

Overview of changes, Clergy Conduct Measure

Explanatory Note, [GS 2311X](#)

7. The principal feature of the new Measure is that complaints will be categorised as either a grievance, misconduct, or serious misconduct.
8. Grievances will be dealt with at a local level and in a relatively informal way without the imposition of any penalty.
9. Complaints of misconduct will be investigated by a case assessor, operating regionally across the church, but from outside the diocese where the complaint arose. In a case where a finding of misconduct (not amounting to serious misconduct) is made, the bishop will impose a penalty, but will not be permitted to remove the cleric from any office, revoke the cleric's licence, or prohibit the cleric from ministry.
10. Complaints of serious misconduct will be referred by the bishop to a central body of lawyers and investigators located within the NCIs. After an investigation the complaint will be subject to a report to the President of Tribunals who will decide whether the complaint should be determined by a bishop's disciplinary tribunal (priests and deacons) or the Vicar-General's Court (bishops and archbishops).
11. Other key changes from the CDM include:
 - a) The creation of a new Investigation and Tribunals Team (ITT) to investigate and oversee cases of serious misconduct and to give general advice and guidance about the Measure (clause 14).
 - b) A new procedure for protected parties, where a child or a person who lacks capacity or has a disability wishes to bring a complaint. In such cases it will be possible to appoint a litigation friend to conduct the complaint in the place of the child or person lacking capacity or having a disability (clause 17);
 - c) Clerics will be able to self-refer themselves into the system in respect of their own conduct (see clause 18);
 - d) The abolition of a decision to take 'no further action' as an available outcome to a complaint.
 - e) The panel of either a bishop's disciplinary tribunal or the Vicar General's Court will now comprise three members, down from the current five (clauses 27 and 28);
 - f) The introduction of a power to make a restraint order against a person who has brought vexatious complaints (clauses 30 and 31)
 - g) The introduction of a power to make an interim restriction order, prohibiting a cleric from carrying out certain specified functions in the order, as opposed to imposing a full suspension from carrying out any functions as a cleric (clause 33).
 - h) The introduction of a threshold test of 'necessity' prior to being able to suspend a respondent (clause 34).
 - i) New provision for administrative sanctions, which are not a penalty, for lower-level misconduct (clause 35).
 - j) The abolition of 'penalty by consent' where a respondent admits misconduct. This implements an IICSA recommendation (clause 35).
 - k) The re-introduction of a power to depose a cleric from Holy Orders following a finding of misconduct that does not involve a question of doctrine, ritual or ceremony. This implements an IICSA recommendation (clause 39).