is kept fully informed and updated and given discretion to intervene if s/he considers a more formal process is necessary.*

- 2.2 We recommend that provision is made in the Constitution for the Archbishop to make arrangements for appropriate episcopal leadership in a diocese if the bishop is away from his or her duties for a prolonged period through sickness or some other cause but is not suspended.

*While we make this specific recommendation, we believe it closely related to 6.1 below since we think it should be incorporated in a fuller review of the roles, responsibilities and authority of the Archbishop of Wales as expressed in the Constitution. It would be regrettable if this change, while necessary in itself, was done on a piecemeal basis since some of the lacunae in the Constitution seem to have resulted from earlier revisions undertaken in that way.*

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- 2.3 We recommend that policies are reviewed to ensure that in any investigation there is consistency in the way its terms of reference and conduct is explained to the participants and appropriate support is provided for both the complainants and the respondents.

### Chapter 3

- 3.1 We recommend a review of the roles played by members of the HR team in relation to investigations.

*We note that under both the RB's Bullying and Harassment Policy and the one which applies to the clergy, and the Clergy Disciplinary Procedure, an HR advisor is tasked with an investigatory role. However, where that member of the HR team is also the person responsible for advising the RB and/or Archbishop in respect of litigation risk management and related employee relations matters, the outcome of any investigation is at risk of lacking independence and sufficient regard for the person who might potentially have a legal claim should the investigation find in their favour.*

- 3.2 We recommend that anyone involved in carrying out an investigation should not be involved in giving any related litigation advice.
- 3.3 We recommend that, following the receipt of an investigation report, and prior to any decision making about the next course of action, appropriate legal and safeguarding advice is sought on the content of any report from professionals experienced in clergy discipline and, where appropriate, abuse of power issues.
- 3.4 We recommend that parameters of confidentiality should be set prior to investigations being carried out if possible, to enable appropriate information to be shared on a "need to know" basis during and following the completion of the investigation.

*Where additional and unforeseen information is disclosed during or following an investigation for which prior parameters have not been agreed, efforts should be made to communicate effectively and pastorally, and further agreed parameters set and relevant consents sought.*

*This would lead to the greater levels of transparency and communication which are essential to ensure the confidence and faith of participants in HR processes. It would be necessary to draft appropriate privacy notices to ensure all individuals were aware of, and could agree to, how their data may be used, and with whom it may need to be shared.*

### Chapter 4

- 4.1 We recommend that whenever a bishop or other senior member of clergy falls ill, faces any sort of allegation or disciplinary charge or has reason to step back from active ministry for whatever reason, a communications strategy is put quickly into

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place, both to inform the clergy and people of the diocese appropriately and to respond to media interest, including social media.

*The implication of this is that the Director of Communications in the Province (and, where appropriate, any relevant diocesan officer) should be fully informed at an early stage of the detail of any case, in order to advise on issues related both to internal and external communications.*

- 4.2 We recommend that, contingent upon that communications strategy and legal advice, the Archbishop and Senior Bishop should determine what level of information is shared within the Bench of Bishops on a case-by-case basis.

*If a bishop is away from his duties for an extended period of time, and if his colleagues have some knowledge of whatever difficulties have caused the absence, then a process to enable good collegial relationships to be re-established is likely to be essential if that bishop is to return to active ministry. The small numbers of bishops who form the Bench makes this necessary, and it is a delicate matter for the Archbishop to balance the need to share some information while not disclosing what ought to remain confidential in relation to any particular case. Hence, we think it helpful for the Archbishop to think through an appropriate course of action with the Senior Bishop.*

### Chapter 5

*Whilst we did think that there was much to learn from the narrative contained in Chapter 5 (summarized in the usual way at the conclusion of the chapter itself), uniquely in this report we did not make distinctive recommendations related to that chapter, since those which could have been made were already appropriately covered elsewhere in the report.*

### Chapter 6

*Since Chapter 6 follows the narrative and explores some of the issues raised in more detail, the commentary related to the recommendations is minimised here. Chapter 6 itself provides the necessary commentary in some detail which is not repeated.*

- 6.1 We recommend that a full review of the role and powers of the Archbishop of Wales in the Constitution is conducted.
- 6.2 We recommend that there is a process enabling whoever is appointed Archbishop of Wales to engage in transition to their new role with appropriate (and sufficiently senior) staffing to support them so that those in other important senior posts do not have tasks devolving inappropriately upon them in times of difficulty or crisis.
- 6.3 We recommend that terms of reference are established for meetings of the Bench of Bishops, enabling a greater sense of both accountability and trust to develop.



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- 6.4 We recommend that the Bench of Bishops reflects collectively on this whole report and considers the cultural challenges to its life, values and ethos and that of the wider Church in Wales.
- 6.5 We recommend that all those within the Representative Body who participate in the regular Triage meetings and report to the People Committee should have specific training on boundary management in the context of safeguarding and dignity at work, and with particular reference to the Professional Ministerial Guidelines.
- This training should include the consideration of relationships and contexts which could render someone vulnerable and at risk or harm or abuse notwithstanding that they do not meet the statutory criteria of “at risk”.*
- 6.6 We recommend that the forthcoming Safeguarding practice guidance document includes further information and guidance in respect of these adults who may be “vulnerable in a church context”.
- 6.7 We further recommend that Safeguarding practice guidance should stress the importance of safeguarding culture and boundary awareness in all aspects of church life, not only in matters relating to children and adults at risk, in order to create a Safe Church for all.
- This practice guidance should also draw attention to the new Dignity at Work policy. (See 6.8)*
- 6.8 We recommend that a Dignity at Work policy is fully developed and implemented, together with an accompanying training package.
- This would be with the aim of embedding a new improved culture and sustainable shared value base within the Church in Wales with a universal understanding and awareness of Dignity at Work issues and the importance of maintaining appropriate boundaries and standards of behaviour.*
- 6.9 We therefore recommend that a robust system of Ministerial Development Review (MDR), carried out at regular intervals would go a long way to addressing problems before they became too serious, as would more effective pastoral oversight from more senior members of clergy.
- 6.10 We further recommend that the Disciplinary Policy and Procedure itself should be improved and updated to expand and clarify the guidance relating to the circumstances in which it can be used, in particular in respect of the informal preliminary stages, where performance management accompanied by a package of support is envisaged prior to any formal procedure being invoked.
- 6.11 We also recommend that the Policy should make clear that a Bishop or an Archbishop is entitled to invoke the disciplinary process of their own volition and does not rely on receiving a formal complaint from another party.

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*It is therefore open to a bishop to use the Policy to address those matters that have not been resolved during the aforementioned MDR process.*

- 6.12 We recommend that the Senior Bishop, in consultation with his colleagues, should consider ways in which the events described in this report have impacted on some of the individuals mentioned in the report, and whether the Church in Wales may be able to ameliorate the damage done.
- 6.13 We recommend that those described as “*the Dean and Archdeacons*”, namely the former Dean of Newport, the former Archdeacon of Monmouth and the Archdeacon of Newport, see this report in its entirety.



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### ANNEX B TERMS OF REFERENCE

5 May 2020

#### **Terms of Reference for Enquiry and Review of events surrounding the retirement of the Right Reverend Richard Pain, Bishop of Monmouth.**

The Bench of Bishops of the Church in Wales and the Representative Body of the Church in Wales commissions (1) The Right Reverend Graham James (2) Ms Patricia Russell and (3) Ms Lucinda Herklots (“the Panel”) to enquire into, review and report on:

- The role played by office holders and officials of the Church of Wales in connection with events surrounding the retirement of the Right Reverend Richard Pain, Bishop of Monmouth.
- The responses of the Church in Wales to the concerns raised in relation to an employee of the Representative Body (who has been given the pseudonym “Alex”).
- The responses to members of the senior staff team of the Diocese of Monmouth on their raising concerns relating to the Bishop of Monmouth.
- Any recommendations for further action to ensure that the Church in Wales is a safe place for all its members, including office holders and employees.

These instructions are given by the Right Reverend Andrew John, Senior Diocesan Bishop of the Church in Wales (on behalf of the Bench of Bishops) and by James Turner, Chair of the Representative Body of the Church in Wales on behalf of the Trustees of the Representative Body.

#### **1. Objective of the Enquiry and Review**

- 1.1. To hear and report the experiences of those individuals who have indicated dissatisfaction with the Church in Wales’ handling of events in the Diocese of Monmouth and the actions of staff and office-holders surrounding those events.
- 1.2 To consider and report on the actions of Church in Wales participants identifying both good practice and failings in the Church’s handling of the issues.

#### **2. Scope of the Enquiry and Review**

2.1. The Enquiry and Review will focus on the handling of the events of the Review Period by office-holders, staff of the Representative Body and their professional advisors given the constitutional provisions, policies and procedures in place at the time.

2.2 In connection with this, the Enquiry and Review will consider:

- 2.2.1 The immediate response of office-holders and staff to concerns raised;

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- 2.2.2 The involvement of the RB safeguarding team and panel and the RB Human Resources department;
  - 2.2.3 Whether written policies and procedures in place were correctly followed;
  - 2.2.4 Whether external professional advice was correctly commissioned and utilised.
  - 2.2.5 Whether adequate consideration was given to referrals to statutory authorities;
  - 2.2.6 The appropriateness of actions and interactions by and between officeholders and staff; and
  - 2.2.7 Whether the Panel's review of events has highlighted issues with the Church's policies and procedures, which should be a focus of attention for a separate working group.
- 2.3 The time period subject to the Enquiry and Review is from 1 October 2017 until 3 January 2020 ("the Review Period").

### **3. Principles underpinning the Enquiry and Review**

#### 3.1. The Panel should:

- 3.1.1. Place the actions of individuals and Church bodies in context, showing understanding of the underlying reasons that led to individuals and organisations acting as they did, or which might explain why they did so.
- 3.1.2. Consider the actions of individuals and organisations against the standards of practice which applied at the relevant time, i.e. understand practice from the viewpoint of the individuals and organisations at the time rather than using hindsight.
- 3.1.3. Be transparent and open about the collection and use of information.
- 3.1.4. Obtain accounts from as many individuals who wish to be involved as is reasonably practicable, taking account of the timeline for the Enquiry and Review.

### **4. Involvement of Interested Parties**

- 4.1. These Terms of Reference will be shared with Interested Parties if they wish to see them.
- 4.2. Interested Parties will be asked if they wish to engage with the Enquiry and Review.
- 4.3. The Representative Body shall on request share a list (but not copies) of documents provided by it to the Panel with an Interested Party, with such

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redactions as are reasonably required in the view of the Head of Legal Services of the Representative Body to preserve the anonymity of individuals who do not wish to be named and/or to comply with a legal obligation.

- 4.4. The Head of Legal Services of the Representative Body will ensure that the Report is shared in draft form with Interested Parties and such parties shall be given opportunity to respond to the Report in writing and request that their comments are considered by the Panel.
- 4.5. It is for the Panel to determine who an Interested Party is, but they shall include:
  - 4.5.1. Alex
  - 4.5.2. The Right Reverend Richard Pain
  - 4.5.3. The Archbishop of Wales, the Bishops of Bangor, St Asaph, St Davids and Llandaff
  - 4.5.4. The Dean of Newport
  - 4.5.5. The Archdeacons of Newport, Monmouth and the Gwent Valleys
  - 4.5.6. Gerard Elias QC
  - 4.5.7. The Provincial Secretary

## 5 Content of Report

- 5.1 In light of the purpose of the Enquiry and Review (as set out above), based on the evidence available, the Panel will address the issues which are set out in paragraph 2 above.
- 5.2 The Panel will not be able to make formal findings of fact but is asked to give a view, informed by their professional judgment, as to what version of events seems most likely, on the balance of probabilities.
- 5.3 The Panel should identify examples of good practice, as well as examples of any inappropriate response or practice, and may make any recommendations that they consider appropriate.
- 5.4 The Report should be accompanied by a brief chronology of events which are relevant in the Panel's reasonable opinion.

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### 6 Timeline for the Enquiry and Review

- 6.1 Work on the Enquiry and Review shall commence immediately.
- 6.2 It is hoped that the Enquiry and Review shall be completed within three months from commencement, but in light of current disruptions the Panel may extend the Enquiry and Review as they feel necessary, subject to a longstop of six months from commencement.

### 7 Presentation and publication of Report

- 7.1 The Report should be drafted ready for publication, i.e. with appropriate steps taken to anonymise the name of individuals who do not wish to be named and to redact such information as might allow for identification.
- 7.2 Wherever practicable, staff members should be described generally (e.g. 'a member of the HR department' or 'an Archdeacon') rather than by name, although certain parties will be unavoidably identifiable (e.g. The Provincial Secretary, the Bishop of Monmouth). Individuals may, however, agree to waive this requirement (so long as that does not lead to identification of any individual who has not so consented).
- 7.3 In addition to the published Report, the Panel may write to the Provincial Secretary, copied to the Chair of the Representative Body and the Senior Bishop, with such advice that the Panel wishes to offer the Church in Wales but which cannot reasonably form part of the published report. If the Panel decides to do this, a brief summary (suitably anonymised) of the topics and issues raised in such correspondence must be noted in the Report.
- 7.4 The Panel should send the Report in PDF format to the Chair of the Representative Body and the Senior Bishop with a copy to the Head of Legal Services of the Representative Body.
- 7.5 The Representative Body will publish the Report. The Head of Legal Services of the Representative Body, following consultation with the Panel, may apply any redactions for a good reason, for example to preserve the anonymity of a participant in the Enquiry and Review or to comply with a legal obligation.
- 7.6 In advance of publication, the Head of Legal Services of the Representative Body will take reasonable steps to give advance warning to any organisation or individual that he or the Panel considers has been subject to criticism in the Report and will provide a reasonable opportunity for that organisation or individual to respond to the Panel.