

**IN THE DISCIPLINARY TRIBUNAL OF THE CHURCH IN WALES
IN THE MATTER OF THE BISHOP OF LLANDAFF
Re a Complaint from the Dean of Llandaff referred to the Tribunal by the Archbishop of
Wales**

**ORDER PURSUANT TO RULE 17 OF THE COURTS AND TRIBUNAL OF THE
CHURCH IN WALES**

1. On 8 April 2022 I issued Directions and a Decision on certain interim applications in this case. This included a direction that the Response of the Bishop of Llandaff, the Right Reverend June Osborne (hereafter “the Respondent”) to the complaint laid against her, dated 21 March 2021, be disclosed by the Proctor to the Dean of Llandaff (“the Dean”).
2. I am informed by the Proctor that these papers were provided to the Dean on 11 April 2022, ahead of a proposed meeting between the Proctor and the Dean to assist the Proctor in formulating the case against the Respondent. In accordance with my Directions, the Proctor was due to serve on the Tribunal the particulars of the charge against the Bishop, and the evidence on which the Proctor was relying, by close of business on Friday 22 April. Emails sent to the Registrar indicate that the Proctor and Dean were due to meet on Wednesday 20 April in Cardiff.
3. On Holy Saturday, 16 April 2022 the Dean emailed the Archbishop of Wales and the Registrar indicating that, following reflection, the Dean wished to withdraw his complaint against the Bishop. Having reviewed that email I am satisfied that it is in clear terms and may be taken to represent the settled view of the Dean.
4. On Easter Tuesday, 19 April 2022 the Registrar responded to the Dean’s message. He explained that he would need to liaise with the Proctor following the Dean’s email, as the decision of how to pursue the complaint is the Proctor’s and not the Dean’s (who is a witness in the case – the Church in Wales’ disciplinary system does not have the concept of a ‘complainant’ once a referral to the Tribunal is made). The Dean indicated his consent for his email to be forwarded to the Proctor, to assist the Proctor in deciding how to take the case forward.
5. The Proctor wrote to the Registrar, copied to the Respondent’s solicitors on 20 April. In that letter, he explained various difficulties with him pursuing his case. In outlining his position, I quote extensively from his letter:

First, the case relies entirely on the evidence of the Dean. He has produced nothing in the way of supporting documents. People he suggested might support his case have, instead, supported the Respondent’s case.

Secondly, where documentary evidence exists – largely in the form of e-mails and text messages produced by the Respondent as part of her response – it tends to support the Respondent’s version of events rather than the Dean’s. While these messages have not been produced or documented as carefully as they might have been, there is no reason to doubt their authenticity. The messages generally suggest a much warmer and more

collaborative relationship for much of the period in question than is consistent with the Dean's account.

Thirdly, where third party witnesses have offered evidence, they have generally supported the Respondent's version of events rather than the Dean's.

These are difficulties of which the Preliminary Adjudicator was evidently aware, but which he believed needed to be resolved by way of oral evidence at a full hearing.

The Dean withdrawing his support for this complaint is clearly a significant new difficulty in this case. I have considered whether this complaint might continue to a full hearing without his support. I am satisfied that it cannot, for a number of reasons.

First, it is clear that it is important for the Dean to give oral evidence. The Tribunal has no power to compel a reluctant witness, so he must do so voluntarily. Even if the Dean could be persuaded and supported to give live evidence, his reluctance to do so at this stage would be likely to undermine the weight the Tribunal could give to his evidence.

Secondly, although there is no rule against hearsay evidence before this Tribunal (that is, evidence that another person has stated certain facts, tendered as evidence of those matters), as a result of which the Dean's written statements could in theory be offered as evidence without his support, in reality the complaint could not be proved to the required standard without his oral evidence. The difficulties in this case (including those noted by the Preliminary Adjudicator) would be unanswerable without the Dean's oral evidence.

Thirdly, the Dean appears to have reached a clear and settled decision to withdraw his complaint. As the person principally affected by the alleged behaviour of the Respondent, the Tribunal will be reluctant to find a case proved without his support.

6. In light of this, the Proctor concludes:

My conclusion is therefore that the evidence available to me as Proctor is clearly insufficient for me to satisfy the burden of proof in this case to the required standard. I am therefore presenting no allegations for the Tribunal to adjudicate upon... I trust that this complaint can now be quickly concluded.

7. I am in entire agreement with the position presented by the Proctor. I am, however, presented with a procedural difficulty in that the Tribunal Rules do not make explicit provision for what should happen in a situation such as this.
8. The default position is that the Respondent now has the opportunity to respond to the Proctor's case, a date be set for a Hearing (which requires 28 days' advance notice under the Rules) and for the parties and their legal representatives to attend that Hearing in front of a five-person disciplinary panel. This introduces both delay and significant cost in the disposal of these proceedings.

9. However, Rule 17 of the Rules of the Tribunal and the Courts states:
Subject to these Rules, the Court¹ shall have the power to take any other step or make any other Order or Direction which it deems expedient for the purpose of managing and furthering the just disposition of the case.
10. I am entirely satisfied that the just disposition of this case is furthered by an Order dismissing the case against the Respondent and bringing these disciplinary proceedings to an end now. I have consulted with the parties and no objection has been made to that course of action.
11. **I therefore order** that the case against the Respondent be rejected and the referral be dismissed. This concludes the disciplinary proceedings against the Respondent.
12. Whilst so doing, I wish to commend the recent actions of the Dean. In my experience, cases such as these can quickly escalate out of control. It takes significant courage and grace to take a step back and reconsider one's position once formal processes such as these have begun. I hope that this can be the trigger for healing and reconciliation between all involved.

Publicity

13. The default position under the Tribunal Rules is that proceedings are held in private. A rejection or dismissal of a charge against a Respondent is not routinely published. However, I am aware that selected extracts of the Preliminary Adjudicator's report found their way into the public domain via the media, and this case more widely has been the subject of significant attention in both the local and the church press. This being so, I do not wish there to be any lack of clarity as to the conclusions of the Tribunal – this would be entirely unfair on both the Dean and the Respondent.
14. Having consulted with the Respondent's solicitors pursuant to Rule 139, and also with the Archbishop (acting as the referring Bishop for this referral) and Proctor, I direct the Registrar to publish this Order on the Provincial website of the Church in Wales, within 14 days, for a period of at least 21 days.

Mark Powell QC
President
25 April 2022

¹ "the Court" means the Tribunal in this context (Rule 2.2). The powers of the Tribunal are exercisable by the President in advance of a full hearing (Rule 16).